

SEP 18 08
C103353.00/C28



DANIEL ISLAND
The Daniel Island Company

September 15, 1998

Ms. Tina Hadden, CO-P
USACOE
Charleston District
Post Office Box 919
Charleston, SC 29402-0919

RE: Transportation Corridor for Proposed Daniel Island Marine Terminal

Dear Tina:

This Correspondence is to provide you with additional information regarding the concerns of the primary owners of Daniel Island (collectively, the "Daniel Island Owners") about the transportation alternatives currently proposed under the EIS. As you and I have discussed, and as we have set forth in previous correspondence, Daniel Island Owners do not believe that alternative 3A as set forth on your "DANIEL ISLAND TERMINAL EIS Alternatives Under Study" is a viable alternative for a number of reasons. A primary reason Alternative 3A is not a viable alternative is the zoning prohibition. We have further investigated the zoning issue and provide the following information to you for your consideration with regard to our request that you eliminate Alternative 3A from consideration as an alternative under the EIS.

In June of 1995 the City of Charleston and the Daniel Island Owners entered into a binding Development Agreement pursuant to statutory authorization. I enclose a copy of the Development Agreement for your review. Daniel Island is a part of the City of Charleston and is subject to its zoning. Zoning on Daniel Island is governed by the Daniel Island Master Plan which has been adopted by the City and is now a part of the city zoning ordinance. Section 4.12 of the Development Agreement prohibits modifications, amendments or changes to the Master Plan without the written consent of the Daniel Island Owners.

While the City of Charleston has the ability to make some minor zoning changes under the Master Plan, the Master Plan provides that major amendments may only occur in accordance with the Development Agreement. These major amendments include:

- Any change of zoning category of a parcel
- The elimination of an open space as shown in the Master Plan
- Any failure to provide for a linked open space system
- Decrease in the number of traffic lanes capacity in an element of the mapped major circulation system, or a change in that system's intersection pattern that would render invalid the traffic impact study

50 Broad Street, Charleston, SC 29401, (803) 853-0760, FAX (803) 720-3468

I enclose a copy of the current Daniel Island Master Plan Zoning Text for your review.

It appears that alternative 3A would violate current zoning in the following ways:

1. The dedicated railroad along the alternative route would be an industrial and a port related use in an area zoned for residential use. Port related uses are not allowed in the Daniel Island Master Plan, and have their own zoning category established by the City.
2. The alternative route crosses numerous areas zoned as open spaces, including, but not limited to, Town Center Park and the Regional Park. If this route were constructed, it would eliminate a great deal of open space.
3. The alternative route would create a failure in the linked open space system.
4. The alternative route would greatly impact the traffic impact study by changing various routes and intersections.

It is our understanding that the City of Charleston does not support rezoning on Daniel Island which would allow any proposed industrial activity to take place along the alternative route. In addition, even if the City of Charleston were willing to consider zoning changes to allow the proposed activity, rezoning could not take place without the consent of the Daniel Island Owners in accordance with the terms and conditions of the Development Agreement and the Master Plan. The Daniel Island Owners will not consent to any rezoning such as would be necessary for alternative 3A due to the massive destruction of the character of the island which would occur if alternative 3A were constructed.

It is clear that Alternative 3A is inconsistent with an approved local plan and local law. As such, Alternative 3A is not a viable alternative and should be removed from consideration.

Please let me know if you require additional information or if you would like to discuss this further.

Sincerely,



Matthew R. Sloan
Executive VP & Chief Operating Officer

MRS:jc

cc: The Honorable Mayor Joseph P. Riley, Jr. (w/o enc.)
Joseph Bryant/SCSPA (w/o enc.)
Frank W. Brumley (w/o enc.)



JOSEPH P. RILEY, JR.
MAYOR

City of Charleston

WYONNE FORTENBERRY
DIRECTOR

Department of Planning and Urban Development

November 12, 1998

Mr. Robert H. Riggs
Chief, Regulatory Branch
Corps of Engineers, Charleston District
Department of the Army
Post Office Box 919
Charleston, South Carolina 29402-0919

Dear Mr. Riggs:

Thank you for the opportunity to respond to the impact of the proposed transportation routes associated with the South Carolina State Ports Authority's plans for a marine cargo terminal on Daniel Island. Our office is particularly concerned with the proposal for Alternative 3A which runs through the center of Daniel Island. This concern regarding the conflict with the Daniel Island Master Plan was pointed out to the EIS consultants at the first technical committee meeting on the EIS in September 1997.

Rail lines and road corridors normally do not fall into a particular zoning category in the city of Charleston's Zoning Ordinance. However, on Daniel Island, different requirements exist. In 1993, the City of Charleston adopted the Daniel Island Master Plan, which has been incorporated into the City of Charleston Zoning Ordinance. The plan outlines future land use and zoning, an overall transportation framework plan, a connected open space network with parks and greenways and other specific zoning regulations. Any major change to the master plan would require approval by both the City of Charleston (through a master plan/rezoning process) and the Daniel Island owners (as required by the Daniel Island Development Agreement).

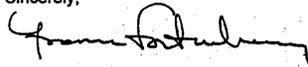
Mr. Robert H. Riggs
November 12, 1998
Page 2

The impact of Alternative 3A would be significant in that it would immeasurably alter the land use patterns on the island. The proposed route would run through or adjacent to several planned City parks, residential neighborhoods, and the heart of the Town Center, the economic, social and cultural hub of the island. In addition, it would totally destroy the transportation framework and open space network of the master plan. The introduction of an industrial corridor through the center of the island would destroy the overall concept and framework of the master plan. This would be in violation of City zoning and would require developing an entirely new master plan.

The Daniel Island Master Plan is an exceptional, innovative plan for a beautiful part of the city. The City of Charleston would be opposed to a major rail corridor in the Alternative 3A location and the master plan and zoning amendments that would be necessary as a result.

If you have any questions or need additional information, please call.

Sincerely,



Yvonne Fortenberry
Director

YF:sgr
11/12/98