

Pine Island Downzoning Application
A Plan for Responsible Growth

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

TO: Beaufort County Council

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

GENERAL INFORMATION
OWNER'S NAME: Pine Island Property Holdings, LLC
MAILING ADDRESS: c/o Harvey & Battey, PA, P.O. Box 1107, Beaufort, SC 29901
PHONE: (843) 524-3109
EMAIL: kdukes@harveyandbattey.com
NAME OF APPLICANT (IF DIFFERENT FROM OWNER): Kevin E. Dukes, Esq.
PHONE: (843) 524-3109
EMAIL: kdukes@harveyandbattey.com

*Only property owners or their authorized representative/agent can sign this application. If there are multiple owners, each property owner must sign an individual application and all applications must be submitted simultaneously. If a business entity is the owner, the authorized representative/agent of the business must attach: 1- a copy of the power of attorney that gives him the authority to sign for the business, and 2- a copy of the articles of incorporation that lists the names of all the owners of the business.

PROPERTY INFORMATION
PARCEL NUMBERS (TMS): R300 012 000 0254 0000; R300 012 000 0255 0000; R300 012 000 0001 0000; R300 007 000 0002 0000; and R300 011 000 0275 0000 (collectively the "Property").
ADDRESS OF SUBJECT PARCEL(S): 288 Dulamo Road, 1, 3, and 5 St. Helenville Road
SIZE OF SUBJECT PROPERTY: 437 Acres
PRESENT ZONING CLASSIFICATION (AND ANY APPLICABLE OVERLAY DISTRICTS): T2 Rural (T2R) and Cultural Protection Overlay (CPO) Zone
REQUESTED ZONING CLASSIFICATION: T2 Rural (T2R)
REASON FOR REQUEST: To downzone 437 developable acres with deed restrictions, to reduce density and impacts, to protect green and open space, and to provide guaranteed community benefits, investment and sustainable economic development on Saint Helena Island through a project consisting of 49 residential units and an 18-hole golf course upon removal of the property from the Cultural Protection Overlay (CPO) Zone and entering a development agreement, which allows for the downzoning and benefits to become fully binding and enforceable.
ATTACH TRAFFIC IMPACT ANALYSIS (TIA) (IF APPLICABLE)** ATTACHED

**The applicant should address and attach a Traffic Impact Analysis per Division 6.3.20(D) if a particular project or zoning district may result in a development that generates 50 trips during the peak hour or will change the level of service of the affected street.

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

Elvio Tropeano

April 7, 2025

Signature of Owner

Date

UPON RECEIPT OF APPLICATIONS, THE STAFF HAS THREE (3) WORKDAYS TO REVIEW ALL APPLICATIONS FOR COMPLETENESS. THE COMPLETED APPLICATIONS WILL BE REVIEWED FIRST BY THE BEAUFORT COUNTY PLANNING COMMISSION SUBCOMMITTEE RESPONSIBLE FOR THE AREA WHERE YOUR PROPERTY IS LOCATED. MEETING SCHEDULES ARE LISTED ON THE APPLICATION PROCESS (ATTACHED). COMPLETE APPLICATIONS MUST BE SUBMITTED BY *NOON* FIRST MONDAY OF THE MONTH PRIOR TO THE APPLICABLE PLANNING COMMISSION MEETING DATE.

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

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

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

THE PINE ISLAND ZONING MAP AMENDMENT AND DOWNZONING PLAN

PARTNERING RESPONSIBLE GROWTH AND COMMUNITY BENEFIT

SECTION ONE: INTRODUCTION

Beaufort County continues to be one of the fastest growing areas in South Carolina. The distinctive blend of natural and built environments sets it apart from other areas, but it is this very dynamic that also encourages levels of growth and development that can become unsustainable.

Our “Comprehensive Plan recognizes that growth is both desired and inevitable but must be accomplished in ways that accommodate traditional town planning, environmental protection, access and equity for its citizens.” Said differently, the 2040 Comprehensive Plan advocates for **responsible growth** by creating “a vision and the regulatory tools it needs to balance economic development, resource protection, and growth in a form that creates quality places.” This sentiment has been echoed by many elected officials, community leaders, environmental advocates, and tax-paying citizens. For their part, property owners can help accomplish these goals by pursuing land uses that reduce impact and provide inherent benefits beyond simply building another set of houses, apartments, or storefronts, even when such uses are by right.

An ideal example of responsible growth is a development project that reduces the maximum density and intensity of use while creating tangible community benefits, ongoing investment, genuine economic development and environmental protections through reduced impacts and smaller development and building footprints than what is available by right under the County’s Community Development Code (CDC) and the Cultural Protection Overlay (CPO) Zone. A cooperative development plan based on responsible growth can uplift communities better while inflexible adherence to prohibitions and restrictions can suffocate them.

Because of its desirability and growth, Beaufort County is attractive to new residents and developers who want to live or build here. This persistent trend explains why nearly all rezoning applications involve requests for **upzoning**, *i.e.*, a request to increase the density or intensity of the allowed uses beyond what is currently allowed by right. The typical goal of upzoning is to maximize buildable units and drive profitability. In most cases, upzoning has inherent negative consequences – strained infrastructure, additional increases in traffic, stormwater management issues, environmental degradation, loss of open space, threats to property value and quality of life, stress on schools and emergency services – all of which understandably evoke opposition from constituents and hesitance from local decisionmakers.

Pine Island’s request is for a downzoning. It intentionally avoids the typical negative aspects of rezoning by reducing density, decreasing the intensity of land use, and creating community benefits rather than adverse impacts. If the request is approved, the resulting development will have one of the lowest overall densities of any development project in the County, even lower than the underlying T2R zoning that the Owner asks to be allowed to use. The requested project, which is known as the “**Downzoning Plan**,” will have a higher ratio of open space compared to any other development in the County. Furthermore, consistent with stated conservation goals, the project will

protect over 7.5 miles of developable shoreline and reduce available dock corridors by more than 91% from what is currently permissible.

However, the project resulting from the approval of this downzoning request does far more than help the environment in a way that the by-right use and full amount of available density does not. After a sustained process that involved thousands of engagements with community members over the past two years, the Owner has designed a package of community benefits that will be guaranteed and binding for years to come through the proposed development agreement.

The project is a market-based solution involving public/private partnership to build less than what is allowed rather than asking for more. It reduces future stress on infrastructure and services and fully aligns with the stated goals of conservation programs that were approved and funded by the residents of Beaufort County. However, in this specific case, the project will meet all of these goals without spending a single taxpayer dollar. In fact, the project will supplement and increase public resources by donating land and funds for a **Community and Recreation Center** to be located in the Corners Community on St. Helena Island, which is the historical center of the local Gullah/Geechee community. The Owner will also create and operate the **Sea Islands Sweetgrass Farm**, a five-acre facility on the Property that will grow, cultivate and donate sweetgrass to Gullah/Geechee artisans through the Gullah/Geechee Corridor.

Even with a voluntarily reduced footprint and 300+ acres of permanent, deed restricted open space, the Downzoning Plan will be the **most significant economic development initiative in St. Helena's history**. The projected investment exceeds over \$100,000,000. This investment will initially benefit both existing contractors, suppliers and tradesmen and will create sufficient demand for new businesses that will be located both north and south of the Broad. The positive results will be immediate and will continue indefinitely. Once completed, the golf club and associated amenities will create between 35 and 70 permanent full-time jobs. As a result, the project will become the **largest employer on St. Helena Island**.

The Downzoning Plan achieves the goals of the Comprehensive Plan and the CPO by limiting growth on St. Helena Island and preserving open spaces without using public funds. It achieves the goals of the both the Comprehensive Plan and the Beaufort County Economic Development Corporation by creating jobs and improving opportunities for locally owned businesses, particularly those located on St. Helena that currently struggle due to the depressed level of economic activity. The Downzoning Plan will result in direct and ongoing investment of private funds into the community through the Community and Recreation Center. In summary, we can achieve the very balance of "economic development, resource protection, and growth in a form that creates quality places" that the 2040 Comprehensive Plan aspires to achieve. To implement this, all that is needed is approval of the Downzoning Plan and the adoption of the Development Agreement.

SECTION TWO: A VOLUNTARY AND PERMANENT DOWNZONING OF PINE ISLAND

The property owner requests to downzone approximately 437 acres of property that are located at the outside northern boundary of the CPO, which was imposed on the entirety of St. Helena Island rather than being focused upon specific locations that have recognized cultural significance.¹ Absent the requested downzoning, the “by right” density on the Property is ~149 homes, which would be developed as planned community in accordance with the County’s requirements. The by-right option is referred to as the **“Full Density Plan.”** Although the Full Density Plan can be developed as a matter of right under the terms of the revised CPO Zone, it cannot be reasonably disputed that the Downzoning Plan is the superior plan for the Gullah/Geechee community, St. Helena Island, and our County as a whole.

By adopting the request and the development agreement, the County would obtain a voluntary reduction in density equal to ~100 homes. Furthermore, based on the Owner’s development model, the resulting impact of the reduced number of homes will be reduced even more. The 49 single-family homes will primarily be recreational/secondary residences. Also, the golf course will be private with a small and primarily non-local membership. As a result, the impacts on roads, local schools and other public services will be substantially less than a typical planned development, particularly one involving 149 homes occupied by permanent residents. A conceptual sketch of the Downzoning Plan is provided in [Exhibit A.](#)

To allow for an alternative means of obtaining a return on the Owner’s investment in the Property, the permitting process for the Full Density Plan is underway while the Owner has continued his community engagement relating to the Downzoning Plan. The Full Density Plan does not require any action by County Council because it is by right. However, once a project like the Full Density Plan is built, the market for large scale planned developments on St. Helena will have been set in motion, permanently. There are numerous tracts that would be suitable for such large-scale development if the County’s land planning decisions inadvertent create a market through rigid adherence to a prohibition of golf.

When the stated goal of the CPO is to “protect St. Helena and the Gullah culture from encroaching development pressures,” common sense points us to the Downzoning Plan. Otherwise, by leaving the Full Density Plan as the only option, the County’s land planning policies will cause the exact development pressures, suburbanization, and gentrification that it was trying to avoid.

The Full Density Plan does not result in downzoning. It does not deliver community benefits, additional environmental protection, significant open space, or deed restrictions. A residential-only development would not create lasting economic development impacts after the construction activity for 149 homes, ~90 docks, and approximately one million (1,000,000) additional square feet of roads, buildings, and impervious surfaces were built out. Also, the Full Density Plan does not provide land donations or funding for the Community and Recreation Center nor create the Sea Islands Sweetgrass Farm to support and promote Gullah/Geechee culture.

¹ By contrast, when the County adopted the Cultural Heritage Overlay on Daufuskie Island, the restrictions on property rights were imposed on less than 10% of the acreage on Daufuskie that was deemed culturally significant rather than blanketing the whole island with culturally motivated restrictions.

Together with this rezoning request, the Owner has submitted the proposed Development Agreement (attached as [Exhibit B](#)), which would be entered between Beaufort County and the Owner. This will cause the downzoning, community benefits and other valuable consideration to be binding and enforceable. In addition, by utilizing deed restrictions, the agreed-upon limitations to the Property downzoning will remain binding in perpetuity.

SECTION THREE: THE DOWNZONING PLAN DELIVERS COMMUNITY BENEFITS TO THE COMMUNITY OF ST. HELENA ISLAND AND THE COUNTY

The County's Community Development Code confirms that rezonings are "a matter committed to the legislative discretion of the County Council." As a result, a rezoning decision should consider the impact to each Council Member's district as well as the County as a whole.

The impacts of development do not stop at district boundaries. Traffic does not stop at any imaginary line. Stresses on public services know no boundaries. Water quality and stormwater issues flow beyond individual districts. Likewise, positive impacts from development cross district boundaries to benefit the County as a whole. Responsible growth that provides community needs lessens tax burdens on local governments and the citizens that fund them. Projects that do not demand additional, unfunded infrastructure improvements improve the County's financial position by providing economic activity and tax revenues that can fund other needs and initiatives. Responsible growth creates jobs and encourages formation of new local businesses. The Downzoning Plan protects hundreds of acres from development without taking a single dollar of taxpayer funds earmarked for conservation projects, which remain free to be used elsewhere.

Upon approval of the Zoning Map Amendment and a Development Agreement, the County will secure a basket of Community Benefits that will: (1) mitigate the impacts of development being felt throughout the County, (2) satisfy demonstrated community needs that have been recognized but left unfulfilled for many years; and (3) meet the goals and objectives of Beaufort County Council, the Beaufort County Comprehensive Plan, the Rural and Critical Lands Preservation Program, and the Green Space Program. The community benefits are binding and guaranteed under a Development Agreement, which will go through the legislative process simultaneously with this application.

The following is a summary of the Community Benefits that will be delivered through an approval of the Downzoning Plan and a Development Agreement, providing benefit to every resident of St. Helena and the County as a whole:

- **Reduction of Density.** The County will obtain a voluntary surrender of ~ one hundred (100) units of residential density that are available by right within the CPO, a reduction of sixty-six (66%) percent.² The reduced density (49) units of density will be allocated to the island portion of the Property. The mainland portion of the Property will be restricted from future residential use by deed restriction. This will result in a significant decrease of impacts and avoid a "rapid in-migration of new residents" to St. Helena, as the residences will generally be secondary homes.

² The Downzoning Plan will result in one of the lowest overall densities of any development in Beaufort County. As a comparison, Spring Island has been heralded as a "best-in-class" conservation development with **0.136** homes/acre. However, the Downzoning Plan will yield only **0.112** homes/acre, which is roughly equivalent to the density in the T1N zone designated as a "Nature Preserve."

- **Reduction of Traffic Impacts.** As demonstrated by the Traffic Impact Analysis, attached as [Exhibit C](#) (the “TIA”), the Downzoning Plan will result in a 60% decrease in traffic impact as compared to the Full Density Plan that would be permitted under the CPO.
- **Dramatic Decrease in Impervious Surfaces.** The Downzoning Plan will have approximately 1,000,000 fewer square feet of impervious surface than the Full Density Plan, based on the reductions in density, fewer roads, and fewer building footprints. This provides significant protections for water quality, which results in benefits for the entire County and beyond.
- **Reduction (and Perhaps Elimination) of School Impacts.** Based on current population and housing statistics, the Downzoning Plan will result in approximately \$1,000,000 in savings to the Beaufort County taxpayer and related school budgets, based on a \$13,000 per pupil annual expenditure. Additionally, the reduction in density and nature of the development as secondary residences will make this benefit permanent, avoiding future capital expenses.
- **No Increases in Property Tax for Rural Residents.** Because the single-family homes are intended to be recreational/secondary residences as part of a private golf community that will not be sold on the open market, there will be no gentrification effect on property values or taxes to rural residents, as explained in [Exhibit E](#). The residences on the Property will not be “comparables” for surrounding properties, which causes them to be excluded from the Market Value analysis that determines property value for tax purposes. Furthermore, by being subject to the higher rate of property tax applicable to secondary residences, the residences built as part of the Downzoning Plan will create a higher amount of property tax revenue³ as they will not qualify for the Primary Residence Exemption.
- **No “Domino Effect”.** Unlike the Downzoning Plan, the Full Density Plan could result in a “domino” effect, as it would likely encourage other large scale residential developments that will maximize available density to yield the most possible profit. The Downzoning Plan does not create any such risk for St. Helena residents. As the County noted in the 2014 Rural and Critical Summary of Outcomes for St. Helena Island, “[e]ven with rural zoning densities...there would be the potential that one large residential development could start a domino effect leading to increase development pressure, and an increase in taxes for rural residents.” (Illustrated in [Exhibit F](#)) Accepting the Downzoning Plan eliminates any possible domino effect. However, a refusal of the Downzoning Plan may cause a domino effect as the Full Density Plan is the only remaining option.

³ This provides yet more relief to the County in the form of greater contribution to the tax base. Using the Beaufort County Tax Calculator \$100,000,000 in value would generate approximately \$554,000 of tax revenue at the 4% primary residence rate. Alternatively, \$44,000,000 in value at the 6% secondary residence rate would generate \$687,192. This is a 24% increase in tax revenue all while having lower impacts on County services and infrastructure.

- **Permanent Protection of 360 Acres of Open Space.** Adopting the Downzoning Plan will result in 82% of the Property remain as Open Space. The County will ensure that the Open Space will not later be converted to additional residences because: (i) the golf course will be constructed in the footprint of the surrendered residential units of density; and (ii) deed restrictions enforceable by Beaufort County restricting the property upon which the golf course is constructed will be recorded preventing any future residential use.⁴ According to the Trust for Public Land, “conserved open spaces in Beaufort County enhance property values, infiltrate stormwater, improve air quality, attract visitors to the county, provide recreational opportunities for residents, improve human health, boost economic development, and bolster the farming and defense industries.”⁵

- **Reduction in Docks and Protection of Shoreline.** If the County allows the Downzoning Plan, the number of new docks would be limited to just eight (8). This is a reduction of 91% from the number of docks that would be permittable under the Full Density Plan under SCDES/BCM regulations. The reduction in docks would also be made permanent through deed restriction, resulting in the permanent protection of over 30,000 linear feet of shoreline.
 - This includes shoreline on Village Creek, Eddings Creek, and the Morgan River, often referred to as a “scenic blue-way,” allowing for perpetual scenic enjoyment of view corridors from public lands and waterways.
 - Existing marsh habitats will not be shaded out or impacted by a proliferation of docks that would be associated with a by right residential development of single-family homes such as the Full Density Plan. Marsh migration patterns would not be impacted, which is a significant resiliency goal that benefits all of St. Helena Island if the Downzoning Plan is approved.
 - Typically, permanent protection of shoreline is not secured voluntarily and for free. For example, in 2022, County Council authorized the expenditure of \$348,750 of taxpayer funds to protect about 1,000 feet of shoreline on Village Creek (Resolution 2022/60).
 - A significant portion of the shoreline that will be protected under the Downzoning Plan is on the same body of water as the property acquired

⁴ By comparison, Spring Island has been heralded as a “best-in-class” conservation development and has 40% of the property in conservation. The Downzoning Plan results in **82% of the Property being protected open space.**

⁵ [The Trust for Public Land, The economic benefits of parks, trails, and conserved open spaces in Beaufort County, South Carolina.](#)

through Resolution 2022/60. However, the Downzoning Plan will **protect 30x more shoreline** without any taxpayer expense.⁶

- Specifically, the Downzoning Plan will implement a Long-Term Riverbank and Shoreline Restoration Plan for the more than 30,000 linear feet of shoreline on the Property. Living shorelines and native vegetation will be prioritized where effective aligning the County's Resiliency goals in obtaining a National Coastal Resilience Fund Grant and authorizing a match from the general fund of \$153,053 to "map shorelines with the intent of incentivizing living shorelines on private lands" (Resolution 2025/12).
 - When completed, the restoration program will create a restored ecological footprint of approximately 10 acres, which ultimately benefits tens of thousands of acres in this portion of the ACE Basin, including Village Creek, Eddings Creek, Coffin Creek, Morgan River, St. Helena Sound, and Port Royal Sound.
 - The Long-Term Riverbank and Shoreline Restoration Plan will be modeled upon a major project at Parris Island designed to reduce climate impacts on surrounding communities through living shorelines, which are recognized as a feasible way to increase resiliency in the face of rising sea levels and climate change.⁷
- **Protection of the County's Seafood Industry.** 50% of the commercial shrimp trawlers in Beaufort County are docked at the working waterfronts of Village Creek n St. Helena. Beyond the overall 91% reduction of permissible docks under the Downzoning Plan, any potential new docks shall be constructed in consultation with the local industry and in a manner that does not conflict with their navigation. (See [Exhibit G](#) – Support for Downzoning Plan from Sea Eagle Market).
- Beaufort County's historical and cultural identity is deeply tied to its coastal waters, and the seafood industry has played a foundational role in shaping the county's economy and way of life. For generations, families have built their livelihoods on harvesting shrimp, crabs, oysters, and fish from the region's abundant waters.
 - This industry not only supports local jobs but also sustains the broader economy by supplying fresh seafood to restaurants, markets, and distributors across the region.

⁶ [Open Land Trust, Village Creekside.](#)

⁷ [Coastal Conservation League, Environmental Groups and Marine Corps Recruit Depot Parris Island Awarded \\$1.2 Million to Establish Living Shorelines. January 25, 2023.](#)

- Beaufort County Council has stressed “proactively working to preserve existing working waterfronts” for the benefit of its citizens, which the Downzoning Plan accomplishes.
- The removal of docks from shared waterways avoids potential conflicts between residential development and commercial use of the waterways, in keeping with the County’s policies.
- **Protection of View Corridors and Visual Character.** Under the Downzoning Plan, only pervious and horizontal improvements (non-buildings) will be allowed in the area of the restricted mainland parcels located between 50 and 150 feet of the Critical Line. All impervious and vertical improvements on the restricted mainland parcels will be located more than 150-feet from the Critical Line. This ensures protection of the waterways and scenic views.

By contrast, the Full Density Plan will result in pervious hardscapes 50 feet from the Critical Line, vertical buildings 60 feet from the Critical Line, and septic tanks 100 feet from the Critical Line.

To protect view corridors and scenic area, the Downzoning Plan restricts the location of impervious development to over 2 ½ times the legally required distance from the waterways. This ensures water quality, healthy habitats and ecosystems that the standards of the T2R and the CPO (or the residential developments allowed under them) do not provide. The increased distance of vertical improvements from the Critical Line will provide a significant public benefit over the Full Density Plan. As a result of the Downzoning Plan, the public’s view of the Property will be significantly enhanced from the Full Density Plan.

- **Creation of the Sea Islands Sweetgrass Farm.** Following the County’s adoption of the Downzoning Plan and a Development Agreement and the initiation of construction on the Property, the Owner will plan, fund, construct and manage a five (5) acre sweetgrass farm that will be known as the Sea Islands Sweetgrass Farm. This initiative will provide a one-of-a-kind ongoing contribution to the Gullah/Geechee community that will serve as a model for community engagement and cultural preservation. The Owner will donate and distribute 100% of the annual crop to Gullah/Geechee artisans and businesses locally and regionally. This initiative will restore native sweetgrass plants to the area and preserve and promote a centuries-old cultural tradition for which the Gullah/Geechee community is globally recognized.

Sweetgrass baskets have been an art form of the Gullah/Geechee people since the 1600s, including within areas of Beaufort County. The tradition of sweetgrass basket weaving has been in decline for decades, largely due to the shortage of sweetgrass. The Downzoning Plan creates an innovative and local solution to that shortage and will directly assist in the continuation of this culturally significant tradition by donating and distributing this scarce resource for free. Through partnerships that have already been established, the distribution and resulting benefits will occur in St. Helena, the County, and throughout the entire Gullah/Geechee Corridor.

- **Land Donation and Funds for a Community and Recreation Center on St. Helena.** Following the adoption of the Zoning Map Amendment and the Development Plan, the Owner will donate a \pm 4-acre parcel of real property to the County or its chosen designee for the location of a Community and Recreation Center. [Exhibit H](#) shows a preliminary plan for a Community and Recreation Center has been developed through hundreds of individual and group engagements with local residents and incorporates the findings of the Johnson Consulting Study that was received by the County in April, 2024.

Within the Study that the County commissioned using the County's general funds, Johnson Consulting found that a "performing arts center" as described in the original RFP is not feasible. After extensive community engagement, Johnson Consulting also determined that a "performing arts center" was not what members of the local community actually want. Furthermore, Johnson Consulting found that a performing arts center would not be financially feasible because it would run continuing deficits (which the County would have to cover using general funds) and would see limited participation and use from local residents. Instead, Johnson Consulting recommended a "multi-purpose" facility that offers an expanded mix of resources including recreational space and associated facilities. This is why the Downzoning Plan focuses on a Community and Recreation Center.

County Council is aware of the demonstrated need for a Community and Recreation Center on St. Helena. For years now, its residents have appeared before County Council to describe how families and the community will benefit from these resources and have continued to ask that their elected leaders fulfill this need, often on a monthly basis. One member of County Council, representing District 3, recently noted that the "community has been waiting for 8 years."

Rather than placing the expense of filling this void entirely on the County and allowing the County to assume a financial albatross in the form of an unfunded and infeasible performing arts center, the Downzoning Plan creates a public-private partnership to work together and deliver this resource for St. Helena Island. As Johnson Consulting stated in the Feasibility Study, the County should seek "project champions" in the private and non-profit sector to bring a Community and Recreation Center to fruition. The Downzoning Plan creates this partnership between the County, the Owner, and the nonprofits that would be engaged through the contributed funds outlined and guaranteed through the Development Agreement.

Ancillary benefits from a Community and Recreation Center include neighboring businesses benefit from increased foot traffic, provision of activities for youth, a hub of activity, enhanced police presence, local job creation, an emergency shelter, economic development opportunities, a food culture venue, and more. The land donation and funds provided by the Owner under the terms of the Development Agreement will supplement the \$1m nonrecurring proviso received by the Beaufort County Economic Development Corporation in 2024.

- **Guaranteed Initial Community Investment.** Following the adoption of the Zoning Map Amendment and in accordance with the terms of the Development Agreement, the Owner will provide a community investment in the amount of **\$2,500,000**. These funds can be administered through a designated third-party nonprofit organization to support a broad range of initiatives, including the Community and Recreation Center project, community and cultural programming and events, support for local farmers and fishermen, economic

development, incubation and ongoing support for minority-owned businesses, home repair/renovation grants for local seniors and families in need, youth summer camps after-school programs, recreational opportunities, and others.

- **Ongoing Community Investment.** If the Downzoning Plan is adopted, the Owner would provide additional community investment earmarked for Saint Helena Island above initial contributions in two forms:
 - 100% of the proceeds from an annual charity golf tournament event intended to support similar or additional initiatives on Saint Helena Island, modeled after the highly successful **Penn Center Golf Classic**. (Historical Documentation provided in [Exhibit I](#))
 - A restrictive covenant will be placed on all of the residential parcels which provides for the collection of a Community Support and Preservation Contribution fee equal to 0.25% of the gross sale price of every residential property sale on the Property. The monies collected from this transfer fee will be donated to one or more local non-profit organization and earmarked for investment into the Saint Helena Island community for the preservation, maintenance and support of cultural, natural, and historic resources of Saint Helena Island, community support programs, economic empowerment initiatives, and other programs, including the preservation and promotion of the Gullah/Geechee people and their distinctive arts, crafts, foodways, music, and language.
- **Providing an Empowerment Engine on St. Helena.** The Downzoning Plan will result in a capital investment of more than **\$100,000,000** into Saint Helena and Beaufort County. The development will create 35-70 full time jobs with average salaries exceeding \$80,000, making it the single largest employer on Saint Helena Island, as well as creating the environment to support local businesses on St. Helena.

The Comprehensive Plan places high importance on “[l]ocating jobs nearer to where people live, to reduce time spent commuting.” The Downzoning Plan does just that, alleviating the stresses for families that need to commute off of Saint Helena Island to seek employment, as well as alleviating the stresses on roadways by reducing car trips.

Additionally, the creation of well-paying jobs while respecting the natural environment is a core tenant of the County’s Economic Development Corporation. In addition to the 35-70 full-time permanent jobs, additional job creation during construction phases is anticipated to be 300-650 full-time-equivalent jobs. By comparison, the full-time-equivalent job creation for the entire County during this time frame is anticipated to be 1650-3050. It is truly unprecedented for a downzoning with open space and environmental protections to create this level of economic impact for Beaufort County.

SECTION FOUR: COMPARING THE TWO OPTIONS

The Zoning Map Amendment and Development Agreement present a question that each member of County Council must ask themselves when making a decision:

Which option is best for St. Helena, local residents, the environment, and the County?

POINT OF COMPARISON	THE DOWNZONING PLAN	THE FULL DENSITY PLAN
<i>Does the Plan create guaranteed investment for St. Helena?</i>	YES	NO
<i>Does the Plan reduce traffic impact compared to the Full Density Plan?</i>	YES	NO
<i>Does the Plan avoid gentrification and deter outmigration?</i>	YES	NO
<i>Does the Plan avoid “suburbanization” of St. Helena?</i>	YES	NO
<i>Does the Plan create tangible and sustainable economic development benefit for St. Helena?</i>	YES	NO
<i>Does the Plan empower the citizens and locally owned businesses on St. Helena?</i>	YES	NO
<i>Does the Plan donate land ideally located for the Community and Recreation Center on St. Helena?</i>	YES	NO
<i>Does the Plan create a Sea Islands Sweetgrass Farm to support Gullah/Geechee artisans and businesses?</i>	YES	NO
<i>Does the Plan create a public/private partnership to benefit St. Helena on an ongoing basis?</i>	YES	NO
<i>Does the Plan guarantee annual charitable events and philanthropy to support St. Helena?</i>	YES	NO
<i>Does the Plan preserve more than 300 acres of open space?</i>	YES	NO
<i>Does the Plan protect public waterways?</i>	YES	NO
<i>Does the Plan make environmental benefits permanent?</i>	YES	NO
<i>Does the Plan result in direct benefit to the Gullah/Geechee Culture?</i>	YES	NO
<i>Does the Plan promote the County’s stated plans and goals?</i>	YES	NO
<i>Does the Plan avoid creating unfavorable precedent and development trends?</i>	YES	NO

SECTION FIVE: THE DOWNZONING PLAN IS FULLY ALIGNED WITH THE GOALS OF THE COMPREHENSIVE PLAN

The Downzoning Plan conforms to the goals and objectives of the Comprehensive Plan, both as to St. Helena and Beaufort County as a whole. In every respect, the Downzoning Plan is demonstrably superior to the Full Density Plan in terms of achieving the goals of the Comprehensive Plan. Specifically, by removing the Property from the CPO and retaining the base T2R zoning, the following twelve (12) objectives of the Comprehensive Plan are achieved:

- **Decreased density on St. Helena protecting against rapid coastal development and population growth** (Spotlight St. Helena at p. 36);
- **Recognition and investment in Gullah/Geechee Culture** (Spotlight St. Helena at p. 36);
- **Protection against financial hardship on St. Helena with the creation of jobs** (Spotlight St. Helena at p. 36);
- **Location of jobs close to peoples' homes** (Core Value at p. 41);
- **Protection against suburban development** (Spotlight St. Helena at p. 37);
- **Support Gullah/Geechee heritage and arts through the Sea Islands Sweetgrass Farm and other initiatives** (Spotlight St. Helena at p. 36);
- **Define the Corners Community as a hub of commerce with the investment for a Community and Recreation Center** (Spotlight St. Helena at p. 37 - 38);
- **Protect the Village Creek working waterfront and our local shrimp industry by reducing conflict between residential development and the shrimp industry** (C1 at p. 30);
- **Creation of open space and waterways** (NE1 at p. 23; BE2 at p. 111; C2 at p. 31);
- **Protection of Waterways from runoff by eliminating ~1,000,000 square feet of impervious surface** (C2 at p.31);
- **Create strong resilient shorelines by the elimination of docks and shoreline stabilization** (NE1 at p. 22); and
- **Reduction in traffic impact through downzoning, thereby reducing need for upgrades and improvements to existing infrastructure on St. Helena, Lady's Island, the City of Beaufort and the Town of Port Royal** (p. 50);

This Zoning Map Amendment and proposed Development Agreement request legislative action from County Council, which should be guided by the underlying planning goals and common sense. When viewed from this perspective, and analyzed on the basis of alignment with actually achieving the goals and objectives of the Comprehensive Plan, Community Development Plan, and the CPO, as opposed to emphasizing actions that are merely performative in nature, the County's goals and objectives as confirmed in the Comprehensive Plan are best served by making this limited amendment to the Zoning Map, removing the Property from the CPO, and implementing the Downzoning Plan.

SECTION SIX: THE DOWNZONING PLAN ALIGNS WITH THE COUNTY'S EXISTING LAND PROTECTION PROGRAMS, BUT WITHOUT DEPLETING THEIR RESOURCES

In 1999, Beaufort County adopted its first comprehensive plan in response to the population doubling over the previous 40 years. As stated in the 1997 Comprehensive Plan, “[t]he citizens of Beaufort County have clearly recognized the predicament...the unique and irreplaceable character of the County is the principal generator of its recent economic growth and development. Yet this new growth, if inappropriate or planned and managed poorly, could threaten and undermine the very characteristics that have produced it in the first place.”

Also in 1999, concerned that growth might overwhelm their County, Beaufort County citizens voted to adopt the Rural and Critical Lands Preservation Program (the “RCLPP”). As described by its website, “[t]he Program is an innovative way to **pro-actively** protect important properties in our growing community.” Designed to be complementary to underlying zoning, a major initiative of the program is to “[p]rovide for purchase of development rights and fee simple interest in lands threatened by development, which if it occurs will have detrimental effects on land use patterns, traffic, public safety, stormwater runoff, water quality or other conservation objectives” (Ordinance 2019/48).

Since its inception, the Property has been a “target area” or “focus area” of Beaufort County's RCLPP and has been singled out in all the Green Print Plans – See [Exhibit J](#). The rationale, as described in the County's 2014 Beaufort County Rural and Critical Summary of Outcomes: “Even with rural zoning densities...there would be the potential that one large residential development could start a domino effect leading to increase development pressure, and an increase in taxes for rural residents.” Through the Downzoning Plan, the Owner is offering to help the County avoid this potential scenario for free.

After twenty-five years, five referendums, \$145,000,000 spent, and 28,000 acres protected, the RCLPP has been successful in using taxpayer money for conservation, parks, buffers, scenic vistas and for preservation of valuable economic and natural resources. Building on that success, voters again took to the polls and passed the Greenspace penny tax; a \$100,000,000 initiative to accomplish similar goals (the “GSP”). “The overall purpose of the program is to preserve open space, to protect critical and natural resources, and/or to provide land for recreation. It allows for the purchase of development rights and fee simple interest in lands that are threatened by development, which, if it occurs, will have detrimental effects on land use patterns, traffic, public safety, stormwater runoff, water quality or other conservation objectives” (Ordinance 2022/39).

The programs have been successful, both in their ability to leverage public dollars at scale to accomplish Beaufort County's goals, but most importantly, in finding common ground that a vast majority of its citizens agreed upon; the importance of land protection.

"The voters have spoken, and the county will fully support and carry out the decision. The County Council and staff will ensure that every penny collected goes to preserving our environment, protecting our waterways, and slowing growth creeping toward our rural and critical lands," said county spokesman Chris Ophardt.⁸

"The Rural and Critical program in Beaufort County has a track record of success in helping to fund projects that have specific benefits and are of high value to the public in Beaufort County," said Kate Schaefer, director of land protection for the Beaufort-based Open Land Trust.⁹

"Beaufort County's land, water, and quality of life was on the ballot this election cycle. Once again, the community turned out in broad support by voting in favor of the Green space program" said Faith Rivers James, the Coastal Conversation League's executive director.¹⁰

These programs and their associated goals/purpose have been supported by a majority of Beaufort County citizens at the polls, passed/approved by legislative action of Beaufort County Council, and are public policies of Beaufort County. However, there is a caveat: in the County's most recent 2020 Green Print Plan, respondents were asked "how would you strike a balance between public and private ownership of conserved land?" **No less than 97% of Beaufort County Citizens responded they would emphasize "keeping the land and its long-term stewardship under private control," as opposed to taxpayer funded acquisitions.**

For 25 years, Beaufort County has identified this property as a target for conservation. However, neither Beaufort County nor other conservation-minded groups purchased it or obtained conservation easements. Despite their legacy inaction, special interest groups continue to deliberately confound and confuse elected officials and the citizens of Beaufort County by irresponsibly touting a "Third Option" – a conservation purchase. This obstructionist tactic can be dispelled very easily: the property is not for sale. Despite that reality being crystal clear, [Exhibit K](#) details how this very narrative is financially, logistically, and legally impossible. At the March 24, 2025 County Council meeting (during the discussion of an 'upzoning' – Agenda Item #18), the Councilman for District 3 astutely recognized the need for "Responsible Growth" and advocated for a transparent discussion amongst his fellow Council members to "think this thing through." The rationale given was "that

⁸ [*The Island Packet*, Beaufort County Voters Approve of Green Space Sales Tax. Updated November 16, 2022.](#)

⁹ [*The Post & Courier*, Beaufort County Voters Approve New Approach to Land Conservation, November 23, 2022.](#)

¹⁰ [*The Island Packet*, Beaufort County Voters Approve of Green Space Sales Tax. Updated November 16, 2022.](#)

property is there...unless it is purchased through the Greenspace to keep it that way, I think I would prefer talking and discussing this property with this Council.”¹¹ That same reality and rationale applies directly to this Property and Downzoning application; for the benefit of the Beaufort County citizens and the legislative body working diligently to ‘think things through’, the false narrative of a conservation outcome should be definitively dismissed to allow for transparent dialogue and fact-based decision making that will benefit all constituents. By design, the Downzoning Plan will align with the conservation goals of both the RCLPP and the GSP while requiring **zero taxpayer dollars** and the land and its long-term stewardship will remain in private control, consistent with the expressed will of the constituents. This market-based solution fully achieves a long-term goal with no public expense.

SECTION SEVEN: THE DOWNZONING PLAN FOCUSES ON NEEDS AND GOALS OF LOCAL RESIDENTS, RATHER THAN SPECIAL INTEREST GROUPS

The Downzoning Plan was designed utilizing Beaufort County’s 2020 Greenprint Plan, the 2040 Comprehensive Plan and the associated “Conservation Toolkit”. Beyond these standard planning tools and goals, the Owner engaged in a three-year wide-ranging Community Engagement Process. Designed exactly after the process for the Comprehensive Plan, the Downzoning Plan was drafted, expanded, and ultimately finalized through an iterative process to capture Community Visions and Goals. This is the result of continuous feedback between the St. Helena Community, the broader Beaufort County Community, and 100s of public meetings with the County and Staff themselves. Put another way, the Downzoning Plan was designed by a team that has been fully immersed in Beaufort County and St. Helena Island for over three years. It is a reflection of the Visions and Goals that all of Beaufort County cares about, not just the loudest voices.

The approach undertaken in developing the Downzoning Plan has been unconventional. Typically, an out-of-town developer identifies a valuable piece of land, places it under contract, and makes the purchase contingent on securing zoning changes or permit approvals from the County. In this traditional model, the developer invests very little upfront, seeking guarantees from County Council before committing to the project.

In stark contrast, the Owner in this case closed on the property first and then spent over two years engaging directly with the community through a sustained process that involved thousands of engagements with community members and hundreds of public meetings. This extended process focused on listening to the needs and priorities of both the local St. Helena residents and Beaufort County Council, ultimately shaping a Downzoning Plan designed to serve the broader community and not simply the economic interest of the Owner.

Unlike the typical developer who limits engagement to lawyers and land planners, the Owner chose a path of collaboration with the community. This has included the incubation and opening of multiple new local businesses, the opening of a local community center, support for local youth and athletic programs, support for local veterans’ organizations, and a consistent dedication of time, energy and effort to ensure everyone’s voice is being heard. See [Exhibit L](#) for further detail.

¹¹ [You Tube Beaufort County Council Meeting held March 24, 2025.](#)

SECTION EIGHT: THE DOWNZONING PLAN MEETS AND EXCEEDS THE ZONING MAP AMENDMENT REVIEW STANDARDS¹²

The Zoning Map Amendment necessary to implement the Downzoning Plan should be recommended for approval by the County's Staff, recommended for approval by the County's Planning Commission, and formally adopted by County Council. The Downzoning Plan exceeds every applicable review standard:

1. *The Downzoning Plan is consistent with and furthers the goals, and policies of the Comprehensive Plan and the purposes of this Development Code, which consistency causes the Downzoning Plan to also meet the standards below as there is no compelling evidence demonstrating that the Downzoning Plan threatens the public health, safety, and welfare.*

The Downzoning Plan is consistent with and furthers the goals and policies of the Comprehensive Plan. Our "Comprehensive Plan recognizes that growth is both desired and inevitable, but must be accomplished in ways that accommodate traditional town planning, environmental protection, access and equity for its citizens."

This Downzoning Plan embodies **responsible growth**. In comparison to the Full Density Plan, the Downzoning Plan balances economic development, resource protection, and growth in a form that creates quality places. For the first time on St. Helena, a project will deliver all of the following through a single rezoning and development agreement: (a) voluntary reductions in density; (b) protections for waterways, shorelines and water quality; (c) land donation and ongoing financial support for a Community and Recreation Center; (d) creation of the Sea Islands Sweetgrass Farm, which will grow, cultivate and deliver scarce sweetgrass to Gullah/Geechee artisans and businesses for free; (e) open space permanently protected through deed restrictions; (f) genuine and sustainable economic development; (g) creation and empowerment of Gullah/Geechee local businesses; and (h) reduced impacts on traffic, schools, utilities, and public infrastructure compared to by-right entitlements.

Specific to St. Helena, a primary focus of the Comprehensive Plan is to maintain its rural character and protect the Gullah/Geechee from "rapid coastal development, population growth, lack of recognition, and financial hardship." The Downzoning Plan will have one of the lowest resulting densities of any development in Beaufort County resulting in 0.112 homes/acre, roughly equivalent to the density in the T1N zone, a Nature Preserve. By reducing density through the Downzoning Plan on a property which is ideal for development, the goal of protecting against rapid coastal development and population growth is directly addressed. The Downzoning Plan guarantees that a significant portion of St. Helena, approximately 9%, north of Highway 21 between Village Creek and Eddings Creek will remain rural forever.

¹² The information presented in pages 1 through 17 of this Zoning Map Amendment Request are fully incorporated into the Owner's response for each factor, along with the exhibits and the materials cited in this Request.

The Downzoning Plan also recognizes the Gullah/Geechee culture through the establishment of the Sweet Grass Farm and direct investment into the Community and Recreation Center on St. Helena. In addition to the initial investment of ~ \$3,000,000, the Downzoning Plan establishes an ongoing stream of revenue through transfer fees collected at each sale of residential property subject to the Downzoning Plan. Those funds will be used solely for the preservation, maintenance and support of cultural, natural, and historic resources of Saint Helena Island, including the preservation and promotion of the Gullah/Geechee people and their distinctive arts, crafts, foodways, music, and language. This will be the largest single investment into the preservation of community and culture on St. Helena ever made and accomplishes a simple but significant goal of the Comprehensive Plan to preserve Gullah/Geechee culture.

As noted above, the proposed development under the Downzoning Plan is anticipated to generate over \$100,000,000 of capital investment into Saint Helena Island and Beaufort County and produce a business that will create 35-70 full time jobs, with an average salary greater than \$80,000, making it the single largest employer on St. Helena. During construction, the development plan is expected to create 287-657 full-time-equivalent jobs while ongoing full-time-equivalent job creation in the broader Beaufort County Economy is anticipated to be 1650 - 3050. Investing in the creation of well-paying jobs is one of the most important things a government can do to positively impact the lives of its citizens.

The Comprehensive Plan places a high degree of importance on “[l]ocating jobs nearer to where people live, to reduce time spent commuting”; the Downzoning Plan will do just that - alleviating the stresses for families that need to commute off of St. Helena Island to seek employment, as well as alleviating the stresses on roadways by reducing car trips. In addition to the general goal of locating jobs nearer to where people live, the Downzoning Plan specifically addresses the Comprehensive Plan goal of alleviating financial hardships for some in the Gullah/Geechee by creating jobs and investing in a economic hub in the Corners Community through the Community and Recreation Center.

The addition of the Sea Islands Sweetgrass Farm addresses a specific need within the Gullah/Geechee community by providing a resource for an important cultural artform that is currently threatened by supply. This will benefit the Gullah/Geechee community of St. Helena and beyond.

The Downzoning Plan achieves the goals of the Comprehensive Plan and the CPO by limiting growth on St. Helena Island and preserving open spaces without using public funds. It achieves the goals of the Beaufort County Economic Development Corporation by creating jobs and improving opportunities for locally owned businesses, particularly those located on St. Helena that currently struggle due to the depressed level of economic activity. The Comprehensive Plan places a high degree of importance on “Locating jobs nearer to where people live, to reduce time spent commuting.” In summary, we can achieve the very balance of “economic development, resource protection, and growth in a form that creates quality places” that the 2040 Comprehensive Plan aspires to achieve. To implement this, all that is needed is approval of the Downzoning Plan and the adoption of the Development Agreement.

Specific to the Property, the future land use designation is rural. The Downzoning Plan not only meets the future land use but exceeds it through a voluntary reduction of buildable units yielding a density equivalent to T1N, a Nature Preserve.

The Property and surrounding land are not identified as high priority on the 5 factors of the Greenprint Plan (Cultural Landscape, Water Quality, Habitat, Resiliency and Connectivity) and has a Greenprint Overlay Future Land Use designation of Developable with Restrictions 2: “Lands within these areas should only support limited development at low levels of intensity, conservation-based development and the highest levels of Low Impact Design (LID) and sustainable development practices.” The Downzoning Plan is fully aligned with the Greenprint designation with low levels of intensity, conservation-based development and the highest levels of low-impact design and sustainable development practices all secured through the associated Development Agreement with Beaufort County.

2. The Downzoning Plan is not in conflict with any provision of the Development Code, or the Code of Ordinances

Upon a return to T2R zoning, the proposed development is not in conflict with any provisions of the development code. Upon execution of this downzoning and accompanying Development Agreement, the proposed development will result in a density equivalent to a T1 Nature Preserve with a voluntary 66% reduction in allowable density, permanent open space of 82%, and a voluntary 91% reduction in docks. The uses associated with the Downzoning Plan are all permitted by right under the T2R zoning which is the underlying zoning across St. Helena.

3. The Downzoning Plan Addresses Multiple Demonstrated Community Needs

Upon a return to T2R zoning, the proposed downzoning and development secured through the Development Agreement will positively address the following recognized community needs:

- Locating jobs nearer to where people live, to reduce time spent commuting. The CDC specifically recognizes that the location of good jobs near where people live is a Core Value of the CDC (CDC Page 41). As stated above, the downzoning and corresponding development plan will create the largest employer on Saint Helena Island, providing good paying quality jobs to the residents of Saint Helena Island where they live, adding to quality of life and reduction of stresses on infrastructure.
- Alignment with Rural and Critical Lands Preservation Program and Green Space Program. The permanent reduction in density and conservation development with ~ 360 acres of restricted open space downzones a property which is defined as a Target Area under the Green Print Plan. Permanent removal of impervious residential development and docks from surrounding waterways accomplishes the goals of Clean Water, Critical Habitat, Hazard Zones, and Open Space Connectivity expressed under the Green Print Plan. Unlike the RCLPP and GSP these goals are accomplished without the use of public monies and completely through private investment.
- The Community and Recreation Center. The residents of Saint Helena Island have continually expressed a desire for construction of a Community and

Recreation Center on Saint Helena Island, and the Owner's dedication of land and funds for that purpose addresses the largest community need, as expressed by the residents of Saint Helena. The significant investment made by the Owner will achieve this community goal while reducing the financial burden on Beaufort County. Not only have the residents of St. Helena made clear their desire for a Community and Recreation Center, but the majority of County Council have identified it a high priority that needs to be addressed.

- The Sea Islands Sweetgrass Farm. Sweetgrass baskets are a historical form of art produced by Gullah/Geechee people since the 1600s, and this industry has recently been impacted by a shortage of sweetgrass. In an effort to contribute to this cultural heritage of the Gullah/Geechee community, the Owner's construction and management of a Five (5) Acre Sweetgrass farm with 100% of the crop yields annually dedicated through distribution into the local and regional community of artisans that have a need and use for Sweetgrass. This will address a community need locally on Saint Helena Island, but also in other Gullah/Geechee communities located throughout Beaufort County. (See [Exhibit Q](#))
- Protection for Local Shrimping Industry. Beaufort County recognizes "the cultural contributions of the seafood industry to Beaufort County are so significant and appealing that the County strives to maintain the seafood industry aura, although the industry is in decline." One way Beaufort County seeks to serve this designated community benefit in the shrimping industry is to "minimize and reduce conflicts between the seafood industry and residential development by reducing the potential for land use conflicts between the two types of uses." The largest local seafood purveyor and working waterfront, primarily serving shrimp boats and the shrimping industry, is located near the Property on Village Creek. The downzoning and reduction of docks on Village Creek under the Development Agreement will eliminate navigation and development conflict between residential development and the shrimp industry by protecting the waterway serving the largest remaining local seafood purveyor and working shrimp docks. (See [Exhibit G](#))
- Reduction of Stress on Beaufort County Infrastructure. The TIA of the downzoning plan shows a reduction in downstream traffic impacts by 60%. Based on the location of the Property, this relieves stress on roadways on Saint Helena Island, Lady's Island, the City of Beaufort and the Town of Port Royal, specifically at the intersection of Sea Island Parkway (US 21) and Sams Point Road, the McTeer Bridge, and the Woods Memorial Bridge.

4. The Downzoning Plan Is Required by Changed Conditions

The return of the Property to base T2R zoning and avoidance of the Full Density Plan by allowing the Owner to implement the Downzoning Plan is necessary due to changed conditions, including the following:

- Avoiding Full Density Residential Development and the “Domino Effect:” The Penn School for Preservation’s 1995 study, entitled “*Residential Development of St. Helena Island: An Analysis of the Options*,” discusses concepts that served as the foundation for the CPO. These included: (1) protecting the island’s agricultural lands and open spaces; and (2) **reducing housing densities on the rural residential lands**. The study analyzed specific tools to achieve the goals and made multiple references to **downzoning**, purchasing development rights, and sliding scale zoning. Thirty years later, the same circumstances are acknowledged by the County, through the RCLPP, which states that the CPO zoning standards have limitations and “**may not be adequate to protect the landscape**.” This refers to the ability of property owners to develop a few large tracts into full density developments, which would launch a trajectory of residential growth on the island.

What might once have been conceptual is now real. There is a changed condition in that high density development plans can be pursued. At this time, the Owner has all of the septic tank permits needed to implement the Full Density Plan in hand. The Owner has secured necessary infrastructure and recognizes that there is unwavering demand for deep-water residential homes in Beaufort County, particularly those with unobstructed views and private docks. The Full Density plan is both viable and lucrative path for the Owner, much more lucrative than the Downzoning Plan. However, the residents of St. Helena and particularly the local Gullah/Geechee community would see greater benefit from the Downzoning Plan. This fact is not subject to reasonable dispute. The permanent restrictions on the amount and location of residences and reduction in impacts associated with high density residential developments avoids forcing the Owner to pursue the Full Density Plan that could be the domino.

The risks of rural residential development were further explored in the South Carolina Coastal Conservation League’s (SCCCL) “Final Report to the Penn School for Preservation” ([Exhibit M](#)). It also highlights strategies of **downzoning** and **open space requirements**. As the Final Report identifies, “[n]ew residential development on St. Helena will be the factor that most significantly influences the Island’s landscape in the future.” The report continues: “If the St. Helena community is serious about maintaining the Island’s rural character, it must do its best to make sure that new houses are ‘planted’ carefully.”

An exhaustive analysis of the 1995 Study and the Final Report reveals another telling point: **making golf illegal is mentioned zero times, while downzoning is explored multiple times.**

The Final Report reflects upon the Land Use Planning engagement with the St. Helena Community and lays out “The Rural Features of St. Helena” that “the Comprehensive Plan should seek to protect” as well as “Planning Principles to Guide New Residential Development on St. Helena.” The Downzoning Plan is a reflection of the specific

recommendations by having: (a) “fewer than 100 houses in a community;” (b) “houses grouped together;” (c) a “variety of land uses;” (d) “low traffic volumes;” (e) “houses setback from the water/marsh;” (f) “waterfront not ‘too cluttered’ with houses;” (g) “waterfront not ‘too cluttered’ with private docks (i.e. not too many);” and (h) “promot[ing] gradual & paced change.

The Downzoning Plan utilizes both a specific planning tool and a regulatory recommendation proposed by the SCCCL to the Penn School for Preservation to address the basic issue of residential density. The planning tool is: “Open Space Zoning... an open space requirement affects the location and proximity of houses on any given parcel. The physical result would be houses grouped together on modest lots surrounded by expansive private open space -- the prevalent residential development pattern on St. Helena today.” The SCCCL’s regulation recommendation states: “If a cross-section of the community were to agree that even a modest downzoning were appropriate, we would strongly encourage that it be done through an open space zoning mechanism... Open space zoning offers a way to limit the degree to which property is downzoned while maintaining the rural features (i.e., open space, farmland and timberland) that the community values most.” The Downzoning Plan adheres to the principles laid out by the SCCCL and the Penn School for Preservation is the Downzoning Plan in these studies. The Full Density Plan conforms with the CPO but is not the best way to achieve its goals due to changed conditions.

- There Has Been a Change in the Market for Golf: Historically, golf courses were utilized as an amenity to attract and promote ***dense*** residential development numbering in the hundreds of units. Due to certain large-scale developments in Beaufort County and elsewhere, the relationship between golf with dense residential development is mistakenly thought to be inextricably connected and incapable of being separated. Due to developments patterns occurring at the time, including Dataw, Berkeley Hall, Colleton River, and Belfair, there was good reason to notice this pattern. (See [Exhibit N](#) for relevant imagery). When the CPO was passed, the intent was to address density-related concerns such as “large-scale, rapid, and/or suburban growth,” “urban services and infrastructure,” “urbanization,” “suburbanization,” and “high traffic volume.” This is underscored by the fact that density related concerns are referenced nine times in the CPO, while the sport of golf was only referenced once in the purpose statement. This underscores that it is not the sport of golf itself that was the issue: it was that it was often associated with several hundred new residences, PUDs and upzonings.

The Downzoning Plan is intentionally designed to remove the historical association of golf with high-density residential communities in Beaufort County. In fact, it does the exact opposite; the development of a private golf course allows for a low density development that avoids the historical disruptive impacts that golf is otherwise thought to involve. This changed condition in the golf marketplace has introduced a market-based solution for responsible growth on St. Helena. At the time of the CPO’s adoption, Beaufort County utilized government-based property restraints (zoning) to reduce density and development on Saint Helena. Over the past three decades, the demand for low-impact, limited-access destination golf courses has provided a market-driven alternative to higher density traditional “Golf

Communities.” With the Downzoning Plan, the solution actually goes much further and achieves more than the governmental restrictions imposed by the CPO by having a guaranteed set of community benefits that will result in tangible benefits that will be felt on St. Helena and the Gullah/Geechee community.

Due to the changed condition, the application of the CPO to the Property is no longer effective. As outlined above, leaving the Property in the CPO leaves the Owner with one option: the Full Density Plan. This is not the solution if the goal is to encourage downzoning and allowing the Gullah/Geechee people and their culture to thrive. A failure to remove the Property from the CPO will undercut the County’s stated goals. It is the Downzoning Plan, along with the proposed Development Agreement, which will serve the actual goals of the CPO in this unique instance. For these reasons, the removal of the Property from the CPO, under the terms of the Development Agreement, is the most appropriate way to achieve the goals of the CPO itself.¹³

- Failure of the Infrastructure Penny Sales Tax: In the November 5, 2024 election, Beaufort County put forward a sales tax referendum meant to “address Beaufort County infrastructure needs through the completion of transportation and mobility projects amidst growth in our region.” The proposed tax was estimated to collected \$950,000,000 in funds to be used for infrastructure across the County, including projects that would build or improve infrastructure to address needs on St. Helena, Lady’s Island, the City of Beaufort, and the Town of Port Royal (the “**Referendum**”). Specifically outlined on the “project list” were “Lady’s Island Corridor Improvements” estimated at \$60,000,000, pathway construction along Dr. Martin Luther King Jr. Drive and Chowan Creek Bluff, North of the Broad Transportation System Improvements estimated at \$30,000,000, Safety and Traffic Flow throughout the County estimated at \$100,000,000, Emergency Evacuation and Resiliency estimated at \$55,000,000, Pavement Resurfacing and Preservation estimated at \$50,000,000, and Greenbelts estimated at \$50,000,000.

As we all know, the Referendum did not pass. This changed condition is an additional reason why the Downzoning Plan is proper, as it reduces the stress on existing infrastructure as compared to the Full Density Plan. The reduction of cars on the roads not only affects roads directly adjacent to the property on St. Helena, but also the roads, intersections, and bridges downstream on Lady’s Island, in the City of Beaufort, and the Town of Port Royal. The Downzoning Plan also establishes a “greenbelt” without the use of public funds. Due to the failure of the Referendum, Beaufort County must look at other alternatives to address its infrastructure problems. A voluntary downzoning combined with job creation, guaranteed community benefits and resources, economic development, environmental protections and

¹³ The Vice-Chairman of the Cultural Protection Overlay District Committee also agrees and is in support of the Downzoning Plan: *“I truly believe that if given a choice between a) a golf course with 50 homes and a single potential dock or b) a subdivision with 166 homes and 90 potential docks, the community would choose the golf course with fewer homes and a single dock. The general sentiment of the community has largely been driven by paternalistic third parties, that have failed to (or intentionally not) share the entire story.”* This statement was made one month **after** the CPO Committee, of which he was Vice Chairman, proposed new language to the CPO Ordinance.

actual support for Gullah/Geechee culture is a perfect example of what County Council should encourage and approve.

- Beaufort County Emergency Medical Service Strain: On March 3, 2025, the Community Services Committee recently heard from a representative of the Beaufort County EMS Department that there is increased need for personnel (3.3.25 - Agenda Item #8: Discussion of Funding a Fourth Shift) As Beaufort County continues to grow, the stress placed on the EMS personnel is just one example of the need for increased services created by the growth in the County. The Downzoning Plan reduces density in one of the corners of the County. A 66% reduction in homes will greatly reduce the need for services on St. Helena, specifically those at Station 22 located on Sea Island Parkway.
- Until Now, the Downzoning Plan Has Not Been Formally Presented to the Public: The Owner has been working on the Downzoning Plan for three years, including conducting significant community engagement. However, until this application, the community benefits and details that would be achieved through the Zoning Map Amendment and the proposed Development Agreement have not been presented as a single package. Trust in government is anchored in transparency, which the County has vowed to restore. It is clear that one of the most important mechanisms to achieve this goal is to present the facts and to analyze proposals with an objective eye. The public process that will occur with this Zoning Map Amendment and corresponding Development Agreement will be the first time that a formalized statement public on the issues that come before County Council so that everyone can have transparent and factual information.
- The Downzoning Plan is a New Plan with New Community Benefits. It is a plan that has been crafted over years of community meetings and engagements, but also listening to the community's wants, needs, and voices at our own government meetings. The public has not seen this plan, and the Owner/Applicant looks forward to a fully transparent process for the Property. If this Downzoning Plan is not reviewed on its merits, one might be led to suggest that it "stands to directly weaken what Beaufort County Council just strengthened." However, when it is reviewed objectively and with common sense, it is clear that the removal of the Property from the CPO will strengthen the CPO and serve its underlying goals.
- The CPO Was Modified Through a Process that Lacked Public Transparency and Was Based on Incomplete Information: On multiple occasions **both before and after** the CPO was "strengthened" the Vice Chairman of the CPO Committee publicly expressed his "frustration with the way in which the general public has been led into an apparent position without all available information being equally shared...specifically, the alternative actions [168 homes] available to Mr. Tropiano...has not been communicated thoroughly." See Public Statements in [Exhibit O](#).

The Vice Chairman of the CPO Committee specifically relayed to County Council, Beaufort County Legal and planning, and his own CPO Committee members that "It became clear to me at the 2nd reading regarding "CPO Strengthening" that I and the community generally,

were unclear of all of the implications of the Council's vote. Further, I actually believe that we were misled by 3rd party organizations (acting paternalistically) into believing that this strengthening meant the end to any possible development."

Further, after learning about the Full Density Plan available by right for the Pine Island Property, the Vice Chairman implored the CPO Committee, the Beaufort County Legal Department, Beaufort County Staff and Beaufort County Council members to allow for public transparency of the potential development: "I would like for the CPO and the St. Helena Island community at large to be presented with the both plans. These presentations should include all applicable impacts. Such a presentation is necessary to be better informed."

That request was never considered, and the public and the Community of St. Helena and the citizens of Beaufort County were left to believe that "this strengthening [of the CPO] meant the end to any possible development."

While Beaufort County Council (and specifically the representative for District 10) admirably attempted to relay the facts to the public, after two years and over 2000 meetings with local St. Helena Community Members, it is apparent to the Owner that this information did not circulate widely on St. Helena Island. Most constituents were entirely unaware of the Full Density Plan available by right and the associated impacts. This application for a Downzoning and the associated Development agreement are not only a product of direct meetings with the Community, but can, and should go through a fully transparent public process rooted solely in facts.

The CPO Revision process lacked transparency. As stated by the Vice Chairman of the CPO Committee, "I truly believe that if given a choice between a) a golf course with 50 homes and a single potential dock or b) a subdivision with 166 homes and 90 potential docks, the community would choose the golf course with fewer homes and a single dock. The general sentiment of the community has largely been driven by paternalistic third parties, that have failed to (or intentionally not) share the entire story."

5. The Downzoning Plan is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zone and uses for the land

A primary focus of the Comprehensive Plan for St. Helena is to maintain its rural character and protect the Gullah/Geechee from "rapid coastal development, population growth, lack of recognition, and financial hardship." The Downzoning Plan will have one of the lowest resulting densities of any development in Beaufort County resulting in 0.112 homes/acre, roughly equivalent to the density in the T1N zone, a Nature Preserve. By reducing density through the Downzoning Plan on a property which is ideal for development, the goal of protecting against rapid coastal development and population growth is directly addressed. The Downzoning Plan guarantees that a huge area, approximately 9% of St. Helena, north of Highway 21 between Village Creek and Eddings Creek will

remain rural forever. This assures consistency both with the surrounding area and the goals of the comprehensive plan.

The Property is surrounded by residential developments. Directly adjacent to St. Helena Island are a total of seven golf courses (Fripp Island (2), Dataw Island (2), Cat Island, Secession, and The Legends at Parris Island). Two of those courses, Parris Island and Secession, do not have real estate associated with them.

6. The Downzoning Plan would not adversely impact nearby lands

The downzoning of the Property would enhance the surrounding properties by reducing traffic and the golf course would create a buffer between existing residential development and planned new development. The immediate neighbors of the Property have expressed support for the downzoning and development plan outlined in the Development Agreement.

Under current zoning residential structures of unlimited size can be placed sixty (60) feet from the critical line. The Downzoning Plan will move all vertical structures on the mainland area of the property back to 150 feet from the critical line preserving the views from adjoining public and private lands.

Additionally, the Downzoning Plan includes the voluntary surrender of 91% of docks allowable the Full Density Plan. The reduction in docks would be permanent through deed restrictions, protecting 30,000 linear feet of shoreline. This shoreline protection impacts Village Creek, Eddings Creek, and the Morgan River, often referred to as a “scenic blue-way” and allows for continued scenic enjoyment by the public from public lands and waterways. Further, the existing marsh will not be shaded out/impacted by a proliferation of docks nor will marsh migration patterns be impacted – a significant resiliency goal that accrues to the entirety of Saint Helena Island.

Not only would the Downzoning Plan “not adversely impact nearby lands,” but it would prevent or lessen impacts resulting from the Full Density Plan. Finally, a vast majority of adjacent landowners support the Downzoning Plan (See [Exhibit P](#)).

7. The Downzoning Plan would result in a logical and orderly development pattern

The stated development would achieve density reduction goals, preserve the rural character of the area, create open space, limit the impact on roadways and waterways, and remove a significant portion of exceptional residentially developable land on Saint Helena Island. The Downzoning Plan is the result of extensive community engagement and land planning that provides a superior option to the Full Density Plan, which is allowed under the CPO but far less logical or orderly than the Downzoning Plan.

8. The Downzoning Plan would not result in adverse impacts on the natural environment

The downzoning of the Property, removal of docks, and removal of impervious surface close to the marshes and waterways will provide a buffer against runoff entering surrounding waterways and against storm surge from severe weather events. Further, the reduction of residential structures from the high bluffs of the Property and the number of docks from surrounding waterways will protect in perpetuity the public's view of the Property as seen from public waterways and public and private lands.

In addition to a 91% reduction in allowable docks, a Long-Term Riverbank and Shoreline Restoration Plan for more than 30,000 linear feet of shoreline, living shorelines and native vegetation will be prioritized where effective. When completed, the program will have a total restored ecological footprint of approximately 10 acres – which will ultimately benefit tens of thousands of acres of watershed in the Beaufort County area along Village Creek, Eddings Creek, Coffin Creek, the Morgan River, the St. Helena Sound, the Port Royal Sound, and the ACE Basin. This restoration will also benefit the local infrastructure and community resources on St. Helena Island and beyond.

When compared to the Full Density Plan, the Downzoning Plan will remove approximately 1,000,000 square feet of impervious surfaces near the BCM/OCRM Critical Line. In addition, the development of the Property in accordance with the Southern Lowcountry Stormwater Design Manual will require drainage of runoff into the center of the Property, rather than towards the waterways. The fact that the center of the development would be an absorbent and pervious golf course, rather than impervious streets and building footprints, allows for significant protection of water quality than the Full Density Plan cannot provide. The Property is made of sandy soils, unusual for the Lowcountry, which will allow filtration of any runoff prior to entering waterways. Additionally, ponds will be located on site where necessary to retain and filter runoff, which again are a natural component of a golf course.

The creation of approximately 360 acres of open space will also improve air quality and establish the Downzoning Plan as one of the most significant conservation developments in Beaufort County. For reference, Spring Island is heralded as the “best-in-class” conservation development with 40% of the property in conservation. In comparison, the Downzoning Plan will result in **82% of the Property in protected open space that will be made permanent through deed restriction.**

The Downzoning Plan enhances and protects the natural environment under a wholistic approach to the preservation and protection of air, land and water to maintain a natural functioning of the environment.

9. The Downzoning Plan results in a development that is adequately served by public facilities

The proposed development is adequately served by public facilities ([Exhibit D](#)). Furthermore, the downzoning, reduction of residential structures, decrease in impervious surfaces, and deed

restrictions provide permanent protections and eliminate future needs for services. In addition to reducing demand for services, the Downzoning Plan will also meet demonstrated recognized Community Needs that have remained unfunded and unfulfilled for years, including land and financial investment for a Community and Recreational Center on Saint Helena Island. Conversely, the Full Density Plan provides none of these benefits. As stated previously, the overall reduction in demand for public facilities will not only result in adequate service at the Property, but it will reduce the need for increased services elsewhere as well.