

**BLOODY
POINT**

PUD – 800 - 3

APPLICATION FOR PRELIMINARY
DEVELOPMENT APPROVAL

APRIL 3, 1989

SUBMITTED TO:

BEAUFORT COUNTY
JOINT PLANNING COMMISSION
ARTHUR HORNE BUILDING
POST OFFICE DRAWER 1228
BEAUFORT, SC 29902

APPLICANT:

THE BLOODY POINT
LIMITED PARTNERSHIP
23-B SHELTER COVE LANE
POST OFFICE DRAWER 6779
HILTON HEAD ISLAND, SC 29938

DEVELOPMENT:

THE DAUFUSKIE ISLAND CLUB
DAUFUSKIE ISLAND
BEAUFORT COUNTY
SOUTH CAROLINA

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WATER

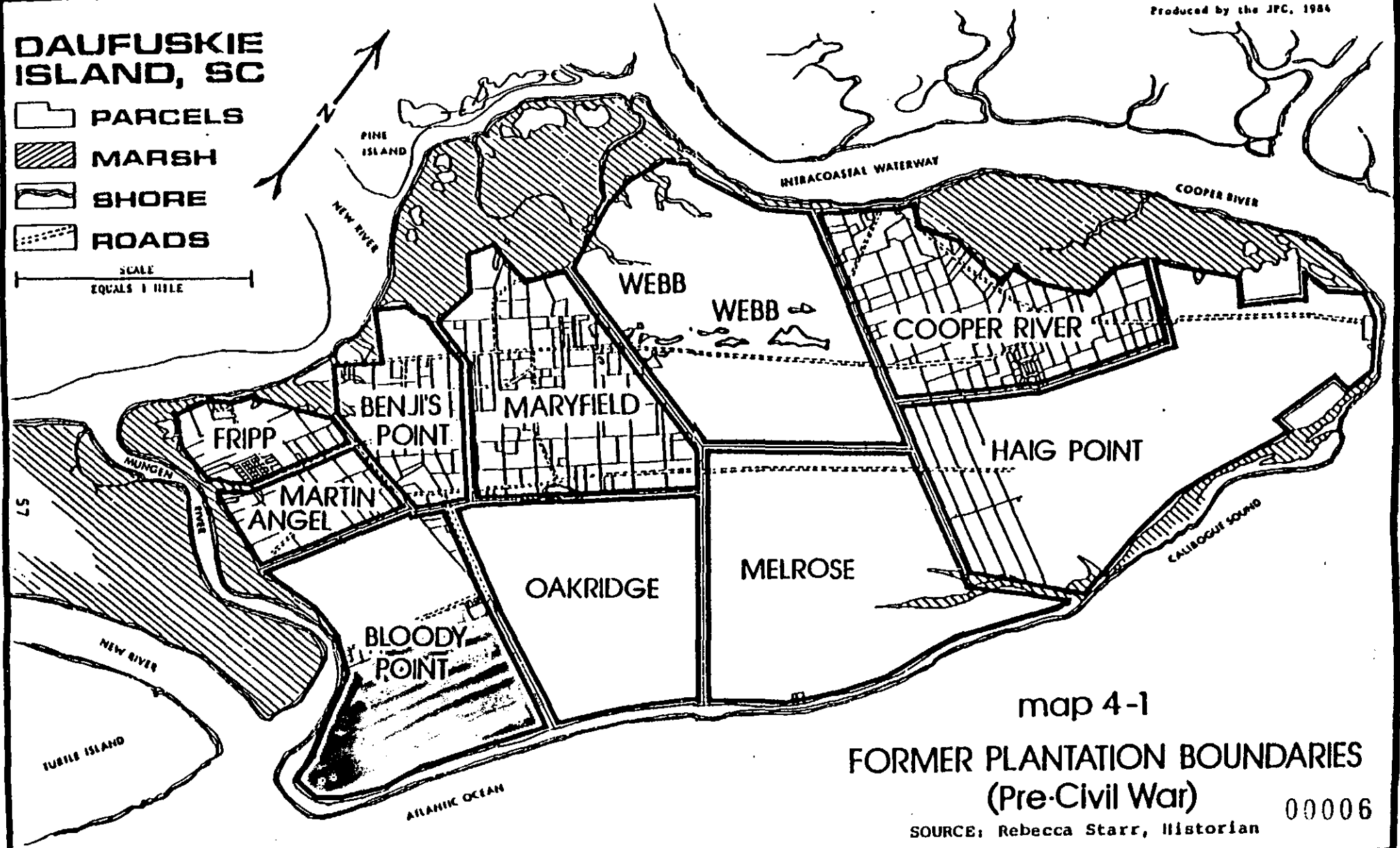
PRELIMINARY TOPOGRAPHIC MAP

Produced by the JFC, 1984

DAUFUSKIE ISLAND, SC

-  PARCELS
-  MARSH
-  SHORE
-  ROADS

SCALE
EQUALS 1 MILE



map 4-1

FORMER PLANTATION BOUNDARIES (Pre-Civil War)

SOURCE: Rebecca Starr, Historian

00006

THE DAUFUSKIE ISLAND CLUB

DEVELOPMENT TEAM

The Melrose Company 23-B Shelter Cove Lane Post Office Drawer 6779 Hilton Head Island, SC 29938	General Partner
Newkirk Environmental Consultants 167 E. Bay St., Suite 204 Charleston, SC 29401	Environmental
Thomas & Hutton Engineering Company 3 Oglethorpe Professional Building Post Office Box 14609 Savannah, GA 31416	Civil Engineering & Surveying
Jones Scheider & Patterson, P.A. 13 Pope Avenue Mall Hilton Head Island, SC 29928	Legal
Coastal Science & Engineering, Inc. P. O. Box 8056 Columbia, SC 29202	Coastal Management
Edward Pinckney & Associates, Inc 1 Fox Grape Road Hilton Head Island, SC 29928 Charleston, SC 29401	Landscape Architecture & Planning
Coastal Plains Insurance P. O. Box 6869 Hilton Head Island, SC 29938	Coastal Insurance
Kuchera International 6215 Aberdeen Dr., N.E. Atlanta, GA 30328	Photogrammetrists
Joe Harden Builder, Inc. 6 Bow Circle Hilton Head Island, SC 29928	Construction Services
Brockington & Associates 2853 Hendersonville Rd. Atlanta, GA 30341	Archaeologists
Wm. Frank McCall, Jr., A.I.A. Two Twenty Seven Hillcrest Moultrie, GA 31768	Architecture

FWA Group
10 Pope Avenue Office Park
P. O. Box 5910
Hilton Head Island, SC 29938

Architecture

Weiskopf/Morrish
10820 E. 45th St., Suite 205
Tulsa, OK 74146

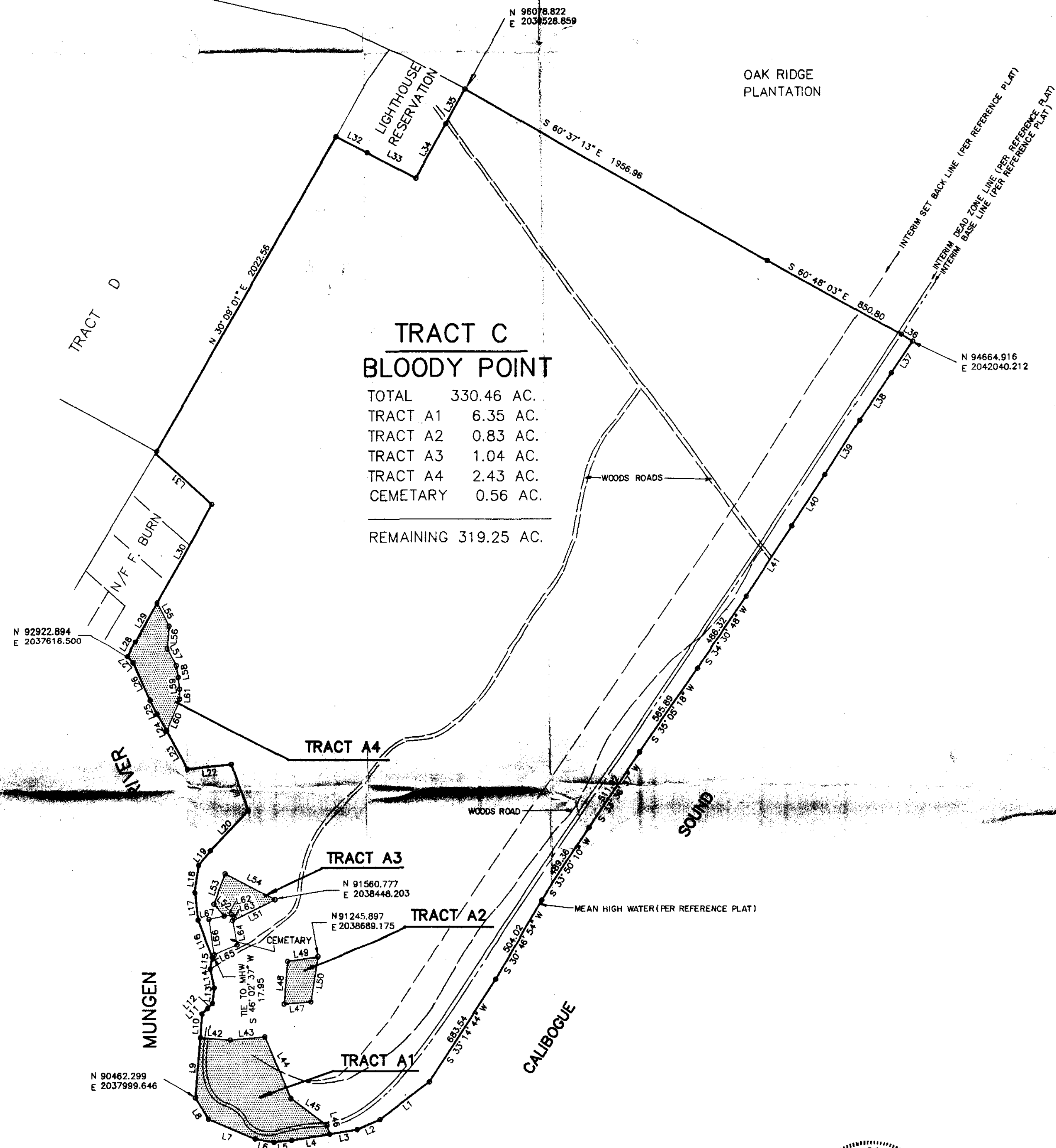
Golf Course
Architecture

Introduction: The
Daufuskie Island Club

01000

LINE TABLE

LINE	BEARING	DISTANCE
1	S 53° 08' 25" W	348.39
2	S 67° 01' 08" W	142.82
3	S 80° 48' 52" W	157.27
4	S 80° 45' 52" W	218.06
5	S 85° 30' 09" W	99.51
6	N 80° 06' 11" W	106.86
7	N 87° 05' 18" W	283.63
8	N 32° 01' 24" W	139.80
9	N 04° 33' 25" E	335.52
10	N 04° 33' 25" E	132.06
11	N 47° 54' 24" E	45.20
12	N 44° 45' 20" E	40.30
13	N 08° 58' 08" E	66.58
14	N 12° 36' 07" W	108.15
15	N 08° 49' 57" E	66.14
16	N 21° 47' 32" W	218.70
17	N 08° 36' 43" W	152.80
18	N 08° 59' 11" E	154.20
19	N 39° 41' 58" E	108.30
20	N 42° 54' 00" E	308.75
21	N 19° 15' 01" W	280.80
22	S 83° 36' 07" W	250.57
23	N 29° 37' 02" W	243.76
24	N 29° 37' 02" W	108.72
25	N 28° 30' 30" W	87.67
26	N 24° 43' 49" W	230.35
27	N 43° 14' 24" W	47.06
28	N 29° 41' 08" E	95.02
29	N 29° 41' 08" E	246.40
30	N 29° 41' 08" E	631.49
31	N 48° 43' 01" W	428.99
32	S 83° 23' 52" E	199.06
33	S 62° 13' 53" E	308.46
34	N 29° 09' 58" E	348.81
35	N 29° 13' 35" E	220.97
36	S 58° 33' 03" E	74.31
37	S 34° 02' 41" W	213.85
38	S 34° 02' 41" W	315.88
39	S 32° 28' 06" W	358.16
40	S 33° 09' 25" W	341.58
41	S 33° 18' 18" W	465.41
42	S 85° 36' 01" E	171.11
43	N 84° 40' 08" E	194.28
44	S 23° 05' 28" E	374.89
45	S 53° 23' 41" E	252.30
46	S 16° 42' 11" E	50.86
47	S 85° 24' 24" W	150.81
48	N 04° 34' 21" E	239.56
49	N 81° 34' 59" E	171.30
50	S 08° 40' 34" W	254.73
51	S 63° 40' 45" W	284.32
52	N 41° 20' 35" W	88.85
53	N 21° 12' 44" E	180.62
54	S 62° 42' 46" E	312.51
55	S 27° 33' 19" E	147.34
56	S 05° 28' 43" W	128.36
57	S 28° 25' 51" E	105.41
58	S 09° 23' 50" E	66.17
59	S 08° 54' 36" E	65.39
60	S 22° 46' 04" W	191.20
61	S 00° 22' 08" E	55.73
62	N 78° 11' 57" E	41.80
63	S 10° 48' 19" E	34.56
64	S 10° 48' 19" E	132.45
65	S 85° 57' 44" W	139.59
66	N 09° 21' 27" W	198.75
67	N 78° 11' 57" E	89.13

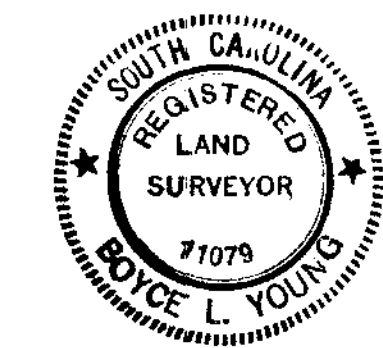
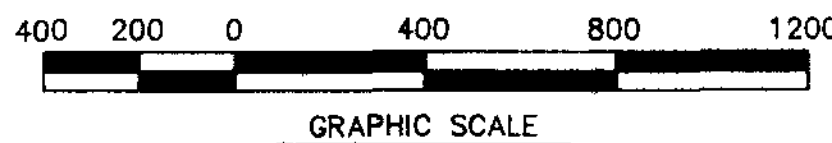


**TRACT C
BLOODY POINT**

TOTAL 330.46 AC.
 TRACT A1 6.35 AC.
 TRACT A2 0.83 AC.
 TRACT A3 1.04 AC.
 TRACT A4 2.43 AC.
 CEMETARY 0.56 AC.
 REMAINING 319.25 AC.

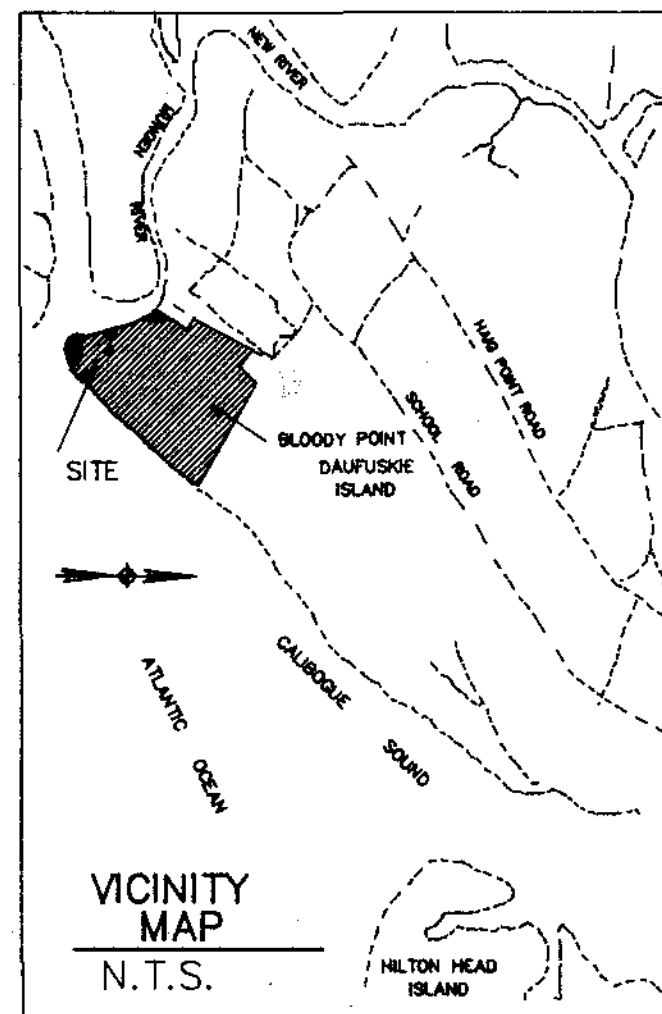
REFERENCES
 1. PLAT OF THE LANDS OF THE ESTATE OF MORTON DEUTSCH AND SURFSIDE DEVELOPMENT COMPANY TOTALING 541.74 ACRES. BY SOUTHEASTERN SURVEYING, CO. DATED MAR. 25, 1988 (REV. JUNE 8, 1988)

NOTES
 1. ALL COORDINATES ARE BASED ON THE SOUTH CAROLINA PLANE COORDINATE SYSTEM.
 2. PROPERTY OWNED BY THE BLOODY POINT LIMITED PARTNERSHIP.



TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.
 TO THE BEST OF MY KNOWLEDGE AND BELIEF ALL BEARINGS, MEASUR COURSES AND DISTANCES, AND MONUMENT LOCATIONS HAVE BEEN PROVED BY LAND SURVEY.
 TO THE BEST OF MY KNOWLEDGE AND BELIEF THE RATIO OF PRECISION OF SURVEY IS 1" = 132,000' AS SHOWN HEREON AND THE AREA WAS DETERMINED BY COORDINATE METHOD OF AREA CALCULATION.

Boyce L. Young
 BOYCE L. YOUNG
 S.C. REGISTERED SURVEYOR LICENSE NO. 71079
 THOMAS & HUTTON ENGINEERING CO.
 SAVANNAH GEORGIA



A PLAT OF
ARCHEOLOGICAL TRACTS
1 THRU 4 LOCATED ON BLOODY POINT
 SURVEYED FOR
 THE BLOODY POINT LIMITED PARTNERSHIP
 DAUFUSKIE ISLAND
 BEAUFORT COUNTY
 SOUTH CAROLINA

RECORDED IN BOOK ____ PAGE ____
 DATE ____
 IN THE OFFICE OF
 CLERK OF COURT
 BEAUFORT COUNTY S.C.
 REPLACES PLATS IN
 BOOK ____ PAGE ____

SCALE 1" = 400'
 FILE J-8045
 DATE DEC. 19, 1988

THIS SHEET CONTAINS ____ LOTS, TOTAL

LINE DATA

LINE	BEARING	DISTANCE
1	N 24° 08' 09"E	33.08
2	S 88° 12' 32"W	229.22
3	N 28° 25' 49"E	428.02
4	NOT USED	
5	N 28° 15' 03"E	51.54
6	N 27° 07' 28"E	333.00
7	N 28° 23' 26"E	43.23
8	N 28° 52' 15"E	302.01
9	N 25° 45' 58"E	218.35
10	S 78° 13' 31"E	20.03
11	S 81° 57' 55"E	237.38
12	S 77° 41' 24"E	185.48
13	S 61° 08' 45"E	279.75
14	NOT USED	
15	S 84° 52' 12"E	159.00
16	S 34° 05' 08"W	59.34
17	S 37° 52' 42"W	50.39
18	S 30° 14' 43"W	300.26
19	S 29° 21' 15"W	189.08
20	S 63° 23' 49"E	308.45
21	S 62° 13' 53"E	348.81
22	N 28° 08' 58"E	220.97
23	N 28° 13' 35"E	74.31
24	S 58° 33' 03"E	213.05
25	S 34° 02' 41"W	315.88
26	S 34° 02' 41"W	358.18
27	S 32° 29' 08"W	341.58
28	S 33° 09' 25"W	405.41
29	S 33° 18' 19"W	348.38
30	S 53° 08' 25"W	142.52
31	S 67° 01' 08"W	375.33
32	S 80° 45' 52"W	99.51
33	S 85° 30' 09"W	106.86
34	N 80° 08' 11"W	152.80
35	N 87° 05' 19"W	139.80
36	N 32° 01' 24"W	487.58
37	N 04° 33' 25"E	45.20
38	N 47° 54' 24"E	40.30
39	N 44° 45' 20"E	68.58
40	N 08° 58' 08"E	108.15
41	N 12° 39' 07"W	218.70
42	N 08° 49' 57"E	152.80
43	N 21° 47' 32"W	154.20
44	N 08° 38' 43"W	108.30
45	N 08° 59' 11"E	308.75
46	N 39° 41' 58"E	280.80
47	N 42° 54' 00"E	250.57
48	N 19° 15' 01"W	350.48
49	S 83° 38' 07"W	87.87
50	N 28° 37' 02"W	230.35
51	N 28° 30' 30"W	47.08
52	N 24° 43' 49"W	95.02
53	N 43° 14' 24"W	245.25
54	N 28° 41' 08"E	245.25
55	S 30° 10' 49"W	245.25
56	S 30° 10' 49"W	200.84
57	S 30° 10' 49"W	93.45
58	S 30° 10' 49"W	40.28
59	S 30° 10' 49"W	102.18
60	N 53° 18' 05"W	70.01
61	N 31° 38' 23"W	340.73
62	N 61° 03' 30"W	238.30
63	N 82° 58' 52"W	37.75
64	N 81° 48' 14"W	139.39
65	N 82° 22' 40"W	157.23
66	N 85° 57' 56"W	90.77
67	N 11° 54' 20"E	27.08
68	N 67° 58' 33"W	84.25
69	N 70° 28' 02"W	68.24
70	N 84° 10' 05"W	73.45
71	N 84° 10' 05"W	141.82
72	S 81° 28' 20"W	80.88
73	S 78° 20' 54"W	209.48
74	N 68° 12' 32"W	232.84
75	S 68° 25' 10"W	31.28
76	S 81° 30' 27"W	51.33
77	N 32° 34' 29"W	187.25
78	N 31° 28' 29"E	50.76
79	N 07° 57' 42"E	183.02
80	N 48° 42' 01"W	129.51
81	S 12° 15' 17"W	59.06
82	S 24° 33' 45"W	157.27
83	S 57° 17' 37"W	127.71
84	S 88° 17' 58"W	124.84
85	S 81° 51' 35"W	114.88
86	N 71° 30' 05"W	107.55
87	N 58° 08' 32"W	239.18
88	N 81° 03' 30"W	
89	N 81° 03' 30"W	
90	NOT USED	
91	S 30° 02' 01"W	16.38
92	THRU 106 NOT USED	
107	N 81° 08' 21"W	219.03
108	N 77° 39' 25"W	184.52
109	N 78° 11' 57"E	131.03
110	S 10° 48' 19"E	187.01
111	S 65° 57' 44"W	139.59
112	N 09° 21' 22"W	198.75

REFERENCES

- "PLAT OF BLOODY POINT PLANTATION" BY BARRETT & EXLEY, INC., DATED SEPTEMBER, 1974.
- MAP OF "BLOODY PT. PLANTATION" BY ARTHUR D. CHRISTENSEN DATED SEPTEMBER, 1, 1981. RECORDED IN A.O.C. PLAT FILE R-159, BEAUFORT COUNTY COURTHOUSE.
- "SURVEY PLAT OF THE EIGELBERGER TRACT" BY ENGINEERING AND CONSTRUCTION SERVICES, INC. DATED MAY, 1975.
- MAP OF "EIGELBERGER OR OAKLAWN PLANTATION" BY ARTHUR D. CHRISTENSEN, DATED APRIL 16, 1952. RECORDED IN A.O.C. PLAT FILE P-435, BEAUFORT COUNTY COURTHOUSE.
- MAP OF "SITES FOR BEACONS OF THE BLOODY POINT RANGE" SURVEYOR AND DATE UNKNOWN. RECORDED IN DEED BOOK 13 PAGE 25, BEAUFORT COUNTY COURTHOUSE.
- PLAT OF "5.18 ACRES OF BENJES POINT PLANTATION" BY NIELS CHRISTENSEN III, DATED MARCH 26, 1986. RECORDED IN DEED BOOK 493 PAGE 2011 BEAUFORT COUNTY COURTHOUSE.
- PLAT OF "PARCELS A, B & C" BY THOMAS B. RICHARDSON, DATED JUNE 14, 1985. RECORDED IN DEED BOOK 444 PAGE 1213 BEAUFORT COUNTY COURTHOUSE.
- PLAT PREPARED AT THE REQUEST OF HARRIS PARKER BY FORREST BAUGHMAN, DATED MARCH 11, 1983.
- "PLAT OF THE PROPERTY OF G.H. BOSTWICK" BY COASTAL SURVEYING CO., INC., DATED MAY 2, 1980.

ACREAGE CHART

TRACT A	EIGELBERGER	1.98
TRACT B	BLOODY POINT	199.28
TRACT C	MORRISON	330.48
TRACT D		10.00
TOTAL		541.74

NOTES

- COORDINATES BASED ON SOUTH CAROLINA STATE GRID, SOUTH ZONE.
- SETBACK LINE BASED ON AN ESTIMATED ANNUAL EROSION RATE OF 8.4 FEET/YEAR TIMES 40 YEARS PER NOAA/NOS HISTORICAL SHORELINES FOR THE TIME PERIOD 1954-1983.
- THIS PROPERTY LIES IN ZONES B, C, 47 (ELEV. 14), 47 (ELEV. 15), 47 (ELEV. 16) V9 (ELEV. 17), V9 (ELEV. 18), V9 (ELEV. 19) AND V9 (ELEV. 22) PER FERM DATED 29 SEPTEMBER, 1986.
- LOCATION AND SIZE OF CEMETERY DETERMINED BY FIELD OBSERVATION.
- LOCATION AND CONFIGURATION OF WOODS ROADS AS SHOWN ARE APPROXIMATE AND HAVE NOT BEEN SURVEYED AS OF THIS DATE.

THE LOCATIONS OF THE INTERIM BASE, DEAD ZONE AND SET BACK LINES SHOWN ARE SUBJECT TO REVIEW AND REVISION AND ARE NOT TO BE INTERPRETED AS OFFICIAL. THEY ARE INTENDED AS AN AID TO SITE PLANNING.

LEGEND

IPF	IRON PIPE (OR PIN) FOUND
CMF	CONCRETE MONUMENT FOUND
CMS	CONCRETE MONUMENT SET
MHW	MEAN HIGH WATER (3.5' MEAN SEA LEVEL)
	OLD WOODS ROAD

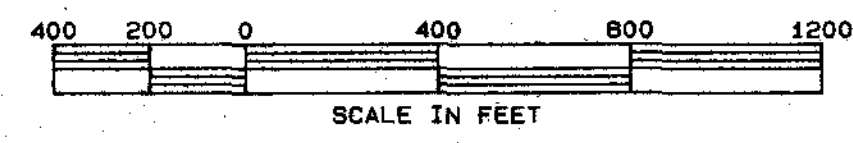
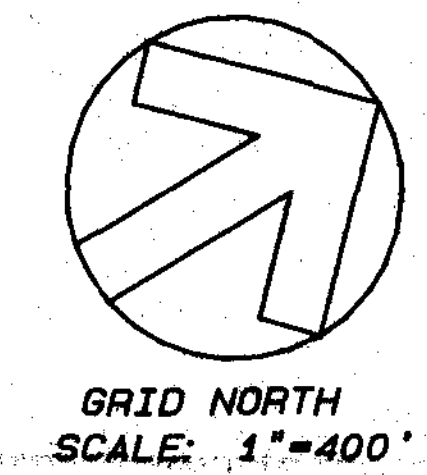
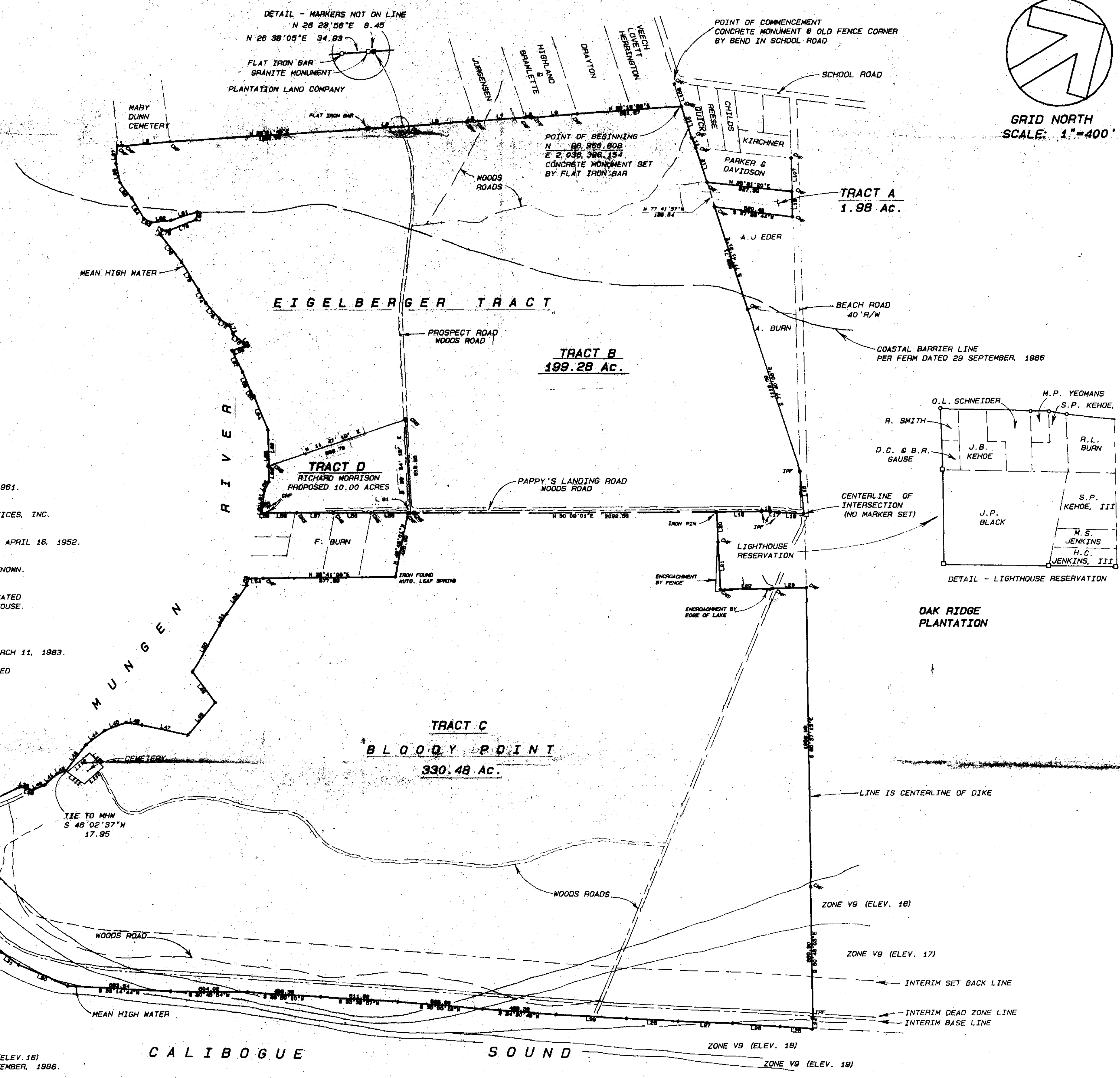
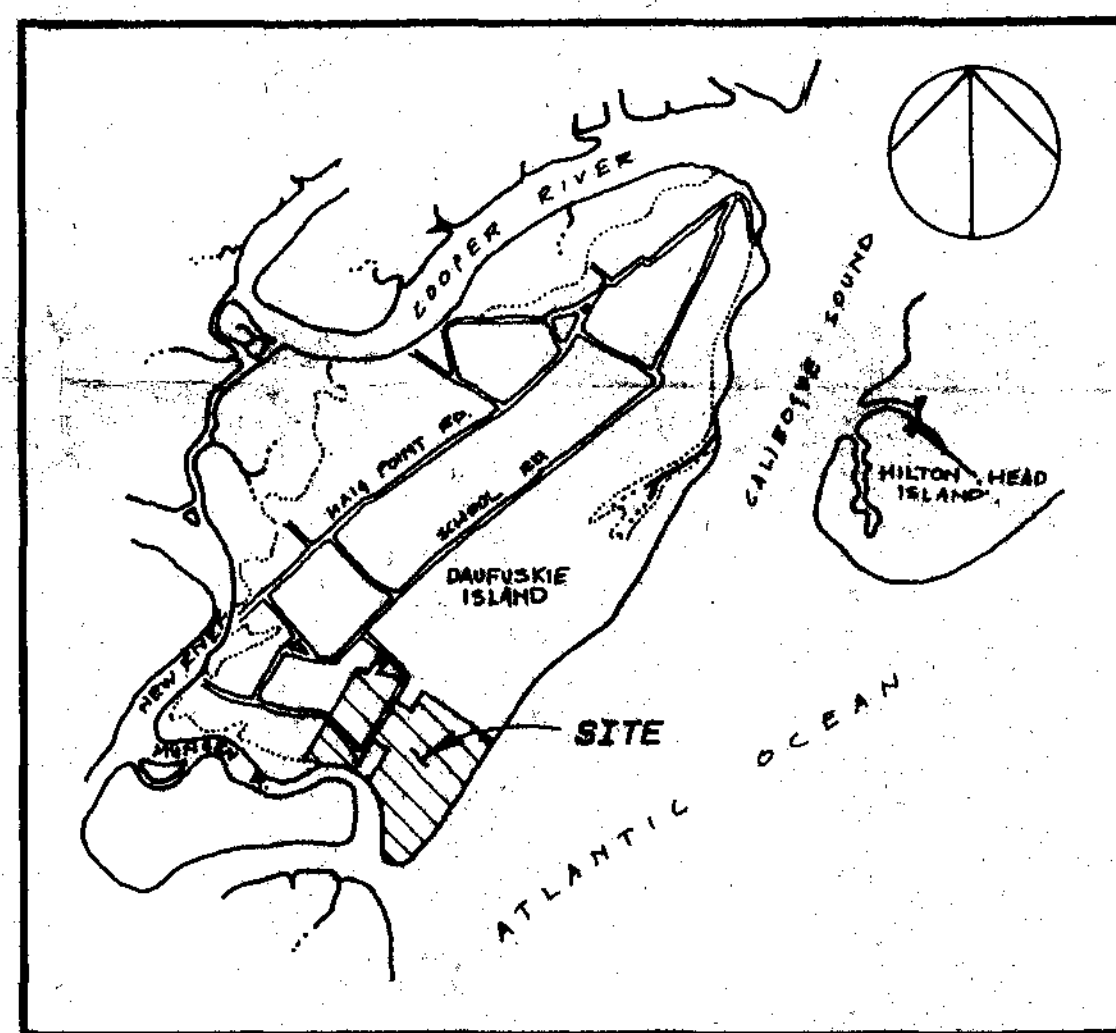
I, MATTHEW M. CRAWFORD, A PROFESSIONAL SURVEYOR OF THE STATE OF SOUTH CAROLINA DO HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY SHOWN HEREON AND THAT THIS PLAT SHOWS THE TRUE DIMENSIONS OF THE PROPERTY AND THAT ALL NECESSARY MARKERS HAVE BEEN INSTALLED AND THE PRECISION IS 1/20000.

S.C. REG. No. 9758
NOT VALID UNLESS EMBOSSED WITH SEAL

PLAT OF THE LANDS OF THE ESTATE OF MORTON DEUTSCH AND SURFSIDE DEVELOPMENT COMPANY TOTALING 541.74 ACRES

DATE: 25 MARCH, 1988
DRAWN BY: DDN
CHECKED BY: M
REVISIONS:
1. 30 MARCH, 1988
2. 22 APRIL, 1988
3. 27 APRIL, 1988
4. 2 MAY, 1988
5. 19 MAY, 1988
6. 8 JUNE, 1988
7. 21 JULY, 1988

SHEET 1 OF 1



THE DAUFUSKIE ISLAND CLUB

The Development Team and the Land

In July 1988, the Bloody Point Limited Partnership acquired several parcels of land on Daufuskie Island formerly owned by the Estate of Morton Deutsch and Surfside Development Company, Inc., Savannah, Georgia. This application applies to a 330.48 acre parcel known as the Bloody Point tract.

The Bloody Point Limited Partnership is a duly organized and registered South Carolina limited partnership composed of The Melrose Company, Inc., as its general partner, and limited partners consisting of many of the same people involved with the development of The Melrose Club.

Since last July, the Melrose Company has proceeded with preliminary engineering, research and planning for the development of the 330.48 acres at Bloody Point. As you will note in the preceding section, the development team is composed of a variety of firms and individuals who also participated in Melrose.

We have prepared a simple and very low density plan that conforms to the Beaufort County Development Standards Ordinance.

THE DAUFUSKIE ISLAND CLUB

PREPARED FOR:
THE MELROSE COMPANY
HILTON HEAD ISLAND, SOUTH CAROLINA

LANDSCAPE ARCHITECTURE AND PLANNING BY:
EDWARD PINCKNEY/ASSOCIATES, LTD.
HILTON HEAD ISLAND, SOUTH CAROLINA
CIVIL ENGINEERS AND SURVEYING:
THOMAS & HUTTON ENGINEERING COMPANY
SAVANNAH, GEORGIA

LEGAL:
JONES, SCHEIDER & PATTERSON, P.A.
HILTON HEAD ISLAND, SOUTH CAROLINA

COASTAL MANAGEMENT:
COASTAL SCIENCE & ENGINEERING, INC.
COLUMBIA, SOUTH CAROLINA

ARCHAEOLOGY:
DR. PAUL BROCKINGTON
ATLANTA, GEORGIA

COASTAL INSURANCE CONSULTANT
COASTAL PLAINS INSURANCE COMPANY, INC.
HILTON HEAD ISLAND, SOUTH CAROLINA

ENVIRONMENTAL:
NEWKIRK ENVIRONMENTAL CONSULTANTS
CHARLESTON, SOUTH CAROLINA

PHOTOGRAMMETRISTS:
KUCHERA INTERNATIONAL
ATLANTA, GEORGIA



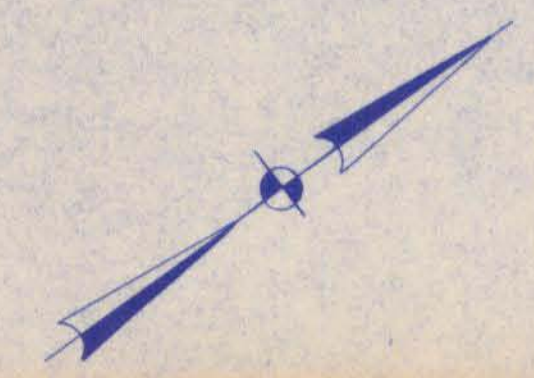
CONCEPTUAL MASTER PLAN

DATE: MARCH 1, 1989
REVISED: MARCH 16, 1989

NOTE:

THIS CONCEPTUAL MASTER PLAN REPRESENTS THE PROJECTED FUTURE DEVELOPMENT OF THE DAUFUSKIE ISLAND CLUB. THIS PLAN IS SUBJECT TO CHANGE IN RESPONSE TO CHANGING REQUIREMENTS OF GOVERNMENTAL AGENCIES, PROPERTY OWNERS' NEEDS AS DETERMINED BY THE DEVELOPER, AND INCREASED KNOWLEDGE OF ECOLOGICAL WEADE

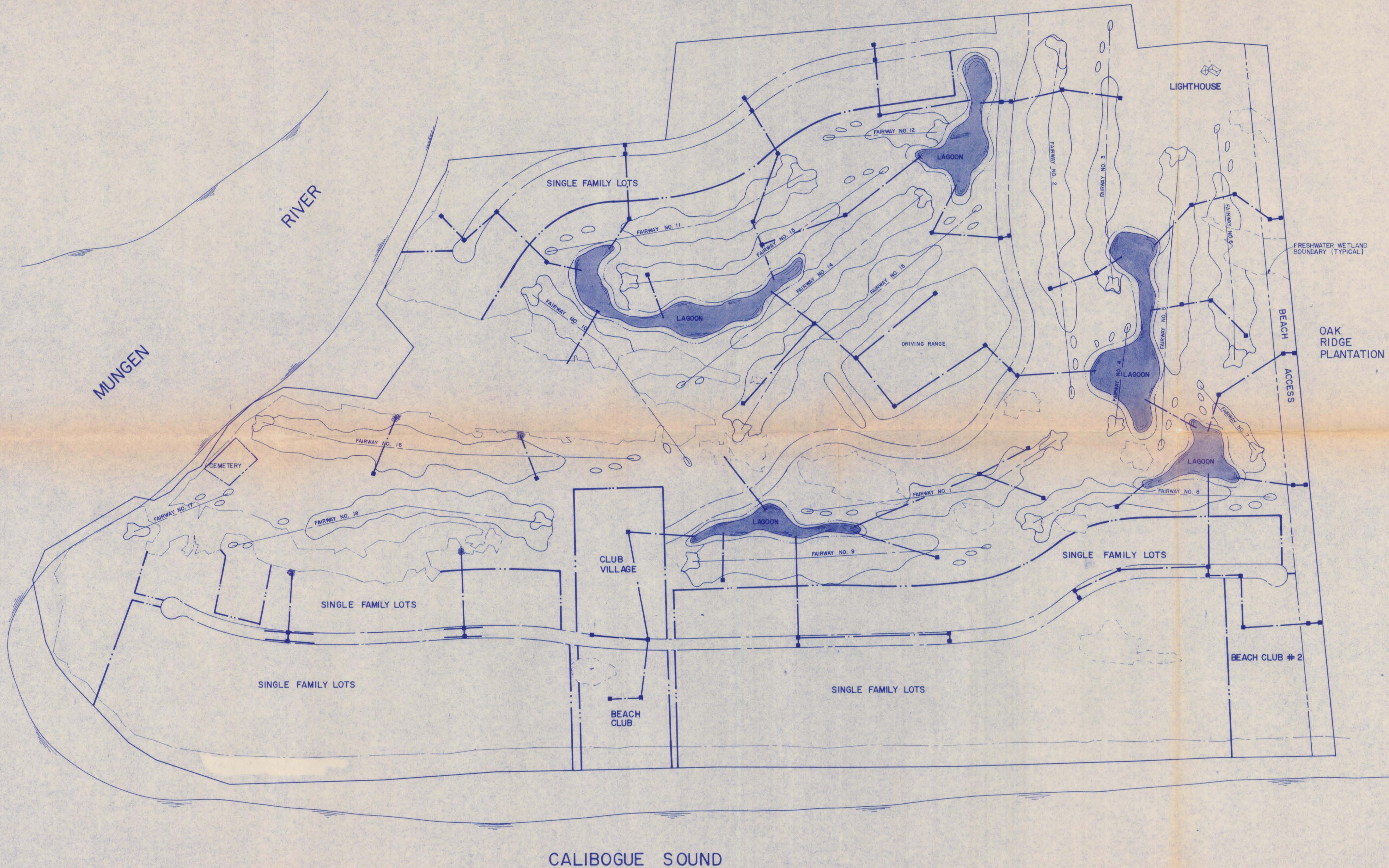




LEGEND

- GRATE INLET
- PIPE
- ▽ CONTROL STRUCTURE
- ▒ OUTFALL FILTER

EIGELBERGER TRACT



THOMAS & HUTTON
 ENGINEERING CO.
 3 OGLETHORPE
 PROFESSIONAL BOULEVARD
 SAVANNAH GEORGIA 31406

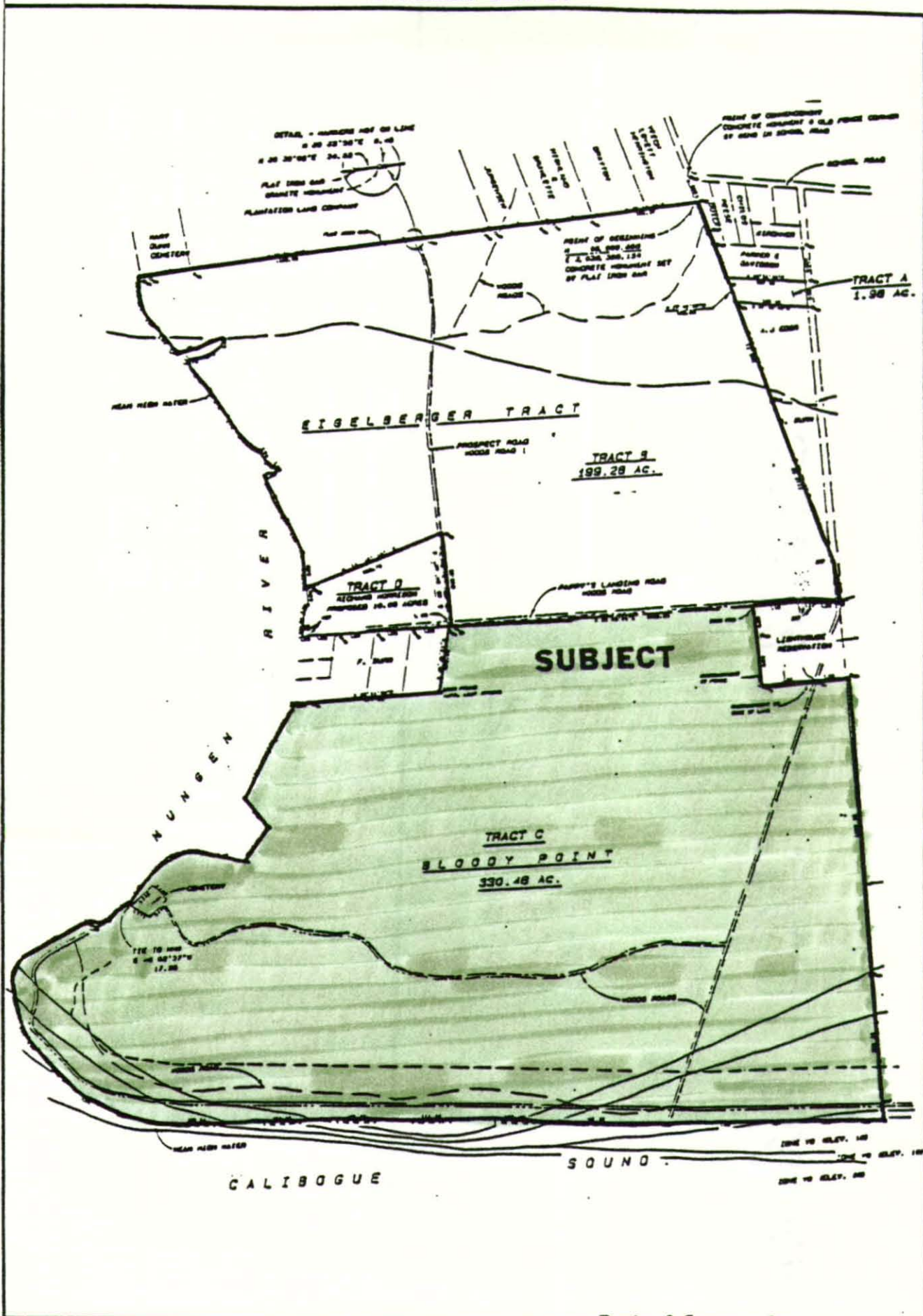
BLOODY POINT
 DAUFUSKIE ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA
**CONCEPTUAL DRAINAGE
 MASTER PLAN**

JOB NO. J-5715
 DATE: MARCH 14, 1989
 DRAWN: C.M.F.
 CHECKED: S.M.
 SCALE: 1" = 200'

SHEET
1
 OF
1

CALIBOGUE SOUND

BOUNDARY SURVEY



Pardue & Company, Inc.

00016

The Development Product

The Bloody Point tract is a spectacular parcel of land including over a mile of Atlantic beachfront and a mile of frontage along the Mungen River.

The development of the tract will include ninety-nine single family homesites composed of thirty-five oceanfront estates, forty 2nd row ocean/golf fairway sites and twenty-four other golf fairway sites overlooking multiple fairways. These lot owners will also be members of the Club, known as The Daufuskie Island Club.

The Daufuskie Island Club will include an 18-hole championship golf course, an eight-bedroom founders' house, a golf professional shop, roads and utilities, club cottages and separate golf oriented clubhouse with dining facilities, locker rooms and other member services. Additional land uses include wastewater treatment, club services, club dock and fishing pier, salt marshes and open spaces, five small cottage sites (future development), a beachfront development site for future commercial/residential uses and a new and greatly enhanced public beach access.

The accompanying land use development summary outlines the uses within the 330.48 acres.

The club will operate as a non-profit club offering equity memberships to individuals and corporations and will include 550 Founding Members.

The Daufuskie Island Club will function as a private club and will not be marketed as a primary, first home club or community. Instead, each member will acquire a traditional equity membership, just like most other traditional golf or country clubs, and will utilize Daufuskie Island as a second club. The membership will be composed of individuals and professional/business ownership entities from across the United States.

On the average, there will be more than two acres of land for each single family dwelling or cottage residence.

The Melrose Company will have complete sets of land use covenants, deed restrictions, by-laws, club rules and regulations and other documents available for review by the Beaufort County Joint Planning Commission staff members well in advance of recording of final plats and documents pertaining to The Daufuskie Island Club. The covenants and restrictions shall be binding on the Company (developer) and on each site owner and member of the club. These restrictive covenants will designate specific land uses and set forth other important guidelines that relate to building setbacks, land use improvements and all governing rules that coincide with Beaufort County, State and Federal standards as well as those standards set by the Company for club operations.

TOTAL ACREAGE 330.48 ACRES

Land Use Development Summary

<u>APPROXIMATE LAND AREA IN ACRES</u>	<u>LAND USE DESCRIPTION</u>	<u>PROPOSED COMPLETION</u>
7.0	PUBLIC BEACH ACCESS	1990
6.0	FUTURE DEVELOPMENT (OCEANSIDE AND ADJACENT PUBLIC BEACH ACCESS)	1993
95.0	SINGLE FAMILY RESIDENTIAL	1990/1991
	35 OCEANFRONT ESTATES	
	40 SECOND ROW	
	OCEAN/GOLF FAIRWAY SITES	
	24 GOLF FAIRWAY	
9.0	OCEAN VILLAGE	1993
	CLUBHOUSE	
	FOUNDERS HOUSE	
	CLUB COTTAGES	
	PRO SHOP	
	BEACH CLUB	
15.5	FUTURE DEVELOPMENT (SINGLE FAMILY COTTAGES)	1993
20.0	SALT MARSHES	--
1.0	CLUB DOCK AND FISHING PIER	1991
4.5	CLUB SERVICES	1991
147.5	GOLF COURSE AND PRACTICE RANGE	1991
*	WASTEWATER TREATMENT	1991
18.5	ROAD RIGHTS OF WAY	1990
.5	CEMETERY	--
<u>6.5</u>	FRESH WATER WETLANDS	--
330.0	ACRES TOTAL	

* Wastewater Treatment plant is located on adjacent land space as shown on Thomas & Hutton's Preliminary Engineering Report.

00019

South Carolina
Coastal Council

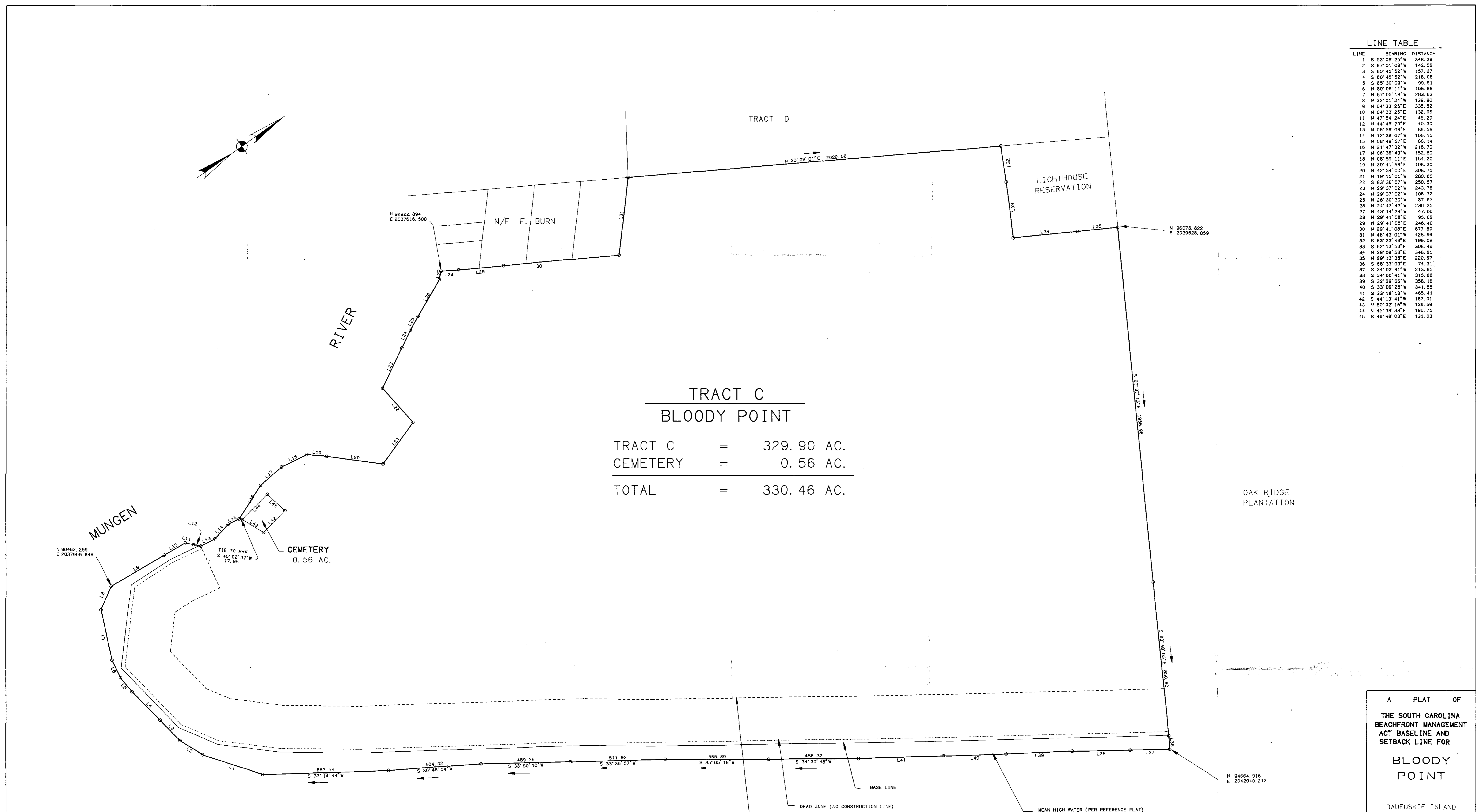
00020

LINE TABLE

LINE	BEARING	DISTANCE
1	S 33° 06' 25" W	348.39
2	S 67° 01' 08" W	145.52
3	S 80° 45' 52" W	157.27
4	S 80° 45' 52" W	218.06
5	S 83° 30' 09" W	98.51
6	N 80° 06' 11" W	106.66
7	N 87° 05' 18" W	283.63
8	N 32° 01' 24" W	138.60
9	N 04° 33' 25" E	335.52
10	N 04° 33' 25" E	132.06
11	N 47° 54' 24" E	45.20
12	N 44° 45' 20" E	40.30
13	N 06° 56' 08" E	86.58
14	N 12° 38' 07" W	108.15
15	N 08° 49' 57" E	66.14
16	N 21° 47' 32" W	218.70
17	N 06° 36' 33" W	152.60
18	N 08° 59' 11" E	154.20
19	N 39° 41' 58" E	106.30
20	N 42° 54' 00" E	306.75
21	N 18° 15' 01" W	280.60
22	S 83° 36' 07" W	250.57
23	N 29° 37' 02" W	243.76
24	N 29° 37' 02" W	106.72
25	N 26° 30' 30" W	87.67
26	N 24° 43' 49" W	230.35
27	N 43° 14' 24" W	47.06
28	N 29° 41' 08" E	95.02
29	N 29° 41' 08" E	246.40
30	N 29° 41' 08" E	877.89
31	N 48° 43' 01" W	428.99
32	S 63° 23' 49" E	199.08
33	S 62° 13' 53" E	308.46
34	N 29° 09' 58" E	348.81
35	N 29° 13' 35" E	220.97
36	S 88° 33' 03" E	74.31
37	S 34° 02' 41" W	213.65
38	S 34° 02' 41" W	315.88
39	S 32° 09' 08" W	358.18
40	S 33° 09' 25" W	341.58
41	S 33° 18' 18" W	465.41
42	S 44° 13' 41" W	167.01
43	N 59° 02' 16" W	139.59
44	N 45° 38' 33" E	196.75
45	S 46° 48' 03" E	131.03

TRACT C
BLOODY POINT

TRACT C = 329.90 AC.
CEMETERY = 0.56 AC.
TOTAL = 330.46 AC.



OAK RIDGE PLANTATION

N 84664.916
E 2042040.212

A PLAT OF
THE SOUTH CAROLINA
BEACHFRONT MANAGEMENT
ACT BASELINE AND
SETBACK LINE FOR
BLOODY POINT
DAUFUSKIE ISLAND
BEAUFORT COUNTY
SOUTH CAROLINA
SURVEYED FOR:
THE BLOODY POINT
LIMITED PARTNERSHIP

BEACH ACT DISCLOSURE STATEMENT

THE BASELINE SHOWN HEREON IS THE REPRESENTATION OF THE LINE ESTABLISHED BY AN AGENT OF THE SOUTH CAROLINA COASTAL COUNCIL ON MARCH 7, 1988. THE SETBACK IS BASED ON THE EROSION RATE AS DETERMINED BY THE SOUTH CAROLINA COASTAL COUNCIL AT BLOODY POINT OF 6.4 FEET PER YEAR FOR FORTY YEARS. THE DISTANCE FROM THE BASELINE TO THE SETBACK LINE IS 256 FEET. THE EROSION RATE AND ITS ACCURACY ARE THE RESPONSIBILITY OF THE SOUTH CAROLINA COASTAL COUNCIL.

REFERENCES

1. PLAT OF THE LANDS OF THE ESTATE OF MORTON DEUTSCH AND SURFSIDE DEVELOPMENT COMPANY TOTALING 541.74 ACRES. DATED MAR. 25, 1988 (REV. JUNE 8, 1988)

THE AREA SHOWN ON THIS PLAT IS A GENERAL REPRESENTATION OF COASTAL COUNCIL PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS, BY THEIR NATURE, ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME, BY GENERALLY DELINEATING THE PERMIT AUTHORITY OF THE COASTAL COUNCIL, THE COASTAL COUNCIL IN NO WAY WAIVES THE RIGHT TO ASSERT PERMIT JURISDICTION IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY WHETHER SHOWN OR NOT.

BY John B. Colborn DATE 3/17/89

TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

TO THE BEST OF MY KNOWLEDGE AND BELIEF ALL BEARINGS, MEASUREMENTS OF COURSES AND DISTANCES, AND MONUMENT LOCATIONS HAVE BEEN PROVEN BY LAND SURVEY.
TO THE BEST OF MY KNOWLEDGE AND BELIEF THE RATIO OF PRECISION OF THE FIELD SURVEY IS 1"/132,000' AS SHOWN HEREON AND THE AREA WAS DETERMINED BY THE COORDINATE METHOD OF AREA CALCULATION.

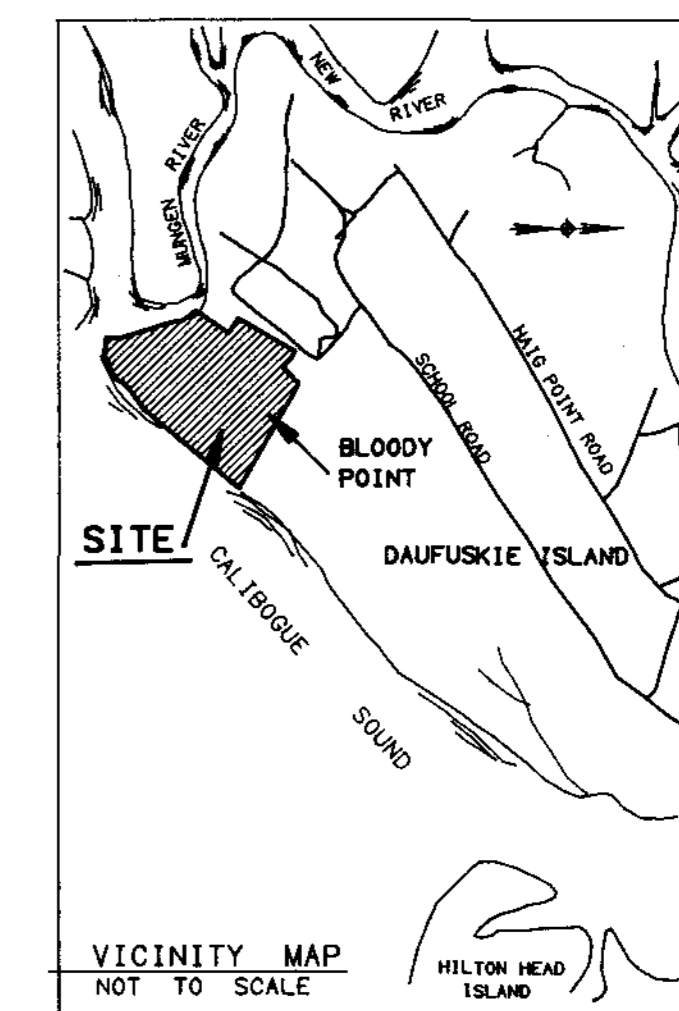
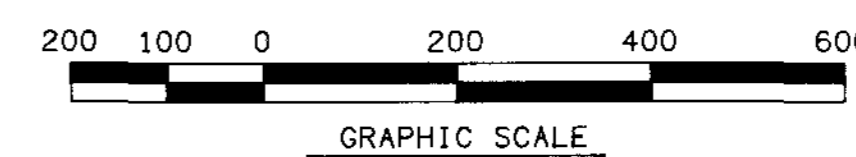
Boyd L. Young
BOYD L. YOUNG
S.C. REG. LAND SURVEYOR NO. 11078



THOMAS & HUTTON ENGINEERING CO.
SAVANNAH GEORGIA

NOTES

1. ALL COORDINATES ARE BASED ON THE SOUTH CAROLINA PLANE COORDINATE SYSTEM.
2. ALL PROPERTY CORNERS ARE MARKED BY CONCRETE MONUMENTS OR IRON PINS.
3. SETBACK LINE BASED ON AN EROSION RATE OF 6.4 FEET PER YEAR FOR A PERIOD OF FORTY (40) YEARS.
4. SOUTH CAROLINA COASTAL COUNCIL SETBACK LINE, BASELINE & DEAD ZONE LINE SHOWN HAVE BEEN SET BASED ON THE MOST RECENT DATA AVAILABLE AS OF 3/15/89. DATA IS BASED ON S.C. COASTAL COUNCIL POINTS 1160 & BLOODY POINT.



RECORDED IN BOOK _____ PAGE _____
DATE _____
IN THE OFFICE OF
CLERK OF COURT
BEAUFORT COUNTY S. C.
REPLACES PLATS IN
BOOK _____ PAGE _____
SCALE 1" = 200'
FILE J-6180
DATE 3/13/89
THIS SHEET CONTAINS _____ LOTS, TOTAL _____

LINE DATA

LINE	BEARING	DISTANCE
1	N 24° 08' 08" E	33.08
2	N 28° 10' 01" E	318.39
3	N 28° 05' 49" E	280.84
4	N 28° 10' 03" E	489.82
5	N 28° 10' 03" E	31.54
6	N 28° 10' 03" E	31.54
7	N 28° 10' 03" E	31.54
8	N 28° 10' 03" E	31.54
9	N 28° 10' 03" E	31.54
10	S 81° 57' 58" E	70.03
11	S 77° 41' 24" E	237.98
12	S 81° 09' 45" E	185.48
13	S 84° 52' 12" E	278.75
14	S 34° 05' 08" W	158.50
15	S 37° 52' 42" W	56.34
16	S 30° 14' 43" W	56.39
17	S 29° 21' 15" W	300.28
18	S 25° 23' 40" E	189.08
19	S 32° 13' 53" E	308.48
20	N 29° 09' 58" E	348.81
21	N 29° 13' 35" E	220.97
22	S 58° 39' 03" E	74.31
23	S 34° 02' 41" W	213.85
24	S 34° 02' 41" W	315.88
25	S 32° 29' 08" W	358.18
26	S 33° 08' 28" W	341.58
27	S 33° 18' 38" W	485.41
28	S 33° 07' 28" W	348.38
29	S 87° 01' 08" W	142.52
30	S 80° 45' 52" W	375.33
31	S 85° 30' 09" W	88.51
32	N 80° 08' 11" W	108.88
33	N 87° 05' 18" W	283.63
34	N 32° 01' 24" W	138.60
35	N 04° 33' 25" E	487.58
36	N 47° 54' 24" E	45.20
37	N 44° 45' 20" E	40.50
38	N 08° 56' 08" E	86.58
39	N 12° 36' 07" W	108.15
40	N 08° 49' 57" E	88.14
41	N 21° 47' 32" W	118.70
42	N 08° 36' 43" W	152.80
43	N 08° 59' 11" E	154.20
44	N 39° 41' 58" E	108.30
45	N 42° 54' 00" E	308.75
46	N 49° 15' 01" W	280.50
47	S 83° 38' 07" W	250.57
48	N 28° 37' 02" W	350.48
49	N 28° 30' 30" W	87.87
50	N 24° 43' 48" W	230.85
51	N 43° 14' 24" W	47.08
52	N 29° 41' 08" E	95.02
53	S 30° 10' 48" W	245.25
54	S 30° 10' 48" W	245.25
55	S 30° 10' 48" W	245.25
56	S 30° 10' 48" W	200.84
57	S 30° 10' 48" W	33.45
58	N 53° 18' 05" W	40.28
59	N 53° 18' 05" W	102.18
60	N 31° 28' 23" W	70.01
61	N 81° 03' 30" W	107.55
62	N 81° 03' 30" W	233.18
63	N 82° 59' 52" W	236.30
64	S 81° 48' 14" W	37.75
65	N 82° 22' 40" W	139.38
66	N 85° 57' 56" W	157.23
67	N 11° 54' 20" E	80.77
68	N 67° 58' 53" W	27.08
69	S 70° 28' 02" W	84.25
70	N 84° 10' 05" W	85.24
71	S 81° 28' 20" W	73.45
72	S 79° 29' 54" W	141.82
73	N 88° 12' 38" W	88.88
74	S 88° 28' 51" W	356.48
75	S 81° 30' 27" W	232.24
76	N 38° 34' 08" E	81.58
77	N 31° 28' 38" E	54.38
78	N 07° 57' 42" E	187.28
79	N 46° 42' 01" W	50.78
80	S 12° 10' 17" W	183.92
81	S 24° 33' 49" W	126.51
82	S 57° 17' 37" W	59.88
83	S 89° 17' 58" W	157.27
84	S 81° 51' 35" W	127.71
85	N 71° 30' 05" W	124.84
86	N 56° 08' 32" W	114.89
87	S 50° 09' 01" W	18.38
88	N 78° 11' 57" E	133.08
89	S 10° 48' 18" E	187.01
90	S 85° 57' 44" W	130.58
91	N 09° 21' 22" W	198.75
92	S 77° 41' 57" E	188.84

LEGEND

- CRITICAL AREA
- 404 WETLANDS
- PROPERTY BOUNDARY

NOTES

1. "404" FRESH WATER WETLANDS LOCATED AS FLAGGED IN FIELD BY ENVIRONMENTAL CONSULTANTS.
2. LOCATION AND CONFIGURATION OF WOODS ROADS AS SHOWN ARE APPROXIMATE AND HAVE NOT BEEN SURVEYED AS OF THIS DATE.
3. REFERENCE: "PLAT OF THE LANDS OF THE ESTATE OF MORTON DEUTSCH AND SURFSIDE DEVELOPMENT COMPANY TOTALING 541.74 ACRES" BY SOUTHEASTERN SURVEYING, INC., DATED 25 MARCH, 1988.

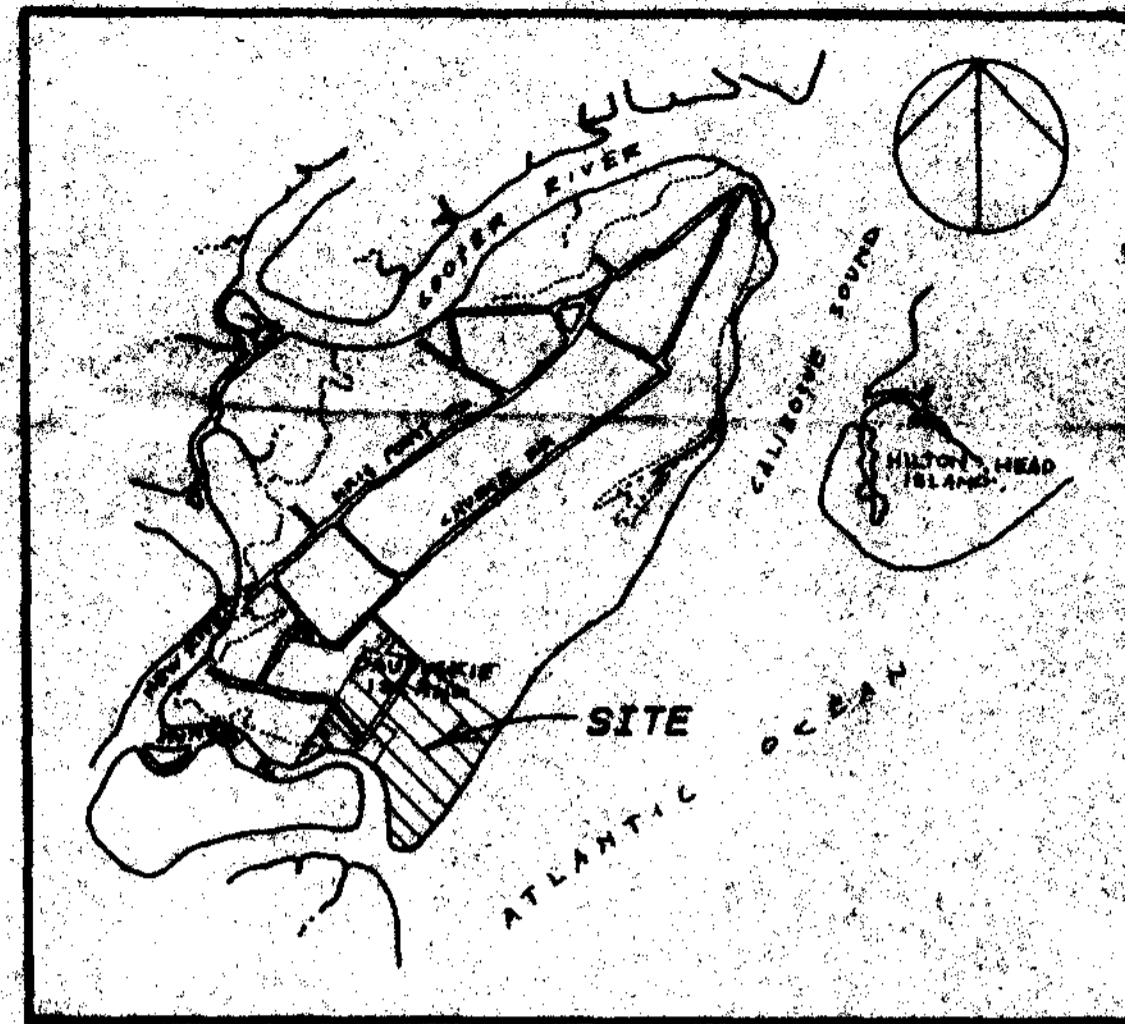
THE AREA SHOWN ON THIS PLAT IS A GENERAL REPRESENTATION OF COASTAL COUNCIL PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY THEIR NATURE ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY GENERALLY DELINEATING THE PERMIT AUTHORITY OF THE COASTAL COUNCIL, THE COASTAL COUNCIL IN NO WAY WAIVES THE RIGHT TO ASSERT PERMIT JURISDICTION IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY WHETHER SHOWN OR NOT.

Please note, Beachfront Critical Lines have been superseded by the Beach Management Act of 1983.

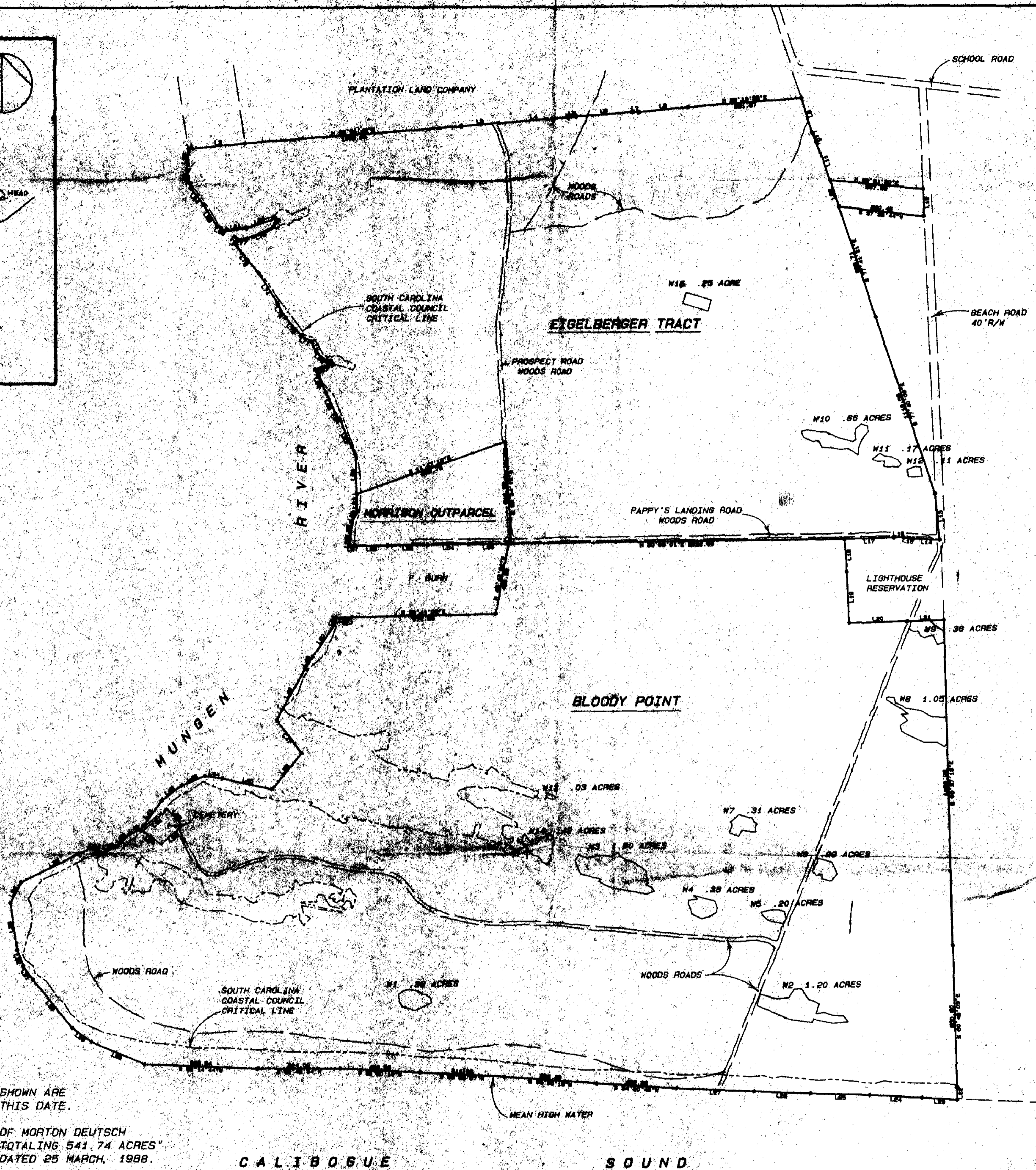
John B. Cook



88774 D-142

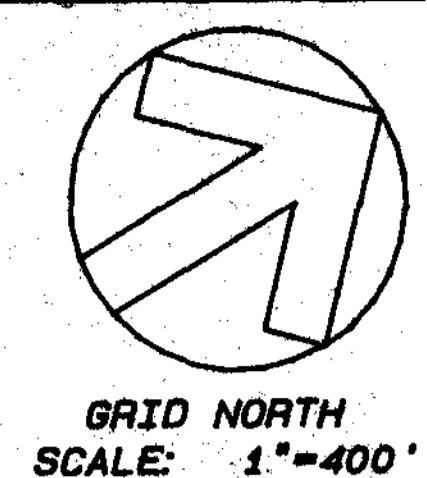


VICINITY MAP NO SCALE



ACREAGES	
WETLAND AREA	ACRES
W1	0.39
W2	1.20
W3	1.60
W4	0.38
W5	0.20
W6	0.29
W7	0.31
W8	1.05
W9	0.38
W10	0.66
W11	0.17
W12	0.11
W13	0.03
W14	0.42
W15	0.25
TOTAL	7.44
CRITICAL AREA	
EIGELBERGER TRACT*	1.72
BLOODY POINT	33.65
TOTAL	35.37

* INCLUDES MORRISON OUTPARCEL



GRID NORTH SCALE: 1"=400'

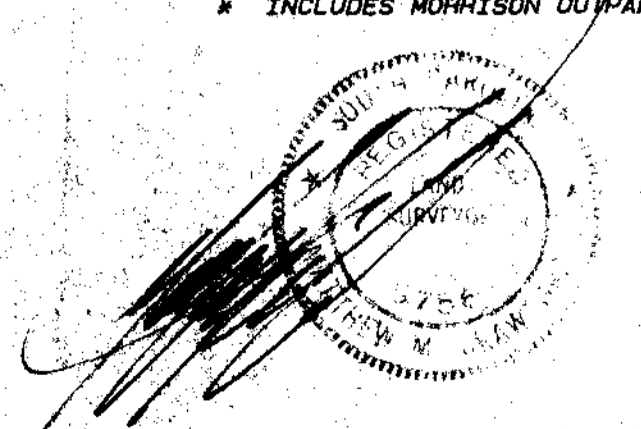
SOUTHEASTERN SURVEYING, INC.
PO BOX 7228 HILTON HEAD ISLAND, SC 29938
(803) 785-6003



MAP OF LOCATION OF CRITICAL AREA AND FRESH WATER WETLANDS ON EIGELBERGER AND BLOODY POINT TRACTS

LOCATED ON GAULFUSKIE ISLAND BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 27 MAY, 1988
DRAWN BY: DON
CHECKED BY: [Signature]
REVISIONS:
1. 21 JULY, 1988
2. 15 MARCH, 1989



South Carolina Coastal Council

When the Bloody Point Limited Partnership contracted to acquire the Bloody Point tract in March 1988, the new South Carolina Beachfront Bill was in its last draft stage.

By closing of the property in July 1988, the Beachfront Bill had become law in South Carolina. Therefore, a complete understanding and application of the new law became an integral party of the first evolution of master planning for The Daufuskie Island Club.

The new baseline, dead zone and setback zones created by the act have all been incorporated and certified by the South Carolina Coastal Council.

Site visits, separate meetings with the Council's staff in Beaufort and Charleston and careful documentation and delineation have all been part of the certification of this plan by the Coastal Council.



**SOUTH
CAROLINA
COASTAL
COUNCIL**

Ashley Corporate Center
4280 Executive Place North
Suite 300
Charleston, S.C. 29405
(803) 744-5838
Telex (803) 744-5847

John C. Hayes, III
Chairman

H. Wayne Beam, Ph.D.
Executive Director

Mr. Wayne Stokes
Community Section
Domestic Wastewater Division
S. C. Department of Health
and Environmental Control
2600 Bull Street
Columbia, SC 29201

March 31, 1989

Re: Bloody Point (PER)
Beaufort County

Dear Mr. Stokes:

The staff of the S. C. Coastal Council certifies that the above referenced project is consistent with the Coastal Zone Management Program provided that the project is constructed in accordance with conditions in the attached letter dated March 29, 1989. The developer has consented to these conditions (see attached letter dated March 30, 1989). A final site inspection will be required prior to issuance of the Coastal Council's final certification approval.

Sincerely,

H. Stephen Snyder
Director of Planning
and Certification

JHA
JHA:0006D/j
Attachments

cc: Dr. H. Wayne Beam
Mr. Christopher L. Brooks
Mr. Sam McCachern
Mr. Duncan Newkirk
Mr. Steve Kiser, Melrose Company

00024

Newkirk Environmental Consultants, Inc.

167 EAST BAY STREET, SUITE 204 • CHARLESTON, SOUTH CAROLINA 29401 • (803) 722-4958

March 22, 1989

Mr. Fritz Aichelle
South Carolina Coastal Council
4280 Executive Place North
Suite 300
Charleston, SC 29405

RE: Bloody Point Development,
Daufuskie Island, SC

Dear Fritz:

The Melrose Company would like to request conceptual certification for a proposed development to be known as the Daufuskie Island Club located on Bloody Pointe Plantation on Daufuskie Island, Beaufort County, South Carolina. Attached are the following documents for your review in considering this request:

1. A conceptual master plan;
2. A map signed by John Cooler which depicts the location of the critical areas and the 404 freshwater wetlands;
3. A letter from the Corps of Engineers approving the location of the 404 freshwater wetlands on the plat;
4. A plat signed by John Cooler which depicts the baseline on the property designated under the S. C. Beachfront Management Act;
5. A plat signed by John Cooler which depicts the location of the baseline dead zone and 40-year erosional setback line designated under the S. C. Beachfront Management Act; and
6. A conceptual drainage master plan developed by Thomas & Hutton Engineering Company.

As reflected on the conceptual development plan, the first phase of the development will encompass 330.46 acres of land which extends from Pappy's Landing Road to Calibogue Sound. This development will consist of 99 single family lots and an eighteen hole golf course and club facilities. The lots which are platted on Calibogue Sound, have been designed with sufficient depth to allow construction of all future residences behind the forty year S. C. Coastal Council setback line to assure compliance with the new Coastal Zone Management Act.

Mr. Fritz Aichelle
March 22, 1989
Page Two

All alterations of freshwater wetlands have been kept to a minimum. The only exceptions to this is the crossing of the new public beach access road on the property line which adjoins Oak Ridge Plantation and the possible filling of a 1.2 acre wetland which is located on two of the lots which face Calibogue Sound.

There are no plans to fill or dredge any other freshwater wetlands in this project. The project will also meet all the S. C. Coastal Council's stormwater guidelines (see attached drainage plan).

The only other alterations for the project may include bridging of the critical areas for golf cart bridges and/or a pier located on the Mungen River for access by ferry boat.

Please review this project for conceptual certification. Do not hesitate to contact me should you have any questions.

Sincerely,



Duncan C. Newkirk
NEWKIRK ENVIRONMENTAL CONSULTANTS, INC.

Enclosures

cc: Steve Kiser, The Melrose Company

00026



March 29, 1989

**SOUTH
CAROLINA
COASTAL
COUNCIL**

Mr. Duncan C. Newkirk
Newkirk Environmental Consultants
167 East Bay Street
Charleston, SC 29401

Re: Bloody Point on
Daufuskie Island
Beaufort County

Ashley Corporate Center
4280 Executive Place North
Suite 300
Charleston, S.C. 29405
(803) 744-5838
Telex (803) 744-5847

John C. Hayes, III
Chairman

H. Wayne Beam, Ph.D.
Executive Director

Dear Duncan:

The staff of the S. C. Coastal Council has completed its initial review of the material in the file for the above referenced project and offer the following comments:

1. We are in agreement with jurisdictional boundary delineations of a) all critical areas (including tidal wetlands and land seaward of the 40 year setback line on the beachfront) and b) freshwater wetlands (as delineated by the U.S. Army Corps of Engineers).
2. Daufuskie Island is, in its entirety, on the National Register of Historic Places; therefore, it becomes a Geographical Area of Particular Concern (GAPC) under the Coastal Zone Management Program. Within the Bloody Point Development, all impacts from development on historic and archaeological resources which are on, eligible for, or potentially eligible for the National Register of Historic Places will have to be addressed in a manner which is acceptable to this agency in consultation with S. C. Department of Archives and History.
3. The wastewater collection, treatment and disposal system proposed for the development should either be contained in the existing 208 waste treatment plan or receive 208 program approval before they are constructed.
4. All stormwater from proposed impermeable surfaces and the golf course will have to be treated in a manner which is consistent with the S. C. Coastal Council Stormwater Management Guidelines, as revised September 1, 1988.
5. Direct permits for alteration of any critical area must be obtained from this agency as well as certification of any state or federal agency permits needed for the project.
6. Freshwater wetlands must be addressed in accordance with policies established in the Coastal Zone Management Program.

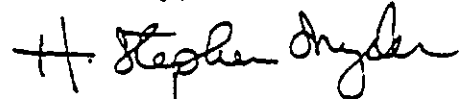
00027

Mr. Duncan C. Newkirk
March 29, 1989

Page 2

If the applicant agrees to adequately address all of the above referenced concerns, the S. C. Coastal Council can hereby issue a conceptual certification of the project. If you have any questions about this, please contact me at your earliest convenience.

Sincerely,



H. Stephen Snyder
Director of Planning
and Certification

^{SJK}
HSS:0001j

cc: Dr. H. Wayne Beam
Mr. Christopher L. Brooks
Ms. Patricia Cridlebaugh, Archives and History
Mr. John Cooler, S.C. Coastal Council, Beaufort
Mr. Wayne Stokes, S. C. Department of Health
and Environmental Control, Wastewater
Mr. Bob Riggs, U. S. Army Corps of Engineers
Mr. Ed Duncan, S.C. Wildlife and Marine Resources Department

00028

THE MELROSE COMPANY

POST OFFICE DRAWER 6779
HILTON HEAD ISLAND, SC 29936
(803) 785-6688

March 30, 1989

VIA FACSIMILE

Mr. H. Stephen Snyder
Director of Planning and Certification
South Carolina Coastal Council
Ashley Corporate Center
4250 Executive Place North, Suite 300
Charleston, SC 29405

Re: Bloody Point on Daufuskie Island, Beaufort County

Dear Mr. Snyder:

I am in receipt of your letter to Mr. Duncan Newkirk dated March 29, 1989.

As applicant for South Carolina Coastal Council certification for this project, we accept each of the conditions of your letter and offer the following comments from confirmation:

1. We acknowledge your agreement with the jurisdictional boundaries of critical areas, setbacks and freshwater wetlands.
2. We acknowledge that Daufuskie Island is of great historic significance and have conducted a thorough reconnaissance of the Bloody Point tract under the careful supervision of Dr. Paul Brockington. A copy of Dr. Brockington's report was submitted to the South Carolina Department of Archives and History (letter to Dr. Patricia Criddlebaugh attached) on March 6, 1989. We identified the significant sites and have had them surveyed in the field; thus, they have been set aside in our masterplan until further work can be conducted.
3. We have entered into an agreement with DHEC and Beaufort Jasper Water Authority to participate fully in an island wide wastewater management program for Daufuskie.
4. Storm water from impermeable surfaces will be dealt with in a manner consistent with current Coastal Council guidelines.
5. Coastal Council and other state, county and federal agencies will be appropriately notified and sent applications for permits to alter any critical area. We fully understand

00029

Mr. H. Stephen Snyder
March 30, 1989
Page Two

the importance of compliance in this area and will conform to all agency requirements.

6. Fresh water wetlands have been surveyed and certified by the Corps and we fully understand they must be addressed in accordance with the Coastal Zone Management Program.

We have more fully addressed all of the issues stated in your letter. This letter of confirmation is submitted pursuant to your request.

We appreciate your timely review of our application and are grateful for your comments and conceptual certification.

If you have any other comments, please let me know and I will be happy to respond accordingly.

Sincerely,



Stephen B. Kiser

SBK:ph

00030

THOMAS & HUTTON ENGINEERING CO.

3 OGLETHORPE PROFESSIONAL BOULEVARD
POST OFFICE BOX 14609
SAVANNAH, GEORGIA 31416-1609
TELEPHONE (912) 355-5300

F. V. GEORGE, JR.
W. G. FOSTER, SR.
DANNY E. STANLEY

MITCHELL BOHANNON
OCTAVIO ARANGO
STEPHEN ROACH

March 16, 1989

Mr. John Cooler
South Carolina Coastal Council
1012 Boundary Street
Beaufort, South Carolina 29901

RE: Bloody Point

Dear John:

On behalf of the Bloody Point Limited Partnership,
please find the following items enclosed:

1. Map of Location of Critical Areas and Freshwater Wetlands on Eigelberger and Bloody Point Tracts by Southeastern Surveying, Inc.
2. A survey of the Beachfront Management Act Baseline and Setback Line for Bloody Point, Daufuskie Island, S.C. by Thomas & Hutton Engineering Co.
3. A survey of the Beachfront Management Act Baseline for Bloody Point, Daufuskie Island, S.C. by Thomas & Hutton Engineering Co.

The critical areas and beach baselines are representatives of the lines that we walked on March 7, 1989.

Please sign each of these plans, with the permanent ink pen provided, in the space provided for your signature. After you have signed them please return these documents via Federal Express, for Monday delivery, in the package provided.

Sincerely,

THOMAS & HUTTON ENGINEERING CO.

Samuel G. McCachern

SGM:dsc

enclosure

cc: Mr. Steve Kiser ✓
Mr. Matthew Crawford

00031

United States Army Corps of Engineers

Representatives from the United States Army Corps of Engineers, Charleston District, have visited the property in 1988 and 1989 and inspected the inland freshwater wetlands. The Corps has determined that the development is in compliance as planned.

To date, specific planning evolutions have resulted in avoidance of interior wetlands by roads and utility easements.

Each interior wetland has been evaluated on its individual merit and a final plan will be created for each that attempts the following:

1. Incorporation of the wetlands into the storm water management plan.
2. No net loss of wetland acreage.
3. The enhancement of the wetlands when possible.
4. Use of the wetlands in the wildlife management plan.
5. Creation of new wetland areas within or joining the existing wetland systems.
6. Preservation of the wetland areas through subdivision covenants or deed restrictions.

The saltwater marshes found within the property boundaries have been designated by the Coastal Council.

1. The Company commits itself that there will be no alteration of any critical area tidelands (salt water wetlands), except for the permitted construction of pedestrian walkway or bridges between highland areas.

2. That all construction will be set back to allow a buffer between such structures and the salt water marshes.
3. All tideland critical areas will be preserved through subdivision covenants or deed restrictions.

The company intends to develop a wildlife enhancement plan that will be incorporated into the development of the land. The purpose of this project will be to create wildlife enhancement areas that improve certain habitats and foods favored by the native animals on the Island and also by the migratory birds that use the wetlands and beaches.

Our goal is to enhance and save the wildlife found on the coastal islands and at the same time create an amenity that can be enjoyed by the people who will own and visit The Daufuskie Island Club.



DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT CORPS OF ENGINEERS
P.O. BOX 919
CHARLESTON, S.C. 29402-0919

REPLY TO
ATTENTION OF

August 12, 1988

Regulatory Branch

Mr. Bart Sabine
Sabine & Waters, Inc.
Post Office Box 1072
Summerville, South Carolina 29484

Dear Mr. Sabine:

This is in response to your request for a wetlands determination with enclosed survey plat. The property in question is a 532 acre tract which represents two tracts of land known as the Bloody Point tract and the Eigelberger tract located at the southern tip of Daufuskie Island, Beaufort County, South Carolina.

Based on our onsite inspection of the flagged wetland areas on June 9, 1988, as well as aerial photographic interpretation, I have determined that the wetland boundaries are an accurate representation of wetlands within the Corps regulatory authority. Therefore, a Department of the Army permit will be required prior to performing any work in this area.

Please find enclosed an application form and a copy of the booklet entitled "U. S. Army Corps of Engineers Regulatory Program, Applicant Information" to aid you in the preparation of the application and drawings.

A copy of this letter has been provided to the South Carolina Coastal Council for their information.

If you have any questions concerning this matter, please contact me at A/C 803-724-4330.

Sincerely,


Fred Veal
for Regulatory Branch

Enclosure

00035

Cultural Resources

A thorough archaeological assessment of the property has been completed by Dr. Paul Brockington, Atlanta, Georgia.

In his report, Dr. Brockington indicates four sites that are potentially eligible for addition to the National Register. All four of these sites have been surveyed and identified in this master plan as future development locations. (There are a total of five future development locations ... four of them have been identified as potentially eligible sites and the masterplan has avoided them at present.) The Company is dedicated to preserving the cultural heritage of all of Daufuskie Island as well as the specific sites on the property and therefore agrees to cooperate fully with State archaeologists in studying the remains of significant sites found on the property. The four (future development) sites will not be disturbed until final conclusions can be drawn by State archaeological officials.

Dr. Brockington's report has been submitted to the South Carolina Department of Archives and History, c/o Dr. Patricia Criddlebraugh for initial review, planning sessions and follow through.

THE MELROSE COMPANY

POST OFFICE DRAWER 6779
MILTON HEAD ISLAND, SC 29936
(803) 785-6688

March 6, 1989

VIA FEDERAL EXPRESS

Dr. Patricia Cridlebaugh
Staff Archaeologist
South Carolina
Department of Archives and History
1430 Senate Street
Columbia, SC 29201

Dear Patricia:

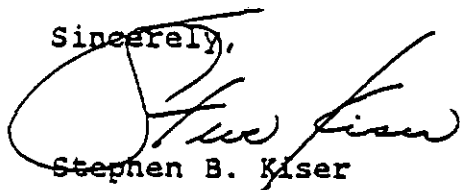
Please find enclosed a copy of the recently completed survey for the 300-acre Bloody Point tract on Daufuskie Island.

We have prepared and submitted applications to DHEC and SCCC for development of this property.

Please review this survey and I will call you in the next few days to set a time to get together in Columbia and discuss the development plan.

Thanks you.

Sincerely,



Stephen B. Kiser

SBK:ph
Enclosure

00038

Stormwater Management

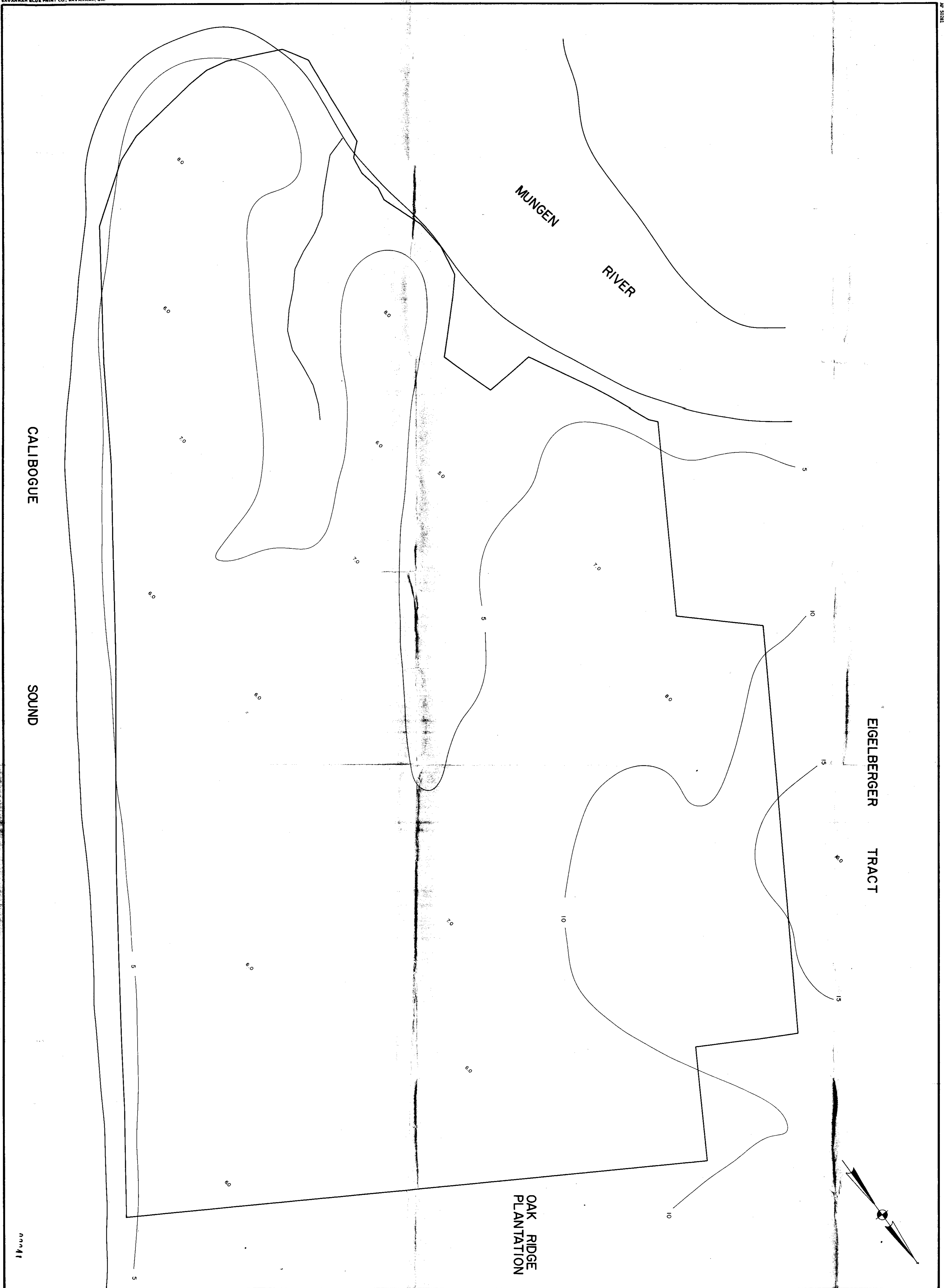
The proposed Stormwater Management program for the property will consist of a series of drainage structures collecting storm run-off from roadways, ditches, and golf course corridors. After collection, storm water will be routed into pipes and/or ditches and then into lagoon systems or natural low areas for detention.

In addition, storm run-off will be routed through grass swales, stone filters, plus lagoons and low areas for detention and filtering before being discharged. The preliminary plan includes the use of aquascaping, which is the use of aquatic plants in shallow water to further clean storm run-off. The lagoon system will also serve as sedimentation basins to prevent siltation into the surrounding marshes.

The proposed lagoons will be constructed to provide a minimum depth of 5 feet, except where aquascaping is applied. The banks will be graded at a 3:1 slope and will be grassed to prevent erosion.

Storm water run-off will be routed through the lagoon system and natural lows in an effort to produce the best master drainage system practical. The Company has also committed to meet the requirements of the South Carolina Coastal Council for Stormwater Management.

A detailed preliminary engineering report by Thomas & Hutton is a part of this submission.



EIGELBERGER TRACT

OAK RIDGE PLANTATION

CALIBOGUE SOUND

THOMAS & HUTTON
 ENGINEERING CO.
 3 OGLETHORPE
 PROFESSIONAL BOULEVARD
 SAVANNAH, GEORGIA 31406

BLOODY POINT
 DAUFUSKIE ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA
TOPOGRAPHIC SURVEY

NO.	REVISION	BY	DATE

JOB NO.: J-5715
 DATE: MARCH 1989
 DRAWN: B.D.
 CHECKED: S.M.
 SCALE: 1" = 200'

SHEET
 1
 OF

Wastewater Management

The Daufuskie Island Club will be self sufficient in the collection, treatment and disposal of wastewater generated by the project.

Wastewater from the ninety-nine single family sites, plus club facilities will be collected into a gravity sanitary sewer system or central pressure system and transported to a 80,000 G.P.D. treatment facility. The treated effluent will be sprayed on the eighteen hole golf course. A development schedule shows completion of this treatment plant in July 1991.

The Company has agreed to participate in an islandwide wastewater management planning process with the Beaufort-Jasper Water Authority. The objective of this planning is to attempt to create an islandwide wastewater system that will incorporate this proposed system.

Preliminary soil borings indicate that land disposal of the treated effluent is acceptable.

Preliminary engineering studies have been submitted by Thomas & Hutton to the South Carolina DHEC and Beaufort-Jasper Water Authority.

South Carolina Department of Health and Environmental Control

2609 Bull Street
Columbia, S.C. 29201

Commissioner
Michael D. Jarrett



Board
Tommy Graham, Jr., M.D., Chairman
Henry S. Jordan, M.D., Vice-Chairman
John B. Pace, M.D., Secretary
William E. Applegate
Oren L. Brady, Jr.
John Hay Surrisa
Bess M. Colvin, M.D.

March 31, 1989

Mr. Danny E. Stanley
Thomas & Hutton Engineering Co.
3 Oglethorpe Professional Blvd.
P. O. Box 14609
Savannah, Georgia 31416-1609

RE: Bloody Point (PER) - Wastewater
Daufuskie Island - Beaufort County

Dear Mr. Stanley:

This office has reviewed your February, 1989 preliminary engineering report (PER) submitted on the above referenced project. Based on this review and comments received from our Low Country District Office, Ground-Water Protection Division, and S.C. Coastal Council, this office hereby approves the PER with the following provisions:

1. Baffles or curtain walls will not be permitted in the multi-cell lagoon system. There must be four (4) separate cells provided, independent of one another.
2. All four (4) of the lagoon cells and both holding ponds must be lined with an approved synthetic liner other than PVC (i.e. Hypolon).
3. The use of water saving devices must be a part of the restrictions and covenants of the development.
4. Our Ground-Water Protection Division has given conceptual approval of the site. Due to proposed extensive site engineering and drainage alterations, the site is recommended for approval contingent upon the final grading being such that the required depths to the water table are both met and substantiated by the consultants. Review of the proposed ground-water monitoring well details indicates a bentonite plug should be incorporated into the well design between the well screen and the casing grout. Approvability of the proposed ground-water monitoring well locations must be withheld until after the majority of the site grading is complete (due to alteration of shallow ground-water/determination of flow directions).

00044

Mr. Denny E. Stanley
Page 2
March 31, 1989

5. All six (6) of the conditions referenced to in the March 31, 1989 PER approval letter from S.C. Coastal Council to this office, shall be part of this PER approval letter.
6. Beaufort-Jasper Water and Sewer Authority (BJW&SA) must take over the ownership and operation and maintenance responsibilities of this proposed wastewater treatment plant and spray irrigation system.
7. BJW&SA must approve the final plans and specifications on this wastewater treatment plant and spray irrigation system before they are submitted to this office for review.
8. The Developer of this project and BJW&SA must enter into an agreement, as has been outlined previously, which states that the BJW&SA will initiate a study to develop a wastewater management plan for Daufuskie Island, which, when approved, will be incorporated into the Beaufort County 201/208 Facilities Plan.

The Developer must agree to participate in this planning process, and upon approval of this plan, the Developer must amend this PER to comply with the plan, if the plan calls for something different.

The Developer must also agree that if this office issues any type of construction permit for this development, prior to approval of the 201/208 Facilities Plan, and these construction permits are in conflict with the approved plan, then the construction plans corresponding to these permits must be revised to comply with the plan, and be re-submitted to this office for approval.

This agreement must be approved by this office prior to becoming effective.

The effluent limitations have been established and are as follows:

Flow	=	80,000	gpd (Daily Maximum)
BOD ₅	=	30.0	mg/l (Monthly Average)
TSS ₅	=	30.0	mg/l (Monthly Average)
DO	=	2.0	mg/l (A minimum at all times)
pH	=	6-9	
Fecal Coliform	=	200/100	ml (Monthly Geometric Mean)

The final plans and specifications are due within ninety (90) days of this approval will expire and a new PER will be required.

Mr. Danny E. Stanley
Page 3
March 31, 1989

Upon receipt of the final plans and specifications we will proceed to draft the Land Application Permit and place it on public notice. This public notice period lasts for thirty (30) days. Should we receive comments sufficient to warrant a public hearing, we will make a final decision on the issuance of the construction permit and Land Application Permit after the public hearing.

We look forward to receiving your final plans and specifications and if you have any questions please call or write.

Sincerely,



Wayne Stokes
Community Section
Domestic Wastewater Division
Bureau of Water Pollution Control

WS/cjh

cc: George Nelson, District Director
Mr. Steve Kiser

BEAUFORT-JASPER WATER & SEWER AUTHORITY

Post Office Drawer 2149
Beaufort, South Carolina 29901-2149
(803) 524-7322 • (803) 726-4915 • (803) 757-2667

MEMBERS

Charles Q. Peyton
Chairman
C. Scott Gruber
Vice-Chairman
Alexander Yearley, IV
Secretary/Treasurer

William O. Moss, Jr.
General Manager

Thaddeus Z. Coleman
Barry Connor
Louis F. Davis
Don Fisher
William C. Hall
Bailey Preacher

March 27, 1989

Mr. N. S. Thompson, Executive Director
Lowcountry Council of Governments
Post Office Box 98
Yemassee, South Carolina 29945

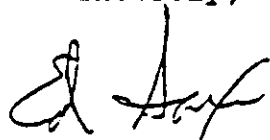
Re: Daufuskie Island- Bloody Point PER

Dear Buddy:

The Beaufort-Jasper Water and Sewer Authority has reviewed the referenced PER and has no objections. This non-objection is based upon an agreement between the Authority and the Developer concerning the development of an approvable wastewater management plan for Daufuskie Island.

Should you have any questions, please do not hesitate to call.

Sincerely,



Ed Saxon
Chief Engineer

ERS

cc: Wayne Stokes, SCDHEC
Steve Kiser, Melrose
Sam McCachern, Thomas & Hutton

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT)

AGREEMENT

This Agreement is entered into this _____ day of March, 1989 between the Bloody Point Limited Partnership, hereinafter the "Developer", and the Beaufort-Jasper Water and Sewer Authority, a political subdivision of the State of South Carolina, hereinafter the "Authority".

WHEREAS: The Authority is the agency designated by Beaufort County Council and the State of South Carolina as responsible for the provision of sewer services to the unincorporated areas of Beaufort County, and;

WHEREAS: The Developer is proposing the development of a piece of property on Daufuskie Island, Beaufort County, South Carolina known as the Bloody Point Tract and hereinafter known as the "Property", and;

WHEREAS: To facilitate the development of the Property, the Developer is proposing to construct a wastewater treatment facility and has submitted a preliminary engineering report to the Authority for approval, and;

WHEREAS: No approved wastewater management plan for Daufuskie Island has been developed, and;

WHEREAS: Both the Authority and the Developer are desirous of developing an approvable wastewater management plan without unduly delaying the Developer's development of the Property.

NOW THEREFORE, WITNESSETH, for and in consideration of these recitals, and these mutual covenants, the sufficiency of which is hereby acknowledged, it is hereby agreed between the parties as follows, to-wit:

1. The Authority agrees to provisionally approve the Developer's preliminary engineering report so that preliminary site planning and review may proceed.

2. The Authority agrees to initiate, as soon as funding can be committed, a study to develop a wastewater management plan for Dafuskie Island and to fully involve the Developer and other Island landowners in this project. The approved plan will be incorporated into the Beaufort County 201/208 Facilities Plan.

3. The Developer agrees to participate in the wastewater management planning project, to the extent it is economically feasible, and upon the completion and adoption of the plan by Beaufort County Council, to amend the preliminary engineering report to comply with the plan.

4. The Developer and the Authority understand and agree that the Authority will certify the construction permits for the Developer's wastewater treatment plant if Beaufort County Council has not adopted a wastewater management plan for Daufuskie Island by July 15, 1989. The Developer understands that the permits granted prior to the approval of the wastewater management plan will be amended, if needed, to comply with the approved Daufauskie Island wastewater management plan and the Developer agrees to revise, so long as the revisions are not unreasonable, the construction plans to reflect these changes.

5. This Agreement shall become effective only after its approval by the S.C. Department of Health and Environmental Control.

IN WITNESS WHEREOF, the parties have set their hands and seals as of the day, month and year first above written.

Pat Harmeson
Witness

Pat Harmeson
Witness

BLOODY POINT LIMITED PARTNERSHIP

By: Robert B. Kiser
Steve Kiser, its

General Partner
The Melvin Company Inc.
Attest: [Signature]

BEAUFORT-JASPER WATER AND SEWER AUTHORITY

Witness

Witness

By: _____
William D. Moss, Jr.
General Manager

Attest: _____

Approved: _____
S.C. Department of Health
and Environmental Control

Water Supply

The potable water supply for The Daufuskie Island Club will come from the tertiary limestone aquifer (Ocala).

The preliminary engineering reports by Thomas & Hutton for water supply and distribution have been submitted to the South Carolina Water Resources Commission and the South Carolina DHEC. The use of shallow wells to irrigate landscaped areas and individual lots and to supplement golf course irrigation may be implemented. Water saving devices are planned throughout the private residential and club construction phases.

Based upon existing potable water systems in the area and previous studies completed on Daufuskie, no problems are anticipated in the quantity or quality of potable water.

The potable water and fire protection systems developed on the property will be owned and operated in accordance with the State of South Carolina regulatory standards.

South Carolina Department of Health and Environmental Control

2600 Bull Street
Columbia, S.C. 29201

Commissioner
Michael D. Jarrett



Board
Tony Graham, Jr., M.D., Chairman
Henry S. Jordan, M.D., Vice-Chairman
John B. Pace, M.D., Secretary
William E. Applegate
Oren L. Brady, Jr.
John Hay Barriss
Erna M. Colvin, M.D.

BUREAU OF DRINKING WATER PROTECTION

March 6, 1989

Mr. Danny E. Stanley, P.E.
Thomas & Hutton Engineering Company
Post Office Box 14609
Savannah, Georgia 31416-1609

Re: Preliminary Engineering Report
Dated February 1989
Bloody Point - Daufuskie Island
Beaufort County

Dear Mr. Stanley:

This office has completed its' review of the above referenced preliminary engineering report. For the record, the report proposes the water distribution system to serve Bloody Point to consist of ninety-nine single family lots, cottages and club facilities. The proposed water system is to consist of TWO (2), 10 INCH DIAMETER - 600 GPM WELLS WITH CHLORINATION AND STANDBY POWER, TWO (2) - 10,000 GALLON HYDROPNEUMATIC TANKS, AND 10 AND 8 INCH DISTRIBUTION MAINS.

Please accept this letter as approval of the concept of the report. We look forward to reviewing the plans and specifications for the various phases of this project. If there are any questions or if this office can be of assistance, please advise.

Sincerely,

A handwritten signature in cursive script that reads "Lynda L. Fletcher".

Lynda L. Fletcher
Water Supply Permitting
Water Supply Construction Division

LLF
bloodypt

cc: Mr. George P. Nelson, Dist. Dir.
Mr. Steve Kiser

00052

Solid Waste

00053

Solid Waste

At present, the most feasible solid waste management system is privately operated by the Company.

It includes a collection and removal process from waste sources to a central compaction collection station. At the compaction station, the waste is sanitized and stored for regularly scheduled removal by overland/overwater transportation systems to the County landfill. All solid waste at the property will be collected, compacted, and disposed of in a permitted disposal site.

The Company will support the establishment and implementation of an on-island facility and disposal site.

Emergency Preparedness

The Company has had discussions and met with Mr. William Winn regarding emergency preparedness. Mr. Winn's response and observation about our operations have been most complimentary and he is confident of the compatible philosophies between the County and our Company as it relates to preparedness.

The evacuation plans for Daufuskie Island are updated on a regularly scheduled basis in order to undergo revision with respect to current annual growth, change in equipment and manpower, training of personnel, and projected future growth and prospective development.

Mr. Winn has assured the Company his department will recommend and include the property, and its owners, members, and staff projections, in Beaufort County's - Daufuskie Island emergency preparedness plan.

Transportation

Transportation to The Daufuskie Island Club will begin and end with a waterborne ferry service originating from and returning to Salty Fare Village adjacent Hilton Head Plantation on the north end of Hilton Head Island.

A consolidated ferry service will merge the water transportation activities of Melrose and The Daufuskie Island Club.

On Daufuskie Island, all consolidated service vessels will arrive and depart Melrose Landing where owners, members, employees, baggage, cargo and deliveries of all types are now being processed and handled.

Overland transportation will take place across island roads via a land shuttle system owned and operated by The Daufuskie Island Club.

Inside the Club, automobiles will be carefully restricted to include service and shuttle vehicles.

The facilities inside the Club will be within comfortable walking distance and passenger "carts" and shuttle vans will be a part of daily operations.

All internal roads will be privately owned and maintained by the owner and member associations.

The cross-island and inter-island road system provides publicly used roads to the property.

Fire Protection

The Daufuskie Island Club will establish an independent and private fire service which will be in operation at completion of the central Club facilities or the Club may move to join the existing, consolidated fire service department recently merged between Haig Point and Melrose.

At present, the fire system is being engineered by Thomas & Hutton to meet the minimum flows from water supply and pressure demands to insure adequate water main force to provide necessary protection throughout the property. A sprinkler system will be installed throughout buildings where required.

The Company and Club will cooperate fully with Beaufort County to help continue to develop a comprehensive fire district for the entire island.

Law Enforcement

The Daufuskie Island Club will hire, train, and permanently staff its own security force which will be available to the Beaufort County Sheriff's Department to assist in emergencies and law enforcement needs on the island.

All security officers will be carefully screened and will be certified under State of South Carolina authorities in order to be commissioned as private security law enforcement officers.

Daufuskie Island currently has a magistrate in residence and enjoys a scheduled patrol service by the Beaufort County Sheriff's Department as well as officers of the South Carolina Wildlife and Marine Resources Department.

00063

Education

The Daufuskie Island Club will not be a primary club or project; therefore, the owners and members will have few, if any, school age children in residence on Daufuskie Island.

Some Club staff may reside permanently on Daufuskie Island which may add a small number of school age children to the Island system. The Company will work closely with the Beaufort County Board of Education to help forecast the small number of school age children anticipated.

Health

Emergency medical services will be processed through the 911 service of Beaufort County and the private security service at the Club.

All security officers and firemen will be EMS trained as well as the key managers and department heads of the Club.

At present, Geraldine F. Wheelihan is an EMT in residence on Daufuskie Island and part of Mrs. Wheelihan's inventory of equipment and programs include:

- Ambulance
- Oxygen supplies and medical supplies
- Splints and other braces
- Blood pressure equipment
- Volunteer staff
- 24-hour response service
- 24-hour helicopter response authorization from
U. S. Coast Guard
- Dispatch emergency authorization by Beaufort County - 911

Mrs. Wheelihan is highly regarded and has been in charge of virtually all of the emergency response calls on Daufuskie Island for many years. She has the complete support of Beaufort County.

Public Beach Access

The Company has presented an alternative route for public beach access on Daufuskie Island. Beaufort County Council adopted the attached alternative at a regularly scheduled meeting of Council in September 1988.

At present, there is part of a narrow, one lane trail (less than 12 feet wide) that crosses a portion of the property. This is the only vehicular access to the beaches of Daufuskie.

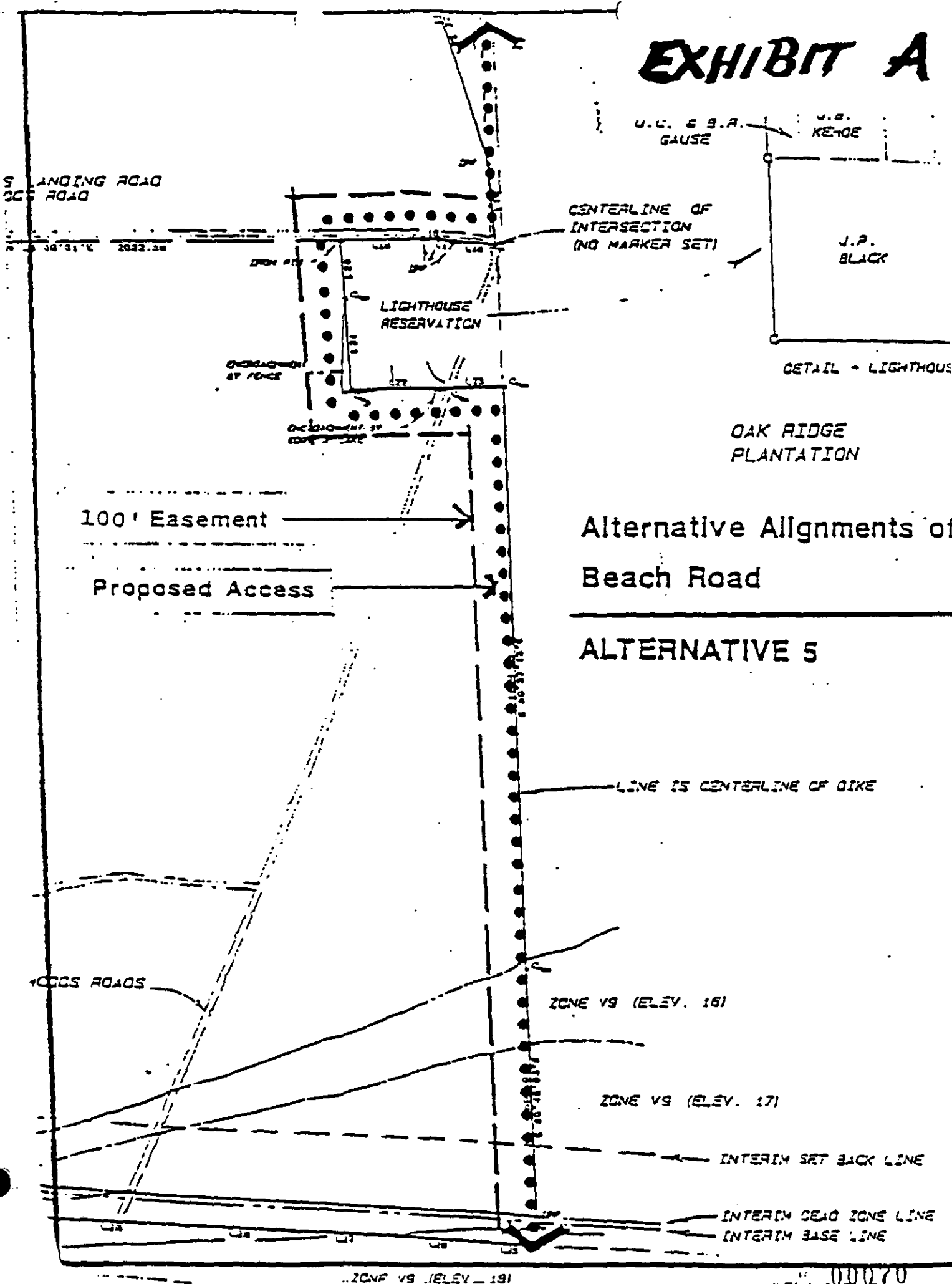
The Company proposes to abandon and relocate the existing trail to a point approximately 1000 feet at the northern edge of its property boundary and dedicate an easement to the public and Beaufort County for permanent, adequate and enhanced beach access.

The new access route will include a new two lane roadway with proper design for roadside drainage. It will be constructed and engineered to comply with County standards and will be placed within a corridor for beach access and utility easements alongside the property. The corridor is 100' wide and approximately 2,800' long. All of the corridor land is owned by the Company and shall be provided to the County. Therefore, the County need not spend time or resources in review processes, condemnation, and funding to provide adequate public beach access.

Specifically, the Company proposes a new beach access area that will designate a permanent, two lane road access and parking plan for public enjoyment which far exceeds and replaces the

hazardous and inadequate access which now exists. The existing location and proposed location are close and within easy site of each other; thus, the new site provides enjoyable beachside access in an environment that is identical to the location presently used.

EXHIBIT A



Alternative Alignments of Beach Road

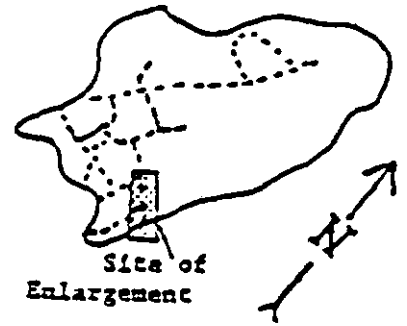
ALTERNATIVE 5

...ZONE V9 (ELEV. 191)

000070

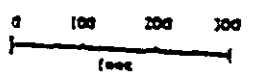
EXHIBIT B

ALTERNATE

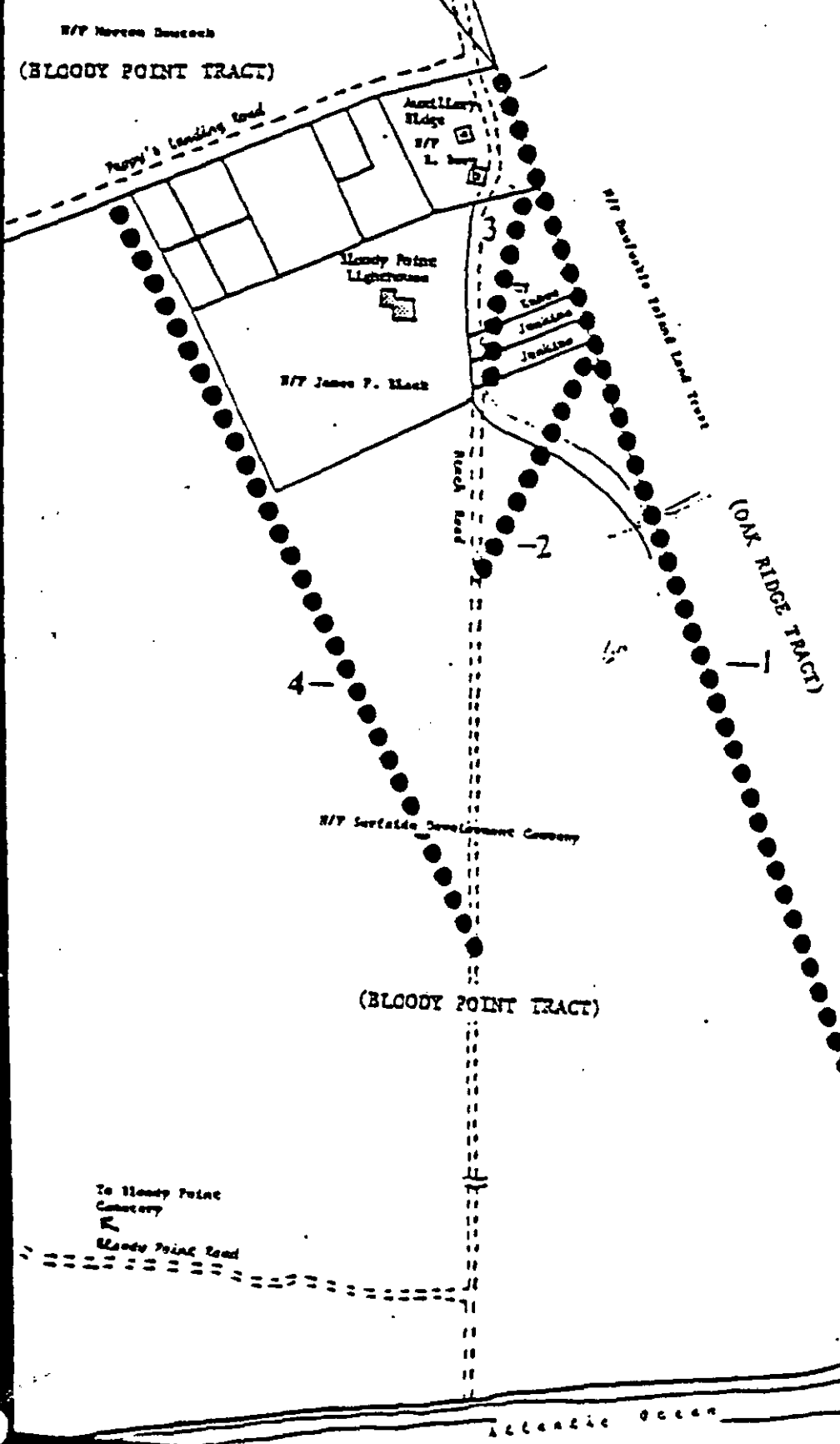


LEGEND

- N/T - Owner
- Property line
- Existing road
- Alternative possible road alignments



CAUTION:
Contingencies,
distances, &
information
on this map
are only
approximate



Produced by the JPC, 1984

Law Office of
LEWIS J. HAMMET, P.A.
Attorney and Counselor at Law
32 Calhoun Street
Post Office Box 1719
Bluffton, South Carolina 29910
(843) 757-8126 FAX: (843) 757-7620

Memorandum

Date: February 9, 2001

To: James Gibson, County Attorney
Charles Gatch, ZDSO Administrator

From: Lewis J. Hammet

Re: Bloody Point PUD - Height Requirement
Sandy Lane Oceanfront Villas

I represent the landowner and developer of a 6.2-acre parcel, located on the oceanfront within Bloody Point PUD on Daufuskie Island. The property is zoned PUD under current Beaufort County law. Last month my client received word from Charles Gatch that a 35-foot height requirement would apply to development of the property. This reversed an earlier ruling which had been given to my client prior to purchase. We believe that the earlier ruling, that no specific height requirement would apply, other than fire department constraints, was the correct ruling.

We ask that the two of you review the facts and the arguments presented in this memorandum, and issue an Administrative Interpretation on the height issue. I will give a brief overview of the background facts, followed by my clients' position that the original ruling was correct, that no other ruling makes practical sense, and that reliance on the original ruling should preclude any change of position under these particular circumstances.

Background Facts

The Bloody Point PUD was approved by the Beaufort County Joint Planning Commission in May of 1989. When Beaufort County adopted a zoning ordinance in 1990, the Bloody Point PUD was designated PUD zoning under the new law, along with other existing master planned areas in the County. No height restriction was imposed within the PUD, other than the requirement to obtain fire department approval and to

meet any private covenant or architectural review requirements imposed under the covenants.

On March 27, 1995, the Beaufort County Council - by unanimous vote - approved a series of changes within the Bloody Point PUD. This particular parcel was designated to allow 36 multi-family units on this 6-acre tract.

My clients contracted to purchase the property in May of 2000, with a due diligence period to perform design studies, seek Bloody Point ARB approval, and confirm that the zoning and development standards of Beaufort County would allow their proposed development.

Site planning and building design was undertaken from May through September of 2000. Emphasis was placed on tree preservation and neighborhood compatibility issues. The Bloody Point Association Architectural Review Board approved the project subject to final landscape planning.

The project development team and partner met with Charles Gatch, the ZDSO Administrator, on October 7, 2000, to confirm zoning and development issues and begin a first conceptual review of the plan. Charles confirmed the 36 unit zoning density and specifically confirmed that the building height would be subject only to the Daufuskie Fire District approval. Thomas and Hutton Engineering was hired for design and permitting work, and discussions were held with the Daufuskie Fire Department.

On December 4, 2000, after the successful completion of all due diligence items, my clients purchased the property. On December 28, 2000, plans were submitted to the County. In a newspaper article of January 4, 2001, Charles is quoted as saying, " the County law allows developers to build the condominiums as long as they pay for the added fire equipment that can provide protection to the buildings that are taller than those already on Daufuskie."

On January 10, 2001, my clients were informed that, in keeping with Lad Howell's opinion of July 16, 1999, the new ZDSO would apply to the height issue, and further, that the new ZDSO established a 35-foot height maximum within the PUD. I was hired after that notice was received and I discussed the matter first with Charles and then with Jim Gibson. Jim Gibson and I agreed that I would submit my questions to him in writing and seek a formal Administrative Interpretation.

The Bloody Point Height Restriction

Lad Howell issued an opinion, as County Attorney, on July 16, 1999, which addressed how the newly enacted ZDSO should be applied to PUD zoning districts, regarding site development standards. Basic uses and densities under the PUD approvals were definitely grandfathered under the new law, but there was some question about site development standards. Basically Lad stated that all post 1990 PUD's should be governed by the specific site standards set forth in their respective approval documents,

and that older PUD's should be governed by new law regarding site standards. At the time, all questions that had arisen on the issue involved the newer PUD's, so Lad's opinion was a positive ruling for the landowners regarding the questions before him.

If we accept Lad's opinion at face value, for the sake of argument, then since Bloody Point is an older, pre-1990 PUD, the new ZDSO would apply regarding site standards, including height limitations. (Please note that the Bloody Point PUD, as a whole, was brought in for use and density amendment in 1995, and that this property received unanimous approval for its current use and density - after 1990. Frankly, this fact should probably make this a post 1990 PUD approval for the purpose of Lad's opinion).

If we look to the new ZDSO for height restrictions, we have one provision that applies county wide, regardless of zoning district, then we have a series of tables which provide additional requirement for many specific zoning districts.

Section 14.240, Fire Safety Standard, under subsection C Building Height Restriction, states:

All occupancies, excluding one (1) OR two-family dwellings, that exceed 35 feet in height or exceed a total fire flow demand of 3,500 gallons per minute (GPM) as referenced in the Insurance Service Organization (ISO) requirements for specialized equipment, must have adjustments to plans approved by the Fire District Fire Chief and the County Building Official and, as necessary, reach financial arrangements acceptable to the Fire District and the County Council which provide assistance in purchasing the appropriate fire fighting apparatus or equipment. This standard shall be applied to the Fire Management Plan as defined for each Fire District.

Again, the above building height restriction applies to all development in all zoning districts.

Table 04.210, Lot and Building Standards, sets forth applicable standards for several site elements, including building height, by zoning district. Under the new Beaufort County ZDSO and zoning map, the Bloody Point PUD is zoned "Community Preservation - PUD". "Community Preservation - PUD" zoning districts are given a separate designation and color on the zoning map, as a different designation from those properties zoned "Community Preservation" only.

Under Table 4.210, all Community Preservation zoning districts are referenced to Appendix D of the ordinance for site standards. No height limitation for any Community Preservation district is listed in Table 4.210.

When we turn to Appendix D, Table 2 sets forth the district lot and building standards. A separate line item is given for "Community Preservation - PUD", which simply states "see original approval". No height limitation is given for PUD zoning districts, and a reference to the original approval as the only controlling document means that the PUD approval itself, or the general law is in effect at the time of approval, would be the only county imposed restriction, other than Section 14.240, quoted above.

In other words, Charles was right when he told my clients in October of 2000 that the fire district approval was the governing factor, and he was right in January of 2001 when he told the same thing to the Island Packet and stated that the developer would be responsible for any additional fire equipment necessitated by the height of the buildings.

Apparently, the DRT had looked at this issue during Charles's absence and decided that the Beaufort County Council must have really meant to apply a 35 foot height restriction, because that is the restriction on multi-family in other community preservation districts. I would point out the obvious, that limitations on the use of property cannot be "assumed", but must be clearly stated and clearly applicable.

The Administrator's Ruling Controls

We believe that it is uncontested that my clients sought and received a ruling from the Beaufort County Zoning and Development Administrator, prior to purchasing, regarding the use, density and height restriction. Based on the Administrator's statement, and after receiving approval from the Bloody Point ARB and consulting the fire department, my clients closed on the property. My clients multi-million dollar reliance on the Administrator's opinion should preclude a subsequent change of opinion.

We realize that South Carolina law does not permit one to raise estoppel based on an erroneous opinion given by a zoning official. The concept is that everyone should know the law. In this case, the Administrator's opinion was entirely consistent with the written law of Beaufort County, and there was every reason to rely upon the Administrator's opinion which confirmed a plain reading.

The Reasonable Result

Finally, a practical point should be considered. A 35-foot height limitation within the Bloody Point PUD (and many other PUD's) would be totally unworkable.

At Bloody Point, buildings must be built up in the air to start, given the flood elevations. I am told that virtually every existing oceanfront home in Bloody Point exceeds 35 feet. Some homes exceed 50 feet in height. Under the DRT's approach, ruling that the general community preservation standards apply, single family would be limited to 35 feet, also (See Appendix D, Table 2).

Millions of dollars of improvements would now be nonconforming - meaning the homes could not be rebuilt if destroyed by over fifty percent. Scores of lot values would

be drastically affected. Mortgages would be impossible to obtain, given that comparable properties could not be rebuilt. The same problems would be faced at Haig Point, Fripp, and many other PUD's.

Also, the County could not have changed the zoning of this 6-acre parcel in 1995 to 36 units, and confirmed that density in 1999, and at the same time intended to reduce multi-family height to 35 feet. The development would become impossible, or at best horribly sprawled and undesirable. This could not have been the intent of Council regarding Bloody Point, or the other PUD's that have contributed so much to the value and quality of Beaufort County.

In summary, we believe that Charles Gatch's October 7, 2000 Administrator's decision regarding height limitations within the Bloody Point PUD should be upheld. This earlier decision was correct and is the proper reading of current Beaufort County law. Also, my clients justifiably relied on the wording of the law and the interpretation of the Administrator, and have spent millions on that basis. Finally, to apply the 35 foot height restriction and other general Community Preservation standards within established PUD's would be unworkable, financially devastating across the County, and clearly against the intent of Beaufort County Council.

Under the provisions of the Beaufort County Zoning and Development Standards ordinance, we request an Administrative Interpretation on the issue of height limitations within the Bloody Point PUD, and specifically request a ruling that a 35 foot limitation does not apply within Bloody Point, based on the facts and reasoning set forth above.

Memo

To: Buz Boehm, Deputy Administrator for Development & Services
From: Tony Criscitiello, Planning Director T.C.
CC: John Kachmar, County Administrator
Date: 11/08/00
Re: Bloody Point PUD

The Bloody Point PUD is a development of some 330 acres of land on the southern tip of Daufuskie Island. In May 1989 as originally designed, the PUD was a simple project involving a golf course, mostly single-family units (99 s.f. units), club house, guest houses, cottages, pro shop, and beach club. There was a site designated on the conceptual drainage plan for a second beach club on Calibogue Sound.

On March 27 1995, the Beaufort County Council voted to approve an amendment to the original PUD involving the entire 330 acres. The subject of the amendment was the relocation and reconfiguration of single-family and multi-family residential units that reduced total units of both types from 201 units to 197 units - a reduction of 4 units.

On February 23, 1998, the Beaufort County Council amended yet again the Bloody Point PUD. The subject of the amendment was a change in land use involving 2.85 acres adjacent to the Bloody Point Lighthouse. The land use change was from multi-family to multi-family/Hospitality. The intended use was identified as a bed & breakfast inn that contained 7 buildings (i.e., 5 buildings with 4 bedrooms, 1 building with 3 bedrooms, and 1 building with 2 bedrooms).

Summary : Multi-family units are allowed in the PUD. Condominiums are a form of multi-family units. Thus, this land use is in keeping with the intent of the PUD. However, multi-story structures were not mentioned in any of the PUD records or shown on the site plan. It is my opinion that this type of land use is not in keeping with the intentions of the Planning Commission or County Council to allow a low

intensity PUD at Bloody Point. Therefore, I interpret this to be a major change requiring the action of the Planning Commission and County Council. I would suggest that the DRT consider this opinion at the time of concept plan review.

bcc:

Bloody Point PUD file (Zoning's)
DRT (Gatch, Cummings, Klink, Frazier)
Planning Bloody Point PUD file

COUNTY COUNCIL OF BEAUFORT COUNTY

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COUNTY ATTORNEY

SUZANNE M. RAINEY
CLERK TO COUNCIL

August 15, 2001

C. C. Harness, III
Attorney at Law
325 Coleman Boulevard
Mount Pleasant, South Carolina 29464

Dear Mr. Harness:

This is in response to your Freedom of Information Act request of Aug. 3, 2001 in which you request access to Bloody Point PUD documents. Additionally, you requested a copy of the minutes of the May 15, 1989 joint planning committee meeting.

Please call me at (843) 470-2810 to arrange a time for you to review the Bloody Point documents. I look forward to hearing from you.

Sincerely,



Tim Bennett
Public Information Officer

Cc: Buz Boehm, Deputy Administrator
Charles Gatch, Zoning and Development Director



Charles

**Beaufort County
Planning Department**

Memo

To: Buz Boehm, Deputy Administrator for Development & Services
From: Tony Criscitiello, Planning Director - T.C.
CC: John Kachmar, County Administrator
Date: 11/08/00
Re: Bloody Point PUD

The Bloody Point PUD is a development of some 330 acres of land on the southern tip of Daufuskie Island. In May 1989 as originally designed, the PUD was a simple project involving a golf course, mostly single-family units (99 s.f. units), club house, guest houses, cottages, pro shop, and beach club. There was a site designated on the conceptual drainage plan for a second beach club on Calibogue Sound.

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intensity PUD at Bloody Point. Therefore, I interpret this to be a major change requiring the action of the Planning Commission and County Council. I would suggest that the DRT consider this opinion at the time of concept plan review.

bcc:

Bloody Point PUD file (Zoning's)
DRT (Gatch, Cummings, Klink, Frazier)
Planning Bloody Point PUD file

(B) Storage. All materials or products shall be kept within completely enclosed buildings or screened by a solid wall or fence of a minimum height of eight (8') feet or enclosed by evergreen hedge or trees of minimum height of six (6') feet. Storage of materials within the enclosure shall not exceed the height of the wall, fence, or vegetative screen.

(C) Setbacks. See Section 5.2.9(A) of this Ordinance.

(D) Screening. See Section 5.2.9(B) of this Ordinance.

Section 4.12.5 **Conditional Uses for Wastewater/Sewage**

Sludge Disposal Wastewater/Sewage sludge disposal shall be permitted in an Industrial District provided a Land Application Permit for Sludge Disposal is granted by the South Carolina Department of Health and Environmental Control in accordance with the Land Application of Sludge Guidance Manual, dated December 1987; the Water Classification and South Carolina Regulation 6168, and the Classification of Waters, State of South Carolina Regulation 6169, dated June 28, 1985.

Section 4.13 **PUD - Planned Unit Development District**

A planned unit development ("PUD") district may be established through a rezoning procedure in any area when the applicant demonstrates that the proposal meets the requirements of this section. The purpose of the PUD is not to provide an avenue for circumventing prescribed zoning and development standards otherwise applicable, but to allow for flexibility and innovation in site planning.

Section 4.13.1 **Permitted Uses**

Uses permitted in a PUD district include:

(A) Any single land use or multiple land use proposed by the applicant which meets the requirements and objectives of this section, except Telecommunication Towers (transmitting and receiving).

(B) Contractors' temporary offices and/or storage buildings used during construction, including temporary offices located within a building which is intended for a permanent use authorized in (A), provided that the offices or buildings are not used as a dwelling and are removed within 30 days after completion of the project.

(C) Temporary offices for the initial sale or leasing of approved uses within the PUD during the development period, or for coordination of PUD development, including temporary offices located within a building which is intended for a permanent use authorized in (A), provided that (i) the offices are not used as a dwelling and are removed within 30 days after completion of the PUD development, and (ii) the approximate location of the offices is shown on the PUD master plan or shown on a subdivision or phase site plan which has received final approval. It is

recommended that the permanent use, which will succeed the office use after the completion of the PUD development at that location, also be shown in order that a revised master plan not be required in the future.

Section 4.13.2

Master Plan

(A) The applicant shall submit a conceptual PUD master plan which delineates one or more land use areas. An accompanying list/text must be submitted which gives a designation for each land use area and specifies acreage, uses, residential density and particular development parameters (see definition in 4.13.2(C), below) for each land use area. All uses and development parameters must be determinable for each land use area. To the extent that any use or parameter is not specified in the master plan, the uses, parameters, and requirements of Article V of this ordinance and the appropriate Beaufort County zoning district, as discussed in Section 4.13.3, below, shall apply.

(Example: if no specific open space is designated on the master plan, the provisions of Section 5.2.9(E) shall apply.)

The conceptual PUD master plan and list/text are jointly referred to in these sections as the "master plan".

(B) The definition of each land use area may be general or particular. Each may function like a specific Beaufort County zoning classification (such as Neighborhood Preservation District-2), a modified version of a specific Beaufort County zoning classification (such as Neighborhood Preservation District-2 with different building setbacks or an altered set of uses from those permitted in NPD), or a specially tailored district. Broad designations such as "residential" or "commercial" or designations of a specific use (such as a telecommunications tower) may be used. Use of more inclusive descriptions than the latter, however, is encouraged to allow for greater flexibility in modifying a project. In the case of conditional use PUD's, designations of specific uses may be appropriate since all changes to such master plans are processed administratively and do not require amendments to this ordinance.

(C) Development parameters encompass all of the elements defining the particular use of land including: elements which are ordinarily regulated under this ordinance - lot sizes, setbacks, buffers, lot widths and coverages, building heights, right-of-way widths, etc.; any standards which the applicant or reviewing boards may wish to impose such as square footage of commercial buildings; any departures from development standards of Article V; and any special provisions such as clustering of buildings, preservation of an archaeological site, provision of deeper buffers, or creation of a bicycle path.

(D) After approval by the County Council the master plan, as approved, shall be deemed part of the regulations applying to that particular PUD District. If the master plan submitted by the applicant is approved, but is modified without the written agreement of the applicant, the applicant shall have 60 days after receipt of notice of approval of the modified master plan to withdraw the master plan by written notice to the County Council. If withdrawn, the zoning for the areas within

Section 4.13.5

Areas of Potential Flexibility in Establishment of PUD Land Uses and Specifications

(A) In devising the PUD master plan there is potential flexibility in the establishment of land uses, density, setbacks, buffers, building heights, lot sizes, lot dimensions and most site design and development standards as expressed in Article V.

(B) However, the setback and buffer standards of Section 5.2.9 must be implemented along the perimeter of PUD districts. The PUD as a whole shall comply with all provisions in this ordinance relating to drainage, nuisances, screening, protection of natural resources (Section 5.2.7), loading standards and overlay districts; requirements of other local, state, and federal agencies and other applicable laws; and the Beaufort County Sign ordinance.

Section 4.13.6

Criteria for Establishment of PUD Land Uses and Specifications

The land uses, density, setbacks, buffers, building heights, lot sizes, lot dimensions and other standards established in the zoning district(s) in the area underlying the proposed PUD and the site design and development standards expressed in Article V shall constitute the baseline and frame of reference for the planning and review of the PUD master plan. The developer must provide substantial justification for any departure from those standards, including, for example: introduction of a land use that was prohibited in the prior zoning district(s), reduced building setbacks, or provision of fewer parking spaces than called for in Section 5.2.1(F)(6). Proposed deviations from road and drainage standards must be reviewed and approved by the County Engineering Department as a condition of PUD Masterplan approval.

(A) **General Considerations**

In examining the proposed master plan and evaluating the appropriateness of each land use and its attendant parameters, and any departures from Article V, reviewing bodies shall consider the following:

- (1) The applicant's statement describing the character of and rationale for the proposed development.
- (2) The appropriateness of each prospective zoning district if, hypothetically, each land use area were perceived as a separate zoning district.
- (3) Respective land uses recommended in plans or documents officially adopted by the County.
- (4) Whether the major components of the PUD are appropriately located and should be able to continue to function if all phases of the PUD are not completed, taking into consideration factors such as the infrastructure guarantee procedures of this ordinance (see Section 6.5.1(E)).

TABLE: 3

Percent Open Space Required By
Land Use and Density

(1) Residential

(a)	Single Family Less Than 10 Acres	N/A	
(b)	Single Family Greater Than 10 Acres	10%	
(c)	Multi-Family	2 - du/acre	20%
	Multi-Family	3 - 8 du/acre	30%
	Multi-Family	9 - 15 du/acre	40%
	Multi-Family	16 & Up du/acre	50%

(2) Institution 15%

(3) Commercial 15%

(4) Industrial 20%

(5) Hotel/Motel (Equivalent of 40% of a Residential Unit)*

* Required open space percentage of total hotel/motel tracts is computed by dividing the hotel/motel units per acre by 2.5 and applying the resultant residential density requirement.

Example: Hotel development at 30 units/acre. Take 30 du/acre divided by 2.5 which equals 12 du/acre or 40% open space required.

Section 5.2.10

Declaration of Land Use and Density

No development shall be undertaken except where master plans, site plans or plats have been submitted to and approved by the County clearly denoting all proposed use of the land and the maximum density or size of such uses thereon.

Such declared uses, density and size shall not deviated from until such proposed changes are submitted to and approved by the County.

Undesignated areas on master plans, site plans or plats shall be considered as open space and any proposed use thereof, other than open space, shall be submitted to and approved by the County.

The local Fire Official shall inspect the completed development site for compliance with the approved plans and submit his findings to the Zoning and Development Manager prior to issuance of a Certificate of Compliance.

(C) **Building Height Restriction**

All occupancies, excluding single-family and two-family dwellings, that exceed 35 feet in height or exceed a total fire flow demand of 3,500 gallons per minute (GPM) as referenced in the Insurance Service Organization (ISO) requirements for specialized equipment, must have adjustments to plans approved by the Fire District Fire Chief and the County Building Official and, as necessary, reach financial arrangements acceptable to the Fire District and the County Council which provide assistance in purchasing the appropriate fire-fighting apparatus or equipment. This standard shall be applied to the fire management plan as defined in each Fire District program.

(D) **Emergency Vehicular Access**

No development shall be constructed in any manner so as to obstruct emergency vehicular access to the development property or associated buildings and structures.

To insure that access will not be impaired in any emergency situation, attention should be given to the design and layout of such features as signs, fences, walls, street intersections and curves, parking lots, sidewalks, ditches, lagoons, recreational amenities, landscaping and maintenance of roads.

Section 5.2.14

Access to Development

(A) While it is the intent of this Ordinance that all property proposed for development have legal and adequate access to public thoroughfares, it is recognized that often times such legal right of access may not be clearly established at the time of proposed development activity. For development activity not involving the sale of lots or residential units to consumers, the concern over questionable legal access is not as great except that such proposed development may impact other property across which access to the development depends.

It is, however, of great concern that projects proposed for the sale of lots or dwelling units to consumers have clear legal access to avoid potential legal litigation involving unsuspecting consumers.

To this end, all applicants for development approval on property not immediately contiguous to deeded public rights-of-way shall submit.

(1) Copies of recorded deeds, plats and easements clearly documenting access to the development property or,

95/11

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, AMENDING THE EXISTING OFFICIAL LAND USE ZONING MAPS, DATED APRIL 9, 1990, WHICH ARE PART AND PARCEL OF THE ZONING AND DEVELOPMENT STANDARDS ORDINANCE (90/3).

A. OFFICIAL LAND USE ZONING MAP 300-6

St. Helena Island, District 300, Map 23, that certain portion of Parcel 136, designated on a plat containing 31.6 acres, from Rural Development District to Planned Unit Development.

B. OFFICIAL LAND USE ZONING MAP 600-17

Bluffton area, located on Burnt Church Road below Fern Lakes Subdivision, District 600, Map 40, a portion of Parcel 3, from Development District to General Commercial.

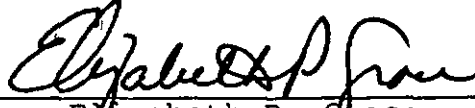
C. OFFICIAL LAND USE ZONING MAP 560-2

Daufuskie Island, located on the southern tip, District 560, Map 27, Parcel 9, from the original Planned Unit Development to amend the Planned Unit Development.


Adopted this 27th day of March, 1995.

COUNTY COUNCIL OF BEAUFORT COUNTY

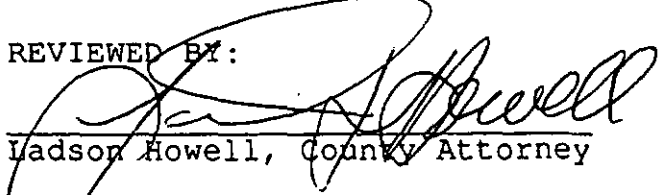
BY:


Elizabeth P. Grace
Vice Chairman

ATTEST:


Clerk to Council

REVIEWED BY:


Madison Howell, County Attorney

First Reading: February 27, 1995
Second Reading: March 13, 1995
Public Hearing: March 27, 1995
Third and Final Reading: March 27, 1995

campground can be developed under the guise of Planned Unit Development.

The County Attorney, Ladson Howell, responded that according to the Zoning and Development Standards Ordinance, a campground can be developed under the guise of a Planned Unit Development.

Mrs. Grace stated that Mr. Henry has been patient for quite awhile waiting for Council to reach some type designation for a campground area. Mr. Henry's proposed campground, under a Planned Unit Development zoning classification, has a number of restrictions included such as an on-site manager and 1,000' buffer on road frontage.

Mr. McBride expressed opposition to the request for zoning change based on the fact that his constituents very much oppose the planned unit development campground. The campground will increase traffic on Martin Luther King, Jr. Drive which is a narrow road.

The vote was: FOR - Mr. Atkinson, Mrs. Gnann, Mrs. Grace, Mr. McCracken, Mrs. Mullen and Mr. Taylor. OPPOSED - Mr. Glaze, Mr. Kline and Mr. McBride. ABSENT - Mr. Martin and Mr. Tinnan. The motion passed.

Nancy Howes

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve on first reading a request for zoning change in the Bluffton area, located on Burnt Church Road below Fern Lakes Subdivision, District 600, Map 40, a portion of Parcel 3, from Development District to General Commercial. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. McBride, Mr. McCracken, Mrs. Mullen and Mr. Taylor. ABSENT - Mr. Martin and Mr. Tinnan. The motion passed.

Bloody Point Asset Corporation

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve on first reading a request for zoning change on Daufuskie Island, located on the southern tip, District 560, Map 27, Parcel 9, from the original Planned Unit Development to an amended Planned Unit Development. This would reduce the total number of units in the overall master plan by four units. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Gnann, Mrs. Grace, Mr. Kline, Mr. McBride, Mr. McCracken, Mrs. Mullen and Mr. Taylor. ABSENT - Mr. Martin and Mr. Tinnan. The motion passed.

Impact Fee Ordinance

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council engage the consulting firm of Jordan, Jones and Goulding (represented by Messrs. Ron Niselar and John Todd) to develop an ordinance and all necessary supporting data for impact fees in the area of fire service, drainage, and schools at a cost not to exceed \$60,000

Mrs. Grace, Mr. Kline, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. ABSENT - Mrs. Gnann and Mr. Martin. Mr. Glaze temporarily left the room. The motion passed.

The Acting Chairman announced a public hearing Monday, March 27, 1995, at 6:00 p.m. in Council Chambers of the Administration Building.

Bloody Point Asset Corporation

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve on second reading a request for zoning change on Daufuskie Island, located on the southern tip, District 560, Map 27, Parcel 9, from the original Planned Unit Development to an amended Planned Unit Development. This would reduce the total number of units in the overall master plan by four units.

Mr. Tinnan asked if all the property owners in Bloody Point, particularly those in the area nearby where there has been a change from single-family to multifamily lots, were duly notified and if so, was there any response from them.

Mr. Steve Kiser, with the Melrose Company, explained four notices occurred: (1) A public notice was published in the newspaper, (2) A public notice was posted on site, (3) A letter was sent by the Planning Department to the property owners, and (4) The Melrose Company also sent letters to the property owners. There has been no public comment, positive or negative, about the proposed amendment.

The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Grace, Mr. Kline, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. ABSENT - Mrs. Gnann and Mr. Martin. The motion passed.

The Acting Chairman announced a public hearing Monday, March 27, 1995, at 6:00 p.m. in Council Chambers of the Administration Building.

MUNICIPAL ELECTIONS ORDINANCE

City of Beaufort and Town of Port Royal

It was moved by Mr. McBride, seconded by Mrs. Mullen, that Council approve on first reading a Municipal Elections Ordinance for the City of Beaufort and Town of Port Royal. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Grace, Mr. Kline, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. ABSENT - Mrs. Gnann and Mr. Martin. The motion passed.

OFF-AGENDA ITEM

It was moved by Mr. Tinnan, seconded by Mr. McCracken, that Council hear an off-agenda item as it relates to changes to the Zoning and Development Standards Ordinance that are in process. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Grace, Mr. Kline, Mr. McBride, Mr. McCracken,

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Bloody Point Asset Corporation

The Acting Chairman opened a public hearing at 6:24 p.m. for the purpose of receiving information from the public as it relates to a request for zoning change on Daufuskie Island, located on the southern tip, District 560, Map 27, Parcel 9, from the original Planned Unit Development to an amended Planned Unit Development. After calling three times for public comment and receiving none, the Acting Chairman declared the hearing closed at 6:25 p.m.

REQUESTS FOR ZONING CHANGE

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Atkinson, Mr. Glaze, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. ABSENT - Mrs. Gnann. The motion passed.

Bloody Point Asset Corporation

It was moved by Mrs. Mullen, as Planning and Development Standards Committee Chairman (no second required), that Council approve on third and final reading a request for zoning change on Daufuskie Island, located on the southern tip, District 560, Map 27, Parcel 9, from the original Planned Unit Development to an amended Planned Unit Development. This would reduce the total number of units in the overall master plan by four units. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. ABSENT - Mrs. Gnann. The motion passed.

MUNICIPAL ELECTIONS ORDINANCE

City of Beaufort and Town of Port Royal

It was moved by Mr. McBride, seconded by Mr. Taylor, that Council approve on second reading a Municipal Elections Ordinance for the City of Beaufort and Town of Port Royal. The vote was: FOR - Mr. Atkinson, Mr. Glaze, Mrs. Grace, Mr. Kline, Mr. Martin, Mr. McBride, Mr. McCracken, Mrs. Mullen, Mr. Taylor and Mr. Tinnan. ABSENT - Mrs. Gnann. The motion passed.

The Acting Chairman announced a public hearing Monday, April 10, 1995, at 6:00 p.m. in Council

and Ms. Potts and added that people who do not live in an area don't know how the residents feel. The residents want to maintain the existing community.

Ms. Frankie Nelson, a 13-year St. Helena resident on Club Bridge Road, supports the Henry's project because it attempts to maintain the rural character of the community through tree protection and landscaping. As an avid camper, Ms. Nelson stated that most campground users do not vandalize other property in the area, do not create excessive noise and usually seek relaxation and are quiet. The proposed project would benefit the community by attracting tourism. A rural campground is more favorable than a multi-unit development where strangers move in permanently. Ms. Nelson also stated that she speaks for herself and is not represented by the previous comments.

Committee Comments

Councilman McCracken supports the proposed PUD in view of the fact that the Henrys are taking economic advantage of an expected situation which is viable and reasonable.

Councilman McBride opposes the proposed PUD in view of the fact that a majority of the community is in opposition.

Councilman Kline expressed concern about the traffic situation on St. Helena Island's two-lane U.S. Highway 21. If there is a concentration of RV travelers, it is going to affect commuter and school traffic. Councilman Kline opposes the proposed PUD due to the immediate traffic impact on the daily life of residents using the highways.

Recommendation: Council approve on first reading a request for zoning change on St. Helena Island, District 300, Map 23, Parcel 136, from Rural Development District to Planned Unit Development. As per Staff recommendation, the boardwalk be included in Phase I of the development.

3. REQUEST FOR ZONING CHANGE

Bluffton area, located on Burnt Church Road below Fern Lakes Subdivision, District 600, Map 40, a portion of Parcel 3, from Development District to General Commercial (Nancy Howes)

Discussion: The total property consists of 58.45 acres, and the applicant wants to rezone five acres from the parcel before it is subdivided. The site is surrounded by undeveloped land, a trailer park and other general commercial uses along the road.

Recommendation: Council approve on first reading a request for zoning change Bluffton area, located on Burnt Church Road below Fern Lakes Subdivision, District 600, Map 40, a portion of Parcel 3, from Development District to General Commercial.

4. REQUEST FOR ZONING CHANGE

Daufuskie Island, located on the southern tip, District 560, Map 27, Parcel 9, from Planned Unit Development to amendment to the Planned Unit Development (Bloody Point Asset Corporation)

Discussion: The property consists of 330 total acres and the applicant wants to make some minor changes to the previously approved PUD, namely relocation and reconfiguration of some single and multifamily residential units and decreasing the overall density from 201 to 197 units. Staff is satisfied that the changes to multifamily use would not adversely affect the single family lot owners who have already purchased lots and that there are no undue affects on sensitive environmental areas. The multifamily uses are basically being reconcentrated next to the beach access. The Planning Board and Subcommittee recommend approval.

Mr. Steve Kiser, Bloody Point Asset Corporation, explained that this is a five year old PUD approved by Council in 1989. The project's infrastructure is complete and some residents are already there. The Bloody Point Asset Corporation issues are allocation/reallocation and reducing the density.

Letters have been sent to adjacent property owners, and there have been no written responses or negative feedback.

This PUD is registered in Washington D.C. but the proposed changes do not have to be re-registered. The Department of Housing and Urban Development requires that PUDs register with them and deliver a property report to each person if the infrastructure is not complete. Once infrastructure is complete, the project becomes exempt from federal registration requirements.

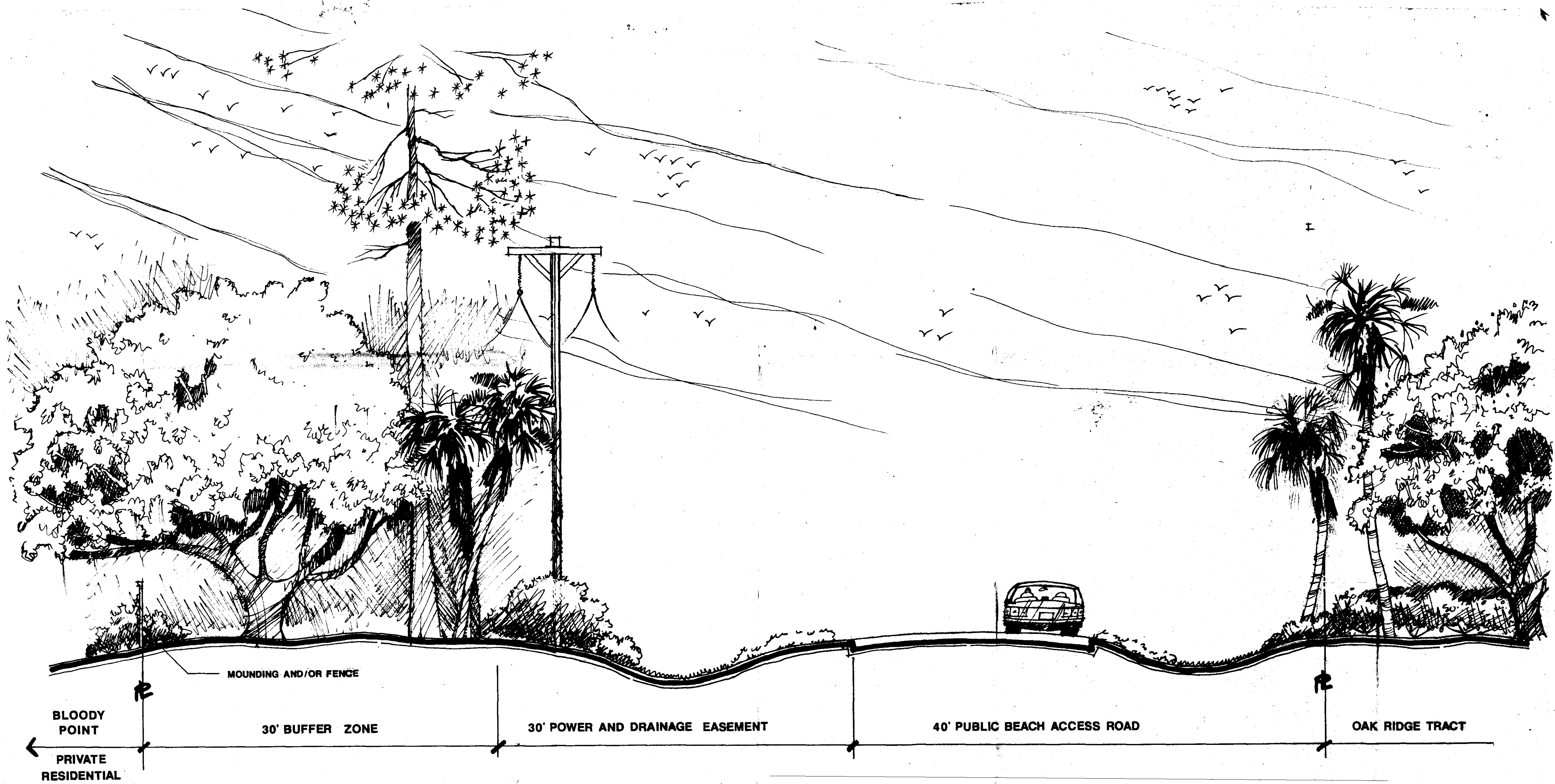
The Bloody Point Asset Corporation has the right to access its property off of public right-of-ways but does not currently utilize this right. The adjacent Oak Ridge property is a PUD designated resort inn and creates compatible uses.

Recommendation: Council approve on first reading a request for zoning on Daufuskie Island, located on the southern tip, District 560, Map 27, Parcel 9, from Planned Unit Development to amendment to the Planned Unit Development. This would reduce the total number of units in the overall master plan by four units.

5. TEXT CHANGE TO ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ARTICLES I, II, III, IV, VI, VII, VIII, IX, X) (Excludes Airport Overlay District)

Recommendation: Council approve on third and final reading the various text changes to the Zoning and Development Standards Ordinance Articles I, II, III, IV, VI, VII, VIII, IX, X) (Excludes Airport Overlay District)

6. NOMINATIONS



BLOODY
POINT
←
PRIVATE
RESIDENTIAL

MOUNDING AND/OR FENCE
30' BUFFER ZONE

30' POWER AND DRAINAGE EASEMENT

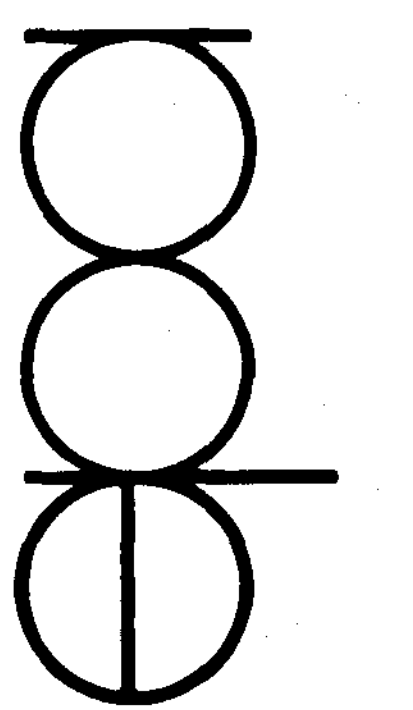
40' PUBLIC BEACH ACCESS ROAD

OAK RIDGE TRACT

SINGLE ROAD BEACH ACCESS
SCALE: 1/4" = 1'-0"

PROPOSED PUBLIC BEACH ACCESS ROAD
ADJACENT TO THE
BLOODY POINT TRACT.
DAUFUSKIE ISLAND, SOUTH CAROLINA
PREPARED FOR
THE MELROSE COMPANY

Edward Pinckney/Associates, Ltd.
Landscape Architects and Planners
Hilton Head Island, South Carolina 803-785-4265
Charleston, South Carolina 803-723-9596



Sheet Title:
Job Number:
Date:
Drawn:
Approved:
Revisions:
PRINTED
MAY 4 1988

Sheet
Of

Electricity and Telephone

Electricity and telephone services will be provided by South Carolina Electric & Gas Company and Hargray Telephone Company, respectively.



South Carolina Electric & Gas Company
P.O. Drawer 1168
Beaufort, SC 29901
(803) 524-4161

March 21, 1989

Mr. Steve Kiser
Melrose Club
P.O. Drawer 6779
Hilton Head, S.C. 29938

Re: Electric Service for Bloody Point, Daufuskie Island

Dear Steve:

South Carolina Electric & Gas Company will be able to provide underground electric service to the above referenced development. Costs associated with providing underground service will be determined when a finalized plat is submitted to our office for engineering.

Please submit a plat of this development as soon as possible, at least four months prior to the construction date so that all engineering requirements can be met.

Service will be installed on an "as needed" basis according to the existing sales policy at the time of construction.

We will be looking forward to working with you on this project. If we may be of any further assistance, please don't hesitate to call our office.

Sincerely,

Charles G. Moore
Associate Manager
Operations & Construction

CGM/11a

00097



Hargray Telephone Co.

I N C O R P O R A T E D

March 23, 1989

Jack Best
The Melrose Company
P. O. Drawer 6779
Hilton Head Island, SC 29938

Re: Daufuskie Island Club

Dear Mr. Best,

With reference to the above project, it is our desire to provide all necessary telephone facilities to accommodate your needs in accordance with our General Customer Service Tariff with an effective date of January 1, 1974.

Hargray Telephone Company will provide telephone facilities in our franchised area under our current design standards. If any type of special construction beyond Hargray Telephone Company's current design standards is required, it may be necessary for you as the developer to fund the difference in cost as an Aid to Construction.

Service from the equipment room, to meet your every communications need, is available through Hargray's Marketing Department. The Marketing Department may be reached by calling 686-5000.

I will be more than happy to discuss this matter in more detail with you at any time. You can contact our Engineering Department by calling 803-686-1195.

Sincerely,

Nickey W. Bevill
Engineering Supervisor

cc: Gary Lee
Jay McDaniel
Chyleen Mock
Eddie Estes

Enclosures: Construction Application
Line Drawing

NB/lp

THE MELROSE COMPANY

POST OFFICE DRAWER 6779

HILTON HEAD ISLAND, SC 29938

(803) 785-8688

April 3, 1989

Mr. Charles Gatch
Executive Director
Beaufort Country Joint Planning Commission
Arthur Horne Building
P. O. Drawer 1228
Beaufort, SC 29902

Dear Charles:

The Bloody Point Limited Partnership acquired the Bloody Point tract on Daufuskie Island (330.48 acres) in July 1988. The Partnership is essentially composed of the same limited partners as the Melrose Group Limited Partnership and the Melrose Company is the general partner for the Bloody Point Limited Partnership.

Since last July the Melrose Company has proceeded with preliminary engineering, research and planning for the development of the property. As you will discover in the introduction section of this application, we have prepared a simple and very low density plan that we trust you will find acceptable under the Beaufort County Development Standards Ordinance.

There are two parts to this submission:

Executive Summary

This summary is designed to acquaint the reader with an overview of the existing federal, state and county approvals and comments received to date.

Appendices

Separate reports are submitted for your review that address in detail the key engineering issues related to this submission and outlined in the Executive Summary.

At this time, we ask the Joint Planning Commission and your office for preliminary plan approval so we may continue our engineering and planning.

It is our understanding that each phase of The Daufuskie Island Club must receive careful review by your office and approval prior to the issuance of any final approvals for development construction.

Mr. Charles Gatch
April 3, 1989
Page Two

Please let me know if you have any questions and I will be glad to respond accordingly.

Sincerely,



Stephen B. Kiser
General Partner
The Daufuskie Island Club

SBK:ph



» 00084

The Beaufort County Joint Planning Commission will hold its next regular meeting on Monday, May 15, 1989 beginning at 5:30 P.M., Council Chambers, Arthur Horne Building, Ribaut Road.

AGENDA

- 5:30 P.M. Review of the minutes of the regular meeting held on Monday, May 1, 1989.
- 5:35 1. Chairman's Report
2. Director's Report
3. Old Business
4. New Business
5. DSO Violation - Danner Kinard
6. PUD Masterplan Review - Daufuskie Island Club
7. DSO Amendment - Recommendation to County Council
- 7:30 Adjourn



00085

MINUTES
BEAUFORT COUNTY JOINT PLANNING COMMISSION
MONDAY, MAY 15, 1989

The regular meeting of the Beaufort County Joint Planning Commission was held on Monday, May 15, 1989 at 5:30 P.M. in the Council Chambers, Arthur Horne Building, Ribaut Road, Beaufort, South Carolina.

MEMBERS PRESENT:

Mr. Sherwood Fender, Chairman
Mr. Joe Mix, 1st Vice Chairman
Mr. Earl Campbell, 2nd Vice Chairman
Mr. Earl Pickel
Mrs. Gladys Hunsberger
Ms. Terry Murray
Mr. John Graves
Mr. David Christmas
Mr. Lewis Hammet
Mr. Emory Campbell
Mr. Bernard McIntyre

MEMBERS ABSENT:

None

STAFF PRESENT:

Mr. Charles Gatch, Executive Director
Ms. Bernice J. Sistare, Secretary II
Mr. Gordon S. Crispin, DSO Administrator
Mr. J. C. Wright, Planner II

The Chairman declared a quorum present.

Mr. Fender called for a review of the minutes of the regular meeting held May 1, 1989. There being no additions, deletions, or corrections, the minutes stand approved as written.

Mr. Fender stated that item 7 on the Agenda, DSO Amendment - Recommendation to County Council will be moved to the beginning of the meeting due to Mr. Gatch having to leave early due to an important commitment.

Mr. Fender commented that Mr. Gatch has responded to County Council regarding the DSO amendment and the Commissioners received a draft of the letter in their agenda packet. Mr. Mix made the motion that the recommendations in the letter as drafted by Mr. Gatch be adopted and that the letter be sent to County Council and it was seconded by Ms. Murray. The motion carried unanimously.

CHAIRMAN'S REPORT

There was none.

JPC MINUTES
MONDAY, MAY 15, 1989
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* C0086

DIRECTOR'S REPORT

Mr. Gatch stated that the St. Helena Citizen's Advisory Committee is almost finished with its work on proposed zoning of St. Helena Island. They will probably meet one more time after this week. The tentative plan is to have the committee report to the Joint Planning Commission at the June 5, 1989 meeting. Mr. Mix asked if staff would be prepared to comment on the Committee's report.

Mr. Gatch stated that the Citizen's Advisory Committee for Northern Beaufort County has been organized and it will be holding its first meeting on May 25, 1989 at Davis Elementary School. There are approximately twenty-eight members of the committee.

Mr. Mix asked if comments from the staff regarding St. Helena zoning would be available before the June 5, 1989 meeting. Mr. Gatch stated that the end product of their work is a map and that he would summarize the map in written form emphasizing any drastic changes they wished to make. Ms. Murray stated that she didn't object to the Committee making their presentation to the Commission as long as they are not expected to make a decision the same night. At the same time she would like to see the original proposal that the staff prepared and the major differences between the staff proposal and the Committee's proposal and if the staff has a third proposal that would be a compromise or any alternatives as seen by the staff. Mr. Fender stated that the Planning Commission would receive the report from the St. Helena Citizen's Advisory Committee as information only at its June 5, 1989 meeting. Mr. Gatch stated that he would provide an advance summary of what the committee proposes.

OLD BUSINESS

Ms. Hunsberger stated that she is still getting phone calls that Mr. Giles is operating his business. Mr. Crispin stated that he had not been able to contact the magistrate to get an arrest warrant for Mr. Giles. Mrs. Hunsberger asked where the Lobeco postoffice will be relocated. Mr. Gatch stated that it will be between where the railroad track used to be and Blanchard's Store on the left-hand side of the highway going away from town.

NEW BUSINESS

There was none.

DSO VIOLATION - DANNER KINARD

Mr. Crispin stated that the Alibi Bar is located on Highway 116 going towards Laurel Bay on the left. In 1986 a lady came in

00103

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 MONDAY, MAY 15, 1989
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seeking a permit to use the facility. The condition of the permit was: 1. There would be an access removed adjacent to the highway; 2. Electric and telephone services would be placed underground; 3. Parking to be established. Subsequently, this did not happen. The person operated for a period of time and went out of business. Mr. Crispin continued that on April 24, he received information that the Alibi Bar was back in business. On April 28, 1989, Mr. Crispin visited the facility and found that it was in business. He spoke to Mr. Kinard and pointed out to him the need for a permit before opening. Mr. Kinard and Mr. Craven came in to the JPC Office that same afternoon and Mr. Crispin went over the procedure of making application with them and pointed out the variance conditions that would have to be dealt with. Mr. Crispin informed them that they were not supposed to be open for business. They were less than enthusiastic and asked to see Mr. Gatch who essentially told them the same thing. Some time later, Mr. Crispin received word that Mr. Kinard was continuing to operate at which time he served violation notice by mail to Mr. Kinard. Mr. Craven came in to the JPC Office and reviewed procedures for developing a site plan. There has been no response to the problem. Mr. Danner Kinard, owner of the business, stated that he felt that South Carolina Electric and Gas Company was at fault in his situation because they did not tell him he needed a permit before they turned on his electricity. He stated that he paid SCE&G \$700.00 on deposit and felt that they should have told him he needed a permit. Mr. Kinard stated that he had never heard of the Joint Planning Commission before. Mr. Kinard stated that he wanted to cooperate so that he could keep his business open. A discussion was held after which Mr. McIntyre made the motion that Mr. Kinard be allowed an additional three weeks to bring his project into permitting compliance and postponing any decision relative to the violation and it was seconded by Mr. Earl Campbell. The motion carried with Mr. Pickel opposed.

PUD MASTERPLAN REVIEW - DAUFUSKIE ISLAND CLUB

Mr. Gordon Crispin stated that Bloody Point is being presented as the Daufuskie Island Club and is a three hundred (300) acre tract owned by Bloody Point Limited Partnership. They contemplate ninety-nine single family home sites and each home site will approximate two (2) acres in size, an eighteen-hole golf course, a golf club, a founder's house, some professional shops, and twelve cottages. Involved in this proposed development is the relocation of at least one access road presently providing access to the beach. A petition expressing concern as to whether or not other roads may be closed so as to deny public access not only to the beach but to an old cemetery located on that site and to a site along the Mungen River has been received. As to the technical requirements for review, the Bloody Point Partnership has met all the requirements relative to agency sign-offs at the

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preliminary level including the county engineer, South Carolina Coastal Council, Corp of Engineers relative to internal wetlands, DHEC relative to proposed water, and sewage disposal system. Beaufort/Jasper Water Authority has indicated a commitment to tie in and work with the Partnership in developing an adequate and appropriate sewer system on the Daufuskie Island including this development. They propose to use in the future a wastewater treatment plant and spray the treated sewage on the golf course. A well will be drilled into the aquifer to supply the necessary water. Their plan will also compensate being able to meet fire district requirements.

Mr. Steve Kiser, a principal in Melrose Company, introduced his two partners, Mr. Jim Coleman and Mr. Bob Kolb. He stated that he would give a brief summary of the project and present the facts. Mr. Kiser referred to an aerial photograph that was taken a few months ago that shows the southern end of Daufuskie Island. On the left-hand side of the photograph, it shows the Mungen River and on the right hand side of the photograph, it shows about half the shoreline of Daufuskie Island. Mr. Kiser stated that Daufuskie Island is five (5) miles long and approximately three (3) miles wide. He continued that the purpose and intent of bringing the application to the JPC is to essentially continue developing in the same direction as previously on Daufuskie Island, to maintain the same kind of commitment to the quality, and blend that in with the importance of the cultural history that exists on Daufuskie Island. Mr. Kiser stated that the development of the property will include ninety-nine (99) home sites and in addition to that, an oceanside village of fifteen (15) four bedroom cottages and an eight (8) bedroom founder's house. The ninety-nine homesites will be owned by individuals who will ultimately become members of the Daufuskie Island Club. The sixteen cottages will be utilized by the members of the Club. Inside the ocean village, there will be a golf and village clubhouse, a food and beverage facility, locker rooms, and club services. The founder's house will be located opposite the courtyard and the beach club will be located directly across the street inside the ocean village location. There are four sites on the property for which there are no plans at the present time. There are two roads inside the Bloody Point property which feeds off Pappy's Landing Road. This is an existing county and publicly used road that has been there for many decades. No alterations are proposed for that road. There is also an existing two lane road that comes down to the Bloody Point Lighthouse providing access to two winery buildings that are commonly referred to as the silver dew winery. A one lane trail comes by the winery and goes to the beaches of Daufuskie Island. Within the project, there will be a new road that will come in through the property into the oceanside village and essentially it will T to the north and end at a cul-de-sac and then T to the south and end at a cul-

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de-sac. There are no through roads on the property. Mr. Kiser re-emphasized that there is one entrance road, two long cul-de-sacs to service the front north and south side of the property as well as one other long cul-de-sac that goes down to the edge of the Mungen River. There are no plans to allow privately owned vehicles on the property. Mr. Kiser stated he has an opportunity to consolidate some existing community services like facility maintenance, landscape maintenance, the paint shop, machine shop, laundry, and an employee cafeteria and utilize them also at Bloody Point. The plan calls for the immediate development of the property.

Ms. Murray stated that in the summary report given to the Commissioners, Mr. Kiser stated that there are four sites that have been surveyed and identified in the masterplan as future development locations. Four of them have been identified as potential eligible sites for nomination to the National Register. She thought all of Daufuskie was already on the National Register. Mr. Kiser stated that the entire Island has been identified as potentially eligible and many of the landmarks have been noted as being eligible. Mr. Kiser continued that they have, under the direction of guidelines given them by State Archives and History Department, chosen one of the archeologists selected by Archives and History to perform this reconnaissance and at the end of the reconnaissance work and survey, they identified the four sites referred to. Mr. Kiser stated that these four sites would not be disturbed until final conclusion.

Mr. Emory Campbell asked if the present practice of taking the solid waste off the Island will be continued. Mr. Kiser stated that there is presently in the Melrose Community Services Department a central receiving and compaction station for all solid waste. Once it is compacted and held there, it has been barged off the Island. All solid waste will be brought to the central compaction station. Mr. Kiser stated that they had had several meetings with Beaufort/Jasper Water Authority in the past six months. At the present time, Beaufort/Jasper Water Authority has nearly finished a final Island plan that Melrose Company has agreed to participate in and support. The Island-wide plan calls for two waste water treatment facilities. The preliminary engineering reports were taken into consideration by DHEC in Columbia as well as Beaufort/Jasper Water Authority.

Mr. Kiser stated that the roads that now supply access to the property are Beach Road and off Beach Road is Pappy's Landing Road. Both roads are recognized as long-standing, two lane roads on Daufuskie Island. There are three other roads within the property, two of which were identified and recognized by the Daufuskie Island Plan in 1985. The third one was not recognized. Coastal Signs and Engineering, a firm out of Columbia, did a

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shore-line management study for the Bloody Point Partnership and they identified the baseline, the new dead zone, and the new setback line for the property. Coastal Signs and Engineering did an aerial reconnaissance of the existing roads inside the three hundred thirty (330) acres and there are three roads. One of the roads is Beach Road. A second road is known as the Mungen River Cemetary Road. A third road parallels the Atlantic Ocean. The study addressed these three roads as well as Pappy's Landing Road and Prospect Road. The County maintains the Beach access road which is a one lane, ten (10) foot wide trail to the beach but does not maintain Mungen River Cemetary Road.

Mr. Kiser stated that Bloody Point Partnership proposes to move Beach Road fourteen hundred (1400) feet from its terminus and they propose to then give back for that relocation privilege a one hundred foot corridor which constitutes a non-exclusive easement to Beaufort County. There will be built by South Carolina Electric and Gas a three phase power line which will pass underground into the project. Inside the one hundred foot (100') wide corridor a two lane access road will be built to the new point and terminus on the Atlantic Ocean. All of these improvements will be built by Bloody Point Partership. A sixty car parking facility will be built with a major turnaround at the end of the parking lot as well as emergency vehicle access to the ocean. Mr. Kiser stated that they had been working closely with the JPC staff, the South Carolina Coastal Council, and Mr. Haigh's office. Mr. Haigh has reviewed the proposed realignment of Beach Road and provided that all the road improvements are built to County specifications and the parking and emergency beach access are created, Mr. Haigh of Roads and Bridges has no objection to the realignment and is pleased to have the capabilities associated therewith on the southern end of Daufuskie Island. Mr. Kiser continued that they have approached the South Carolina Coastal Council because the parking lot falls under their jurisdiction. The South Carolina Coastal Council has given a conceptual approval to the proposal for a new beach access area via certification of the master plan. Newly submitted documents by Bloody Point now allows South Carolina Coastal Council to be more specific and sent to Mr. Kiser copies of general permits that will be obtained in order to construct the parking facility. Mr. Kiser stated that the issue of beach access is of great concern to the Bloody Point Partnership. No parking currently exists at the end of the beach access road and there are no emergency vehicle accesses or turnarounds.

Mr. Kiser stated that Bloody Point Partnership has committed to maintain access to the cemetary but proposes to do so via a new road to the cemetary and the Mungen River. He stated that they will also provide a turnaround in front of the cemetary as well as parking spaces for six (6) vehicles. The purpose is to provide

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river access for anyone who wants to go to the river or around the southern tip of Bloody Point as well as providing the other beach access and parking lot. Mr. Mix asked if public vehicles would be allowed over the proposed route to go to the cemetery. Mr. Kiser responded that vehicles would be allowed. Vehicles will not be allowed inside Bloody Point project only. Mr. Kiser read part of a memo that he had written to Beaufort County Joint Planning Commission and Beaufort County Council as follows: "In conjunction with the request of the Bloody Point Limited Partnership (applicant) for preliminary development approval of Bloody Point located on Daufuskie Island, the applicant hereby irrevocably commits to the following:

1. Free access will be provided through the Bloody Point project (known as the Daufuskie Island Club) to the cemetery and Mungen River, with parking, over new roadways and easements to be constructed by the applicant.
2. The applicant shall dedicate to Beaufort County a non-exclusive perpetual beach access and parking easement including emergency vehicle beach access, along the generally north easterly boundary of the Bloody Point tract as now fully described on attached Exhibit "A". Further, the applicant shall construct, at applicant's expense, and under the supervision of Beaufort County, a new two-lane access road, parking area and emergency beach access road according to specifications to be mutually agreed upon. The existing access to the beach known as Beach Road shall be open for public use until such time as the new access road and parking area have been completed."

Mr. Kiser stated that as vehicles come into the property there will be a security officer twenty-four hours a day for the security of the people who own property within the project. His instructions will be very simple. If someone calls or drives up to the gate and states he/she wants to go to Bloody Point, they will be asked to state the purpose of the visit. If the individual says he/she wants to go to the cemetery or the Mungen River to the parking lot, the guard will permit the individual/s through the gate. There will be no charge by the Bloody Point Partnership.

The third road that is inside the property is not maintained by the County.

Ms. Murray asked if she should use the proposed public beach access road, how far along the beach could she walk. Mr. Kiser stated that she could walk to the tip of the Island at low tide. There are no barricades or obstacles. Mr. Kiser stated there is definitely a way for people to get from the county boat landing to the proposed public beach access. Ms. Murray asked if erosion was taking place. Mr. Kiser replied in the affirmative and stated that erosion is taking place on the entire eastern side of the Island to some degree. Ms. Murray asked why Mr. Kiser wanted to change the Lighthouse Beach road. Mr. Kiser stated that the current road bisects his property, thereby making good planning a nightmare. It creates a hardship on the development process.

Mrs. Hunsberger asked how far away from the ocean front the first row of homes is located. Mr. Kiser replied that they are two hundred and fifty-six feet (256) from the baseline. Mrs. Hunsberger stated that she is a real advocate of public beach access and is glad to see Bloody Point Partnership giving some thought to it. Mrs. Hunsberger stated if sixty (60) parking spaces will be provided with from two (2) to four (4) people to the car making a total of from one hundred twenty (120) to two hundred forty (240) people, what are they going to do for public restrooms. Mr. Kiser stated "that's a good question. The public facilities on Daufuskie Island are minimal." Mr. Kiser feels that is a decision the County will have to make. He said that if the County should decide to build restroom facilities, it would not have an impact on the existing water/sewer system.

Mr. Christmas asked how the density would be handled for the future development sites. Mr. Kiser stated that in the plan, the future development sites have been identified without any density and the partners will commit to them all being single family at the same density as the village. Mr. Kiser stated that they would like to cap density for future development sites at the same density level as the oceanside village because of the prime location.

Mr. McIntyre inquired whether the one hundred foot right-of-way or easement would be paved. Mr. Kiser stated that it would not be paved. It will be constructed to the standards called for when two-lane rural roads are built. The only surfaced roads on Daufuskie Island are in Haig Point and Melrose.

Mr. Wright asked if Melrose was party to the proposed helipad. Mr. Kiser stated that the helipad is proposed to be built near the Melrose landing on the west side of the Island. He continued that Melrose performed a private study last year and submitted it to the County Airport Commission and a copy to FAA. The conclusion was that of all the locations it should be located

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with the greatest land shuttle system and the greatest water transportation system.

Mr. Brantley Harvey, representing Mrs. Wheelihan, International Paper Realty of South Carolina, and some of the other residents of Daufuskie Island stated that about a week or ten days ago, seventy-three (73) residents signed and forwarded to the Joint Planning Commission a petition expressing concern about the plans that have been submitted on behalf of Bloody Point for its development. The plan that has been heard tonight incorporated substantial changes and amendments. The plan that was originally submitted did not include any parking at either the Bloody Point site or at the Lighthouse Road or Beach Road site. So considerable progress has been made. However, Mr. Harvey continued, it is not in keeping with the plan this Commission spent about eighteen (18) months preparing last year. The Daufuskie Plan very interestingly and significantly in its preamble states that the writing of the plan is just the beginning. It is the implementation process that is important. To have an effective planning process the recommendations of Beaufort County's plan should be implemented. Mr. Harvey continued that this plan addressed transportation, principally dealing with the roads on Daufuskie Island and with beach access and areas for recreation and public use. Mr. Harvey re-emphasized that Beach Road is publicly maintained by the County and has been for more than twenty years. That road is a historic road. Beach Road leads to a good area of the beach on Daufuskie Island on the south end. Mr. Harvey handed out some photographs he had taken of the beach at the end of the proposed road which showed extensive stumps, snags, and erosion which exists as compared to where the current road is about one-quarter of a mile further south. Mr. Harvey stated that it is obvious from the photographs that the proposed beach is vastly inferior. Mr. Fender asked Mr. Gatch if the Joint Planning Commission had the power to discontinue or relocate a public road. Mr. Gatch stated that discontinuance or relocation of a public road must be approved by County Council. Mr. Gatch stated that the Commission's recommendation and approval of the plan/place for the road to be located will be important to County Council. Ms. Murray stated that Mr. Harvey brings up a good point regarding the conformance of Bloody Point's plan with the Daufuskie Island Plan. She asked Mr. Gatch to outline the reasons for the differences as pointed out by Mr. Harvey. Mr. Gatch stated that the Daufuskie Plan recommended relocating Beach Road and showed two or three possible alternative locations. Mr. Hammet stated that he thought the Daufuskie Plan was in favor of relocating the road to the two tracts where it is proposed with the only caveat being that it would be very expensive for the County to condemn that land and it might have to stay in the old tract.

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Mr. Harvey cited page 124 of the Daufuskie Plan that deals with alignment number one which is down the boundary line and states: "Alignment #1 cannot be recommended as an alternative to the existing Beach Road for several reasons." The paragraph then discusses the reasons. "Alignment #3 achieves all the public interest objectives and is also the shortest of the alternative alignments (approximately 520')". This follows the present line but passes a little further to the east of the winery which should be done in order to preserve it. Mr. Hammet noted the recommendation of the Plan on page 125 which states: "The Beach Road should be moved to the property line between Oak Ridge and Bloody Point if the following conditions can be met:

1. No disturbance to the fresh water wetland adjacent to the ocean.
2. Access to Bloody Pt. and Cemetery be preserved by a new road (extension of Prospect Rd. to the southeast).
3. Property owners benefitting from this realignment pay their fair share of the land acquisition and road construction costs of above.

Mr. Harvey stated that the proposed realignment would affect fresh water wetlands. Mr. Harvey continued that the map on page 122 of the Daufuskie Plan shows some wetlands at the ocean. He feels that an examination by members of the Commission would be beneficial. The Beach Road as shown in the Plan says that as Bloody Point is masterplanned, additional areas for parking should be acquired at the two existing beach access points. The Development Standards Ordinance has provisions in it for the Commission to recommend acquisition of parking facilities and this needs to be addressed.

Mr. Gatch stated that there is a correction that needs to be made. There was one map in the Daufuskie Plan which had incorrect wetland information. There is not a wetland at the location as indicated on the map on page 122 of the Daufuskie Island Plan.

Ms. Murray asked Mr. Harvey to summarize what he is recommending to the Commission. Mr. Harvey stated that he is recommending to the Commission the continued use and improvement of existing road as recommended in the Daufuskie Plan with a parking area at its terminus because the existing road is the access to the most superior beach area. Mr. Harvey continued that the established road should be the continued public access to the cemetery in accordance with the Daufuskie Island Plan with adequate public parking.

Mr. Fender asked Mr. Gatch to comment on the beach in terms of the quality of it from his personal observations. Mr. Gatch stated that he did not see any significant difference in the

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beach per se. He continued that there are fewer stumps in the area immediately in front of where the public access is to the beach now. There are still some stumps but not as many as there are further north. Mr. McIntyre stated that there seems to be some inconsistency in the observations of Mr. Gatch and some of the local residents.

Mrs. Hunsberger stated that what concerns her for the residents is the matter of having to go through a gate. The gate is limiting and would be intimidating to the residents. Mr. Fender stated that there is public access to the beach and cemetery and people could go anytime they wanted to. A discussion was held regarding the advantages of the proposed road over the existing road.

Mr. Graves asked if the local residents objected to the relocation of the beach access road. He continued that each Commissioner had a copy of a letter stating "we here in the community of Daufuskie have a great concern with the treatment of the access road to Bloody Point. With the new plans for development of Bloody Point, we are told by Melrose that the old beach road will be relocated to run along the Oakridge boundary. We have no objection to these plans." Mr. Graves stated that it was his impression that the main objection was access to the cemetery. Mrs. Wheelihan, Daufuskie resident, stated that the residents objected to the relocation of both roads. She continued that with all the stumps and debris, it would not be safe for the children to play in the beach area of the proposed road. Mr. Bates, a Daufuskie resident, stated that the residents were concerned about only one road. They did not want the Bloody Point road to be classified as the cemetery road only. He emphasized that he did not have any problem with the relocation of the beach access road.

Mr. Kiser stated they are following the Daufuskie Island Plan recommendation to the letter in the relocation of the beach road and cemetery road. They are providing public access for the people on Daufuskie Island to the cemetery and Mungen River with a parking lot that presently does not exist. Mr. McIntyre asked with what frequency the existing road is traveled. Mr. Odom stated that it is used fairly regularly by people on the weekends. Further discussion transpired regarding the frequency of use on the existing cemetery road.

Dr. Bruen, a world renowned marine scientist, stated that beach stability is always defined in relation to the high tide. Unless there is a high tide beach, there will not be any beach. Dr. Bruen continued that the present beach location is wider than the proposed new location. The further south you go, the wider beach

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MONDAY, MAY 15, 1989
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and more stable beach you have. Dr. Bruen stated that he had been on Daufuskie Island recently and the proposed beach area is twenty (20) feet wide whereas the beach nearest the Bloody Point area is about ninety (90) feet wide. The present location is not only wider, it is also more stable and this is important for high tide. It is also quite clear that erosion is decreasing to the south. The problems with erosion on the beach are definitely going to increase. Dr. Bruen stated that it is important to think and give high priority to the beach. Dr. Bruen stated that the beach the residents of Daufuskie Island has now is the better of the two sites and will be twenty years from now.

Mr. Wes Jones stated that beach stability is a subject that has been the source of much debate and controversy over the past year. He continued that beach stability is an issue that Coastal Council has focused on almost singularly for the past two years and the Bloody Point plan is designed for beach stability. Mr. Jones stated that it is very difficult to tell what the typical life cycle of a beach is without taking some beach profiles and doing some surveying. Mr. Jones continued that there seems to be some misunderstanding as to whether the good beach is going to be held for the Bloody Point partnership and the bad beach is going to be given to the public. What we are discussing is ways to get there. Two ways have been offered so that individuals whether they are older, infirmed, or incapable of a great deal of mobility can access the beach. They can walk two feet and they are in the heart of what we have heard today is the very best beach. The other access which we assume will ultimately be the access chosen by most of the general public is being moved slightly. Mr. Jones stated that what we are trying to do is to provide to the general public the same number of access points that are there, giving them the opportunity to circumvent the beach in a fashion that has been suggested.

Mr. Mix asked Dr. Bruen if he could give us percentage-wise how much more high tide beach exists at the present location versus the proposed location. Dr. Bruen estimated twenty-five to thirty-five (25-35) percent.

Mr. Neal Robinson, representing Plantation Land Company who owns the five hundred thirty (530) acres of land known as the Oakridge Tract immediately adjacent to Bloody Point, stated that in 1979 this property along with what is known as the Webb Tract was acquired by Daufuskie Island Land Trust. In 1984 they sold Haig Point to International Paper Realty and at the same time gave an option to International Paper Realty to purchase the Oakridge Tract and Webb Tract. International Paper Company has not exercised its option yet but has the opportunity to do so this year to acquire these two tracts. Mr. Robinson stated that he is here tonight to register objections on the behalf of the owner

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(Plantation Land Company) to the immediate relocation of what is known as Beach Road which for purposes of clarification, research shows that Beach Road is not a ten (10) feet road but a twenty (20) feet roadway and extends some three thousand six hundred feet (3,600) feet from the old lighthouse to the beach. This road has been used by the public for years and years. It is a much better beach and if it is relocated to the property line, it is another quarter of mile to get to the existing beach and a quarter mile back. It also impacts the Oakridge Tract property by moving a public access to the common boundary which obviously puts the public on the beach more approximate to its property. Mr. Robinson and his clients asked the Commission to seriously consider the impact of relocating Beach Road. Mr. Robinson continued that with regard to this access and the proposed alternatives in the Daufuskie Plan, he is authorized to say on behalf of the owner of the land that they would dedicate a piece of property to allow the winery to be spared to use the existing road. Mr. Robinson stated that the significant thing to be considered by the Commission is the relocation of a road that has been in existence approximately one hundred (100) years where the access to the better part of the beach will be affected and there is no public purpose served by it.

Several Island residents spoke in opposition of the proposed relocation of the roads.

Mr. McIntyre asked if it would be in the best interest of the public to approve the proposed Bloody Point plan. He continued that obviously approval of the proposed plan would assist Bloody Point Partnership to better plan their property. Mr. McIntyre stated that he sees the public getting a fair exchange and made the motion that the plan as proposed be approved with the stipulations that have already been entered into, that is, that Bloody Point Partnership will provide free, unimpaired, uninhibited, unrestricted, unlimited access to the Beach Road which runs contiguous with the Oakridge Tract. As to the cemetery road that there will be a gate and security guard but the public will have free and unrestricted access to the cemetery and river and there will be a minimum of six (6) parking spaces at the end of this road. Mr. Earl Pickel seconded the motion. Mr. Mix asked what the staff recommendation is and if the project is in conformance with DSO. Mr. Crispin stated that the staff recommends approval and that there are no variances. Mr. Fender stated that he understands and it is inherent in the motion that Mr. Kiser is representing to the Commission that he will get approval concerning the roads from County Council before coming back in for final approval and the motion is contingent upon the approvals being received from County Council. Mr. Fender instructed the recording secretary to keep the tapes of this meeting for an indefinite period of time. Mr. Fender also

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instructed Mr. Crispin to prepare a note to County Council that they review Daufuskie Island in terms of beach access.

Mr. Harvey stated that the Daufuskie Island plan has said that beach access should be a top priority. He continued that this Commission should be the leader in advocating what County Council should do about providing beach access including two adequate parking areas and that should be done where the best beach is and that is where the present beach road is located. Mr. Harvey continued that there is state money available for beach access and if we want beach access for Beaufort County we can afford it.

Mr. Kiser stated that Bloody Point Partnership believes that they have done exactly what Mr. Harvey has said. The Plan has been followed, the three recommendations in the plan have been conformed to, the Chairman has stated that there is thirty days in which County Council can respond to it, and public beach access is being given in two locations in addition to what is already there. Mr. Harvey and Mr. Robinson have both stated that they represent either the owner or the prospective owner and they don't want the public going to their part of the beach. Mr. Kiser stated that all requirements have been met and he has ninety (90) signatures on a petition that say provided a new two-lane beach road is located along the northeastern boundary and provided a new public parking vehicle turnaround and emergency access is built by the developer and provided there is free and unimpaired access by Bloody Point Development to the cemetery and to Mungen River with six (6) parking spaces, they have no objections to the plan.

The vote was taken and the motion carried with Mr. Earl Campbell, Mr. Emory Campbell, and Ms. Murray opposed.

There being no further business, the meeting adjourned at 9:00 P.M.

SUBMITTED BY: _____
CHARLES GATCH, EXECUTIVE DIRECTOR

APPROVED BY: _____
SHERWOOD FENDER, CHAIRMAN

DAUFUSKIE ISLAND CLUB MASTER PLAN



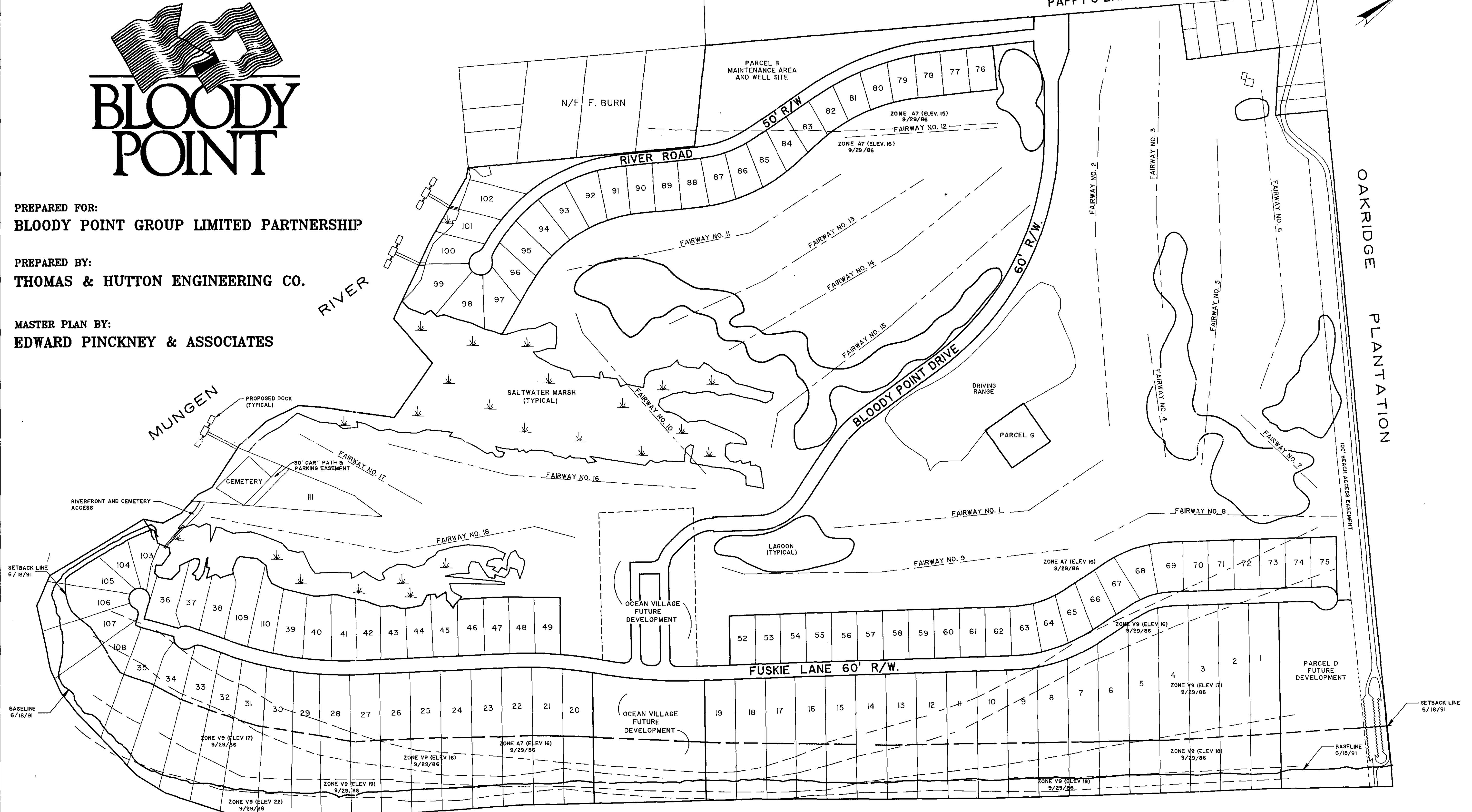
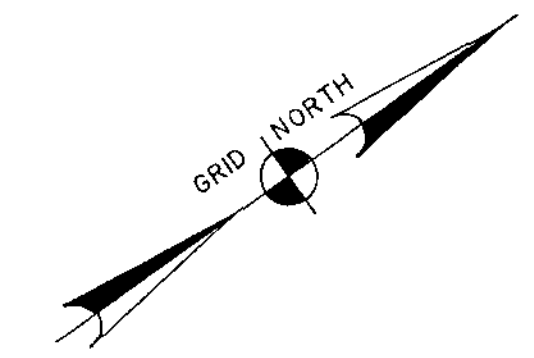
PREPARED FOR:
BLOODY POINT GROUP LIMITED PARTNERSHIP

PREPARED BY:
THOMAS & HUTTON ENGINEERING CO.

MASTER PLAN BY:
EDWARD PINCKNEY & ASSOCIATES

TRACT D

PAPPY'S LANDING ROAD

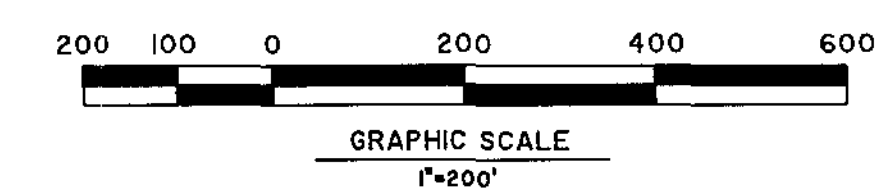


OAKRIDGE PLANTATION

ATLANTIC OCEAN

NOTES

- REFERENCES
 - DAUFUSKIE ISLAND CLUB PHASE I LOTS BY THOMAS & HUTTON ENGINEERING CO. LAST REVISED 6/2/90.
 - PLAT OF THE LANDS OF THE ESTATE OF MORTON DEUTSCH AND SURFSIDE DEVELOPMENT COMPANY TOTALING 547.4 ACRES. DATED MAR. 25, 1988 (REV. JUNE 9, 1988) BY SOUTHEASTERN SURVEYING, INC.
 - MAP OF LOCATION OF CRITICAL AREA AND FRESH WATER WETLANDS ON EIGELBERGER AND BLOODY POINT TRACTS. DATED MAY 27, 1988 BY SOUTHEASTERN SURVEYING, INC.
- WETLAND MODIFICATION UNDER PERMIT [33 CFR 330.5 (a)(2)(i)] FILE NUMBER SAC-26-90-250
- DAUFUSKIE ISLAND CLUB (BLOODY POINT) PUD 560-3 WAS APPROVED BY THE BEAUFORT COUNTY JOINT PLANNING COMMISSION ON MAY 15, 1989.
- FOR CLARIFICATION OF THE TERMS BASELINE, AND SETBACK LINE SEE THE SOUTH CAROLINA BEACHFRONT MANAGEMENT ACT EFFECTIVE JULY 1, 1988 AMENDED JUNE 25, 1990.
- 6/2/90 SETBACK LINE & 6/2/90 BASELINE ARE BASED ON COORDINATE INFORMATION PROVIDED BY THE SOUTH CAROLINA COASTAL COUNCIL IN THE "SURVEYORS PACKAGE SOUTH CAROLINA COASTAL COUNCIL BASELINE AND SETBACK LINE COORDINATES DAUFUSKIE ISLAND JULY 1990"
- THIS MASTER PLAN REPRESENTS THE PRESENT AND PROJECTED DEVELOPMENT OF THE DAUFUSKIE ISLAND CLUB. THIS PLAN IS SUBJECT TO CHANGE IN RESPONSE TO CHANGING REQUIREMENTS OF GOVERNMENT AGENCIES, PROPERTY OWNERS NEEDS AS DETERMINED BY THE DEVELOPER, AND INCREASED KNOWLEDGE OF ECONOMIC NEEDS. A PLAT OR LEGAL DESCRIPTION SHOULD BE REVIEWED FOR PROPERTY DIMENSIONS.



**HOWELL, GIBSON AND HUGHES, P.A.
ATTORNEYS AT LAW**

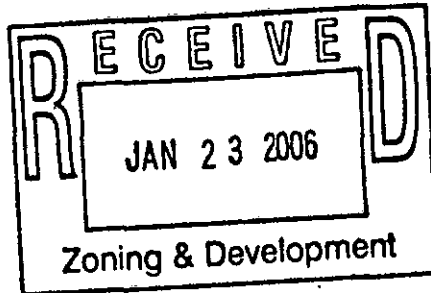
Post Office Box 40
Beaufort, South Carolina 29901-0040

JAMES S. GIBSON, JR.
STEPHEN P. HUGHES
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BEAUFORT, SOUTH CAROLINA 29907

TELEPHONE: 843 - 522-2400
FAX NUMBER: 843 - 522-2429
E-Mail: hgtps@islc.net
WRITER'S DIRECT: 843 - 522-2420



January 19, 2006

PRIVILEGE ATTORNEY/CLIENT COMMUNICATION

Mr. H. C. Boehm, Jr.
Deputy Administrator
Beaufort County Development & Services Division
P.O. Box 1228
Beaufort, SC 29901

Re: Bloody Point Cemetery Access
Our File No: 9906 RWA

Dear Buz:

This letter is in response to your request that I provide a legal opinion as to whether or not the Bloody Point PUD documentation or approvals can provide a basis to give Beaufort County the authority to require the developer to install erosion control devises to stabilize the Bloody Point Cemetery which is experiencing severe erosion.

I reviewed the entire Bloody Point PUD file, as provided to me by the Zoning Department through Hillary Austin.

Based on my review of the documentation, I do not believe the documentation provides Beaufort County the authority necessary to require the developer to install erosion control devises to stabilize the erosion of the Bloody Point Cemetery.

From my review of the documentation, the developers at Bloody Point committed to maintain access to the Bloody Point Cemetery as a condition for approval to relocate a road running through the development. The issues raised at that time were issues with regard to the public's availability of beach access, and the publics access to the cemetery. I found no reference whatsoever to maintenance of the actual cemetery.

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In years past, the cemetery property experienced erosion which apparently undermined the foundation of the access bridge to the cemetery. At that time, Beaufort County was able to require the developer to place appropriate erosion control devices because the subject access bridge was required to maintain an access to the cemetery which was a condition of the PUD approval. In this instance, however, my understanding is that the erosion is not impacting the bridge or access to the cemetery. If I am incorrect, and the erosion does in fact impact the bridge and/or access to the cemetery, then I think we could require the developer to construct erosion control devices.

We also reviewed statutes and regulations regarding cemeteries and we found no law that would require the property owner to maintain the cemetery.

Because the cemetery is on private property, I do not believe Beaufort County has any obligation whatsoever to maintain the cemetery. As referenced in a recent letter to Beaufort County from Rence Jones there is an Attorney General's Opinion dated July 16, 1997 (1997 WL 569010 (S.C.A.G.) in which the Attorney General does opine that under certain limited circumstances a county may spend public funds to repair private cemeteries. As a starting point, it must be determined to be in the interest of the promotion of public health, safety, morals and general welfare of the public at large. I have enclosed a copy of the above referenced Attorney General Opinion for your reference. I read the opinion to allow public funds to be spent in very exceptional circumstances. I would also caution this is only an Attorney General's Opinion, which is not law and has no precedential value.

There is also a statutory provision which can permit the county to approve the relocation of a cemetery, if a determination has been made that the cemetery has been "abandoned", and if the county found it "necessary and expedient". Again, the cemetery must be deemed to have been "abandoned" and the request to relocate the grave sites must come from the owner of the property, and the county would be required to consider objections from relatives of deceased individuals buried in the graves. I have provided a copy of S.C. Code Sections 27-43-10 through 27-43-40 for your review.

In summary, I do not believe Bloody Point PUD documents enable Beaufort County to require the Bloody Point Property Owners to place erosion control devices to protect the cemetery. Nor do I believe that Beaufort County is required to take any action to remedy the situation.

There are methods or alternatives available to remedying the situation, such as relocating the graveyard, if it is deemed to be abandoned or possibly using Beaufort County funds to place an erosion control device on the subject property. I would further caution that the opinion indicating that there are certain circumstances that may be appropriate to expend public funds to repair a

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cemetery, is only an Attorney General's opinion, which is not law, but simply the opinion of the Attorney General. I would note that the Attorney General's opinion does run contrary to the general rule that public funds should not be spent to improve private property.

If after reviewing this information you have any questions and would like to discuss this in more detail, please contact me at your convenience, and I will be happy to address any questions you may have.

With kindest regards, I am

Yours truly,

HOWELL, GIBSON & HUGHES, P.A.

sl

Robert W. Achurch, III

RWAIll/wmh

Enclosures

cc: Mr. Gary T. Kubic
Mr. Robert Klink
~~Ms. Hillary Austin~~
Wm. Weston J. Newton, Esquire

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Page 1

Code of Laws of South Carolina 1976 Annotated Currentness
Title 27. Property and Conveyances
→ Chapter 43. Removal of Abandoned Cemeteries

§ 27-43-10. Notice of proposed removal; due care required.

A person who owns land on which is situated an abandoned cemetery or burying ground may remove graves in the cemetery or ground to a suitable plot in another cemetery or suitable location if:

- (1) It is necessary and expedient in the opinion of the governing body of the county or municipality in which the cemetery or burying ground is situated to remove the graves. The governing body shall consider objections to removal pursuant to the notice under item (2) or otherwise before it approves removal.
- (2) Thirty days' notice of removal is given to the relatives of the deceased persons buried in the graves, if they are known. If no relatives are known, thirty days' notice must be published in a newspaper of general circulation in the county where the property lies. If no newspaper is published in the county, notice must be posted in three prominent places in the county, one of which must be the courthouse door.
- (3) Due care is taken to protect tombstones and replace them properly, so as to leave the graves in as good condition as before removal.

§ 27-43-20. Removal to plot agreeable to governing body and relatives; board may determine suitable plot in case of disagreement.

The plot to which the graves are removed shall be one which is mutually agreeable between the governing body of the county or municipality and the relatives of the deceased persons. If a suitable plot cannot be agreed upon between the parties concerned the matter shall be finally determined by a board of three members which shall be convened within fifteen days after final disagreement on the new location of the plot. The board shall be appointed as follows: One member shall be appointed by the county or municipality, one member shall be appointed by the relatives, and a third member shall be selected by the two. The decision of the board shall be final.

§ 27-43-30. Supervision of removal work; expenses.

All work connected with the removal of the graves shall be done under the supervision of the governing body of the county, who shall employ a funeral director licensed by this State. All expenses incurred in the operation shall be borne by the person seeking removal of the graves.

§ 27-43-40. Evidence of abandonment.

The conveyance of the land upon which the cemetery or burying ground is situated without reservation of the cemetery or burying ground shall be evidence of abandonment for the purposes of this chapter.

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1997 WL 569010 (S.C.A.G.)

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1997 WL 569010 (S.C.A.G.)

(Cite as: 1997 WL 569010 (S.C.A.G.))

Office of the Attorney General
State of South Carolina

*1 July 16, 1997

RE: Informal Opinion

Robert E. Guess, Esquire
Union County Attorney
109 W. South Street
Union, South Carolina 29379

Dear Mr. Guess:

Your recent opinion request has been forwarded to me for reply. According to the information provided, found within the Gilead Baptist Church **Cemetery** property in Union County, is a private road in need of repair. You ask whether it would be legal for Union County to expend public funds to do repair work upon real property in this **cemetery**.

Article X, Section 5 of the Constitution of the State of South Carolina provides in pertinent part that "[a]ny tax which shall be levied shall distinctly state the public purpose to which the proceeds of the tax shall be applied."

This Office has opined on numerous occasions that use of county equipment on private property, within the context of Article X of the State Constitution, is generally prohibited. See Ops. Atty. Gen. dated May 19, 1995; September 30, 1987; January 31, 1980; and March 12, 1979 as examples. However, each case must be decided on its own merits. *Anderson v. Baehr*, 265 S.C. 153, 217 S.E.2d 43 (1975). To determine what constitutes a public purpose, the reasoning found in *Anderson v. Baehr* is helpful:

As a general rule a public purpose has for its objective the promotion of the public health, safety, morals, general welfare, security, prosperity, and contentment of all inhabitants or residents, or at least a substantial part thereof. . . .

To be a public purpose, the advantage to the public must be direct, not merely indirect or remote. *Caldwell v. McMillan*, 224 S.C. 150, 77 S.E.2d 798 (1953).

A determination of whether a specific expenditure of public funds is for a public purpose depends on the facts of the particular situation. Of course, this Office does not have the authority to make factual determinations in a legal opinion. Op. Atty. Gen. dated December 12, 1983. However, I can inform you that it is widely recognized that the determination of public purpose is one for the

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1997 WL 569010 (S.C.A.G.)

(Cite as: 1997 WL 569010 (S.C.A.G.))

legislative branch. *Nichols v. South Carolina Research Authority*, 290 S.C. 415, 351 S.E.2d 155 (1986). Therefore, in this instance, such a decision to expend public funds can only be made by the Union County Council after consideration of all relevant facts and circumstances, in accordance with the constitutional provision discussed above.

When the question turns to the use of public funds to maintain a private road, this Office has previously opined that not only must there be a determination of public purpose but there must also be an irrevocable dedication of the private property to the public. Op. Atty. Gen. dated June 4, 1990 (copy enclosed). As to your specific question, as previously stated, this Office does not have the authority to make a factual determination in this case. In addition, this Office has not been informed as to whether the road in question has been irrevocably dedicated to the public. Thus, again, the decision to expend public funds should be made by the Union County Council in accordance with Article X, Section 5 and the June 4, 1990 opinion of this Office.

*2 In addition to the above stated law, in this case, you may also have a problem with providing public funds to a sectarian entity. Based on the information provided, while it seems very likely, I am unable to conclude with absolute certainty whether the cemetery itself is a sectarian entity. [FN1] However, if the cemetery is a sectarian entity, I call your attention to an opinion dated April 13, 1971 (copy enclosed), in which former Attorney General McLeod concluded that if an entity is sectarian in nature, public funds may not be used in their aid.

To summarize the foregoing, the use of county equipment on private property is generally prohibited. However, the decision to expend public funds on private property should be made by the Union County Council after consideration of Article X, Section 5 and the facts of the case. If county funds are to be used to maintain a private road, there must be a determination of public purpose and an irrevocable dedication of the property to the public. Finally, in accordance with former Attorney General McLeod's opinion, public funds should not be used to aid a sectarian entity.

This letter is an informal opinion only. It has been written by a designated assistant attorney general and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With kindest regards, I remain

Very truly yours,

Paul M. Koch

Assistant Attorney General

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1997 WL 569010 (S.C.A.G.)

(Cite as: 1997 WL 569010 (S.C.A.G.))

[FN1]. In a letter dated November 29, 1996, sent to you by C.W. Moore, Chairman of the Gilead **Cemetery** Committee, Mr. Moore appears to be arguing against the idea that the **cemetery** is a sectarian entity.

1997 WL 569010 (S.C.A.G.)

END OF DOCUMENT

Westlaw Attached Printing Summary Report for GIBSON,JAMES S 3505987

Your Search:	CEMETERY GRAVE!
Date/Time of Request:	Tuesday, January 17, 2006 11:07:00 Eastern
Client Identifier:	MBL
Database:	USER-DEFINED-MB
Citation Text:	1975 WL 29168 (S.C.A.G.)
Lines:	43
Documents:	1
Images:	0

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1975 WL 29168 (S.C.A.G.)

Page 1

1975 WL 29168 (S.C.A.G.)

(Cite as: 1975 WL 29168 (S.C.A.G.))

Office of the Attorney General
State of South Carolina

*1 November 4, 1975

Mr. H. Michael Spivey
Messrs. Younts, Reese & Cofield
Attorneys at Law
512 E. North Street
Greenville, South Carolina 29601

Dear Mr. Spivey:

Thank you for your letter of October 30, 1975, concerning whether or not a church can relocate a **cemetery** which has not been abandoned as a **cemetery**.

In my opinion, this cannot be accomplished. The cases in this State clearly indicate that they pay due regard to the adage that 'once a **cemetery**, always a **cemetery**.' The only statutory expression of which I am aware is with respect to abandoned **cemeteries** and in some especial cases where statutes have been enacted to permit the Highway Department to remove **cemeteries** and to authorize Santee Cooper to remove **graves** at the site of its present reservoirs. In the construction of highways, there is a constant problem with respect to **cemeteries** and the highways are routed around them on frequent occasions. A special statute was necessary to be obtained to construct I-26 at Elmwood **Cemetery** in Columbia when it was found that some **graves** in an old paupers section would lie within the right of way.

A few years back, in excavating for the new Dantal College in Charleston, it was discovered that an old **cemetery** was located beneath the former Porter Military Academy grounds and extensive burials were found which were unknown at the time the project was designed. The result was that a lawsuit was necessary in order to secure the removal of these ancient **graves** with consequent high costs.

It is possible that securance of consent by all descendants might be a means of effecting removal but this procedure is so cumbersome and so difficult that it is almost futile to suggest it.

With best wishes,

Very truly yours,

Daniel R. McLeod

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1975 WL 29168 (S.C.A.G.)

(Cite as: 1975 WL 29168 (S.C.A.G.))

Attorney General

1975 WL 29168 (S.C.A.G.)

END OF DOCUMENT

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SC ADC 21-63

Page 1

S.C. Code of Regulations R. 21-63
(Publication page references are not available for this document.)

**CODE OF LAWS OF SOUTH CAROLINA 1976 ANNOTATED
REGULATIONS
CHAPTER 21. SOUTH CAROLINA CEMETERY BOARD
SUBARTICLE 7. RULE-MAKING AND DECLARATORY RULINGS
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Current through State Register Volume 29, Issue No. 12,
eff December 23, 2005

21-63. Emergency Rules.

The South Carolina Cemetery Board shall have the power to issue emergency rules when required by reason of imminent peril to the public health, safety, and welfare. They shall issue such notice by written, telegraphic, or telephonic, or other means, and allow such comments oral or written, as time permits. An emergency rule shall continue for the duration of the emergency or for such time as shall be specified, but in no event shall the period be in excess of One Hundred Twenty (120) days.

<General Materials (GM) - References, Annotations, or Tables>

S.C. CODE REGS. 21-63

SC ADC 21-63
END OF DOCUMENT

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Westlaw Attached Printing Summary Report for GIBSON,JAMES S 3505987

Your Search:	CEMETERY GRAVE!
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Client Identifier:	MBL
Database:	USER-DEFINED-MB
Citation Text:	1997 WL 569010 (S.C.A.G.)
Lines:	93
Documents:	1
Images:	0

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Thomas A. Bendle Jr.

From: Victoria Paul [vickie@perrinewheeler.com]
Sent: Monday, January 16, 2006 10:59 AM
To: Thomas A. Bendle Jr.
Subject: RE: Avigation Easements for Beaufort County

Mr. Bendle,

I appreciate your forwarding this information to me. I do not note any correspondence later than July 7th. I had provided Mr. Hackney a list of questions via email on August 25th. I do not note where these questions were answered. I will forward you the email and perhaps you will recall a conversation with Mr. Hackney in which the items were addressed. Once we have these questions answered I am ready to have these documents signed.

Thank you.

Victoria V. Paul
Vice President, Asset Management
Perrine & Wheeler Investment Real Estate
580 East Main Street, Suite 300
Norfolk, VA 23510
(757) 627-9088 ext 116
(757) 627-9081 (fax)
(757) 621-1435 (cell)
vickie@perrinewheeler.com
www.perrinewheeler.com

-----Original Message-----

From: Thomas A. Bendle Jr. [mailto:TAB@hghpa.com]
Sent: Wednesday, January 04, 2006 4:36 PM
To: Victoria Paul
Subject: Avigation Easements for Beaufort County

Vickie,

I have attached copies of the easements and all correspondence between myself and Mr. Hackney. If you need anything further from me, please do not hesitate to call or e-mail. Thank you again for your attention to this matter and I look forward to hearing back from you in the near future.

Thomas A. Bendle, Jr.
Howell, Gibson & Hughes, P.A.
843-522-2400
843-522-2429 (fax)

00130

Westlaw Attached Printing Summary Report for GIBSON,JAMES S 3505987

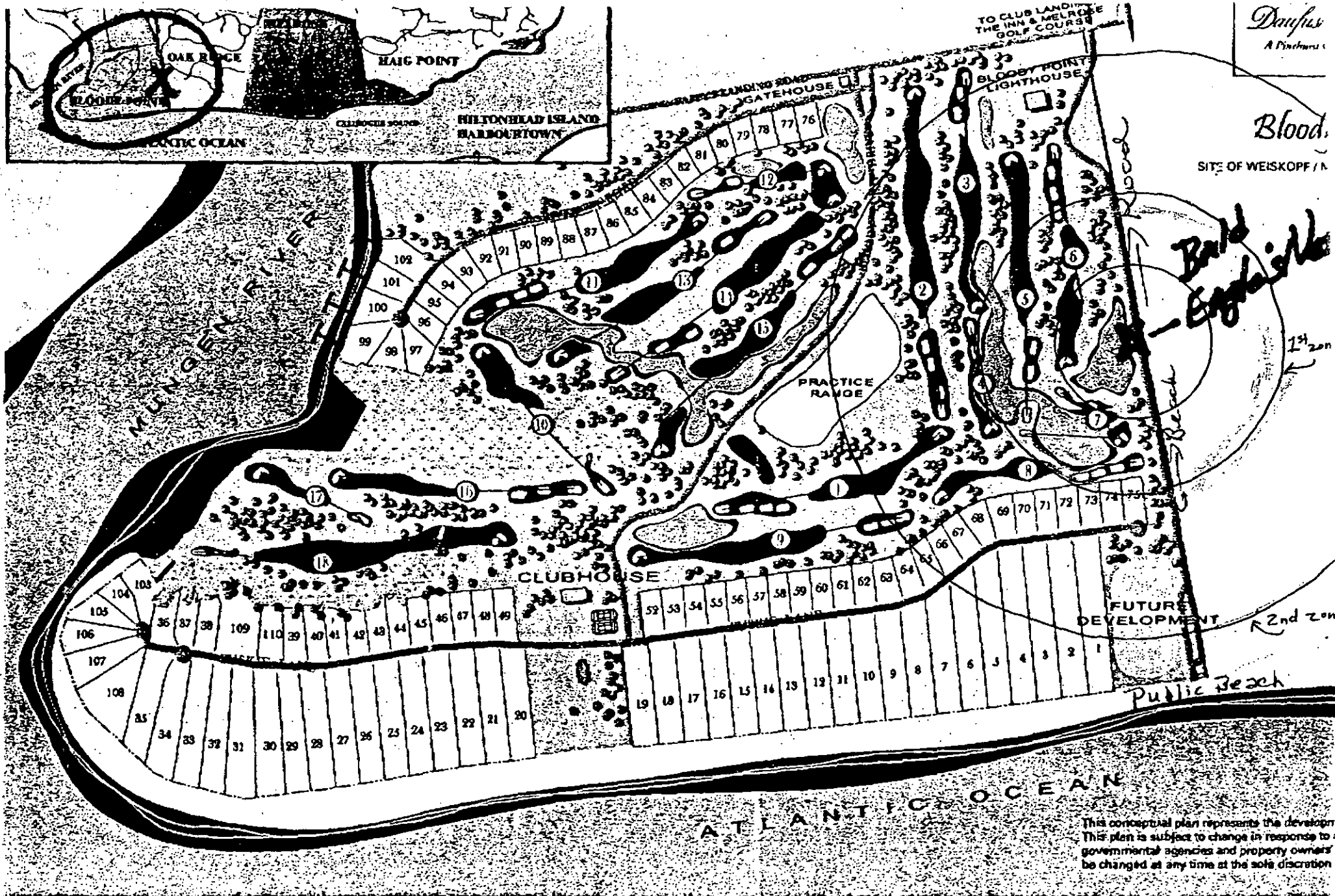
Your Search:	CEMETERY GRAVE!
Date/Time of Request:	Tuesday, January 17, 2006 10:47:00 Eastern
Client Identifier:	MBL
Database:	USER-DEFINED-MB
Citation Text:	SC ADC 21-63
Lines:	25
Documents:	1
Images:	0

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00131



00122



Dauphin
A Pinchard

Blood
SITE OF WEISKOPF / N

Bald Eagle

1st zone

2nd zone

Public Beach

This conceptual plan represents the development. This plan is subject to change in response to governmental agencies and property owners be changed at any time at the sole discretion.

Nest located on Bloody Point Plantation beside of Beach Road

EIGELBERGER TRACT

ZONE A7
(EL. 15)

LIGHTHOUSE
RESERVATION

BLOODY POINT DRIVE

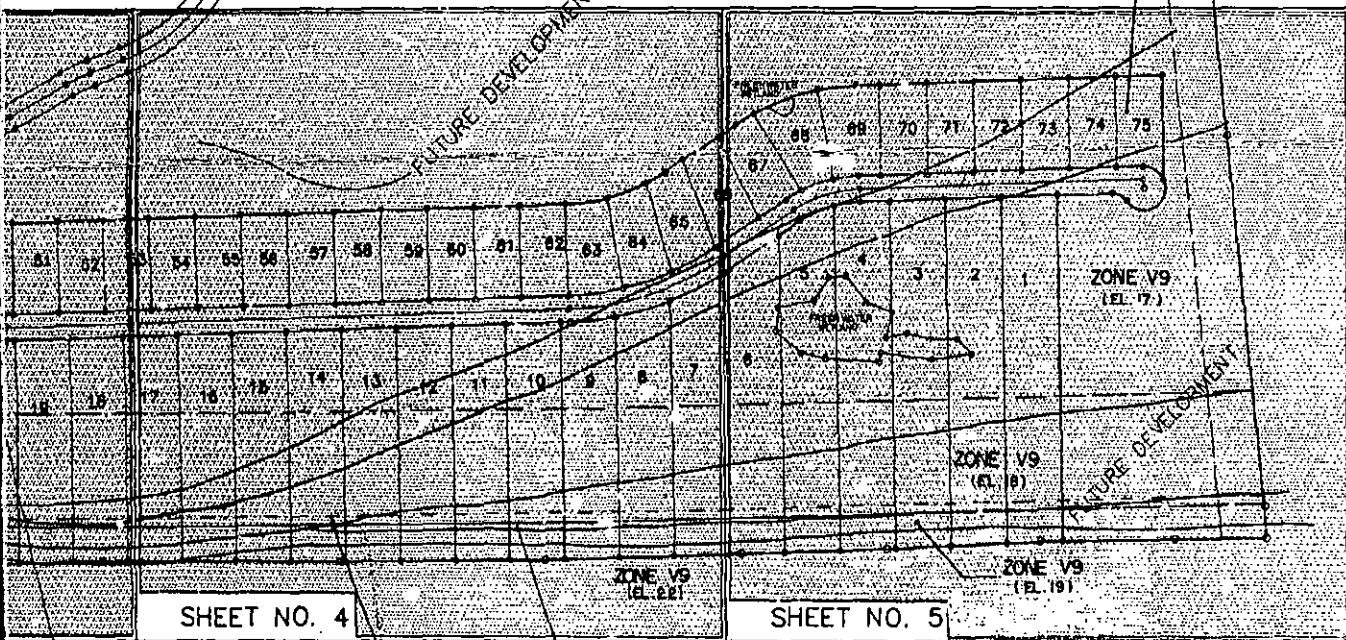
PROPOSED ENTRANCE
ROAD LOCATION

PROPOSED PUBLIC ROAD
NON-EXCLUSIVE BEACH
ACCESS AND UTILITY
EASEMENT

ZONE A7
(EL. 16)

ZONE V9
(EL. 16)

OAK RIDGE
PLANTATION



SHEET NO. 4

SHEET NO. 5

SOUND

A PLAT OF
**DAUFUSKIE ISLAND
 CLUB
 PHASE 1 LOTS**

SHEET 1 OF 5

DAUFUSKIE ISLAND
BEAUFORT COUNTY
SOUTH CAROLINA

SURVEYED FOR:
THE BLOODY POINT
LIMITED PARTNERSHIP

TOTAL ACREAGE

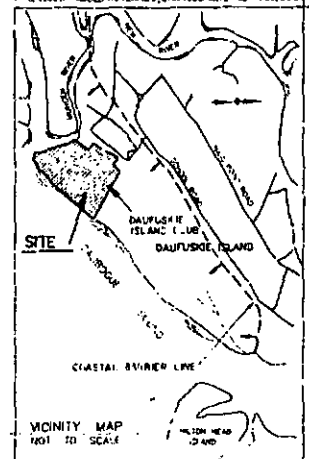
LOTS	84,788 AC.
WETLANDS	1,114 AC.
RIGHT OF WAY	2,102 AC.
TOTAL	92,912 AC.

RECORDED IN BOOK ... PAGE ...
 DATE ...
 IN THE OFFICE OF
 CLERK OF COURT
 BEAUFORT COUNTY S.C.
 REPLACES PLATS IN
 BOOK 37 PAGE 12
 10-10-89

SCALE 1" = 200'
 FILE 4-523
 DATE 5/25/89

THIS SHEET CONTAINS 25 LOTS, TOTAL

1. REVISED - GENERAL REVISIONS - 10/2/89 BD
 2. REVISED - ADDED FLOOD ZONE, 34 TRACK 1 & 5 - 8/21/89 BT
 3. REVISED - ADDED WETLANDS, CHANGED METAGE - 8/25/89 BT



NOTES
 1. PROJECT FALLS WITHIN THE COASTAL BARRIER ZONE.
 2. LOCATION OF THE TERMS BASE LINE, SETBACK
 DEAD ZONE SEE THE STATE OF SOUTH
 BEACH PROTECTION ACT EFFECTIVE JULY 1, 1980.

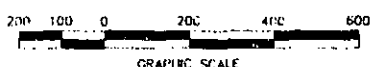
TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS PLAT IS A CORRECT
 REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN
 CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS
 OF LAW.
 TO THE BEST OF MY KNOWLEDGE AND BELIEF ALL BEARINGS, MEASUREMENTS OF
 COURSES AND DISTANCES, AND MONUMENT LOCATIONS HAVE BEEN PROVEN BY
 LAND SURVEY.
 TO THE BEST OF MY KNOWLEDGE AND BELIEF THE RATIO OF PRECISION OF THE FIELD
 SURVEY IS 1:137,000 AS SHOWN HEREON AND THE AREA WAS DETERMINED BY THE
 COORDINATE METHOD OF AREA CALCULATION.



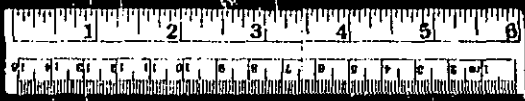
Royce L. Young
 ROYCE L. YOUNG
 S.C. REG. LAND SURVEYOR 14179

THOMAS & MUTTON ENGINEERING CO.
 SALEM, GEORGIA

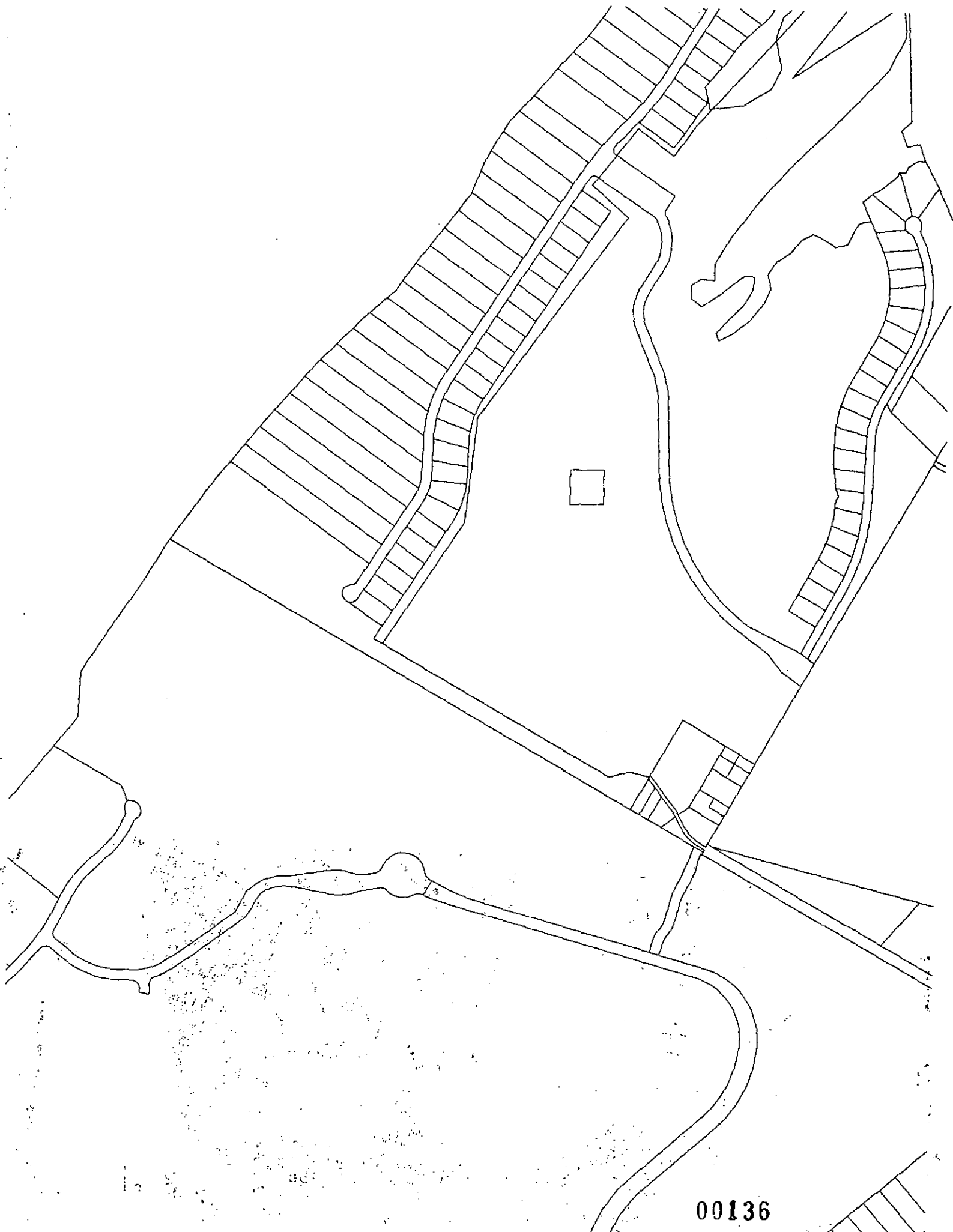
BEAUFORT COUNTY DEVELOPMENT STANDARDS
 -FINAL PLAN APPROVAL-
 This is to certify that the Beaufort County Development
 Review Committee has found the site plan shown herein to be
 in compliance with the Beaufort County Development Standards
 Ordinance and has authorized issuance of a development
 permit.
 Date of Dev. Rev. Comm. approval: 9/10/89
 Development Permit: 1386
 Certified by: *[Signature]*
 10/19/89



GRAPHIC SCALE 00135



PART
2



00136

THE DAUFUSKIE ISLAND CLUB

PREPARED FOR:
THE MELROSE COMPANY
 HILTON HEAD ISLAND, SOUTH CAROLINA

LANDSCAPE ARCHITECTURE AND PLANNING BY
EDWARD PINCKNEY ASSOCIATES, LTD.
 HILTON HEAD ISLAND, SOUTH CAROLINA

CIVIL ENGINEERS AND SURVEYORS
THOMAS & HUTTON ENGINEERING COMPANY
 SAVANNAH, GEORGIA

LEGAL:
JONES, SCHEIDER & PATTERSON, P.A.
 HILTON HEAD ISLAND, SOUTH CAROLINA

COASTAL MANAGEMENT:
COASTAL SCIENCE & ENGINEERING, INC.
 COLUMBIA, SOUTH CAROLINA

ARCHAEOLOGY:
DR. PAUL BROCKINGTON
 ATLANTA, GEORGIA

COASTAL INSURANCE CONSULTANT
COASTAL PLAINS INSURANCE COMPANY, INC.
 HILTON HEAD ISLAND, SOUTH CAROLINA

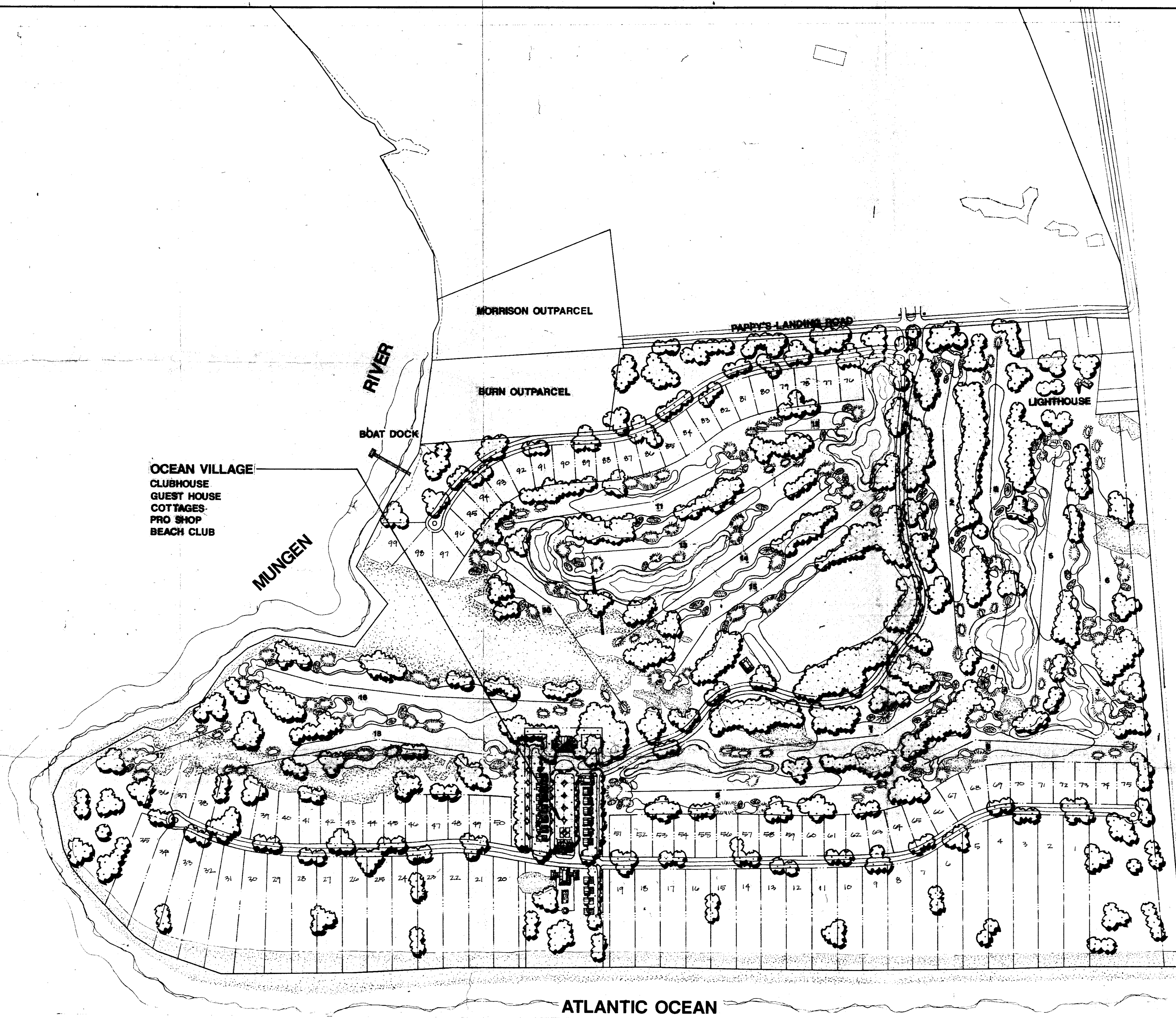
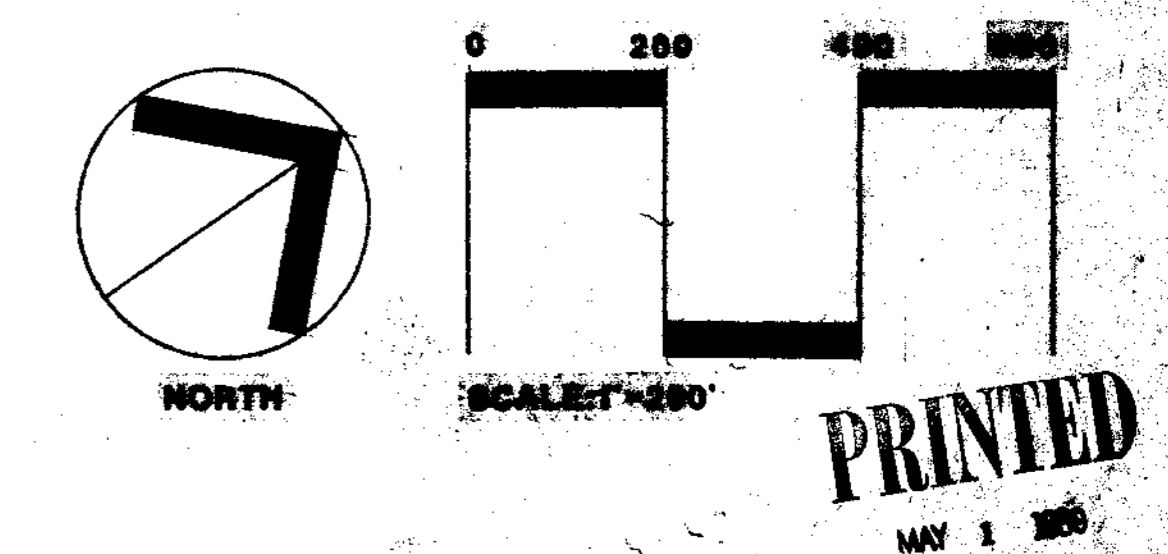
ENVIRONMENTAL:
NEWKIRK ENVIRONMENTAL CONSULTANTS
 CHARLESTON, SOUTH CAROLINA

PHOTOGRAMMETRISTS:
KUCHERA INTERNATIONAL
 ATLANTA, GEORGIA

CONCEPTUAL MASTER PLAN

DATE: MARCH 1, 1989
 REVISED: MARCH 16, 1989

NOTE:
 THIS CONCEPTUAL MASTER PLAN REPRESENTS THE PROPOSED
 FUTURE DEVELOPMENT OF THE DAUFUSKIE ISLAND CLUB. THE
 PLAN IS SUBJECT TO CHANGE IN RESPONSE TO CHANGING
 REQUIREMENTS OF GOVERNMENTAL AGENCIES, PROPERTY
 OWNERS' NEEDS AS DETERMINED BY THE DEVELOPER,
 AND INCREASED KNOWLEDGE OF ECOLOGICAL NEEDS.



CONCEPTUAL MASTER PLAN

FOR

ZONE 8-I (M)

DAUFUSKIE ISLAND RESORT
PLANNING DISTRICT

JUNE 22, 2007

PREPARED FOR:

DAUFUSKIE ISLAND PROPERTIES

PREPARED BY:

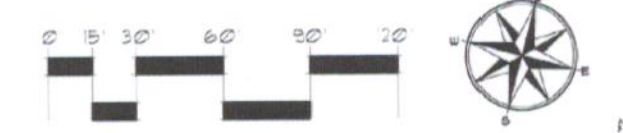


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DAUFUSKIE ISLAND RESORT PLANNING DISTRICT



DEVELOPMENT SUMMARY	
A BUILDINGS-MAX. 35' HEIGHT	
(6) 2-STORY BUILDINGS	
A1-A5=4 DU'S EACH	
A6=2 DU'S-	✓- 22 DU'S
B BUILDINGS-MAX. 44' HEIGHT	
(6) 3-STORY BUILDINGS	
B1-B5=6 DU'S EACH	
B6=3 DU'S-	✓- 33 DU'S
TOTAL	✓- 55 DU'S
GROSS FLOOR AREA RATIO	
(3.03 acres/6.22 acres)	✓- .487
LANDSCAPED SURFACE RATIO	
(4.65 acres/6.22 acres)	✓- .75
OPEN SPACE RATIO	
(3.42 acres/6.22 acres)	✓- .55
DENSITY	✓- 8.84 DU/AC
(55 du/6.22 acres)	



PLAN IS CONCEPTUAL IN NATURE AND SUBJECT TO CHANGE. BOUNDARY, TREE, TOPO, CRITICAL LINE, BEACH BASELINE, AND MEAN HIGH WATERLINE PROVIDED BY SURVEYING CONSULTANTS (062511.dwg-4/26/07, 062513.dwg-6/21/07). BUILDING FOOTPRINT PROVIDED BY DIPY (footprint.dwg-4/27/07). 13804 MONUMENT LOCATION PROVIDED BY THOMAS & HUTTON ENGINEERING CO./DAUFUSKIE-OCRM-MONUMENTS.dwg-6/22/07. THE CRITICAL LINES REPRESENTED ON THIS DRAWING ARE VALID ACCORDING TO FLAT SIGNED BY OCRM DATED 5/16/07.

00109

**COMBINED PUD
FOR
DAUFUSKIE ISLAND RESORT
PLANNING DISTRICT**

BEAUFORT COUNTY,
SOUTH CAROLINA

PREPARED FOR:
DAUFUSKIE ISLAND PROPERTIES

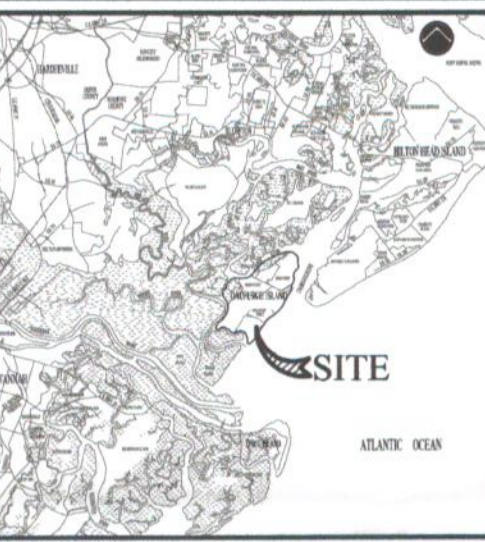
PREPARED BY:
Wood+Partners Inc. WPI
Landscape Architects
Land Planners

P.O. Box 22801 • Florence, South Carolina 29502
843.661.8028 • FAX: 843.661.7018 • www.woodpartners.com
JULY 23, 2007

ZONE	Approved PUD	Proposed PUD	Proposed vs. Approved	Approx. Acreage	Permitted /Built
SUBTOTAL MELROSE	659 DUs	824 DUs	+165	±668.0	449 DUs
SUBTOTAL BLOODY POINT	197 DUs	199 DUs	+2	±337.1	166 DUs
TOTAL	856 DUs	1023 DUs	167 DUs	±1005.1	615 DUs

Through a separate zoning action and the creation of two new districts(zoning districts 9&10), 165 units have been transferred from the Egleberger Tract to the Melrose Tract and 2 have been transferred to the Bloody Point Tract. In addition, modification of the Melrose and Bloody Point PUD's is contingent upon the following stipulations:

- 1) Non-Residential resort facilities, including the inn(s), shall count towards the commercial square footage of the development. Inn rooms shall also count towards the residential density at a rate of 2.5 rooms equal 1 dwelling unit. The maximum height of the inn shall be 55 feet.
- 2) Institutional residential shall count towards the residential density at a rate of 2.5 beds equal 1 dwelling unit.
- 3) Perimeter buffers shall be increased to 50 feet for multi-family, mixed use development or commercial development.
- 4) Building height shall be measured in accordance with the Standard Building Code as adopted by Beaufort County (i.e., measured from the vertical distance from grade plan to the average height of the highest roof surface).
- 5) For non-residential uses, the maximum gross floor area ratio (FAR) shall be 0.50, the minimum landscaped surface ratio (LSR) shall be 0.10.
- 6) Zone 14 (Bloody Point) shall be used for single-family detached development only.
- 7) Zone 15 (cemetery site) shall not be used for residential development. The developer agrees to continue to provide previously agreed to access for visitors to the cemetery, and to maintain the cemetery including, where necessary, the construction of erosion control devices.
- 8) All development shall meet the Resource Protection Levels of the ZDSO Table 106-1814 for "All Other Districts" (Column 5). The developer shall abide by all local, state, and federal standards with regard to setbacks, protection of wetlands, river buffers, beach/dunes, and other provisions of Article VII such as *Barrier Island Beach-Dune Lighting Standards*.
- 9) Development within Zone 8-I(M) shall be in accordance with the attached Conceptual Master Plan dated June 22, 2007, provided that all applicable development regulations regarding setbacks, buffers, tree protection, etc., can be achieved without harm to fragile beach/dune environment of Daufuskie Island, as determined by the County's Development Review Team and OCRM.
- 10) Zone 3 M shall be limited to single-family residential development.



**AMENDED
PLANNED UNIT DEVELOPMENT
BY REZONING ACTION**
This master plan represents the preliminary plan for development approved by action of the Beaufort County Council as of 1/23/07 as the result of a request for rezoning to PUD status. Any further development action must be consistent with this approved plan.
Shelley L. Leath
This approval supersedes original Master plan.

THERE IS NO LONGER A ZONE 1 (ML). ALL NUMBERING OF PARCELS BEGINS WITH ZONE 2(M) INTENTIONALLY.

ZONE 2 (M) 21.2ac

- APPROVED PUD:
- A portion of Parcel D Future Development, Maintenance Area, Staff Housing, Solid Waste Site, Commercial
 - 34 DUs Approved
- PROPOSED PUD:
- 40 DUs; 20,000 SF Commercial
 - All uses allowed by PUD, plus Institutional Residential and Multi-Family

ZONE 3 (M) 16.0ac

- APPROVED PUD:
- A portion of Parcel D Future Development
 - 18 DUs Approved
- PROPOSED PUD:
- 18 DUs
 - Single Family

ZONE 4 (M) 28.6ac

- APPROVED PUD:
- Parcel D Future Development
 - 25 DUs Approved
- PROPOSED PUD: unchanged

ZONE 5 (M) 9.8ac

- APPROVED PUD:
- Parcel C Future Development
 - 14 DUs Approved
- PROPOSED PUD: unchanged

ZONE 6 (M) 10.8ac

- APPROVED PUD:
- Parcel B Future Development
 - 18 DUs Approved
- PROPOSED PUD: unchanged

ZONE 7 (M) 6.7ac

- APPROVED PUD:
- Parcel A Future Development
 - 14 DUs Approved
- PROPOSED PUD: unchanged

ZONE 8 (M) 125.2ac

- APPROVED PUD:
- Melrose Club
 - 152 DUs Approved
- PROPOSED PUD:
- 341 DUs; 300,000 SF Commercial
 - Spa, Inn, Outdoor Recreation, Indoor Recreation, Beach Club, Commercial, Conference Center, Single Family, Multi-Family, Ancillary Uses/Facilities

ZONE 8-I (M) 20.0ac

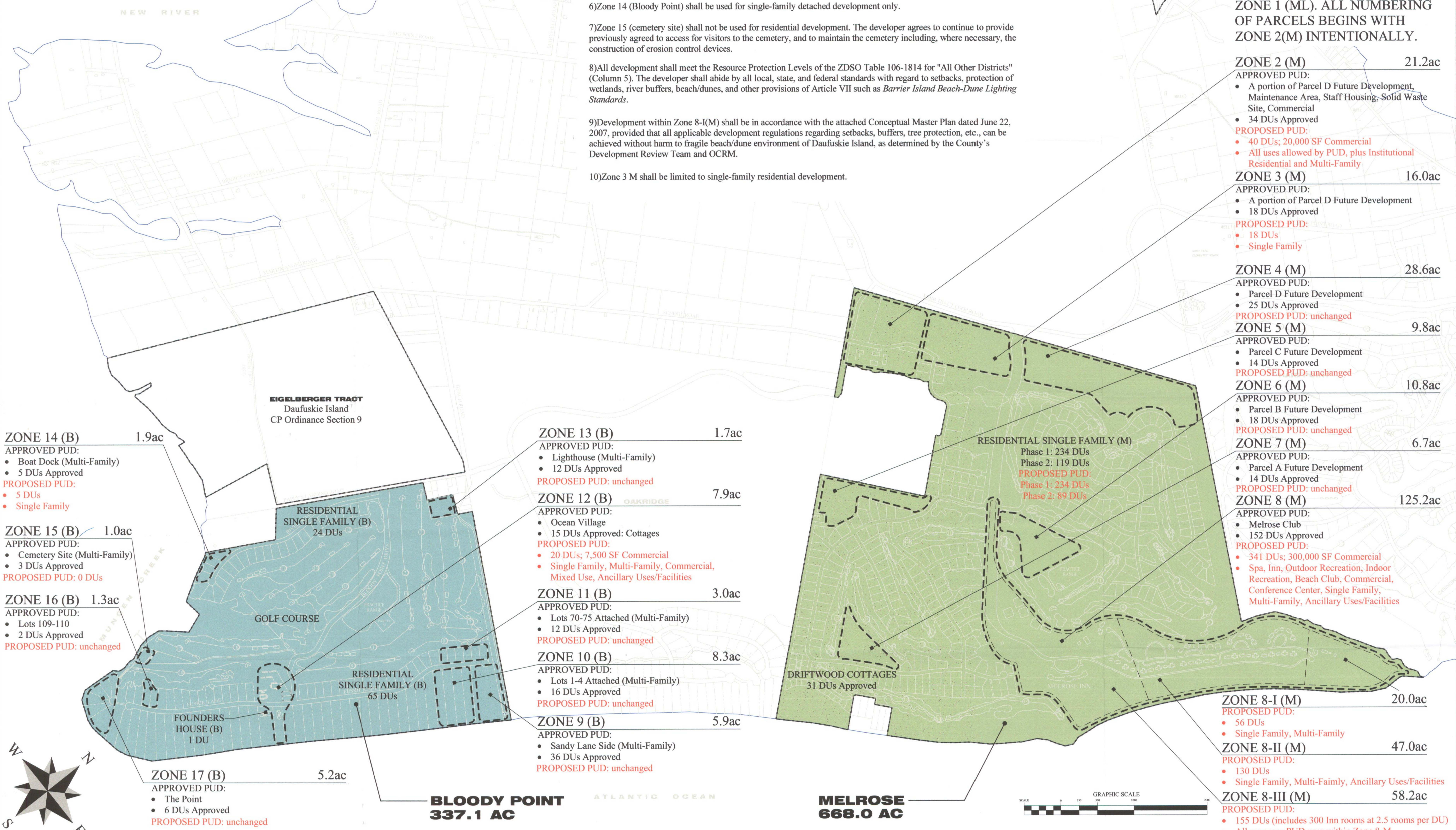
- PROPOSED PUD:
- 56 DUs
 - Single Family, Multi-Family

ZONE 8-II (M) 47.0ac

- PROPOSED PUD:
- 130 DUs
 - Single Family, Multi-Family, Ancillary Uses/Facilities

ZONE 8-III (M) 58.2ac

- PROPOSED PUD:
- 155 DUs (includes 300 Inn rooms at 2.5 rooms per DU)
 - All proposes PUD uses within Zone 8-M



- ZONE 14 (B) 1.9ac**
- APPROVED PUD:
- Boat Dock (Multi-Family)
 - 5 DUs Approved
- PROPOSED PUD:
- 5 DUs
 - Single Family

- ZONE 15 (B) 1.0ac**
- APPROVED PUD:
- Cemetery Site (Multi-Family)
 - 3 DUs Approved
- PROPOSED PUD: 0 DUs

- ZONE 16 (B) 1.3ac**
- APPROVED PUD:
- Lots 109-110
 - 2 DUs Approved
- PROPOSED PUD: unchanged

- ZONE 17 (B) 5.2ac**
- APPROVED PUD:
- The Point
 - 6 DUs Approved
- PROPOSED PUD: unchanged

ZONE 13 (B) 1.7ac

- APPROVED PUD:
- Lighthouse (Multi-Family)
 - 12 DUs Approved
- PROPOSED PUD: unchanged

ZONE 12 (B) 7.9ac

- APPROVED PUD:
- Ocean Village
 - 15 DUs Approved: Cottages
- PROPOSED PUD:
- 20 DUs; 7,500 SF Commercial
 - Single Family, Multi-Family, Commercial, Mixed Use, Ancillary Uses/Facilities

ZONE 11 (B) 3.0ac

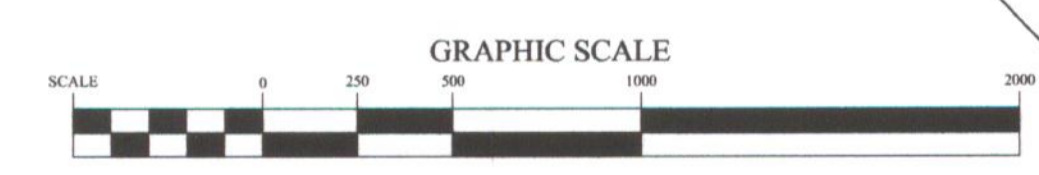
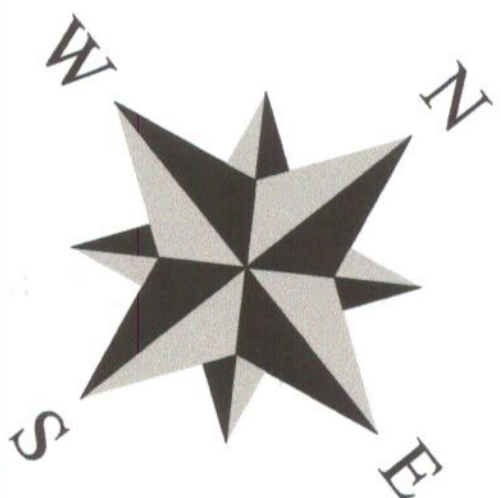
- APPROVED PUD:
- Lots 70-75 Attached (Multi-Family)
 - 12 DUs Approved
- PROPOSED PUD: unchanged

ZONE 10 (B) 8.3ac

- APPROVED PUD:
- Lots 1-4 Attached (Multi-Family)
 - 16 DUs Approved
- PROPOSED PUD: unchanged

ZONE 9 (B) 5.9ac

- APPROVED PUD:
- Sandy Lane Side (Multi-Family)
 - 36 DUs Approved
- PROPOSED PUD: unchanged



1. Composite Map taken from digital data provided by Thomas & Hutton Engineering (file name: Daufuskie Planning Exhibit (05-10-06).dwg, dated: 05-10-06). 2. Composite Map based on sketch of existing/proposed development and not from as built surveys. 3. Melrose PUD approved land use and DUs taken from Melrose Master Plan, dated 11-01-98 and approved by Beaufort County 11-25-98. 4. Bloody Point PUD approved land use and DUs taken from the Daufuskie Island Club Conceptual Master Plan, dated 03-16-89 and revised by Beaufort county Council 03-27-95. 5. Zone 13 (B) approved and permitted DUs per 1/10/07 meeting with Beaufort County Planning Staff and DRT.