COUNTY COUNCIL OF BEAUFORT COUNTY

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AGENDA
NATURAL RESOURCES COMMITTEE
Monday, December 7, 2015
3:30 p.m.
Executive Conference Room
Administration Building
Beaufort County Government Robert Smalls Complex
100 Ribaut Road, Beaufort

Committee Members:
Brian Flewelling, Chairman
Alice Howard, Vice Chairman
Gerald Dawson
Steve Fobes
William McBride
Jerry Stewart
Roberts "Tabor" Vaux

Staff Support:
Anthony Criscitiello, Planning Director
Gary James, Assessor
Eric Larson, Division Director
Environmental Engineering
Dan Morgan, Division Director
Mapping & Applications

1. CALL TO ORDER – 3:30 P.M.

2. CONSIDERATION OF CONTACT AWARD
   A. Engineering and Consulting Services for 2015 Beaufort County Stormwater Management Implementation Guide (backup)

3. SOUTHERN BEAUFORT COUNTY ZONING MAP AMENDMENT/REZONING REQUEST FOR FIVE (5) PARCELS FROM T3-EDGE (R600 036 000 0001 0000, R600 036 000 001D 0000, R600 036 000 001F 0000, R600 036 000 001H 0000, & R600 036 000 0364 0000), AND ONE (1) PARCEL (R600 036 000 0439 0000) FROM MAY RIVER COMMUNITY PRESERVATION DISTRICT--ALL 6 PARCELS REZONED TO T2-R (RURAL); APPLICANT: STEVE A. HUGGINS, JR.; AGENT: DEANNA HUBBARD (backup)

4. PORT ROYAL ISLAND ZONING MAP AMENDMENT/REZONING REQUEST FOR R100-027-000-0013 AND R100-027-000-013A-0000 (36-ACRE PORTION OF TWO (2) PARCELS) FROM C3-NMU (NEIGHBORHOOD MIXED USE) TO T4-NEIGHBORHOOD CENTER (NC); OWNER/APPLICANT: T&D LAND HOLDINGS, LLC; AGENT: PATRICK KELLY (backup)

5. CONSIDERATION OF FIRST AMENDMENT TO DEVELOPMENT AGREEMENT FOR CHEROKEE FARMS (backup)

6. EXECUTIVE SESSION
   A. Discussion of negotiations incident to proposed contractual arrangements and proposed purchase of property

7. ADJOURNMENT

2015 Strategic Plan Committee Assignments
Comprehensive Plan Update
Stormwater Management and Rate Analysis (Goal Accomplished September 2015)

The County Channel

COUNTY COUNCIL OF BEAUFORT COUNTY

PURCHASING DEPARTMENT

106 Industrial Village Road, Building 3
Post Office Drawer 1228
Beaufort, South Carolina 29901-1228

TO: Councilman Brian Flewelling, Chairman, Natural Resources Committee

FROM: Dave Thomas, Purchasing Director

SUBJ: RFQ # 07022015 Request for Qualifications to Provide ENGINEERING AND CONSULTING SERVICES FOR 2015 BEAUFORT COUNTY STORMWATER MANAGEMENT IMPLEMENTATION GUIDE

DATE: December 7, 2015

BACKGROUND: Beaufort County Purchasing Department issued a Request for Qualifications (RFQ) for engineering and consulting services for the 2015 Beaufort County Stormwater Management Implementation Guide project, and update to the 2006 Stormwater Management Plan. The proposal requested that the vendor consultant provide services to update the 2006 Stormwater Management Plan. The Evaluation Committee consisted of five (5) staff members representing the County and the four municipal jurisdictions participating in the study: Eric Larson - Beaufort County Stormwater Management; Bryan McIlwee – Town of Hilton Head Island; Jeremy Ritchie – Town of Bluffton; Lamar Taylor – City of Beaufort; and Van Willis – Town of Port Royal. Beaufort County received four (4) responses to the RFQ. They reviewed and evaluated all RFQs, and decided to interview all four (4) vendors listed below; Applied Technology & Management, Inc. (ATM) was selected and ranked the number one (1) firm. The final ranking is as follows:

1. Applied Technology & Management, Inc., Okatie, SC
2. Ward Edwards Engineering, Bluffton, SC
3. Bowman Consulting Group, Ltd., Chantilly, VA
4. The Center for Watershed, Protection, Ellicott City, MD

During the October 21, 2015 Stormwater Management Utility Board Meeting, the board voted unanimously to recommend the contract to ATM for the $475,000 Management Plan Update.

The term of the contract will be effective December 15, 2015 to June 30, 2017. Contract fees for the Stormwater project were negotiated with Applied Technology & Management, Inc. (ATM), with the results attached to this recommendation.

FUNDING Primary Funding - 50250011-51160, Stormwater fees.
Cost share reimbursements: $139,412.50 from the Town of Hilton Head Island
$ 47,642.50 from the Town of Bluffton
$ 34,057.50 from the City of Beaufort
$ 14,345.00 from the Town of Port Royal

PROPOSED COST: $475,000 (County portion = $239,542.50)

FOR ACTION: Natural Resources Committee meeting December 7, 2015.

RECOMMENDATION: The Purchasing Department recommends that the Natural Resources Committee approve and recommend to County Council approval of the contract award of $475,000 to Applied Technology & Management, Inc. (ATM), for Engineering and Consulting Services for the 2015 Beaufort County Stormwater Management Implementation Guide.

ATTACHMENTS:

ATM Draft Contract
ATM Fee Schedule
ATM Fee Breakdown
ATM Projected Project Schedule

CC: Gary Kubic, County Administrator GKubic
Joshua Gruber, Deputy County Administrator/Special Counsel JG
Alicia Holland, Assistant County Administrator, Finance AH
Monica Spells, Assistant County Administrator, Civic Engagement and Outreach Spells
Don Smith, Chairman, Beaufort County Stormwater Board
Eric W. Larson, Division Director for Environmental Engineering

Presentation to Natural Resources Committee

Stormwater Management Plan Update

December 7, 2015

Need for the Project

- Latest Management Plan based on 2004 data
- Significant Development in County since 2004 **and increase in impervious area**
- 2006 Plan Developed Prior to SW Volume Control Ordinance
- 2006 SW Management Plan was not inclusive to all of the county areas
- Water Quality Issues since 2006, Okatie River TMDL, May River Degradation, etc.
- Previously recommended Capital Improvement Projects in Management Plan is Outdated
- Management Plan **mandated by New MS4 Program and is in the County's NOI and new MS4 Permit**

Need to Update SW Mgt. Plan

- County & Municipalities Identified the need to update SW Management Plan
- All need to work together to address drainage issues and water quality goals impacts
- All will need to comply with MS4 regulations which requires a SW Management Plan
- All now have new rate models and can update CIP in tandem for maximizing use of public funds
- Beaufort County needs one of the strongest programs in the US to meet its Water Quality Goals and to protect its unique estuarine environment

Selection of Consultant & Scope Development

The need for the SW Management Plan Update was first introduced nearly three years ago, then the selection and scope development proceeded:

- ✓ June 2014 - County issues RFQ for Overall Stormwater Program Update
- ✓ July 2014 - County received 6 proposals
- ✓ August 2014 - Selection team of key County Staff, ATM Selected
- ✓ July 2015 - County Issues Separate RFQ for preparation of SW Management Plan update
- ✓ August 2015 - Consultant Selection Committee appointed to include engineering representatives from Hilton Head Island, Bluffton, Port Royal, Beaufort and Beaufort County
- ✓ October 2015 - Proposals evaluated by selection committee and four consulting firms identified for interview, ATM Selected

Development of Scope of Work & Budget

- ✓ August 2015 - ATM and County jointly develop Initial Scope of Work and Detailed Budget in accordance with target work plans and budget.
- ✓ September 2015 - Multiple SWIC reviews and SWIC approves Scope, Budget and Cost Allocation
- ✓ October 2015 - Cost Sharing Agreement was formulated and forwarded to Municipalities and County through a MOA
- ✓ October 2015 – Municipalities await County to contract for the work before signing MOAs
- ✓ October 2015 - Consultant Selection, scope of work and budget approved by the Storm Water Advisory Board

Review of Technical Scope of Work

- The Technical Scope of Work is broken down into 11 separate Tasks. A brief summary of each Task and the main reasons why the Task needs to be undertaken follows:

Task #1 Scoping Meeting w/SWIC

- Final draft scope of work discussed at SWIC Meeting on October 2015, final comments received and the scope of work was approved
- Critical to have all SWIC member organizations agree on the scope of work
- Agreement on detailed scope of work reached among all SWIC member organizations including cost sharing breakdown

Task #2 Review & Analysis of 2006 SWMP

- Current SWMP was developed **prior to MS4 Regulations**
- Current SWMP is nearly 10 years old and by MS4 Regulations and the NOI, must be updated
- Current SWMP was developed prior to SW Volume Control regulations
- Current SWMP recommendations do not appear to achieved the Water Quality goals set by the County

Task #3 Public Meetings to Gain Citizen Input

- **Required by MS4** and is included in the NOI and new MS4 Permit
- Rural area concerns over lack of attention to SW issues in rural area
- Provide Citizens a means for the County to explain to the public the goals of the SWMP Update
- Provide Citizens a means to give input to the County on SW related issues
- Citizen understanding and input is critical to Citizen "Buy In" of the SWMP

Task #4 Review pf WQ Data Base

- The MS4 permit mandates the collection of water quality data and its analysis
- Currently Beaufort, Port Royal and Beaufort County share in a joint monitoring program
- Thousands of samples have been collected over the last ten years to try to pin point sources of continued water quality degradation
- Data will be reviewed to find trends or “hot spots” and potential sources
- Make recommendations for changes in the current water quality collection program

Task #5 Previous WQ Modeling Information

- In 2004-2006 extensive computer modeling of all watersheds in the County was undertaken
- Goal is to look at each watershed to determine changes in density & impervious areas and current development trends to determine which watershed models need to be updated
- Need to incorporate SW Volume Control Regulations into models
- Need to update major SW infrastructure data base throughout the County and Municipalities
- Using currently available data, assess contribution from sea level rise on SW systems

Task #6 Review & Update CIP Based on Model Output

- Current CIP developed 10 years ago and few projects have been implemented
- Existing CIP projects will be re-evaluated to see if they are still applicable or need modification
- Using ATM's recent SW Rate Study, identified projects will be "blended" with the new SW rate structure to develop a funding plan and schedule
- Develop, in conjunction with SWIC members, a final County-wide CIP and funding plan

Task #7 Key Elements Needed for New SW Ordinance & BMP Manual

- Make Recommendations for Development of New SW ordinance and manual to promote commonality as much as possible
- Ordinance and BMP Manual **Required by the County's NOI and MS4 Permit**
- Outline key areas to be addressed in development of a new SW ordinance and BMP Manual
- Benchmark current ordinance and BMP manual against others in the County, SC and the SE

Task #8 Completion of Drainage Systems Inventory

- Municipal & County drainage systems are heavily integrated
- The **MS4 Permit requires** continued update of drainage systems
- Consultant will work with SWIC to identify drainage systems not in GIS

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Task #9 Review of LOS & EOS

- Given heavy growth and infill development:
  - Revisit with SWIC members current LOS and EOS
  - Work to develop updated common County-wide LOS and EOS as much as possible

Task #10 SWMP Operational Plan

- Work with the SWIC to develop a common Operational Plan to implement the requirements of each entity's **MS4 Permit Requirements**
- This will include such items as inspections, enforcements, plan reviews & Water Quality monitoring

Task #11 Report & Presentations

It is critical that Elected Officials, Boards and participating governmental entities and the Public as a whole understand and can provide input into the Final SWMP Update

- Review draft final report with SWIC and gain member input
- Present final report to SWUB, NRC and County Council
- Present report findings to Councils of each municipality
- Provide DHEC a copy of the final report to **comply with MS4 Permit requirements**

Cost Sharing Breakdown

- All the municipalities have agreed to participate in the SWMP Update process and have MOA's in hand
- Cost sharing is as follows:

County -	**$ 239,539**
Hilton Head -	$139,415
Bluffton -	$47,643
Port Royal -	$14,345
City of Beaufort -	$34,058
Total =	**$ 475,000**

Summary

- ✓ Much of what is in the SWMP Update is **required by the County's & Municipalities MS4 Permits**
- ✓ If Beaufort County is going to continue to focus on water quality the 2006 SWMP must be updated to reflect successful areas and changes where needed
- ✓ Effort will involve all local governments in a cooperative and uniform effort to continue to work towards improvement and protection of water quality county-wide
- ✓ Funding is within budget goals set in the current budget for the County and the municipalities.

CONTRACT

THIS CONTRACT is made this December 15, 2015, by and between Beaufort County, a political subdivision of the State of South Carolina (hereinafter referred to as "County") and Applied Technology & Management, Inc. (hereinafter referred to as "Contractor"). This Contract shall consist, by reference of all the terms, conditions, scope of work, specifications and provisions contained in RFP Number 07122015 dated May 22, 2015 (advertised in The Island Packet/Beaufort Gazette on May 15, 2015, Addendum dated June 23, 2015 and Contractor's Proposal dated July 2, 2015.

W I T N E S S E T H:

WHEREAS, the Contractor and the County desire to enter into this contract relating Engineering and Consulting Services for the 2015 Stormwater Management Implementation Guide subject to the terms, specifications, conditions and provisions of the request for proposal as heretofore mentioned.

NOW, THEREFORE, the Contractor and the County agree to all of these terms, conditions, specifications, provisions and the special provisions as listed below:

A. This Contract is deemed to be under and shall be governed by and construed according to the laws of the State of South Carolina.

B. Any litigation arising out of this Contract shall be held only in a circuit court of Beaufort County, Beaufort, South Carolina in the Fourteenth Judicial Circuit.

C. The Contractor shall not sublet, assign, nor by means of a stock transfer sale of its business, assign or transfer this Contract without the written consent of the County.

D. This Contract, including the terms, conditions, specifications and provisions listed herein makes up the entire contract between the Contractor and County. No other Contract, oral or otherwise, regarding the subject matter of this Contract shall be deemed to exist or bind either party hereto.

E. It is understood that this Contract shall be considered exclusive between the parties.

F. Any provisions of this Contract found to be prohibited by law shall be ineffective, to the extent of such prohibition, without invalidating the remainder of this Contract.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

ARTICLE 1
BACKGROUND/SCOPE OF WORK

Background
The Contractor does hereby offer to the County services for the purpose of providing engineering and consulting services for assisting the County Stormwater Utility with various regulatory and engineering projects as may be requested by the Stormwater Utility Manager as contained and described in future the Scopes of Work as may be mutually agreed to by the parties.

Scope of Work
The Contractor will assist the County with a detailed update of its 2006 Stormwater Management Plan as follows:

Section 1 - Introduction:

In February 2006 Thomas & Hutton Engineers and Camp Dresser and McKee, Inc. completed the first overall Stormwater Management Plan (SWMP) for Beaufort County and the adjoining municipalities. This study was undertaken as the overall water quality within waterbodies in the County and its adjoining municipalities were being adversely impacted by rapid growth in many areas of the County. In addition to water quality issues, the County was also experiencing flooding in a number of areas.

Up until 2006, stormwater management was flood prevention management and focused primarily on moving stormwater away from roads and developments as rapidly as possible with minimal concerns for the impacts the rapid movement of stormwater had on the unique and sensitive estuarine environment that exists throughout Beaufort County. In the mid-1990's the Clean Water Task Force began to study these impacts and began to quantify stormwater runoff impacts on the estuary. In 2001 the County created the current Stormwater Utility to begin to address not only flooding issues but also current stormwater design practices and their impacts on the estuarine environment.

In 2006 the County began implementation of recommendations from the SWMP. The major recommendations of the SWMP included:

- Establish a Level of Service (LOS) and Extent of Service (EOS) for both water quality and flood control
- Identify areas where increases in the conveyance capacity of the Primary Stormwater Management System and/or stormwater retention was needed to control peak stormwater flow and flooding
- Implement a series of Stormwater Best Management Practices (BMPs) to provide treatment of stormwater prior to its discharge to the estuary
- Identify and create where practicable regional stormwater treatment facilities, especially in already developed areas
- Implement development controls and the inclusion of BMPs for all new land developments

- Create a GIS-based inventory of all stormwater conveyance systems in the County

Since 2006 the County has:

- Established the LOS and EOS for the County Stormwater Utility
- Developed a Capital Improvements Plan to implement findings of the 2006 SWMP modeling efforts and recommendations for both flooding and water quality improvement
- Created an in-depth and detailed Stormwater BMP manual for use with all development within the County
- Began key stormwater retrofit projects (e.g. Okatie East, County Services Center Parking Lot impervious area conversion)
- Implemented ordinances with the County ZDSO that require stormwater treatment and discharge systems to meet certain requirements
- Continued to build its inventory of existing stormwater conveyance systems

In addition the municipalities have implemented many of their own stormwater conveyance systems and water quality BMPs. For example:

- Bluffton has developed its own BMP design manual as well as a Stormwater Ordinance, undertaken improvements in the Bluffton Park area and has developed an estimate of the total impervious cover in and around the Town.
- Hilton Head has implemented many new stormwater control systems with associated BMPs and is currently in the first phases of dredging and cleaning of the many aged stormwater ponds within the community. The Town has also adopted the County's Stormwater BMP manual for use with the design of new stormwater system.
- The City of Beaufort has adopted the County's Stormwater BMP manual as well, developed its Stormwater Ordinance, has incorporated stormwater quality BMPs into its newest planning documents and is in the process of identifying aged stormwater infrastructure for capital planning purposes.
- The Town of Port Royal has constructed the first regional Stormwater Management system and continues to expand the scope of the Stormwater Management system service areas. The Town also has adopted the County's Stormwater BMP manual for use within new and redeveloped areas of the Town, is in the process of inventorying its piped drainage systems and continues its street sweeping program.

Since the 2006 SWMP was implemented, the County has experienced continued growth in critical areas of the estuary and continued closure of Shellfish Harvesting Areas. To address these issues as well as new federally mandated regulations the County has:

- Voluntarily developed and implemented new strict Stormwater Volume Control Regulations
- Been designated by SCDHEC as a Phase II Small MS4 community (MS4)
- Had a TMDL placed on the Okatie River, Chechessee River, and Beaufort River (which is no longer on the Impaired Waters List)

All of these major changes as well as new and changing growth patterns related to development have resulted in the need to update the 2006 SWMP.

One of the most far-reaching federal regulations the County and municipalities must implement are the MS4 regulations. These regulations provide a specific time line and requirements the County and municipalities must implement as part of its SWMP and will impact how the Stormwater Utility operates. Under the MS4 regulations, the County and municipalities have or will be required to submit to SCDHEC its Notice of Intent (NOI) for coverage under the SCDHEC General MS4 permit. The NOI outlines how the County or municipality will implement the following MS4 permit requirements:

- Public Education Program
- Public Involvement Program
- Sediment and Erosion Control for all public and private construction projects
- Illicit discharge and detection program
- Post-development stormwater system management
- Good housekeeping of public facilities

The MS4 regulations have the same goal the County and municipalities have had since the mid 1990's; water quality improvement.

The County, Bluffton and Hilton Head are already designated MS4s (it is anticipated that Beaufort and Port Royal will be designated in early 2016) and will be required to implement MS4 regulations. As part of the MS4 development a Stormwater Management Plan for each MS4 each has developed and submitted to DHEC as part of their individual NOIs. A great opportunity exists for the County and the municipalities to collaborate on not only implementing MS4 requirements, but also to develop complementing SWMPs and stormwater management regulations. Currently, various examples of collaboration exist. For example the City of Beaufort and the Town of Port Royal use the County's Stormwater BMP manual to regulate stormwater system design and water quality BMPs. Mostly all recognize and use a form of the County's Stormwater Volume Control Ordinance as well.

As part of the update of the SWMP, the County and municipalities should collaborate to maximize technical and personnel resources, identify and provide a corrective action plan for each entities' common and unique stormwater management issues, to implement common stormwater BMP practices, complimenting stormwater ordinances and stormwater system design standards. If stormwater management requirements are uniform across the County, the attraction for "jurisdiction shopping" at the expense of water quality could be eliminated.

The opportunities for collaboration are many and already exist. The County and municipalities already participate in a common Public Education and Involvement Program to meet these two Minimum Control Measures (MCMs) of the MS4 regulations. In addition, the County and municipalities have for a number of years jointly participated in the current water quality monitoring program. Additional areas of possible collaboration are:

- Development of uniform stormwater ordinances
- Development of uniform stormwater BMP manuals, design practices and plan review
- Shared resources for implementation of MS4 regulations
    - Stormwater project site inspections
    - IDDE program
    - MS4 yearly reporting requirements

Summary of Scope of Work for SWMP Update:

The following sections of this Scope of Work outline in detail the Scope of Work needed to update the SWMP and to integrate the new requirements outlined above into the current SWMP. A summary of the Scope of Work is as follows:

- Perform an in-depth review of the 2006 SWMP to identify areas needing updating
- Update growth area mapping throughout the County and Municipalities to determine growth and infill areas since 2006
- Review hydraulic and water quality modeling performed in 2006 and update models in priority watersheds focusing on watersheds with significant development and/or growth since 2006
- Investigate documented customer complaints to identify areas of concern
- Compare current findings against 2006 SWMP findings, develop updated SWMP and revised Capital Improvements Plan (CIP)
- Facilitate meetings of the SWIC to continue the current efforts to collaborate towards development of common stormwater practices, regulations and design requirements
- Facilitate regional public meetings to gain citizen input on stormwater concerns and issues
- Provide an updated SWMP to set the path forward for stormwater management with the County and municipalities
- Assist with presentations of SWMP update results and findings to County and municipal committees, board and/or councils

Section 2 – Detailed Scope of Engineering Services

In order to properly and thoroughly update the 2006 SWMP for Beaufort County and the municipalities a number of specific tasks will need to be undertaken. Each Task is outlined below:

Task One – Scoping Meeting with the Stormwater Implementation Committee (SWIC):

As in 2006, the overall goal of the County is to have all municipalities participate in the update of the SWMP as this process will become the responsibility of the SWIC, a committee established by intergovernmental agreement and consists of the stormwater managers for Beaufort County, the Towns of Hilton Head Island, Bluffton, and Port Royal, and the City of Beaufort. As a large percentage of the growth in the County since 2006 has occurred within municipal boundaries, it is important that the municipalities and Counties have equal roles in the SWMP update process. Under this Task, the Contractor will:

- Prepare a draft Scope of Services for review by all the SWIC members.
- Receive comments and offer modifications to the Scope of Services based upon comments received
- Facilitate a meeting of the SWIC to discuss and finalize any changes to the Scope of Services
- Prepare the final Scope of Services for approval by all SWIC members
- Participate in SWIC, NRC and County Council approval process

Work Product- Draft and Final Scope of Work
Meetings – Assume one Scoping Session with SWIC will be needed, final meeting with SWIC and participation at NRC and County Council meetings.

Task Two – Review and Analysis of 2006 SWMP:

Once Task One is completed, the Contractor will perform a high-level review the entire 2006 SWMP to develop an understanding of the goals and objectives of the plan, the key work tasks accomplished in the plan, and the recommendations for engineering standards (e.g. stormwater volume control ordinance) and capital improvements outlined in the plan. The Contractor will compare these to the current direction of the Stormwater Utility (Utility) and will work with the Utility staff to develop an outline of the changes, updates or corrections needed to the 2006 SWMP.

Work Product - Outline of Updated SWMP and recommended changes
Meetings – Assume on meeting with SWIC

Task Three – Facilitation of Public Meetings to Gain Citizen Input:

As public input into the stormwater planning process is critical to the public's acceptance and support of the updated SWMP, public input into the updating process must be solicited. The Contractor will coordinate with the SWIC to select areas where public meetings can be advertised and conducted so that those living in various regions of the County and municipalities can have a means to provide input into the SWMP updating process. For the purpose of this Scope, it is anticipated that public meetings will be held in the following areas:

- Sheldon
- Lady's Island
- Burton
- St. Helena
- Town of Port Royal & City of Beaufort
- Town of Bluffton & County areas in and around Bluffton
- Hilton Head Island

The Contractor will work with the SWIC to develop a short presentation of the SWMP Update process, goals and objectives. The Contractor will assist County and Municipal staff with facilitation of meetings, keeping minutes of each meeting and organizing public comments, complaints and concerns. The contractor will create sign-in sheets and coordinate with the County SW staff to post documentation from meeting on the web.

Work Product – Development of presentation, meeting minutes and written document organizing public input

Meetings – One meeting with SWIC to outline presentation, seven regional stormwater information meetings, one meeting with SWIC to review meeting results

Task Four – Review of Collected Water Quality Data Base:

The County has gathered thousands of water quality samples over the past ten years in an effort to identify areas of water quality improvement or degradation in various areas of the estuaries throughout the County. Water quality sampling and testing has been jointly funded by the County and municipalities since its inception during the development of the 2006 SWMP. For the purpose of this Scope we assume that all data is provided in an organized and workable geocoded data base (e.g. Access, GIS or other form). Contractor's engineers and scientists will collect all locally available monitoring data and perform statistical analyses to characterize the data's central tendencies and variability. Trend analyses will also be performed to identify locations of increasing concentrations. It is understood that Beaufort County is building a water quality database for their sampling program to provide to the contractor.

Comparisons to existing water quality standards will be made to identify possible excursions of water quality standards as well as locations whose trend indicates an exceedance of water quality standards during the planning horizon. The Contractor will work with the SWIC to identify key areas where water quality trends continue to show degradation and the constituents that may be the source of the degradation as well as areas that may achieve a degraded status during this planning horizon. These locations and their contributing watershed will be identified using GIS and tied to the existing sub-watersheds already identified in the GIS. This data will be used in other Tasks to help identify areas that may be in need of more in-depth study, particularly those where development has expanded since 2006 and to provide validation data for water quality models.

After review of the water quality data, The Contractor will recommend possible changes to the methods and timing of water quality sample collection, locations of sampling and sampling protocols all in an effort to maximize the usefulness of each piece of water quality data collected.

Work Product - Technical memorandum on results of water quality data analysis, identification of degraded areas and water quality impairment and recommendations for prioritizing areas of degraded or impaired water quality. The Contractor will also prepare a second technical memorandum that will make recommendations for possible changes in the County's current water quality sampling program and process.

Meetings- One meeting with SWIC to present results of technical memorandums

Task Five – Collect Previous Water Quality and Hydraulic Modeling Information:

A large portion of the work performed in development of the 2006 SWMP was creation of hydrologic/hydraulic and water quality models (ICPR, WMM, SWMM and WASP) for each major region and watershed in the County (watersheds include the municipalities). The County will obtain and provide to the Contractor the model input files and output files so that the Contractor can review each modeling sequence to determine if the particular model(s) will need to be updated. Reasons for updating could include:

- The watershed modeled has developed significantly and the percentage of impervious area has increased
- More current information is available via the County's ongoing data collection program that would improve the accuracy of model results and predictions

- An updated version of the model is available that has improved algorithms and parameterization.
- Priority areas within municipalities that have densified
- How stormwater volume controls, not in place in 2006, impact the watershed

The Contractor will review all the modeling information for the watersheds and will make specific recommendations as to which models should be updated and run based upon either changes in the watershed, the availability of sufficient data to perform model validations or improved modeling algorithms. **For the purpose of this Scope of Work, the Contractor assumes that the same areas of the County and municipalities modeled in 2006 will be those evaluated for updating**. These are:

- Calibogue Sound Watershed
- May River and Sound Watershed
- Chechessee River Watershed
- Colleton River Watershed
- New River Watershed
- Beaufort River Watershed
- Coosaw River Watershed
- Whale Branch Watershed
- Morgan River Watershed
- Broad River Watershed
- Combahee River Watershed
- Coastal Area Watersheds
- Hilton Head Island Hydrologic/Hydraulic Analysis

Further, for the purpose of this Scope of Work, the Contractor will assume the following:

- The County will be able to provide the Contractor with all models, model input and output files used for the above 2006 analyses. It is also assumed that the model input and output files are organized by watershed and are those models whose results are contained in the 2006 SWMP. This would include existing and future land-use scenarios, calibrated simulations and alternative management scenarios. **If some or none of this information is not available, then the Contractor reserves the right to request a change to this Scope of Work as the Contractor would need to create completely new models of each watershed in order to evaluate its condition from both a water quality and hydraulic perspective.**

Up to **seven** (7) of the above watersheds will be updated using County supplied data from the 2006 SWMP and incorporating stormwater volume controls, If less than seven watersheds are updated the fees associated with this Task will be adjusted accordingly. Once the 2006 modeling is reviewed, a watershed update prioritization list will be developed and presented to SWIC for concurrence on which watersheds require updated analysis and in which desired order. The level of effort to update the models will vary across watersheds depending on the magnitude of changes observed and other technical issues encountered. This will determine the ultimate number of watersheds in which models can be updated given the resources allocated. Depending on the results of this analysis and input from the SWIC, a final number of watersheds to be re-modeled will be determined and the scope of re-modeling will be defined. **It is likely that this**

Task will need to be revisited once the analysis of the 2006 models is completed and the actual number for watersheds to be modeled is determined. Based on our current knowledge of the watersheds and the components of the 2006 models, we estimate that we may be able to update up to seven of the watershed models depending on the quality of the models received for each watershed and the magnitude of changes to the watersheds. The budget established for this effort is an estimate based on the assumption that all data utilized in the 2006 watershed models is available in electronic format and that no major changes in sub-basin drainage boundaries have occurred. The work effort required for this task will be developed by the Contractor to fit within the allocated budget. If additional work is requested that exceeds the allocated budget, the Contractor will develop a scope of work and fee estimate for approval.

- In addition to review of the Colleton River Watershed results contained in the SWMP, the contractor will review the Okatie SAMP study (ATM, 2002) to assess contributions from Jasper County to the Okatie River. The contractor will develop and evaluate approaches to address requirements of Okatie River TMDL for fecal coliform .as they relate to contributions from Jasper County.

- Sea-level rise predictions (one-foot per 100-years), as contained within the recent sea-level rise study (SC Sea Grant, 2014), will be incorporated into selected models (chosen in conjunction with the SWIC) to evaluate impacts on existing infrastructure and projects in the current Capital Improvements Program (CIP)

Using the 2006 modeling information provided by the County as well as the existing water quality sampling database to be provided by the County and others as well as advances in model capabilities the Contractor will re-model watersheds as necessary.

As the SWIC members have been developing their stormwater system inventories, each SWIC member will be asked to update their GIS layers for the primary and secondary drainage systems inventory and development growth patterns and to provide the Contractor with this data in a form that can be input into the GIS.

Work Product – Modeling input and output files for all new and/or re-modeled watersheds, recommendations for stormwater system improvements in each watershed based upon output from new models, volume control and/or reuse of 2006 developed models and a list of potential stormwater improvement projects that are needed to correct water quantity and/or water quality problems.

Meetings – One with SWIC once the analysis of the 2006 modeling is completed to finalize watersheds to be modeled and results needed. One meeting with County Storrmwater Staff to review draft modeling results. One meeting with SWIC to review the results of this Task upon completion.

Task Six - Review and update Capital Improvements Plan (CIP) Based on Model Output and/or Reuse of Existing Models:

The Contractor will divide the CIP process into two steps. The first being a review of the current 2006 SWMP CIP and the second being development of an updated CIP using the results of Task Five.

As many changes have occurred with new water quality-related regulations in both the County and municipalities and as a result of the MS4 process, the Contractor will evaluate the current CIP presented in the 2006 SWMP to determine if the projects presented will:

- Meet the current water quality goals and regulations currently in place?
- Provide the water quality and/or hydraulic improvements established for each project in the 2006 SWMP CIP?
- Meet the intent of each entities' MS4 NOI

Also, the Contractor will work with the SWIC to identify the status of each of the projects presented in the 2006 SWMP CIP.

Using the results of new and/or existing models and the Contractor's review of the 2006 SWMP CIP, the Contractor will develop and evaluate alternative approaches to address existing and future stormwater problems. The developed alternatives will be reviewed with the SWIC based upon:

- Updated modeling results
- Reuse of existing modeling results from 2006 SWMP
- Information gathered as a result of public input (Task 3)
- Local, state and federal regulatory changes that have occurred since 2006
- Ability to construct the needed improvement (e.g. land acquisition, access to site, etc.)
- Capital costs
- Evaluation of the remaining SWMP CIP developed in 2006
- Cost vs. benefit of the needed improvement

The alternatives will be conceptual in detail and would provide general characteristics of conveyance, storage, treatment requirements using the above criteria, the ability to meet the level-of-service (LOS) goals established with the SWIC and a probable engineering, permitting, land acquisition and construction cost. Proposed projects would include the evaluation of the potential use of and location for regional stormwater facilities. In addition, the following general alternatives would also be evaluated:

- Possible water quality improvements in developed areas using improved maintenance
- Possible water quality improvements in developed areas using structural BMPs (improvement of existing, LID practices or construction of new BMPs)
- Incorporation of regional BMPs in future developments using new regional structural BMPs or existing BMP structural modifications

Impacts on projects due to sea-level rise will be assessed using guidance from the recently completed sea-level rise study (SC Sea Grant, 2014).

Using the above criteria, an updated CIP for each entity will be developed in conjunction with the SWIC. A time line will need to be developed for each project that coordinates with the results of the current Cost of Service Study. Now that each entity has its own Stormwater Utility Rate Model, the Contractor will use these models to assist each entity with updating its CIP to match current and future capital funding sources.

Work Product – Capital Improvement Plan broken down by each entity and impact on current and future stormwater utility rates.

Meetings – One meeting with the SWIC to review the CIP process, One Meeting with each municipality and County to determine CIP needs. One meeting with the SWIC to review CIP plans for each entity.

Task Seven - Develop recommendations for key elements of new SW Ordinance and BMP Manuals:

One major requirement of the SCDHEC MS4 regulations is that each MS4 develop a standalone stormwater ordinance. Using the Contractor's experience with development of other standalone stormwater ordinances along the South Carolina coast, the Contractor will develop a list of key elements that should be included in the new standalone stormwater ordinance and BMP manual that each entity should include in its existing or future stormwater ordinances.

It is anticipated that those municipalities that either do not have current Stormwater Ordinances or outdated or incomplete (when compared to MS4 requirements) Stormwater Ordinances will be able to use this review to develop complimenting stormwater ordinances.

One of the major recommendations of the 2006 SWMP was for the Utility to develop a BMP Manual so that the engineering requirements the Utility developed could be documented in a manner that engineering of redeveloped and new development projects could be clearly understood. Since its inception, the BMP manual has undergone a number of changes including the additions of a number of major appendances (e.g. implementation of Stormwater Volume Control regulations). The Contractor will work with the SWIC to review the current Stormwater BMP manual. Areas of review will include:

- Removal of "educational" information on BMPs to reduce the size of the manual.
- Benchmark the existing BMP manual against other coastal South Carolina Stormwater BMP manuals to compare, for example, layout, requirements and BMP preferences.
- How well does the existing BMP manual integrate into the upcoming stormwater ordinance required by MS4?

The Contractor will documents the results of its findings and will work with the SWIC to develop specific recommendations related to changes that should be made to the existing Stormwater BMP manual.

Those municipalities that currently recognize and use the County's Stormwater BMP will benefit from this review. Those that do not recognize or use the County's Stormwater BMP manual will be able to use this review to develop comparable Stormwater BMP manuals.

Work Product – the Contractor technical memorandum documenting the results of the Contractor's review and recommendations for key elements of a new standalone stormwater ordinance and BMP Manuals, including recommendations for alterations to the existing Stormwater BMP manual.

Meetings- One with SWIC to review the Contractor recommendations

Task Eight – Provide Guidance on Completion of Primary and Secondary Drainage Systems Inventory

The development of the 2006 SWMP created a GIS-based inventory of a large portion of the County and municipalities' primary drainage systems and some of the associated secondary drainage systems. Since 2006, the staff has been inventorying the remaining primary and secondary drainage systems. The Contractor will review the sections of the drainage systems that have not been inventoried and will work with the SWIC to prioritize areas to be inventoried. Priority areas could include areas of new development that have occurred since 2006, areas where problematic flooding is occurring or sub-watersheds where water quality sampling may show new or continued water quality degradation. This information can be used to refine and optimize the scheduling of operations and maintenance activities and is an important component in meeting NPDES MS4 Phase 2 requirements.

Work Product - List of priority areas for the County and municipalities to concentrate their primary and secondary drainage system inventory efforts along with a GIS layer showing the priority areas.

Task Nine – Review and Revise Level of Service (LOS) and Extent of Service (EOS) Requirements:

The Contractor will review and evaluate the current LOS and EOS requirements from the County and municipalities to determine if their respective current LOS and EOS is sufficient, achievable, compliments each other and meets their overall stormwater goals. The Contractor will work with the SWIC and stormwater staffs for each entity update their LOS and EOS a needed and to produce collaborative updated LOS and EOS documents that can be presented to elected officials and the public and implemented by each community and the County.

Work Product – Contractor technical memorandum outlining recommendations for updating of the LOS and EOS documents for each entity.

Meetings – One with SWIC to discuss common aspects of LOS and EOS, one each with each entity to develop LOS and EOS documents.

Task Ten - Develop SWMP operational plan
The Contractor will work with the SWIC to develop a stormwater management operational plan. The plan would contain policies and procedures for:

- SW development plan submittal
- Review of submitted plans
- Staff inspection, documentation and close out of new SW systems & BMPs
- Staff post construction inspection
- Non-compliance, penalties, remedies, etc.
- Procedure for yearly review of WQ monitoring data to identify potential SW pollution sources
- Explain MS4 NOI, new SW Ordinance and BMP Manual will govern most of this

The Operational Plan will mirror the requirements outlined in the MS4 NOI, the upcoming Stormwater Ordinance(s) and BMP Manual(s). The Contractor will provide examples of the

various Operational Plan elements. The County and municipal staff will prepare a draft of each element of the Operational Plan and will provide the same to the Contractor for comments and/or recommendations as to changes to each element as may be needed. The Contractor will assist the SWIC with development of the final SWMP Operational Plan document.

As eventually all four municipalities will be designated as an MS4 community, the operational plan developed under this Task should be able to be used by all.

Work Product – The Contractor will provide examples of various SWMP Operational Plan documents to the County and municipalities.

Task Eleven – Report Development and Presentations to Elected Officials, Boards and the Public:

The Contractor will document the results of Tasks One through Ten into a single document that will become the updated Beaufort County SWMP that can be adopted and used by the County and municipalities.

The Contractor will present the results to the SWIC for input and comments. Once the SWIC is satisfied with the SWMP, the Contractor will assist each entity with presentation of the results of the updated SWMP to their respective boards or commissions and elected officials. For the purpose of this Scope of Work, the Contractor has assumed that no more than two individual presentations will be necessary for each entity.

For the purpose of this Scope of Work, the Contractor will assume two Contractor staff will attend each presentation and the Contractor will prepare the necessary PowerPoint presentations based on input from the SWIC member for that community.

Work Product – Final Updated SWMP in electronic form, PowerPoint presentation of results of the SWMP update customizable for presentation to various groups.

Meetings – One meeting with SWIC to present report, two meetings each with County, Bluffton, Hilton Head, Beaufort and Port Royal. Possible joint workshop of municipalities and County staff and elected officials prior to presentations to meetings to County, Bluffton, Hilton Head, Beaufort and Port Royal.

Section 3 - Cost

Cost Estimate

- See Attachment "A" for detailed breakdown of hourly rates and fees to be applied to the effort outlined for each task in this Scope of Work.

  Subtotal: $441,820.00

  Contingency: $33,180.00

  Total: $475,000.00

It is understood that the exact effort needed to complete this Scope of Work may vary depending upon the results of various meetings and SWIC, County and municipality input. The County and

the Contractor agree that the Contractor will track the overall cost of each Task and will advise the County in writing PRIOR TO exceeding the maximum cost not to exceed for each Task. This Scope of Work may be modified in the future by mutual agreement of the County if needed to re-allocate fees among these tasks or to adjust the maximum cost not to exceed.

ARTICLE 2
LIABILITY

The County and Contractor shall not be responsible to each other for any incidental, indirect or consequential damages incurred by either Contractor or County or for which either party may be liable to any third party which damages have been or are occasioned by services performed or reports prepared or other work performed hereunder.

ARTICLE 3
INDEMNIFICATION AND HOLD HARMLESS

The Contractor does hereby agree to indemnify and save harmless the County, its officers, agents and employees from and against any and all liability, claims, demands, damages, fines, fees, expenses, penalties, suits, proceedings, actions and cost of actions, including attorney's fees for trial and on appeal of any kind and nature to the extent arising or growing out of or in any way connected with the negligent performance of the Contract, by Contractor, its agents, servants or employees.

ARTICLE 4
ASSIGNMENT

Contractor shall not assign any rights or duties of the professional services contract without the expressed written consent of the County. Any assignment or subletting without the written consent of County shall be void and this Contract shall terminate at the option of the County. It is agreed and understood by the County that the Contractor has partnered with Raftelis Financial Consultants to provide certain sub-contracted professional services to the Contractor for the life of this Contract.

ARTICLE 5
PERFORMANCE PERIOD/TERM

The term of this Contract shall be for a period of approximately two (2) years starting on December 15, 2015 and ending on June 30, 2017. At the County's option, this contract may be renewed for one (1) additional one-year term.

ARTICLE 6
COMPENSATION

Article 1includes the agreed upon compensation for the Contractor for the Scope of Work to be performed under this Contract. Hourly rates for Professional staff and reimbursement for expenses and sub-consultant costs will be as stated in the fee structure provided in the Contractor's Proposal dated July 2, 2015, amended October 13, 2015. Work performed on this Contract will be accounted for separately by the Contractor and the County will be invoiced on a monthly basis for work performed under this Contract. Payments will be made as outlined in Article 17.

ARTICLE 7
INSURANCE

Insurance
Contractor does hereby covenant, agree and hereby represent to the County that it has obtained workmen's compensation insurance, general liability and automobile liability insurance, as well as providing coverage against potential liability arising from and in any manner relating to the Contractor's performance of the Scope of Work contained in this Contract. Additionally, the Contractor agrees to list the County as 'additional insured' on Certificates of Insurance related to the execution of this Contract.

ARTICLE 8
DEFAULT / TERMINATION

Default
In the event of default or breach of any condition of this Contract resulting in litigation, the prevailing party would be entitled to reasonable attorneys' fees fixed by the Court. The remedies herein given to County under Default shall be cumulative, and the exercise of any one remedy by the County shall not be to the exclusion of any other remedy.

Termination
This contract may be terminated by the County, 'for convenience' 'for cause,' or by 'by mutual consent' as described in RFP Section V Paragraph 6.0.

1. **Termination for Convenience**
The County may, without cause, terminate this contract in whole or in part at any time for its convenience. In such instance, an adjustment shall be made to the Contractor, for the reasonable costs of the work performed through the date of termination. Termination costs do not include lost profits, consequential damages, delay damages, unabsorbed or under absorbed overhead of the Contractor or its subcontractors, and/or failure of Contractor to include termination for convenience clause into its subcontracts shall not expose the County to liability for lost profits in conjunction with a termination for convenience settlement or equitable adjustment. Contractor expressly waives any damages, delay damages, or indirect costs which may arise from County's election to terminate this contract in whole or in part for its convenience.

2. Termination For Cause
Termination by the County for cause, default, or negligence on the part of the Contractor shall be excluded from the foregoing provisions. Termination costs, if any, shall not apply. The thirty (30) days advance notice requirement is waived, and the default provision in this bid shall apply.

Reasons for Termination for Cause shall include but not limited to:

a) Default as defined above,
b) failing to make satisfactory progress in the prosecution of the contract
c) endangering the performance of this contract
d) criminal activity or misconduct,
e) work that is deemed sub-standard by the County Representative.

3. Termination by Mutual Consent
Either party may terminate this Contract by mutual consent with written notice attesting and agreeing to a termination by mutual consent by either party. Upon such termination, the County shall pay the Contractor for all services performed hereunder up through the date of such termination. Termination by mutual consent may entitle the Contractor to reasonable costs allocable to the contract for work or costs incurred by the Contractor up to the date of termination. The Contractor must not be paid compensation as a result of a termination by mutual consent that exceeds the amount encumbered to pay for the cumulative value of all approved Task Orders to be performed under the contract.

ARTICLE 9
RESPONSIBILITY

The County will be responsible to provide the Contractor reasonable access to County locations when necessary, ensure cooperation of County employees in activities reasonable and appropriate under the project, and obtain authorization for access to third party sites, if required.

ARTICLE 10
FORCE MAJEURE

Should performance of Contractor services be materially affected by causes beyond its reasonable control, a *Force Majeure* results. *Force Majeure* includes, but is not restricted to:

a) acts of God,
b) acts of a legislative,
c) administrative or judicial entity,
d) acts of Contractors (other than subcontractors of Contractor),
e) fires,
f) floods,
g) labor disturbances,
h) civil unrest
i) incorrect/inferior parts or materials
j) terrorism
k) unusually severe weather.

Contractor will be granted a time extension and the parties will negotiate an adjustment to the fee, where appropriate, based upon the effect of the Force Majeure upon Contractor's performance.

ARTICLE 11
SEVERABILITY

Every term or provision of this Contract is severable from others. Notwithstanding any possible future finding by a duly constituted authority that a particular term or provision is invalid, void, or unenforceable, this Contract has been made with the clear intention that the validity and enforceability of the remaining parts, terms and provisions shall not be affected thereby.

ARTICLE 12
INDEPENDENT CONTRACTOR

The Contractor shall be fully independent in performing the services and shall not act as an agent or employee of the County. As such, the Contractor shall be solely responsible for its employees, subcontractors, and agents and for their compensation, benefits, contributions and taxes, if any.

ARTICLE 13
NOTICE

The Contractor and the County shall notify each other of service of any notice of violation of any law, regulation, permit or license relating to the services; initiation of any proceedings to revoke any permits or licenses which relate to such services; revocation of any permits, licenses or other governmental authorizations relating to such services; or commencement of any litigation that could affect such services. Such notice shall be delivered by U.S. mail with proper postage affixed thereto and addressed as follows:

County: Beaufort County
Attn: Beaufort County Purchasing Director
P. O. Drawer 1228
Beaufort, SC 29901-1228

Contractor: Applied Technology & Management, Inc.
Edward Modzelewski, Chairman
12 Richland Drive
Bluffton, SC 29909

ARTICLE 14
CHANGE ORDERS

Should the Scope of Work as noted in Article 6 of this Contract change as a result of:

a) County requested changes to the approved Scope of Work, or
b) Increase in work needed to complete any approved Change Order as a result of unexpected occurrence outside of the control of the Contractor, or
c) The County requests additional Change Orders from the Contractor

Then the Contractor will prepare and submit to the County an amendment to the applicable Change Order, or where no Change Order is in place of such additional services, the Contractor will prepare a Change Order for the County's review. No additional services will be undertaken by the Contactor without the approval of a Change Order or Change Order Amendment by the County.

ARTICLE 15
AUDITING

The Contractor shall make available to the County if requested, true and complete records, which support billing statements, reports, performance indices, and all other related documentation.

The County's authorized representatives shall have access during reasonable hours to all records, which are deemed appropriate to auditing billing statements, reports, performance indices, and all other related documentation. The Contractor agrees that it will keep and preserve for at least seven years all documents related to the Contract, which are routinely prepared, collected or compiled by the Contractor during the performance of this contract.

The County's Auditor and the Auditor's authorized representatives shall have the right at any time to audit all of the related documentation. The Contractor shall make all documentation available for examination at the Auditor's request at either the Auditor or Contractor's office and without expense to the County.

ARTICLE 16
GRATUITIES

The right of the Contractor to proceed or otherwise perform this Contract, and this Contract may be terminated if the County Manager and/or the County Contracting Manager determine, in their sole discretion, that the Contractor or any officer, employee, agent, or other representative whatsoever, of the Contractor offered or gave a gift or hospitality to a County officer, employee, agent or Contractor for the purpose of influencing any decision to grant a County Contract or to obtain favorable treatment under any County Contract.

The terms "hospitality" and "gift" include, but are not limited to, any payment, subscription, advance, forbearance, acceptance, rendering or deposit of money, services, or items of value given or offered, including but not limited to food, lodging, transportation, recreation or entertainment, token or award.

ARTICLE 17
INVOICES

All invoices for work done under this Contract should be directed to the County Representative, Eric W. Larson, PE, CPSWQ, AICP, CFM – Director of Environmental Engineering

Located at: Beaufort County Stormwater Utility
120 Shanklin Road
Beaufort, S.C. 29906

Invoices should include:

a) Period of time covered by the invoice
b) Summary of work performed for the billing period
c) Purchase order and Contract Number
d) Tax Identification Number

Unless otherwise indicated, all invoices must be timely and accurate. The Contractor will make periodic requests for payment for this Contract and approved Change Orders. Invoices will be itemized by Scope of Work tasks and Change Order number.

ARTICLE 18
PURCHASE ORDERS

The County will issue Purchase Orders from properly executed requisitions for this Contract and each approved Change Order. The County shall not be responsible for invoices of $500 or more that do not have a purchase order covering them.

ARTICLE 19
ORDER OF DOCUMENTS

The following are incorporated into and made a part of this contract by reference:

a) Request for Proposal Number 07022015
b) Addendum #1 dated June 23, 2015
c) Applied Technology & Management, Inc. Proposal Submission to RFP Number 07022015
d) ATM Fee Structure dated October 13, 2015
e) Recommendation Memo to County Council dated December 7, 2015

SIGNATURE PAGE

This Contract with the above Articles constitutes the entire contract between the parties hereto. No representations, warranties or promises pertaining to this Contract have been made or shall be binding upon any of the parties, except as expressly stated herein.

This Contract shall be construed in accordance and governed by the laws of the State of South Carolina.

IN WITNESS WHEREOF, the parties hereto have executed this Contract on the day and year first above written.

WITNESSES:

_____

_____

BEAUFORT COUNTY, a political sub-division of the State of South Carolina

By:_____
Name: Gary Kubic
Title: County Administrator
Address: P.O. Drawer 1228
Beaufort, SC 29901-1228
Phone: (843) 255-2026
Fax: (843) 255-9403
Date: _____

WITNESSES:

_____

_____

CONTRACTOR NAME

By:_____
Name: Edward Modzelewski
Title: Chairman
Address: 12 Richland Drive
Bluffton, SC 29909
Phone: 843-290-0980
Fax: 843-414-0155
Tax ID Number:59213268
Date: _____

ATTACHMENT TO SCOPE OF SERVICES

Beaufort County and Municipalities Stormwater SWMP Update Fee Breakdown

12-Oct-15

Final

BEAUFORT COUNTY & MUNICIPALITIES

STORMWATER MANAGEMENT PLAN UPDATE

No.	Task	Hours	Rate	Total	
1	***Scoping Meeting with the SWIC***				
	Principal	40	$ 165	$ 6,600	Scoping meeting with Municipalities, final Scope review with SWIC, NRC and Council Meetings
	Senior Engineer	12	$ 165	$ 1,980	
	Senior Modeler	12	$ 165	$ 1,980	
	Clerical	0	$ 65	$ -	
	Expenses	0	LS		
	Mileage	1100	$ 0.58	$ 633	
	Total 1			**$ 11,193**	
2	***Review and Analysis of 2006 SWMP***				
	Principal	32	$ 165	$ 5,280	Review SWMP, outline prep and meeting with SWIC
	Senior Engineer	32	$ 165	$ 5,280	Review SWMP modelling
	Senior Modeler	40	$ 165	$ 6,600	Review SWMP modelling
	Clerical	0	$ 65	$ -	
	Expenses	0	LS		
	Mileage	0	$ 0.58	$ -	
	Total 2			**$ 17,160**	
3	***Facilitation of Public Meetings (HW)***				
	Principal	100	$ 165	$ 16,500	Seven Public Meetings,Two SWIC meetings, prepare presentation
	Senior Engineer	80	$ 165	$ 13,200	Seven Public Meetings, minutes of meeting, sign-in sheets
	Clerical	21	$ 65	$ 1,365	
	Expenses		LS	$ 1,400	Hotel, meals, etc.
	Mileage	2900	$ 0.58	$ 1,668	
	Total 3			**$ 34,133**	
4	***Review of Collected Water Quality Data***				
	Principal	16	$ 165	$ 2,640	Meeting with County to get data, present results
	Senior Engineer	60	$ 165	$ 9,900	Review data, organize
	Senior Modeler	132	$ 165	$ 21,780	Review data, make recommendations, present results
	GIS/Sr. CAD Designer	24	$ 100	$ 2,400	Create GIS layer
	Clerical	8	$ 65	$ 520	
	Expenses		LS	$ -	
	Mileage	1000	$ 0.58	$ 575	
	Total 4			**$ 37,815**	
5	***Collect Previous WQ & Hydro Modeling Information***				
	Prinicpal	16	$ 165	$ 2,640	Meeting with County to collect data
	Senior Modeler	96	$ 165	$ 15,840	Determination of models to be updated
	GIS/Sr. CAD Designer		$ 100	$ -	
	Senior Engineer	96	$ 165	$ 15,840	Meeting with County to collect data
	Clerical		$ 65	$ -	
	Expenses		LS	$ 500	Hotel, meals, etc.
	Mileage	1000	$ 0.56	$ 560	
	Develop/Run 7 New Models, Review Remaining				
	Prinicpal	48	$ 165	$ 7,920	Kick off meeting with County, SWIC review meeting, meeting with SW staff to review draft results
	Senior Modeler	300	$ 165	$ 49,500	Kick off meeting with County, Develop new models, develop results of all models including volume control, SLR and TMDL Considerations
	GIS	80	$ 100	$ 8,000	
	Senior Engineer	280	$ 165	$ 46,200	Kick off meeting with County, Develop new models, Compile list of improvements
	Clerical	24	$ 65	$ 1,560	
	Mileage	3300	$ 0.56	$ 1,848	1 Site visit per watershed and kickoff meetings & SWIC and SW Staff meetings
	Total 5			**$ 150,408**	
6	***Review and Update CIP***				
	Principal	100	$ 165	$ 16,500	CIP report, coordination with RFC on schedule costs, Meetings with Municipalities, facilitate Workshop
	Senior Modeler	40	$ 165	$ 6,600	CIP report, Meeting with Municipalities
	Senior Engineer (RFC)	24	$ 165	$ 3,960	Work on coordination with CSS
	Senior Consultant (RFC)	32	$ 165	$ 5,280	Work on coordination with CSS
	Senior Engineer	40	$ 165	$ 6,600	CIP report, Meeting with Municipalities, minutes of CIP Workshop Mtg
	Clerical	40	$ 65	$ 2,600	
	Expenses		LS	$ 1,000	Hotel, meals, etc.
	Mileage	1500	$ 0.56	$ 840	
	Total 6			**$ 43,380**	
7	***Develop Key Elements of New SW Ordinance***				
	Prinicpal	32	$ 165	$ 5,280	Review current ordinance, meeting with County to discuss options, define key elements of SW Ordinance
	Senior Engineer	16	$ 165	$ 2,640	Draft SW Ordinance, develop specifics for each municipalities
	Senior Engineer (RFC)	8	$ 165	$ 1,320	Review ATM recommendations for compliance with CSS
	Clerical	32	$ 65	$ 2,080	
	Expenses		LS	$ -	
	Mileage	200	$ 0.58	$ 115	
	Develop Recommendations for SW BMP manual (HW)				
	Principal	16	$ 165	$ 2,640	Meeting with County to discuss BMP Manual, review technical memo
	Senior Engineer	80	$ 165	$ 13,200	Benchmark BMP Manual against other BMP Manuals (look at 2 other BMP Manuals), develop recommendations, check against NOI, Tech memo
	Clerical	16	$ 65	$ 1,040	
	Expenses		LS	$ 500	Hotel, Meals, etc
	Mileage	800	$ 0.58	$ 460	
	Total 7			**$ 29,275**	
8	***Guidance on SW Inventory Completion***				
	Principal	10	$ 165	$ 1,650	Meeting with County to develop program
	Senior Engineer	75	$ 165	$ 12,375	Meet with County and GIS staff, review all data, organize, determine priority areas
	GIS/Sr. CAD Designer	40	$ 100	$ 4,000	Review data, create priority area layer
	Clerical	16	$ 65	$ 1,040	
	Expenses		LS		
	Mileage	1000	$ 0.56	$ 560	
	Total 8			**$ 19,625**	
9	***Review Revise LOS***				
	Principal	24	$ 165	$ 3,960	Review current LOS with County & muni, make recommendations
	Senior Engineer	16	$ 165	$ 2,640	Check against NOI, Review and recommend changes to LOS, Tech memo
	Senior Engineer (RFC)	8	$ 165	$ 1,320	Check against CCS
	Clerical	8	$ 65	$ 520	
	Expenses		LS	$ -	
	Mileage	0	$ 0.58	$ -	
	Review Revise EOS				
	Principal	16	$ 165	$ 2,640	Review current EOS with County, make recommendations
	Senior Engineer	16	$ 165	$ 2,640	Check against NOI, Review and recommend changes to EOS, Tech memo
	Senior Engineer (RFC)	8	$ 165	$ 1,320	Check against CCS
	Clerical	8	$ 65	$ 520	
	Expenses		LS	$ -	
	Mileage	0	$ 0.58	$ -	
	Total 9			**$ 15,560**	
10	***Develop SWMP Operational Plan***				
	Principal	40	$ 165	$ 6,600	Review County Prepared Operational Plan docs
	Senior Modeler	16	$ 165	$ 2,640	Supply sample Operational Plans
	Senior Engineer	40	$ 165	$ 6,600	Develop recommendations tech memo
	Clerical	8	$ 65	$ 520	
	Expenses		LS	$ -	
	Mileage	200	$ 0.56	$ 112	
	Total 10			**$ 16,472**	
11	***Report Development and Presentations***				
	Principal	140	$ 165	$ 23,100	Review report, 12 presentations/meetings
	Senior Modeler	100	$ 165	$ 16,500	Write and edit SWMP
	Senior Engineer	100	$ 165	$ 16,500	Write and edit SWMP
	Clerical	120	$ 65	$ 7,800	
	Expenses		LS	$ 1,500	Reproduction, Hotel, Meals, etc.
	Mileage	2500	$ 0.56	$ 1,400	12 trips to Beaufort County sites
	Total 11			**$ 66,800**	

Total all Tasks	$ 441,820.00
Continency	$ 33,180.00
Grand Total Project Estimate	***$ 475,000.00***

October 13, 2015

The following fees will apply to all work performed by the ATM Team and will not be subject to change until June 1, 2017.

Principal Engineer/Scientist/Technical Advisor	**$165.00/hr**
Senior Engineer/Modeler	**$165.00/hr**
Engineer (PE)	**$135.00/hr**
Staff Modeler	**$100.00/hr**
Associate Engineer (EIT)	**$100.00/hr**
Biologist	**$100.00/hr**
GIS Specialist	**$100.00/hr**
Draft/CADD	**$85.00/hr**
Graphic Designer	**$70.00/hr**
Document Coordinator/Technical Editor	**$80.00/hr**
Administrative	**$65.00/hr**

In addition to the hourly fees, an expense reimbursement multiplier of 5 percent of the total direct expenses associated with travel, subsistence, materials, overnight delivery, and reproduction. Sub-consultant costs will be invoiced at cost plus an administrative management fee of 10 percent.

Beaufort County Stormwater Management Plan Update

Projected Project Schedule Sept. 29, 2015

	Months	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
	Date	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	17-Jun
	Task																					
1	*Scoping Meeting with the SWIC*																					
2	*SWIC, NRC & Countil approval process*																					
2	*Review and Analysis of 2006 SWMP*																					
3	*Facilitation of Public Meetings (HW)*																					
4	*Review of Collected Water Quality Data*																					
5	*Collect Previous WQ & Hydro Modeling Information/ Update Models*																					
6	*Review and Update CIP*																					
7	*Develop Key Elements of New SW Ordinance/ SW BMP Manual*																					
8	*Guidance on SW Inventory Completion*																					
9	*Review Revise LOS/EOS*																					
10	*Develop SWMP Operational Plan*																					
11	*Report Development and Presentations*																					

MEMORANDUM

TO: Natural Resources Committee of County Council

FROM: Tony Criscitiello, Planning Director

DATE: December 2, 2015

SUBJECT: Zoning Map Amendment for 6 Parcels Totaling 35 Acres along Huggins Hollow Lane (AKA Fox Path Lane), east of Gibbet Rd., Pritchardville, from T3 Edge and May River Community Preservation Zones to T2R (Rural) Zone

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PLANNING COMMISSION RECOMMENDATION from the excerpt of its November 2, 2015, draft minutes:

Mr. Criscitiello briefed the Commissioners. He noted that he had not met the applicant. The properties are being downzoned which decreases the density of the property. Downzoning will be in keeping with the surrounding properties. 15 units are currently allowed, 11 units will be allowed in the downzoning to 1 unit per three acres.

Discussion by the Commissioners included the properties being a mobile home park.

Applicant's Comments: Ms. Deanna Hubbard, the applicant's agent, stated that the owner and herself doesn't want the properties to be taken by the remaining family members to be developed. *(Mr. Semmler asked if they had spoken to the Beaufort County Open Land Trust and she said no. Mr. Semmler noted that such discussion (with the Open Land Trust) should not occur during this rezoning.)* Ms. Hubbard wants to move out the existing residents/mobile homes and clean up the properties. She explained that the residents rented month-by-month. Her uncle is the owner of the properties. *(Ms. Hubbard noted that upzoning would probably be harder than her downzoning the properties.)* There exists 1 home and a barn on the property. Her intentions are to give the residents a 6-month notice to move from the properties.

Public Comment:

1. Ms. Sheila Frazier and Mr. Willie Wallace were concerned about the Jade Stone Court that was deeded to Ms. Frazier by her great-grandmother. Ms. Frazier asked if her great-grandmother would have to move. Ms. Hubbard clarified that Ms. Frazier's parcel was not included in the rezoning and Ms. Hubbard has given access to Ms. Frazier via the Huggins' properties.
2. Mr. and Mrs. Martin and Carol Smith, 76 Gibbet Road residents, noted that the downzoning was to their approval.
3. Mr. Reed Armstrong's comments were inaudible, but he was happy with the downzoning.

Motion: Mr. Marque Fireall made a motion, and Mr. George Johnston seconded the motion, **to recommend to County Council approval of the Southern Beaufort County Zoning Map Amendment/Rezoning Request for five (5) parcels from T3-Edge (R600 036 000 0001 0000, R600 036 000 001D 0000, R600 036 000 001F 0000, R600 036 000 001H 0000, and R600 036 000 0364 0000), and one (1) parcel (R600 036 000 0439 0000) from May River Community Preservation District--all 6 parcels to be rezoned to T2-R (Rural).** The motion **was carried** (FOR: Chmelik, Fireall. Johnston, Riley, Semmler, Stewart, and Walsnovich; ABSENT: Brown and Davis).

STAFF REPORT:

A. BACKGROUND:

Case No.	ZMA-2015-09
Applicant/Owner:	Deanna Hubbard (Agent)/Steve Huggins, Jr. (Owner)
Property Location:	Huggins Hollow Lane, east of Gibbet Rd., Pritchardville
District/Map/Parcel:	R600-036-0001, 001D, 001F, 001H, 0364, and 0439
Property Size:	35 acres
Future Land Use Map:	Neighborhood Mixed-Use (5 parcels- 31 acres) and Rural (1 parcel- 4 acres)
Current Zoning District:	T3 Edge (5 parcels- 31 acres) and May River CP (1 parcel- 4 acres)
Proposed Zoning District:	T2R (Rural)

B. SUMMARY OF REQUEST:

The property consists of six parcels, five of which are zoned T3E (Edge) and one zoned May River CP (MRCP). The property is currently used as a mobile home park consisting of approximately 15 units. The property also contains two single-family homes and two large man-made ponds. The application states that the owner would like to rezone these parcels to T2R (Rural) so the property will not be developed in the future as a single-family subdivision.

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

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

The proposed T2R zone implements the Comprehensive Plan goals of preserving the rural character of portions of Beaufort County that lie between more compact place types. This zone applies to areas that consist of low-density development, farms, forests, and open spaces. The

property under consideration consists of 17 dwelling units on six parcels totaling 35 acres. The Comprehensive Plan designates the Pritchardville area along Gibbet Road as a Hamlet Place Type where it intersects with U.S. Hwy. 170, and as a Rural Crossroad Place Type where it intersects with May River Road. The Comprehensive Plan does not envision this area of the County becoming more urban over the next twenty years.

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

The number of existing dwelling units on these combined properties exceeds the allowable density in the proposed T2R zone (17 existing du's vs. 11 du's allowed under T2R). If rezoned to T2R, this will create a nonconforming situation. However, there is already an existing nonconforming situation because the current T3E zone does not permit mobile home parks. The Community Development Code allows nonconforming uses to continue unless abandoned for one year. When the mobile homes are eventually removed, they must be replaced with a use that conforms to the zoning of the property. Redevelopment of the property can meet the requirements of the T2R zone.

3. Addresses a demonstrated community need.

This request does not address a demonstrated community need.

4. Is required by changing conditions.

This request is not required by changing conditions in the area.

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.

The property is surrounded by a mobile home subdivision to the north, wetlands to the east, a Hargray Telephone Co. maintenance facility to the south, and single-family (mostly mobile home) lots to the west. Much of the Gibbet Rd. area has a semi-rural character with residential lots typically between 0.5 – 1.0 acre in size. The proposed rezoning of these six parcels to T2R would be compatible with the surrounding land use pattern.

6. Would not adversely impact nearby lands.

The proposed T2R zone would allow much less dense residential development than permitted in the T3E zone: T2R restricts residential development to one unit per three acres while T3E allows 11,250 s.f. min. lots. Both the existing and proposed zones permit some nonresidential uses such as agriculture, churches, and outdoor recreation areas. The T2R zone; however, does permit some uses that are prohibited in the T3E zone including commercial stables, agricultural support services, and campgrounds, as well as several special uses such as gas stations, commercial outdoor recreation facilities, major utilities, and mining. In the future, if a special use is proposed for this property, it will be subject to review and approval by the Zoning Board of Appeals (ZBOA) to determine whether it would adversely impact the surrounding area.

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

The property is located at the edge of the T3E zone in Pritchardville, adjacent to the MRCP district. Both the MRCP and the T2R zones restrict residential development to one dwelling per three acres. In effect, this rezoning will expand the rural area between Pritchardville and Bluffton, which will not result in a disorderly 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.

This request is not expected to result in adverse impacts on the natural environment.

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

There are adequate public facilities to serve uses allowed in the T2R district. A traffic impact analysis was not required for this rezoning application because, at one unit per three acres, the T2R district will only permit 11 by-right dwelling units on this property. If another allowable use is proposed that warrants a traffic study, it will be required during review of the development plan.

D. STAFF RECOMMENDATION:

After review of the guidelines set forth in Section 7.3.40 of the Community Development Code, staff recommends **Approval** of the requested Zoning Map Amendment.

E. ATTACHMENTS:

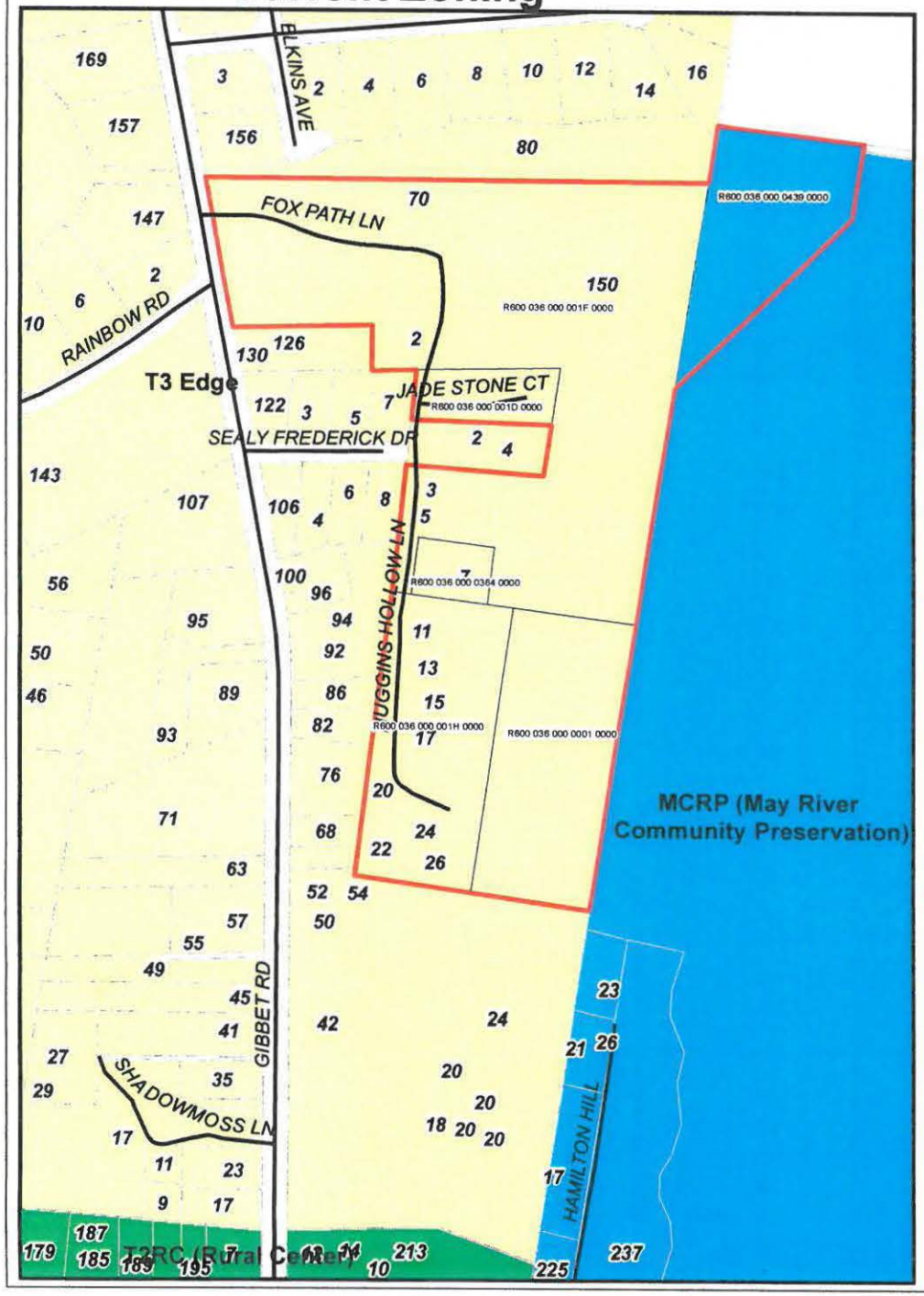
- Zoning Map (existing and proposed)
- Rezoning Application

Prepared by
Beaufort County GIS Division
Map Generated September 10, 2015

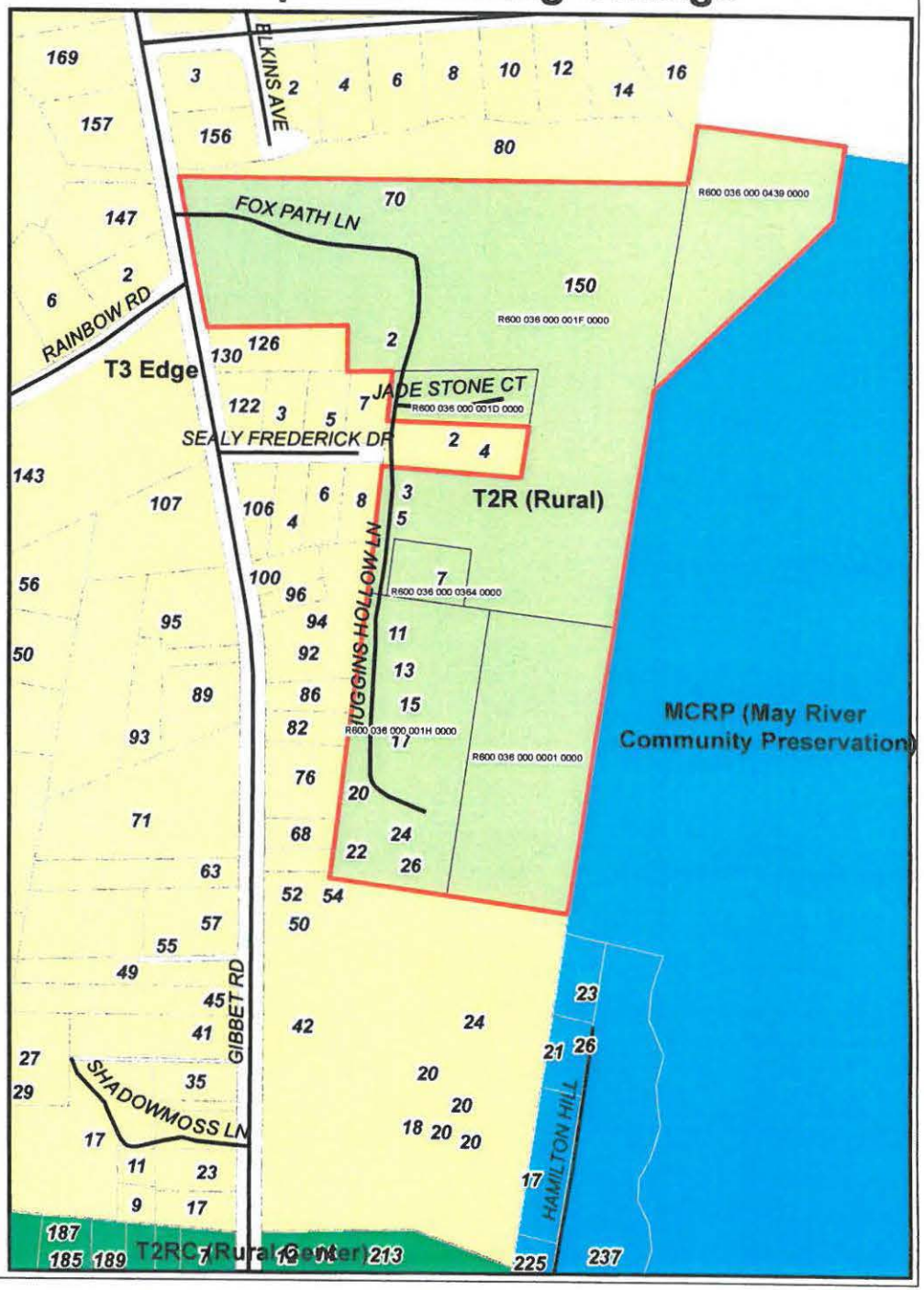
R600 036 000 0001 0000, R600 036 000 001D 0000, R600 036 000 001F 0000,
R600 036 000 001H 0000, R600 036 000 0364 0000, R600 036 000 0439 0000

N
W E
S

Current Zoning



Proposed Zoning Change



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

TO: Beaufort County Council

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

1. This is a request for a change in the (check as appropriate):
   (✓) Zoning Map Designation/Rezoning
   ( ) PUD Master Plan Change
   ( ) Community Development Code Text

2. Give exact information to locate the property for which you propose a change:
   Tax District Number: ____, Tax Map Number: ____, Parcel Number(s): ____
   See Attached
   Size of subject property: 35 acres Square Feet / Acres (circle one)
   Location: ~~24 Huggins Hollow Ln~~ 52 Gibbet Road

3. How is this property presently zoned? (Check as appropriate)

( ) T4NC Neighborhood Center	( ) T2RC Rural Center	( ) C3 Neighborhood Mixed Use
( ) T4HC Hamlet Center	( ) T2RN Rural Neighborhood	( ) C4 Community Center Mixed Use
( ) T4HCO Hamlet Center-Open	( ) T2RNO Rural Neighborhood Open	( ) C5 Regional Center Mixed Use
( ) T4VC Village Center	( ) T2R Rural	( ) S1 Industrial
( ) T3N Neighborhood	( ) T1 Natural Preserve	( ) Planned Unit Development/PUD
( ) T3HN Hamlet Neighborhood	( ) Community Preservation	(specify)____
(✓) T3E Edge	(specify)____	

4. What new zoning do you propose for this property? rural
   (Under Item 9 explain the reason(s) for your rezoning request.)

5. Do you own all of the property proposed for this zoning change? (✓) Yes ( ) No
   Only property owners or their authorized representative/agent can sign this application. If there are multiple owners, each property owner must sign an individual application and all applications must be submitted simultaneously. If a business entity is the owner, the authorized representative/agent of the business must attach: 1- a copy of the Power of Attorney that gives him the authority to sign for the business, and 2- a copy of the articles of incorporation that lists the names of all the owners of the business.

6. If this request involves a proposed change in the Community Development Code (CDC) text, the section(s) affected are: ____
   (Under Item 9 explain the proposed text change and reasons for the change.)

7. Is this property subject to an Overlay District? Check those which may apply:

( ) MCAS-AO Airport Overlay District/MCAS	( ) CFV Commercial Fishing Village
( ) BC-AO Airport Overlay District/Beaufort County	( ) TDR Transfer of Development Rights
( ) CPO Cultural Protection	( ) PTO Place Type Overlay

8. The following sections of the Beaufort County Community Development Code (CDC) (see attached sheets) should be addressed by the applicant and attached to this application form:
   a. Division 7.3.20 and 7.3.30, Comprehensive Plan Amendments and Text Amendments.
   b. Division 7.3.40, Zoning map amendments (rezoning).
   c. Division 1.6.60, Planned Unit Developments (PUDs) Approved Prior to Dec. 8, 2014
   d. Division 6.3, Traffic Impact Analysis (for PUDs) and Rezonings that will generate 50+ peak hour trips.
   e. Division 7.3.50, Place Type Overlay (rezoning).

9. Explanation (continue on separate sheet if needed): This Property has been in My Family for Years and I would like the Zoning to be changed to rural So future use cannot be used as developing Single family homes in the case of my decendants taking Control of it use.

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

Steve A. Huggins — 8/24/15

Signature of Owner (see Item 5 on page 1 of 1) — Date

Printed Name: Steve A. Huggins

Telephone Number: 706-825-5071

Address: 2467 Pinelog Rd Warrenville SC 29851

Email: huggee67@gmail.com

Agent (Name/Address/Phone/email): DeAnna Hubbard 85 Heritage Lakes Dr. Bluffton, SC 29910 843 816 3232 Hubbarddd@Hargray.com

UPON RECEIPT OF APPLICATIONS, THE STAFF HAS THREE (3) WORK DAYS TO REVIEW ALL APPLICATIONS FOR COMPLETENESS. BEAUFORT COUNTY PLANNING COMMISSION MEETING SCHEDULES ARE LISTED ON THE APPLICATION PROCESS (ATTACHED).

COMPLETE APPLICATIONS MUST BE SUBMITTED BY *NOON* THREE WORK DAYS AND FOUR (4) WEEKS PRIOR FOR PLANNED UNIT DEVELOPMENTS (PUDs) –OR- THREE WORK DAYS AND THREE (3) WEEKS PRIOR FOR NON-PUD APPLICATIONS TO THE APPLICABLE PLANNING COMMISSION MEETING DATE.

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

FOR MAP AMENDMENT REQUESTS, THE PLANNING OFFICE WILL POST A NOTICE ON THE AFFECTED PROPERTY AS OUTLINED IN DIV. 7.4.50 OF THE COMMUNITY DEVELOPMENT CODE.

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

FOR PLANNING DEPARTMENT USE ONLY:

Date Application Received:
(place received stamp below)

RECEIVED
SEP 02 2015
PLANNING DIVISION

Date Posting Notice Issued:

Application Fee Amount Received:

Receipt No. for Application Fee:

FILE NO:_____// Initiated by: STAFF / OWNER
(Circle One)

R600 036 000 0001 0000	24 HUGGINS HOLLOW LN
R600 036 000 001H 0000	52 GIBBET RD
R600 036 000 001D 0000	1 JADE STONE CT
R600 036 000 001F 0000	6 FOX PATH LN
R600 036 000 0364 0000	13 HUGGINS HOLLOW LN
R600 036 000 0439 0000	

Name of Representative: Deana Hubbard

Address: 85 Heritage Lakes Dr. Bluffton, SC 29910

To: Beaufort County Council

This letter confirms my designation of the above captioned individual as my Representative, to act on my behalf in all matters concerning my Community Development Code Zoning Map/ Text Amendment application.
The Representative is hereby granted the right of access to information and the right to act as my agent regarding this application.
This written authorization is effective the date signed and will remain in effect for a ONE YEAR period from the date signed below.

Steve A. Huggins 8/24/15
Steve A. Huggins

PROPERTY OWNERS NOTIFIED OF MAP AMENDMENT/REZONING REQUEST

for R600 36 1, 1D, 1F, 1H. 364, and 439 (6 parcels) from T3-Edge and May River Community Preservation District to T2-Rural

PIN_	Owner1	MailingAdd	City	State	ZIP
R600 36 301	ALLJOY-2 INVESTORS LLC	18 DYLANS POINTE ROAD	BLUFFTON	SC	29909
R600 36 6	ALSTON FRANCES	1402 E 34 STREET	SAVANNAH	GA	31404
R600 36 99	ANDERSON EVVA A MICHAEL S	POST OFFICE BOX 1491	BLUFFTON	SC	29910-1491
R600 36 300	BEAUMONT THOMAS W III TERRI L	14 SWAN LAKE DRIVE	BLUFFTON	SC	29910-5405
R600 36 302	BINKLEY SHARON	POST OFFICE BOX 1355	BLUFFTON	SC	29910
R600 36 328	BOWMAN BRUCE W CANDISE	POST OFFICE BOX 641	BLUFFTON	SC	29910
R600 36 306	BYRD PAMELA E	POST OFFICE BOX 21735	HILTON HEAD ISLAND	SC	29925
R600 36 9N & 75	CANNICK LAURETTE GEORGE	45 GIBBET ROAD	BLUFFTON	SC	29910
R600 36 9L	COLLINS FRANK FIELDS MARY COLLINS H	POST OFFICE BOX 683	BLUFFTON	SC	29910
R600 36 9I	EDWARDS JOHN B MELVENA ELAINE	63 GIBBET ROAD	BLUFFTON	SC	29910
R600 36 204-205	EMSLEY GREGG R	524 BRISTOL FERRY ROAD	PORTSMOUTH	RI	02871
R600 36 204-205	EMSLEY GREGG R	4 SEALY FREDERICK DRIVE	BLUFFTON	SC	29910
R600 36 4	FRAZIER SHELIA ANN	1509 E.56TH STREET	SAVANNAH	GA	31404-8888
R600 36 43	GADSON BETTY	238 MAY RIVER ROAD	BLUFFTON	SC	29910
R600 36 9K	GADWINS HORIZON GROUP LLC	POST OFFICE BOX 222	BLUFFTON	SC	29910
R600 36 1G	GETSINGER ELSIE H ETAL / LUND AUDREY D	270 DISTANT ISLAND DRIVE	BEAUFORT	SC	29907
R600 36 871	GRANT ROBERT C/O FRANKIE MAE YOUNG	17 HAMILTON HILL .5 AC	BLUFFTON	SC	29910
R600 36 329	GRIMM JOHN	3759 CONSTITUTION BLVD	DARLINGTON	PA	16115
R600 36 297	GRIMM JOHN M	230 LIHI ROAD	DARLINGTON	PA	16115
R600 36 9	GUY ESTELLA C/O JOE GRANT	POST OFFICE BOX 3454	BLUFFTON	SC	29910
R600 36 9F & 597	HAITHCOCK CHARLES E JR	POST OFFICE BOX 21652	HILTON HEAD ISLAND	SC	29925
R600 36 8D	HARGRAY TELEPHONE COMPANY INC	POST OFFICE BOX 5519	HILTON HEAD ISLAND	SC	29938
R614 029 1735	HL DEVELOPMENT LLC	POST OFFICE BOX 21587	HILTON HEAD ISLAND	SC	29925
R600 36 84	HOWZE DONALD N & PATRICIA	143 GIBBET ROAD	BLUFFTON	SC	29910-9801
R600 36 1, 1D, 1F, 1H, 364 & 439	HUGGINS STEVE A JR	2467 PINELOG ROAD	WARRENVILLE	SC	29851
R600 36 9M	INVERNIZZI CESAR R	89 GIBBET ROAD	BLUFFTON	SC	29910
R600 36 2E, 89 & 90	KREBS EDWARD D III SALOME L	30 LAKEVIEW COURT	BLUFFTON	SC	29910
R600 36 7	LOPER SHANNON E	POST OFFICE BOX 3734	BLUFFTON	SC	29910
R600 36 299	LUND AUDREY D	16 SWAN LAKE DRIVE	BLUFFTON	SC	29910
R600 36 332	MAY RIVER PRESERVE LLC	1022 BERKELEY HALL BLVD	OKATIE	SC	29909
R600 36 327	MEJIA LIVIER	5 SWAN LAKE DRIVE	BLUFFTON	SC	29910
R600 36 330	MILLER LYNN	3759 CONSTITUTION BLVD	DARLINGTON	PA	16115
R600 36 100	MORALES RAMON IRMA	5 INDIAN TRAIL	HILTON HEAD ISL	SC	29926
R600 36 201	OLSEN BARBARA & DONALD	638 FRESH POND AVENUE	CALVERTON	NY	11933
R600 36 307-308	PHILLIPS JOHN W & MARTHA C	3 ELKINS AVENUE	BLUFFTON	SC	29910

PROPERTY OWNERS NOTIFIED OF MAP AMENDMENT/REZONING REQUEST

for R600 36 1, 1D, 1F, 1H. 364, and 439 (6 parcels) from T3-Edge and May River Community Preservation District to T2-Rural

PIN_	Owner1	MailingAdd	City	State	ZIP
R600 36 9H	PINCKNEY WESLEY LORETTA	71 GIBBET ROAD	BLUFFTON	SC	29910
R600 36 304	PULFER ERMEL M	6 SWAN LAKE DRIVE	BLUFFTON	SC	29910
R600 36 203	ROOKER DONALD E MARY LAVERNE	POST OFFICE BOX 535	BLUFFTON	SC	29910
R600 36 326	ROTH DOUGLAS & MONIQUE	94 BLACK WATCH DRIVE	HILTON HEAD ISLAND	SC	29926
R600 36 455	S C ELECTRIC AND GAS COMPANY	1426 MAIN STREET	COLUMBIA	SC	29201
R600 36 3B	SALMERON ENRIQUE / ANZURES PAULA	POST OFFICE BOX 3735	BLUFFTON	SC	29910
R600 36 202	SANCHEZ FRANCISCO	39 POINTE SOUTH TRACE	BLUFFTON	SC	29910
R600 36 3A	SIMMONS ELEANOR N/K/A ELEANOR WILLIA	731 E 53RD LN	SAVANNAH	GA	31405
R600 36 5 & 6A	SMALLS WILLIAM	8125 SPRINGFLOWER ROAD	COLUMBIA	SC	29223
R600 36 3	SMITH MARTIN C	76 GIBBET ROAD	BLUFFTON	SC	29910
R600 36 97-98	STEPHENS DOUGLAS L / ELLEN F	POST OFFICE BOX 3049	BLUFFTON	SC	29910
R600 36 9C	TELFAIR ELIZABETH E JOHNSON EMERSON	2210 EAST AUBURN STREET	SAVANNAH	GA	31404
R600 36 86	UTLEY DANIEL J BARBARA B	16 RAINBOW ROAD	BLUFFTON	SC	29910-9559
R614 28 1134	VILLAGE PARK COMUNITIES LLC	POST OFFICE BOX 1698	BLUFFTON	SC	29910
R600 36 303	WARD ELMER VINCENT & ROGER CLAYTON	8 SWAN LAKE DRIVE	BLUFFTON	SC	29910
R600 36 305	WARD JODY LEE WILLIAM M	4 SWAN LAKE DRIVE	BLUFFTON	SC	29910
R600 36 298	WARD RALEIGH V SR	POST OFFICE BOX 1105	BLUFFTON	SC	29910
R600 36 1A, 2, 199 & 200	WHITE DAVID ARNOLD GLYNDA LUANN JT	3 SEALY FREDRIVEICK DRIVE	BLUFFTON	SC	29910
R600 36 42	YOUNG FRANKIE MAE & CHARLIE	17 HAMILTON HILL	BLUFFTON	SC	29910

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

September 30, 2015

RE: **REVISED** Notice of Public Meetings to Consider a Southern Beaufort County Map Amendment/Rezoning Request for Six (6) Properties totaling 36.29 acres to be Rezoned to T2-Rural:

- From T3-Edge for Five (5) Properties: R600 036 000 0001 0000, R600 36 000 001D 0000, R600 036 000 001F 0000, R600 036 000 001H 0000, and R600 036 000 0364 0000, and
- From May River Community Preservation (MRCP) District for One (1) Property: R600 036 000 0439 0000.

Owner: Steve A. Huggins, Jr., Agent: DeAnna Hubbard.

Dear Property Owner:

In accordance with the Beaufort County Community Development Code (CDC), Section 7.4.50, a public hearing is required by the Beaufort County Planning Commission and the Beaufort County Council before a map amendment/rezoning proposal can be adopted. Due to a procedural error, the following meeting and public hearing dates have been revised. You are cordially invited to provide comment at these meetings and public hearings on the subject proposed map amendments in your neighborhood. A map of the property is on the back of this letter.

1. The Beaufort County Planning Commission (public hearing) – Monday, **November 2**, 2015, at 6:00 p.m. in the County Council Chambers, located on the first floor of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC.
2. The Natural Resources Committee of the County Council – Monday, **December 7**, 2015, at 2:00 p.m. in the Executive Conference Room, located on the first floor of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC.
3. Beaufort County Council – generally meets second and fourth Mondays at 5:00 p.m. in the County Council Chambers of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC. County Council must meet three times prior to making a final decision on this case. Please call (843) 255-2140 to verify the exact dates and locations.

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

Sincerely,

Delores Frazier
Assistant Planning Director

Attachment: Locational Map on back of letter

J:/common/amendments-map.../2015/Pritchardville.../NotifyLtr.REV...Huggins

35 Rainbow Road, Bluffton, SC 29910

November 5, 2015

Beaufort County Natural Resources Committee
County Council of Beaufort County
Beaufort SC 29901-1228

Sent via email

Re: Rezoning Request
Case No. ZMA-2015-09, Fox Path Lane / Huggins Hollow Lane, Pritchardville

Dear Natural Resource Committee Members:

I live near this property, and like most of my neighbors, due to weak notification requirements, received no written notice of the rezoning request. The sign noticing Monday's public hearing was not visible from the main road, and turned backwards so that it was unreadable.

Regarding the Planning Director's October 26, 2015 memo to the Planning Commission, the text underlined below is misleading:

> The property is surrounded by a mobile home subdivision to the north, wetlands to the east, a Hargray Telephone Co. maintenance facility to the south, and single-family (mostly mobile home) lots to the west. Much of the Gibbet Rd. area has a semi-rural character with residential lots typically between 0.5 – 1.0 acre in size. The proposed rezoning of these six parcels to T2R would be compatible with the surrounding land use pattern.

Across from the only entrance to the subject property are large single-family homes with acreage. Not long ago, this and other neighborhoods were part of the Pritchardville Community Preservation Area, a designation the County abandoned. The subdivision to the north of the subject property is a stable neighborhood with modest, but maintained homes, some of which are modular. The proposed rezoning of the Huggins parcels to T2R, which would conditionally allow campgrounds, gas stations, major utilities, retail and mining, is not in keeping with the surrounding residential land use pattern, not compatible with the May River Community Preservation Area, and not conducive to preserving the May River Watershed (see attached boundary map).

The applicant states: "I would like the zoning to be changed to rural so future use cannot be used as developing single family homes."

However, the County cannot accommodate the applicant's stated desire for zoning (having fewer homes built on the property), AND prohibit campgrounds, gas stations, major utilities, mining, and retail, if conditions of those uses are met. Approval of this rezoning request will likely have negative impact on the existing, established neighborhoods, and the environment.

I understand that change is inevitable, but hope that you will approach growth in this area mindfully, and encourage the applicant to consider a conservation land trust to achieve his stated goals.

Sincerely,

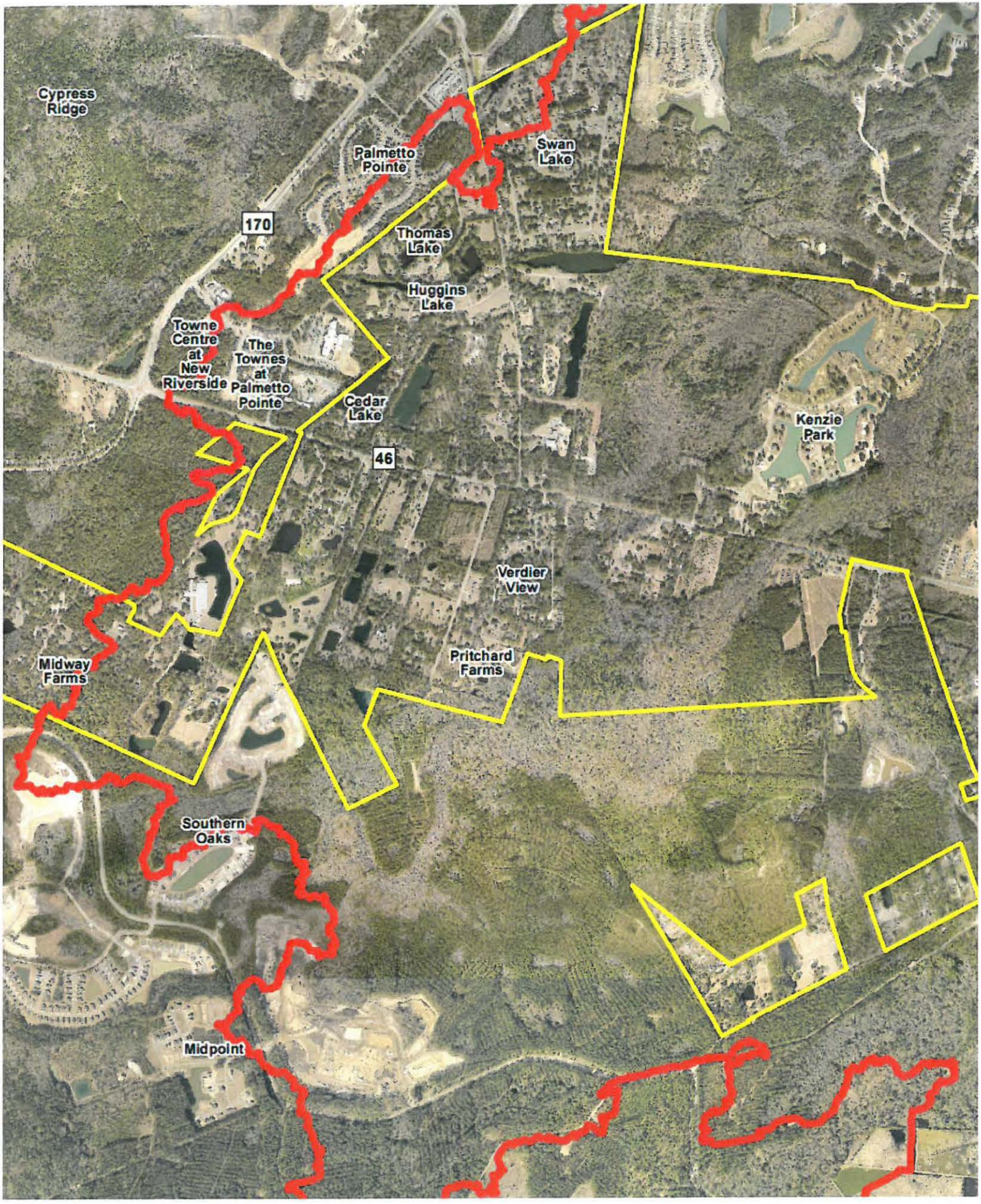
Michelle Mancini

Michelle Mancini

Attachments:
1. Picture of sign noticing public hearing (white spot in the distance)
2. Picture of residence across from the entrance to the Huggins property
3. May River Watershed boundary map
4. Planning Department Memo and Rezoning Application






Cypress Ridge
Palmetto Pointe
Swan Lake
170
Thomas Lake
Huggins Lake
Towne Centre at New Riverside
The Townes at Palmetto Pointe
Cedar Lake
Kenzie Park
46
Verdier View
Pritchard Farms
Midway Farms
Southern Oaks
Midpoint

Frazier, Delores

From: Rainey, Sue
Sent: Friday, November 20, 2015 11:54 AM
To: Criscitiello, Anthony; Frazier, Delores; Childs, Barbara
Subject: RE: Case No. ZMA-2015-09, Fox Path Lane / Huggins Hollow Lane, Pritchardville

FYI

From: Michelle [mailto:emmancini@gmail.com]
Sent: Friday, November 20, 2015 11:49 AM
To: Rainey, Sue
Subject: Fwd: Case No. ZMA-2015-09, Fox Path Lane / Huggins Hollow Lane, Pritchardville

---------- Forwarded message ----------
From: **Michelle** <emmancini@gmail.com>
Date: Tue, Nov 17, 2015 at 10:19 AM
Subject: Re: Case No. ZMA-2015-09, Fox Path Lane / Huggins Hollow Lane, Pritchardville
To: "Flewelling, Brian" <brianf@bcgov.net>, "Howard, Alice G." <ahoward@bcgov.net>, "Dawson, Gerald" <gdawson@bcgov.net>, "Fobes, Steve" <sfobes@bcgov.net>, "McBride, William" <wmcbride@bcgov.net>, "Stewart, Jerry" <jstewart@bcgov.net>, "Sommerville, Paul" <psommerville@bcgov.net>, "Bensch, Cynthia" <cbensch@bcgov.net>, "Caporale, Rick" <rcaporale@bcgov.net>, "Rodman, Stewart" <srodman@bcgov.net>, "Vaux, Tabor" <tvaux@bcgov.net>

Please see the attached letter.

On Sat, Nov 7, 2015 at 5:23 PM, Michelle <emmancini@gmail.com> wrote:
Thank you. Please also consider:

The "Pritchardville Community Preservation District" designation was an inducement for many, including myself, to buy property. Today, real estate firms are still advertising property in the area as, "Pritchardville Community Preservation District." Ironically, this tag line is followed by, "Over 8,000 dwelling units approved within 3 miles of site."

The crux of this particular rezoning matter is that the choice of zoning is the lesser of two evils, rather than something that makes sense for the area. Moreover, Mr. Huggins doesn't have the right to do something reasonable with his property, without inviting a host of alternative uses that are unacceptable for the area.

The County, from the beginning of the rezoning process, did not earnestly seek public input. An email I sent to the Public Information Officer about notice of the 2011 design workshops went unanswered. Given the inadequacy of public notice, and the capriciousness of the new zoning regulations, I hope you will enact stronger notification

requirements for future rezoning hearings.

Relevant screenshots are attached. I invite any council person to meet in person, and to take an "off paper" look at the neighborhoods surrounding the subject property. Thank you again for your consideration.

Michelle Mancini

On Sat, Nov 7, 2015 at 12:24 PM, Flewelling, Brian <brianf@bcgov.net> wrote:
> Dear Ms. Mancini;
>
> Received. Thank you for your input. By copy of this letter I'm instructing the Beaufort County Planning Staff to insure you receive notice of upcoming meetings of the Natural Resources Committee of County Council, and of meetings of County Council itself, when this matter appears on the Agenda, so that you may witness the proceedings, or you might speak during any public comment periods. Further, rest assured that even if you chose not to attend those meetings and speak where permitted, your initial correspondence will be attached to and remain a part of the package each member of Council will use in making any decision on this matter when called upon.
>
> Again, thank you for taking the time to let us know you opinion and concerns. We all wish this were done more often.
>
> Brian Flewelling
> Chairman, Natural Resouces Committee
> Council District 5
>
> From: Michelle [emmancini@gmail.com]
> Sent: Thursday, November 05, 2015 1:14 PM
> To: Flewelling, Brian; Howard, Alice G.; Dawson, Gerald; Fobes, Steve; McBride, William; Stewart, Jerry; Vaux, Tabor
> Cc: charles.brown@dss.sc.gov; fdchmelik@hargray.com; cdavis@bjhchs.org; mfireall@gmail.com; gkathitide@islc.net; riley4055@centurylink.net; semmlerrw@gmail.com; randolph@rstewartdesign.com; EWalsnovich@woodandpartners.com; Sommerville, Paul; Bensch, Cynthia; Caporale, Rick; Rodman, Stewart; Kimberly Jones; Larson, Eric; Zach Murdock
> Subject: Case No. ZMA-2015-09, Fox Path Lane / Huggins Hollow Lane, Pritchardville
>
> Please see the attached letter regarding this rezoning request.

MEMORANDUM

TO: Natural Resources Committee of Beaufort County Council

FROM: Anthony Criscitiello, Planning Director

DATE: December 2, 2015

SUBJECT: Cherokee Farms Zoning Map Amendment of 36 acres from C3-NMU (Neighborhood Mixed-Use) to T4-NC (Neighborhood Center)

Mr. Robert Merchant briefed the Commissioners on the rezoning. Two parcels are involved, across from the Habersham Planned Unit Development (PUD) on Cherokee Farm Road. A 36-acre portion will be rezoned from C3-NMU to T4-NC. This development is a continuation of Habersham PUD. This development has 3 sections in their development plan. They are asking for the change to develop flex space and fabrication manufacturing uses that are not now allowed. Several limitations include the 2014 development agreement of 5 years with three 5-year extensions allowed, and a cap on dwelling units and commercial square footage that is supported by the staff.

Public Comment:

1. Mr. Keith Frazier grew up in the area. He heard about the Air Installation Compatibility Use Zone (AICUZ). What is going to happen to the other property owners along Cherokee Farms and Joe Frazier Roads—traffic-wise. What about stormwater runoff from both developments?
2. Mr. Wooly Wallace asked about his Pritchardville property. Mr. Semmler explained that the Pritchardville rezoning would be heard later and Mr. Wallce could speak then.

Applicant Comment: Mr. Patrick Kelly, the applicant's representative, noted that the underlying zoning from C3-NMU to T4-NC. The stormwater and transportation issues are being addressed by the development agreement. The change does not affect the residential density and the commercial acreage. They are not talking about an industrial park. They will maintain the Habersham main street. The rezoning will include craft artisans that is classified as light industrial. They compared uses allowed in both districts and the light industrial district is more compatible than what is now allowed. The density of 360 residential units and 150,000 square feet of commercial area will remain.

Discussion by Commissioners with Mr. Kelly included asking if it is viewed as an economic development incentive (*Mr. Kelly agreed*), clarifying examples of allowed uses (*Mr. Kelly stated a business incubator needed more space to produce product with a retail storefront presence and light industrial is craft manufacturing),* Habersham having a great track record *(Mr. Kelly noted that the largest building allowed is 15,000 square feet, there is a 50-foot buffer along the road and a 100-foot buffer from neighboring residential area, there is interconnectivity between Habersham and Cherokee Farms, the master plan is not changing),* wanted assurance of stormwater and transportation standards are maintained, clarification on the borders of the new zoning *(Mr. Kelly noted that multi-family units are in the commercial area),* a round-about to feed into Burton Wells Park is proposed *(Mr. Kelly noted that road impact fees would do into a fund for the round-about),* and maintaining a relationship with the Air Station and the County *(Mr. Kelly noted that a disclosure*

statement of noise zones are on all residential sales and the development agreement locks in the old AICUZ zones.)

Mr. Jason Mann, from the Marine Corps Station Beaufort, noted that they see the request as an upzoning since T4 has a higher density than C3-NMU zoning. The Air Station takes a conservative approach. The development agreement does cap the residential density with the C3-NMU zoning, but he is uncertain about the T4-NC zoning. The Air Station feels the rezoning is open ended and counsels caution. Mr. Mann would like to see the restrictions prior to the rezoning. He does not recall that any Commanding Officer has approved the Cherokee Farms development. The development agreement is very complex. He was pleased with the Metropolitan Planning Commission recommendation to the County Planning Commission and would like the same from the County Planning Commission.

Discussion by Commissioners with Mr. Mann included forwarding the Metropolitan Planning Commission recommendation to Council, upzoning to T4 that allows higher density than C3, wanting to have the Development Agreement amendment before the rezoning, and wanting to stay involved in the development agreement talks to insure the safeguards remain in place.

Mr. Anthony Criscitiello, County Planning Director, said that the normal way is that the development agreement and the rezoning are tied together, traveling compatible paths so both arrive simultaneously to County Council.

Final discussion by Commissioners include agreement with the Metropolitan Planning Commission recommendation by the applicant and Mr. Mann, the 150,000 square feet commercial cap, and recapping the Metropolitan Planning Commission three-point recommendation where rezoning from C3-NMU to T4-NC, hold the development agreement to 306 residential units and 150,000 square feet of commercial, and including Mr. Jason Mann and Mr. Patrick Kelly to be involved in the development agreement talks.

Motion: Mr. Marque Fireall made a motion, and Mr. George Johnston seconded the motion, **to recommend approval to County Council on the Port Royal Island zoning map amendment/rezoning request for R100-027-000-0013 and R100-027-000-013A-0000 (36-acre portion of two (2) parcels from C3-NMU (Neighborhood Mixed Use) to T4-Neighborhood Center (NC) with three conditions: rezoning from C3-NMU to T4-NC, holding the development agreement to 306 residential units and 150,000 commercial square footage. and allowing Mr. Jason Mann of the Air Station Beaufort and Mr. Patrick Kelly, the applicant's agent, to participate in the development agreement talks. No further discussion occurred. The motion carried (FOR: Chmelik, Fireall, Johnston, Riley, Semmler, Stewart, Walsnovich; ABSENT: Brown and Davis).**

STAFF REPORT:

A. BACKGROUND:

Case No.	ZMA-2015-10
Applicant/Owner:	Beaufort County
Property Location:	Located on Port Royal Island on the north side of Cherokee Farms Road across from Habersham.

District/Map/Parcel:	R100 027 000 013A 0000 and R100 027 000 0013 0000
Property Size:	36 acres
Future Land Use Designation:	Neighborhood Mixed Use and Air Installation Compatible Use Zone (AICUZ)
Current Zoning District:	C3 Neighborhood Mixed-Use
Proposed Zoning District:	T4 Neighborhood Center

B. SUMMARY OF REQUEST:

The applicant is proposing to rezone approximately 36 acres of land located on Port Royal Island on the north side of Cherokee Farms Road across from Habersham from C3 Neighborhood Mixed-Use to T4 Neighborhood Center (See Attachment A).

The area proposed to be rezoned is part of two parcels of land totaling 105 acres that comprises Cherokee Farms, a mixed-use walkable community that is intended to mirror Habersham, located directly to the south. Under the Zoning and Development Standards Ordinance (ZDSO), Cherokee Farms was zoned Suburban. This zoning designation allowed for the use of a Traditional Neighborhood Development which facilitates the creation of mixed-use walkable communities. Under the old ordinance, Cherokee Farms was approved for 306 dwelling units and 150,000 square feet of commercial. Under the provisions of the ZDSO, the Cherokee Farms TND utilized three sub-districts (see Attachment B):

- Neighborhood Center – A mixed-use hub that contains the commercial uses within the TND;
- Neighborhood General – A mixture of moderate density housing types; and
- Neighborhood Reserve – Passive open space on the outskirts of the community.

The Neighborhood Center subdistrict allows for a number of retail, office and service uses, along with residential uses. The applicant is requesting to replace the area designated "Neighborhood Center" and replace it with the T4NC Neighborhood Center zoning district from the Community Development Code. The T4NC district allows for a much more flexible mix of uses which includes limited light industrial. The applicant is interested in incorporating artisans, fabricators, food processors and other light industrial uses within the mix of retail, service, office and residential in the hub of Cherokee Farms.

MCAS Airport Overlay District: Approximately 27 of the 36 acres proposed to be rezoned are situated within the MCAS Airport Overlay District (see Attachment C). The 27 acres are within AICUZ noise zone 2a (65 to 70 DNL). Under this overlay district, gross density is limited to 2 dwelling units per acre.

Cherokee Farms Development Agreement: Cherokee Farms is governed by a Development Agreement between the owner and Beaufort County which was adopted in July 2014. The agreement limits the overall number of dwelling units within Cherokee Farms to 306 and commercial square footage to 150,000.

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

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

   The proposed amendment is consistent with the goals and policies of the Comprehensive Plan. The Habersham/Cherokee Farms area was designated as a "Village Place Type" in the Land Use element of the plan. Within the Village Place Type, the T4NC Neighborhood Center district is designated to

support the mixed-use core of the village. The Economic Development element of the Plan calls for the County to insure that there is a sufficient quantity of suitably located land zoned for non-retail commercial uses to promote the region's economic health and diversity. The element also encourages the planning, development and permitting of mixed use developments which attract young professionals. It is staff's opinion that the proposed rezoning will help foster the expansion of the Habersham/Cherokee Farms business district to allow for the creation of more employment opportunities in a walkable, mixed-use setting.

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

   Not applicable

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

   The proposed rezoning should foster non-retail commercial development that has the potential to provide employment opportunities and diversify the county's tax base. Both of these have been identified as community needs in the Comprehensive Plan.

4. ***Is required by changing conditions.***

   Not applicable

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.***

   Within the context of the approved Traditional Neighborhood Development plan for Cherokee Farms, and the project's proximity to Habersham, the rezoning of the "Neighborhood Center" subdistrict to T4NC Neighborhood Center is a consistent with the surrounding zoning.

6. ***Would not adversely impact nearby lands.***

   The proposed rezoning is located across Cherokee Farms Road from Market Street in Habersham. The intensity, mix of uses, and building types are consistent with the type of development on Market Street. The MCAS Airport Overlay District limits the residential density to two dwelling units per acre within the district boundaries. The Development Agreement limits the overall residential density of the Cherokee Farms development to 306 dwelling units. Therefore, the rezoning would result in no further encroachment to MCAS Beaufort.

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

   See discussion under items 5 and 6.

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.***

   The rezoning constitutes a parallel change in zoning districts and does not result in an increase in the permitted number of dwelling units or commercial square footage. Therefore, it is not anticipated to have any adverse impacts on the environment.

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

   The site has adequate public facilities. This was determined when the property was rezoned originally from Rural to Suburban in 2004. The rezoning will result in no net increase in residential density or commercial area.

D. STAFF RECOMMENDATION:

Staff recommends that the 36 acres within Cherokee Farms be rezoned from C3 Neighborhood Mixed-Use to T4NC Neighborhood Center for the following reasons:

1. The Habersham/Cherokee Farms area was designated as a "Village Place Type" in the Land Use element of the plan. Within the Village Place Type, the T4NC Neighborhood Center district is designated to support the mixed-use core of the village.
2. The application of the T4NC Neighborhood Center district would allow for a more diverse mix of uses which would permit artisans, fabricators, food processors and other light industrial uses within the mix of retail, service, office and residential in the hub of Cherokee Farms. This diverse mix of uses has the potential to provide employment opportunities and diversify the county's tax base.
3. The proposed rezoning will not result in any increase in the total number of dwelling units or commercial square footage. The MCAS Airport Overlay District limits the residential density within Zone 2A to 2 dwelling units per acre. In addition, the Cherokee Farms Development Agreement limits the total number of dwelling units to 306 and commercial square footage to 150,000 sf.

E. METROPOLITAN PLANNING COMMISSION RECOMMENDATION:

The Metropolitan Planning Commission met on October 19, 2015. After a presentation of the County Staff report given by Mr. Robert Merchant, County Long-range Planner, Mr. Jason Mann, U.S. Marine Corps Air Station representative, asked that the Metropolitan Planning Commission delay their recommendation until the Air Station has been able to respond to the County's letter requesting input on the Cherokee Farms rezoning request. The Metropolitan Planning Commission voted unanimously to delay their recommendation until a special meeting that will be held on November 2, 2015, at 5:30 p.m. in the Council Chambers, County Administration Building, 100 Ribaut Road, Beaufort, SC 29901. *(Note: The County Planning staff sent revised notification letters informing abutting property owners of the details of the special Metropolitan Planning Commission meeting on November 2, 2015.)*

The Metropolitan Planning Commission met on November 2, 2015, in County Council Chambers, 100 Ribaut Road, Beaufort, SC. Attendees were Chairman Joe DeVito and Commissioners James Crower, Tim Rentz, George Johnson, and Robert Semmler. Bill Harris was absent. After hearing from Rob Merchant, County Long-range Planner; Patrick Kelly, applicant's agent; and Jason Mann, Air Station Beaufort representative, and a lengthy discussion, the Commissioners voted to recommend the map amendment/rezoning request to County Planning Commission with the following conditions:

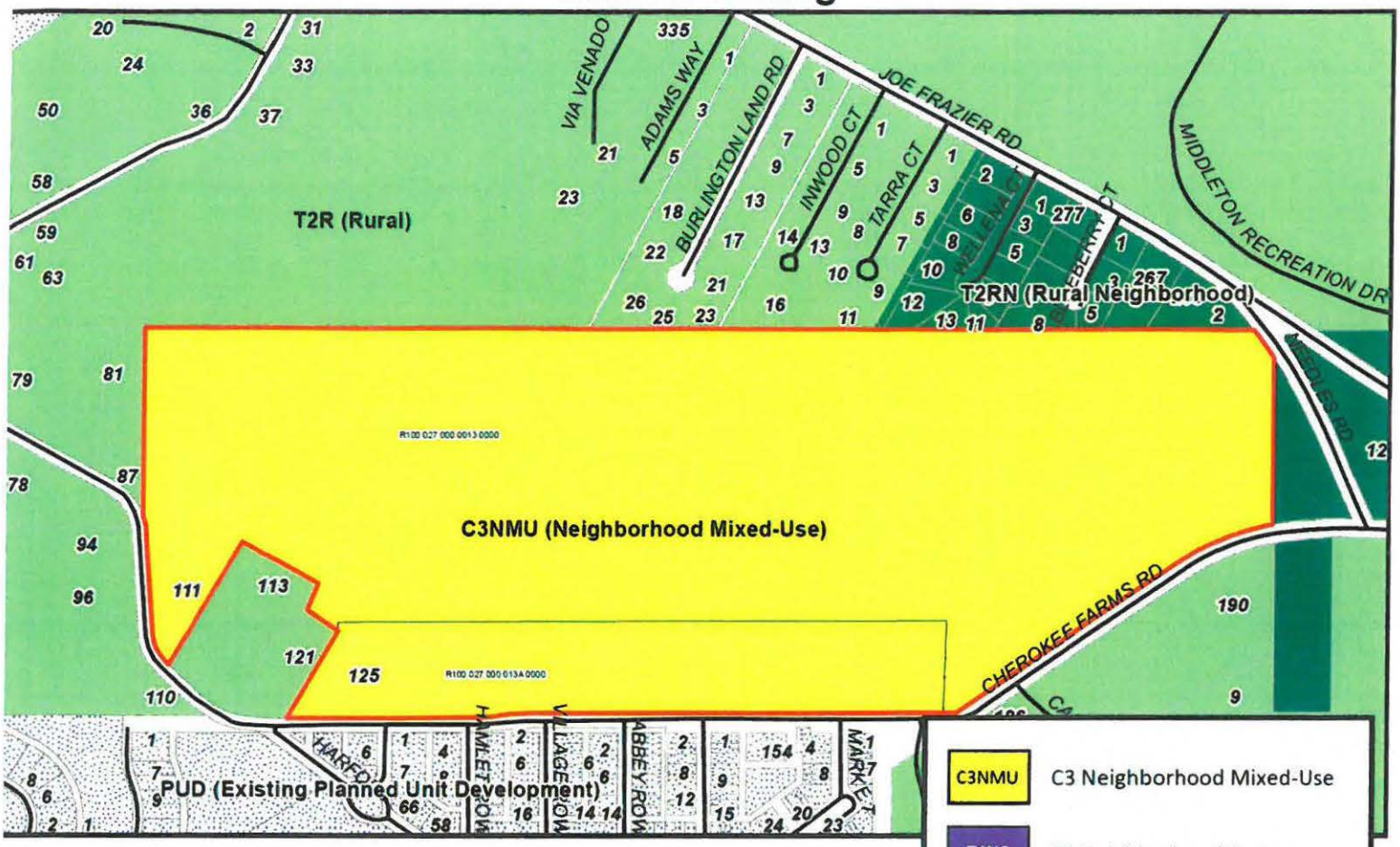
a. Recommend approval of the rezoning from C3-CMU to T4-NC;
b. Recommend holding the development agreement to 306 residential units and 150,000 commercial square footage. and
c. Recommend allowing Mr. Jason Mann of the Air Station Beaufort and Mr. Patrick Kelly, the applicant's agent, to participate in the development agreement talks.

G. ATTACHMENTS:

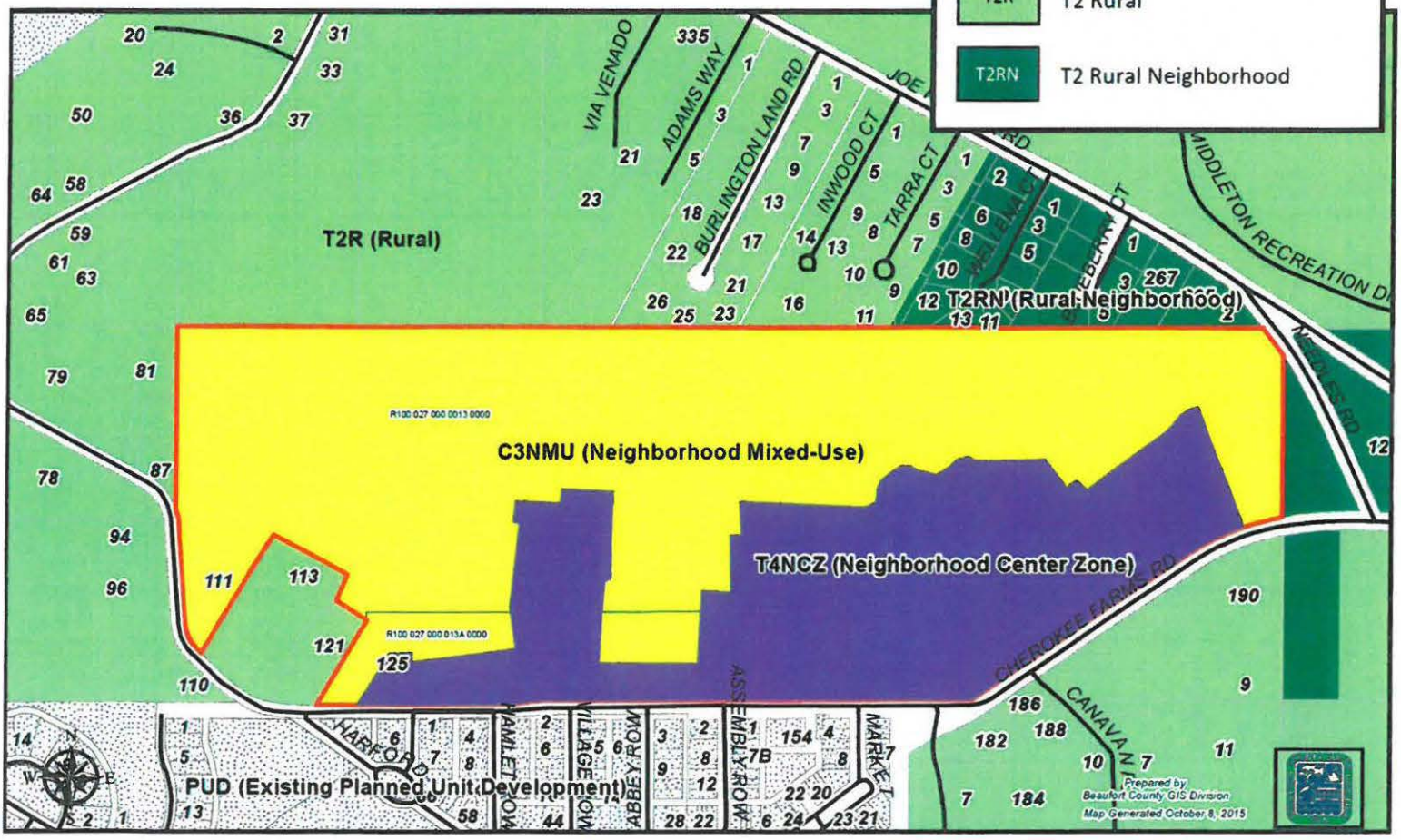
- Attachment A: Existing and Proposed Zoning Map (ZDSO)
- Attachment B: Cherokee Farms Traditional Neighborhood Development
- Attachment C: Portion of Cherokee Farms Impacted by the AICUZ

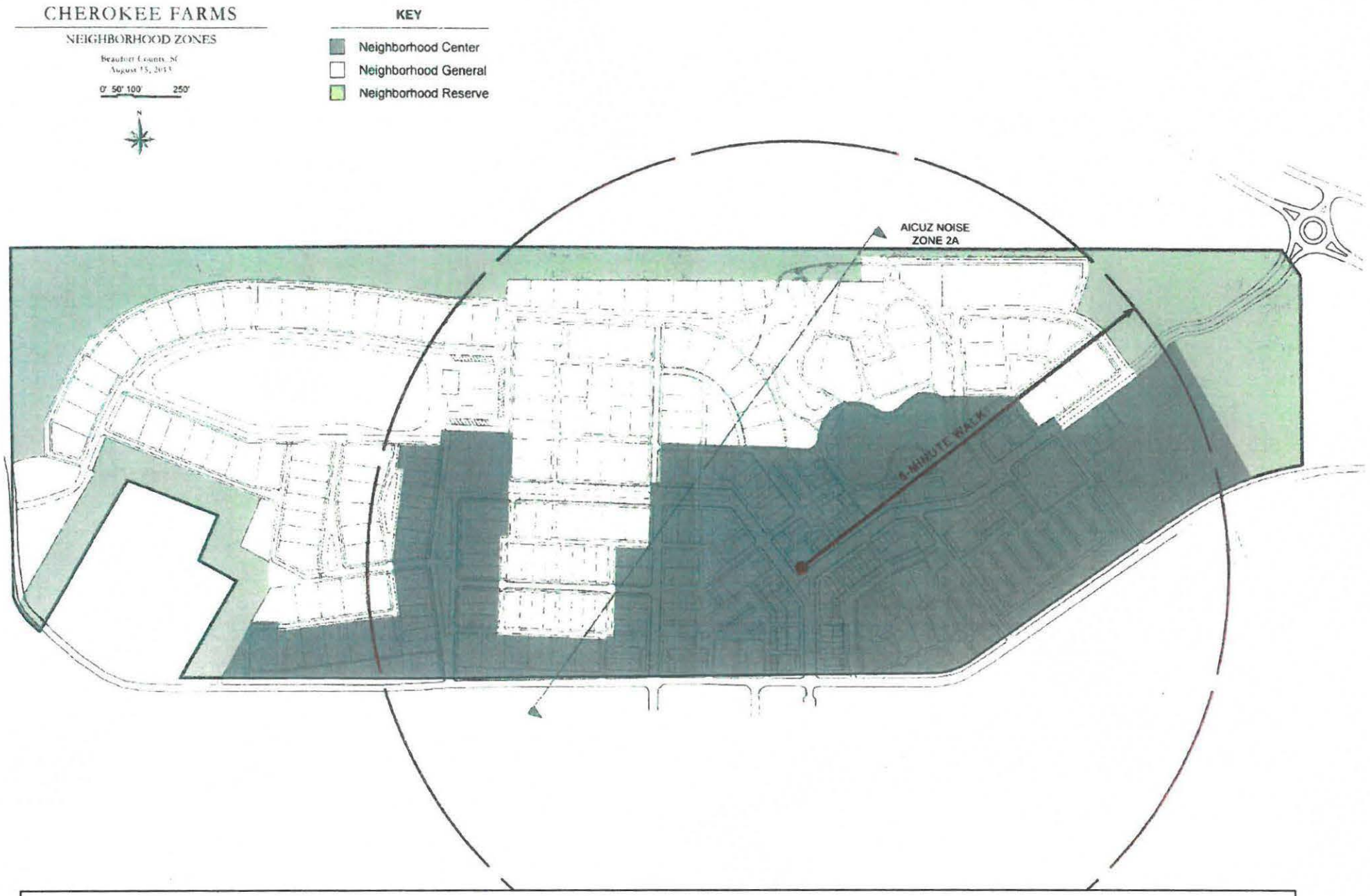
Cherokee Farms

Current Zoning



Proposed Zoning Change





Attachment B: Cherokee Farms Traditional Neighborhood Development Plan

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

TO: Beaufort County Council

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

1. This is a request for a change in the (check as appropriate):
   (X) Zoning Map Designation/Rezoning
   ( ) PUD Master Plan Change
   ( ) Community Development Code Text

2. Give exact information to locate the property for which you propose a change:
   Tax District Number: R100, Tax Map Number: 027, Parcel Number(s): 13A and 13
   Size of subject property: 36 acres out of the total 105 acres Square Feet / Acres (circle one)
   Location: Cherokee Farms Road in Burton, across from Habersham POD

3. How is this property presently zoned? (Check as appropriate)
   ( ) T4NC Neighborhood Center
   ( ) T4HC Hamlet Center
   ( ) T4HCO Hamlet Center-Open
   ( ) T4VC Village Center
   ( ) T3N Neighborhood
   ( ) T3HN Hamlet Neighborhood
   ( ) T3E Edge
   ( ) T2RC Rural Center
   ( ) T2RN Rural Neighborhood
   ( ) T2RNO Rural Neighborhood Open
   ( ) T2R Rural
   ( ) T1 Natural Preserve
   ( ) Community Preservation (specify)_____
   (X) C3 Neighborhood Mixed Use
   ( ) C4 Community Center Mixed Use
   ( ) C5 Regional Center Mixed Use
   ( ) S1 Industrial
   ( ) Planned Unit Development/PUD (specify)_____

4. What new zoning do you propose for this property? T4NC Neighborhood Center
   (Under Item 9 explain the reason(s) for your rezoning request.)

5. Do you own all of the property proposed for this zoning change? (X) Yes ( ) No
   Only property owners or their authorized representative/agent can sign this application. If there are multiple owners, each property owner must sign an individual application and all applications must be submitted simultaneously. If a business entity is the owner, the authorized representative/agent of the business must attach: 1- a copy of the Power of Attorney that gives him the authority to sign for the business, and 2- a copy of the articles of incorporation that lists the names of all the owners of the business.

6. If this request involves a proposed change in the Community Development Code (CDC) text, the section(s) affected are: _____
   (Under Item 9 explain the proposed text change and reasons for the change.)

7. Is this property subject to an Overlay District? Check those which may apply:
   (X) MCAS-AO Airport Overlay District/MCAS
   ( ) BC-AO Airport Overlay District/Beaufort County
   ( ) CPO Cultural Protection
   ( ) CFV Commercial Fishing Village
   ( ) TDR Transfer of Development Rights
   ( ) PTO Place Type Overlay

8. The following sections of the Beaufort County Community Development Code (CDC) (see attached sheets) should be addressed by the applicant and attached to this application form:
   a. Division 7.3.20 and 7.3.30, Comprehensive Plan Amendments and Text Amendments.
   b. Division 7.3.40, Zoning map amendments (rezoning).
   c. Division 1.6.60, Planned Unit Developments (PUDs) Approved Prior to Dec. 8, 2014
   d. Division 6.3, Traffic Impact Analysis (for PUDs) and Rezonings that will generate 50+ peak hour trips.
   e. Division 7.3.50, Place Type Overlay (rezoning).

ZMA
FILE NO: 2015-10 **// Initiated by:** STAFF / OWNER
(Circle One)

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

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

Signature of Owner (see Item 5 on page 1 of 1) — Date: 9/16/15

Printed Name: Robert Turner — Telephone Number: 846-1000

Address: 22 Market, Beaufort, SC 29906

Email: rturner@habershamsc.com

Agent (Name/Address/Phone/email): Patrick Kelly / 22 Market / 846-3445 / pkelly@habershamsc.com

UPON RECEIPT OF APPLICATIONS, THE STAFF HAS THREE (3) WORK DAYS TO REVIEW ALL APPLICATIONS FOR COMPLETENESS. BEAUFORT COUNTY PLANNING COMMISSION MEETING SCHEDULES ARE LISTED ON THE APPLICATION PROCESS (ATTACHED).

COMPLETE APPLICATIONS MUST BE SUBMITTED BY *NOON* THREE WORK DAYS AND FOUR (4) WEEKS PRIOR FOR PLANNED UNIT DEVELOPMENTS (PUDs) –OR- THREE WORK DAYS AND THREE (3) WEEKS PRIOR FOR NON-PUD APPLICATIONS TO THE APPLICABLE PLANNING COMMISSION MEETING DATE.

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

FOR MAP AMENDMENT REQUESTS, THE PLANNING OFFICE WILL POST A NOTICE ON THE AFFECTED PROPERTY AS OUTLINED IN DIV. 7.4.50 OF THE COMMUNITY DEVELOPMENT CODE.

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

FOR PLANNING DEPARTMENT USE ONLY:

Date Application Received: (place received stamp below)

RECEIVED
SEP 17 2015
PLANNING DIVISION

Date Posting Notice Issued:

Application Fee Amount Received: $250.00

Receipt No. for Application Fee: 000984-0003 (Ck #13367)

ZMA-2015-10

FILE NO: 2015-10 // **Initiated by:** STAFF / OWNER (Circle One)

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

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

MANAGERS 16 SEPT. 15

Signature of Owner (see Item 5 on page 1 of 1) ROBERT TURNER Date

Printed Name: STEPHEN L. DAVIS

Telephone Number: 864-229-5211

Address: 22 MARKET, BEAUFORT, SC 29906

Email: SLDAVIS@DAVISFLOYD.com rturner@habershamsc.com

Agent (Name/Address/Phone/email): Patrick Kelly 843-846-3445 pkelly@habershamsc.com
22 Market, Beaufort, SC 29906

UPON RECEIPT OF APPLICATIONS, THE STAFF HAS THREE (3) WORK DAYS TO REVIEW ALL APPLICATIONS FOR COMPLETENESS. BEAUFORT COUNTY PLANNING COMMISSION MEETING SCHEDULES ARE LISTED ON THE APPLICATION PROCESS (ATTACHED).

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FOR PLANNING DEPARTMENT USE ONLY:

Date Application Received:
(place received stamp below)

Date Posting Notice Issued:

Application Fee Amount Received:

Receipt No. for Application Fee:

FILE NO: _____ // Initiated by: STAFF / OWNER
(Circle One)

9. Explanation:

Request Zoning: T4 Neighborhood Center

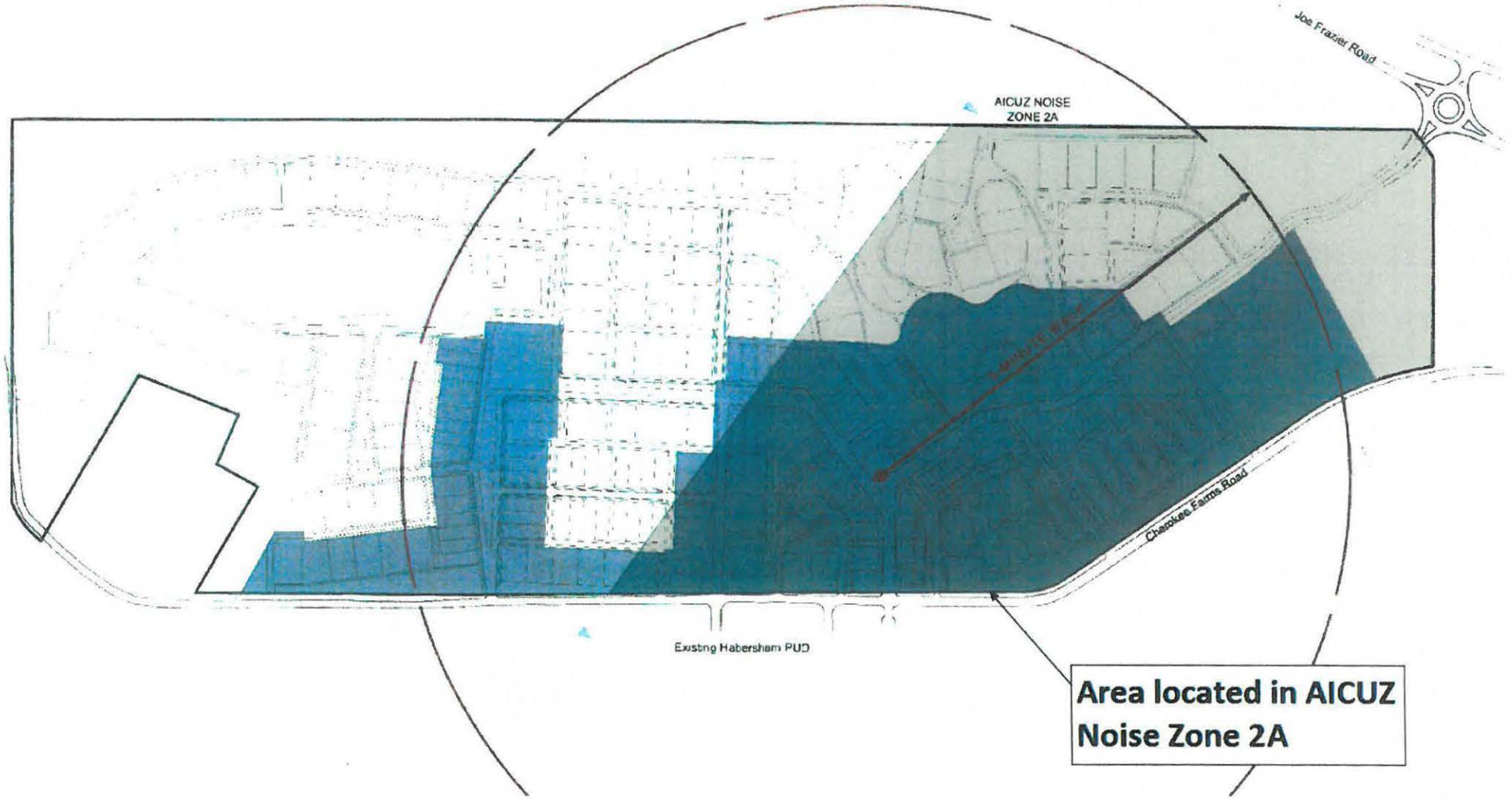
Current Zoning Before Development Agreement Amendment: Suburban (TND)

Underlying Zoning: C3 Neighborhood Mixed Use

Adjacent Zones: Habersham PUD and Suburban TND

Rationale: The Cherokee Farms parcel's underlying zoning is currently Neighborhood Mixed Use (C3), which is one of the Conventional Zones in the Community Development Code (CDC). C3's design requirements are "intended to provide a suburban character." However, this intended character would not be compatible with the adjacent existing development pattern established by the Habersham PUD. Therefore, to ensure a more logical and orderly development pattern, the parcel owner is applying to rezone the relevant parcel to one of the Transect Zones, which is the intended eventual goal of all Conventional Zones. The T4 Neighborhood Center Zone's standards are the most compatible with the existing adjacent development. Also, in the Beaufort County Comprehensive Plan, the Land Use Chapter has the Cherokee Farms/Habersham area transitioning from a Hamlet Place Type to a Village Place Type in the Place Type Overlay plan. Therefore, the rezoning from C3 to T4 Neighborhood Center would be very much consistent with and furthering the goals and policies of the Comprehensive Plan.

Consistency with Supporting Documents: Fulfills goals of the Comprehensive Plan.



Attachment C: Portion of Cherokee Farms Impacted by the AICUZ

UNITED STATES MARINE CORPS
MARINE CORPS AIR STATION
BEAUFORT, SOUTH CAROLINA 29904-5001

IN REPLY REFER TO
11000
CPLO
29 Oct 2015

Mr. Anthony Criscitiello
Planning Director
Beaufort County Council
100 Ribaut Road, Room 115
Post Office Drawer 1228
Beaufort, S.C. 29901-1228

Dear Mr. Criscitiello,

I appreciate this opportunity to respond to your letter dated October 2, 2015 requesting input on the Cherokee Farms Zoning Amendment of 36 acres on Cherokee Farms Road from C3 Neighborhood Mixed-Use to T4 Neighborhood Center.

The County's Community Development Code states that T4 zoning's purpose is to create "higher intensity residential and commercial uses," whereas the current C3 zoning's purpose is to provide "moderate density." It is clear that this is an up zoning; however, the impact on the Cherokee Farms Development Agreement and any resulting development is unclear. Therefore, I cannot support this amendment.

If you have any questions, my point of contact for this matter is Mr. Jason Mann, Community Planning and Liaison Officer who can be reached at (843)228-7119.

Sincerely,

Peter Buck
Colonel, USMC
Commanding Officer
MCAS Beaufort

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

October 2, 2015

Colonel Peter Buck
Commanding Officer
U.S. Marine Corps Air Station Beaufort
Post Office Box 55001
Beaufort, SC 29904

RE: Proposed Zoning Amendment of 36 acres on Cherokee Farms Road from C3 Neighborhood Mixed-Use to T4 Neighborhood Center

Dear Colonel Buck:

The Beaufort County Planning Department has received an application to amend the zoning of 35 acres along Cherokee Farms Road from C3 Neighborhood Mixed Use to T4 Neighborhood Center. Approximately 27 of the 36 acres proposed to be rezoned are situated within AICUZ noise zone 2a (65 to 70 DNL) of the County's Airport Overlay District for MCAS-Beaufort.

The area proposed to be rezoned is part of the Cherokee Farms Subdivision which was approved as a Traditional Neighborhood Development under the County's former Zoning and Development Standards Ordinance. The Cherokee Farms Subdivision is a total of 105 acres and was approved for 306 dwelling units and 150,000 square feet of commercial. The proposed rezoning will result in no additional dwelling units or commercial square footage for the following reasons.

- Under the County's Airport Overlay District, residential development within Noise Zone 2a is limited to a maximum of 2 dwelling units per acre.
- The Cherokee Farms Subdivision is governed by a Development Agreement between the owner and Beaufort County adopted in July 2014. The Development Agreement limits the total number of dwelling units in the Cherokee Farms Subdivision to 306 and commercial square footage to 150,000 sf.

The applicant is seeking this rezoning to allow for manufacturing and light industrial uses in addition to retail, office, and services uses in the commercial portion of the Cherokee Farms Subdivision. Manufacturing and light industry are compatible uses within the AICUZ.

In accordance with the South Carolina Federal Defense Facilities Utilization Integrity Protection Act, we are requesting your recommendation regarding whether the proposed rezoning would have an adverse impact on military operations at MCAS-Beaufort.

Thank you in advance for your response. If you have any questions, or require additional information, please let me know.

Sincerely,

Anthony Criscitiello
Planning Director

cc: Jason Mann, CPLO, MCAS-Beaufort

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

October 6, 2015

RE: REVISED Notice of Public Meetings to Consider a Port Royal Island Map Amendment/Rezoning Request for R100-027-000-0013-000 and R100-027-000-013A-0000 (a 36-acre portion of 105 acres, known as Cherokee Farms, north of Cherokee Farms Road in Burton, across from Habersham Planned Unit Development/PUD) from C3-NMU (Neighborhood Mixed Use) to T4-NC (Neighborhood Center); Owner/Applicant: T&D Land Holdings, LLC; Agent: Patrick Kelly.

Dear Property Owner:

In accordance with the Beaufort County Community Development Code (CDC), Section 7.4.50, a public hearing is required by the Beaufort County Planning Commission and the Beaufort County Council before a map amendment/rezoning proposal can be adopted. As a property owner within 500 feet of the subject properties, you are cordially invited to provide comment at these meetings and public hearings on the subject proposed map amendment in your neighborhood. A map of the property is on the back of this letter.

1. The Metropolitan Planning Commission: **Monday, November 2, 2015, at 5:30 p.m.** in the County Council Chambers, located on the first floor of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC.
2. The Beaufort County Planning Commission (public hearing): Monday, **November 2, 2015, at 6:00 p.m.** in the County Council Chambers, located on the first floor of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC.
3. The Natural Resources Committee of the County Council: Monday, **December 7, 2015, at 2:00 p.m.** in the Executive Conference Room #170, located on the first floor of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC.
4. Beaufort County Council: generally meets second and fourth Mondays at 5:00 p.m. in the County Council Chambers of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC. County Council must meet three times prior to making a final decision on this case. Please call (843) 255-2140 to verify the exact dates and locations.

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

Sincerely,

Robert Merchant
Long-range Planner

Attachment: Locational Map on back of letter

J:/common/amendments-map.../2015/Port Royal Isl.-Cherokeet Farms/NotifyLtr...Cherokee Farms

PROPERTY OWNERS NOTIFIED OF PORT ROYAL ISLAND MAP AMENDMENT/REZONING REQUEST FOR R100-27-13 AND 13A
(36 acres, north of Cherokee Farms Road) From: C3-Neighborhood Mixed Use, To: T4-Neighborhood Center)

PIN_	Owner1	MailingAdd	City	State	ZIP
R100 27 123	AESA HOLDINGS LLC	149 SOUTH PARK	BEAUFORT	SC	29906
R100 27 260	APGAR SEAN J	4 WELLENA COURT	BEAUFORT	SC	29906
R100 27 255	BADGER DENNIS	11 WELLENA COURT	BEAUFORT	SC	29906-8889
R100 27 6 & 6A	BARNARD CLAYTON C MANAGING MEMBER CC	2653 BOUNDARY STREET	BEAUFORT	SC	29902
R100 27 908	BEATTIE THOMAS RONALD / PAMELA M	1 CANTON ROW	BEAUFORT	SC	29906
R100 27 837	BEAUPRE LARRY W NANCY B	6 LECHENE CIRCLE	BEAUFORT	SC	29906
R100 27 112	BECKER THEODORE A MARY LYNN F	11 ASSEMBLY ROW	BEAUFORT	SC	29906-9103
R100 27 105	BEDNARSH GARY / ELEANORE	4 ASSEMBLY ROW	BEAUFORT	SC	29906
R100 27 14	BELLAMY J ROGER JR	POST OFFICE BOX 403	BEAUFORT	SC	29901
R100 27 387	BELLAMY JAMES R III	POST OFFICE BOX 403	BEAUFORT	SC	29901
R100 27 122	BELLOMY GARY BETTY	20 B MARKET	BEAUFORT	SC	29906
R100 27 381	BEYENE ALTAYE	10 TARRA COURT	BEAUFORT	SC	29906
R100 27 835	BILLET PAUL DAVID BARBARA GOTT	26 HARFORD	BEAUFORT	SC	29906-9183
R100 27 42B	BILLY JAY PLAIR FAMILY TRUST / PLAIR FRANK O	POST OFFICE BOX 835	BEAUFORT	SC	29901
R100 27 55	BINYARD PAUL R JR TARSHA L	16 BURLINGTON LAND ROAD	BEAUFORT	SC	29906
R100 27 383	BOYLES JAMES C Jr	6 TARRA COURT	BEAUFORT	SC	29906
R100 27 120	BREEZY VERANDA LLC	115 VEROADIER ROAD	BEAUFORT	SC	29902
R100 27 367	BRETON DANIEL R DENEEN M	9 INWOOD COURT	BEAUFORT	SC	29906-5802
R100 27 114	BROOKS GORDON S Sr	15 ASSEMBLY ROW	BEAUFORT	SC	29906
R100 27 15A	BROWN MARVIN A	517 KERNAN MILL LN	Saint Johns	FL	32259-7945
R100 27 19	BROWN SARAH LEE (LIFE EST) SIMMONS G	244 CHEROKEE FARM ROAD	BEAUFORT	SC	29902
R100 27 907	BURDICK BARBARA JEAN	3 CANTON ROW	BEAUFORT	SC	29906
R100 27 76	BURNS WILHELMENIA P % SHERYL A CALLO	1106 CONGRESS STREET	BEAUFORT	SC	29902
R100 27 128, 133 & 435	BURTON FIRE DISTRICT	36 BURTON HILL ROAD	BEAUFORT	SC	29906-4264
R100 27 128, 133 & 435	BURTON FIRE DISTRICT	POST OFFICE BOX 4382	BURTON	SC	29906
R100 27 73	C H G PARTNERSHIP	POST OFFICE BOX 779	LOBECO	SC	29931
R100 27 674	CABLE CAROL J / HUYBREGTS HENRIETTE M	10B ASSEMBLY ROW	BEAUFORT	SC	29906
R100 27 25 & 389	CANAVAN RICHARD A	15 CANAVAN PLACE	BEAUFORT	SC	29906
R100 27 431-432	CANAVAN RICHARD A BENNI D	15 CANAVAN PLACE	BURTON	SC	29906
R100 27 116	CARLISLE JAMES F / KAREN H	10A LE CHENE CIRCLE	BEAUFORT	SC	29906
R100 27 927	CATO REAL ESTATE LLC	705 WOODS HOLLOW LANE	POWELL	OH	43065
R100 27 143	CENTENO HENRY JR	20 TREADLANDS	BEAUFORT	SC	29906

PROPERTY OWNERS NOTIFIED OF PORT ROYAL ISLAND MAP AMENDMENT/REZONING REQUEST FOR R100-27-13 AND 13A
(36 acres, north of Cherokee Farms Road) From: C3-Neighborhood Mixed Use, To: T4-Neighborhood Center)

PIN_	Owner1	MailingAdd	City	State	ZIP
R100 27 126	CHAPMAN JOHN J III MAUREEN M	8 A MARKET NO 2	BEAUFORT	SC	29906
R100 27 368	CHARLESTON MELLISSA E	13 INWOOD COURT	BEAUFORT	SC	29906
R100 27 60-62	CIC OF BEAUFORT INC	202 MEDIA LUNA	SEABROOK	SC	29940-8607
R100 27 12	CLINGERMAN DENNIS L	78 CHEROKEE FARMS ROAD	BEAUFORT	SC	29906
R100 27 670	COLLIER ROBERT J	18 FARVIEW ROAD	CHALFONT	PA	18914
R100 27 932	COLLINS JAMES W LAUREN S	300 LANDON DRIVE	CONYERS	GA	30094
R100 27 930	CORTEZ JOANN	5 B MARKET	BEAUFORT	SC	29906
R100 27 4, 45, 261, 374, 386	COUNTY COUNCIL OF BEAUFORT	POST OFFICE BOX 1228	BEAUFORT	SC	29902
R100 27 257	CRUMPLER JARED THOMAS	1188 E BROAD ST APT E1	COLUMBUS	OH	43205-1350
R100 27 854	CUMMINS THOMAS M / MARGARET F	32 HARFORD	BEAUFORT	SC	29906
R100 27 146	CUNNINGHAM ROBERT P / MELINA R	107 COOSAW CLUB DRIVE	BEAUFORT	SC	29907
R100 27 480	CUNNINGHAM RYAN A	29B MARKET	BEAUFORT	SC	29906
R100 27 858	DEITLE LISA A	40 HARFORD	BEAUFORT	SC	29906
R100 27 254, 258, 259, 271	DESCHAMPS LOU J	120 LAUREL BAY ROAD	BEAUFORT	SC	29906
R100 27 83	DEVLIN SUSAN	79 CHEROKEE FARMS ROAD	BEAUFORT	SC	29906
R100 27 366	DICKSON JEFFREY A	5 INWOOD COURT	BEAUFORT	SC	29906
R100 27 903	DRIVER DOUGLAS L III	11 CANTON ROW	BEAUFORT	SC	29906
R100 27 54	EFFINGER JEANNIE S	14 BURLINGTON LAND ROAD	BEAUFORT	SC	29906
R100 27 909	ERIC V BOSTICK TRUST	507 BRIGHT ROAD	FINDLAY	OH	45840
R100 27 676	ESTREN JUDY L	3B ASSEMBLY ROW	BEAUFORT	SC	29906
R100 27 672	FOUR PALMS LLC	10 RIVER DRIVE	BEAUFORT	SC	29907
R100 27 839-840	FPB BEAUFORT LLC	POST OFFICE BOX 938	BLUFFTON	SC	29910
R100 27 370	GADSON LISA	14 INWOOD COURT	BEAUFORT	SC	29906
R100 27 377	GANTT JORDAN CHRISTOPHER	5 TARRA COURT	BEAUFORT	SC	29906
R100 27 117	GARNER JAMES W / JOY A	8 LE CHENE CIRCLE	BEAUFORT	SC	29906
R100 27 99	GAZDAK JOSEPH NORDEN MARGARET	16 ASSEMBLY ROW	BEAUFORT	SC	29906
R100 27 902	GILES ROBERT H	8335 GRUBB ROAD	SILVER SPRING	MD	20910
R100 27 675	GIROUX DEBRA A	7B ASSEMBLY ROW	BEAUFORT	SC	29906-9103
R100 27 115	GOLDENBERG FAMILY TRUST FBO GLEN J G	11C ROBERT SMALLS PKY #4577	BEAUFORT	SC	29906
R100 27 906	GOLLAHER KENNETH J / ERIN L	5 CANTON ROW	BEAUFORT	SC	29906
R100 27 63-64	GOLLIHUGH & HULL INC	55 HULL CREEK ROAD	SEAABROOK	SC	29940
R100 27 859	GOODING CONTRACTORS INC	19B MARKET ST	BEAUFORT	SC	29906

PROPERTY OWNERS NOTIFIED OF PORT ROYAL ISLAND MAP AMENDMENT/REZONING REQUEST FOR R100-27-13 AND 13A
(36 acres, north of Cherokee Farms Road) From: C3-Neighborhood Mixed Use, To: T4-Neighborhood Center)

PIN_	Owner1	MailingAdd	City	State	ZIP
R100 27 67	GREEN DEBRA A #	11 BURLINGTON LAND ROAD	BEAUFORT	SC	29906
R100 27 384	GREER DAVID B DESIREE E	4 TARRA COURT	BEAUFORT	SC	29906
R100 27 125	GROFF LORI J / LIBERT WILLIAM H III	15 OVER DAM	BEAUFORT	SC	29906
R100 27 91	GUEST THOMAS A	POST OFFICE BOX 3312	SUMMERVILLE	SC	29484
R100 27 8	GUEST THOMAS A CARLES EDNA MICHELLE	65 CHEROKEE FARMS ROAD	BEAUFORT	SC	29906
131, 138, 841-846, 848, 850, 852, 855-856, 860-869, 870-875, 882-896, 899, 900-901, 910-912, 924, 931,	HABERSHAM LAND CO INC	POST OFFICE BOX 365	BEAUFORT	SC	29901
R100 27 121, 137, 139, 721, 915, 918	HABERSHAM LAND CO INC	22 MARKET	BEAUFORT	SC	29906
R100 27 95	HABERSHAM NEIGHBORHOOD ASSOC INC	22 MARKET	BEAUFORT	SC	29906
R100 27 31, 436, 916-917	HABERSHAM NEIGHBORHOOD ASSOC INC	POST OFFICE BOX 365	BEAUFORT	SC	29901
R100 27 774	HAGINS WILLIAM J SUSAN E	302 UPSUR COURT	SUMMERVILLE	SC	29485
R100 27 107	HANNON CHARLES J CLAIRANN R	1 ASSEMBLY ROW	BEAUFORT	SC	29906-9103
R100 27 13C	HAPP ELIZABETH J	113 CHEROKEE FARMS ROAD	BEAUFORT	SC	29906
R100 27 44	HAPPY MANUFACTURED HOMES INC EATL	PO BOX 296	SEABROOK	SC	29940
R100 27 928	HARTCORE LLC	20-A MARKET	BEAUFORT	SC	29906
R100 27 13D	HEAD KELIA A	121 CHEROKEE FARMS ROAD	BEAUFORT	SC	29906
R100 27 371	HELLAMS DOUGLAS M AUDREY R	10 INWOOD COURT	BEAUFORT	SC	29906
R100 27 369	HICKS DAVID VALERIE L	16 INWOOD COURT	BEAUFORT	SC	29906-5802
R100 27 42A	HOMEOWNERS OF LOTS 1 - 7 OF BURLINGT	9 CHEROKEE OAKS	BEAUFORT	SC	29906
R100 27 103	HOWARD PHELPS BORN REVOCABLE TRUST	8 ASSEMBLY ROW	BEAUFORT	SC	29906
R100 27 110	HUTCHISON WILLIAM M MARGERET J J	PO BOX 1878	LEWISBURG	WV	24901
R100 27 58	INGRAM CALEB R	35 HOEFKER DRIVE	LITCHFIELD	IL	62056
R100 27 104	IRVING REVOCABLE TRUST	6 ASSEMBLY ROW	BEAUFORT	SC	29906
R100 27 102	ISAACSON ROBERT W JOAN P TRUSTEES (I	10 A ASSEMBLY ROW	BEAUFORT	SC	29906-9104
R100 27 253	JOHNSON DAVID R	7 WELLENA COURT	BEAUFORT	SC	29906
R100 27 111	JONES GEORGE W / JUNE A	9 ASSEMBLY ROW	BEAUFORT	SC	29906
R100 27 98	KATZ PETER J	242 S WASHINGTON BLVD #170	SARASOTA	FL	34236-6943
R100 27 914	KELLEY MELODIE M / SIERRA NOEL	10093 PEBBLESTONE DRIVE	DAYTON	OH	45458

PROPERTY OWNERS NOTIFIED OF PORT ROYAL ISLAND MAP AMENDMENT/REZONING REQUEST FOR R100-27-13 AND 13A
(36 acres, north of Cherokee Farms Road) From: C3-Neighborhood Mixed Use, To: T4-Neighborhood Center)

PIN_	Owner1	MailingAdd	City	State	ZIP
R100 27 109	KINGMA MOLLY G	5 ASSEMBLY ROW	BEAUFORT	SC	29906
R100 27 925	KNUTSON LYNN C	14B ASSEMBLY ROW	BEAUFORT	SC	29906-9104
R100 27 775	KOEHN FRANK E JULIE	3 BROOK SIDE LA	BEAUFORT	SC	29906-9116
R100 27 119	LE VIRAGE LLC	20B MARKER ST 1	BEAUFORT	SC	29906
R100 27 100	MALONEY JAMES J FRANCINE	153 BROMPTON ROAD	GARDEN CITY	NY	11530
R100 27 876	MANSION FLATS LLC	2308 MT VERNON AVE SUITE 751	ALEXANDRIA	VA	22301
R100 27 878 & 880	MANSION FLATS LLC	113 S COLUMBUS ST #100	ALEXANDRIA	VA	22314
R100 27 140	MARKET STREET GROUP LLC	20-B MARKET UNIT #1	BEAUFORT	SC	29906
R100 27 929	MARY E HESKETT IRREVOC TRUST AGRMT	5270 US 50	HILLSBORO	OH	45133
R100 27 838	MASON DAVID M	1806 WYOMING COURT	LAWRENCEBURG	IN	47025
R100 27 545	MCCROHAN JAMES W III	25A MARKET	BEAUFORT	SC	29906
R100 27 106	MCGHEE DOUGLAS B / GABER VICKI L	2 ASSEMBLY ROW	BEAUFORT	SC	29906
R100 27 380	MONTERO SAUL N	11 TARA COURT	BEAUFORT	SC	29906
R100 27 56	MORRIS JERI J	18 BURLINGTON LAND ROAD	BEAUFORT	SC	29906
R100 27 897	MURPHY TIMOTHY D / SHARANNE G	160 PARADISE MARSH CIRCLE	BRUNSWICK	GA	31525
R100 27 118	NANCY V BEAUPRE REVOCABLE LIVING TRU	6 LE CHENE CIRCLE	BEAUFORT	SC	29906
R100 27 776	NOVO NELSON J YVONNE	716 HIBBENS GRANT BLVD	MT PLEASANT	SC	29464
R100 27 926	OAKLEIGH DEVELOPMENTS INC	4370 ST JOHNS SIDEROAD RR NO 1	NEWMARKET	ON	L34 4W1
R100 27 378	OLMSTEAD CODY / JOSCELYNNE	7 TARRA COURT	BEAUFORT	SC	29906
R100 27 47, 262-267	O'QUINN GLEN B	118 SHEPPARD ROAD	BEAUFORT	SC	29902-2573
R100 27 379	ORNELAS KYLE A / CHELSEA K	9 TARRA COURT	BEAUFORT	SC	29906
R100 27 544	PAPPAS HELEN LEE	13B ASSEMBLY ROW	BEAUFORT	SC	29906-9103
R100 27 26	PARKER JOE HRS OF % FRANCES SHEDRICK	PO BOX 4366	BEAUFORT	SC	29906
R100 27 136	PICKEL BRADLEY H LESLIE W	5 A MARKET	BEAUFORT	SC	29906
R100 27 898	PINCH PAUL / DAYMAN BEVERLY	7210 DARBY DOWNS UNIT Q	ELKRIDGE	MD	21075
R100 27 857	POWELL DAVID M / BONNIE D	38 HARFORD	BEAUFORT	SC	29906
R100 27 96	POWERS JAMES F NANCY R	1145 SHERIDAN ROAD	EVANSTON	IL	60202
R100 27 364	PRITCHETT CHARLES E JUANITA B	269 JOE FRAZIER RD	BEAUFORT	SC	29906
R100 27 97	PROBART CLAUDIA K	21 CANDLEVIEW DRIVE	SHERMAN	CT	06784
R100 27 46	QUINTANILLA ELAVANY SUAMY R	3 WELLENA COURT	BEAUFORT	SC	29906
R100 27 778	RINEY GEORGE E BORDNER-RINEY PAMELA	160 E ILLINOIS UNIT 1002	CHICAGO	IL	60611
R100 27 777	RING MICHAEL V / ALICIA M	143 COLLIN CAMPBELL ROAD	BEAUFORT	SC	29906
R100 27 252	ROTELLINI JOHNMONDO TODAIS / SASHA D	5 WELLENA COURT	BEAUFORT	SC	29906
R100 27 779	SARAM LLC	24 OAK POND PASSAGE	BEAUFORT	SC	29906

PROPERTY OWNERS NOTIFIED OF PORT ROYAL ISLAND MAP AMENDMENT/REZONING REQUEST FOR R100-27-13 AND 13A
(36 acres, north of Cherokee Farms Road) From: C3-Neighborhood Mixed Use, To: T4-Neighborhood Center)

PIN_	Owner1	MailingAdd	City	State	ZIP
R100 27 20A	SCOTT CLAUDIA BROWN COLBERT SARA LEN	PO BOX 4021	BEAUFORT	SC	29903
R100 27 135	SCUTTA ROBERT T / CATHY A	34 JAMES HABERSHAM	BEAUFORT	SC	29906
R100 27 15	SECOND MT CARMEL BAPTIST CHURCH	PO BOX 4891	BURTON	SC	29903
R100 27 382	SHYTLE DAVID J JR MEGAN D	8 TARRA COURT	BEAUFORT	SC	29906
R100 27 13E	SILVA DANIEL J / MARGOT A	52 MUM GRACE	BEAUFORT	SC	29906
R100 27 904	SLADE RICHARD D	59 FREEDOM DRIVE	MONTPELIER	VT	05602
R100 27 65	SMITH KEVIN S SARAH	15 BURLINGTON LAND RD	BEAUFORT	SC	29906
R100 27 42 & 363	SOUTH CAROLINA REALTY	242 ROBERT SMALLS PKWY	BEAUFORT	SC	29906
R100 27 142	STEVENS JOHN A / GILLIAN B	301 E TREMONT AVE	CHARLOTTE	NC	28203-5484
R100 27 12A	SUSTAINABLE SOUTHERN LIVING LLC	27722 BUENA WAY	SPRING	TX	77386
R100 27 66	SUTCLIFFE DANNY MORGAN / DEBORAH	25 FERNSWOOD LN	BEAUFORT	SC	29907
R100 27 13, 13A	T & D LAND HOLDINGS LLC	POST OFFICE BOX 365	BEAUFORT	SC	29901
R100 27 77-78	T & W HOLDINGS LLC % ROBERT J TURNER	169 SOUTH PARK	BEAUFORT	SC	29906
R100 27 101	TAYLOR GAIL G ROBERT R	12 ASSEMBLY ROW	BEAUFORT	SC	29906-9104
R100 27 256	TAYLOR MELISSA A	13 WELLENA COURT	BEAUFORT	SC	29906
R100 27 836	TRASK ANGUS F / KEAVENY THOMAS	POST OFFICE BOX 4160	BEAUFORT	SC	29902
R100 27 144	TURNER ROBERT J MAUREEN O	169 SOUTH PARK	BEAUFORT	SC	29906
R100 27 673	VAN DEUSEN LLOYD A	1400 WENTWORTH COURT	VERNON HILLS	IL	60061
R100 27 20	VEGGACADO ARABIA	880 COLGATE AVE #17E	BRONX	NY	10473
R100 27 79	VERONIQUE PAUL ARLENE P	POST OFFICE BOX 4064	BEAUFORT	SC	29903
R100 27 74	VIDO TARRA O N/K/A TARRA O HERRING	110 SHEPPARD RD	BEAUFORT	SC	29907
R100 27 113	WIESE PAUL J KATHLEEN M	13A ASSEMBLY ROW	BEAUFORT	SC	29906
R100 27 145	WILD ICE INC	873 B ROBERT SMALLS PKWY	BEAUFORT	SC	29906
R100 27 376	WILLIAMS MONICA M / EDWARDS JARED M	3 TARRA COURT	BEAUFORT	SC	29906
R100 27 484	WOHLWEND KYLE / NATALIE	10 B LE CHENE CIRCLE	BEAUFORT	SC	29906
R100 27 80	WOLFE MARK A PURITA R	1 WELLENA COURT	BEAUFORT	SC	29906
R100 27 671	WOODLAND PROPERTIES OF BEAUFORT LLC	19 B MARKET SUITE 1	BEAUFORT	SC	29906
R100 27 905	YERACE JOSHUA JAMES / DAWN DEGRANGE	7 SANDSHIFTER COURT	AIKEN	SC	29803
R100 27 543	ZEISS FRED RALPH JR ZEISS CYNTHIA RE	34 GARDEN GROVE COURT	BEAUFORT	SC	29907
R100 27 134	ZIMMER WILLIAM J ROSEANN	1 MARKET STREET	BEAUFORT	SC	29906
R100 27 108	ZIMPFER DENNIS S CINDY L	2321 WHITE TAIL LN	PIQUA	OH	45356

Prepared by and after recording return to:

McNAIR LAW FIRM, P.A. (WJN)
P.O. Drawer 3
Hilton Head Island, SC 29938
(843) 785-2171

DRAFT

STATE OF SOUTH CAROLINA	)	**FIRST AMENDMENT TO DEVELOPMENT AGREEMENT FOR CHEROKEE FARMS**
	)	
	)	**Indexing Reference:**
COUNTY OF BEAUFORT	)	**Book 3367 at Page 52**

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT FOR CHEROKEE FARMS (the "**First Amendment**") is made and entered into effective the _____ day of _____, 2015 by and between T&D Land Holdings, LLC, a South Carolina limited liability company (the "**Owner**"), Burton Development, LLC, a South Carolina limited liability company (the "**Developer**") and the governmental authority of Beaufort County, South Carolina, a South Carolina municipal corporation ("**Beaufort County**").

RECITALS

WHEREAS, Cherokee Beaufort, LLC ("**Cherokee**"), predecessor to the Owner and as owner of certain real property located in Beaufort County, South Carolina, and Developer and Beaufort County entered into that certain Development Agreement for Cherokee Farms dated December 15, 2014 and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina (the "**ROD**") in Book **3367** at Page **52** (the "**Development Agreement**"); and

WHEREAS, the real property that is the subject of the Development Agreement is more particularly described in Exhibit "A" to the Development Agreement (herein the "**Property**"); and

WHEREAS, Cherokee assigned its rights and obligations to Owner pursuant to that Notice of Transfer and Assignment and Assumption of Rights and Obligations Under Development Agreement dated November 4, 2014 and recorded in the ROD in Book **3367** at Page **47** (the "**Assignment**"); and

WHEREAS, among other matters, the Development Agreement provides in Article III thereof that the terms and conditions of the Development Agreement for the Property shall be vested against any future changes to the Beaufort County Zoning and Development Standards Ordinance ("**ZDSO**"), Beaufort County law, or changes to any now existing or future zoning ordinances; and

WHEREAS, by Ordinance 2014/36 adopted December 8, 2014, Beaufort County Council adopted a new zoning and development standards ordinance known and described as the Beaufort County Community Development Code (the "**CDC**"); and

WHEREAS, the current base zoning of the property is Suburban under the Official Land Use Zoning Map and ZDSO in effect at the time of the Development Agreement; and

WHEREAS, the parties hereto have agreed to amend the Development Agreement as to a thirty-six (36) acre portion of the Property, which portion is shown in **Exhibit "A"** (herein the "**T4NC Parcel**"), to change the base zoning of the T4NC Parcel to the CDC classification of T4 Neighborhood Center ("**T4NC**") with the remaining sixty-nine (69) acre portion of the Property to remain with the base zoning classification of Suburban under the ZDSO; and

WHEREAS, the parties agree that the Development Agreement requires an amendment to clarify the intention of and the performance by the parties to address the matters described herein.

NOW, THEREFORE, Owner, Developer and Beaufort County, intending to be legally bound hereby and in consideration of the aforesaid premises and the covenants and agreements set forth in this First Amendment hereby agree as follows:

1. **Base Zoning.** The T4NC Parcel shown on **Exhibit "A"** is hereby rezoned to impose the CDC zoning classification of T4NC as the base zoning therefore. Except as to the T4NC zoning as described in the CDC that is currently in effect, the Development Agreement and all terms and conditions thereof shall continue in full force and effect for the T4NC Parcel. The remaining sixty-nine (69) acres are unaffected by this First Amendment.

2. **Definitions.** Any and all defined terms used herein shall have the same meaning as set forth in the Development Agreement unless otherwise herein defined.

3. **Control.** In the event of any inconsistency between this First Amendment and the Development Agreement, this First Amendment shall control. Except as amended or modified by the terms recited herein, the Development Agreement and all terms and conditions thereof shall continue in full force and effect.

4. **Commercial Space**. The parties hereto agree that the previously approved maximum square footage of commercial space, which was approved as a part of that Unified Development Plan attached as Exhibit "B" to the Development Agreement, will not be exceeded as a result of this First Amendment.

[Signatures on the following pages]

IN WITNESS WHEREOF, the parties hereby set their hands and seals, effective the date first above written.

WITNESSES:

_____

_____

OWNER:

T&D Land Holdings, LLC

_____ (SEAL)
By: Robert Turner
Its: Manager

STATE OF _____)
)
COUNTY OF _____)

ACKNOWLEDGMENT

I HEREBY CERTIFY, that on this _____ day of _____, 2015, before me, the undersigned Notary Public of the State and County stated below, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, who acknowledged the due execution of the foregoing document in the capacity indicated.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.

_____
Notary Public for _____
My Commission Expires: _____

(Affix Notary Seal)

WITNESSES:

DEVELOPER:

Burton Development, LLC

_____ _____ (SEAL)

By:

Its:

_____

STATE OF _____)

)

COUNTY OF _____)

ACKNOWLEDGMENT

I HEREBY CERTIFY, that on this _____ day of _____, 2015, before me, the undersigned Notary Public of the State and County stated below, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, who acknowledged the due execution of the foregoing document in the capacity indicated.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.

_____

Notary Public for _____

(Affix Notary Seal)

My Commission Expires: _____

WITNESSES:

_____

_____

Beaufort County, South Carolina

_____ (SEAL)
By:
Its:

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

ACKNOWLEDGMENT

I HEREBY CERTIFY, that on this _____ day of _____, 2015, before me, the undersigned Notary Public of the State and County stated below, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document as the appropriate official of Beaufort County, South Carolina, who acknowledged the due execution of the foregoing document.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.

_____
Notary Public for South Carolina
My Commission Expires: _____

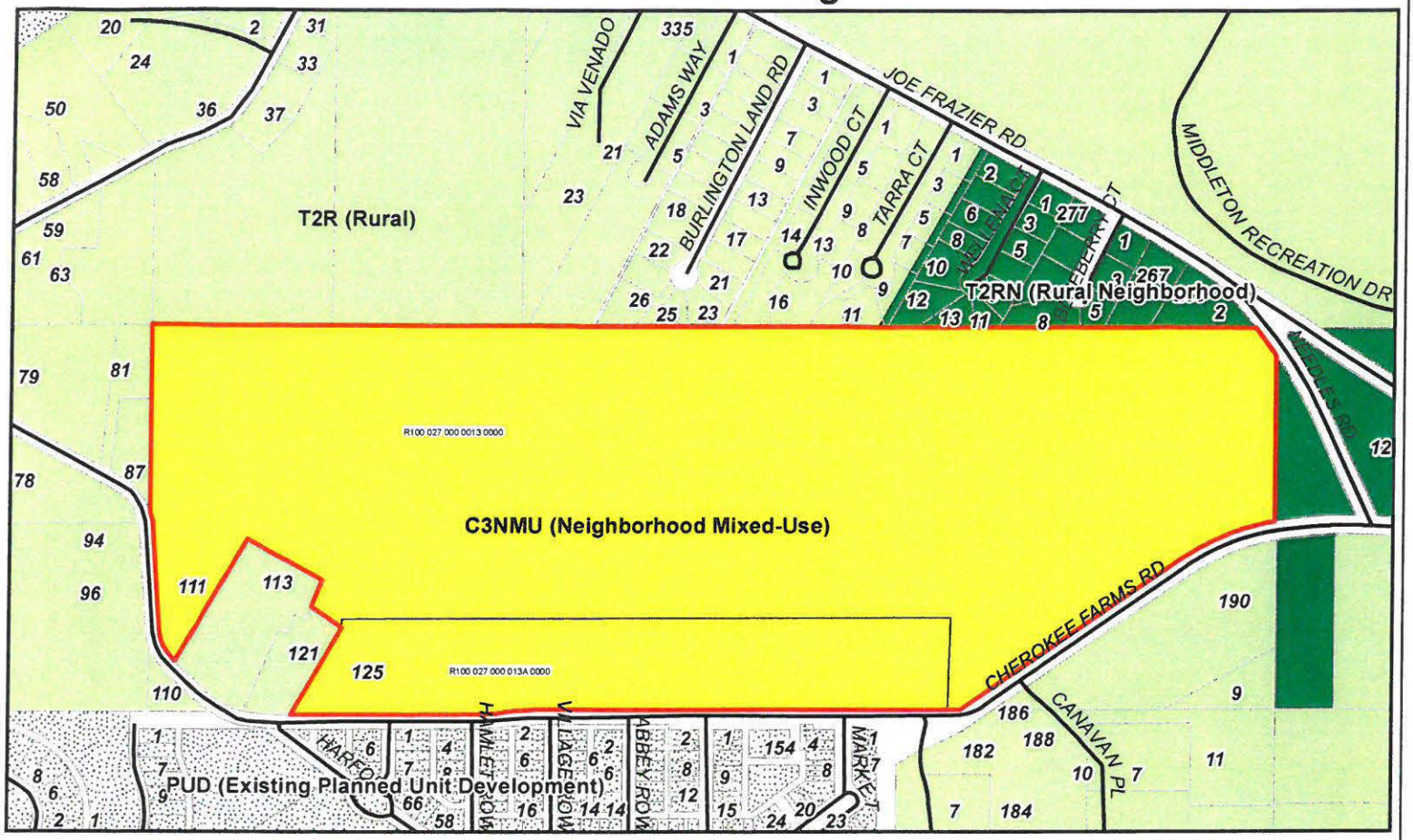
(Affix Notary Seal)

EXHIBIT "A"

T4NC Parcel

Cherokee Farms

Current Zoning



Proposed Zoning Change

