



Town of Hilton Head Island
TOWN COUNCIL MEETING
Tuesday, February 16, 2021, 4:00 p.m.
AGENDA

In accordance the Town of Hilton Head Island Municipal Code § 2-5-15, this meeting is being conducted virtually and can be viewed on the [Town of Hilton Head Island Public Meetings Facebook Page](#) or the [Beaufort County Channel](#) as well as Hargray channels 9 and 113 and Spectrum channel 1304.

- 1. Call to Order**
- 2. FOIA Compliance:** Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.
- 3. Pledge to the Flag**
- 4. Invocation – Rabbi Brad Bloom, Congregation Beth Yam Synagogue**
- 5. Approval of the Agenda**
- 6. Approval of the Minutes**
 - a. Regular Meeting – January 19, 2021
 - b. Special Meeting – February 3, 2021
- 7. Report of the Town Manager**
 - a. Board of Zoning Appeals Update – Patsy Brison, Board Chair
 - b. Cross Island Parkway Administrative Building – Letter to the South Carolina Department of Transportation
 - c. Items of Interest
- 8. Reports from the Members of Council**
 - a. General Reports from Council
 - b. Report of the Community Services & Public Safety Committee – Councilman Harkins
 - c. Report of the Public Planning Committee – Councilman Ames
 - d. Report of the Finance & Administrative Committee – Councilman Lennox
- 9. Proclamations/Commendations - NONE**
- 10. Appearance by Citizens**

*Citizens who wish to address Town Council during the meeting by phone must contact the Town Clerk at 843.341.4701 no later than **12:00 p.m. the day of the meeting**. Citizens speaking during the meeting will limit their comments to no longer than three (3) minutes and will conduct themselves in a manner appropriate to the decorum of the meeting, refraining from the use of profane, abusive, threatening, or obscene language.*

11. Unfinished Business

a. **Second Reading of Proposed Ordinance 2020-36 – Workforce Housing LMO Amendments**

Second Reading of Proposed Ordinance 2020-36 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance (LMO), Chapters 3, 4, and 10. These Amendments commonly referred to as *Workforce Housing LMO Amendments* as noted in the Island Packet on *July 19, 2020*, including changes that add Workforce Housing as a Permitted by Condition use in the RM-4 Zoning District and creates a Density Bonus Incentive, and providing for severability.

12. New Business

a. **Consideration of the Proposed Amendments to the LMO – 30 Folly Field Road**

Consideration of the proposed amendments to the Land Management Ordinance of the Municipal Code of the Town of Hilton Head Island, South Carolina, by amending Section 16-1-107, the Official Zoning Map with respect to the certain 1.5-acre parcel located at 30 Folly Field Road, identified as PIN R500 009 000 1196 0000, to change the existing Zoning from Resort Development (RD) to Parks and Recreation (PR).

b. **Consideration of the Proposed Amendments to the LMO – 95 Mathews Drive**

Consideration of the proposed amendments to the Land Management Ordinance of the Municipal Code of the Town of Hilton Head Island, South Carolina, by amending Section 6-1-107, the Official Zoning Map with respect to the certain 5.26-acre parcel located at 95 Mathews Drive, identified as PIN R511 008 000 192A 0000, rezoning the parcel from Community Commercial (CC) to Light Commercial (LC).

c. **First Reading of Proposed Ordinance 2021-05 – CIP Budget Amendments**

First Reading of Proposed Ordinance 2021-05 to amend the budget for the Town of Hilton Head Island, South Carolina, for the fiscal year ending June 30, 2021; to provide for the expenditures of certain funds; to allocate the sources of revenue for the said funds; and to provide for severability and an effective date.

d. **Consideration of a Recommendation –Request for Speed Humps & Traffic Calming Policy**

Consideration of a Recommendation to Town Council from the Community Services and Public Safety Committee recommending the Town of Hilton Head Island pursue a Town-sponsored speed hump project on Point Comfort Road and adoption of a Traffic Calming Policy.

13. Executive Session

a. **Personnel Matters:** Discussion of appointments of members to Boards and Commissions

b. **Land Acquisition:** Discussion of negotiations incident to the proposed sale, lease, or purchase of property in the:

- i. **Northridge area;**
- ii. **Palmetto Bay Road;**
- iii. **Squire Pope area; and**
- iv. **Coligny area.**

c. **Legal Matters:** Receipt of legal advice related to pending, threatened, or potential claim related to ATAX funding.

d. **Contractual Matters:** Discussion of negotiations incident to proposed contractual arrangements with Santee Cooper.

14. Possible actions by Town Council concerning matters discussed in Executive Session

15. Adjournment

Public comments concerning agenda items can be submitted electronically via the [Town's Virtual Town Hall Portal](#). The portal will close at **2:00 p.m.** the day of the scheduled meeting. All comments submitted to the portal will be provided to Town Council for review and made part of the official record.



Town of Hilton Head Island
TOWN COUNCIL
Tuesday, January 19, 2021 at 4:00 p.m.
MEETING MINUTES

Present from Town Council: John J. McCann, *Mayor*; Bill Harkins, *Mayor Pro-Tempore*; David Ames, Tamara Becker, Alex Brown, Tom Lennox, Glenn Stanford, *Council Members*

Present from Town Staff: Josh Gruber, *Interim Town Manager*; Shawn Colin, *Interim Deputy Town Manager*; Angie Stone, *Interim Deputy Town Manager*; Scott Liggett, *Director of Public Projects and Facilities/Chief Engineer*; John Troyer, *Finance Director*; Jennifer Ray, *Interim Director of Community Development*; Jayme Lopko, *Senior Planner*; Krista Wiedmeyer, *Exec. Assist/Town Clerk*

1. Call to Order

Mayor McCann called the meeting to order at 4:00 p.m.

2. FOIA Compliance: Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.

3. Pledge to the Flag

4. Invocation – Reverend Denise A. Trogdon, All Saints Episcopal Church

Reverend Trogdon delivered the invocation.

5. Approval of Agenda

Mr. Harkins moved to approve the agenda. Mr. Stanford seconded. By way of roll call, the agenda was approved by a vote of 7-0.

6. Approval of Minutes

- a. **Special Meeting – December 28, 2020**
- b. **Special Meeting – December 30, 2020**
- c. **Regular Meeting – January 5, 2021**

Mr. Harkins moved to approve the minutes as noted on the agenda, including an amendment to correct a scrivener error on the December 30, 2020 minutes. Mr. Stanford seconded. By way of roll call, the minutes were approved by a vote of 7-0.

7. Report of the Town Manager

a. Corona Virus Pandemic Update – Dr. Jane Kelly, Assistant State Epidemiology

Dr. Kelly gave an update to the members of Town Council concerning the Coronavirus pandemic and the importance of continuing to wear face coverings.

b. Design Review Board Annual Report – Michael Gentemann, Chairman

Chairman Gentemann gave an update to the members of Town Council concerning the last year's events within the Design Review Board.

c. Items of Interest

Mr. Gruber reviewed and reported on a number of items of interest from the Town.

8. Reports from Members of Council

a. General Reports from Council

Mr. Brown reported that Senator Davis had been communicating information about the availability of the vaccine. He went on to say that he felt it would be important to begin looking at a potential mass vaccination of citizens.

Mayor McCann reported to Council that the agenda for the upcoming annual workshop was being prepared and would be sent out to Council when it became available.

b. Report of the Community Services & Public Safety Committee – Bill Harkins

Mr. Harkins stated that he did not have a report.

c. Report of the Public Planning Committee – David Ames

Mr. Ames reported that the Committee met in January where they discussed the bonus density matter for workforce housing.

d. Report of the Finance & Administrative Committee – Tom Lennox

Mr. Lennox reported that the Committee met earlier in the day where they received a financial update from the Finance Director, Mr. Troyer. He said the Committee also discussed a proposed Broad Creek PSD ASR facility on the Town's Greenwood Tract. Mr. Lennox said that a recommendation would be forthcoming to a future Town Council meeting.

9. Proclamations/Commendations – NONE

10. Appearance by Citizens

Amy Ali: Addressed the members of Town Council on matters concerning the Town's business license approval process.

Skip Hoagland: Addressed the members of Town Council on matters concerning the Town and the Chamber of Commerce.

11. Unfinished Business - None

12. New Business

a. Consideration of Proposed Emergency Ordinance 2021-02 – Face Covering Mandate

Consideration of Proposed Emergency Ordinance 2021-02 to require individuals to wear face coverings in certain circumstances and locations in the Municipal Limits of the Town of Hilton Head Island, South Carolina, and providing for severability and an effective date.

Mr. Harkins moved to approve. Mr. Stanford seconded. With no discussion, by way of roll call, the motion was approved 7-0.

b. First Reading of Proposed Ordinance 2020-36 – Workforce Housing LMO Amendments

First Reading of Proposed Ordinance 2020-36 to amend Title 16 of the Municipal Code of the Town of Hilton Head Island, South Carolina, the Land Management Ordinance (LMO), Chapters 3, 4, and 10. These Amendments commonly referred to as *Workforce Housing LMO Amendments* as noted in the Island Packet on *July 19, 2020*, including changes that add Workforce Housing as a Permitted by Condition use in the RM-4 Zoning District and creates a Density Bonus Incentive, and providing for severability

Mr. Harkins moved to approve. Mr. Ames seconded. Senior Planner, Ms. Lopko gave an overview of the proposed changes and answered questions. With limited discussion, by way of roll call, the motion was approved by a vote of 6-1. Mrs. Becker opposed.

13. Executive Session - None

14. Possible Actions by Town Council Concerning Matters Discussed in Executive Session

15. Adjournment

By unanimous vote, the meeting adjourned at 5:01 p.m.

Approved: February 16, 2021

Krista M. Wiedmeyer, Town Clerk

John J. McCann, Mayor

DRAFT



Town of Hilton Head Island
TOWN COUNCIL
Wednesday, February 3, 2021 at 10:00 a.m.
SPECIAL MEETING MINUTES

Present from Town Council: John J. McCann, *Mayor*; David Ames, Tamara Becker, Alex Brown, Tom Lennox, Glenn Stanford, *Council Members*

Absent from Town Council: Bill Harkins, *Mayor Pro-Tempore*

Present from Town Staff: Josh Gruber, *Interim Town Manager*; Shawn Colin, *Interim Deputy Town Manager*; Angie Stone, *Interim Deputy Town Manager*; John Troyer, *Finance Director*; Jennifer Ray, *Interim Director of Community Development*; Rich Groth, *Procurement Officer*; Krista Wiedmeyer, *Exec. Assist/Town Clerk*

1. Call to Order

Mayor McCann called the meeting to order at 10:00 a.m.

2. FOIA Compliance: Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.

3. Approval of Agenda

Mr. Stanford moved to approve the agenda. Mrs. Becker seconded. By way of roll call, the agenda was approved by a vote of 6-0.

4. Executive Session

Mr. Gruber stated that there was a need for Executive Session for (a) Contractual Matters, discussion of negotiations incident to potential contractual arrangements related to the Palmetto Bay Business Park RFP; and (b) Legal Matters, discussion of matters incident to pending litigation related to the Beaufort County Law Enforcement Fee.

At 10:02 a.m. Mr. Stanford moved to enter into Executive Session for the reasons described by Mr. Gruber. Mr. Brown seconded.

5. Possible Actions by Town Council Concerning Matters Discussed in Executive Session

Council returned from Executive Session at 11:37 a.m. with no actions to be taken. Mr. Gruber took a moment to discuss a recent matter that had taken place with a member of Town staff, asking for a moment of silence.

6. Adjournment

By unanimous vote, the meeting adjourned at 11:43 a.m.

Approved: February 16, 2021

Krista M. Wiedmeyer, Town Clerk

John J. McCann, Mayor



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Town Council
FROM: Patsy Brison, *Chair of the Board of Zoning Appeals*
DATE: February 1, 2021
SUBJECT: Board of Zoning Appeals Semi-Annual Report: July-December 2020

In the second half of 2020, the Board of Zoning Appeals held seven meetings virtually: 4 regular meetings and 3 special meetings. During this time, the board heard 12 Variance requests, 3 Appeal requests and 0 Special Exception requests.

Variations

VAR-001076-2020 – Request for a variance from Joe DePauw, on behalf of Hog Mountain Holdings LLC, from LMO Section 16-5-102, Setback Standards, for a proposed enclosed stair to encroach 4'-0" into the required adjacent use setback. The property address is 34 Palmetto Bay Road with a parcel number of R552 014 000 0050 0000. This variance was granted by a vote 5-1-0.

VAR-001461-2020 – Request from Michael Liker for a variance from LMO Section 16-3-106.H.4.b., Forest Beach Neighborhood Character Overlay (FB-NC-O) District for a proposed driveway to be built parallel within the adjacent use buffer and exceeding the 24 foot width maximum. The property address is 3 Alder Lane with a parcel number of R550 015 00A 0075 0000. This variance was denied by a vote of 6-0-0.

VAR-000352-2020 – Request from James Schwamman for a variance from LMO Sections 16-5-102, Setback Standards and 16-5-103, Buffer Standards to allow an existing patio to encroach in the adjacent use setback and buffer. The property is located at 13 Sandcastle Court and has a parcel number of R511 009 000 1109 0000. This variance was denied by a vote of 4-0-0.

VAR-001870-2020 – Request from George F. Zitlaw, Jr. for a variance from 16-5-102, Setback Standards, 16-5-103, Buffer Standards and 16-5-113 Fence and Wall standards, to allow a retaining wall, patio and fence to remain in the adjacent use setback and buffer. The property address is 123 Sandcastle Court with a parcel number of R511 009 000 1154 0000. This variance was denied by a vote of 3-1-0. This application was approved for a Motion for Reconsideration and will be heard on February 22, 2021.

VAR-001875-2020 – Request from Eric Schnider for a variance from 16-5-102, Setback Standards, 16-5-103, Buffer Standards and 16-5-113 Fence and Wall standards, to allow a retaining wall, patio and fence to remain in the adjacent use setback and buffer. The property address is 119 Sandcastle Court with a parcel number of R511 009 000 1152 0000. This variance was denied by a vote of 3-1-0. This application was approved for a Motion for Reconsideration and will be heard on February 22, 2021.

VAR-001935-2020 – Request from Reza Kajbaf for a variance from 16-5-102, Setback Standards, 16-5-103, Buffer Standards and 16-5-113 Fence and Wall standards, to allow a retaining wall, patio and fence to remain in the adjacent use setback and buffer. The property address is 105 Sandcastle Court with a parcel number of R511 009 000 1145 0000. This variance was denied by a vote of 3-1-0.

VAR-001853-2020 – Request from Richard Ross for a variance from 16-5-102, Setback Standards, 16-5-103, Buffer Standards and 16-5-113 Fence and Wall standards, to allow a retaining wall and patio to remain in the adjacent use setback and buffer. The property address is 121 Sandcastle Court with a parcel number of R511 009 000 1153 0000. This variance was denied by a vote of 5-0-0. This decision has been appealed to Circuit Court.

VAR-001854-2020 – Request from Richard Ross for a variance from 16-5-102, Setback Standards, 16-5-103, Buffer Standards and 16-5-113 Fence and Wall standards, to allow a retaining wall and patio to remain in the adjacent use setback and buffer. The property address is 127 Sandcastle Court with a parcel number of R511 009 000 1156 0000. This variance was denied by a vote of 5-0-0. This decision has been appealed to Circuit Court.

VAR-001874-2020 – Request from Anne Marie Burke for a variance from 16-5-102, Setback Standards, 16-5-103, Buffer Standards and 16-5-113 Fence and Wall standards, to allow a retaining wall and patio to remain in the adjacent use setback and buffer. The property address is 125 Sandcastle Court with a parcel number of R511 009 000 1155 0000. This variance was denied by a vote of 5-0-0. This decision has been appealed to Circuit Court.

VAR-001976-2020 – Request from Alexandra Barnum, on behalf of Joseph DeVito, for a variance from 16-5-102, Setback Standards, 16-5-103, Buffer Standards and 16-5-113 Fence and Wall standards, to allow an existing patio and retaining wall to remain in the adjacent use setback and buffer. The property address is 117 Sandcastle Court with a parcel number of R511 009 000 1151 0000. This variance was denied by a vote of 5-0-0. This decision has been appealed to Circuit Court.

VAR-001985-2020 – Request from Kevin Grandin for a variance from 16-5-102, Setback Standards, 16-5-103, Buffer Standards and 16-5-113 Fence and Wall standards, to allow a retaining wall and patio to remain in the adjacent use setback and buffer. The property address is 115 Sandcastle Court with a parcel number of R511 009 000 1150 0000. This variance was denied by a vote of 5-0-0. This decision has been appealed to Circuit Court.

VAR-001977-2020 – Request from Bruce Gray for a variance from 16-5-102, Setback Standards, 16-5-103, Buffer Standards and 16-5-113 Fence and Wall standards, to allow an existing patio and fence to remain in the adjacent use setback and buffer. The property address is 11 Sandcastle Court with a parcel number of R511 009 000 1108 0000. This variance was denied by a vote of 4-0-0.

Appeals

APL-001105-2020 – Request for Appeal from Jason Bullock with E-Ride LLC. The appellant is appealing staff's determination, dated May 15, 2020, that mokes (electric car) and skoozas (scooter) are classified as Auto Rentals and Auto Sales. Staff's determination was reversed by the BZA with a vote of 4-2-0.

APL-001167-2020 – Request for Appeal from Douglas W. MacNeille, Esq. on behalf of Hilton Head Helicopters, LLC d/b/a Atomic VR Virtual Reality. The appellant is appealing staff's determination, dated May 22, 2020, that a Virtual Reality Helicopter Arcade Game business is not permitted at 52 Gateway Circle, a property that is zoned Light Industrial. Staff's determination was reversed by the BZA with a vote of 6-0-0.

APL-000760-2020 – Request for Appeal from William M. Bowen, P.A. on behalf of Island Club III Horizontal Property Regime. The appellant is appealing staff's determination, dated March 24, 2020, that an unimproved right-of-way off of Folly Field Road, currently functioning as a drainage easement and pedestrian access to the beach, is classified as a street and does require an adjacent street setback and buffer from it. Staff's determination was reversed by the BZA with a vote of 4-1-0.

Special Exceptions

There were no Special Exception hearings.

LMO Matters

Waivers – The BZA receives a report at each regular meeting which shows the number and types of waivers granted by staff pursuant to provisions in the LMO. During the July 29, 2020, meeting, the BZA reviewed a staff report of waivers approved since 2017. After review of the report, the BZA unanimously adopted a motion to forward the summary to the Planning Commission and appropriate persons to review and determine whether amendments to the LMO might be appropriate.

LMO Language – As a follow up to BZA motions on January 27, 2020, to authorize the BZA Chair to send letters to the Town Council and Planning Commission to request consideration of amendments to the LMO to allow outdoor bicycle storage in the Light Industrial (LC) District and to address Nano Breweries and Microbreweries, the staff reported on July 29, 2020, that the letters had been sent and that the amendments would be added to the next set of proposed LMO amendments.

TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928

(843) 341-4600 Fax (843) 842-7728

www.hiltonheadislandsc.gov

John J. McCann
Mayor

February 16, 2021

William D. Harkins
Mayor ProTem

Hon. Christy Hall
South Carolina Department of Transportation
955 Park Street
Columbia, SC 29201

Council Members

Thomas W. Lennox
David Ames
Tamara Becker
Glenn Stanford
Alexander Brown, Jr.

Re: Cross Island Parkway Toll Administration Building

Dear Secretary Hall,

Joshua A. Gruber
Interim Town Manager

The Town of Hilton Head Island is anxiously awaiting the expiration of the tolls that are currently being collected as part of the debt service payments on the Cross Island Parkway. With the date of the toll cessation approaching within the next couple of months, the Town has been in discussions with members of your staff regarding the subsequent transition and transformation process that will be undertaken within this area by the Department of Transportation.

Please allow this letter to serve as a formal request on behalf of the Town of Hilton Head Island that the property and buildings consisting of the toll collections administrative offices be conveyed to the Town. We understand that such transfer will be conditioned on the continued use of the building by the Town for governmental or other public benefit uses and we are receptive to receiving the property under these express conditions.

We appreciate the excellent communication and cooperation that has been exhibited by your staff regarding this project and look forward to working together to see the next phase of the Cross Island Parkway become a reality. Please let us know what other additional actions may need to be necessary by the Town in order to facilitate the transfer of this property.

Very Truly Yours,

John J. McCann, Mayor
Town of Hilton Head Island

cc: Hilton Head Island Town Council
Joshua A. Gruber, Interim Town Manager



Items of Interest

February 16, 2021

Town News

Fire Rescue Members Deployed to Support the 2021 Presidential Inauguration

The National Disaster Medical Team (DMAT) SC #1 was deployed to Washington, D.C. on January 14th and returned on January 21st. Their mission was to provide medical support to various areas around Washington D.C. prior to and during the Presidential Inauguration. Team Members from Fire Rescue that were deployed as members of the team included:

- Captain/Paramedic: Justin Cunningham
- Fire Apparatus Operator/Paramedic: Ben Parkhurst
- Captain/Paramedic: Tim Santini

Town Meetings

Public meetings are currently being conducted virtually. Please check the [Town's website](#) for all scheduled meetings.



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Joshua A. Gruber, *Interim Town Manager*
VIA: Jennifer Ray, *ASLA, Interim Community Development Director*
FROM: Jayme Lopko, *AICP, Senior Planner*
CC: Shawn Colin, *AICP, Interim Deputy Town Manager*
CC: Teri Lewis, *AICP, Deputy Director of Community Development*
DATE: February 3, 2021
SUBJECT: Proposed Ordinance 2020-36 - Workforce Housing LMO Amendments

Town Council reviewed Proposed Ordinance 2020-36 regarding Workforce Housing (WFH) Land Management Ordinance (LMO) Amendments at their January 19, 2021 meeting. At that meeting, Town Council voted to approve the amendments related to bonus density including the addition of language to clarify the definition of Group Living and to exclude Group Living use in the RM-4 District from participation in the WFH Program.

Per State Code Section 6-29-760, if Town Council recommends a change to a proposed text amendment after the public hearing, then that text amendment must be reviewed again by the Planning Commission before the change can be adopted by Town Council. The changes proposed by Town Council to add language related to Group Living were required to go back to the Planning Commission for their review and comment.

Planning Commission met on February 3, 2021 and unanimously recommended that Town Council adopt the amendments related to Group Living.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2021-__

PROPOSED ORDINANCE NO. 2020-36

AN ORDINANCE TO AMEND TITLE 16 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THE LAND MANAGEMENT ORDINANCE (LMO), CHAPTERS 3, 4, AND 10. THESE AMENDMENTS, COMMONLY REFERRED TO AS *WORKFORCE HOUSING LMO AMENDMENTS* AS NOTICED IN THE ISLAND PACKET ON *JULY 19, 2020*, INCLUDE CHANGES THAT ADD WORKFORCE HOUSING AS A PERMITTED BY CONDITION USE IN THE RM-4 ZONING DISTRICT AND CREATES A DENSITY BONUS INCENTIVE AS DESCRIBED IN EXHIBIT “A” TO THIS ORDINANCE, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on October 7, 2014, the Town Council did adopt a new Land Management Ordinance (LMO); and

WHEREAS, Town Council identified Workforce Availability, including Workforce Housing, as a Key 2018 Town Council Priority; and

WHEREAS, on November 5, 2019, Town Council accepted the Workforce Housing Strategic Plan prepared by Lisa Sturtevant & Associates, LLC and approved a policy framework for a workforce housing program on the island; and

WHEREAS, on December 19, 2019, Town staff met with the Public Planning Committee to develop criteria to identify areas of the island to target for workforce housing initiatives; and

WHEREAS, from time to time it is necessary to amend the LMO; and

WHEREAS, the LMO Committee held public meetings on February 6, 2020 and August 11, 2020 at which time a presentation was made by Staff and an opportunity was given for the public to comment on the proposed LMO amendments; and

WHEREAS, the LMO Committee recommended that the proposed LMO amendments be forwarded to the Planning Commission with a recommendation of approval; and

WHEREAS, the Planning Commission held a public hearing on August 19, 2020 at which time a presentation was made by Staff and an opportunity was given for the public to comment on the proposed *Workforce Housing LMO Amendments*; and

WHEREAS, after consideration of the Staff presentation and public comments the Planning Commission voted 8-0 to forward the proposed LMO amendments to the Public Planning Committee with a recommendation of approval; and

WHEREAS, the Public Planning Committee held a public meeting on August 27, 2020 at which time a presentation was made by Staff and an opportunity was given for the public to comment on the proposed LMO amendments; and

WHEREAS, after consideration of the Staff presentation and public comments, the Public Planning Committee voted 2-1 to recommend approval of the proposed LMO amendments; and

WHEREAS, the Town Council held public meetings on October 6, 2020 and November 4, 2020 at which time an opportunity was given for the public to comment on the proposed LMO amendments; and

WHEREAS, the Town Council adopted the Commercial Conversion portion of the *Workforce Housing LMO Amendments* and recommended not adopting amendments related to bonus density at that time; and

WHEREAS, the Planning Commission held a public meeting on January 6, 2021 at which time a presentation was made by Staff and an opportunity was given for the public to comment on the proposed *Workforce Housing LMO Amendments* related to bonus density; and

WHEREAS, after consideration of the Staff presentation and public comments the Planning Commission voted 9-0 to forward the proposed LMO amendments to the Public Planning Committee with a recommendation of approval; and

WHEREAS, the Public Planning Committee held a public meeting on January 12, 2021 at which time a presentation was made by Staff and an opportunity was given for the public to comment on the proposed *Workforce Housing LMO Amendments* related to bonus density; and

WHEREAS, after consideration of the Staff presentation and public comments, the Public Planning Committee voted 3-1 to forward the WFH LMO amendments related to bonus density to Town Council with a recommendation of approval. The PPC also voted 3-1 to add dormitories to the definition of Group Living and to exclude Group Living use in the RM-4 District from participating in the WFH Program; and

WHEREAS, the Town Council held a public meeting on January 19, 2021 at which time a presentation was made by Staff and an opportunity was given for the public to comment on the proposed *Workforce Housing LMO Amendments* related to density bonus; and

WHEREAS, State Code Section 6-29-760 states if Town Council recommends a change to a proposed text amendment after the public hearing, then that text amendment must be reviewed again by the Planning Commission before the change can be adopted by Town Council; and

WHEREAS, the Planning Commission held a public meeting on February 3, 2021 at which time a presentation was made by Staff and an opportunity was given for the public to comment on the proposed amendments related to Group Living; and

WHEREAS, after consideration of the Staff presentation and public comments the Planning Commission voted 8-0 to recommend that Town Council adopt the amendments related to Group Living; and

WHEREAS, after due consideration of said LMO amendments, the Town Council, upon further review, finds it is in the public interest to approve the proposed *Workforce Housing LMO Amendments*.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID COUNCIL:

Section 1. Amendment. That the *Workforce Housing LMO Amendments* are adopted and the Land Management Ordinance is amended as shown on Exhibit “A” to this Ordinance. Newly added language is illustrated with double underline and deleted language is illustrated with ~~strikethrough~~.

Section 2. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall be effective upon its adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS ____ DAY OF _____, 2021.

THE TOWN OF HILTON HEAD ISLAND,
SOUTH CAROLINA

John McCann, Mayor

ATTEST:

Krista Wiedmeyer, Town Clerk

Public Hearing: August 19, 2020

First Reading: January 19, 2021

Second Reading: February 16, 2021

APPROVED AS TO FORM:

Curtis L. Coltrane, Town Attorney

Introduced by Council Member: _____

Exhibit B

Workforce Housing LMO Amendments

Chapter 16-3: Zoning Districts

Section 16-3-104. Residential Base Zoning Districts

Section 16-3-104.E Low to Moderate Density Residential (RM-4) District

2. Allowable Principal Uses			
USE CLASSIFICATION/TYPE		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES
Residential Uses			
<u>Workforce Housing</u>	PC	<u>Sec 16-4-102.B.1.d</u>	<u>See Sec. 16-5-107.D.2</u>
3. Development Form Standards			
MAX. DENSITY (PER NET ACRE)		LOT COVERAGE	
Residential ²			
TABLE NOTES: P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = <i>dwelling units</i> ; sf = square feet; GFA = <i>gross floor area</i> in square feet; ft = feet; n/a = not applicable <u>2. Density for development that includes Workforce Housing shall be determined based on Sec. 16-4-105.A.</u>			

Chapter 16-4: Use Standards

TABLE 16-4-102.A.6: PRINCIPAL USE TABLE																					
P = Permitted by Right PC = Permitted Subject to Use-Specific Conditions																					
SE = Allowed as a Special Exception Blank Cell = Prohibited																					
USE CLASSIFICATION/ USE TYPE	SPECIAL DISTRICTS		RESIDENTIAL DISTRICTS					MIXED-USE AND BUSINESS DISTRICTS									USE-SPECIFIC CONDITIONS				
	CON	PR	RSF-3	RSF-5	RSF-6	RM-4	RM-8	RM-12	CR	SP	CC	MS	WMUS	MF	MV	NC		LC	RD	MED	IL
RESIDENTIAL USES																					
Workforce Housing						PC				PC	PC	PC	PC	PC	PC		PC	PC		PC	Sec 16-4-102.B.1.d

Exhibit B

Workforce Housing LMO Amendments

B. Use-Specific Conditions for Principal Uses

1. Residential Uses

Section 16-4-102.B.1.d

d. Workforce Housing

- i. Any development that includes workforce housing shall comply with the Workforce Housing Program as outlined in Sec. 16-4-105.
- ii. Workforce housing may be permitted in the PD-1 District through a Zoning Map Amendment in accordance with Sec. 16-2-103.C.
- iii. In the MS District, properties developed for WFH shall not be permitted on properties currently utilized as a school or fire station.
- iv. In the S District, properties developed for WFH shall not have vehicular access to U.S. Route 278 (William Hilton Parkway).
- v. In the WMU District, properties developed for WFH shall not have vehicular access to Marshland Road.
- vi. In the LC District, properties developed for WFH shall not have vehicular access to U.S. Route 278 (William Hilton Parkway) between Wexford Drive and Singleton Beach Road.
- vii. In the RM-4 District, properties developed for Group Living use are not be eligible to participate in the WFH Program.
- viii. In the RM-4 District, existing mobile home parks, located on property that is a minimum of 3 acres, shall be eligible to participate in the WFH Program.
- ix. Except for paragraph viii above, workforce housing use in the RM-4 District shall comply with the following conditions:
 - a. The property shall be a single parcel that is a minimum of 3 acres.
 - b. The property shall not have frontage on Jarvis Creek, Broad Creek, or Old House Creek.
 - c. The site of the WFH use shall not be located within 750 linear feet of the Hilton Head Island Airport property. This distance shall be measured as the length of an imaginary straight line between the two closest points of the perimeter boundary of the property on which any WFH use is located, and the perimeter boundary of the Hilton Head Island Airport.
 - d. The site of the WFH use shall be located within 3,500 linear feet of a minor arterial in accordance with Sec. 16-5-105.B, Street Hierarchy. This distance shall be measured from the centerline of the closest vehicular access on the property where the WFH is located, and shall be measured along the

Exhibit B

Workforce Housing LMO Amendments

centerline of the travel lane of the street providing the shortest route to the minor arterial.

- e. Lots within an existing legally platted and developed single family subdivision, including open space are not eligible to participate in the WFH Program.
- f. Properties developed with a non-single family residential use that is permanent in nature are not eligible to participate in the WFH Program.

Section 16-4-105. Workforce Housing (WFH) Program

A. Workforce Housing Density

All Units:

1. Commercial conversion projects that include at least 20% workforce housing units will be eligible for incentives, as described in Sec. 16-10-102B.1, including:
 - a. A reduction in minimum unit sizes by 30% and;
 - b. Up to 50% of the units in the development may be micro-efficiency and/or studio units.
2. In the RM-4 District:
 - a. A density bonus up to 100% above the base residential density standards is permitted if 50% of all units within the development are workforce housing units.
 - b. A density bonus up to 50% above the base residential density standards is permitted if 25% of all units within the development are workforce housing units.
 - c. The maximum density permitted in any workforce housing development is 12 units per acre.

Exhibit B

Workforce Housing LMO Amendments

Chapter 10: Definitions, Interpretation and Measurement

Section 16-10-103. - Use Classifications, Use Types, and Definitions

A. Residential Uses

2. Use Types and Definitions

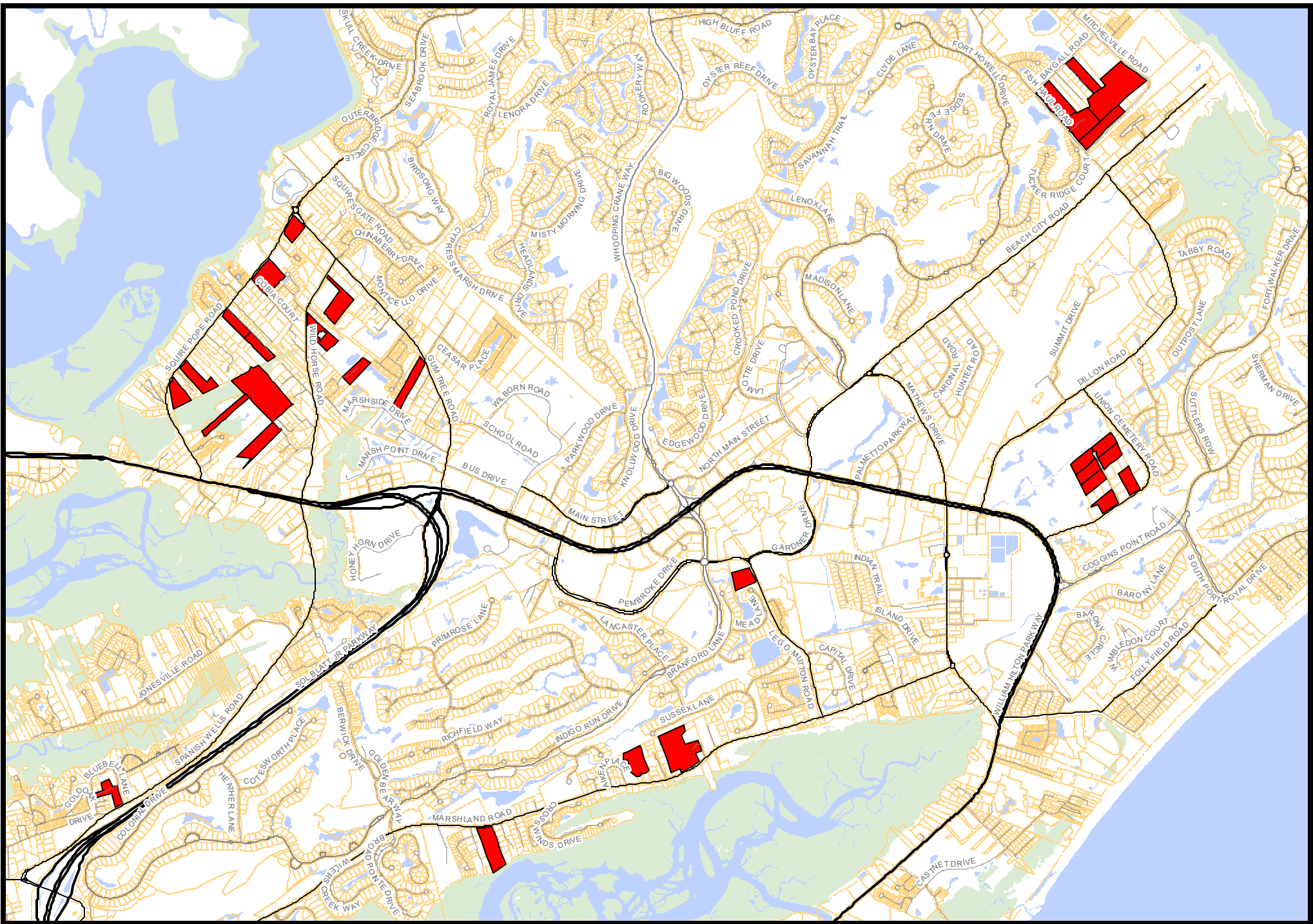
Group Living

The residential occupancy of a group of living units by *persons* who do not constitute a *single-family* and may receive some level of personal care. Individual living units often consist of a single room or group of rooms without cooking and eating facilities, but unlike a *hotel*, are generally occupied on a monthly or longer basis. *Uses* include group homes, assisted living facilities, dormitories and similar *uses*. Although continuing care retirement communities may include *single-family* and *multifamily dwellings* and health care *uses*, they are categorized as a group living *use* because of their focus on the present or future provision of personal care to senior citizens and their integration of various *uses* as a single cohesive *development*. Dormitories are categorized as a group living use because they consist of a building or buildings which house students, employees, etc. and contain communal facilities and sleeping rooms with several beds. Group living does not include *uses* where *persons* generally occupy living units for periods of less than 30 days (e.g., *hotels*), which are categorized as Resort Accommodation *Uses*. It also does not include *uses* where residents or inpatients are routinely provided more than minor health care services (e.g., *nursing homes, hospitals*) unless they are associated with a continuing care retirement community. These types of facilities are categorized as Health Services *uses*. *Accessory uses* common to group living *uses* include recreational facilities, administrative offices, and food preparation and dining facilities.

Section 16-10-105. - General Definitions

Density Bonus

An increase in the number of units permitted on the site in order to provide an incentive for the construction of workforce housing.



Town of Hilton Head Island

Bonus Density Map





TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Joshua A. Gruber, *Interim Town Manager*
VIA: Jennifer Ray, *ASLA, Interim Community Development Director*
FROM: Jayme Lopko, *AICP, Senior Planner*
CC: Shawn Colin, *AICP, Interim Deputy Town Manager*
CC: Teri Lewis, *AICP, Deputy Director of Community Development*
DATE: February 3, 2021
SUBJECT: Proposed Zoning Map Amendment- ZA-002487-2020 – 30 Folly Field Rd

Recommendation: The Planning Commission recommends Town Council approve the proposed zoning map amendment application. The Commission met on January 20, 2021 and voted 8-0-0 to forward the application to Town Council with a recommendation for approval.

If Town Council agrees with the Planning Commission's recommendation, the proposed Ordinance 2021-04 is attached for approval.

If Town Council disagrees with the Planning Commission's recommendation, a Resolution has been drafted for denial.

Summary: Approval of the proposed zoning map amendment will rezone a Town owned property from Resort Development (RD) to Parks and Recreation (PR).

Background: The Town of Hilton Head Island's land acquisition program began in earnest in 1991. The Town's goal was to manage and control growth on the Island. The program has enhanced property values; reduced potential development; reduced potential traffic; kept the Island green; preserved historic sites; and created opportunities for park and recreation development.

The subject property, 30 Folly Field Road, is 1.5 acres and is currently zoned Resort Development (RD). The property is located directly between Folly Field Road and the Northern boundary of the Sandcastle by the Sea subdivision. The developer of the Sandcastles by the Sea subdivision granted the property to the Town in June 2005. The general deed for the property (see Attachment D) refers to it as "future park property". Since the property was acquired by the Town in 2005 all 1.5 acres of the heavily vegetated parcel have remained undeveloped and there is no plan to develop the property in the future. However, residents in the Sandcastle by the Sea subdivision that live directly adjacent to the subject property have expressed concern about the potential of the property being developed into a use that is incompatible with their single-family residences.

The proposed rezoning will be consistent with how other Town owned land is zoned.

The changes that would occur as a result of the subject property being rezoned from RD to PR include:

- the removal of any allowable density for residential, bed and breakfast, interval occupancy, and hotel uses;
- reduction in maximum density for nonresidential uses from 8,000 square feet per net acre to 6,000 square feet per net acre;
- reduction in maximum impervious coverage from 50% to 45%; and
- reduction in maximum building height from 75' to 35'.
- None of the residential uses that are permitted in RD will be permitted in PR.
- None of the commercial uses that are permitted in RD will be permitted in PR with the exception of Open Air Sales.

Attachments:

1 - Proposed Ordinance

2 - Proposed Resolution (for denial)

3 - Staff Report

Attachment A) Location Map

Attachment B) Zoning Map

Attachment C) Table

Attachment D) Deed

Attachment E) Plat

Attachment F) Photos

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2021-__

PROPOSED ORDINANCE NO. 2021-04

AN ORDINANCE TO AMEND TITLE 16, "THE LAND MANAGEMENT ORDINANCE," OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, BY AMENDING SECTION 16-1-107, THE OFFICIAL ZONING MAP WITH RESPECT TO THE CERTAIN 1.5 ACRE PARCEL LOCATED AT 30 FOLLY FIELD ROAD, IDENTIFIED AS PIN R511 009 000 1196 0000, TO CHANGE THE EXISTING ZONING FROM RESORT DEVELOPMENT (RD) TO PARKS AND RECREATION (PR); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on October 7, 2014, the Town Council did adopt a new Land Management Ordinance (LMO); and

WHEREAS, this zoning change would be compatible with surrounding land uses and neighborhood character, would not be detrimental to the public health, safety and welfare, and further, would be in conformance with the Land Management Ordinance and Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on January 20, 2021 at which time a presentation was made by staff and an opportunity was given for the public to comment on the proposed zoning map amendment application; and

WHEREAS, the Planning Commission, after consideration of the staff presentation and the criteria set forth in Section 16-2-103, voted 8-0-0 to recommend that Town Council approve the proposed zoning map amendment application; and

WHEREAS, after due consideration of said zoning map amendment application and the recommendation of the Planning Commission, the Town Council, upon further review, finds it is in the public interest that the subject parcel be rezoned from RD to PR.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID COUNCIL:

Section 1. Amendment. That the Official Zoning Map of the Town of Hilton Head Island, as referred to in Section 16-1-107 of the LMO, be hereby amended as follows:

To modify the zoning designation of the certain 1.5 acre parcel located at 30 Folly Field Road, identified as pin R511 009 000 1196 0000, from Resort Development (RD) to Parks and Recreation (PR).

Section 2. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall

be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall be effective upon its adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS ____ DAY OF _____, 2021.

THE TOWN OF HILTON HEAD ISLAND,
SOUTH CAROLINA

John J. McCann, Mayor

ATTEST:

Krista Wiedmeyer, Town Clerk

Public Hearing: January 20, 2021

First Reading:

Second Reading:

APPROVED AS TO FORM:

Curtis L. Coltrane, Town Attorney

Introduced by Council Member: _____

A RESOLUTION OF THE TOWN OF HILTON HEAD ISLAND

2021-____

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND DENYING THE APPLICATION FOR ZONING MAP AMENDMENT ZA-002487-2020 WHICH REQUESTS AN AMENDMENT TO CHAPTER 1 OF TITLE 16, "THE LAND MANAGEMENT ORDINANCE" (LMO), OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, BY AMENDING SECTION 16-1-107, THE OFFICIAL ZONING MAP WITH RESPECT TO THE CERTAIN 1.5 ACRE PARCEL LOCATED AT 30 FOLLY FIELD ROAD, IDENTIFIED AS PIN R511 009 000 1196 0000, TO CHANGE THE EXISTING ZONING FROM RESORT DEVELOPMENT (RD) TO PARKS AND RECREATION (PR).

WHEREAS, on October 7, 2014, the Town Council did adopt a new Land Management Ordinance (LMO); and

WHEREAS, the Planning Commission held a public hearing on January 20, 2021 at which time a presentation was made by staff and an opportunity was given for the public to comment on the proposed zoning map amendment application; and

WHEREAS, the Planning Commission, after consideration of the staff presentation and the criteria set forth in Section 16-2-103, voted 8-0-0 to recommend that Town Council approve the proposed zoning map amendment application; and

WHEREAS, after due consideration of said zoning map amendment application and the recommendation of the Planning Commission, the Town Council, upon further review, finds that the requested zoning map amendment does not meet the criteria as set forth in Section 16-2-103 of the LMO.

NOW, THEREFORE, BE IT, AND HEREBY IT IS, RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THAT THE TOWN COUNCIL HEREBY DENIES APPLICATION FOR REZONING ZA-002487-2020.

MOVED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS _____ DAY OF _____, 2021.

THE TOWN OF HILTON HEAD ISLAND,
SOUTH CAROLINA

John J. McCann, Mayor

ATTEST:

Krista Wiedmeyer, Town Clerk

Resolution Number 2021-____
Page 2

Public Hearing: January 20, 2021
APPROVED AS TO FORM:

Curtis L. Coltrane, Town Attorney

Introduced by Council Member: _____



TOWN OF HILTON HEAD ISLAND COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court | Hilton Head Island, SC 29928 | 843-341-4757 | FAX 843-842-8908

STAFF REPORT ZONING MAP AMENDMENT

Case #	Name of Project	Public Hearing Date
ZA-002487-2020	30 Folly Field Road Rezoning	January 20, 2021

Parcel Data	Applicant
<u>Parcel Numbers:</u> R511 009 000 1196 0000 <u>Parcel Address:</u> 30 Folly Field Road	Town of Hilton Head Island One Town Center Court Hilton Head Island, SC 29928
Existing Zoning	Proposed Zoning
<u>Overlay Districts:</u> Corridor (COR) Overlay District <u>Zoning District:</u> Resort Development (RD) <u>Existing Allowable Uses:</u> See Attachment C	<u>Overlay District:</u> Corridor (COR) Overlay District <u>Zoning District:</u> Parks & Recreation (PR) <u>Proposed Allowable Uses:</u> See Attachment C

Application Summary:
Request from the Town of Hilton Head Island to amend the Official Zoning Map to rezone a Town owned property from Resort Development (RD) to Parks and Recreation (PR).
Staff Recommendation:
Staff recommends that the Planning Commission find this application to be consistent with the Town’s Comprehensive Plan and serves to carry out the purposes of the LMO, based on those Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed herein. Staff recommends that the Planning Commission recommend approval of this application to Town Council.

Background:
The Town of Hilton Head Island’s land acquisition program began in earnest in 1991. The Town’s goal was to manage and control growth on the Island. The program has enhanced property values; reduced potential development; reduced potential traffic; kept the Island green; preserved historic sites; and created opportunities for park and recreation development.

The subject property, 30 Folly Field Road, is 1.5 acres and is currently zoned Resort Development (RD). The property is located directly between Folly Field Road and the Northern boundary of the Sandcastle by the Sea subdivision. The developer of the Sandcastles by the Sea subdivision granted the property to the Town in June 2005. The general deed for the property (see Attachment D) refers to it as “future park property”. Since the property was acquired by the Town in 2005 all 1.5 acres of the heavily vegetated parcel have remained undeveloped and there is no plan to develop the property in the future. However, residents in the Sandcastle by the Sea subdivision that live directly adjacent to the subject property have expressed concern about the potential of the property being developed into a use that is incompatible with their single-family residences.

Per the Land Management Ordinance the purpose of the Resort Development (RD) District is to provide for resort development in the form of multifamily development, bed and breakfasts, and resort hotels. It is also the purpose of the RD District to provide for commercial development aimed at serving the Island visitor.

Per the Land Management Ordinance the purpose of the Parks and Recreation (PR) District is to accommodate and manage the land uses allowed on publicly held land used for active or passive recreation purposes, or publicly owned land preserved in its natural state for public enjoyment. Development in this district shall be allowed and designed to minimize, as much as possible, its impact on both the natural environment and the community.

The proposed rezoning will be consistent with how other Town owned land is zoned. The changes that would occur as a result of the subject property being rezoned from RD to PR include:

- None of the residential uses that are permitted in RD will be permitted in PR.
- None of the commercial uses that are permitted in RD will be permitted in PR with the exception of Open Air Sales.
- The removal of any allowable density for residential, bed and breakfast, interval occupancy, and hotel uses.
- Reduction in maximum density for nonresidential uses from 8,000 square feet per net acre to 6,000 square feet per net acre.
- Reduction in maximum impervious coverage from 50% to 45%.
- Reduction in maximum building height from 75’ to 35’.

Applicant’s Grounds for ZMA:

The applicant states that rezoning the subject property from RD to PR will ensure that the subject property is preserved as open space as it has been since it was acquired by the Town. The rezoning will also limit the capacity for potential development on the property that could be a nuisance to surrounding properties.

Summary of Facts and Conclusions:

Findings of Fact:

- The application was submitted on December 11, 2020 as set forth in LMO Section 16-2-103.C and Appendix D-1.
- Per LMO Section 16-2-102.E.1, when an application is subject to a hearing, the LMO Official shall ensure that the hearing or a meeting on the application is scheduled for a regularly scheduled meeting of the body conducting the hearing.
- The LMO Official scheduled the public hearing on the application for the January 20, 2021 Planning Commission meeting.

- Per LMO Section 16-2-102.E.2, the LMO Official shall publish a notice of the public hearing in a newspaper of general circulation in the Town no less than 15 calendar days before the hearing date.
- Notice of the January 20, 2021 public hearing was published in the Island Packet on January 3, 2021.
- Per LMO Section 16-2-102.E.2, the applicant shall mail a notice of the public hearing by first-class mail to the owners of the land subject to the application and owners of record of properties within 350 feet of the subject land, no less than 15 calendar days before the hearing date.
- The applicant mailed notices of the January 20, 2021 public hearing by first-class mail to the owners of record of properties within 350 feet of the subject land on January 4, 2021.
- Per LMO Section 16-2-102.E.2, the LMO Official shall post conspicuous notice of the public hearing on or adjacent to the land subject to the application no less than 15 days before the hearing date, with at least one such notice being visible from each public thoroughfare that abuts the subject land.
- The LMO Official posted on December 18, 2020 conspicuous notice of the public hearing on public and private streets in the areas affected by the application.

Conclusions of Law:

- The application was submitted in compliance with LMO Section 16-2-103.C and Appendix D-1.
- Notice of the public hearing was published, mailed and posted, in compliance with LMO Section 16-2-102.E.2.

As set forth in LMO Section 16-2-103.C.2.e, Zoning Map Amendment (Rezoning) Advisory Body Review and Recommendation, the Commission shall consider and make findings on the following matters regarding the proposed amendment.

Summary of Facts and Conclusions:

Criteria 1: Whether and the extent to which the proposed zoning is in accordance with the Comprehensive Plan (LMO Section 16-2-103.C.3.a.i):

Findings of Fact:

The Comprehensive Plan addresses this application in the following areas:

Excellence Core Value

Strategies & Tactics

- 3.3.1: Provide appropriate modifications to the zoning designations and land use regulations to meet community needs while maintaining Island character.

Connected Core Value

Strategies & Tactics

- 4.4: Reinforce Hilton Head Island’s unique sense of place and quality of life through environmental education, protection, and access to nature and wildlife.

Conclusions of Law:

- The proposed rezoning is in accordance with the Comprehensive Plan as described in the Excellence and Connected Core Values, as set forth in LMO Section 16-2-103.C.3.a.i.
- The proposed rezoning will be an appropriate modification of the subject parcel’s zoning designation, in compliance with Excellence Tactic 3.3.1. The PR District is the most

appropriate zoning designation for Town-owned, undeveloped open space. Rezoning the subject property to the PR District will modify its zoning district in keeping with the Town's intent to maintain the property as open space.

- The proposed rezoning will reinforce the Island's unique sense of place and quality of life, in compliance with Connected Strategy 4.4. The proposed rezoning will eliminate the option of developing the subject parcel with the uses and density allowed in the Resort Development District, reinforcing the Town's intent to preserve the property as open space.

Summary of Facts and Conclusions:

Criteria 2: Whether and the extent to which the proposed zoning would allow a range of uses that are compatible with the uses allowed on other property in the immediate vicinity (LMO Section 16-2-103.C.3.a.ii):

Findings of Fact:

- The majority of the properties that are in the immediate vicinity of the subject property are single-family residential uses.
- The RD District allows a wide array of uses including Multifamily uses, Resort Accommodations uses, Commercial Recreation uses, Office uses, Commercial Services uses, and Vehicle Sales & Services uses.
- The only uses allowed in the PR District are Public, Civic, Institutional, and Educational uses, Open Air Sales uses, Agriculture uses, and Boat Ramps, Docking Facilities, and Marinas.
- The maximum building heights allowed in the RD District range from 45' – 75'.
- The maximum impervious coverage allowed in the RD District is 50%.
- The maximum densities allowed in the RD District (per net acre) include 16 residential dwelling units, 10 rooms for Bed and Breakfast use, 16 interval occupancy dwelling units, 35 hotel rooms, and 8,000 gross floor area of nonresidential use.
- The maximum building height allowed in the PR District is 35'.
- The maximum impervious coverage allowed in the PR District is 45%.
- The maximum density allowed for all development in the PR District (per net acre) is 6,000 gross floor area.

Conclusions of Law:

- The limited number of allowable uses in the PR District combined with the District's stringent development standards (height limit, impervious coverage, maximum density) ensure that the property will remain compatible with the surrounding residential uses and will not be developed into a less compatible use that could potentially be perceived as a nuisance to residents.
- The proposed rezoning will allow uses that are compatible with the uses allowed on other property in the immediate vicinity in accordance with LMO Section 16-2-103.C.3.a.ii.

Summary of Facts and Conclusions:

Criteria 3: Whether and the extent to which the proposed zoning is appropriate for the land (LMO Section 16-2-103.C.2.a.iii):

Findings of Fact:

- When the subject property was acquired by the Town in 2005 it was referred to as "future park property".
- Since the subject property was acquired by the Town in 2005, it has remained undeveloped.
- The Town currently has no plans to develop the subject property.

- Per the Land Management Ordinance one of the purposes of the PR District is to keep publicly owned land preserved in its natural state for public enjoyment.
- The majority of Town owned properties are zoned PR.

Conclusion of Law:

- The proposed zoning is appropriate for the land in accordance with LMO Section 16-2-103.C.3.a.iii. because the proposed rezoning reflects the Town’s intent to maintain the subject property as undeveloped open space.

Summary of Facts and Conclusions:

Criteria 4: Whether and the extent to which the proposed zoning addresses a demonstrated community need (LMO Section 16-2-103.C.3.a.iv):

Findings of Fact:

- Residents in the Sandcastle by the Sea subdivision that live directly adjacent to the subject property have expressed concern about the potential of the property being developed into a use that is incompatible with their single-family residences.
- The RD District allows a wide array of uses including Multifamily uses, Resort Accommodations uses, Commercial Recreation uses, Office uses, Commercial Services uses, and Vehicle Sales & Services uses.
- The only uses allowed in the PR District are Public, Civic, Institutional, and Educational uses, Open Air Sales uses, Agriculture uses, and Boat Ramps, Docking Facilities, and Marinas.

Conclusion of Law:

- The rezoning will fulfill a demonstrated community need in accordance with LMO Section 16-2-103.C.3.a.iv. as rezoning the subject property from RD to PR will greatly reduce the potential for incompatible development on the property in the future.

Summary of Facts and Conclusion:

Criteria 5: Whether and the extent to which the proposed zoning is consistent with the overall zoning program as expressed in future plans for the Town (LMO 16-2-103.C.3.a.v):

Findings of Fact:

- When the subject property was acquired by the Town in 2005 it was referred to as “future park property.”
- Since the subject property was acquired by the Town in 2005 it has remained undeveloped.
- The Town currently has no plans to develop the subject property.
- The majority of Town owned properties are zoned PR.

Conclusion of Law:

- The proposed zoning is consistent with the overall zoning program as expressed in future plans for the Town in accordance with LMO Section 16-2-103.C.3.a.v. The allowable uses and corresponding development standards in the PR District are more consistent with the original intent of “future park property” than the allowable uses and development standards associated with the RD District.

Summary of Facts and Conclusions:

Criteria 6: Whether and the extent to which the proposed zoning would avoid creating an inappropriately isolated zoning district unrelated to adjacent and surrounding zoning districts (LMO Section 16-2-103.C.3.a.vi):

Findings of Fact:

- The PR District is unique because it designates land owned by the Town or County that is developed or undeveloped for the benefit of the public.
- On Hilton Head Island there are several parcels in the PR District that aren't directly adjacent to other parcels in the PR District. Some of these parcels are developed as parks and others are undeveloped open space, like the subject property.

Conclusion of Law:

- The proposed zoning will avoid creating an inappropriately isolated zoning district unrelated to adjacent and surrounding zoning districts in accordance with LMO Section 16-2-103.C.3.a.vi. because the PR District is compatible with all other zoning districts therefore a single parcel in the PR District surrounded by parcels in other zoning districts is not inappropriately isolated.

Summary of Facts and Conclusions:

Criteria 7: Whether and the extent to which the proposed zoning would allow the subject property to be put to a reasonably viable economic use (LMO Section 16-2-103.C.3.a.vii):

Findings of Fact:

- When the Town acquired the property it was referred to as “future park property”.
- The subject property has remained undeveloped for all fifteen years that the Town has owned it.

Conclusions of Law:

- The proposed zoning would allow the subject property to be put to a reasonably viable economic use in accordance with LMO Section 16-2-103.C.3.a.vii. because the subject property would be able to be put to the same reasonably viable economic use as it was originally intended.
- The economic viability of the uses allowed in the PR District are much more in line with the concept of a “future park property” than the uses allowed in the RD District.

Summary of Facts and Conclusion:

Criteria 8: Whether and the extent to which the proposed zoning would result in development that can be served by available, adequate, and suitable public facilities (e.g. streets, potable water, sewerage, stormwater management) (LMO Section 16-2-103.C.3.a.viii):

Findings of Fact:

- There is little to no need for public facilities for the subject property in its current condition as it is undeveloped and heavily vegetated.
- The uses that are allowable in the PR District require much less infrastructure than those allowed in the RD District.

- Should there be a desire to develop the property in the future, a Development Plan Review application would be required. Any infrastructure or public facilities improvements needed for the proposed development would be required at that time.

Conclusion of Law:

- The proposed zoning would likely result in no development on the subject property as has been the case since it was acquired by the Town. However if development were to take place on the subject property a Development Plan Review would be required which would ensure that any necessary public facilities are installed in accordance with LMO Section 16-2-103.C.3.a.viii.

Summary of Facts and Conclusion:

Criteria 9: Is appropriate due to any changed or changing conditions in the affected area (LMO Section 16-2-103.C.3.a.ix):

Findings of Fact:

- Since the property was acquired by the Town in 2005, an entire neighborhood of single-family residences has been constructed adjacent to the rear of the property.
- Many of the uses that are allowed in the RD District could be viewed as a nuisance in such close proximity to single-family residences.
- The majority of Town owned properties are zoned PR.

Conclusions of Law:

- The proposed rezoning is appropriate due to the changes in the area, in accordance with LMO Section 16-3-103.C.a.ix.
- Rezoning the subject property to PR will ensure that potential nuisances associated with allowable uses in the RD District cannot be constructed in the future, even if the Town were to sell the property.

Note: If the proposed amendment is approved by Town Council, such action shall be by ordinance to amend the Official Zoning Map. If it is denied by Town Council, such action shall be by resolution.

PREPARED BY:

TN

 Tyler Newman
Senior Planner

January 6, 2021

 DATE

REVIEWED BY:

ND

 Nicole Dixon, AICP, CFM
Development Review Administrator

January 8, 2021

 DATE

REVIEWED BY:

AC

January 5, 2021

Anne Cyran, AICP
Senior Planner

DATE

ATTACHMENTS:



- A) Location Map
- B) Zoning Map
- C) Table of Allowable Uses & Development Standards
- D) Deed
- E) Plat
- F) Site Photos

William Hilton Parkway

Folly Field Road






Sandcastle Court

Legend

-  Subject Property
-  Property Lines

Zoning

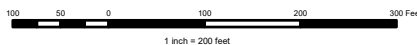
ZONE

-  RD
-  RS-6
-  PR
-  PD-1
-  RM-8



TOWN OF HILTON HEAD ISLAND
 ONE TOWN CENTER COURT
 HILTON HEAD ISLAND, S.C. 29928
 PHONE (843) 341-4600
 Date Created:
 Project - map.mxd

Town of Hilton Head Island
 ZA-002487-2020 Zoning Map
 December, 2020



1 inch = 200 feet

The information on this map has been compiled from a variety of sources and is intended to be used only as a guide. It is provided without any warranty or representation as to the accuracy or completeness of the data shown. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion or for any losses arising from the use of the map.

Attachment C - Table of Allowable Uses & Development Standards

RD Resort Development (CURRENT)	PR Parks & Recreation (PROPOSED)
Allowable Principal Uses	
Residential Uses	
Mixed-Use	NA
Multifamily	NA
Single-Family	NA
Public, Civic, Institutional, and Educational Uses	
NA	Cemeteries
Community Service Uses	Community Service Uses
Government Uses	Government Uses
Major Utilities	Major Utilities
Minor Utilities	Minor Utilities
Public Parks	Public Parks
Religious Institutions	Religious Institutions
Telecommunication Antenna, Collocated or Building Mounted	Telecommunication Antenna, Collocated or Building Mounted
Telecommunication Towers, Monopole	Telecommunication Towers, Monopole
Resort Accommodations	
Bed and Breakfasts	NA
Hotels	NA
Interval Occupancy	NA
Commercial Recreation	
Indoor Commercial Recreation Uses	NA
Outdoor Commercial Recreation Uses Other than Water Parks	NA
Office Uses	
Contractor's Office	NA
Other Office Uses	NA
Commercial Services	
Bicycle Shops	NA
Eating Establishments	NA
Liquor Stores	NA

Nightclubs or Bars	NA
Open Air Sales	Open Air Sales
Other Commercial Services	NA
Vehicle Sales and Services	
Auto Rentals	NA
Commercial Parking Lot	NA
Other Uses	
NA	Agriculture Uses
NA	Boat Ramps, Docking Facilities, and Marinas
Development Form Standards	
Max. Density (Per Net Acre)	
Residential: 16 DU	All Development: 6,000 GFA
Bed and Breakfasts: 10 rooms	NA
Interval Occupancy: 16 DU	NA
Hotel: 35 rooms	NA
Nonresidential: 8,000 GFA	NA
Lot Coverage	
Max. Impervious Cover: 50%	Max. Impervious Cover: 45%
Min. Open Space for Major Residential Subdivisions: 16%	NA
Max. Building Height	
Non Single-Family Development on property landward of South Forest Beach Drive: 60'	All Development: 35'
All Other Non-Single-Family Development: 75'	NA
Single-Family Development: 45'	NA

EXHIBIT "A"

ALL that certain piece, parcel or lot of land situate, lying and being located in the Town of Hilton Head Island, Beaufort County, South Carolina, containing 1.50 acres, more or less, described as Lot 4, and which is more fully delineated on a plat prepared by Surveying Consultants, certified by Terry G. Hatchell, RLS #11059, dated May 19, 2005, revised June 7, 2005, entitled "Boundary Plat of 17.51 Ac. Tract At The Intersection Of Folly Field Road & William Hilton Parkway, Hilton Head Island, Beaufort County, South Carolina," said plat being recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book 107 at Page 60.

AND ALSO:

A 50' wide Access Easement for ingress and egress from Folly Field Road across the 4.84 Acres (Lot 2) Commercial Tract as shown and described on that certain plat prepared by Surveying Consultants, certified to Terry G. Hatchell, RLS #11059, dated May 19, 2005, revised June 7, 2005, entitled "Boundary Plat of 17.51 Ac. Tract At The Intersection Of Folly Field Road & William Hilton Parkway, Hilton Head Island, Beaufort County, South Carolina," said plat being recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book 107 at Page 60.

AND ALSO:

A permanent, non exclusive, assignable 20' Drainage, Access, and Maintenance Easement, at a location, on, under and through Lot 3 on the within plat of record, acceptable to the parties and to be hereafter platted of record, to benefit the 1.50 acre Future Park Property shown and described on that certain plat entitled "Boundary Plat of 17.51 Ac. Tract At The Intersection of Folly Field Road & William Hilton Parkway, Hilton Head Island, Beaufort County, South Carolina," said plat being recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book 107 at Page 60; And to benefit any other existing Town drainage infrastructure adjacent to Folly Field Road.

Beaufort County TMS# R510 009 000 1000 0000

This being a portion of the same property conveyed to Grantor by deed of Frank F. Russo and Madeline E. Russo dated January 11, 2005, and recorded January 14, 2005, in the Office of the Register of Deeds for Beaufort County, South Carolina, in Record Book 2084 at Page 53; and by Town of Hilton Head Island, dated June 10th, 2005, and recorded June 20th, 2005, in the Office of the Register of Deeds for Beaufort County, South Carolina in Record Book 271 at Page 146.

This instrument was prepared in the law office of Barry L. Johnson, PA, 10 Pinckney Colony Road, Suite 200, Okatie, SC 29909, by Barry L. Johnson, Esq.

Attachment E - Plat



CURVE	LENGTH	RADIUS	TANGENT	CHORD	BEARING	DELTA
C1	27.63	100.00	14.00	27.64	S 12°18'04" E	180°13'
C2	17.48	87.00	8.65	18.75	N 85°53'11" W	71°45'11"
C3	14.73	45.00	7.37	15.44	S 85°18'42" W	80°27'07"

LINE	BEARING	LENGTH
L1	S 04°17'57" E	4.80
L2	N 64°28'04" W	40.00
L3	S 71°38'22" E	3.88
L4	S 18°35'11" W	16.76
L5	N 10°52'14" E	0.74
L6	N 10°52'14" E	0.74
L7	S 04°08'54" W	53.28
L8	N 78°27'45" W	47.80
L9	S 88°24'58" W	53.12

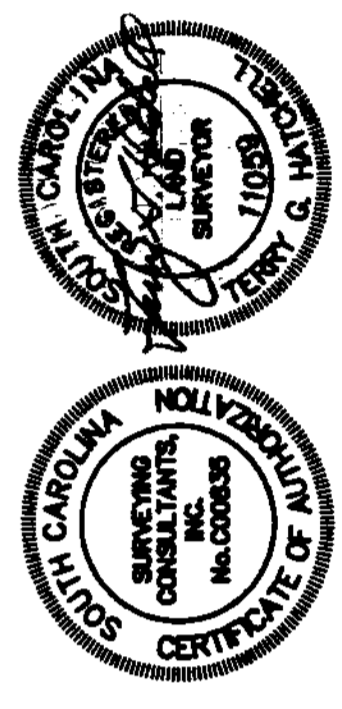
AREA TABLE
 COMMERCIAL TRACT 4.84 AC.
 SINGLE FAMILY RESIDENTIAL TRACT 10.92 AC.
 TO BE CONVEYED TO THE TOWN OF HILTON HEAD ISLAND 1.50 AC.
 TRACT TO BE RETAINED BY THE TOWN OF HILTON HEAD ISLAND 0.25 AC.
TOTAL AREA 17.51 AC.

TOWN OF HILTON HEAD ISLAND, SC
 SUBDIVISION APPROVAL
 The Town has found this plan to be in compliance with the Town's Land Management Ordinance and has authorized this approval.
 Date of approval: 6-7-2005
 Application Number: 2005-050013
 Certified by: [Signature]
 Title: [Signature]
 THIS APPROVAL WILL EXPIRE ON 6-6-2007 IN ACCORDANCE WITH LAND SECTION 109-608

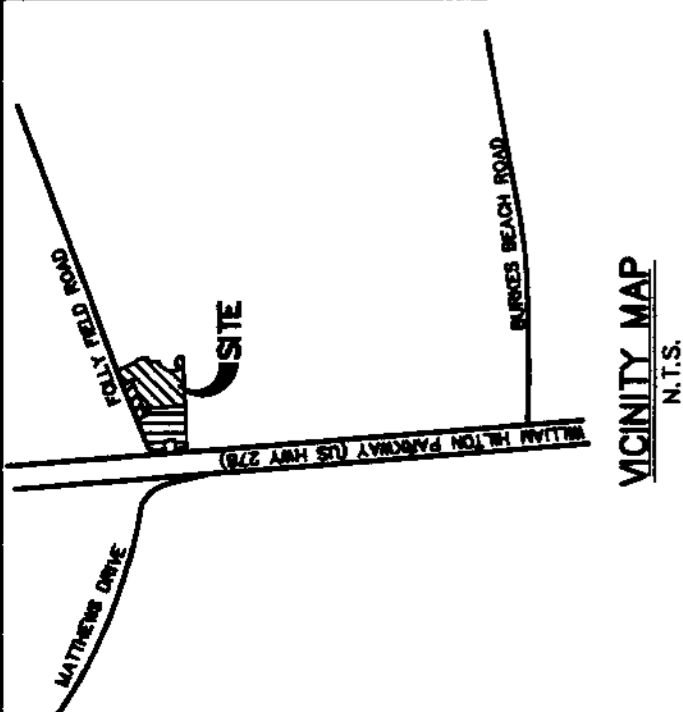
BEAUFORT COUNTY SC - ROD
 BK 00107 PG 0000
 FILE NUM 2005048219
 06/20/2005 04:07:42 PM
 REC'D BY P GREENE RCF78 339461
 RECORDING FEES 10.00

BOUNDARY PLAT OF
17.51 AC. TRACT
 AT THE INTERSECTION OF
FOLLY FIELD ROAD
 & **WILLIAM HILTON PARKWAY**
 HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA
 SCALE: 1" = 50'
 DATE: 5/19/2005 JOB NO: 89319K-5
 REVISION: 6/7/2005; REVISED TAX PARCEL NUMBERS

SG SURVEYING CONSULTANTS
 17 Sherrington Drive, Suite C, Bluffton, SC 29910
 Telephone: (843) 810-5804 FAX: (843) 810-5806
 e-mail: sg@surveysc.com



PREPARED FOR: ISLAND PLATT & DRIVE, INC.
 TAX: PARCEL ID. NO. 8511-009-000-000-0000-0000
 & 8511-009-000-1000-0000



POINT OF BEGINNING
 N 134°38'47"
 E 2,083,187.02
 (FOR SURVEY PURPOSES ONLY)

WILLIAM HILTON PARKWAY - R/W VARIES
 U.S. HIGHWAY 278

- NOTES
- 1) I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO OBVIOUS, APPARENT OR VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.
 - 2) THIS PROPERTY IS LOCATED IN ZONE 17-C, SPECIAL FLOOD HAZARD HAZARD ZONE AND BASE ELEVATION SHOULD BE VERIFIED BY PROPER TOWN OR COUNTY BUILDING INSPECTIONS DEPARTMENT.
 - 3) UNDERGROUND UTILITIES NOT LOCATED EXCEPT AS SHOWN.
 - 4) I.N. DENOTES IRON NAIL, 1/2" REBAR SET.
 - 5) UPON APPROVAL AND RECORDING, PROPERTY CORNERS WILL BE SET.

- REFERENCE PLATS:
- 1) ASBULT SURVEY OF 14.249 AC. TRACT, FOLLY FIELD ROAD & U.S. HIGHWAY 278, BY: TERRY G. HATCHELL, S.C.P.L.S. NO. 11059.
 - 2) ALTA/ACSM LAND TITLE SURVEY OF PARCEL A, 3.28 AC. AND PARCEL B, 0.08 AC., WILLIAM HILTON PARKWAY, IN CONJUNCTION WITH THE SURVEY OF PARCEL C, 1.50 AC., BY: TERRY G. HATCHELL, S.C.P.L.S. NO. 11059.













 **NOTICE OF PUBLIC HEARING**
PLANNING COMMISSION

Rezoning Public Project
 PUD Master Plan Street Naming

APPLICATION #: ZA-002487-2020

SUMMARY: Rezone property from Resort Development (RD) to Parks & Recreation (PR)

A Public Hearing is scheduled virtually please visit www.hiltonheadisland.gov or on Facebook at www.facebook.com/townofhiltonheadislandmeetings

Chambers on January 20, 2021 at 3:00 PM

For more information please contact the Town of Hilton Head Island Planning Department. Written comments may be submitted directly to the address below with reference to the specific Application Number.

Planning Department • Town Government Center • One Town Center Court • Building C
Hilton Head Island • South Carolina • 29928
843-341-1111 • FAX: 843-842-9999













DOT REAL ESTATE

**HILTON HEAD
RENTALS**

ADVENTURE COVE

FAMILY FUN CENTER



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Joshua Gruber, *Interim Town Manager*
VIA: Jennifer Ray, ASLA, *Interim Community Development Director*
VIA: Teri B. Lewis, AICP, *Community Development Deputy Director*
VIA: Nicole Dixon, AICP, CFM, *Development Review Administrator*
FROM: Missy Luick, *Senior Planner*
CC: Shawn Colin, AICP, *Interim Deputy Town Manager*
DATE: February 2, 2021
SUBJECT: Proposed Zoning Map Amendment- ZA-002584-2020 – 95 Mathews Drive

Recommendation: The Planning Commission recommends Town Council approve the proposed zoning map amendment application. The Commission met on January 20, 2021 and voted 7-0-0 to forward the application to Town Council with a recommendation for approval.

If Town Council agrees with the Planning Commission's recommendation, the proposed Ordinance 2020-37 is attached for approval.

If Town Council disagrees with the Planning Commission's recommendation, the proposed Resolution 2021-X is attached for denial.

Summary: Approval of the proposed zoning map amendment will rezone the former Sam's Club property located at 95 Mathews Drive from Community Commercial (CC) to Light Commercial (LC). The applicant proposes to redevelop the existing vacant building into a self-service storage facility.

The effect of the rezoning will increase the uses allowed on the parcel and allow residential, resort accommodation and some industrial uses. Existing nonresidential density will remain the same at 10,000 gross floor area per net acre. Residential density of 4 dwelling units per acre will be added as well as an addition of hotel density of 35 rooms per net acre.

Background: The subject property is approximately 5.26 acres in size and is located near the intersection of Mathews Drive and William Hilton Parkway. It is also located within the Port Royal Plaza shopping center. The adjacent zoning for 2 ½ sides of the parcel is CC. The adjacent zoning of 1 ½ sides of the parcel is LC.

The subject property lies within the Airport Overlay District and the Corridor Overlay District. The subject property is within the Port Royal Plaza shopping center which was developed in the early 1980's. The building on the subject parcel has been vacant since January 2017.

Attachments:

- 1) Proposed Ordinance
- 2) Proposed Resolution
- 3) Staff Report
 - Attachment A) Applicant's Submittal
 - Attachment B) Location Map
 - Attachment C) Zoning Map
 - Attachment D) Use Table Comparison
 - Attachment E) CC and LC Use and Development Standards

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2021-__

PROPOSED ORDINANCE NO. 2020-37

AN ORDINANCE TO AMEND TITLE 16, "THE LAND MANAGEMENT ORDINANCE," OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, BY AMENDING SECTION 16-1-107, THE OFFICIAL ZONING MAP WITH RESPECT TO THE CERTAIN 5.26 ACRE PARCEL LOCATED AT 95 MATHEWS DRIVE, IDENTIFIED AS PIN R511 008 000 192A 0000, TO REZONE THE PARCEL FROM THE CC (COMMUNITY COMMERCIAL) ZONING DISTRICT TO THE LC (LIGHT COMMERCIAL) ZONING DISTRICT; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on October 7, 2014, the Town Council did adopt a new Land Management Ordinance (LMO); and

WHEREAS, this zoning change would be compatible with surrounding land uses and neighborhood character, would not be detrimental to the public health, safety and welfare, and further, would be in conformance with the Land Management Ordinance and Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on January 20, 2021 at which time a presentation was made by staff and an opportunity was given for the public to comment on the proposed zoning map amendment application; and

WHEREAS, the Planning Commission, after consideration of the staff presentation and the criteria set forth in Section 16-2-103, voted 7-0-0 to recommend that Town Council approve the proposed zoning map amendment application; and

WHEREAS, after due consideration of said zoning map amendment application and the recommendation of the Planning Commission, the Town Council, upon further review, finds it is in the public interest that the subject parcel be rezoned from CC to LC.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID COUNCIL:

Section 1. Amendment. That the Official Zoning Map of the Town of Hilton Head Island, as referred to in Section 16-1-107 of the LMO, be hereby amended to modify the zoning designation of 95 Mathews Drive, identified as PIN R511 008 000 192A 0000 to change the zoning district from CC (Community Commercial) to LC (Light Commercial).

Section 2. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall be effective upon its adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS ____ DAY OF _____, 2021.

THE TOWN OF HILTON HEAD ISLAND,
SOUTH CAROLINA

John J. McCann, Mayor

ATTEST:

Krista Wiedmeyer, Town Clerk

Public Hearing: January 20, 2021

First Reading:

Second Reading:

APPROVED AS TO FORM:

Curtis L. Coltrane, Town Attorney

Introduced by Council Member: _____

A RESOLUTION OF THE TOWN OF HILTON HEAD ISLAND

2021-____

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND DENYING THE APPLICATION FOR ZONING MAP AMENDMENT ZA-002584-2020 WHICH REQUESTS AN AMENDMENT TO CHAPTER 1 OF TITLE 16, "THE LAND MANAGEMENT ORDINANCE" (LMO), OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, BY AMENDING SECTION 16-1-107, THE OFFICIAL ZONING MAP WITH RESPECT TO THE CERTAIN 5.26 ACRE PARCEL LOCATED AT 95 MATHEWS DRIVE, IDENTIFIED AS PIN R511 008 000 192A 0000, TO REZONE THE PARCEL FROM THE CC (COMMUNITY COMMERCIAL) ZONING DISTRICT TO THE LC (LIGHT COMMERCIAL) ZONING DISTRICT.

WHEREAS, on October 7, 2014, the Town Council did adopt a new Land Management Ordinance (LMO); and

WHEREAS, the Planning Commission held a public hearing on January 20, 2021 at which time a presentation was made by staff and an opportunity was given for the public to comment on the proposed zoning map amendment application; and

WHEREAS, the Planning Commission, after consideration of the staff presentation and the criteria set forth in Section 16-2-103, voted 7-0-0 to recommend that Town Council approve the proposed zoning map amendment application; and

WHEREAS, after due consideration of said zoning map amendment application and the recommendation of the Planning Commission, the Town Council, upon further review, finds that the requested zoning map amendment does not meet the criteria as set forth in Section 16-2-103 of the LMO.

NOW, THEREFORE, BE IT, AND HEREBY IT IS, RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THAT THE TOWN COUNCIL HEREBY DENIES APPLICATION FOR REZONING ZA-002584-2020.

MOVED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS _____ DAY OF _____, 2021.

THE TOWN OF HILTON HEAD
ISLAND, SOUTH CAROLINA

John J. McCann, Mayor

ATTEST:

Krista Wiedmeyer, Town Clerk

Resolution Number 2021-____
Page 2

Public Hearing: January 20, 2021

APPROVED AS TO FORM:

Curtis L. Coltrane, Town Attorney

Introduced by Council Member: _____



TOWN OF HILTON HEAD ISLAND COMMUNITY DEVELOPMENT DEPARTMENT

One Town Center Court | Hilton Head Island, SC 29928 | 843-341-4757 | FAX 843-842-8908

STAFF REPORT ZONING MAP AMENDMENT

Case #	Name of Project	Public Hearing Date
ZA-002584-2020	Go-StoreIt at Old Sam's Club	January 20, 2021

Parcel Data	Property Owner	Applicant
<u>Parcel Number:</u> R511 008 000 192A 0000 <u>Size:</u> approximately 5.26 acres <u>Address:</u> 95 Mathews Drive	Hilton Head Owner, LLC 6805 Morrison Blvd, Ste 250 Charlotte, NC 28211	Josh K. Tiller, J.K. Tiller Associates, Inc. 181 Bluffton Road, Ste F203 Bluffton, SC 29910
Existing Zoning	Proposed Zoning	
<u>Overlay Districts:</u> Airport Overlay (A-O) District Corridor Overlay (COD) District <u>Zoning District:</u> Community Commercial (CC) District <u>Existing District Use Table:</u> See Attachment D	<u>Overlay Districts:</u> Airport Overlay (A-O) District Corridor Overlay (COD) District <u>Zoning District:</u> Light Commercial (LC) District <u>Proposed District Use Table:</u> See Attachment D	

Application Summary:
<p>The application is a Zoning Map Amendment request from Josh K. Tiller of J.K. Tiller Associates, Inc. who is proposing to rezone the former Sam's Club property located at 95 Mathews Drive from Community Commercial (CC) to Light Commercial (LC) (See Attachment A, Applicant's Submittal). The property is developed with a vacant approximately 70,729 square foot concrete block and stucco building and associated parking lot and drive aisles.</p> <p>The effect of the rezoning will increase the uses allowed on the parcel and allow residential, resort accommodation and some industrial uses (See Attachment D, Use Table Comparison). Existing nonresidential density will remain the same at 10,000 gross floor area per net acre.</p>

Residential density of 4 dwelling units per acre will be added as well as an addition of hotel density of 35 rooms per net acre. The maximum impervious cover of 60% and maximum building height for all development of 45 feet will remain the same. (See Attachment D, Use Table Comparison.)

Staff Recommendation:

Staff recommends that the Planning Commission find this application to be **consistent** with the Town's Comprehensive Plan and serves to carry out the purposes of the LMO, based on those Findings of Facts and Conclusions of Law as determined by the LMO Official and enclosed herein. Staff recommends that the Planning Commission recommend **approval** of this application to Town Council.

Background:

The subject property is approximately 5.26 acres in size and is located near the intersection of Mathews Drive and William Hilton Parkway (See Attachment B, Location Map). It is also located within the Port Royal Plaza shopping center. Currently, the property is zoned Community Commercial (CC) District and the applicant has applied for a rezoning to Light Commercial (LC) District (See Attachment C, Zoning Map). The adjacent zoning for 2 ½ sides of the parcel is CC. The adjacent zoning of 1 ½ sides of the parcel is LC.

The adjacent uses are as follows:

- West and south bounded by Port Royal Plaza- Shopping Center uses (Zoned CC)
- East bounded by Hilton Head Public Service District- Utility use (Zoned LC)
- Northwest corner bounded by CVS Pharmacy- an Other Commercial Service use (Zoned CC)
- Northwest bounded by Jiffy Lube- a Light Industrial use (Zoned CC)
- Northeast bounded by Port Royal Car Wash- a Vehicle Sales and Services use (Zoned LC)
- Northeast corner bounded by Horizon Rehabilitation- an Other Office use (Zoned LC)

The subject property lies within the Airport Overlay District and the Corridor Overlay District. The subject property is within the Port Royal Plaza shopping center which was developed in the early 1980's. The building on the subject parcel has been vacant since January 2017.

At this location, there were two Design Review Board (DRB) entrance façade requests approved by the DRB with conditions on January 14, 2020. DRB approvals are only good for a year without an associated Development Plan Review or Building Permit meaning they will be expired by the date of the public hearing for this rezoning request. Staff has not been given any reason as to why these projects did not move forward. It is possible that the zoning needs to be changed to allow a viable use of the property.

Applicant's Grounds for ZMA:

The applicant described their interest in rezoning the property in their application submittal (Attachment A). If rezoned, the applicant has stated that the owner intends to redevelop the existing building to accommodate an indoor storage facility. Under the current zoning, Industrial Uses (including self-service storage) are not allowed.

The current existing zoning of the property is CC. The proposed amendment requests a rezoning to LC. There are parcels adjacent to the subject property with the requested LC zoning.

The applicant provided documentation in the application submittal as to how the applicant believes the subject property meets the criteria for rezoning.

Summary of Facts and Conclusions:

Findings of Fact:

- The application was submitted on December 17, 2020 as set forth in LMO Section 16-2-103.C and Appendix D-1.
- Per LMO Section 16-2-102.E.1, when an application is subject to a hearing, the LMO Official shall ensure that the hearing on the application is scheduled for a regularly scheduled meeting of the body conducting the hearing.
- The LMO Official scheduled the public hearing on the application for the January 20, 2021 Planning Commission meeting, which is a regularly scheduled meeting of the Planning Commission.
- Per LMO Section 16-2-102.E.2, the LMO Official shall publish a notice of the public hearing in a newspaper of general circulation in the Town no less than 15 calendar days before the hearing date.
- Notice of the January 20, 2021 public hearing was published in the Island Packet on January 3, 2021.
- Per LMO Section 16-2-102.E.2, the applicant shall mail a notice of the public hearing by first-class mail to the owners of the land subject to the application and owners of record of properties within 350 feet of the subject land, no less than 15 calendar days before the hearing date.
- The applicant mailed notices of the January 20, 2021 public hearing by first-class mail to the owners of record of properties within 350 feet of the subject land on January 5, 2021.
- Per LMO Section 16-2-102.E.2, the LMO Official shall post conspicuous notice of the public hearing on or adjacent to the land subject to the application no less than 15 days before the hearing date, with at least one such notice being visible from each public thoroughfare that abuts the subject land.
- The LMO Official posted on January 4, 2021 conspicuous notice of the public hearing on the land subject to the application.

Conclusions of Law:

- The application was submitted in compliance with LMO Section 16-2-103.C and Appendix D-1.

- Notice of the public hearing was published, mailed and posted, in compliance with LMO Section 16-2-102.E.2.

As set forth in LMO Section 16-2-103.C.2.e, Zoning Map Amendment (Rezoning) Advisory Body Review and Recommendation, the Commission shall consider and make findings on the following matters regarding the proposed amendment.

Summary of Facts and Conclusions:

Criteria 1: Whether and the extent to which the proposed zoning is in accordance with the Comprehensive Plan (LMO Section 16-2-103.C.3.a.i):

Findings of Fact:

The Comprehensive Plan addresses this application in the following areas:

Excellence Core Value

Strategies & Tactics

- 3.3.1: Provide appropriate modifications to the zoning designations and land use regulations to meet community needs while maintaining Island character.

Economy Core Value

Strategies & Tactics

- 3.4: Continue to encourage re-purposing or revitalization of existing commercial spaces/structures or buildings through flexibility or incentives for redevelopment.

Conclusions of Law:

1. The proposed rezoning is in accordance with the Comprehensive Plan as described in the Excellence and Economy Core Values, as set forth in LMO Section 16-2-103.C.3.a.i.
2. The proposed rezoning will be an appropriate modification of the subject parcel's zoning designation, in compliance with Excellence Tactic 3.3.1. The range of uses permitted in the LC District is very similar to the range of uses permitted in the CC District, though residential uses and some industrial uses are permitted in the LC District. Though the applicant does not intend to develop housing on the subject parcel, residential uses would not be inappropriate. Some industrial uses, such as the proposed self-service storage facility or wholesale sales, are compatible with the surrounding uses. Other industrial uses are either not permitted in the LC District, such as Grinding, which is only permitted in the IL District, or are only permitted by Special Exception approval from the Board of Zoning Appeals, such as waste treatment plants. Light industrial, manufacturing, and warehouse uses would be permitted on the subject property if outdoor storage is fully screened, which would mitigate the most incompatible element of those uses.
3. The proposed rezoning will encourage re-purposing of an existing commercial structure, in compliance with Economy Strategy 3.4. The building on the subject parcel has been vacant for four years. The proposed rezoning will allow the building and site to be redeveloped for a new tenant.

Summary of Facts and Conclusions:

Criteria 2: Whether and the extent to which the proposed zoning would allow a range of uses that are compatible with the uses allowed on other property in the immediate vicinity (LMO Section 16-2-103.C.3.a.ii):

Findings of Fact:

- Most of the uses permitted in the CC District are permitted in the LC District; however, in addition to what is allowed in the CC District, the LC District will allow additional uses such as Residential Uses, Resort Accommodation Uses and some Industrial Uses.
- The proposed rezoning to LC will permit the following use types: Residential; Public, Civic, Institutional, and Education Uses; Health Services; Resort Accommodations; Commercial Recreation; Office Uses, Commercial Services; Vehicle Sales and Services; and some Industrial Uses.
- The subject property is surrounded by CC and LC zoned properties with a variety of existing uses, including shopping center, car wash, utility, other office uses, other commercial services, light industrial use and vehicle sales and services uses.

Conclusion of Law:

- The proposed rezoning will allow uses that are compatible with the uses allowed on other properties in the immediate vicinity in accordance with LMO Section 16-2-103.C.3.a.ii.

Summary of Facts and Conclusions:

Criteria 3: Whether and the extent to which the proposed zoning is appropriate for the land (LMO Section 16-2-103.C.2.a.iii):

Findings of Fact:

- The subject property is directly adjacent to 3 parcels to the east and north that are zoned LC.
- The subject property is surrounded by CC and LC zoned properties with a variety of existing uses, including shopping center, car wash, utility, other office uses, other commercial services, light industrial use and vehicle sales and services uses.
- The subject property is already serviced by roads, utilities and public services.
- The subject property is currently developed with a vacant approximately 70,729 square foot concrete block and stucco building and associated parking lot and drive aisles.
- The subject property has been sitting vacant for 4 years. Redevelopment of this property for uses allowed within the CC district uses have been initiated, but have not materialized, leaving a very large empty building. The LC zoning district is more appropriate for the land as the large building and site can accommodate such uses as a self-service storage facility and/or other uses permitted within the LC district.

Conclusion of Law:

- The proposed zoning is appropriate for the land in accordance with LMO Section 16-2-103.C.3.a.iii because the proposed rezoning allows uses that are compatible with the land.

Summary of Facts and Conclusions:

Criteria 4: Whether and the extent to which the proposed zoning addresses a demonstrated community need (LMO Section 16-2-103.C.3.a.iv):

Findings of Fact:

- The proposed zoning allows the site to be developed with a range of uses including Residential; Public, Civic, Institutional, and Education Uses; Health Services; Resort Accommodations; Commercial Recreation; Office Uses, Commercial Services; Vehicle Sales and Services; and some Industrial Uses.
- The subject property contains a large vacant building and reuse or redevelopment of the subject property will provide additional economic activity for the Town.
- The Town has regulations within the LMO that provide flexibility and encourage redevelopment of existing sites. The LMO also provides regulations to protect Natural Resources such as tree preservation and landscaping standards. This rezoning would foster redevelopment of an existing site instead of adding infill development on a vacant site.

Conclusion of Law:

- The rezoning would fulfill a demonstrated community need in accordance with LMO Section 16-2-103.C.3.a.iv because it offers opportunity to redevelop an existing site.

Summary of Facts and Conclusion:

Criteria 5: Whether and the extent to which the proposed zoning is consistent with the overall zoning program as expressed in future plans for the Town (LMO 16-2-103.C.3.a.v):

Findings of Fact:

- The proposed zoning allows the site to be developed with a range of uses including Residential; Public, Civic, Institutional, and Education Uses; Health Services; Resort Accommodations; Commercial Recreation; Office Uses, Commercial Services; Vehicle Sales and Services; and some Industrial Uses.
- The Town’s overall zoning program allows land uses and assigned density to address changing needs in the community.

Conclusion of Law:

- The proposed zoning is consistent with the overall zoning program as expressed in future plans for the Town in accordance with LMO Section 16-2-103.C.3.a.v. The allowable uses and corresponding development standards in the LC District are compatible with the allowable uses and development standards associated with the CC District.

Summary of Facts and Conclusions:

Criteria 6: Whether and the extent to which the proposed zoning would avoid creating an inappropriately isolated zoning district unrelated to adjacent and surrounding zoning districts (LMO Section 16-2-103.C.3.a.vi):

Findings of Fact:

- The subject property is directly adjacent to 3 parcels to the east and north are zoned LC.
- The subject property is surrounded by CC and LC zoned properties with a variety of existing uses, including shopping center, car wash, utility, other office uses, other commercial services, light industrial use and vehicle sales and services uses.

Conclusion of Law:

- The proposed zoning would not create an inappropriately isolated zoning district unrelated to adjacent and surrounding zoning districts in accordance with LMO Section 16-2-103.C.3.a.vi because the subject property is directly adjacent to LC zoned properties.

Summary of Facts and Conclusions:

Criteria 7: Whether and the extent to which the proposed zoning would allow the subject property to be put to a reasonably viable economic use (LMO Section 16-2-103.C.3.a.vii):

Findings of Fact:

- The proposed zoning allows the site to be developed with a range of uses including Residential; Public, Civic, Institutional, and Education Uses; Health Services; Resort Accommodations; Commercial Recreation; Office Uses, Commercial Services; Vehicle Sales and Services; and some Industrial Uses.
- Although the rezoning does not require the applicant to implement the project, the applicant has stated their intent to renovate the existing building into an Indoor Storage Facility which will provide an economic use of the currently empty building.
- The subject property has been sitting vacant for 4 years. Redevelopment of this property for uses allowed within the CC district uses have been initiated, but have not materialized, leaving a very large empty building.

Conclusion of Law:

- The proposed zoning would allow the subject property to be put to a reasonably viable economic use in accordance with LMO Section 16-2-103.C.3.a.vii because there are more allowable uses in the LC district.

Summary of Facts and Conclusion:

Criteria 8: Whether and the extent to which the proposed zoning would result in development that can be served by available, adequate, and suitable public facilities (e.g. streets, potable water, sewerage, stormwater management) (LMO Section 16-2-103.C.3.a.viii):

Findings of Fact:

- The site has access to Mathews Drive and William Hilton Parkway.
- The site already has adequate infrastructure and public facilities serving the existing development.
- Should the property owner wish to redevelop the site at a later date, a Development Plan Review application would be required. Any infrastructure or public facilities improvements needed would be required at that time.

Conclusion of Law:

- The proposed zoning would result in development that can be and is already served by available public facilities in accordance with LMO Section 16-2-103.C.3.a.viii.

Summary of Facts and Conclusion:

Criteria 9: Is appropriate due to any changed or changing conditions in the affected area (LMO Section 16-2-103.C.3.a.ix):

Finding of Fact:

- The Sea Turtle Marketplace shopping center in the immediate vicinity has absorbed some of the demand for shopping center uses and has thus changed the conditions for “shopping center” uses in the affected area. As a result of this change, the subject building has been sitting empty for 4 years because the current zoning only allows CC district/shopping center uses.

Conclusion of Law:

- The proposed rezoning is appropriate due to the changes in the area, in accordance with LMO Section 16-3-103.C.a.ix because it will allow more use allowances for a site that has been vacant for 4 years.

Note: If the proposed amendment is approved by Town Council, such action shall be by ordinance to amend the Official Zoning Map. If it is denied by Town Council, such action shall be by resolution.

PREPARED BY:

ML

Missy Luick
Senior Planner

January 4, 2021

DATE

REVIEWED BY:

TL

Teri B. Lewis, AICP
Deputy Director of Community Development

January 8, 2021

DATE

REVIEWED BY:

ND

Nicole Dixon, AICP, CFM
Development Review Administrator

January 7, 2021

DATE

REVIEWED BY:

AC

Anne Cyran, AICP
Senior Planner & Planning Commission Board Coordinator

January 5, 2021

DATE

ATTACHMENTS:

- A) Applicant's Submittal
- B) Location Map
- C) Zoning Map
- D) Use Table Comparison
- E) CC and LC Use and Development Standards



**ZONING MAP AMENDMENT NARRATIVE
FOR
A REQUEST FOR REVIEW OF APPLICATION FOR THE ZONING MAP
AMENDMENT
BY
HILTON HEAD OWNERS LLC
CONCERNING
95 MATHEWS DRIVE
(R511 008 000 192A 0000)
TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA**

This project narrative is submitted to the Town of Hilton Head Island’s Planning Department as a portion of an application for Zoning Map Amendment of the Hilton Head Owners LLC’s (“Owner”) property at 95 Mathews Drive, formerly known as the Sam’s Club property. This narrative is submitted to the Planning Commission and the Town Council of Hilton Head Island, South Carolina to explain the request and describe how the Application meets the criteria of the Town’s Land Management Ordinance (LMO) as required by the Application and the LMO.

I. NARRATIVE

a. Introduction, Background, and Request

The Owner is the owner of approximately 5.26 acre parcel of real property identified by Beaufort County Tax map number R511 008 000 192A 0000 (“Property”) located within the Port Royal Plaza and bounded to the west and south by the GFB Associates Property (Portion of Port Royal Plaza) and bounded to the east by Hilton Head Public Service District #1 Property and bounded to the north by the Bravin 18 GA-SC LLC (Jiffy Lube) and Dillon Road Properties Inc (Port Royal Car Wash) properties.

The existing property has been improved to include an existing parking lot, drive isles, and a vacant approximate 70,729 SF footprint concrete block and stucco building (Former Sam’s Club)

The Owner submits this Application requesting the approval of:

- i. An amendment to the Town’s zoning map designating the Property with the zoning district of Light Commercial (LC) with land uses described below.

The Owner would like to renovate the existing building to accommodate a proposed Go-StoreIt indoor storage facility (See attached "Go-Store-It Conversion exhibit). The property's current zoning is Community Commercial (CC), which does not accommodate the proposed use. Under the proposed use, Light Commercial (LC), the following allowable principal uses are permitted (Chapter 16-3-102.D):

1. Residential
2. Public, Civic, Institutional, and Educational Uses
3. Health Services
4. Resort Accommodations
5. Commercial Recreation
6. Office Uses
7. Commercial Services
8. Vehicle Sales and Services
9. Industrial Uses (Including Proposed Self-Service Storage)
10. Other Uses

II. REZONING CRITERIA

- a. Applicability. The current existing zoning for the property is Community Commercial (CC). The proposed amendment requests designating the property Light Commercial (LC). The Owner submits that it is appropriate to designate the property Light Commercial (LC) consistent with adjacent properties.
- b. Application Review Criteria. (Criteria of LMO Section 16-2-103.C.3) This LMO section sets forth Zoning Map Amendment (Rezoning) Review Standards. In determining whether to recommend that Town Council approve or deny a proposed Zoning Map Amendment (Rezoning) the Planning Commission may weigh the relevance of and consider based on the established standards outlined in this section of the LMO. The Owner proposes that this Application satisfies or exceeds the requirements for a Zoning Map Amendment as set forth below.
- c. Consistency with the 2020 to 2040 Comprehensive Plan (October 20, 2020)
 - i. Cultural Resources. *The cultural heritage and history of Hilton Head Island are very important resources the Town continually seeks to preserve and protect. Equally important is the need to recognize changing socio-economic and cultural patterns, and to continue to promote the arts.* The proposed amendment furthers the Cultural Resources element of the Comprehensive Plan since the Property proposed land uses and renovation of a community landmark will serve to maintain a sense of community character, arts, diversity, and individuality. Additionally, the proposed zoning will continue to serve the nearby Historic Neighborhoods of Marshland, Gardner, and Grassland/Grasslawn.
 - ii. Natural Resources. *Hilton Head Island's natural resources contribute significantly to its character and appeal. Having an appreciation and respect for these resources is important to the preservation of the Island's environment, wildlife, and natural spaces. The Town seeks to ensure there is a balance of human impact with respect for nature.* The existing property was originally developed back in the 80s under the Beaufort

County development standards of that era. The Owner submits that the proposed rezoning and future redevelopment would require the property's future development to fall under the current LMO, which would meet or exceed the Town's current development standards for natural resource protection and stormwater management. Additionally, any future redevelopment would meet the Comprehensive Plan's goals for Water Quality and Quantity, Improved Air Quality, Protect Quality of Life through Environmental Preservation, Maintain Environmental Education and Outreach with the Public, and Promote Sustainable Development. In its current state, the property does not meet the current development standards or goals of the Comprehensive Plan.

- iii. Population. *The Population element of the Comprehensive Plan strives to maintain a diverse population in the Town of Hilton Head Island which is given the opportunity to be well-educated, financially secure, and enjoy a high quality life.* The proposed Zoning Map Amendment is consistent with the Population element as it provides institutional and education services to support the existing and future population of the Town. Furthermore, it is consistent with and furthers efforts to fulfill the goals to create population diversity and community building through sound redevelopment. The proposed Zoning Map Amendment is therefore consistent with the Population element of the Comprehensive Plan.
- iv. Housing. *Hilton Head Island is home to an estimated 40,000 people on a permanent, full-time basis. However, demographically the Island is not a typical town. Its tourism-based economy, large population of second home owners, and influx of seasonal workers and visitors keeps the population count in daily fluctuation. This makes the actual tabulation of total population and related demographic data for the Island difficult to estimate at any given point in time.* Under the proposed zoning, Mixed-Use and Multifamily residential uses are permitted. These residential uses, according to the Comprehensive Plan, are goals of the Town, including redevelopment for multifamily and workforce housing, housing opportunities, and addressing barriers to affordable housing.
- v. Community Facilities. *Community facilities are defined as major capital services, such as transportation, potable water, educational facilities, and public safety. The nature of these facilities for the Town is different from the average municipality. The Town has evolved as the Island community has changed. It has grown into a position of leadership for the Island residents, workers, and visitors in addressing issues concerning services and facilities.* The renovation of the existing building will enhance the quality of life of the Town. Additionally, the property is already developed and the infrastructure including roadways, sanitary sewer, solid waste, drainage, potable water, electricity, telephone and cable, is already in place. Also, any redevelopment of the "Future Phase" will meet or exceed the current stormwater development standards.
- vi. Economic Development. *Numerous international awards and recognition have bolstered the Island as a great place to live, work, and visit. Since early development, the Island's primary economic drivers have been the tourism and retirement support industries. As the Island looks towards the future, there is growing interest in diversifying the economy in order to*

attract different professions and age groups to the Island, and to ensure sustainable growth into the future. According to the Economic Development element of the Comprehensive Plan, the Town should identify and prioritize areas in need of redevelopment including any obsolete, or run down, commercial buildings through incentivizing & streamlining redevelopment of these properties and diversifying commercial sites into mixed use to allow for the development of housing for the Island workforce. The Owner's rezoning of the property provides the Town and residents an opportunity for sound redevelopment and business uses available in the proposed zoning and therefore serves the goals set forth in the Economic Development element of the Comprehensive Plan.

- vii. Land Use. *The land uses and zoning on the Island are the foundation of all development and redevelopment within Town limits. Good planning ensures the amount and location of each land use category is balanced and sustainable for the existing and future needs of the community. In the past, regulations have been aimed at managing growth. Looking into the future, managing growth will continue with a focus on redevelopment including creative strategies to adapt to unique conditions.* The proposed rezoning would foster sound redevelopment of a property that has remained vacant for years. In its current state, the unoccupied property is a blight on the island. The renovation of the existing building and the future redevelopment of the "Future Phase" is supported by the existing infrastructure and does not adversely impact or create unplanned burdens on the natural environment or existing infrastructure and is consistent with the Land Use element of the Comprehensive Plan.
- viii. Transportation. *Transportation on the Island considers land use development, mobility, public safety, infrastructure expense, environmental preservation, and the aesthetics and economic viability of neighborhoods and communities. Looking into the future, the Town should consider each of these topics in order to balance transportation and transit needs in response to the Island's growing popularity for visitors and residents.* The Owner's proposed use is consistent with and supports the Transportation element of the Comprehensive Plan. Access and road infrastructure for the property is already in place and no additions are contemplated. The rezoning has no negative impact to the Town's transportation system, and is consistent with the Transportation element of the Comprehensive Plan.
- ix. Core Values
 - 1. Relentless Pursuit of Excellence. *Hilton Head Island has the opportunity to become an epicenter for Excellence. A first step is to expand or re-imagine valued aspects of the Town and the community: its history of leading innovative and sustainable development, care for the environment, great recreation facilities and pathways, historic and cultural preservation, tourism, volunteerism, and fiscal stewardship.* A strategy to adhere to the Ideals of Excellence on HHI is to encourage development and redevelopment opportunities that help Hilton Head Island be a competitive and affordable place to live and work. The rezoning of

this property and the redevelopment of a vacant building is an economic strategy that helps achieve this goal.

2. Redefining Environmental Sustainability. *The environment and sustainability are foundational values of the Hilton Head Island community. The community is supportive of environmental sustainability, and the Town has taken strides towards greater participation in efforts to support it.* The rezoning of the property provides the opportunity to foster a more environmentally resilient development. One that would exceed the current status of the property.
3. Revitalizing & Modernizing the Economy. *With 2.5 to 3 million visitors per year and home sales trending up, Hilton Head Island is not moving away from the current economy, nor should it. In order to expand the Island economy to meet the needs of the tourism base and grow towards new opportunities, through several key factors. Taking into account the key factors listed in the Comprehensive Plan, opportunities have been identified that encourage the modernization and revitalization needed to support the Island through changing external factors and evolving local conditions.* Some of the main opportunities for the Economy include focusing on ways to foster leading edge redevelopment and modernization practices, and modernizing and revitalizing vacant spaces without expanding existing footprints. The proposed rezoning would achieve these opportunities.
4. Fostering an Inclusive Multi-dimensional Community. *Hilton Head Island is a unique destination, but it is also a unique place to live and work. While there is no call to abandon the community planning and economic models that have carried the Island into the 21st century, there is an opportunity to revisit and expand them to be more inclusive of today's trends, demographics, and community interests.* A few key ideas that shape an inclusive community is providing obtainable housing and access, a viable economy, and equitable development standards. The proposed rezoning would fosters these key ideas for an inclusive community.
5. Building a Connected & Collaborative Community Fabric. *Community unification, with a commitment and plan for progressive change, is important to the future growth and attraction of living and visiting the Island. This change begins with connection and a strong community fabric that underpins, and is foundational to, the Town's Vision and Core Values.* Goals to achieve a connected and collaborative community include fostering an inclusive planning process, promoting a built environment that enhances the natural beauty and community strengths, collaborating around common values and shared objectives, and fostering a sound quality of life. The potential for redevelopment under the proposed rezoning would support these goals.

6. Expanding to Embrace and Integrated Regional Focus. *Factoring in a regional approach to foster opportunities as a regional partner.* Opportunities include continued and strengthened regional initiatives -and- collaboration and innovative problem solving for issues affecting the region, such as housing and transit for the workforce. Redevelopment under the proposed rezoning will have a regional impact from planning, workforce, transportation, environment, and tourism factors.
 7. Innovative Approach to Create 'Right-Sized' Infrastructure. *For this Core Value, the call is for the Town to respond with an Innovative Approach to Create 'Right-Sized' Infrastructure. The response to these changes should be measured and appropriate for Hilton Head Island's unique characteristics. This ensures careful consideration is given by the Town to develop policies for the Island's infrastructure that is relevant and sustainable.* As noted in this core value, many once thriving commercial centers on the island host high vacancies or are in need of renovation and re-imagining. This proposed rezoning provides an opportunity for sound sustainable solutions for infrastructure needs that account for economic, environmental, and social arms of sustainability.
- x. Priority Investment. *In compliance with the South Carolina Priority Investment Act, the Town provides a Priority Investment section in the Comprehensive Plan. Projects can include roads, parks, government facilities, pathways, drainage and stormwater infrastructure improvements, or beach renourishment.* The renovation and occupation of the vacant building will provide tax revenues for the Town. Additionally, the redevelopment of the Future Phase will provide impact fees and future sales tax revenue for the Town's CIP program. Accordingly, the Owner's proposed rezoning does not negatively implicate the Priority Investment element and is therefore consistent with the Comprehensive Plan.
- d. Compatibility of the range in uses with the uses allowed on other property in the immediate vicinity. The property to the east and north is currently zoned Light Commercial (LC). All other adjacent properties are zoned Community Commercial (CC). Therefore, the LC designation allows for a range of uses that are compatible with the uses allowed on other properties in the immediate vicinity.
 - e. Is appropriate for the land. This use is appropriate for the land since the existing building and infrastructure will be renovated. The western portion of the property ("Future Phase" as noted on the attached exhibit) will not be redeveloped at this time. When the Future Phase is redeveloped, it will meet all development standards required by the LMO. The existing property was originally developed back in the 80s under the Beaufort County development standards of that era. The Owner submits that the proposed rezoning and future redevelopment would require the property's future development to fall under the current LMO, which would meet or exceed the Town's current development standards for natural resource protection and stormwater management.

Attachment A Applicants Submittal

- f. Addresses a demonstrated community need. The property is currently unoccupied and is a blight on the community. The renovation of the building and redevelopment of the future phase would foster future economic development, a priority and community need, one that the Owner stands behind.
- g. Is consistent with the overall zoning program as expressed in the future plans for the Town. The property, though not within Ward One, falls within the study area of the Ward One Master Land Use Plan, which was prepared to develop land use strategies for the undeveloped Ward One area. The proposed rezoning and future redevelopment of the property meets the spirit of the Ward One Master Land Use Plan.
- h. Would avoid creating an inappropriately isolated zoning district unrelated to adjacent and surrounding zoning districts. The proposed rezoning and is consistent and compatible with the adjacent and surrounding zoning districts.
- i. Would allow the subject property to be put to a reasonably viable economic use. Currently the property is vacant and providing no economic impacts. The proposed rezoning and immediate renovation of the building for the Go-StoreIt facility would provide an immediate economic impact.
- j. Would result in development that can be served by available, adequate, and suitable public facilities (e.g. streets, potable water, sewerage, stormwater management). Since the property has already been developed, it's anticipated that the proposed rezoning, renovation, and Future Phase redevelopment can be served by existing public facilities.
- k. Is appropriate due to any changed or changing conditions in the affected area. The redevelopment of the nearby Sea Turtle shopping center is proof positive that the property's proposed rezoning, renovation, and Future Phase redevelopment is appropriate to changed or changing conditions in the affected area.

III. CONCLUSION.

- a. The Owner believes the foregoing narrative and analysis demonstrates that this Application for Zoning Map Amendment is in conformance with the Town's Comprehensive Plan, and meets the criteria set forth in Section 16-2-103.C.3 of the Town of Hilton Head Island's Land Management Ordinance. Accordingly, the Owner respectfully requests that the Planning Commission and Town Council:
 - b. Review this Application and the supporting documentation and any testimony which will be entered into the record.
 - c. Find the following:
 - i. That this Application and the supporting testimony and documentation establish that the requested Zoning Map Amendment is consistent with the Comprehensive Plan.
 - ii. That this Application would allow a range of uses that are compatible with the uses allowed on other property in the immediate vicinity.

Attachment A Applicants Submittal

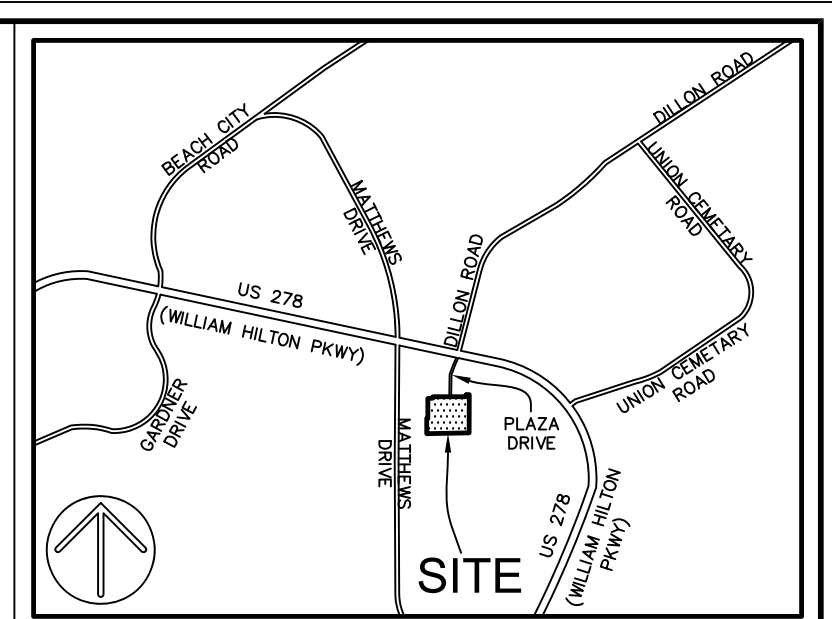
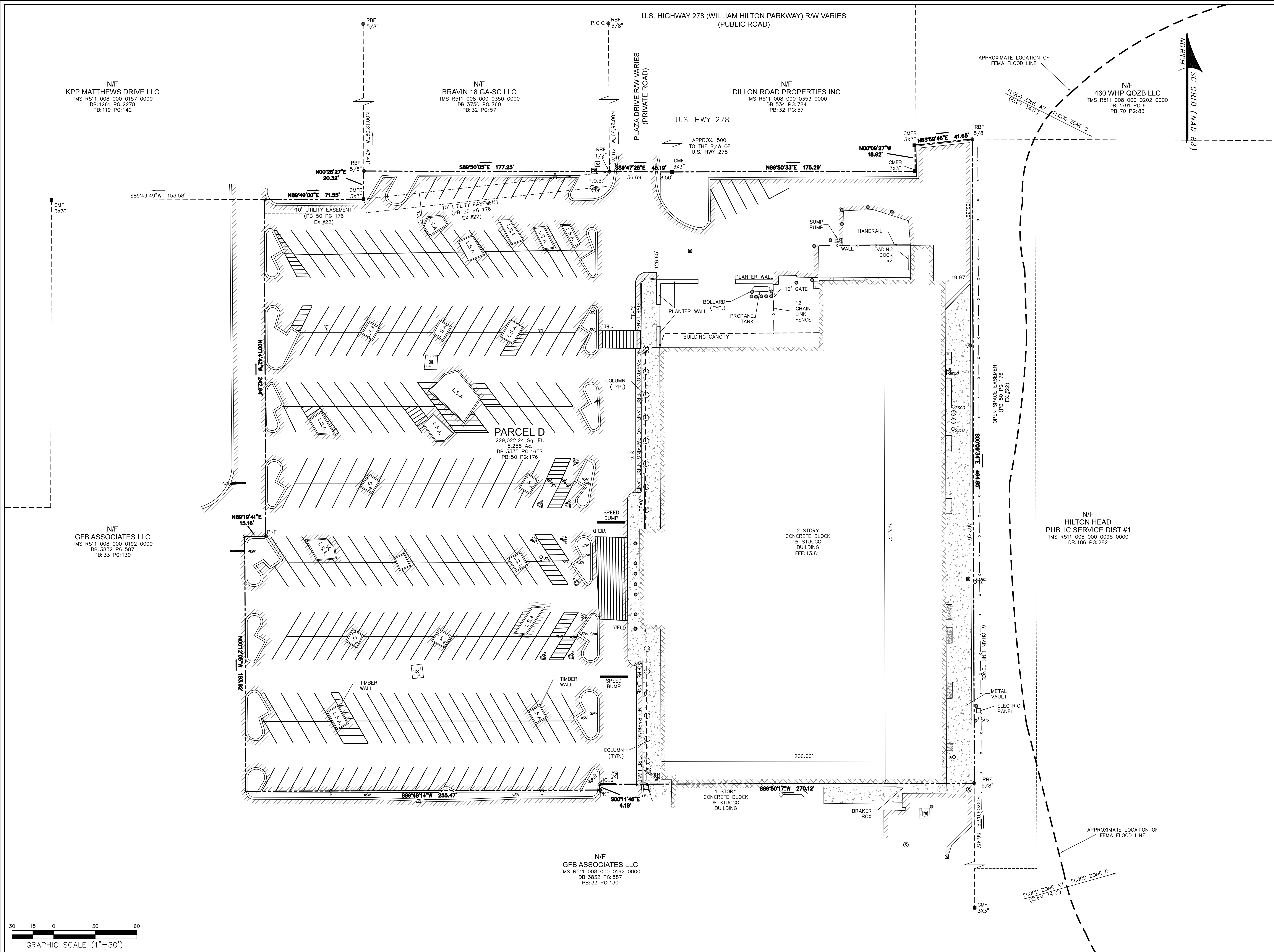
- iii. That this Application is appropriate for the land.
 - iv. That this Application addresses a demonstrated community need.
 - v. That this Application is consistent with the overall zoning program as expressed in future plans for the Town.
 - vi. That this Application would avoid creating an inappropriately isolated zoning district unrelated to adjacent and surrounding zoning districts.
 - vii. That this Application would allow the subject property to be put to a reasonably viable economic use.
 - viii. That this Application would result in development that can be served by available, adequate, and suitable public facilities (e.g., streets, potable water, sewerage, stormwater management).
 - ix. That this Application is appropriate due to any changed or changing conditions in the affected area.
- d. Recommend approval of this Application and the rezoning of the Property to Light Commercial (LC) with the uses and density set forth in the Town of Hilton Head Island Land Management Ordinance.

Respectfully submitted on behalf of the Owner this 30th day of December, 2020.

Regards,



Josh K. Tiller, PLA, ASLA
President, J.K. Tiller Associates, Inc.



VICINITY MAP NOT TO SCALE

LEGEND

- CMF ■ CONC. MONUMENT FOUND
- PKF ● PK NAIL FOUND
- RBF ● IRON REBAR FOUND
- RBS ○ IRON REBAR SET
- BOLLARD
- ⊕ FIRE HYDRANT
- ⊕ GRATE INLET
- ⊕ HANDICAP PARKING
- ⊕ IRRIGATION CONTROL VALVE
- ⊕ LIGHT POLE
- ⊕ MAIL BOX
- ⊕ POST INDICATOR VALVE
- ⊕ SIGN
- ⊕ SPIGOT
- ⊕ SANITARY SEWER CLEAN OUT
- ⊕ SANITARY SEWER MANHOLE
- ⊕ SANITARY SEWER VALVE
- ⊕ TELEPHONE JUNCTION BOX
- ⊕ TRANSFORMER-ELECTRIC
- ⊕ WATER METER
- ⊕ WATER VALVE
- L.S.A. LANDSCAPE AREA
- x- FENCE LINE
- ▨ BUILDING
- ▨ EDGE OF PAVEMENT
- ▨ CONCRETE

- NOTES**
1. THIS PARCEL APPEARS TO LIE IN FLOOD ZONE A7 (ELEVATION 14.0'), FIRM PANEL 0009-D COMMUNITY 450250.
 2. HORIZONTAL DATUM IS SOUTH CAROLINA STATE PLANE GRID (NAD 83).
 3. VERTICAL DATUM IS NAVD 88.
 4. THE PROPERTY SHOWN AND DESCRIBED HEREON IS THE SAME PROPERTY DESCRIBED IN FIDELITY NATIONAL TITLE INSURANCE COMMITMENT #SC252005056R.
 5. THE PROPERTY SHOWN HEREON FORMS A CONTIGUOUS PARCEL WITHOUT ANY GAPS, GORES, STRIPS OR OVERLAPS AND FORMS A MATHEMATICALLY CLOSED FIGURE.
 6. THE PROPERTY SHOWN HEREON HAS INDIRECT ACCESS TO U.S. HIGHWAY 278 (WILLIAM HILTON PARKWAY-PUBLIC ROAD) THROUGH A 45' ROADWAY AND UTILITY EASEMENT (PLAZA DRIVE-PRIVATE ROAD) PER PLAT BOOK 50, PAGE 176.
 7. THERE WAS NO EVIDENCE OF RECENT EARTH MOVING WORK AND/OR CONSTRUCTION OBSERVED AT THE TIME THE FIELD WORK WAS COMPLETED.
 8. THE PROPERTY SHOWN HEREON HAS NO ENCROACHMENTS.

PREPARED FOR:
MADISON CAPITAL GROUP, LLC
 AN ALTA/NSPS LAND TITLE SURVEY OF
PARCEL D,
#95 MATTHEWS DRIVE
 TAX PARCEL No. R511 008 000 192A 0000

THE TOWN OF HILTON HEAD ISLAND
 BEAUFORT COUNTY, SOUTH CAROLINA

FIELD WORK BY: JWR
 FIELD CHECK: JWR
 DRAWN BY: JWR
 DATE: 07-27-2020
 SCALE: 1"=30'
 PROJECT No.: BFT-20116
 FILE: BFT-20116 ALTA1.DWG

SHEET 1 OF 2

ATLAS SURVEYING, INC.

49 BROWN'S COVE ROAD, SUITE #5
 RIDGELAND, SC 29936
 PHONE: (843) 645-9277
 WEBSITE: WWW.ATLASSURVEYING.COM

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

Thomas W. Hurley

THOMAS W. HURLEY
 S.C.P.L.S. No. 17569
 DATE: 07-27-2020
NOT VALID UNLESS CRIMPED WITH SEAL



FIDELITY NATIONAL TITLE INSURANCE COMPANY
 COMMITMENT NUMBER: SC252005056R
 ADDITIONAL REFERENCE NUMBER: NACS20-206
 EFFECTIVE DATE: MAY 26, 2020 AT 8:00AM
 SCHEDULE B PART II - EXCEPTIONS

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

THE POLICY WILL NOT INSURE AGAINST LOSS OR DAMAGE RESULTING FROM THE TERMS AND PROVISIONS OF ANY LEASE OR EASEMENT IDENTIFIED IN SCHEDULE A, AND WILL INCLUDE THE FOLLOWING EXCEPTIONS UNLESS CLEARED TO THE SATISFACTION OF THE COMPANY:

- ANY DEFECT, LIEN, ENCUMBRANCE, ADVERSE CLAIM, OR OTHER MATTER THAT APPEARS FOR THE FIRST TIME IN THE PUBLIC RECORDS OR IS CREATED, ATTACHES, OR IS DISCLOSED BETWEEN THE COMMITMENT DATE AND THE DATE ON WHICH ALL OF THE SCHEDULE B, PART I—REQUIREMENTS ARE MET. (NOT A SURVEY MATTER)
- ALL TAXES FOR THE FISCAL YEAR 2020 AND SUBSEQUENT YEARS, NOT YET DUE AND PAYABLE, AND ANY ADDITIONAL TAXES, INTEREST, AND/OR PENALTIES WHICH MAY BE ASSESSED FOR THE YEAR 2019 OR PRIOR YEARS BY VIRTUE OF ADJUSTMENT, RE-APPRAISAL, RE-ASSESSMENT, APPEAL OR OTHER AMENDMENT TO THE TAX RECORDS FOR BEAUFORT COUNTY. PLEASE NOTE THAT THE CITY OF HILTON HEAD ISLAND TAXES ARE INCORPORATED AND PAID BY BEAUFORT COUNTY. (NOT A SURVEY MATTER)

NOTE: 2019 BEAUFORT COUNTY PROPERTY TAXES WERE PAID IN THE AMOUNT OF \$32,538.73 FOR TAX PARCEL ID R511-008-000-192A-0000.

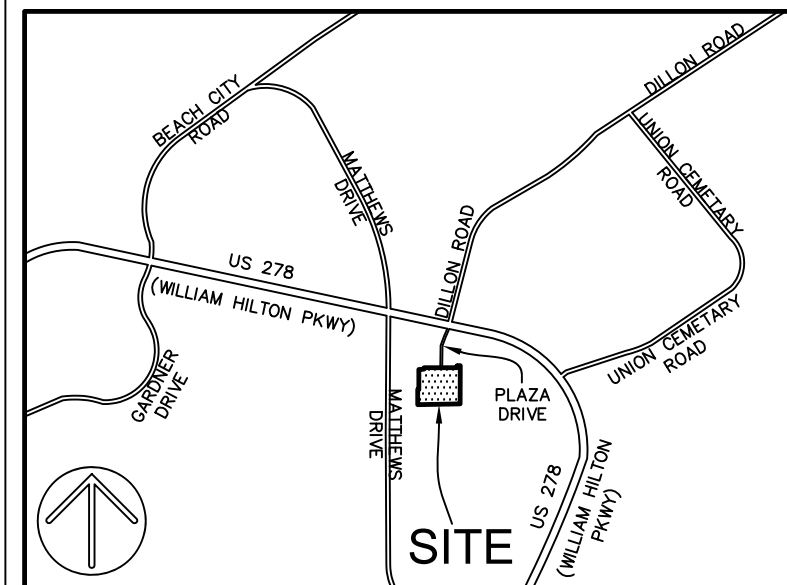
- ANY RIGHTS OF THE PARTIES IN POSSESSION OF A PORTION OF, OR ALL OF, SAID LAND, WHICH RIGHTS ARE NOT DISCLOSED BY THE PUBLIC RECORDS. (NOT A SURVEY MATTER)
- ANY LIEN OR RIGHT TO A LIEN FOR SERVICES, LABOR OR MATERIAL NOT SHOWN BY THE PUBLIC RECORDS. (NOT A SURVEY MATTER)
- TAXES OR SPECIAL ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS BY THE PUBLIC RECORDS. (NOT A SURVEY MATTER)
- ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND AND NOT SHOWN BY THE PUBLIC RECORDS. (NOT A SURVEY MATTER)
- EASEMENTS, OR CLAIMS OF EASEMENTS, NOT SHOWN BY THE PUBLIC RECORDS. (NOT A SURVEY MATTER)
- NO INSURANCE IS AFFORDED AS TO THE EXACT AMOUNT OF ACREAGE CONTAINED IN THE PROPERTY DESCRIBED HEREIN. (NOT A SURVEY MATTER)
- RIGHTS OF TENANTS, AS TENANTS ONLY IN POSSESSION OF SUBJECT PROPERTY. (NOT A SURVEY MATTER)
- ANY RIGHT, INTEREST OR CLAIM THAT MAY EXIST, ARISE OR BE ASSERTED UNDER OR PURSUANT TO THE PERISHABLE AGRICULTURAL COMMODITIES ACT OF 1930, AS AMENDED, 7 USC 499A ET SEQ., THE PACKERS AND STOCKYARD ACT OF 1921, AS AMENDED, 7 USC 181 ET SEQ., OR ANY SIMILAR STATE LAWS. (NOT A SURVEY MATTER)
- EASEMENT IN FAVOR OF PALMETTO ELECTRIC CORPORATION RECORDED IN BOOK 81, PAGE 175, IN THE REGISTER OF DEEDS OFFICE FOR BEAUFORT COUNTY, SOUTH CAROLINA. (DOES NOT AFFECT PROPERTY)
- EASEMENT IN FAVOR OF CENTRAL ELECTRIC POWER COOPERATIVE, INC., DATED MARCH 31, 1964, RECORDED AUGUST 3, 1973, IN DEED BOOK 125, PAGE 131, IN THE REGISTER OF DEEDS OFFICE FOR BEAUFORT COUNTY, SOUTH CAROLINA. (UNABLE TO DETERMINE FROM REFERENCE DOCUMENT PROVIDED, DOCUMENT SEEMS BLANKET IN NATURE, PLAT REFERENCED IN DEED NOT AVAILABLE ONLINE)
- EASEMENT IN FAVOR OF CENTRAL ELECTRIC POWER COOPERATIVE, INC., DATED SEPTEMBER 28, 1970, RECORDED NOVEMBER 17, 1970, IN DEED BOOK 179, PAGE 63, IN THE REGISTER OF DEEDS OFFICE FOR BEAUFORT COUNTY, SOUTH CAROLINA. (DOES NOT AFFECT PROPERTY)
- TERMS AND CONDITIONS OF THE INDENTURE DEED TO EASEMENT APPURTENANT AND AGREEMENT IN FAVOR OF SANDHILL VENTURE GROUP, AKA SANDHILL JOINT VENTURE GROUP, DATED MARCH 27, 1984, RECORDED APRIL 3, 1984, IN DEED BOOK 391, PAGE 432, IN THE REGISTER OF DEEDS OFFICE FOR BEAUFORT COUNTY, SOUTH CAROLINA. (DOES NOT AFFECT PROPERTY)
- TERMS AND CONDITIONS OF THE AVIGATION EASEMENT AGREEMENT IN FAVOR OF COUNTY OF BEAUFORT DATED JANUARY 17, 2007, RECORDED FEBRUARY 5, 2007, IN DEED BOOK 2517, PAGE 2353, IN THE REGISTER OF DEEDS OFFICE FOR BEAUFORT COUNTY, SOUTH CAROLINA. (AFFECTS PROPERTY, NOT PLOTTABLE, BLANKET DOCUMENT)
- TERMS AND CONDITIONS OF THE NON-EXCLUSIVE EASEMENT AGREEMENT BETWEEN JAMES W. BRADSHAW AND BEVERLY M. ANGEL AND JOHN WILLIAM WAKEFIELD, DATED FEBRUARY 13, 1981, RECORDED FEBRUARY 19, 1981, IN DEED BOOK 316, PAGE 305, IN THE REGISTER OF DEEDS OFFICE FOR BEAUFORT COUNTY, SOUTH CAROLINA. (DOES NOT AFFECT PROPERTY)
- TERMS AND CONDITIONS OF THE EASEMENT AGREEMENT BETWEEN MATTHEW DRIVE ASSOCIATES, L.P. AND MINA JEGER, THOMAS JEGER, BARBARA JEGER, KATRIN JEGER AND BRIGITTE JEGER-KUELNE, DATED SEPTEMBER 5, 2009, RECORDED FEBRUARY 23, 2010, IN DEED BOOK 2935, PAGE 125, IN THE REGISTER OF DEEDS OFFICE FOR BEAUFORT COUNTY, SOUTH CAROLINA. (DOES NOT AFFECT PROPERTY)
- TERMS AND CONDITIONS OF THE EASEMENT AGREEMENT BETWEEN SVG LLC, AND MINA JEGER, THOMAS JEGER, BARBARA JEGER, KATRIN JEGER AND BRIGITTE JEGER-KUEHNE, DATED SEPTEMBER 5, 2009, RECORDED FEBRUARY 23, 2010, IN DEED BOOK 2935, PAGE 136, IN THE REGISTER OF DEEDS OFFICE FOR BEAUFORT COUNTY, SOUTH CAROLINA. (DOES NOT AFFECT PROPERTY)
- TERMS AND CONDITIONS OF THE EASEMENT AGREEMENT BETWEEN WAL-MART STORES, INC., A DELAWARE CORPORATION AND SANDHILL VENTURE GROUP, A SOUTH CAROLINA JOINT VENTURE, DATED JANUARY 16, 1996, RECORDED FEBRUARY 6, 1996, IN DEED BOOK 758, PAGE 1780, IN THE REGISTER OF DEEDS OFFICE FOR BEAUFORT COUNTY, SOUTH CAROLINA. (UNABLE TO DETERMINE FROM REFERENCE PLAT PROVIDED - EASEMENT AREA NOT SHOWN/LEGIBLE)
- DECLARATION OF RESTRICTIONS, COVENANTS AND GRANT OF EASEMENTS BY SANDHILL VENTURE GROUP DATED MARCH 31, 1983 AND RECORDED IN THE BEAUFORT COUNTY RECORDS IN DEED BOOK C-418 AT PAGE 446, IN THE REGISTER OF DEEDS OFFICE FOR BEAUFORT COUNTY, SOUTH CAROLINA. (AFFECTS PROPERTY, NOT PLOTTABLE, BLANKET DOCUMENT)
- EASEMENTS, RIGHTS OF WAY, BOUNDARY LINES, AND IMPROVEMENTS AS SHOWN ON PLAT BOOK 33, PAGE 134; PLAT BOOK 51, PAGE 193; PLAT BOOK 50, PAGE 176; PLAT BOOK 29, PAGE 158; PLAT BOOK 32, PAGE 32; PLAT BOOK 27, PAGE 16; PLAT BOOK 29, PAGE 70; PLAT BOOK 32, PAGE 121; AND PLAT BOOK 33, PAGE 4, ALL IN AFORESAID RECORDS. (AFFECTS PROPERTY, AS SHOWN ON PLAT)

LEGAL DESCRIPTION:

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND, WITH IMPROVEMENTS THEREON, SITUATE, LYING AND BEING IN THE TOWN OF HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA AND BEING MORE PARTICULARLY SHOWN AND DELINEATED AS PARCEL D CONTAINING 5.266 ACRES (228,899 SQUARE FEET) ON AN AS-BUILT SURVEY AND A BOUNDARY PLAT OF PARCEL D PORT ROYAL PLAZA PREPARED BY T-SQUARE SURVEYING, INC., THOMAS B. RICHARDSON, SCRLS NO. 8512, DATED OCTOBER 3, 1985 AND LAST REVISED NOVEMBER 19, 1985, WHICH AS-BUILT SURVEY AND BOUNDARY PLAT HAS BEEN RECORDED IN THE BEAUFORT COUNTY RECORDS IN PLAT BOOK 33 AT PAGE 134.

AND ALSO, TOGETHER WITH THE EASEMENT IN THAT CERTAIN DECLARATION OF RESTRICTIONS, COVENANTS AND GRANT OF EASEMENTS BY SANDHILL VENTURE GROUP DATED MARCH 31, 1983 AND RECORDED IN THE BEAUFORT COUNTY RECORDS IN DEED BOOK C-418 AT PAGE 446.

BEING THE SAME PROPERTY CONVEYED TO THOMAS ROLF JEGER, KATHARINA-ANNEMARIE JEGER, BRIGITTE JEGER STOFFEL, AND BARBARA YVONNE JEGER SURKOVIC BY VIRTUE OF LIMITED WARRANTY DEED FROM MINA JEGER-OPPLIGER, BRIGITTE JEGER STOFFEL, THOMAS ROLF JEGER, BARBARA YVONNE JEGER SURKOVIC, AND KATHARINA-ANNEMARIE JEGER, DATED JULY 10, 2014, RECORDED JULY 22, 2014, IN DEED BOOK 3335, PAGE 1657, IN THE REGISTER OF DEEDS OFFICE FOR BEAUFORT COUNTY, SOUTH CAROLINA.



VICINITY MAP NOT TO SCALE

NOTES

- THIS PARCEL APPEARS TO LIE IN FLOOD ZONE A7 (ELEVATION 14.0'), FIRM PANEL 0009-D COMMUNITY 450250.
- HORIZONTAL DATUM IS SOUTH CAROLINA STATE PLANE GRID (NAD 83).
- VERTICAL DATUM IS NAVD 88.
- THE PROPERTY SHOWN AND DESCRIBED HEREON IS THE SAME PROPERTY DESCRIBED IN FIDELITY NATIONAL TITLE INSURANCE COMMITMENT #SC252005056R.
- THE PROPERTY SHOWN HEREON FORMS A CONTIGUOUS PARCEL WITHOUT ANY GAPS, GORES, STRIPS OR OVERLAPS AND FORMS A MATHEMATICALLY CLOSED FIGURE.
- THE PROPERTY SHOWN HEREON HAS INDIRECT ACCESS TO U.S. HIGHWAY 278 (WILLIAM HILTON PARKWAY-PUBLIC ROAD) THROUGH A 45' ROADWAY AND UTILITY EASEMENT (PLAZA DRIVE-PRIVATE ROAD) PER PLAT BOOK 50, PAGE 176.
- THERE WAS NO EVIDENCE OF RECENT EARTH MOVING WORK AND/OR CONSTRUCTION OBSERVED AT THE TIME THE FIELD WORK WAS COMPLETED.
- THE PROPERTY SHOWN HEREON HAS NO ENCROACHMENTS.

PREPARED FOR:
 MADISON CAPITAL GROUP, LLC
 AN ALTA/NSPS LAND TITLE SURVEY OF
 PARCEL D,
 #95 MATTHEWS DRIVE
 TAX PARCEL No. R511 008 000 192A 0000

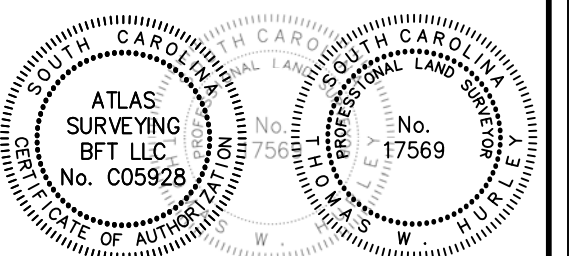
THE TOWN OF HILTON HEAD ISLAND
 BEAUFORT COUNTY, SOUTH CAROLINA

FIELD WORK BY: JWR
 FIELD CHECK: JWR
 DRAWN BY: JWR
 DATE: 07-27-2020
 SCALE: 1"=30'
 PROJECT No.: BFT-2016
 FILE: BFT-2016 ALTA1.DWG

SHEET 2 OF 2



49 BROWN'S COVE ROAD, SUITE #5
 RIDGELEND, SC 29936
 PHONE: (843) 645-9277
 WEBSITE: WWW.ATLASSURVEYING.COM



I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

Thomas W. Hurley

THOMAS W. HURLEY DATE: 07-27-2020
 S.C.P.L.S. No. 17569
 NOT VALID UNLESS CRIMPED WITH SEAL

SURVEYOR'S CERTIFICATE

THE UNDERSIGNED, BEING A REGISTERED SURVEYOR OF THE STATE OF SOUTH CAROLINA, CERTIFIES TO: MADISON CAPITAL GROUP, LLC, A NORTH CAROLINA LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND ASSIGNS, FIDELITY NATIONAL TITLE INSURANCE COMPANY, ITS SUCCESSORS AND ASSIGNS; HILTON HEAD OWNER, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND ASSIGNS AS FOLLOWS:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES NO ITEMS ON TABLE A THEREOF, THE FIELD WORK WAS COMPLETED ON 06-02-2020.

DATE OF PLAT: 07-27-2020

Thomas W. Hurley

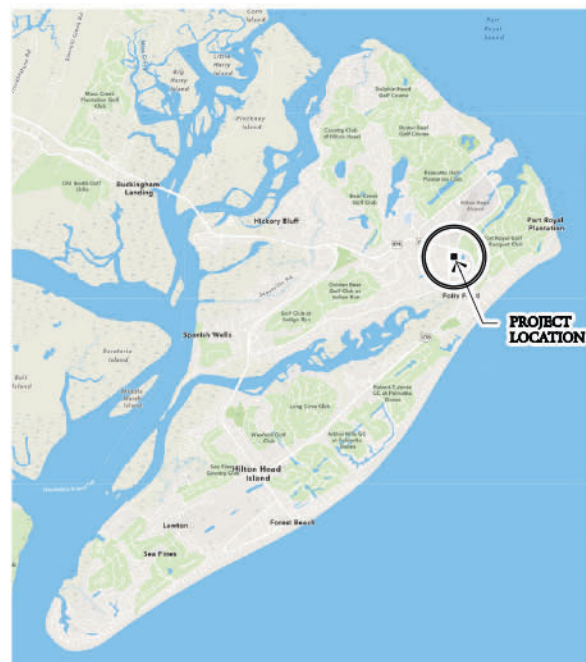
THOMAS W. HURLEY DATE: 07-27-2020
 S.C.P.L.S. No. 17569
 NOT VALID UNLESS CRIMPED WITH SEAL

DEVELOPMENT SUMMARY

EXISTING ZONING	COMMUNITY COMMERCIAL (CC)
PROPOSED ZONING	LIGHT COMMERCIAL (LC)
EXISTING LANDUSE	VACANT/COMMERCIAL
PROPOSED LANDUSE	LIGHT INDUSTRIAL
TOTAL ACRES	+/- 5.26 ACRES
BUILDING FOOTPRINT	70,729 SF
EXISTING PARKING	258 SPACES
REQ. PARKING	1/15K OF GFA, 4 SPACES MIN.
SETBACK	20' ALL SIDES
BUFFER	TYPE A, OPTION 2 (10') BETWEEN COMMERCIAL AND INDUSTRIAL USES
FEMA FLOOD ZONE	A7

KEY

- PHASE 1 - PROPOSED GO-STORE-IT
- FUTURE PHASE
- BUILDING ENTRANCE/ EXIT
- EXISTING UNDERSTORY TREE
- EXISTING OVERSTORY TREE
- EXISTING PALM TREE



HILTON HEAD CONTEXT MAP



AREA CONTEXT MAP



SAMPLE BUILDING ELEVATION RENOVATIONS



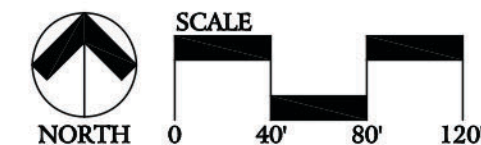
PREPARED FOR:
MADISON CAPITOL GROUP, LLC

PREPARED BY:
J. K. TILLER ASSOCIATES, INC.
LAND PLANNING LANDSCAPE ARCHITECTURE
181 BLUFFTON ROAD, SUITE F205 BLUFFTON, SC 29910
Voice 843.815.4800 jktiller@jktiller.com Fax 843.815.4802

GO-STORE-IT SAM'S CONVERSION

HILTON HEAD ISLAND, SOUTH CAROLINA

OCTOBER 1, 2020



THIS IS A CONCEPTUAL PLAN AND IS SUBJECT TO CHANGE. ALL SURVEY INFORMATION AND SITE BOUNDARIES WERE COMPILED FROM A VARIETY OF UNVERIFIED SOURCES AT VARIOUS TIMES AND AS SUCH ARE INTENDED TO BE USED ONLY AS A GUIDE. ALL PROPERTY LINES, TRACT DIMENSIONS AND NARRATIVE DESCRIPTIONS ARE FOR GRAPHIC REPRESENTATION ONLY, AS AN AID TO SITE LOCATION AND POTENTIAL LAND USE, AND ARE NOT LEGAL REPRESENTATIONS AS TO FUTURE USES OR LOCATIONS. J. K. TILLER ASSOCIATES, INC. ASSUMES NO LIABILITY FOR ITS ACCURACY OR STATE OF COMPLETION, OR FOR ANY DECISIONS (REQUIRING ACCURACY) WHICH THE USER MAY MAKE BASED ON THIS INFORMATION.

S:\Projects\202007-01-DWG\09012020-Concept.dwg, ELEVATION (TBLK), 9/11/2020 12:06:37 PM




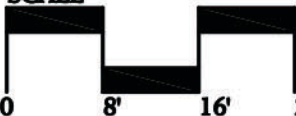
PREPARED FOR:
MADISON CAPITOL GROUP, LLC

PREPARED BY:
J. K. TILLER ASSOCIATES, INC.
 LAND PLANNING LANDSCAPE ARCHITECTURE
 181 BLUFFTON ROAD, SUITE 2303 BLUFFTON, SC 29918
 Phone 843.815.4800 jktiller@tiller.com Fax 843.815.4802

GO-STORE-IT
SAM'S CONVERSION
 HILTON HEAD ISLAND, SOUTH CAROLINA

SEPTEMBER 2, 2020

NORTH 

SCALE 

JKT Job Number: 202007-01

THIS IS A CONCEPTUAL PLAN AND IS SUBJECT TO CHANGE. ALL SURVEY INFORMATION AND SITE BOUNDARIES WERE COMPILED FROM A VARIETY OF UNVERIFIED SOURCES AT VARIOUS TIMES AND AS SUCH ARE INTENDED TO BE USED ONLY AS A GUIDE. ALL PROPERTY LINES, TRACT DIMENSIONS AND NARRATIVE DESCRIPTIONS ARE FOR GRAPHIC REPRESENTATION ONLY, AS AN AID TO SITE LOCATION AND POTENTIAL LAND USE, AND ARE NOT LEGAL REPRESENTATIONS AS TO FUTURE USES OR LOCATIONS. J. K. TILLER ASSOCIATES, INC. ASSUMES NO LIABILITY FOR ITS ACCURACY OR STATE OF COMPLETION, OR FOR ANY DECISIONS (REQUIRING ACCURACY) WHICH THE USER MAY MAKE BASED ON THIS INFORMATION.

Attachment A Applicants Submittal

WHEREAS, the Major Tenants require and Sandhill desires to declare and establish certain restrictions and covenants with respect to the development and use of the Overall Parcels to the end that the covenants in the Major Tenants' leases will be honored and the development thereof shall be harmonious and compatible with the stores previously constructed; and to grant or reserve easements for the common use of utilities, the placement of utility lines, drainage, vision, ingress, egress and parking between and among the Overall Parcels as more particularly hereinafter set forth; and

WHEREAS, present and future mortgagees require the Overall Parcels to function as a single entity and require in the case of more than one mortgagee that no use can be made of the Overall Parcels which violate terms and conditions of any Major Tenants lease; and

WHEREAS, Sandhill desires to reserve, declare, establish, grant and provide the aforesaid covenants, restrictions and easements as hereinafter set forth for the Major Tenants, mortgagees, and its benefit, their heirs, legal representatives, successors and assigns, subject however to the terms and conditions hereinafter provided,

NOW, THEREFORE, Sandhill does hereby reserve, declare, grant and provide as follows:

1. Sandhill hereby declares, creates and imposes the following restrictions on the use, development and maintenance of the Overall Parcels:

(a) The Overall Parcels will not be used for any purpose which would constitute a public or private nuisance; no game room, amusement center, lounge, tavern or night club shall be permitted to operate upon the Overall Parcels. Only retail and/or service stores, banks, savings and loan association and restaurants, shall be allowed to operate on the Overall Parcels. No spa, bowling alley, skating rink, bingo parlor, theatre (either motion picture or legitimate), automobiles or other vehicle sales or similar sales lot operations, or non-retail or non-service type activities shall be permitted to operate on any portion of the Overall Parcels. A restaurant business selling food products of a general nature that includes the sale of alcoholic beverages for consumption on-the-premises in conjunction with the sale and service of food and food products will not be prohibited and is specifically allowed.

(b) So long as the lease to Bi-Lo, Inc. is in effect, except as to the facility operated by Bi-Lo on Parcel A, as shown on Exhibit "A", there shall not be operated any facility such as a supermarket, grocery store, delicatessen store (or department) or a convenience type store such as 7-Eleven, Majik Market, etc.; nor shall any facility be used for the sale of health foods (except those sold in tablet or capsule form and size and/or standard drug items generally sold in drug stores such as metrecal, diet wafers and pabulum), delicatessen items, groceries, meats, vegetables, and/or other grocery items generally sold by supermarkets; however, nothing in the foregoing will be construed to prohibit restaurant operations selling prepared ready-to-eat food for on and off-premise consumption or to prohibit the sale from vending machines of snack-type food items.

(c) So long as the lease to Revco Discount Drug Centers of South Carolina is in effect, except as to the facility operated by Revco on Parcel A, no use will be made for a drug store, cosmetic, health and beauty aid store, pharmacy, or any use requiring the presence or services of a licensed or registered pharmacist, nor will any business be permitted devoting more than 1,000 square feet of their retail floor area to the sale of cosmetics, health and beauty aids.

(d) So long as the lease to Wal-Mart Stores, Inc. is in effect, except as to the facility operated by Wal-Mart on Parcel A, no cafeteria, restaurant, theatre, bowling alley, billiard parlor, night club or other place of recreation or amusement or any business serving alcoholic beverages shall occupy space within the shopping center without the prior written consent of Wal-Mart.

(e) As to Parcels A-3, A-4, B and C, no above ground buildings or structures of any kind (other than signs advertising the business of the building occupant or occupants) shall be erected or placed thereon which shall exceed one story or 20 feet in height.

(f) In conjunction with the construction of any buildings or common facilities on or within said Overall Parcels, there shall be maintained at all times within the area of each particular Parcel a ratio in compliance with the terms of the Major Tenant leases and the appropriate governmental requirements, standard size automobile parking spaces per 1,000 square feet of gross leasable building area erected upon a particular Parcel, subject to the following exception:

(1) As to Parcels A-3 and A-4, the parking spaces of Parcel A may be used in meeting the required ratio, but no improvements shall be constructed upon Parcel A-3 and A-4 which would cause the remaining parking spaces afforded by Parcel A to be less than a ratio in compliance with the terms of the Major Tenant leases and the appropriate governmental requirements, standard size automobile parking spaces per 1,000 square feet of gross leasable building area erected in total upon Parcels A, A-3 and A-4.

From and after the substantial completion of improvements on Parcels A, A-3, and A-4, the owners of such Parcels shall be obligated to reimburse the owner of Parcel A for a pro-rata portion of all expenses incurred by owner of Parcel A for maintenance of the parking area with such amount to be in the proportion that the gross floor area of the improvements on Parcels A-3 and A-4 bear to the total gross floor area of all improvements on Parcels A, A-3 and A-4. Such reimbursement shall be made on an annual basis within thirty (30) days after receipt of a certificate executed by the owner of Parcel A setting forth the maintenance expenses on the parking area for the prior year.

Attachment A Applicants Submittal

Although Parcels A-3, A-4, B and C shall hereinafter be granted an easement for parking and vehicular and pedestrian ingress and egress over and across the parking lots and walkways of Parcel A, it is understood and agreed that the said Parcels B and C must each maintain within said Parcels B and C a parking ratio of five standard size parking spaces per 1,000 square feet of building area constructed on each of said Parcels B and C. The restrictions recited in this paragraph may be amended, altered or changed by mutual agreement of the Major Tenants and Sandhill, subject to the prior written approval of any tenant and/or mortgagee and compliance with governmental regulations. Such mutual agreement will be evidenced by a written instrument duly recorded at the same place as this instrument.

2. Sandhill does hereby grant, bargain, sell and/or reserve unto the owner of each various Parcels which make up the Overall Parcel, their heirs, successors or assigns, the full, free and uninterrupted use, easement, right, liberty and privilege, in common with each other, in, upon, through, over, under, abutting and across those areas of the Overall Parcels now or hereafter improved for utilities, storm drainage, footings and party walls (where the common use is appropriate); pedestrian and vehicular traffic, including all footings, driveways, sidewalks, roadways, parking areas and entrances and exits to streets and roads abutting or within any portion of the Overall Parcels, hereinafter collectively referred to as Easement Areas, for the following purposes:

(a) Pedestrian and vehicular ingress and egress to and from all portions of the Easement Areas and to and from all streets and roads abutting or within any portion of the Easement Areas;

(b) Vehicular parking on those portions of the Easement Areas designated as parking areas (subject to the restrictions herein previously recited);

(c) The installation, maintenance, repair, and the usage in common where necessary, of all lines, ditches, trenches, pipes, cables, conduits, manholes, catch basins, poles and similar facilities that provide telephone, gas, electrical, sewer, water, storm drainage and other necessary utility service to the Easement Areas;

(d) To run and transfer water accumulating on any portion of the Easement Areas, through the use in common of storm drains,

paved surface areas and ditches or other acceptable means, in, upon, through, over, under and across the Easement Area so as to outlet, drain or flow into the drainage facilities provided all surface water accumulating on the Easement Areas.

Any party exercising rights granted under subsections (c) and (d) herein shall (i) promptly, at its expense, pay for any work done, (ii) promptly repair or restore the surface of any disturbed portion of the Overall Parcel to the condition existing immediately prior to such work and (iii) not unreasonably interfere with the use of the access areas or the parking area now or hereafter located on the Overall Parcel. In furtherance of the foregoing, the parties agree to cooperate with each other in granting additional appurtenant non-exclusive easements for all of the foregoing purposes.

(e) The privilege and right, where necessary and consistent with the development scheme of the Overall Parcels to do the following as to Parcels A, A-3 and A-4:

(1) To extend footings and other underground improvements necessary for wall and building support into various portions of the Easement Areas;

(2) To join together all eaves, soffits, canopies and other design and construction elements necessary for a unified and continuous exterior elevation design in conformance with the improvements currently erected upon a portion of the Parcels;

(3) To join together by abutting the individually constructed building walls necessary for the construction of the aforesaid building improvements;

(4) To use any side wall constructed as a common party wall wherein a separate building wall does not have to be constructed. Any building erected wherein such sidewalls are used will be constructed in accordance with the appropriate building and fire codes, and any building so erected will not be used for any purpose which would create an undue fire hazard and/or cause an increase in the insurance premiums for the building permitting the use of its sidewalls. Each party further agrees to share in the cost of maintaining and repairing any sidewall(s) so used on a reasonable basis in accordance with the facts and equities as involved in such maintenance and repair.

(5) Any use made under the provisions of this subparagraph shall result in the construction of additional buildings and improvements which are harmonious and compatible with the exterior design of the buildings and improvements existing upon the applicable portions of the Overall Parcels as of the date of this instrument. Before any such use is made under the terms and provisions of this subparagraph, except if Sandhill is the party that is constructing, the party desiring to construct such buildings or other improvements shall submit a set of architectural plans and drawings to Sandhill, showing sufficient details of the proposed construction to indicate whether or not same is in conformance with the terms hereof. Sandhill will have 30 days in which to accept the plans and drawings. If such plans and drawings are not acceptable, then written notice will be given stating the objections and what procedures are necessary to cure the objections. Failure to so respond within 30 days after the receipt of said plans and drawings shall constitute acceptance by Sandhill under the terms and conditions of this subparagraph.

The Easements and rights herein granted may be amended, altered or changed by mutual agreement of the Major Tenants and Sandhill,

Attachment A Applicants Submittal

subject to the prior written approval of any tenant and/or mortgagee. Such mutual agreement will be evidenced by a written instrument duly recorded at the same place as this instrument. The Major Tenants' consent hereunder shall only be required so long as its lease remains in effect on Parcel A.

3. Each owner will maintain the access and the parking area located within its respective parcel or portion thereof in good condition and repair, clean and free from all rubbish and hazards to persons using such areas. Such maintenance will include, without limitation:

(a) Maintenance of the surface of all areas and sidewalks, level, smooth and evenly covered with the type of surfacing material originally installed on same, or such substitute as will be in all respects equal to it in quality, appearance and durability.

(b) Removal of snow, all papers, debris and filth and sweeping and cleaning paved areas as required.

(c) Maintenance of such appropriate parking areas, entrance, exit and directional signs, markers and lights as is reasonably required.

(d) Cleaning of lighting fixtures and relamping as needed.

(e) Repainting and otherwise maintaining striping markers, directional signs and markers in good condition.

4. Nothing herein is intended to nor shall be construed to create any rights whatsoever for the benefit of the general public in the Parcels or the improvements constructed thereon. The easements, rights, privileges, restrictions and benefits created or granted under this instrument and each provision hereof shall be enforceable by Sandhill and their successors or assigns by injunction or by specific performance and shall be deemed covenants running with the title to the Parcels. This instrument (as the same may be amended from time to time) shall be binding upon and inure to the benefit of the respective heirs, legal representatives, successors and assigns of Sandhill.

TO HAVE AND TO HOLD as appurtenant to the Easements and rights hereby granted at all times hereafter, forever for the Major Tenants, mortgagee(s) and Sandhill and their respective successors or assigns.

FILED IN DEED - C BOOK 418 PAGE 451
FILED AT SA0606 ON 04/25/85

Attachment A Applicants Submittal

IN WITNESS WHEREOF, the aforesaid parties have caused this DECLARATION AND GRANT to be duly executed under the seal at Greenville, South Carolina, the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

[Handwritten signatures of witnesses]

SANDHILL VENTURE GROUP, a South Carolina joint venture

BY: *[Signature]*
David W. Bloom
Its General Partner

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

P R O B A T E

PERSONALLY appeared before me, *Pamela E. Lawrence*, who, being duly sworn, said that (s)he saw the within named Sandhill Venture Group, a South Carolina joint venture, by David W. Bloom, its Partner, sign, seal and as its act and deed, deliver the within written instrument for the uses and purposes therein mentioned, and that (s)he with *Frank E. Robinson, II* witnessed the execution and delivery thereof.

SWORN TO BEFORE me this *23rd*)
)
day of *April*, 1985)
[Signature] (U.S.))
Notary Public for South Carolina)
My Commission Expires: *5/31/90*)

Pamela E. Lawrence

FILED IN DEED - C BOOK 418 PAGE 452
FILED AT SA0606 ON 04/25/85

PARCEL A:

All that certain piece, parcel or tract of land, with the improvements thereon, situate, lying and being in the Township of Hilton Head Island, County of Beaufort, State of South Carolina, and being more particularly shown and delineated as Parcel A (consists of Phase I, 6.474 Ac, 282,019 sq. ft.; Phase II, 2.219 Ac., 96,674 sq. ft.; Phase III, 1.818 Ac., 79,185 sq. ft.; Phase IV, 4.679 Ac., 203,800 sq. ft.; and Roadway & Utility Easement, 0.554 Ac., 24,150 sq. ft.; for a total of 15.744 Ac., 685,828 sq. ft.), on an As-Built Plat of Port Royal Plaza prepared by T-Square Surveying, Inc., Thomas B. Richardson, S.C. Reg. L.S. No. 8612, dated January 15, 1985, last revised March 20, 1985, and according to said plat having the following boundaries and measurements, to-wit: Beginning at a point in the northwesternmost corner of said of that portion of Parcel A known as Roadway and Utility Easement, said easement being more particularly described on that plat recorded in Book 32, at page 37, said point being marked POINT OF BEGINNING on the above referenced survey, thence proceeds from said point of beginning in a southeasterly direction along property designated on said survey as U. S. Hwy. No. 278 156' R/W S77°57'57"E for a distance of 63.47 feet to a point; thence turning and running along property designated on said plat as Open Space 0.079 Ac. 3.455 sq. ft. the following curved lines and straight lines: Delta 10°21'37", Radius 55.58 feet, Arc 10.05 feet, Tangent 5.04 feet, Chord 10.04 feet, Chord Brg. S35°55'04"W; thence proceeding S37°44'11"W for a distance of 16.39 feet; thence proceeding Delta 106°44'31", Radius 10.00 feet, Arc 18.63 feet, Tangent 13.45 feet, Chord 16.05 feet, Chord Brg. S15°36'47"E; thence proceeding S68°59'03"E for a distance of 20.30 feet; thence proceeding Delta 14°06'17", Radius 73.81 feet, Arc 18.17 feet, Tangent 9.13 feet, Chord 18.12 feet, Chord Brg. S76°02'09"E; thence proceeding S83°05'17"E for a distance of 73.52 feet to a point; thence turning and running along property designated on said plat as Heritage Motor Car Co., Inc. S01°05'17"E for a distance of 24.24 feet to a point; thence turning and running along property designated on said plat as Parcel A-1 Pizza Hut of Sumter the following curved lines and straight lines: N83°05'17"W for a distance of 128.79 feet to a point; thence proceeding Delta 59°06'43", Radius 32.84 feet, Arc 33.88 feet, Tangent 18.62 feet, Chord 32.40 feet, Chord Brg. S67°13'56"W; thence proceeding Delta 38°15'00", Radius 67.50 feet, Arc 45.06 feet, Tangent 23.41 feet, Chord 44.23 feet, Chord Brg. S18°36'41"W; thence turning and running along property designated Parcel A-1 Pizza Hut of Sumter and Parcel A-2 N/F ASB Associates S00°30'49"E for a distance of 301.40 feet to a concrete monument; thence turning and running along property designated Parcel A-2 N/F ASB Associates N89°50'33"E for a distance of 175.29 feet to a concrete monument; thence turning and running along property designated Parcel A-2 N00°09'27"W for a distance of 18.92 feet to a concrete monument; thence turning and running along property designated Heritage Motor Co., Inc. N83° 59' 46"E for a distance of 41.65 feet to a concrete monument; thence turning and running along property designated Hilton Head Public Service District No. 1, S00° 09' 34"E for a distance of 949.57 feet to a concrete monument; thence turning and running along property designated 50' private roadway S89° 44' 26"W for a distance of 539.36 feet to a concrete monument; thence continuing along said roadway S89° 59' 55"W for a distance of 125.7 feet to a concrete monument; thence turning and running along property designated Parcel B, N00° 09' 27"W for a distance of 210 feet to a concrete monument; thence turning and running along property designated Parcel B S89° 59' 55"W for a distance of 175 feet to a concrete monument; thence turning and running along S.C. Hwy. No. 44 100' R/W Matthews Drive N00°09'27"W for a distance of 477.40 feet to an iron pin; thence turning and running along property designated on said plat as Parcel C N89°49'30"E for a distance of 175.00 feet to a concrete monument; thence turning and running along property designated on said plat as Parcel C N00°09'27"W for a distance of 220.00 feet to a concrete monument; thence turning and running along property designated on said plat as South Carolina National Bank N89°49'30"E for a distance of 225.03 feet to a concrete monument; thence turning and running along property designated on said plat as South Carolina National Bank N00°17'11"W for a distance of 19.03 feet to a concrete monument; thence turning and running along property designated on said plat as Parcel B-2 N89°50'33"E for a distance of 177.69 feet to a concrete monument; thence turning and running along property designated on said plat as Parcel B-2 and a portion of Parcel B-1 N00°30'49"W for a distance of 301.12 feet to a point; thence turning and running along property designated on said plat as Parcel B-1 the following curved lines and straight lines: Delta 38°15'00", Radius 112.50 feet, Arc 75.10 feet, Tangent 39.01 feet, Chord 73.72 feet, Chord Brg. N18°36'41"E; thence proceeding N37°44'11"E for a distance of 11.24 feet; thence proceeding Delta 25°45'37", Radius 136.69 feet, Arc 61.46 feet, Tangent 31.26 feet, Chord 60.94 feet, Chord Brg. N25°13'34"E to the point at the point of beginning.

AND

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Parcels S-1 and S-2 located within or adjacent to property of Sandhill Venture Group known as Hilton Head Shopping Center, Hilton Head Island, Beaufort County, South Carolina, as shown and described on a survey entitled "Heritage Center, a Portion of the Industrial Park Tract" prepared by Elmer A. Anderson & Associates, Engineers and Surveyors (P.E. & R.L.S. No. 8936) said survey dated August 30, 1983 and finally revised on March 19, 1984, which said survey is recorded in the Office of the Clerk of Court for Beaufort County,

Attachment A Applicants Submittal

South Carolina in Plat Book 32, at page 37. For more detailed description as to courses, metes, bounds, distances, locations, etc. reference to said plat of record is craved.

AND

50' PRIVATE ROAD

All right, title and interest to use on a non-exclusive basis by easement appurtenant that certain 50' private road located generally south of the above-described on the above referred to survey entitled "Hilton Head Shopping Center and Out Parcels, a Portion of the Industrial Park Tract" prepared by Elmer A. Anderson & Associates, Engineers and Surveyors (P.E. & R.L.S. No.8936) said survey dated July 18, 1983, and finally revised on March 19, 1984, which said survey is recorded in the office of the Clerk of Court for Beaufort County, South Carolina in Plat Book 32, at page 37. For more detailed description as to courses, metes, bounds, distances, locations, etc. reference to said plat of record is craved.

LESS AND EXCEPTING THEREFROM:

PARCEL A-3:

All that certain piece, parcel or tract of land, with the improvements thereon, situate, lying and being in the Township of Hilton Head Island, County of Beaufort, State of South Carolina, and being more particularly shown and delineated as Parcel A-3 (Reserved for Future Development), containing 0.455 Ac. (19,825 sq. ft.), on an As-Built Plat of Port Royal Plaza prepared by T-Square Surveying, Inc., Thomas B. Richardson, S.C. Reg. L.S. No. 8612, dated January 15, 1985, last revised March 20, 1985, and according to said plat having the following boundaries and measurements, to-wit: Beginning at a point located the following two (2) courses and distances from a concrete monument in the margin of a 50' private roadway and concrete monument marking the southeasterly corner of the Sandhill Joint Venture Group property as shown on map thereof recorded in Book 32, at page 37, (1) N00° 09' 34"W 484.58', and (2) S89° 52' 14"W 67.12'; thence proceeds from said point, in a southeasterly direction along property designated on said plat as Parcel A S00°07'46"E for a distance of 162.50 feet to a point; thence turning and running along property designated on said plat as Parcel A S89°52'14"W for a distance of 89.00 feet to a point; thence turning and running along property designated on said plat as Parcel A N00°07'46"W for a distance of 23.00 feet to a point; thence turning and running along property designated on said plat as Parcel A N29°39'43"W for a distance of 133.90 feet to a point; thence turning and running along property designated on said plat as Parcel A N00°09'46"W for a distance of 23.00 feet to a point; thence turning and running along property designated on said plat as Parcel A N89°52'14"E for a distance of 155.00 feet to the point at the point of beginning.

AND

PARCEL A-4:

All that certain piece, parcel or tract of land, with the improvements thereon, situate, lying and being in the Township of Hilton Head Island, County of Beaufort, State of South Carolina, and being more particularly shown and delineated as Parcel A-4 (Reserved for Future Development), containing 0.334 Ac. (14,542 sq. ft.), on an As-Built Plat of Port Royal Plaza prepared by T-Square Surveying, Inc., Thomas B. Richardson, S.C. Reg. L.S. No. 8612, dated January 15, 1985, last revised March 20, 1985, and according to said plat having the following boundaries and measurements, to-wit: Beginning at a point in the Southwesternmost corner of said Parcel A-4, N00 09' 27" W 133.23 feet from a point which is the following two (2) courses and distances from a concrete monument marking the intersection of S. C. Hwy. No. 44 100'R/W Matthews Drive and 50' Private Roadway: (1) N89° 59' 55"E 300.07 feet to a concrete monument; (2) N89° 44' 26"E 11.93 feet to a point, thence proceeds from said point, in a northwesterly direction along property designated on said plat as Parcel A N00°09'27"W for a distance of 160.00 feet to a point; thence turning and running along property designated on said plat as Parcel A N89°50'33"E for a distance of 24.58 feet to a point; thence turning and running along property designated on said plat as Parcel A N00°09'27"E for a distance of 112.97 feet to a point; thence turning and running along property designated on said plat as Parcel A N89°50'33"E for a distance of 36.42 feet to a point; thence turning and running along property designated on said plat as Parcel A S00°09'27"E for a distance of 189.47 feet to a point; thence turning and running along property designated on said plat as Parcel A N89°50'33"E for a distance of 8.00 feet to a point; thence turning and running along property designated on said plat as Parcel A S00°09'27"E for a distance of 83.50 feet to a point; thence turning and running along property designated as Parcel A S89°50'33"W for a distance of 69.00 feet to the point at the point of beginning.

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Attachment A Applicants Submittal

PARCEL B:

All that certain piece, parcel or tract of land, with the improvements thereon, situate, lying and being in the Township of Hilton Head Island, County of Beaufort, State of South Carolina, and being more particularly shown and delineated as Parcel B (Future Development), containing 0.844 Ac. (36,750 sq. ft.), on an As-Built Plat of Port Royal Plaza prepared by T-Square Surveying, Inc., Thomas B. Richardson, S.C. Reg. L.S. No. 8612, dated January 15, 1985, last revised March 20, 1985, and according to said plat having the following boundaries and measurements, to-wit: Beginning at a concrete monument in the Southwesternmost corner of said Parcel B, where said parcel intersects with S. C. Hwy. No. 44 100'R/W Matthews Drive and 50' Private Roadway, thence proceeds in a northwesterly direction along said S.C. Hwy. No. 44 100' R/W Matthews Drive N00°09'27"W for a distance of 210.00 feet to a concrete monument; thence turning and running along property designated on said plat as Parcel A N89°59'55"E for a distance of 175.00 feet to a concrete monument; thence turning and running along property designated on said plat as Parcel A S00°09'27"E for a distance of 210.00 feet to a concrete monument; thence turning and running along property designated on said plat as 50' Private Roadway S89°59'55"W for a distance of 175.00 feet to the concrete monument at the point of beginning.

AND

PARCEL C:

All that certain piece, parcel or tract of land, with the improvements thereon, situate, lying and being in the Township of Hilton Head Island, County of Beaufort, State of South Carolina, and being more particularly shown and delineated as Parcel C (Future Development), containing 0.884 Ac. (38,500 sq. ft.), on an As-Built Plat of Port Royal Plaza prepared by T-Square Surveying, Inc., Thomas B. Richardson, S.C. Reg. L.S. No. 8612, dated January 15, 1985, last revised March 20, 1985, and according to said plat having the following boundaries and measurements, to-wit: Beginning at an iron pin in the Southwesternmost corner of said Parcel C, N00 09' 27"W 687.40 feet from the intersection of S. C. Hwy. No. 44 100'R/W Matthews Drive and 50' Private Roadway, thence proceeds in a northwesterly direction along said S.C. Hwy. No. 44 100' R/W Matthews Drive N00°09'27"W for a distance of 220.00 feet to a concrete monument; thence turning and running along property designated on said plat as South Carolina National Bank N89°49'30"E for a distance of 175.00 feet to a concrete monument; thence turning and running along property designated on said plat as Parcel A S00°09'27"E for a distance of 220.00 feet to a concrete monument; thence turning and running along property designated on said plat as Parcel A S89°49'30"W for a distance of 175.00 feet to the iron pin at the point of beginning.

AND

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PARCEL A-3:

All that certain piece, parcel or tract of land, with the improvements thereon, situate, lying and being in the Township of Hilton Head Island, County of Beaufort, State of South Carolina, and being more particularly shown and delineated as Parcel A-3 (Reserved for Future Development), containing 0.455 Ac. (19,825 sq. ft.), on an As-Built Plat of Port Royal Plaza prepared by T-Square Surveying, Inc., Thomas B. Richardson, S.C. Reg. L.S. No. 8612, dated January 15, 1985, last revised March 20, 1985, and according to said plat having the following boundaries and measurements, to-wit: Beginning at a point located the following two (2) courses and distances from a concrete monument in the margin of a 50' private roadway and concrete monument marking the southeasterly corner of the Sandhill Joint Venture Group property as shown on map thereof recorded in Book 32, at page 37, (1) N00° 09' 34"W 484.58', and (2) S89° 52' 14"W 67.12'; thence proceeds from said point, in a southeasterly direction along property designated on said plat as Parcel A S00°07'46"E for a distance of 162.50 feet to a point; thence turning and running along property designated on said plat as Parcel A S89°52'14"W for a distance of 89.00 feet to a point; thence turning and running along property designated on said plat as Parcel A N00°07'46"W for a distance of 23.00 feet to a point; thence turning and running along property designated on said plat as Parcel A N29°39'43"W for a distance of 133.90 feet to a point; thence turning and running along property designated on said plat as Parcel A N00°09'46"W for a distance of 23.00 feet to a point; thence turning and running along property designated

Attachment A Applicants Submittal

on said plat as Parcel A N89°52'14"E for a distance of 155.00 feet to the point at the point of beginning.

AND

PARCEL A-4:

All that certain piece, parcel or tract of land, with the improvements thereon, situate, lying and being in the Township of Hilton Head Island, County of Beaufort, State of South Carolina, and being more particularly shown and delineated as Parcel A-4 (Reserved for Future Development), containing 0.334 Ac. (14,542 sq. ft.), on an As-Built Plat of Port Royal Plaza prepared by T-Square Surveying, Inc., Thomas B. Richardson, S.C. Reg. L.S. No. 8612, dated January 15, 1985, last revised March 20, 1985, and according to said plat having the following boundaries and measurements, to-wit: Beginning at a point in the Southwesternmost corner of said Parcel A-4, N00°09'27" W 133.23 feet from a point which is the following two (2) courses and distances from a concrete monument marking the intersection of S. C. Hwy. No. 44 100'R/W Matthews Drive and 50' Private Roadway: (1) N89°59'55"E 300.07 feet to a concrete monument; (2) N89°44'26"E 11.93 feet to a point, thence proceeds from said point, in a northwesterly direction along property designated on said plat as Parcel A N00°09'27"W for a distance of 160.00 feet to a point; thence turning and running along property designated on said plat as Parcel A N89°50'33"E for a distance of 24.58 feet to a point; thence turning and running along property designated on said plat as Parcel A N00°09'27"E for a distance of 112.97 feet to a point; thence turning and running along property designated on said plat as Parcel A N89°50'33"E for a distance of 36.42 feet to a point; thence turning and running along property designated on said plat as Parcel A S00°09'27"E for a distance of 189.47 feet to a point; thence turning and running along property designated on said plat as Parcel A N89°50'33"E for a distance of 8.00 feet to a point; thence turning and running along property designated on said plat as Parcel A S00°09'27"E for a distance of 83.50 feet to a point; thence turning and running along property designated as Parcel A S89°50'33"W for a distance of 69.00 feet to the point at the point of beginning.

See plat book 33, page 4

Frank Robinson
FILED IN DEED - C BOOK 418 PAGE 456
FILED AT SA0606 ON 04/25/85 68814
BOOK NUMBER 418 PAGES 446- 456
FILING FEE 12.00
STATE STAMPS .00
COUNTY STAMPS .00
TOTAL FEES 12.00
HENRY JACKSON
CLERK OF COURT BFT CNTY, SC

This deed was prepared without benefit of title review by Sarah F. Robertson of Burr & Forman LLP, 4 Clarks Summit Drive, Suite 200, Bluffton, South Carolina 29910.

THIS CONVEYANCE IS MADE SUBJECT TO only to the Permitted Encumbrances.

TOGETHER with all and singular the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the said premises before mentioned, unto the Grantee, its successors and assigns forever; subject, however, to the Permitted Encumbrances.

AND Grantors do hereby bind themselves and their heirs, executors, administrators and assigns to warrant and forever defend all and singular the said premises unto Grantee, its successors and assigns, against Grantors and their heirs and assigns, and all persons whomsoever lawfully claiming or to claim the same, or any part thereof.

[Signatures on Following Page]



WITNESS my Hand and Seal this 7 day of July, 2020.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

(2) [Signature]
Signature of 1st Witness

(1) [Signature] (SEAL)
Thomas Rolf Jeger

(3) [Signature]
Signature of 2nd Witness/Notary Public

[Signature]

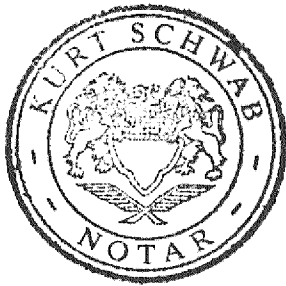
STATE OF Switzerland)
COUNTY OF Fulbourg)

ACKNOWLEDGMENT

I, the undersigned Notary Public, do hereby certify that **Thomas Rolf Jeger** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 7 day of July, 2020.

(4) [Signature]
Notary Public for Fulbourg
Print Name: Kurt Schwab
My Commission Expires: 2026





WITNESS my Hand and Seal this 7 day of July, 2020.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

(2) [Signature]
Signature of 1st Witness

(1) [Signature] (SEAL)
Katharina-Annemarie Jeger

(3) [Signature]
Signature of 2nd Witness/Notary Public

[Signature]

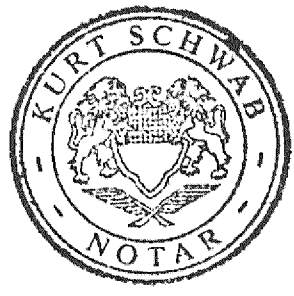
(STATE OF Switzerland)
(COUNTY OF Fribourg)

ACKNOWLEDGMENT

I, the undersigned Notary Public, do hereby certify that **Katharina-Annemarie Jeger** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 7 day of July, 2020.

(4) [Signature]
Notary Public for Fribourg
Print Name: Kurt Schwab
My Commission Expires: 2036





WITNESS my Hand and Seal this 7 day of July, 2020.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

(2) [Signature]
Signature of 1st Witness

(1) Barbara Yvonne Jeger Surkovic (SEAL)
Barbara Yvonne Jeger Surkovic

(3) [Signature]
Signature of 2nd Witness/Notary Public

[Signature]

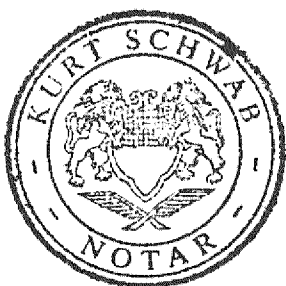
STATE OF Switzerland)
COUNTY OF Fribourg)

ACKNOWLEDGMENT

I, the undersigned Notary Public, do hereby certify that **Barbara Yvonne Jeger Surkovic** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 7 day of July, 2020.

(4) [Signature]
Notary Public for Fribourg
Print Name: Kurt Schwab
My Commission Expires: 2036





WITNESS my Hand and Seal this 7 day of July, 2020.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

(2) [Signature]
Signature of 1st Witness

(3) [Signature]
Signature of 2nd Witness/Notary Public

(1) [Signature] (SEAL)
Brigitte Jeger Stoffel

[Signature]

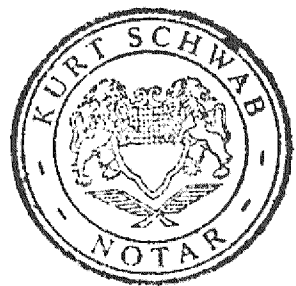
STATE OF Switzerland)
COUNTY OF Fribourg)

ACKNOWLEDGMENT

I, the undersigned Notary Public, do hereby certify that **Brigitte Jeger Stoffel** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 7 day of July, 2020.

(4) [Signature]
Notary Public for Fribourg
Print Name: Kurt Schwab
My Commission Expires: 2036



Legalization of signature

Kurt Schwab, notary public of the Canton of Freiburg (Switzerland), with office in 3210 Kerzers, certifies:

The foregoing signature was written in her own hand by Mrs BARBARA YVONNE JEGER SURKOVIC, born [redacted], daughter of Josef, swiss citizen from Meltingen SO, living in CH-3013 Bern, Nischenweg 11, who is competent to act and known to the notary personally (swiss passport [redacted]).

The foregoing signature was written in her own hand by Mrs KATHARINA-ANNEMARIE JEGER, born [redacted] daughter of Josef, swiss citizen from Meltingen SO, living in CH-1700 Fribourg, Kleinschönbergstrasse 41, who is competent to act and known to the notary personally (swiss passport [redacted]).

The foregoing signature was written in his own hand by Mr THOMAS ROLF JEGER, born [redacted], son of Josef, swiss citizen from Meltingen SO, living in CH-8049 Zurich, Winzerstrasse 39, who is competent to act and known to the notary personally (swiss ID [redacted]).

The foregoing signature was written in her own hand by Mrs BRIGITTE JEGER STOFFEL, born [redacted], daughter of Josef Julius, swiss citizen from Arbon TG, living in CH-3280 Murten, Längmatt 23, who is competent to act and known to the notary personally (swiss ID [redacted]).

Certified at the office of the notary public in 3210 Kerzers, the seventh of July two thousand and twenty.



Exhibit A
Permitted Encumbrances

1. All taxes for the fiscal year 2020 and subsequent years, not yet due and payable.
2. Easement in favor of Central Electric Power Cooperative, Inc., dated March 31, 1964, recorded August 3, 1973, in Deed Book 125, Page 131, in the Register of Deeds Office for Beaufort County, South Carolina.
3. Terms and conditions of the Avigation Easement Agreement in favor of County of Beaufort dated January 17, 2007, recorded February 5, 2007, in Deed Book 2517, Page 2353, in the Register of Deeds Office for Beaufort County, South Carolina.
4. Terms and conditions of the Easement Agreement between Matthew Drive Associates, L.P. and Mina Jeger, Thomas Jeger, Barbara Jeger, Katrin Jeger and Brigitte Jeger-Kueline, dated September 5, 2009, recorded February 23, 2010, in Deed Book 2935, Page 125, in the Register of Deeds Office for Beaufort County, South Carolina.
5. Terms and conditions of the Easement Agreement between SVG LLC, and Mina Jeger, Thomas Jeger, Barbara Jeger, Katrin Jeger and Brigitte Jeger-Kuehne, dated September 5, 2009, recorded February 23, 2010, in Deed Book 2935, Page 136, in the Register of Deeds Office for Beaufort County, South Carolina.
6. Terms and conditions of the Easement Agreement between Wal-Mart Stores, Inc, a Delaware corporation and Sandhill Venture Group, a South Carolina joint venture, dated January 16, 1996, recorded February 6, 1996, in Deed Book 758, Page 1780, in the Register of Deeds Office for Beaufort County, South Carolina.
7. Declaration of Restrictions, Covenants and Grant of Easements by Sandhill Venture Group dated March 31, 1983 and recorded in the Beaufort County Records in Deed Book C-418 at Page 446, in the Register of Deeds Office for Beaufort County, South Carolina, as affected by Amendment to Declaration of Restrictions, Covenants and Grant of Easements, recorded prior to this deed.
8. Easements, Rights of way, Boundary lines, and Improvements as shown on Plat Book 33, Page 134; Plat Book 51, Page 193; Plat Book 50, Page 176; Plat Book 29, Page 158; Plat Book 32, Page 32; Plat Book 27, Page 16; Plat Book 29, Page 70; Plat Book 32, Page 121; and Plat Book 33, Page 4, all in aforesaid records.
9. ALTA/NSPS Land Title Survey prepared by Thomas W. Horley, Registered Land Surveyor No. 17569 on behalf of Atlas Surveying, Inc., dated July 9, 2020 and designated as Project No. BFT-20116, shows the following:
 - A. Parking lot constructed over utility easement.
 - B. Rights of others in and to lateral support along the foundation of the party wall with adjoiner.
 - C. Chain link fence and telephone pedestal and electrical panel crosses east property line.

Attachment A Applicants Submittal

STATE OF SOUTH CAROLINA }
COUNTY OF BEAUFORT } AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this affidavit and I understand such information.
2. The property was transferred by Thomas Rolf Stoffel and Barbara Yvonne Jeger Surkovic to Hilton Head Owner LLC on July 24, 2020.

3. Check one of the following: The deed is
(A) [X] subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
(B) [] subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
(C) [] exempt from the deed recording fee because (See Information section of affidavit): (Explanation required)
(If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty?
Check Yes [] or No []

4. Check one of the following if either item 3(a) or item 3(b) above has been checked. (See Information section of this affidavit):
(A) [X] The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$4,200,000.00
(B) [] The fee is computed on the fair market value of the realty which is
(C) [] The fee is computed on the fair market value of the realty as established for property tax purposes which is

5. Check YES [] or NO [X] to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES," the amount of the outstanding balance of this lien or encumbrance is

6. The deed recording fee is computed as follows:
(A) Place the amount listed in item 4 above here: \$4,200,000.00
(B) Place the amount listed in item 5 above here: -0-
(If no amount is listed, place zero here.)
(C) Subtract Line 6(b) from Line 6(a) and place the result here: \$4,200,000.00

7. The deed recording fee is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$15,540.00

8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: title company counsel

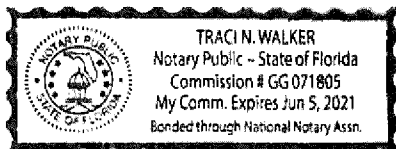
9. I understand that a person required to furnish this affidavit who wilfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Kris Eford
Responsible Person Connected with the Transaction

Kris Eford
Print or Type Name Here

Sworn this 30 day of July 2020
Notary Public for Florida, Duval
My Commission Expires: 6/5, 2021

Traci N Walker



STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

Tax Parcel Numbers:
Jeger Property: R511-008-000-192A-0000
GFB Property: R511-008-000-0912-0000
95 MD Property: R511-008-000-168A-0000
MDA Property: R511-008-000-0912-0000

AMENDMENT TO DECLARATION OF RESTRICTIONS, COVENANTS AND GRANT OF EASEMENTS

THIS AMENDMENT TO DECLARATION OF RESTRICTIONS, COVENANTS AND GRANT OF EASEMENTS (the "Amendment") is made to be effective as of the ^{24th} day of July, 2020, by and between THOMAS ROLF JEGER, KATHARINA-ANNEMARIE JEGER, BRIGITTE JEGER STOFFEL and BARBARA YVONNE JEGER SURKOVIC (collectively, the "Jegers"), GFB ASSOCIATES, LLC, a Tennessee limited liability company ("GFB"), 95 MATHEWS DRIVE, LLC, a Georgia limited liability company ("95 MD"), and MATHEWS DRIVE ASSOCIATES, L.P., a South Carolina limited partnership, a/k/a MATTHEWS DRIVE ASSOCIATES, L.P., a South Carolina limited partnership ("MDA").

WITNESSETH:

WHEREAS, the Jegers own that certain property more particularly described on Exhibit "A" attached hereto and made a part hereof (the "Jeger Property"); and

WHEREAS, GFB owns that certain property adjacent to the Jeger Property more particularly described on Exhibit "B" attached hereto and made a part hereof (the "GFB Property");

WHEREAS, 95 MD owns that certain property more particularly described on Exhibit "C" attached hereto and made a part hereof (the "95 MD Property"); and

WHEREAS, MDA owns that certain property more particularly described on Exhibit "D" attached hereto and made a part hereof (the "MDA Property"); and

WHEREAS, the Jeger Property, the GFB Property, the 95 MD Property and the MDA Property (collectively, the "Properties") are subject to and encumbered by that certain Declaration

of Restrictions, Covenants and Grant of Easements recorded in Deed Book 418 at Page 446, Beaufort County Records, as such has been amended or affected by those certain instruments recorded in Deed Book 448 at Page 905 and Deed Book 449 at Page 1076, aforesaid records (collectively, the "Declaration"); and

WHEREAS, the Jeger Property is a portion of Parcel A as originally described in the Declaration and the GFB Property is the remaining portion of such Parcel A and all of Parcel A-3 and Parcel A-4 as originally described in the Declaration; and

WHEREAS, the 95 MD Property is Parcel B as originally described in the Declaration and the MDA Property is Parcel C as originally described in the Declaration;

WHEREAS, the Properties comprise all of the Property and parcels subject to and encumbered by the Declaration; and

WHEREAS, the parties hereto have agreed to modify the Declaration as hereinafter set forth;

NOW, THEREFORE, for and in consideration of the above premises and other good and valuable consideration, the receipt and legal sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. The foregoing recitals are incorporated herein and made a part hereof.
2. The parties hereby acknowledge that the "Major Tenants" (as identified in the Declaration) no longer occupy any premises in the "Overall Parcels" (as such term is defined in the Declaration) and the respective leases of the Major Tenants have terminated and/or expired. Accordingly, the parties hereby acknowledge and agree that any consent by or agreement of the Major Tenants as may have been originally required in the Declaration is no longer applicable or required. Notwithstanding that the Major Tenants are no longer tenants in the Overall Parcels and their respective leases have terminated and/or expired, the parties to this Amendment hereby acknowledge and agree that the Declaration as such applies to the Properties and the Overall Parcels shall continue in full force and effect subject to the modifications and amendments set forth herein.
3. The parties hereto acknowledge and agree that Section 1(b), 1(c) and 1(d) are hereby deleted in their entirety and replaced with the following:
 - (b) [Intentionally Deleted].
 - (c) [Intentionally Deleted].
 - (d) [Intentionally Deleted].
4. The parties hereto hereby acknowledge and agree that the former Sam's Club building and the former adjacent garden center located on the Jeger Property (the "Permitted Area") as such Permitted Area is shown and/or identified on the site plan attached to this Amendment as "Exhibit "E"" (the "Site Plan") may be used for the operation of a mini-warehouse

and/or self-storage use facility including climate controlled space for self-storage (collectively, the "Self-Storage Use"). Accordingly, notwithstanding Section 1(a) of the Declaration or any other provision in the Declaration to the contrary, the Self-Storage Use shall be, and is hereby permitted in the Permitted Area; provided, however, that the Self-Storage Use including, but not limited to, storage of vehicles, boats, RV vehicles, shall not be utilized or done in the parking areas on the Jeger Property (which are not within the Permitted Area) and any and all common areas located on the Jeger Property (which are not within the Permitted Area). Notwithstanding the foregoing, any development or operation of the Self-Storage Use within the Permitted Area is subject to applicable governmental approvals and permits for such Self-Storage Use.

5. Further, the parties hereto hereby acknowledge and agree that the 95 MD Property may be used for general office purposes, as a game room or amusement center, or as an auto rental, sales and repair operation. Notwithstanding the foregoing, any development or operation of the any such uses within the 95 MD Property is subject to applicable governmental approvals and permits for such use.

6. The parties hereby agree that this Amendment shall be binding upon those owners of any portion of the Overall Parcels. The parties hereto acknowledge the ongoing effectiveness of the Declaration, as amended by this Amendment, as applicable to each of them, and that this Amendment shall be effective as to the parties hereto and their successors and assigns and shall run with title to their respective Properties as described herein.

7. The parties hereto acknowledge and confirm to each other that the individuals executing this Amendment have the full authority and authorization to do so and that this Amendment shall be binding upon each such party.

8. Except as modified hereby, all other terms and conditions of the Declaration as such are applicable to the respective Properties shall remain in full force and effect in accordance with the terms of the Declaration.

9. This Amendment may be executed in any number of counterparts which when taken together shall constitute this Amendment in its entirety.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have executed this Amendment under seal to be effective as of the day and year first above written.

JEGERS:

Signed, sealed and delivered in the presence of:

[Signature] [SEAL]

Witness
Print Name: Cornelia Jaillard

[Signature] [SEAL]

Witness
Print Name: Kurt Schwab

[Signature] [SEAL]
THOMAS ROLF JEGER

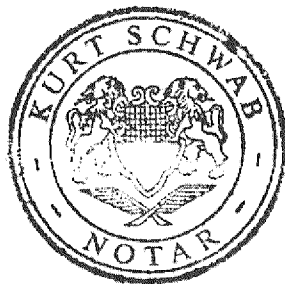
STATE OF Switzerland
COUNTY OF Fribourg

I, Kurt Schwab, the undersigned Notary Public, do hereby certify that **THOMAS ROLF JEGER**, the within named party, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 16 day of July, 2020.

[Signature]
Notary Public of Fribourg
My Commission Expires: 2026

[AFFIX SEAL]





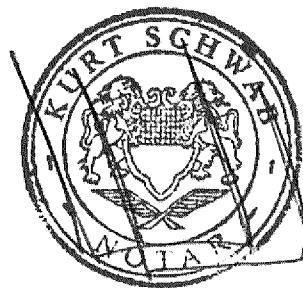
Legalization of signature

Kurt Schwab, notary public of the Canton of Freiburg (Switzerland), with office in 3210 Kerzers, certifies:

The foregoing signature was written in his own hand by Mr THOMAS ROLF JEGER, born [redacted] son of Josef, swiss citizen from Meltingen SO, living in CH-8049 Zurich, Winzerstrasse 39, who is competent to act and known to the notary personally (swiss ID [redacted]).

Certified at the office of the notary public in 3210 Kerzers, the sixteenth of July two thousand and twenty.

The notary public:



Attachment A Applicants Submittal

Signed, sealed and delivered in the presence of:

[Signature] [SEAL]
Witness
Print Name: Cornelia Jallard

[Signature] [SEAL]
KATHARINA-ANNEMARIE JEGER

[Signature] [SEAL]
Witness
Print Name: Kurt Schwab

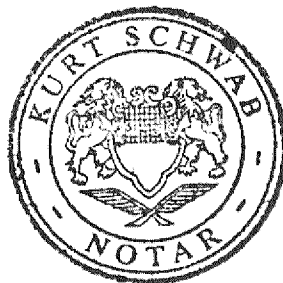
STATE OF Switzerland
COUNTY OF Zürich

I, Kurt Schwab, the undersigned Notary Public, do hereby certify that **KATHARINA-ANNEMARIE JEGER**, the within named party, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 16 day of July, 2020.

[Signature]
Notary Public of Zürich
My Commission Expires: 2036

[AFFIX SEAL]





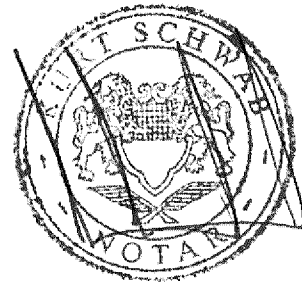
Legalization of signature

Kurt Schwab, notary public of the Canton of Freiburg (Switzerland), with office in 3210 Kerzers, certifies:

The foregoing signature was written in her own hand by Mrs KATHARINA-ANNEMARIE JEGER, born [REDACTED] daughter of Josef, swiss citizen from Meltingen SO, living in CH-1700 Fribourg, Kleinschönbergstrasse 41, who is competent to act and known to the notary personally (swiss passport [REDACTED]).

Certified at the office of the notary public in 3210 Kerzers, the sixteenth of July two thousand and twenty.

The notary public:



Attachment A Applicants Submittal

Signed, sealed and delivered in the presence of:

J. Jalland [SEAL]
Witness

Print Name: Cornelia Jalland

[Signature] [SEAL]
Witness

Print Name: Kurt Schwab

B. Jeger Stoffel [SEAL]
BRIGITTE JEGER STOFFEL

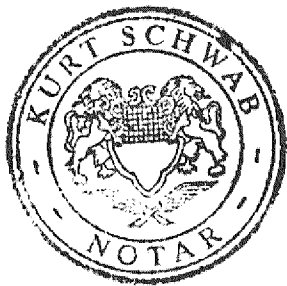
STATE OF Switzerland
COUNTY OF Fribourg

I, Kurt Schwab, the undersigned Notary Public, do hereby certify that **BRIGITTE JEGER STOFFEL**, the within named party, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 16 day of July, 2020.

[Signature]
Notary Public of Fribourg
My Commission Expires: 2036

[AFFIX SEAL]





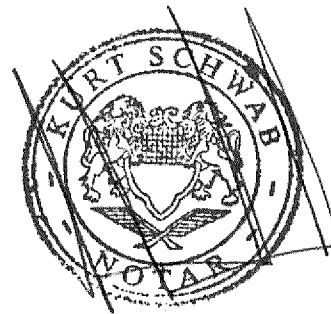
Legalization of signature

Kurt Schwab, notary public of the Canton of Freiburg (Switzerland), with office in 3210 Kerzers, certifies:

The foregoing signature was written in her own hand by Mrs BRIGITTE JEGER STOFFEL, born _____ daughter of Josef Julius, swiss citizen from Arbon TG, living in CH-3280 Murten, Längmatt 23, who is competent to act and known to the notary personally (swiss ID _____).

Certified at the office of the notary public in 3210 Kerzers, the sixteenth of July two thousand and twenty.

The notary public:



Attachment A Applicants Submittal

Signed, sealed and delivered in the presence of:

C. Jellene [SEAL]

Witness
Print Name: Cornelia Jellene

[Signature] [SEAL]

Witness
Print Name: Kurt Schwab

[Signature] [SEAL]
BARBARA YVONNE JEGER SURKOVIC

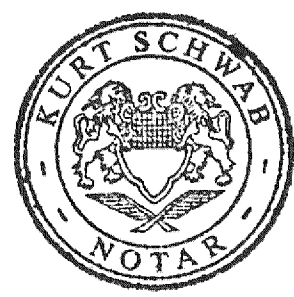
STATE OF Switzerland
COUNTY OF Fribourg

I, Kurt Schwab, the undersigned Notary Public, do hereby certify that **BARBARA YVONNE JEGER SURKOVIC**, the within named party, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 16 day of July, 2020

[Signature]
Notary Public of Fribourg
My Commission Expires: 2036

[AFFIX SEAL]





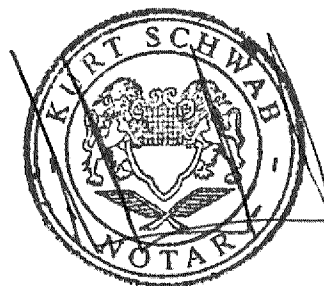
Legalization of signature

Kurt Schwab, notary public of the Canton of Freiburg (Switzerland), with office in 3210 Kerzers, certifies:

The foregoing signature was written in her own hand by Mrs BARBARA YVONNE JEGER SURKOVIC, born [REDACTED], daughter of Josef, swiss citizen from Meltingen SO, living in CH-3013 Bern, Nischenweg 11, who is competent to act and known to the notary personally (swiss passport [REDACTED]).

Certified at the office of the notary public in 3210 Kerzers, the sixteenth of July two thousand and twenty.

The notary public:



Attachment A Applicants Submittal

Signed, sealed and delivered in the presence of:

Missy Stozak [SEAL]
Witness
Print Name: Missy Stozak

Linda Shaw [SEAL]
Witness
Print Name: LINDA SHAW

GFB:

GFB ASSOCIATES, LLC, a Tennessee limited liability company

By: Fletcher Bright Company, its Manager (a/k/a Chief Manager)

By: George T. Bright [SEAL]
George T. Bright, President

STATE OF Tennessee
COUNTY OF Hamilton

I, Adrienne Cozard, the undersigned Notary Public, do hereby certify that **GEORGE T. BRIGHT**, the President of Fletcher Bright Company, itself the Manager (a/k/a Chief Manager) of **GFB ASSOCIATES, LLC**, a Tennessee limited liability company, the within named party, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 21 day of July, 2020.

Adrienne Cozard
Notary Public of Tennessee
My Commission Expires: 11-16-20

[AFFIX SEAL]



Attachment A Applicants Submittal

Signed, sealed and delivered in the presence of:

95 MD:

95 MATHEWS DRIVE, LLC, a Georgia limited liability company

[Signature] [SEAL]

Witness

Print Name:

Michael W. Slope

By: [Signature] [SEAL]
Arden J. Hadwin, Manager

[Signature] [SEAL]

Witness

Print Name:

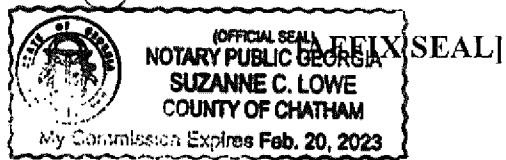
MARK SHARP

STATE OF GEORGIA)
COUNTY OF CHATHAM)

I, Suzanne C. Lowe, the undersigned Notary Public, do hereby certify that Arden J. Hadwin, the Manager of 95 MATHEWS DRIVE, LLC, a Georgia limited liability company, the within named party, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 23rd day of July, 2020.

[Signature]
Notary Public of Chatham County, GA
My Commission Expires: _____



Attachment A Applicants Submittal

Signed, sealed and delivered in the presence of:

MDA:

MATHEWS DRIVE ASSOCIATES, L.P., a South Carolina limited partnership (a/k/a Mathews Drive Associates, L.P.)

Cathy S. Booth [SEAL]
Witness/
Print Name: Cathy S. Booth

By: James W. Bradshaw [SEAL]
James W. Bradshaw

Suzanne Schwarz [SEAL]
Witness
Print Name: Suzanne Schwarz

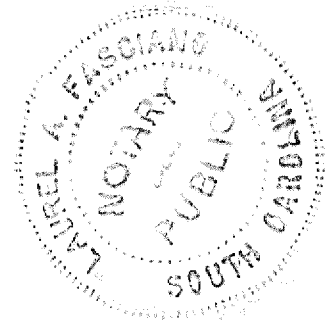
STATE OF South Carolina
COUNTY OF Beaufort

James W. Bradshaw the managing partner of Laurel A. Fasciano, the undersigned Notary Public, do hereby certify that MATHEWS DRIVE ASSOCIATES, L.P., a South Carolina limited partnership, the within named party, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 15th day of July, 2020.

Laurel A. Fasciano
Notary Public of South Carolina
My Commission Expires: 3.10.2030

[AFFIX SEAL]



CONSENT AND SUBORDINATION BY LENDER
(GFB Property)

The undersigned Lender, as the mortgagee under a Mortgage given by "GFB" encumbering the "GFB Property" (as such terms are defined in the Amendment to Declaration of Restrictions, Covenants and Grant of Easements (the "Amendment") to which this Consent and Subordination by Lender is attached) and recorded in Book 3832, Page 595, Register of Deeds of Beaufort County, South Carolina (the "Mortgage"), hereby consents to and approves the Amendment and subordinates the lien created under and pursuant to the Mortgage and encumbering the GFB Property to the Amendment and the terms and provisions thereof.

IN WITNESS WHEREOF, the undersigned has executed this Consent and Joinder this 21st day of July, 2020.

[Signature] [SEAL]
Witness
Print Name SUSAN E. RICH

[Signature] [SEAL]
Witness
Print Name LYNN SCHUSTER

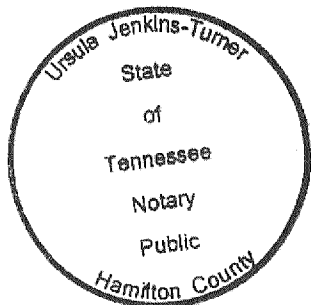
LENDER:
FIRST HORIZON BANK, a Tennessee banking corporation

By: [Signature]
Name: JEAN M. BRENNAN
Title: SENIOR VICE PRESIDENT

STATE OF TENNESSEE)
COUNTY OF HAMILTON)

I, Ursula Jenkins-Turner, the undersigned Notary Public, do hereby certify that JEAN M. BRENNAN, the SENIOR VICE PRESIDENT of FIRST HORIZON BANK, a Tennessee banking corporation, the within named party, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 21st day of JULY, 2020.



[Signature] [SEAL]
Notary Public of HAMILTON COUNTY, TN
My Commission Expires: 12/29/2021

[AFFIX SEAL]

CONSENT AND SUBORDINATION BY LENDER
(MDA Property)

The undersigned Lender, as the mortgagee under a Mortgage given by "MDA" encumbering the "MDA Property" (as such terms are defined in the Amendment to Declaration of Restrictions, Covenants and Grant of Easements (the "Amendment") to which this Consent and Subordination by Lender is attached) and recorded in Book 3825, Page 130, Register of Deeds of Beaufort County, South Carolina (the "Mortgage"), hereby consents to and approves the Amendment and subordinates the lien created under and pursuant to the Mortgage and encumbering the MDA Property to the Amendment and the terms and provisions thereof.

23 IN WITNESS WHEREOF, the undersigned has executed this Consent and Joinder this day of July, 2020.

[Signature]
Witness

LENDER:
South State Bank

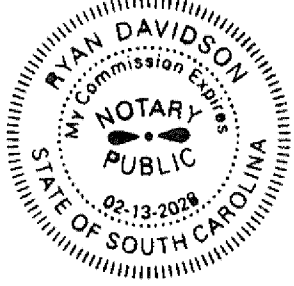
[Signature]
Notary

By: [Signature]
Name: Eliza Magwood
Title: AVP

STATE OF SC
COUNTY OF Chs

I, Ryan Davidson, the undersigned Notary Public, do hereby certify that Eliza Magwood, the AVP of South State Bank, a _____, the within named party, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 23 day of July, 2020.



[Signature] [SEAL]
Notary Public of SC
My Commission Expires: 2/13/28

[AFFIX SEAL]

EXHIBIT "A"

[Jeger Property]

All that certain piece, parcel or tract of land, with improvements thereon, situate, lying and being in the Town of Hilton Head Island, Beaufort County, South Carolina and being more particularly shown and delineated as Parcel D containing 5.266 acres (228,899 square feet) on an As-Built Survey and a Boundary Plat of Parcel D Port Royal Plaza prepared by T-Square Surveying, Inc., Thomas B. Richardson, SCRLS No. 8512, dated October 3, 1985 and last revised November 19, 1985, which As-Built Survey and Boundary Plat has been recorded in the Beaufort County Records in Plat Book 33 at Page 134.

EXHIBIT "B"

[GFB Property]

Legal Description

ALL that certain piece, parcel or tract of land, with the improvements thereon, situate, lying and being in the Town of Hilton Head Island, County of Beaufort, State of South Carolina, and being more particularly shown and delineated as Parcel A containing 9.935 Ac (432,771 Sq. Ft.), Parcel A-3 containing 0.455 Ac (19,833 Sq. Ft.), Parcel A-4 containing 0.334 Ac (14,452 Sq. Ft.), Parcel S-1 containing 0.022 Ac (937 Sq. Ft.), Parcel S-2 containing 0.016 Ac (691 Sq. Ft.), Roadway & Utility Easement containing 0.0554 Ac (24,150 sq. Ft.) and 50' Private Roadway on a Plat of Parcels A, A-3, A-4, B, C, S-1, S-2, Roadway & Utility Easement, Private Roadway at Port Royal Plaza by T-Square Surveying, Inc., Forrest F. Baughman, S.C. Reg. Land Surveyor No. 4922, dated January 15, 1985, last revised July 10, 1987, recorded in Plat Book 51 at Page 193 in the Beaufort County Records and according to said Plat having the following boundaries and measurements, to wit:

PARCEL A, A-3, and A-4:

Beginning at a concrete monument in the northwesternmost corner of Parcel A, thence proceeding in a northeasterly direction along property designated on said plat as South Carolina National Bank N89°49'30"E for a distance of 153.48 feet to a concrete monument; thence turning and running along property designated on said plat as Parcel D the following courses and distances: S00°11'42"E for a distance of 243.05 feet to a P.K. set; thence S89°43'42"W for a distance of 14.95 feet to a P.K. set; thence S00°12'05"E for a distance of 183.92 feet to a P.K. set; thence N89°48'14"E for a distance of 255.47 feet to a P.K. set; thence N00°11'46"W for a distance of 4.18 feet to a P.K. set; thence N89°48'14"E for a distance of 270.12 feet to a concrete monument; thence turning and running along property designated on said Hilton Head Public Service District No. 1 S00°09'34"E for a distance of 484.73 feet to a concrete monument; thence turning and running along property designated on said Plat as 50' Private Road S89°44'26"W for a distance of 539.36 feet to a concrete monument; thence continuing along said 50' Private Road S89°59'55"W for a distance of 125.07 feet to a concrete monument; thence turning and running along property designated on said plat as Parcel B N00°09'27"W for a distance of 210.00 feet to a concrete monument; thence turning and running along property designated on said plat as Parcel B S89°59'55"W for a distance of 175.00 feet to a concrete monument; thence turning and running along property designated on plat on S.C. Hwy. No. 44 100 R/W (Matthews Drive) N00°09'27"W for a distance of 477.40 feet to an iron pin; thence turning and running along property designated on said plat as Parcel C N89°49'30"E for a distance of 175.00 feet to a concrete monument; thence turning and running along said Parcel C N00°09'27"W for a distance of 220.00 feet to a concrete monument at the POINT of BEGINNING.

LESS AND EXCEPT ALL that certain piece, parcel or lot of land, situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, shown and designated as "Proposed Right of Way" 5,292 sq. ft. 0.122 ac. on a Plat entitled "Right of Way Acquisition Plat for Town of Hilton Head Island, Parcel No. 17, Sandhill Venture Group c/o Property Management Office, Beaufort County, South Carolina" dated February 23, 2006 and revised December 21, 2007, prepared by Gary B. Burgess, PLS # 15229, which is recorded in the Beaufort County Records in Plat Book 127 at Page 99.

PARCEL S-1:

Beginning at a point in the northwesternmost corner of Parcel S-1, thence proceeding in a southwesterly direction along property designated on said plat as Roadway & Utility Easement the following courses and distances: In a southwesterly direction with a circular curve to the right having a radius of 55.58 feet, an arc distance of 10.05 feet (chord bearing and distance S35°55'04"W 10.04 feet) to a point; thence S37°44'11"W for a distance of 16.39 feet to a point; thence in a southeasterly direction with the arc of a circular curve to the left having a radius of 10.0 feet, an arc distance of 18.63 feet (chord bearing and distance S15°36'47"E 16.05 feet) to a point; thence S68°59'03"E for a distance of 20.30 feet to a point; thence turning and running along property designated on said plat as Open Space containing 0.079 Ac N12°08'07"E for a distance of 41.33 feet to a point; thence turning and running along property designated on said plat as U.S. Hwy. No. 278 156' R/W N77°57'57"W for a total distance of 16.40 feet to the point at the POINT OF BEGINNING.

PARCEL S-2:

Beginning at a point in the northwesternmost corner of Parcel S-2, said point being marked POINT OF BEGINNING on the above mentioned plat, thence proceeding from said POINT OF BEGINNING in a southwesterly direction along property designated on said plat as Roadway & Utility Easement and with a circular curve to the right having a radius of 136.69 feet, an arc distance of 61.46 feet (chord bearing and distance S25°13'34"E 60.94 feet) to a point; thence turning and running along property designated on said plat as Parcel B-1 N07°33'01"E for a distance of 59.51 feet, to a point; thence turning and running along property designated on said plat as U.S. Hwy. No. 278 156' RW S77°57'57"E for a distance of 18.56 feet to the point at the POINT OF BEGINNING.

ROADWAY & UTILITY EASEMENT:

Beginning at a point in the northwesternmost corner of Roadway & Utility Easement, said easement being more particularly described on that certain plat recorded in Book 32, at Page 37, said point being marked POINT OF BEGINNING on the above mentioned plat, thence proceeding from said POINT OF BEGINNING in a southeasterly direction along property designated on said plat as U.S. Hwy. No. 278 S77°57'57"E for a total distance of 63.47 feet to a point; thence turning and running along property designated on said plat as Parcel S-1 the following courses and distances: thence in a southwesterly direction with a circular curve to the right having a radius of 55.58 feet, an arc distance of 10.05 feet (chord bearing and distance S35°55'04"W 10.04 feet) to a point; thence S37°44'11"W for a distance of 16.39 feet to a point; thence in a southeasterly direction with a circular curve to the left having a radius of 10.00 feet, an arc distance of 18.63 feet (chord bearing and distance S15°36'47"E 16.05 feet) to a point; thence S68°59'03"E for a distance of 20.30 feet to a point; thence turning and running along property designated on said plat as Open Space containing 0.079 Ac the following courses and distances: thence in an easterly direction with a circular curve to the left having a radius of 73.81 feet, an arc distance of 18.17 feet (chord bearing and distance S76°02'09"E 18.12 feet) to a point; S83°05'17"E for a distance of 73.52 feet to a point; thence turning and running along property designated on said plat as Heritage Motor Car Co., Inc. S01°05'17"E for a distance of 24.24 feet to a point; thence turning and running along property designated on said plat as Parcel A-1 the following courses and distances: N83°05'17"W for a distance of 128.79 feet to a point; thence in southwesterly direction with a circular curve to the left having a radius of 32.84 feet, an arc distance of 33.88 feet (chord bearing and distance S67°13'56"W 32.40 feet) to a point; thence in a southwesterly direction with a circular curve to the left having a radius of 67.50 feet, an arc distance of 45.06 feet (chord bearing and distance S18°36'41"W 44.23 feet) to a point; thence turning and running along a portion of Parcel A-1 and Parcel A-2 S00°30'49" E for a distance of 301.40 feet to a concrete monument; thence turning and running along property designated on said plat as Parcel D S89°50'33"W for a distance of 45.00 feet to a concrete monument; thence turning and running along property designated on said plat as Parcel B-2 and a portion of Parcel B-1 N00°30'49"W for a distance of 301.12 feet to a point; thence continuing along said Parcel B-1 the following courses and distances: thence in a northeasterly direction with a circular curve to the right having a radius of 112.50 feet, an arc distance of 75.10 feet (chord bearing and distance N18°36'41"E 73.72 feet) to a point; thence N37°44'11"E for a distance of 11.24 feet to a point; thence turning and running along property designated on said plat as S-2 in a northerly direction with a circular curve to the left having a radius of 136.69 feet, an arc distance of 61.46 feet (chord bearing and distance N25°13'34"E 60.94 feet) to the point at the POINT OF BEGINNING.

PRIVATE ROADWAY EASEMENT:

Together with the non-exclusive, perpetual, right-of-way and easement over the fifty foot (50') wide tract of land adjacent to the southerly boundary of Parcel A, A-3 and A-4 described above and more specifically hereinafter described ("Easement Tract") to construct and maintain an all weather crushed stone or paved surface on the Easement Tract and use the Easement Tract for ingress, egress and regress between Parcel A, A-3 and A-4 described above and S.C. Highway #44 (Matthews Drive), which easement is commercial in nature, appurtenant to Parcel A, A-3 and A-4 described above, and shall run with title to Parcels A, A-3 and A-4 described above.

EASEMENT TRACT:

Beginning at a concrete monument in the southeasterly corner of Parcel A, A-3 and A-4 described above and running thence S00°09'34"E 50.0 feet to a point; thence S89°49'58"W 839.43 feet to a point in the westerly most boundary of the right-of-way of S.C. Highway #44; thence with that boundary N00°09'27"W 50.0 feet to a point; thence N89°59'55"E 300.07 feet to a point; thence N89°44'26"E 539.39 feet to the POINT OF BEGINNING.

TOGETHER WITH the appurtenant rights and easements as set forth in Declaration of Restrictions, Covenants and Grants of Easements dated March 31, 1985 and recorded in the Beaufort County Records on April 25, 1985 in Deed Book 418 at Page 446 and Deed Book 448 at Page 905.

EXHIBIT "C"

[95 MD Property]

Legal Description

ALL that certain piece, parcel, or tract of land depicted as Parcel B on a plat of Port Royal Plaza, by T-Square Surveying, Inc., Forrest F, Baughman, SCPLS 4922, dated January 15, 1985, located on Hilton Head Island, Beaufort County, South Carolina, and being more particularly described as follows:

FROM the POINT OF BEGINNING being an Iron Pin marking the intersection of the easterly line of Mathews Drive, a 100 ft. Right-of-Way as presently occupied and established, with the northerly line of Oak Park Drive, a 50 ft. Right-of-Way as presently occupied and established, run thence N 00°09'27" W along the easterly line of Mathews Drive a distance of 210.00 ft, to a Concrete Monument marking the southwest corner of Phase II aforesaid Port Royal Plaza; thence N 89°59'55" E along the southerly line of Phase II and Phase III and parallel with the northerly line of Oak Park Drive a distance of 175 ft. to a Concrete Monument; thence S 00°09' 27" E along the westerly line of Phase III and parallel with the easterly line of Mathews Drive a distance of 210.00 ft. to a Concrete Monument and the northerly line of Oak Park Drive; thence S 89°59'55" W along the northerly line of Oak Park Drive a distance of 175.00 ft. to the POINT OF BEGINNING, said parcel containing 0.844 acres more or less, as shown on an as-built survey entitled Midas Muffler Shop Parcel "B", 0.844. Ac., Port Royal Plaza, Hilton Head Island, Beaufort County, S.C. prepared by Sea Island Engineering, Inc. by M. A. Dunham, PLS # 1590 dated June 30, 1993 and recorded in the Office of the Register of Mesne Conveyances for Beaufort County, South Carolina in Plat Book 47 at Page 25.

ALSO, ALL that certain non-exclusive free and uninterrupted use, liberty and privilege of, and passage in and along that certain roadway, street, road right-of-way, etc. approximately 50 feet in breadth from Mathews Boulevard to property now or formerly belonging to Hilton Head #1 Public Service District described as that certain 50 foot road located within the Town of Hilton Head Island, Beaufort County, South Carolina, and located perpendicularly to the right-of-way of Mathews Drive as shown and described on a survey entitled "Hilton Head Shopping Center and Out Parcels, a Portion of the Industrial Park Tract," prepared by Elmer A. Anderson & Associates, Engineers and Surveyors (P.E. & R.L.S. No. 8936) dated July 18, 1983, and finally revised on March 19, 1984, and recorded in the Office of the Register of Mesne Conveyances for Beaufort County, South Carolina, in Plat Book 32 at Page 32. For a more detailed description as to location, metes, bounds, distances, directions, etc. for said roadway, reference may be had to the above referred to plat of record. The generally northernmost portion of the right-of-way for said road and its intersection with the eastern right-of-way of Mathews Drive is located approximately 907.30 feet South 0 degrees 9 minutes, 27 seconds East of the eastern right-of-way of Mathews Drive from the generally southern right-of-way of U.S. Highway 278. Said roadway then runs generally eastly along the southern boundary line of the 17.71 acres as shown on said plat. FURTHER DESCRIBED AS: That certain nonexclusive easement for passage along a fifty (50) foot road right-of-way located generally on the southern boundary of Port Royal Plaza all as may be seen by reference to those plats of record in the Office of the Register of Mesne Conveyances for Beaufort County, South Carolina in Plat Book 27 at Page 160, Plat Book 32 at Page 37, Plat Book 32 at

Page 121, Plat Book 33 at Page 4, and Plat Book 33 at Page 130; the property upon which the entire shopping center and roadway easement is situate further referred to as "Shopping Center Property."

EXHIBIT "D"

[MDA Property]

Legal Description

ALL that certain piece, parcel or tract of land situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, containing 0.884 acres, and being shown as PARCEL C, FUTURE DEVELOPMENT, on "A Plat of Parcels A, A-3, A-4, B, C, S-1, S-2, Roadway & Utility Easement, and Private Roadway at PORT ROYAL PLAZA", prepared by Forrest F. Baughman, SC RLS #4922, dated January 15, 1985, last revised February 22, 1994, and recorded September 16, 1994, in the RMC Office for Beaufort County, South Carolina, in Plat Book 50 at Page 176. For a more detailed description as to courses, metes and bounds, reference may be made to said plat of record.

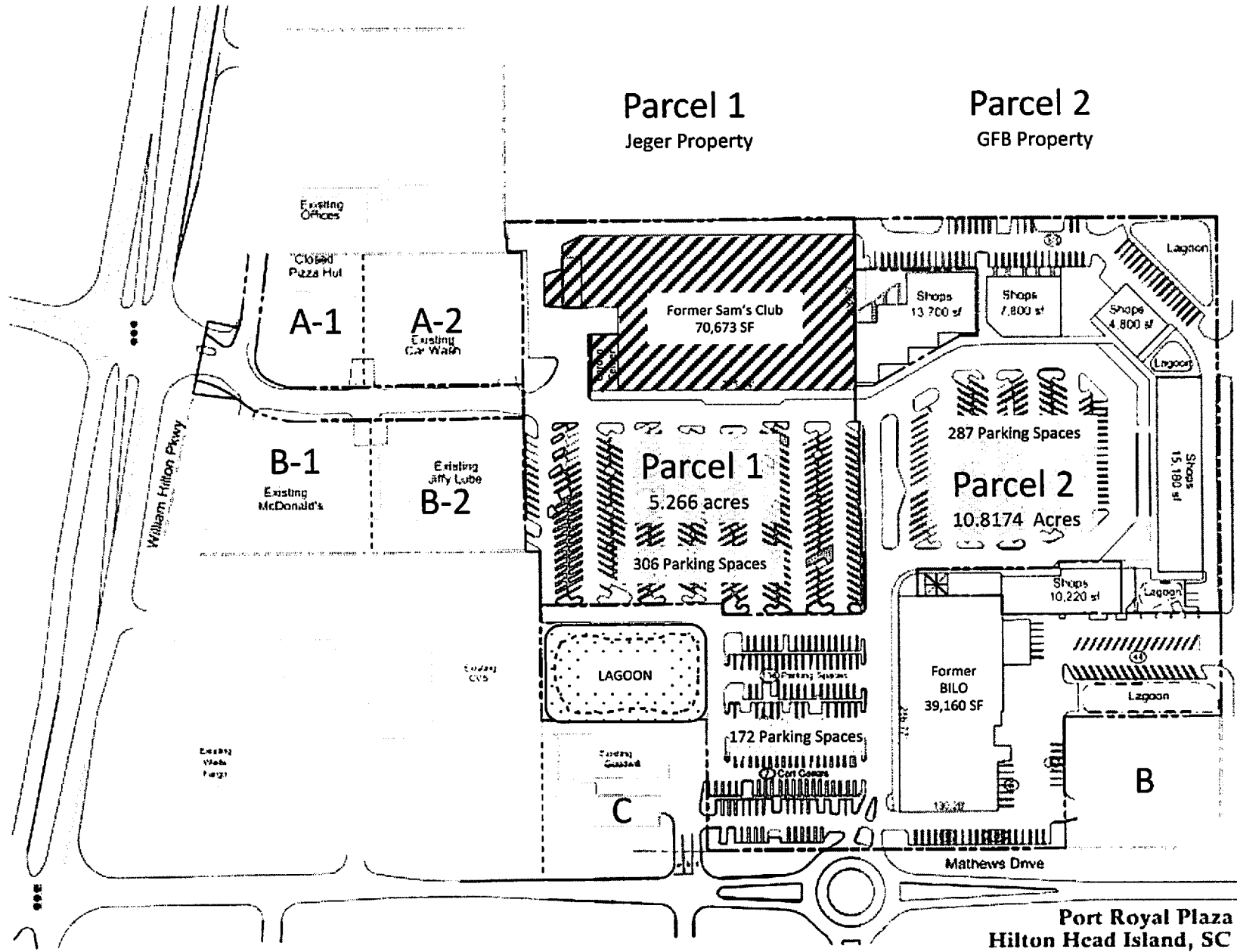
SAID PROPERTY is conveyed subject to covenants, restrictions, easements, etc. contained in that certain document recorded in the RMC Office for Beaufort County, South Carolina, in Deed Book 418 at Page 446.

This being a portion of the same property conveyed to Grantor herein by Deed from Robert B. Albright and Walter G. Seinsheimer, dated March 30, 1983, and recorded March 31, 1983, in the RMC Office for Beaufort County, South Carolina, in Deed Book 366 at Page 687.

EXHIBIT "E"

[Site Plan]

[Attached]



STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

Tax Parcel Numbers:
HHO Property: R511-008-000-192A-0000
GFB Property: R511-008-000-0912-0000

**AMENDMENT AND SUPPLEMENT TO DECLARATION OF RESTRICTIONS,
COVENANTS AND GRANT OF EASEMENTS**

THIS AMENDMENT AND SUPPLEMENT TO DECLARATION OF RESTRICTIONS, COVENANTS AND GRANT OF EASEMENTS (the "Amendment") is made to be effective as of the ^{24th} day of July, 2020, by and between HILTON HEAD OWNER, LLC, a Delaware limited liability company (the "HHO") and GFB ASSOCIATES, LLC, a Tennessee limited liability company ("GFB").

WITNESSETH:

WHEREAS, HHO owns that certain property more particularly described on Exhibit "A" attached hereto and made a part hereof (the "HHO Property"); and

WHEREAS, GFB owns that certain property adjacent to the HHO Property more particularly described on Exhibit "B" attached hereto and made a part hereof (the "GFB Property") (the HHO Property and the GFB Property being collectively referred to herein as the "Properties" and for the purposes of the amendments to the "Declaration" (as hereinafter defined) made pursuant hereto each such property shall be a "Parcel" or a "parcel"); and

WHEREAS, the Properties are subject to and encumbered by that certain Declaration of Restrictions, Covenants and Grant of Easements recorded in Deed Book 418 at Page 446, Beaufort County Records, as such has been amended or affected by those certain instruments recorded in Deed Book 448 at Page 905 and Deed Book 449 at Page 1076, and as further amended by an instrument recorded on or around of even date herewith, aforesaid records (collectively, the "Declaration"); and

WHEREAS, the HHO Property is a portion of Parcel A as originally described in the Declaration and the GFB Property is the remaining portion of such Parcel A and all of Parcel A-3 and Parcel A-4 as originally described in the Declaration; and

WHEREAS, the Declaration encumbers other property not included within the Properties which other property is more particularly described in the Declaration; and

WHEREAS, HHO and GFB have agreed to modify the Declaration as such encumbers the Properties and their respective ownership of the Properties as more particularly set forth herein and to also adopt other obligations and provisions applicable to each of them and their respective Properties;

NOW, THEREFORE, for and in consideration of the above premises and other good and valuable consideration, the receipt and legal sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. The foregoing recitals are incorporated herein and made a part hereof.
2. HHO does not object to, and hereby consents to, the operation of a Planet Fitness health and fitness center including ancillary services thereto and medical offices on the GFB Property.
3. Section 3 of the Declaration appearing on Page 6 of the Declaration is hereby deleted in its entirety and replaced with the following (for purposes of the amendments to the Declaration pursuant to this Paragraph 6 and pursuant to Paragraph 7 and for purposes of the other provisions of this Amendment, HHO and GFB, and their respective successors in title, shall be "owners" and each an "owner"):

Section 3. Each owner will maintain its respective Parcel, or portions thereof, and all improvements thereon and all parking areas, driving lanes, driveways and common areas in good condition and repair, clean and free from all rubbish and hazards to persons and property using such areas. Such maintenance and repair to include, without limitation, the following:

- a. Maintaining the surface areas and sidewalks in a level, smooth and evenly-covered condition with the type of surfacing material originally installed or such substitute as shall in all respects be equal in quality, use, and durability;
- b. Removing all papers, ice and snow, mud and sand, debris, filth and refuse and thoroughly sweeping the areas to the extent reasonably necessary to keep the areas in a clean and orderly condition;
- c. Placing, keeping in repair and replacing any necessary appropriate directional signs, markers and lines;
- d. Operating, keeping in repair and replacing, where necessary, such artificial lighting facilities as shall be reasonably required;

e. Maintaining all perimeter and exterior building walls including but not limited to all retaining walls in a good condition and state of repair; and

f. Maintaining, mowing, weeding, trimming and watering all landscaped areas and making such replacements of shrubs and other landscaping as is necessary.

The respective owners shall pay the maintenance expense of their respective Parcel.

In the event of any damage to or destruction of a building on any Parcel, the owner of such Parcel shall, with due diligence, either (a) repair, restore and rebuild such building to its condition prior to such damage or destruction (or with such changes as shall not conflict with this Declaration) , or (b) tear down and remove all portions of such damaged or destroyed building then remaining, including the debris resulting therefrom, and otherwise clean and restore the area affected by such casualty to a level, graded condition. Each owner covenants to keep and maintain the parking areas, driving lanes and common areas located from time to time on its respective Parcel in good order, condition and repair.

4. There is hereby added as a new Section 5 to the Declaration the following:

Section 5. In addition to all other remedies available at law or in equity, upon the failure of an owner to exercise such owner's maintenance and repair obligations with regard to its respective Parcel within thirty (30) days following written notice thereof sent by another owner (unless, with respect to any such breach the nature of which cannot reasonably be cured within such 30-day period, the defaulting owner commences such cure within such 30-day period and thereafter diligently prosecutes such cure to completion), such other owner providing such written notice shall have the right to perform such maintenance and repair obligation contained in this Declaration on behalf of such defaulting owner and shall be reimbursed by such defaulting owner upon demand for the reasonable costs thereof together with interest at the prime rate as published in the Wall Street Journal, plus two percent (2%) (not to exceed the maximum rate of interest allowed by law). Notwithstanding the foregoing, in the event of any emergency, an owner may immediately cure the same and be reimbursed by the other owner upon demand for the reasonable cost thereof together with interest at the prime rate, plus two percent (2%), as above described.

5. The parties acknowledge that GFB, as the owner of the GFB Property, is maintaining that certain access drive identified by cross-hatching on the Site Plan (the "Main Entrance Drive") and that certain storm water detention lagoon (the "Detention Pond") located on the GFB Property identified by a dot pattern on the site plan on Exhibit "C" attached hereto and made a part hereof (the "Site Plan"). The Declaration, inter alia, establishes easements for access and drainage for the benefit of the HHO Property over the Main Entrance Drive and the Detention Pond. HHO acknowledges that the Main Entrance Drive benefits the HHO Property by providing access to and from the HHO Property and that storm water drains from the HHO Property into the Detention Pond. HHO, for itself and all successor owners of the HHO Property, hereby agrees to reimburse GFB, and all successor owners of the GFB Property, for HHO's prorata share (the "HHO Share") of (i) all reasonable expenses incurred by GFB, and any successor owner, in maintaining and repairing the Main Access Drive, including, without limitation, all costs to repave the Main Access Drive from time to time but not more frequently than once every eight (8) years (all such expenses being the "Main Entrance Drive Expenses"), subject to the maximum amount hereinafter set forth, and (ii) all reasonable expenses incurred by GFB, and any successor owner, in maintaining, repairing and operating the Detention Pond (all such expenses being the "Detention Pond Expenses"), subject to the maximum amount hereinafter set forth. For purposes of calculating the HHO Share of the Main Entrance Drive Expenses, the HHO Share shall be 15%, and for purposes of calculating the HHO Share of the Detention Pond Expenses, the HHO Share shall be 32.71 %; provided, however, the HHO Share of the Maintenance Drive Expenses and the Detention Pond Expenses shall not exceed the aggregate sum of \$3,500.00 per calendar year, which amount shall be increased by no more than an aggregate of ten percent (10%) (based on HHO's prorata share) over every five (5) year period. HHO, and any subsequent owner of the HHO Property, shall pay the HHO Share of the Main Entrance Drive Expenses and Detention Pond Expenses within thirty (30) days following written demand from GFB, or the then current owner of the GFB Property, together with documentation evidencing the expenses incurred. GFB shall request reimbursement of the HHO Share of the Main Entrance Drive Expenses and Detention Pond Expenses no more frequently than twice in any one calendar year.

6. The parties acknowledge that GFB owns, maintains and operates those two (2) pylon signs identified on the Site Plan (the "Pylon Signs"). GFB hereby grants to HHO for the benefit of the HHO Property only, an easement and right to maintain sign panels for itself and/or its tenants in those locations on the Pylon Signs labeled as "Tenant E" and "Tenant F" on Exhibit "D" attached hereto and made a part hereof (the "HHO Panels"). Additionally, the parties have been informed by applicable governmental authorities that the Pylon Signs may have to be redesigned in accordance with the signage structure shown on Exhibit "E" attached hereto (the "New Design"). In such event, the HHO Panels shall be "Tenant E" and "Tenant F" as shown on the New Design. HHO, for themselves and all successor owners of the HHO Property, hereby agree to reimburse GFB, and any successor owner of the GFB Property, for its prorata share of all reasonable expenses incurred by GFB, and any successor owner, in maintaining, operating, repairing and replacing the Pylon Signs, or either one of them, including, without limitation, all costs to repair the Pylon Signs in the event of any casualty event and all costs incurred in the event of any redesign of such signs so long as such redesign and estimated cost for such redesign is approved in advance by HHO (all such expenses being the "Pylon Sign Expenses"). The HHO Share for the Pylon Sign Expenses shall be an amount determined by multiplying the Pylon Sign Expenses incurred by a fraction, the numerator of which is the square footage of the HHO Panels and the denominator of which is the square footage of all sign panels located on the respective

Pylon Signs. HHO shall pay the HHO Share within thirty (30) days following written demand from GFB, together with documentation evidencing the expenses incurred. GFB shall request reimbursement of the HHO Share for the Pylon Sign Expenses no more frequently than twice in any one calendar year. Notwithstanding the foregoing, HHO or its tenants shall be solely responsible for maintaining, repairing, and replacing, as needed, the sign panels placed in the HHO Panels, including the sign cans and all back lighting for such sign panels. HHO agree that all HHO Panels placed on the Pylon Signs shall be maintained in first class order and promptly repaired and replaced when necessary. Further, GFB or its tenants shall be solely responsible for maintaining, repairing, and replacing, as needed, the balance of the sign panels (excluding the HHO Panels), including the sign cans and all back lighting for such sign panels. GFB agrees that all such sign panels placed on the Pylon Signs shall be maintained in first class order and promptly repaired and replaced when necessary. The parties agree that if the current Pylon Signs have to be redesigned and/or reduced in size pursuant to any ordinance applicable to the Pylon Signs or if otherwise required pursuant to an order issued by the governmental authorities having jurisdiction over the Pylon Signs, the HHO Sign Panels shall be in a comparable location and with an area in the same ratio as shown on the Pylon Signs Exhibits (approximately one-third) on any such redesigned and/or reduced pylon sign and the costs for any such redesigned and/or reduced sign shall be shared by the parties in the manner as set forth above.

7. The parties hereby agree that this Amendment shall only be binding upon those owners of any portion of the Overall Parcels that join in the execution of this Amendment and acknowledge and agree that they shall be bound by the terms of the Amendment notwithstanding that not all parties owning or having an interest in any portion of the Overall Parcels have not joined in or have not otherwise agreed to be bound by the terms of this Amendment. The parties hereby further agree that the terms hereof shall be binding on them and that the Declaration, as amended hereby, shall remain in full force and effect notwithstanding that the Declaration may ever be terminated or deemed terminated for any reason by any party or by any action. HHO and GFB acknowledge the ongoing effectiveness of the Declaration, as amended and supplemented by this Amendment, as applicable to each of them, and that this Amendment shall be effective as to the parties hereto and their successors and assigns and shall run with title to their respective Properties as described herein.

8. The parties hereto acknowledge and confirm to each other that the individuals executing this Amendment have the full authority and authorization to do so and that this Amendment shall be binding upon each such party.

9. Except as modified hereby, all other terms and conditions of the Declaration as such are applicable to the HHO and GFB and their respective Properties shall remain in full force and effect in accordance with the terms of the Declaration.

10. This Amendment may be executed in any number of counterparts which when taken together shall constitute this Amendment in its entirety.

IN WITNESS WHEREOF, the parties have executed this Amendment under seal to be effective as of the day and year first above written.

Signed, sealed and delivered in the presence of:

HHO:

HILTON HEAD OWNER, LLC, a Delaware limited liability company

Rebecca B. Tall [SEAL]
Witness
Print Name: Rebecca Revell

By: MCG Bradenton Manager, LLC, a Delaware limited liability company, its Manager

Tina L. Mitchem [SEAL]
Witness
Print Name: Tina L. Mitchem

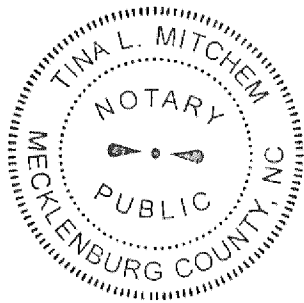
By: Madison Capital Group, LLC, a North Carolina limited liability company, its Manager

By: Ryan L. Hanks [SEAL]
Ryan L. Hanks
Manager

STATE OF North Carolina
COUNTY OF Mecklenburg

I, Tina L. Mitchem, the undersigned Notary Public, do hereby certify that Ryan L. Hanks, the Manager of Madison Capital Group, LLC, the Manager of MCG Bradenton Manager, LLC, itself the Manager of **HILTON HEAD OWNER, LLC**, a Delaware limited liability company, the within named party, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 20 day of July, 2020.



Tina L. Mitchem
Notary Public of North Carolina
My Commission Expires: 4-15-24

[AFFIX SEAL]

Attachment A Applicants Submittal

presence of:

Missy Strozak [SEAL]
Witness
Print Name: Missy Strozak

Linda Shaw [SEAL]
Witness
Print Name: LINDA SHAW

GFB ASSOCIATES, LLC, a Tennessee limited liability company

By: Fletcher Bright Company, its Manager (a/k/a Chief Manager)

By: George T. Bright [SEAL]
George T. Bright, President

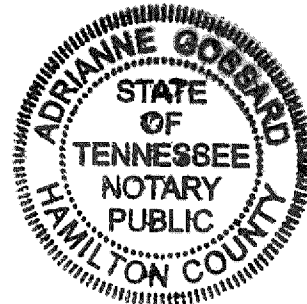
STATE OF Tennessee)
COUNTY OF Hamilton)

I, Adrienne Gossard, the undersigned Notary Public, do hereby certify that **GEORGE T. BRIGHT**, the President of Fletcher Bright Company, itself the Manager (a/k/a Chief Manager) of **GFB ASSOCIATES, LLC**, a Tennessee limited liability company, the within named party, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 21 day of July, 2020.

Adrienne Gossard
Notary Public of Tennessee
My Commission Expires: 11-16-20

[AFFIX SEAL]



CONSENT AND SUBORDINATION BY LENDER
(GFB Property)

The undersigned Lender, as the mortgagee under a Mortgage given by the "GFB" encumbering the "GFB Property" (as such terms are defined in the Amendment and Supplement to Declaration of Restrictions, Covenants and Grant of Easements (the "Amendment") to which this Consent and Subordination by Lender is attached) and recorded in Book 3832, Page 595, Register of Deeds of Beaufort County, South Carolina (the "Mortgage"), hereby consents to and approves the Amendment and subordinates the lien created under and pursuant to the Mortgage and encumbering the GFB Property to the Amendment and the terms and provisions thereof.

IN WITNESS WHEREOF, the undersigned has executed this Consent and Joinder this 21st day of July, 2020,

Juan Rich [SEAL]
Witness
Print Name SUSAN E. RICH

Lynn Schuster [SEAL]
Witness
Print Name LYNN SCHUSTER

LENDER:

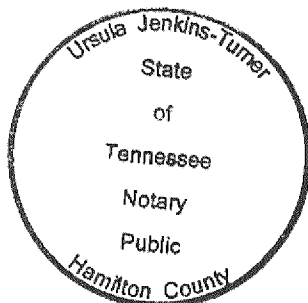
FIRST HORIZON BANK, a Tennessee banking corporation

By: Jean M Brennan
Name: JEAN M. BRENNAN
Title: SENIOR VICE PRESIDENT

STATE OF TENNESSEE)
COUNTY OF HAMILTON)

I, Ursula Jenkins-Turner, the undersigned Notary Public, do hereby certify that JEAN M. BRENNAN, the SENIOR VICE PRESIDENT of **FIRST HORIZON BANK**, a Tennessee banking corporation, the within named party, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 21st day of JULY, 2020.



Ursula Jenkins-Turner [SEAL]
Notary Public of HAMILTON COUNTY, TN
My Commission Expires: 12/29/2021

[AFFIX SEAL]

EXHIBIT "A"

[HHO Property]

All that certain piece, parcel or tract of land, with improvements thereon, situate, lying and being in the Town of Hilton Head Island, Beaufort County, South Carolina and being more particularly shown and delineated as Parcel D containing 5.266 acres (228,899 square feet) on an As-Built Survey and a Boundary Plat of Parcel D Port Royal Plaza prepared by T-Square Surveying, Inc., Thomas B. Richardson, SCRLS No. 8512, dated October 3, 1985 and last revised November 19, 1985, which As-Built Survey and Boundary Plat has been recorded in the Beaufort County Records in Plat Book 33 at Page 134.

EXHIBIT "B"

[GFB Property]

Legal Description

ALL that certain piece, parcel or tract of land, with the improvements thereon, situate, lying and being in the Town of Hilton Head Island, County of Beaufort, State of South Carolina, and being more particularly shown and delineated as Parcel A containing 9.935 Ac (432,771 Sq. Ft.), Parcel A-3 containing 0.455 Ac (19,833 Sq. Ft.), Parcel A-4 containing 0.334 Ac (14,452 Sq. Ft.), Parcel S-1 containing 0.022 Ac (937 Sq. Ft.), Parcel S-2 containing 0.016 Ac (691 Sq. Ft.), Roadway & Utility Easement containing 0.0554 Ac (24,150 sq. Ft.) and 50' Private Roadway on a Plat of Parcels A, A-3, A-4, B, C, S-1, S-2, Roadway & Utility Easement, Private Roadway at Port Royal Plaza by T-Square Surveying, Inc., Forrest F. Baughman, S.C. Reg. Land Surveyor No. 4922, dated January 15, 1985, last revised July 10, 1987, recorded in Plat Book 51 at Page 193 in the Beaufort County Records and according to said Plat having the following boundaries and measurements, to wit:

PARCEL A, A-3, and A-4:

Beginning at a concrete monument in the northwesternmost corner of Parcel A, thence proceeding in a northeasterly direction along property designated on said plat as South Carolina National Bank N89°49'30"E for a distance of 153.48 feet to a concrete monument; thence turning and running along property designated on said plat as Parcel D the following courses and distances: S00°11'42"E for a distance of 243.05 feet to a P.K. set; thence S89°43'42"W for a distance of 14.95 feet to a P.K. set; thence S00°12'05"E for a distance of 183.92 feet to a P.K. set; thence N89°48'14"E for a distance of 255.47 feet to a P.K. set; thence N00°11'46"W for a distance of 4.18 feet to a P.K. set; thence N89°48'14"E for a distance of 270.12 feet to a concrete monument; thence turning and running along property designated on said Hilton Head Public Service District No. 1 S00°09'34"E for a distance of 484.73 feet to a concrete monument; thence turning and running along property designated on said Plat as 50' Private Road S89°44'26"W for a distance of 539.36 feet to a concrete monument; thence continuing along said 50' Private Road S89°59'55"W for a distance of 125.07 feet to a concrete monument; thence turning and running along property designated on said plat as Parcel B N00°09'27"W for a distance of 210.00 feet to a concrete monument; thence turning and running along property designated on said plat as Parcel B S89°59'55"W for a distance of 175.00 feet to a concrete monument; thence turning and running along property designated on plat on S.C. Hwy. No. 44 100 R/W (Matthews Drive) N00°09'27"W for a distance of 477.40 feet to an iron pin; thence turning and running along property designated on said plat as Parcel C N89°49'30"E for a distance of 175.00 feet to a concrete monument; thence turning and running along said Parcel C N00°09'27"W for a distance of 220.00 feet to a concrete monument at the POINT of BEGINNING.

LESS AND EXCEPT ALL that certain piece, parcel or lot of land, situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, shown and designated as "Proposed Right of Way" 5,292 sq. ft. 0.122 ac. on a Plat entitled "Right of Way Acquisition Plat for Town of Hilton Head Island, Parcel No. 17, Sandhill Venture Group c/o Property Management Office, Beaufort County, South Carolina" dated February 23, 2006 and revised December 21, 2007, prepared by Gary B. Burgess, PLS # 15229, which is recorded in the Beaufort County Records in Plat Book 127 at Page 99.

PARCEL S-1:

Beginning at a point in the northwesternmost corner of Parcel S-1, thence proceeding in a southwesterly direction along property designated on said plat as Roadway & Utility Easement the following courses and distances: in a southwesterly direction with a circular curve to the right having a radius of 55.58 feet, an arc distance of 10.05 feet (chord bearing and distance S35°55'04"W 10.04 feet) to a point; thence S37°44'11"W for a distance of 16.39 feet to a point; thence in a southeasterly direction with the arc of a circular curve to the left having a radius of 10.0 feet, an arc distance of 18.63 feet (chord bearing and distance S15°36'47"E 16.05 feet) to a point; thence S68°59'03"E for a distance of 20.30 feet to a point; thence turning and running along property designated on said plat as Open Space containing 0.079 Ac N12°08'07"E for a distance of 41.33 feet to a point; thence turning and running along property designated on said plat as U.S. Hwy. No. 278 156' R/W N77°57'57"W for a total distance of 16.40 feet to the point at the POINT OF BEGINNING.

PARCEL S-2:

Beginning at a point in the northwesternmost corner of Parcel S-2, said point being marked POINT OF BEGINNING on the above mentioned plat, thence proceeding from said POINT OF BEGINNING in a southwesterly direction along property designated on said plat as Roadway & Utility Easement and with a circular curve to the right having a radius of 136.69 feet, an arc distance of 61.46 feet (chord bearing and distance S25°13'34"E 60.94 feet) to a point; thence turning and running along property designated on said plat as Parcel B-1 N07°33'01"E for a distance of 59.51 feet, to a point; thence turning and running along property designated on said plat as U.S. Hwy. No. 278 156' RAW S77°57'57"E for a distance of 18.56 feet to the point at the POINT OF BEGINNING.

ROADWAY & UTILITY EASEMENT:

Beginning at a point in the northwesternmost corner of Roadway & Utility Easement, said easement being more particularly described on that certain plat recorded in Book 32, at Page 37, said point being marked POINT OF BEGINNING on the above mentioned plat, thence proceeding from said POINT OF BEGINNING in a southeasterly direction along property designated on said plat as U.S. Hwy. No. 278 S77°57'57"E for a total distance of 63.47 feet to a point; thence turning and running along property designated on said plat as Parcel S-1 the following courses and distances: thence in a southwesterly direction with a circular curve to the right having a radius of 55.58 feet, an arc distance of 10.05 feet (chord bearing and distance S35°55'04"W 10.04 feet) to a point; thence S37°44'11"W for a distance of 16.39 feet to a point; thence in a southeasterly direction with a circular curve to the left having a radius of 10.00 feet, an arc distance of 18.63 feet (chord bearing and distance S15°36'47"E 16.05 feet) to a point; thence S68°59'03"E for a distance of 20.30 feet to a point; thence turning and running along property designated on said plat as Open Space containing 0.079 Ac the following courses and distances: thence in an easterly direction with a circular curve to the left having a radius of 73.81 feet, an arc distance of 18.17 feet (chord bearing and distance S76°02'09"E 18.12 feet) to a point; S83°05'17"E for a distance of 73.52 feet to a point; thence turning and running along property designated on said plat as Heritage Motor Car Co., Inc. S01°05'17"E for a distance of 24.24 feet to a point; thence turning and running along property designated on said plat as Parcel A-1 the following courses and distances: N83°05'17"W for a distance of 128.79 feet to a point; thence in southwesterly direction with a circular curve to the left having a radius of 32.84 feet, an arc distance of 33.88 feet (chord bearing and distance S67°13'56"W 32.40 feet) to a Point; thence in a southwesterly direction with a circular curve to the left having a radius of 67.50 feet, an arc distance of 45.06 feet (chord bearing and distance S18°36'41"W 44.23 feet) to a point; thence turning and running along a portion of Parcel A-1 and Parcel A-2 S00°30'49" E for a distance of 301.40 feet to a concrete monument; thence turning and running along property designated on said plat as Parcel D S89°50'33"W for a distance of 45.00 feet to a concrete monument; thence turning and running along property designated on said plat as Parcel B-2 and a portion of Parcel B-1 N00°30'49"W for a distance of 301.12 feet to a point; thence continuing along said Parcel B-1 the following courses and distances: thence in a northeasterly direction with a circular curve to the right having a radius of 112.50 feet, an arc distance of 75.10 feet (chord bearing and distance N18°36'41"E 73.72 feet) to a point; thence N37°44'11"E for a distance of 11.24 feet to a point; thence turning and running along property designated on said plat as S-2 in a northerly direction with a circular curve to the left having a radius of 136.69 feet, an arc distance of 61.46 feet (chord bearing and distance N25°13'34"E 60.94 feet) to the point at the POINT OF BEGINNING.

PRIVATE ROADWAY EASEMENT:

Together with the non-exclusive, perpetual, right-of-way and easement over the fifty foot (50') wide tract of land adjacent to the southerly boundary of Parcel A, A-3 and A-4 described above and more specifically hereinafter described ("Easement Tract") to construct and maintain an all weather crushed stone or paved surface on the Easement Tract and use the Easement Tract for ingress, egress and regress between Parcel A, A-3 and A-4 described above and S.C. Highway #44 (Matthews Drive), which easement is commercial in nature, appurtenant to Parcel A, A-3 and A-4 described above, and shall run with title to Parcels A, A-3 and A-4 described above.

EASEMENT TRACT:

Beginning at a concrete monument in the southeasterly corner of Parcel A, A-3 and A-4 described above and running thence S00°09'34"E 50.0 feet to a point; thence S89°49'58"W 839.43 feet to a point in the westerly most boundary of the right-of-way of S.C. Highway #44; thence with that boundary N00°09'27"W 50.0 feet to a point; thence N89°59'55"E 300.07 feet to a point; thence N89°44'26"E 539.39 feet to the POINT OF BEGINNING.

TOGETHER WITH the appurtenant rights and easements as set forth in Declaration of Restrictions, Covenants and Grants of Easements dated March 31, 1985 and recorded in the Beaufort County Records on April 25, 1985 in Deed Book 418 at Page 446 and Deed Book 448 at Page 905.

C-1

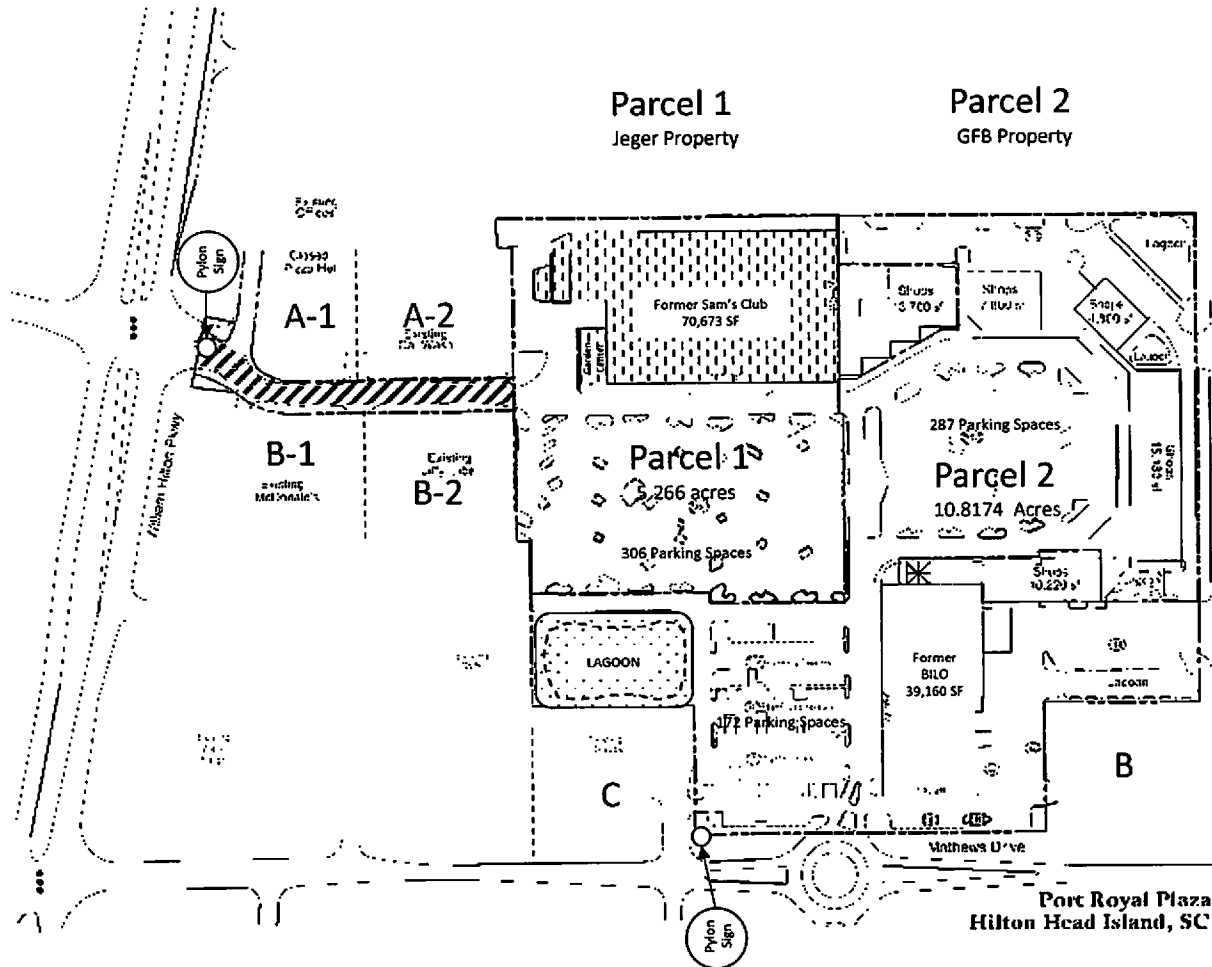
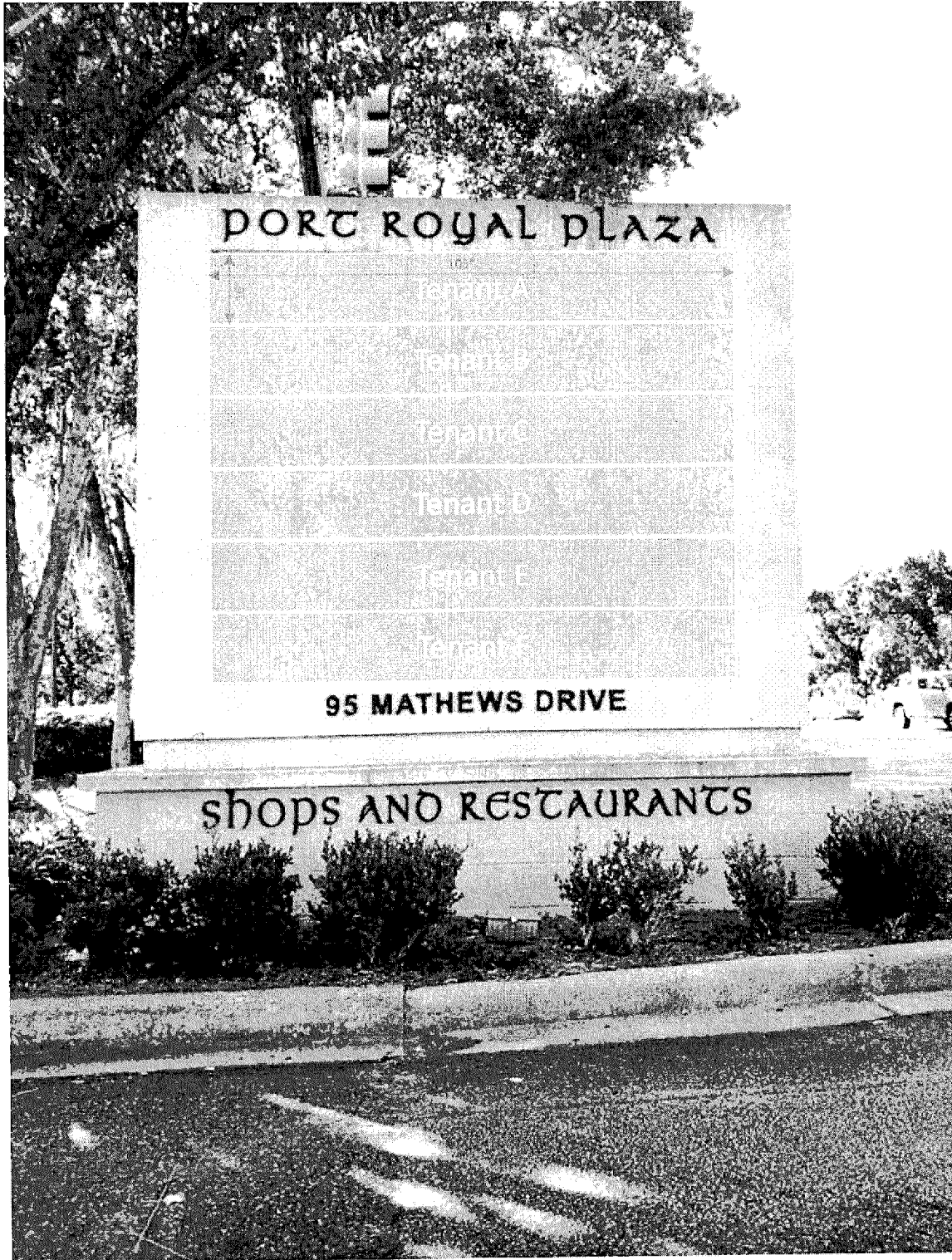


EXHIBIT "C"
[Site Plan]

EXHIBIT "D"

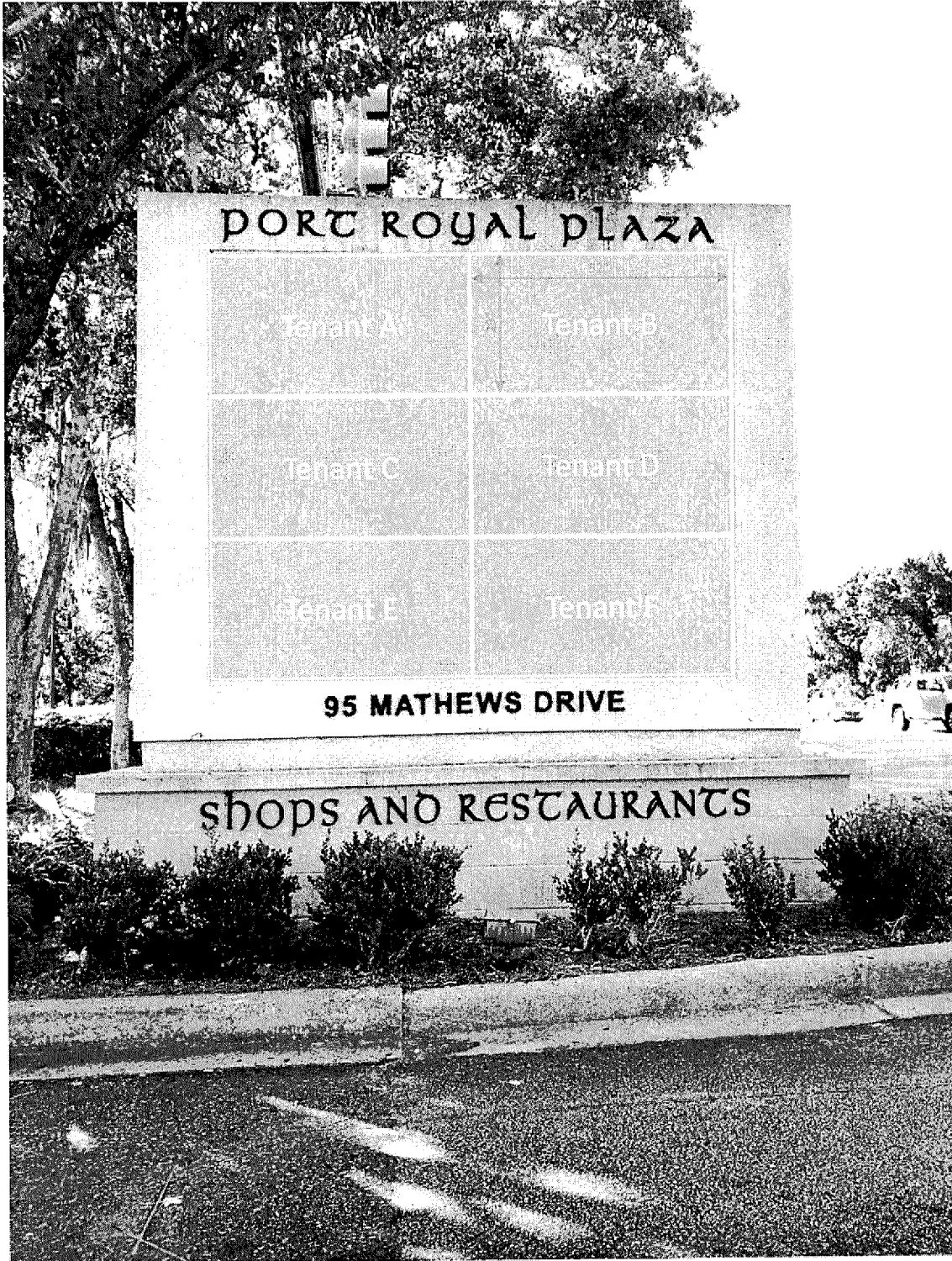
[Sign Panels]



D-1

EXHIBIT "E"

[New Design]





Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
(843) 341-4600

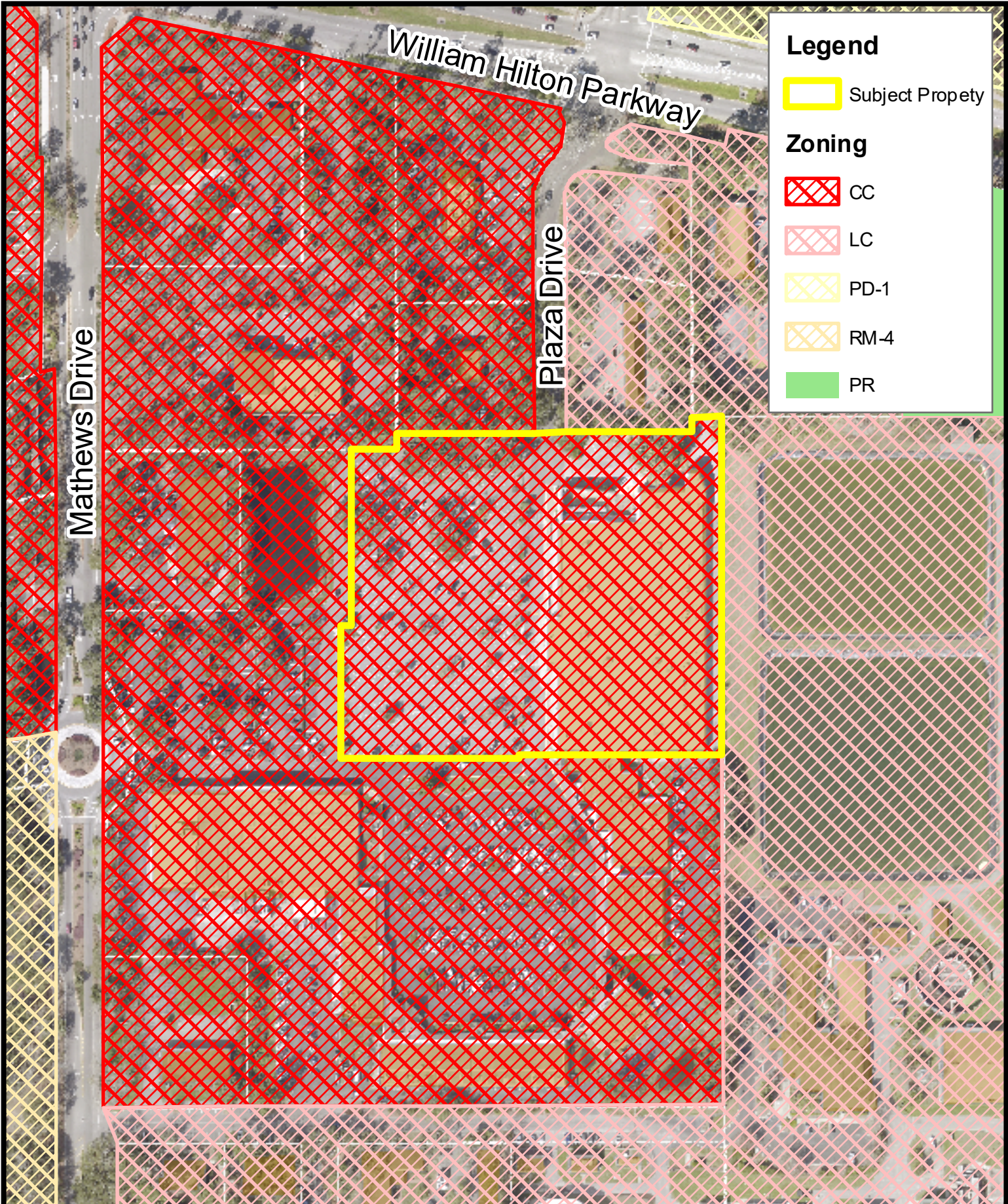
Town of Hilton Head Island

95 Mathews Drive
Attachment B: Location Map




350 175 0 350 Feet






This information has been compiled from a variety of unverified general sources at various times and as such is intended to be used only as a guide. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion.



Legend

-  Subject Property

Zoning

-  CC
-  LC
-  PD-1
-  RM-4
-  PR

Town of Hilton Head Island
 One Town Center Court
 Hilton Head Island, SC 29928
 (843) 341-4600

Town of Hilton Head Island
 95 Mathews Drive
 Attachment C: Location Map and Zoning



This information has been compiled from a variety of unverified general sources at various times and as such is intended to be used only as a guide. The Town of Hilton Head Island assumes no liability for its accuracy or state of completion.

Attachment D

Use Table Comparison Chart: Existing Use (CC Community Commercial) to Proposed Use (LC Light Commercial)

CC Community Commercial District (CURRENT)	LC Light Commercial District (PROPOSED)
Allowable Principal Uses	
Residential Uses	
NA	Group Living
NA	Mixed-Use
NA	Recreational Vehicle
NA	Recreational Vehicle (RV) Park
NA	Single-Family
NA	Multi-Family
Public, Civic, Institutional, and Educational Uses	
Community Service Uses	Community Service Uses
Education Uses	Education Uses
Government Uses	Government Uses
Major Utilities	Major Utilities
Minor Utilities	Minor Utilities
Public Parks	Public Parks
Religious Institutions	Religious Institutions
Telecommunication Antenna, Collocated or Building Mounted	Telecommunication Antenna, Collocated or Building Mounted
Telecommunication Towers, Monopole	Telecommunication Towers, Monopole
Health Services	
Other Health Services	Other Health Services
Resort Accommodations	
NA	Hotels
Commercial Recreation	
Indoor Commercial Recreation Uses	Indoor Commercial Recreation Uses
NA	Outdoor Commercial Recreation Uses Other than Water Parks
Office Uses	
Contractor's Offices	Contractor's Offices
Other Office Uses	Other Office Uses

Attachment D

Use Table Comparison Chart: Existing Use (CC Community Commercial) to Proposed Use (LC Light Commercial)

Commercial Services	
Animal Services	Animal Services
Bicycle Shops	Bicycle Shops
Convenience Stores	Convenience Stores
Eating Establishments	Eating Establishments
Grocery Stores	Grocery Stores
NA	Landscape Businesses
Liquor Stores	Liquor Stores
Nightclubs or Bars	Nightclubs or Bars
NA	Open Air Sales
Shopping Centers	Shopping Centers
NA	Tattoo Facilities
Other Commercial Services	Other Commercial Services
Vehicle Sales and Services	
Auto Rentals	Auto Rentals
Auto Repairs	Auto Repairs
Auto Sales	Auto Sales
Car Washes	Car Washes
Commercial Parking Lot	NA
Gas Sales	Gas Sales
Taxicab Services	Taxicab Services
NA	Watercraft Sales, Rentals, or Services
Industrial Uses	
NA	Light Industrial, Manufacturing, and Warehouse Uses
NA	Self-Service Storage
NA	Waste Treatment Plants
NA	Wholesale Sales
Other Uses	
NA	Agriculture Uses
Development Form Standards	
Max. Density (Per Net Acre)	
Nonresidential 10,000 GFA	Nonresidential 10,000 GFA
NA	Residential 4 du
NA	Hotel 35 rooms
Lot Coverage	
Max. Impervious Cover 60%	Max. Impervious Cover 60%
NA	Min. Open Space for Major Residential Subdivisions 16%
Max. Building Height	
All Development 45'	All Development 45'

C. Community Commercial (CC) District

<h1 style="margin: 0;">CC</h1> <h2 style="margin: 0;">Community Commercial District</h2>				
1. Purpose				
<p>The purpose of the Community Commercial (CC) District is to provide lands for community-scale commercial activity centers that attract people from the island and the mainland. The district is more auto-oriented than some business districts, and provides land for moderate-sized retail stores. The district also provides opportunities for limited vehicle sales and service uses.</p>				
2. Allowable Principal Uses				
		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Public, Civic, Institutional, and Educational Uses				
Community Service Uses	P		1 per 400 GFA	
Education Uses	P		Colleges and High Schools	10 per classroom
			Elementary and Junior High/Middle Schools	4 per classroom
			Other Education Uses	See Sec. 16-5-107.D.2
Government Uses	P		Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-107.D.2	
Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.e	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Health Services				
Other Health Services	P		1 per 225 GFA	
Office Uses				

Contractor's Offices	PC	Sec. 16-4-102.B.6.a	1 per 350 GFA of office/administrative area
Other Office Uses	P		1 per 350 GFA
Commercial Services			
Animal Services	PC	Sec. 16-4-102.B.7.b	1 per 225 GFA
Bicycle Shops	PC	Sec. 16-4-102.B.7.c	1 per 200 GFA
Convenience Stores	PC	Sec. 16-4-102.B.7.d	1 per 200 GFA
Eating Establishments	P		1 per 100 sf of gross floor area and outdoor eating area
Grocery Stores	P		1 per 200 GFA
Indoor Commercial Recreation	P		1 per 3 persons + 1 per 200 GFA of office or similarly used area
Liquor Stores	SE	Sec. 16-4-102.B.7.g	1 per 200 GFA
Nightclubs or Bars	PC	Sec. 16-4-102.B.7.h	1 per 70 GFA
Shopping Centers	PC	Sec. 16-4-102.B.7.j	1 per 335 GFA
Other Commercial Services	P		See Sec. 16-5-107.D.2
Vehicle Sales and Services			
Auto Rentals	P		See Sec. 16-5-107.D.2
Auto Repairs	PC	Sec. 16-4-102.B.8.b	2 per service bay + 1 per 200 GFA of office or waiting area
Auto Sales	P		See Sec. 16-5-107.D.2
Car Washes	P		10 per wash unit for automatic wash + 5 per bay for manual wash
Commercial Parking Lot	PC	Sec. 16-4-102.B.8.d	See Sec. 16-5-107.D.2
Gas Sales	PC	Sec. 16-4-102.B.8.e	
Taxicab Services	P		1 per 200 GFA of office or waiting area
3. Development Form Standards			
MAX. DENSITY (PER NET ACRE)		LOT COVERAGE	

Attachment E

CC and LC Use and Development Standards (excerpts from the LMO)

Nonresidential	10,000 GFA		Max. <i>Impervious Cover</i>	60%
MAX. BUILDING HEIGHT				
All <i>Development</i>	45 ft ¹			
USE AND OTHER DEVELOPMENT STANDARDS				
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.				
TABLE NOTES:				
P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = <i>dwelling units</i> ; sf = square feet; GFA = <i>gross floor area</i> in square feet; ft = feet; n/a = not applicable				
1. May be increased by up to ten percent on demonstration to the <i>Official</i> that:				
a. The increase is consistent with the character of <i>development</i> on surrounding <i>land</i> ;				
b. <i>Development</i> resulting from the increase is consistent with the purpose and intent of the <i>building height</i> standards;				
c. The increase either (1) is required to compensate for some unusual aspect of the site or the proposed <i>development</i> , or (2) results in improved site conditions for a <i>development</i> with <i>nonconforming site features</i> ;				
d. The increase will not pose a danger to the public health or safety;				
e. Any adverse impacts directly attributable to the increase are mitigated; and				
f. The increase, when combined with all previous increases allowed under this provision, does not result in a cumulative increase greater than ten percent.				

D. Light Commercial (LC) District

LC Light Commercial District

1. Purpose

The purpose of the Light Commercial (LC) District is to provide **lands** for light commercial **uses** such as offices, banks, restaurants, and lower intensity retail sales and services **uses**. Permitted **uses** are generally auto-oriented and easily accessed.

2. Allowable Principal Uses

		USE-SPECIFIC CONDITIONS	MINIMUM NUMBER OF OFF-STREET PARKING SPACES	
Residential Uses				
Group Living	P		1 per 3 rooms	
Mixed-Use	PC	Sec. 16-4-102.B.1.a	Residential	1.5 per du
			Nonresidential	1 per 500 GFA
Multifamily	P		1 bedroom	1.4 per du
			2 bedroom	1.7 per du
			3 or more bedrooms	2 per du
Recreational Vehicle	PC	16-4-102.B.1.c	1 per Recreational Vehicle	
Recreational Vehicle (RV) Park	P		1 per 300 GFA of office and clubhouse	
Single-Family	P		2 per du + 1 per 1,250 GFA over 4,000 GFA	
Public, Civic, Institutional, and Educational Uses				
Community Service Uses	P		1 per 400 GFA	
Education Uses	P		Colleges and High Schools	10 per classroom
			Elementary and Junior High/Middle Schools	4 per classroom
			Other Education Uses	See Sec. 16-5-107.D.2
Government Uses	P		Fire Stations	4 per bay + 1 per 200 GFA of office area
			Other	1 per 200 GFA of office area
Major Utilities	SE		1 per 1,500 GFA	
Minor Utilities	P		n/a	
Public Parks	P		See Sec. 16-5-107.D.2	

Attachment E
 CC and LC Use and Development Standards (excerpts from the LMO)

Religious Institutions	P		1 per 3 seats in main assembly area	
Telecommunication Antenna, Collocated or Building Mounted	PC	Sec. 16-4-102.B.2.e	n/a	
Telecommunication Towers, Monopole	PC	Sec. 16-4-102.B.2.e	1	
Health Services				
Other Health Services	P		1 per 225 GFA	
Resort Accommodations				
Hotels	P		1 per guest room	
Commercial Recreation				
Indoor Commercial Recreation Uses	P		1 per 3 persons + 1 per 200 GFA of office or similarly used area	
Outdoor Commercial Recreation Uses Other than Water Parks	PC	Sec. 16-4-102.B.5.b	Golf Courses, Miniature Golf Courses, or Driving Ranges	1 per tee
			Stadiums	1 per 4 spectator seats
			Other	1 per 3 persons max. occupancy + 1 per 200 GFA of office or similarly used area
Office Uses				
Contractor's Office	PC	Sec. 16-4-102.B.6.a	1 per 350 GFA of office/administrative area	
Other Office Uses	P		1 per 350 GFA	
Commercial Services				
Animal Services	PC	Sec. 16-4-102.B.7.b	1 per 225 GFA	
Bicycle Shops	PC	Sec. 16-4-102.B.7.c	1 per 200 GFA	
Convenience Stores	PC	Sec. 16-4-102.B.7.d	1 per 200 GFA	
Eating Establishments	P		1 per 100 sf of gross floor area and outdoor eating area	
Grocery Stores	P		1 per 200 GFA	
Landscape Businesses	PC	Sec. 16-4-102.B.7.f	1 per 200 GFA	

Attachment E
 CC and LC Use and Development Standards (excerpts from the LMO)

Liquor Stores	SE	Sec. 16-4-102.B.7.g	1 per 200 GFA	
Nightclubs or Bars	PC	Sec. 16-4-102.B.7.h	1 per 70 GFA	
Open Air Sales	PC	Sec. 16-4-102.B.7.i	1 per 200 sf of sales/display area	
Shopping Centers	PC	Sec. 16-4-102.B.7.j	1 per 335 GFA	
Tattoo Facilities	PC	Sec. 16-4-102.B.7.k	1 per 200 GFA	
Other Commercial Services	P		See Sec. 16-5-107.D.2	
Vehicle Sales and Services				
Auto Rentals	P		See Sec. 16-5-107.D.2	
Auto Repairs	PC	Sec. 16-4-102.B.8.b	2 per service bay + 1 per 200 GFA of office and waiting area	
Auto Sales	P		See Sec. 16-5-107.D.2	
Car Washes	P		10 per wash unit for automatic wash + 5 per bay for manual wash	
Gas Sales	PC	Sec. 16-4-102.B.8.d		
Taxicab Services	P		1 per 200 GFA of office or waiting area	
Watercraft Sales, Rentals, or Services	PC	Sec. 16-4-102.B.8.e	1 per 200 GFA	
Industrial Uses				
Light Industrial, Manufacturing, and Warehouse Uses	PC	Sec. 16-4-102.B.9.a	1 per 1,300 GFA of indoor storage or manufacturing area + 1 per 350 GFA of office and administrative area	
Self-Service Storage	PC	Sec. 16-4-102.B.9.c	1 per 15,000 GFA of storage and office area	
Waste Treatment Plants	SE		See Sec. 16-5-107.D.2	
Wholesale Sales	P		1 per 1,000 GFA	
Other Uses				
Agriculture Uses	P		Stables or Riding Academies	1 per 5 stalls
			Other	n/a
3. Development Form Standards				

Attachment E
 CC and LC Use and Development Standards (excerpts from the LMO)

MAX. DENSITY (PER NET ACRE)		LOT COVERAGE	
Residential	4 du	Max. <i>Impervious Cover</i>	60%
<i>Hotel</i>	35 rooms	Min. <i>Open Space</i> for Major Residential <i>Subdivisions</i>	16%
Nonresidential ^{1,2}	10,000 GFA		
MAX. BUILDING HEIGHT			
All <i>Development</i>	45 ft ³		
USE AND OTHER DEVELOPMENT STANDARDS			
See Chapter 16-4: Use Standards, Chapter 16-5: Development and Design Standards, and Chapter 16-6: Natural Resource Protection.			
TABLE NOTES:			
P = Permitted by Right; PC = Permitted Subject to Use-Specific Conditions; SE = Allowed as a Special Exception; du = <i>dwelling units</i> ; sf = square feet; GFA = <i>gross floor area</i> in square feet; ft = feet; n/a = not applicable			
1. The <i>gross floor area</i> per <i>building</i> shall be 20,000 square feet for <i>buildings</i> devoted to <i>Commercial Services</i> or <i>Industrial Uses</i> .			
2. Each <i>building</i> shall be separated by a minimum of 15 feet.			
5. May be increased by up to ten percent on demonstration to the <i>Official</i> that:			
a. The increase is consistent with the character of <i>development</i> on surrounding <i>land</i> ;			
b. <i>Development</i> resulting from the increase is consistent with the purpose and intent of the <i>building height</i> standards;			
c. The increase either (1) is required to compensate for some unusual aspect of the site or the proposed <i>development</i> , or (2) results in improved site conditions for a <i>development</i> with <i>nonconforming site features</i> ;			
d. The increase will not pose a danger to the public health or safety;			
e. Any adverse impacts directly attributable to the increase are mitigated; and			
f. The increase, when combined with all previous increases allowed under this provision, does not result in a cumulative increase greater than ten percent.			



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Joshua A. Gruber, *Interim Town Manager*
FROM: Jennifer Ray, *ASLA, Interim Community Development Director*
CC: Shawn Colin, *AICP, Interim Deputy Town Manager*
John Troyer, *Finance Director*
Jeff Buckalew, *Town Engineer*
DATE: February 3, 2021
SUBJECT: Capital Projects Fund Budget Amendment

Recommendation:

Staff recommends Town Council approve a Capital Projects Fund Budget Amendment in the amount of \$4,125,000 per Attachment A.

Summary:

Approval of the budget amendment will allocate funds to allow staff to move forward roadway and pathway improvements, park development, and other capital projects as described below.

Background:

The following projects require funding to move forward according to Town Council direction:

- Realignment of Summit Drive – A new, unfunded Capital Improvement Project born out of the Beaufort County change to decal checkpoint operation at the Hilton Head Convenience and Recycling Center.
- Automobile Place to Dillon Road/WHP Corridor – New project to remove curb cuts/access roads (Automobile Place and former Modern Classic Motors driveway) on William Hilton Parkway, re-align pathway, upgrade crosswalks, potential crosswalk lighting.
- Arrow Road Resurfacing – Milling and overlay of asphalt pavement on the Town owned portion of Arrow Road, from Archer Road to Helmsman Way.
- Chaplin Linear Park – Revisit previously approved concept plans through additional public input and discussions with the Parks & Recreation Commission and Town Council. Prepare detailed design and construction plans for connection from Shelter Cove and the Broad Creek to Chaplin Park and the Atlantic Ocean.
- Shelter Cove Pathway and Parking Enhancements – Construction to include improved pathway enhancements and boardwalk connections along the marsh-front of Broad Creek and along Shelter Cove Lane, additional parking, improved view sheds to Broad Creek, additional public art locations, and gateway, directional, and interpretive signage.
- Demolition of Kingfisher Restaurant, Fairfield Square, and Boat Repair Shop – Demolition of recently purchased parcels.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2021-___

PROPOSED ORDINANCE NO. 2021-05

AN ORDINANCE TO AMEND THE BUDGET FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, FOR THE FISCAL YEAR ENDING JUNE 30, 2021; TO PROVIDE FOR THE EXPENDITURES OF CERTAIN FUNDS; TO ALLOCATE THE SOURCES OF REVENUE FOR THE SAID FUNDS; AND TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Section 5-7-260 of the Code of Laws of South Carolina requires that a municipal council act by ordinance to adopt a budget and levy taxes, pursuant to public notice; and

WHEREAS, the Town Council did adopt the budget on June 16, 2020, and

WHEREAS, pursuant to the budget amendment policy as stated in the Town's annual budget document, the Town Council is desirous of amending the budget so as to provide for additional revenues, and the expenditures and certain other commitments from the Fund Balance and other revenue sources, as well as to correct budget appropriations for certain Capital Improvement Plan (CIP) projects in the Capital Projects Fund.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA; AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID TOWN COUNCIL:

Section 1 Amendment. The adopted 2021 fiscal year budget is amended to make the following changes as increases and decreases to the funds from prior years and to the projected revenue and expenditure accounts as shown as follows on attachment A.

Section 2 Severability. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3 Effective Date. This Ordinance shall be effective upon its enactment by the Town Council of the Town of Hilton Head Island.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF
HILTON HEAD ISLAND ON THIS ____ DAY OF _____, 2021.**

TOWN OF HILTON HEAD ISLAND,
SOUTH CAROLINA

John McCann, Mayor

ATTEST:

Krista Wiedmeyer, Town Clerk

First Reading:

Second Reading:

APPROVED AS TO FORM:

Curtis L. Coltrane, Town Attorney

Introduced by Council Member: _____

ATTACHMENT A
Capital Projects Fund Budget Amendment

Account Description

Revenues:	<u>Amount</u>
Road Usage Fee	1,100,000
Hospitality Tax	150,000
Impact Fee	150,000
Real Estate Transfer Fee	625,000
TIF Tax	2,100,000
Total Revenues	<u><u>4,125,000</u></u>

Expenditures:	<u>Source of Funds</u>	<u>Amount</u>
<u>ROADWAY AND PATHWAY IMPROVEMENTS:</u>		
Realignment of Summit Drive	Road Usage Fee	600,000
Automobile Pl. to Dillon Road / WHP Corridor	Hospitality Tax	150,000
"	Impact Fee	150,000
Arrow Road Resurfacing	Road Usage Fee	500,000
Total Roadway & Pathway Improvements Increase:		<u><u>\$ 1,400,000</u></u>

<u>PARK DEVELOPMENT:</u>		
Chaplin Linear Park	TIF Tax	500,000
Shelter Cove Pathway & Parking Enhancements	TIF Tax	1,600,000
Total Park Development Increase:		<u><u>\$ 2,100,000</u></u>

<u>OTHER:</u>		
Demolition of Kingfisher Restaurant, Fairfield Square and Boat Repair Shop	Real Estate Transfer Fee	625,000
Total Other Increase:		<u><u>\$ 625,000</u></u>
Total Expenditures		<u><u>4,125,000</u></u>

ATTACHMENT A, CONT.

The effects of this amendment for fiscal year 2021 are presented below.

	General Fund		Cap Proj Fund		Debt Service	Total Governmental Funds		
	Expenditures	Revenues & Transfers In	Expenditures, Transfers Out & Other Uses	Revenues & Transfers In & Other Sources	Expenditures, Transfers Out & Other Uses	Revenues & Transfers In	Expenditures, Transfers Out & Other Uses	Revenues & Transfers In & Other Sources
Current Balance	\$ 44,012,321	\$(44,348,956)	\$ 33,353,363	\$(33,353,363)	\$ 21,500,000	\$(21,500,000)	\$ 98,865,684	\$(99,202,319)
Amendment	-	-	4,150,000	(4,150,000)	-	-	4,150,000	(4,150,000)
Revised Balance	\$ 44,012,321	\$(44,348,956)	\$ 37,503,363	\$(37,503,363)	\$ 21,500,000	\$(21,500,000)	\$103,015,684	\$(103,352,319)

Enterprise Fund
Stormwater Fund

	Expenditures & Transfers Out	Revenues & Transfers In
Current Balance	\$ 7,776,066	\$(7,776,066)
Amendment	-	-
Revised Balance	\$ 7,776,066	\$(7,776,066)



TOWN OF HILTON HEAD ISLAND

Public Projects and Facilities Management

TO: Josh Gruber, Interim Town Manager
VIA: Shawn Colin, Interim Deputy Town Manager
Brad Tadlock, Fire Chief
FROM: Jeff Buckalew, PE, Town Engineer
COPY: Darrin Shoemaker, Traffic and Transportation Engineer
Joheida Fister, Deputy Fire Chief/Fire Marshall
Angela Veins, Beaufort County Sheriff's Office
DATE: February 8, 2021
SUBJECT: Traffic Calming Policy and Neighborhood Request for Speed Humps on Point Comfort Road

Recommendation:

The Community Services and Public Safety Committee (CSPSC) voted unanimously at their November 23, 2020 meeting to recommend to Town Council that staff pursue a Town sponsored speed hump project on Point Comfort Road and that the Town adopt a Traffic Calming Policy (see Exhibit A).

Summary:

The attached policy is based on the current Beaufort County Traffic Calming policy with minor edits for better clarity and input from Fire Rescue. If approved, this policy will be used to process future requests for traffic calming. Point Comfort Road is owned and maintained by SCDOT and a private entity cannot install speed humps on a state road. The SCDOT requires that a local government apply for an encroachment permit and project approval in accordance with their Traffic Calming Guidelines before speed humps may be installed. If approved by Town Council, staff will submit an encroachment permit and traffic calming project application to the SCDOT.

Background:

The Point Comfort neighborhood has expressed a desire for speed humps to be installed on Point Comfort Road. As there was no formal Town policy on speed humps or traffic calming, the Community Services and Public Safety Committee asked staff to develop such a policy. Staff thus used the Beaufort County that currently applies to County roads within the Town limits and made minor modifications for clarity and definition.

In 2018, at the request of the neighborhood, the SCDOT lowered the speed limit on Point Comfort Road from 30 MPH to 25 MPH. The recent speed study conducted on this road by the Town did not show evidence meeting eligibility criteria for traffic calming under the policy, neither is there an accident history warranting traffic calming consideration.

EXHIBIT A

PROPOSED - Traffic Calming Policy

Town of Hilton Head Island

January, 2021

1. This policy only applies to public roads maintained by the Town, County or SCDOT.
2. The process shall start with a written request from Homeowners Association or residential neighborhood group.
3. Engineering Staff will meet with neighborhood representatives to discuss the project need, study scope, calming features, and the effective project limits (properties involved).
4. Engineering Division shall conduct a study of the problem area. The study may include;
 - a. Speed studies using radar device
 - b. Traffic Counts
 - c. Signing evaluation and appropriateness
 - d. Accident Analysis
 - e. Pedestrian Access evaluation
 - f. Intersection and Corridor Condition Diagrams
5. Once data is collected, an evaluation shall be completed to determine the demonstrated need and applicability
6. For Speed Humps or Speed Tables to even be considered by Fire Rescue, the conditions below must exist and alternative traffic calming measures must have been implemented and data confirms the problem still exists and may warrant additional measures:
 - a. Posted speed limit of 30 mph or less
 - b. Speed study demonstrates need, showing 85th percentile speed greater than 10 mph over posted speed limit
 - c. Average Daily Traffic volume less than 2,500 vehicles per day
 - d. Roadway classified as either Sub-Collector, Local or lower
 - e. Installations will not cause emergency response travel times to increase above the 5 minute travel time standard. The Fire Chief must approve the final plan.
 - f. Neighborhood must agree to share in funding construction of the improvements (50% minimum)
7. For other traffic calming devices to be considered, the following conditions must exist:
 - a. Posted speed limit of 35 mph or less
 - b. Speed study demonstrates need with 85th percentile speed greater than 10 mph over posted
 - c. Volume less than 3,500 vehicles per day
 - d. Roadway classified as either Sub-Collector, Local or lower
 - e. Installations will not cause emergency response travel times to increase above the 5 minute travel time standard.
 - f. Neighborhood must agree to share in funding construction of the improvements (50% minimum)
8. The proposed Traffic Calming Plan must be approved by 75 percent of those owning real property within the effective project limits of the residential development.

9. The Traffic Calming Plan must be approved by the road owner (if other than Town road).
10. The proposed Traffic Calming Plan and requisite budget are given necessary Committee/Town Council approval.
11. The timing and expenditure of public funds for traffic calming projects shall be predicated on first come first serve basis as funds permit.
12. Traffic calming features may include the following:
 - a. Interactive Radar Speed Signs
 - b. Speed humps
 - c. Speed tables (raised crosswalks)
 - d. Mini traffic circles – (if LMO compliant and approved by Fire Rescue)
 - e. On-street Parking bump-outs
 - f. Pavement markings and signing based on guidance of MUTCD
13. A follow-up Study shall be completed 3-12 months after traffic calming plan has been implemented to determine compliance and results.



Town of Hilton Head Island
 POINT COMFORT SPEED HUMP PROJECT

SPEED HUMP
 POSITIONS



The information on this map has been compiled from a variety of sources and is intended to be used only as a guide. It is possible there are errors or omissions in the accuracy or completeness of the data shown. The Town of Hilton Head Island assumes no liability for the accuracy or completeness of the map being printed from the map of the map.