Town of Hilton Head Island
Planning & Development Standards Committee
Regular Meeting
Wednesday, October 26, 2011 4:00p.m.
Benjamin M. Racusin Council Chambers

AGENDA

1. **Call to Order**

2. **Freedom of Information Act Compliance**
   Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

3. **Approval of Minutes -** Regular Meeting September 28, 2011

4. **New Business**

   ZMA110002: The Town of Hilton Head Island is proposing to amend the Official Zoning Map by changing the zoning designation of two properties located at 32 and 40 Marshland Road from the IL (Light Industrial) Zoning District to the RM-4 (Low to Moderate Density Residential) Zoning District. These parcels are further identified on Beaufort County Tax Map 8 as Parcels 8E and 410. *Presented by: Anne Cyran*

   ZMA110005: A request from Mr. Truitt Rabun, on behalf of Circle K Stores, proposing to apply the RFZ (Redevelopment Floating Zone Overlay District) to the existing OL (Office Institutional Low Intensity) Zoning District for the properties located at 825 and 827 William Hilton Parkway. The site contains a nonconforming structure and several site features and in order to redevelop the property, the applicant applied for the RFZ to allow flexibility in certain design standards that constrain the redevelopment. The properties are further identified on Beaufort County Tax Map 12, Parcels 19A and 19B. *Presented by: Nicole Dixon*

5. **Committee Business –** Approval of P&DS Committee Meeting Schedule for 2012

6. **Adjournment**

Please note that a quorum of Town Council may result if four or more Town Council members attend this meeting.

TOWN OF HILTON HEAD ISLAND
Planning and Development Standards Committee
Minutes of Wednesday, September 28, 2011 Meeting
4:00pm – Benjamin M. Racusin Council Chambers **DRAFT**

Committee Members Present:	Chairman Bill Ferguson, Mayor Pro Tem Ken Heitzke and Bill Harkins
Committee Members Absent:	None
Council Members Present:	Kim Likins, Alternate
Town Staff Present:	Nicole Dixon, Senior Planner Heather Colin, Development Review Administrator Kathleen Carlin, Administrative Assistant

1) CALL TO ORDER
Chairman Ferguson called the meeting to order at 4:00p.m.

2) FREEDOM OF INFORMATION ACT COMPLIANCE
Public notification of this meeting has been published, posted and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements**.**

3) APPROVAL OF MINUTES
Mr. Heitzke made a **motion** to **approve** the minutes of the August 24, 2011 meeting as presented. Mr. Harkins **seconded** the motion and the motion **passed** with a vote of 3-0-0.

4) UNFINISHED BUSINESS
None

5) NEW BUSINESS
ZMA110003: A request from Dale R. Johnson proposing to amend the Official Zoning Map by changing the zoning designation of three properties located at 841, 843 and 845 William Hilton Parkway from the OL (Office Institutional Low Intensity) Zoning District to the CC (Commercial Center) Zoning District. The properties are known as South Island Square and are further identified on Beaufort County Tax Map 11, Parcels 25, 25B and 25C.

Ms. Nicole Dixon made the presentation on behalf of staff. Ms. Dixon stated that the Planning Commission met on September 7, 2011 to review application for Zoning Map Amendment, ZMA110003, and after a public hearing voted unanimously to recommend that Town Council approve the proposed application for rezoning. The staff recommended that the Planning and Development Standards Committee forward the application for the proposed rezoning to Town Council with a recommendation for approval.

The purpose of this application is to amend the Official Zoning Map by changing the zoning designation of three properties located at 841, 843 and 845 William Hilton Parkway, also known as South Island Square, from the OL (Office Institutional Low Intensity) Zoning District to the CC

(Commercial Center) Zoning District. The properties proposed to be rezoned contain a shopping center, a vacant building and a building with office uses and vacant space.

The Town received this request from Mr. Dale Johnson, on behalf of the property owners, to rezone the three parcels from OL to CC, in order to have more uses available to redevelop the property and to occupy currently vacant office space on the property. The parcel which contains the shopping center is currently nonconforming because the use is not permitted in the OL zoning district. The proposed rezoning will make the shopping center parcel conforming. The staff reviewed this request and determined that the application is consistent with the Comprehensive Plan and the Land Management Ordinance (LMO).

The existing OL zoning district in this area was established after many of the properties had already been developed with commercial uses. The intent of the creation of the OL district was that once these commercial uses were no longer in business, the area would develop with office uses, and concentrate the development of commercial uses in other areas of the Island. But the commercial uses never left and the area does not function as an OL zoning district. The proposed rezoning will make current nonconforming uses conforming, will improve the marketability of the properties and will meet current market demands by permitting uses that are already developed on the properties and uses that are more common in this vicinity. The rezoning will also allow for existing office space which has been vacant for years to be redeveloped or leased with new expanded use opportunities while still allowing office type uses.

Ms. Dixon presented an in-depth review of the application including an overhead review of the site. The committee and the staff discussed staff's receipt of a letter of opposition from a concerned area resident. The committee and the staff discussed staff's response to this concern. Staff does not believe that increased noise, light or traffic will be an issue with this application. Following staff's presentation, Chairman Ferguson requested that the applicant make his presentation.

Mr. Dale Johnson presented statements in support of the application. Following Mr. Johnson's statements, Chairman Ferguson requested public comments and the following were received. Mr. John Binkley, resident of the area, presented statements in opposition of the application based on concerns with potential noise, traffic, and excessive light. Ms. Dixon addressed these concerns. The staff does not believe that there will be a negative impact to the surrounding community. Following final comments by the committee, Chairman Ferguson requested that a motion be made.

Mr. Heitzke made a **motion** that the Planning and Development Standards Committee forward Application for Zoning Map Amendment, **ZMA110003,** to Town Council with a recommendation of **approval**. Mr. Harkins **seconded** the motion and the motion **passed** with a vote of 3-0-0.

Following this vote, Mr. Harkins recommended that the public concerns expressed at today's meeting be taken into consideration by the applicant. Mr. Johnson will forward these public concerns to owner of the property.

6. COMMITTEE BUSINESS

None

DRAFT

7. ADJOURNMENT

The meeting was adjourned at 4:20pm.

Submitted By:	Approved By:
_____	_____
Kathleen Carlin	Bill Ferguson
Administrative Assistant	Chairman

DRAFT

TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Planning & Development Standards Committee
VIA: Teri Lewis, AICP, *LMO Official*
FROM: Anne Cyran, AICP, *Senior Planner*
CC: Charles Cousins, AICP, *Director of Community Development*
DATE October 12, 2011
SUBJECT: Proposed Ordinance No. 2011-34
ZMA110002 – Marshland Road Rezoning

Recommendation: The Planning Commission met on September 7, 2011 and October 5, 2011 to review the attached application for a Zoning Map Amendment (ZMA110002) and after the public hearing on October 5th voted unanimously to recommend that Town Council approve the proposed application for rezoning.

Staff recommends that the Planning & Development Standards Committee forward the application for the proposed rezoning to Town Council with a recommendation for approval.

Summary: The purpose of the application is to amend the Official Zoning Map by changing the zoning designation of two properties located at 32 Marshland Road and 40 Marshland Road from the IL (Light Industrial) Zoning District to the RM-4 (Low to Moderate Density Residential) Zoning District. Of the properties proposed to be rezoned, one is currently undeveloped and the other contains a single family residence.

Background: The Town initiated this request in order to eliminate a non-conforming use and to ensure that future development on these parcels would be consistent with the adjacent residential neighborhood. Staff examined this request and determined that based on their location, size and the existing residential use, the parcels would be more appropriately zoned in the RM-4 Zoning District.

Both parcels are directly adjacent to a residential neighborhood, and all of those parcels are located in the RM-4 Zoning District. Parcel 410 contains a single family residence, which is not a permitted use in the IL Zoning District. The rezoning would make this use conforming. Parcel 410 is approximately 0.6 acres in size, which is large enough to develop for two single family residences, but it is not large enough to develop for a light industrial use. Parcel 8E is owned by the Town of Hilton Head Island. This parcel will be exchanged with Mr. Henry Driessen as part of a Town Council approved land swap for property located along Alex Patterson Road in the RM-4 Zoning District.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2011- **PROPOSED ORDINANCE NO. 2011-34**

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 16-4-102, THE OFFICIAL ZONING MAP WITH RESPECT TO THOSE CERTAIN PARCELS IDENTIFIED AS PARCEL 8E AND PARCEL 410 ON BEAUFORT COUNTY TAX MAP 8 FROM IL (LIGHT INDUSTRIAL) TO THE RM-4 (LOW TO MODERATE DENSITY RESIDENTIAL) ZONING DISTRICT; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on July 21, 1998, the Town Council did amend Title 16 of the Municipal Code of the Town of Hilton Head Island by enacting a revised Land Management Ordinance ("LMO"); and

WHEREAS, the Planning Commission held a public hearing on said zoning map amendment application on September 7, 2011, at which time a presentation was made by staff and an opportunity was given for the public to comment on the rezoning request.

WHEREAS, The Planning Commission postponed taking action and requested that staff provide proof that Mr. Henry Driessen legally represented the interests of Ms. Alexandria Patterson's estate; and

WHEREAS, the Planning Commission held a second public hearing on said zoning map amendment application on October 5, 2011, at which time staff presented to the Planning Commission documents confirming that Mr. Driessen legally represented Ms. Patterson's estate; and

WHEREAS, the Planning Commission, after consideration of the staff report, public comments, and the criteria set forth in Section 16-3-1505 of the LMO, on October 5, 2011 voted 8-0-0 to find the application consistent with the Comprehensive Plan and serves to carry out the purposes of the LMO; and

WHEREAS, the Planning and Development Standards Committee held a public meeting on October 26, 2011 to review said zoning map amendment application, at which time a presentation was made by staff and an opportunity was given for the public to comment on the rezoning request; and

WHEREAS, the Planning and Development Standards Committee, after consideration of the staff report, public comments, and the criteria set forth in Section 16-3-1505 of the LMO, recommend that Town Council <*MOTION*> the proposed amendment; and

WHEREAS, after due consideration of said zoning map amendment application and the recommendations of the Planning Commission and the Planning and Development Standards

Committee, the Town Council, upon further review, finds it is in the public interest to *<MOTION>* the proposed application.

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 16-4-102 of the LMO, be hereby amended to modify the zoning designation of those certain parcels identified as parcel 8E and parcel 410 on Beaufort County Tax Map 8 from IL (Light Industrial) to RM-4 (Low to Moderate Density Residential). The attached Vicinity Map shows the location of the subject properties.

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 TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS _____ DAY OF _____, 2011.

_____
Drew A. Laughlin, Mayor

ATTEST:

_____
Cori Brock, Town Clerk

Public Hearings: September 7, 2011
October 5, 2011

First Reading:
Second Reading:

Approved as to form:

_____
Gregory M. Alford, 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 or Development	Public Hearing Date
ZMA110002	Marshland Road Rezoning	September 7, 2011

Parcel Data or Location	Owners	Applicant
Effected Parcels R511 008 000 008E 0000, 40 Marshland Road R511 008 000 0410 0000, 32 Marshland Road Existing Zoning District Light Industrial (IL) Proposed Zoning District Low to Moderate Density Residential (RM-4)	Parcel 8E: Town of Hilton Head Island One Town Center Court Hilton Head Island SC 29928 Parcel 410: Alexandria A. Patterson 1 Beachwood Dr Hilton Head Island SC 29928	Town of Hilton Head Island One Town Center Court Hilton Head Island SC 29928

Application Summary

The Town of Hilton Head Island is proposing to amend the Official Zoning Map by changing the zoning designation of two properties on Marshland Road from IL to RM-4. The purpose of the rezoning is to bring parcel 410 into greater compliance with the Land Management Ordinance (LMO) and to make both parcels' zoning compatible with the surrounding zoning and uses.

The only existing development on the subject parcels is a single family home, which is a legally non-conforming use. The home would become a conforming use if the property is rezoned to the RM-4 Zoning District. For a detailed list of the changes in use that will result from this rezoning, see Attachment C, Use Table. Zoning district regulations and design standards are fully described in Chapters 4 and 5 of the LMO.

Staff Recommendation

Staff recommends 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.

Background

The parcels subject to the rezoning are both located in the IL Zoning District and are located

on Marshland Road.

Parcel 8E (40 Marshland Road) is currently owned by the Town of Hilton Head Island. The Town purchased the parcel in 2001, and the property is currently undeveloped. It was previously used for storage by a construction company and by the Town as a staging area for construction projects. Town Council has approved a recommendation to include this parcel in a land swap with property owned by Henry Driessen off Alex Patterson Road.

Parcel 410 (36 Marshland Road) is owned by Alexandria Patterson. The property contains a 2,300 square foot single family home, which is a legally non-conforming use.

At the September 7, 2011 public hearing, the Planning Commission considered this application and voted to table further discussion until staff provided documents confirming that Mr. Henry Driessen is the legal representative of Ms. Alexandria Patterson's estate and that he consents to the proposed rezoning. These documents are attached to this report. (See Attachments D & E.)

Summary of Facts and Conclusions of Law

Findings of Fact

1. Notice of the Application was published in the Island Packet on July 31, 2011 as set forth in LMO Sections 16-3-110 and 16-3-111.
2. Notice of the Application was posted and mailed as set forth in LMO Sections 16-3-110 and 16-3-111.
3. A public hearing will be held on September 7, 2011 as set forth in LMO Section 16-3-1504.A.
4. The Commission has authority to render their decision reached here in LMO Section 16-3-1504.

Conclusion of Law

1. The application, notice requirements and public hearing comply with the legal requirements as set forth in LMO Sections 16-3-110, 16-3-111 and 16-3-1504.

As set forth in Section 16-3-1505, Zoning Map Amendment Review Criteria, the Commission shall consider and make findings on the following matters regarding the proposed amendment.

Summary of Facts and Conclusions of Law

Criteria 1: Consistency (or lack thereof) with the Comprehensive Plan (LMO Section 16-3-1505.A)

Findings of Fact

The adopted Comprehensive Plan addresses this project in the following areas:

Land Use Element

An Implication for Nonconforming Parcels by Use

Current zoning classifications should be reviewed along with the associated regulations for each use. Areas that have high instances of nonconforming uses should be

reviewed closely and revisions should be made where necessary. Creative alternatives to traditional zoning classifications should be considered, such as form based and smart codes to reflect current building and development trends that are indicative of our Island character.

An Implication for Zoning Changes

Future land use decisions and requests for zoning changes will be determined using the background information contained in this plan as well as the future land use map, currently represented by the Town's Official Zoning Map.

Goal 8.1 – Existing Land Use

A. The goal is to have an appropriate mix of land uses to meet the needs of existing and future populations.

Goal 8.4 – Existing Zoning Allocation

A. An appropriate mix of land uses to accommodate permanent and seasonal populations and existing market demands is important to sustain the Town's high quality of life and should be considered when amending the Town's Official Zoning Map.

Goal 8.8 – Nonconforming Parcels by Use

B. The goal is to evaluate the locations of nonconforming uses to determine areas to consider for Zoning Map Amendments.

Conclusion of Law

1. Staff concludes that this application is consistent with the adopted Comprehensive Plan, as set forth in LMO Section 16-3-1505.A. The proposed rezoning will increase the potential of development and redevelopment by making a non-conforming use conforming and by approving residential-oriented uses that are compatible with the surrounding neighborhood.

Summary of Facts and Conclusions of Law

Criteria 2: Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood (LMO Section 16-3-1505.B)

Findings of Fact

1. The subject parcels are on the edge of two zoning districts, the Light Industrial (IL) Zoning District and the Low to Moderate Density Residential (RM-4) Zoning District.
2. LMO Section 16-4-218 states the purpose of the IL Zoning District is, "To provide for light industrial and service-related land uses with large buildings or outdoor storage requirements. This district also provides for certain instructional and theatrical uses with similar space requirements."
3. LMO Section 16-4-206 states the purpose of the RM-4 Zoning District is, "To protect and preserve the unique character of Native Islander areas and neighborhoods at densities up to four (4) dwelling units per net acre. This district is used to encourage a variety of residential opportunities."

4. LMO Section 16-4-1204, Use Table, lists conforming uses for each zoning district. For the IL Zoning District, conforming uses include government facilities, utilities, retail uses with significant storage needs (landscape nursery) or potential nuisances (kennel, veterinary hospital), car rental and repair, taxicab and towing services, contractor's offices, manufacturing, warehouse and freight movement and wholesale sales. For the RM-4 Zoning district, conforming uses include single family, multifamily and manufactured housing, community service and day care, schools and government facilities, religious institutions, parks, minor utilities and agriculture.
5. The surrounding properties in the IL Zoning District are almost all accessed from Capital Business Drive. The parcels are generally large and average 1.6 acres in size. Most parcels are developed with either large buildings with no outdoor storage or small buildings with a large area devoted to outdoor storage. The uses include two landscape nurseries, several contractor's offices, a flooring store, a printing shop, a sign manufacturer, warehousing and wholesale sales.
6. The surrounding properties in the RM-4 Zoning District are accessed from Alex Patterson Road and Junior Trace. The parcels are a mix of sizes ranging from 0.25 to 2.6 acres. About half of the parcels are developed with single family homes. The uses are exclusively residential.
7. Of the subject parcels, Parcel 8E is 1.6 acres and is currently undeveloped, and Parcel 410 is 0.6 acres with one single family home.

Conclusions of Law

1. Staff concludes that Parcel 8E is compatible with the present zoning, the conforming uses of nearby property and with the character of the neighborhood as set forth in LMO Section 16-3-1505.B for both the IL and RM-4 Zoning Districts. The parcel is compatible with the IL Zoning District because it is currently undeveloped and is large enough to accommodate light industrial uses. Also, it is directly adjacent to an existing light industrial development to the east. The parcel is compatible with the RM-4 Zoning District because it is currently undeveloped and is large enough to accommodate up to six single family residences. Also, it is directly adjacent to two existing single family homes.
2. Staff concludes that Parcel 410 is not compatible with the present zoning, is compatible with some the conforming uses of nearby property and is compatible with the character of one of the adjacent neighborhoods as set forth in LMO Section 16-3-1505.B. Parcel 410 is not compatible with the present IL zoning because is only 0.6 acres, which is too small to develop for a light industrial use. Parcel 410 is currently developed with a single family home, which is not compatible with the conforming IL uses nearby, but it is conforming with nearby conforming residential uses. Parcel 410 is not compatible with the character of nearby light industrial neighborhood, but it is compatible with the character of the adjacent residential neighborhood.

Summary of Facts and Conclusions of Law

Criteria 3: Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment (LMO Section 16-3-1505.C)

Findings of Fact

1. LMO Section 16-4-206 states the purpose of the RM-4 Zoning District is, "To

protect and preserve the unique character of Native Islander areas and neighborhoods at densities up to four (4) dwelling units per net acre. This district is used to encourage a variety of residential opportunities."

2. LMO Section 16-4-1204, Use Table, lists conforming uses for each zoning district. For the RM-4 Zoning district, conforming uses include single family, multifamily and manufactured housing, community service and day care, schools and government facilities, religious institutions, parks, minor utilities and agriculture.
3. Parcel 410 is developed with a single family house, which is not a permitted use in the IL Zoning District, but it is a permitted use in the RM-4 Zoning District.
4. Parcel 8E is not developed, but the parcel is large enough to accommodate up to six single or multi-family homes, a day care, a religious institution, a neighborhood park or a minor utility.

Conclusion of Law

1. Staff concludes that both parcels are suitable for the proposed uses permitted in the RM-4 Zoning District as set forth in LMO Section 16-3-1505.C. Rezoning Parcel 8E from IL to RM-4 would allow for the development of nearly every use permitted in the RM-4 Zoning District. Rezoning Parcel 410 from IL to RM-4 would bring the existing single family residential use into compliance with the LMO.

Summary of Facts and Conclusions of Law

Criteria 4: Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment (LMO Section 16-3-1505.D)

Findings of Fact

1. LMO Section 16-4-218 states the purpose of the IL Zoning District is, "To provide for light industrial and service-related land uses with large buildings or outdoor storage requirements. This district also provides for certain instructional and theatrical uses with similar space requirements."
2. LMO Section 16-4-1204, Use Table, lists conforming uses for each zoning district. For the IL Zoning District, conforming uses include government facilities, utilities, retail uses with significant storage needs (landscape nursery) or potential nuisances (kennel, veterinary hospital), car rental and repair, taxicab and towing services, contractor's offices, manufacturing, warehouse and freight movement and wholesale sales.
3. Parcel 8E is 1.6 acres and is currently undeveloped.
4. Parcel 410 is 0.6 acres and contains a single family house, which is not a permitted use in the IL Zoning District.

Conclusions of Law

1. Staff concludes that Parcel 8E is suitable for the existing uses permitted in the IL Zoning District as set forth in LMO Section 16-3-1505.D. The parcel is the average size of surrounding parcels zoned IL and could reasonably accommodate a large building or a large outdoor storage area required for many uses permitted in the IL Zoning District
2. Staff concludes that Parcel 410 is not suitable for the existing uses permitted in the IL Zoning District as set forth in LMO Section 16-3-1505.D. The parcel is only 0.6 acres

and could not reasonably accommodate the large buildings or large outdoor storage areas.

Summary of Facts and Conclusions of Law

Criteria 5: Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment (LMO Section 16-3-1505.E)

Findings of Fact

1. In the RM-4 Zoning District, Parcel 8E could be developed with several homes or one of several different kinds of institutional facilities that are not currently permitted uses in the IL Zoning District.
2. In the RM-4 Zoning District, the existing single family home Parcel 410 would become a conforming use.

Conclusions of Law

1. Staff concludes that the marketability of Parcel 8E may be improved as set forth in LMO Section 16-3-1505.E. Rezoning Parcel 8E will allow the development of residential uses, which may be more profitable than light industrial uses.
2. Staff concludes that the marketability of Parcel 410 may be improved as set forth in LMO Section 16-3-1505.E. The currently legally non-conforming single family use will become a conforming use and therefore the home can be expanded, rebuilt into a duplex or redeveloped with an institutional use.

Summary of Facts and Conclusions of Law

Criteria 6: Availability of sewer, water and stormwater facilities generally suitable and adequate for the proposed use (LMO Section 16-3-1505.F)

Findings of Fact

1. Both parcels have an available sewer and water connection from the Hilton Head Island Public Service District.
2. Because Parcel 8E is undeveloped and Parcel 410 has one single family home, neither parcel currently has stormwater facilities.

Conclusion of Law

1. Staff concludes that these properties have available sewer and water facilities suitable and adequate for the proposed uses and that stormwater facilities shall be installed if required for the proposed uses as set forth in LMO Section 16-3-1505.F.

LMO Official Determination

Determination: Staff determines that this application is compatible with the Comprehensive Plan and serves to carry out the purposes of the LMO as based on the Findings of Fact and Conclusions of Law detailed in this report.

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

PREPARED BY:

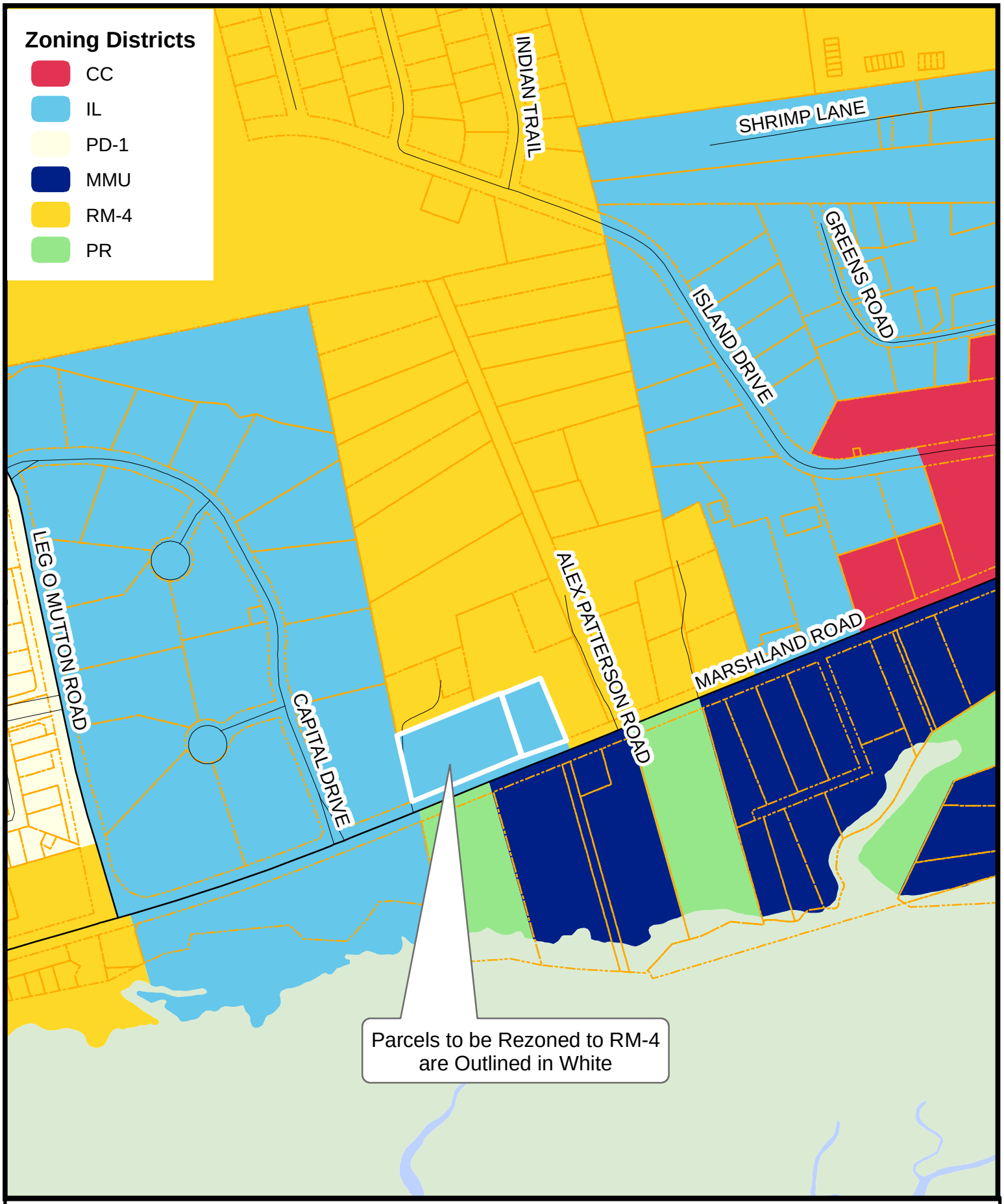
AC	21 September 2011
Anne Cyran, AICP *Senior Planner*	DATE

REVIEWED BY:

TBL	24 August 2011
Teri B. Lewis, AICP *LMO Official*	DATE

ATTACHMENTS:

A) Zoning Map
B) Aerial Photo
C) Use Table
D) General Durable Power of Attorney of Alexandria Anne Patterson
E) Affidavit of Ownership



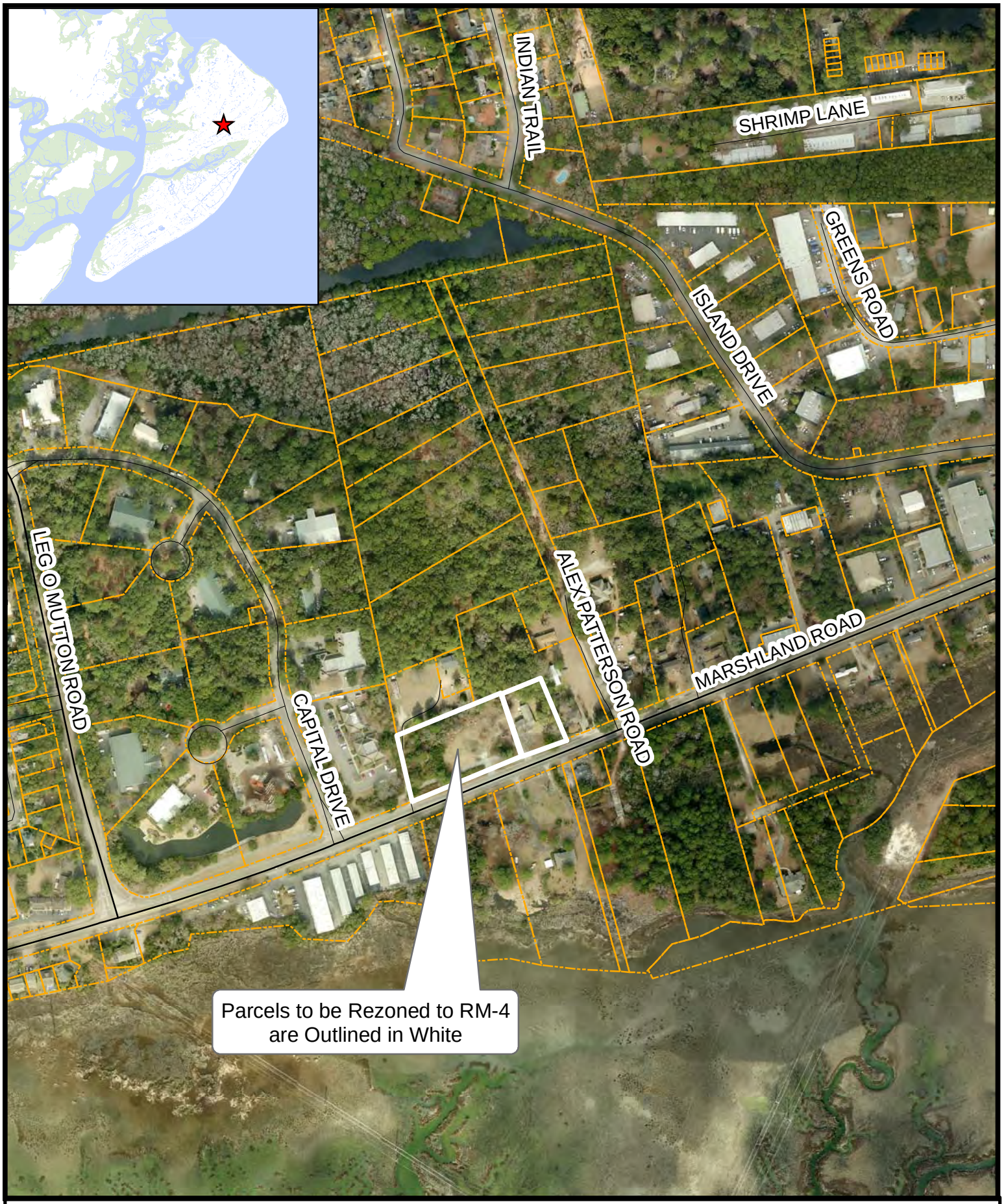
TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, S.C. 29928
PHONE (843) 341-6000

ZMA110002 Marshland Road/Alex Patterson Road Area Rezoning

Zoning Map

Attachment A

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.



TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, S.C. 29928
PHONE (843) 341-6000

ZMA110002 Marshland Road/Alex Patterson Road Area Rezoning

Aerial Photo

Attachment B

N W E S

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.

ZMA110002 Marshland Road Rezoning
Use Table

Specific Use	IL	RM-4
P = Permitted by Right PC = Permitted with Conditions SE = Special Exception		
Residential Uses		
Group Living		PC
Household Living		
Single Family		P
Multi-Family Residential		P
Manufactured Housing Park		PC
Public and Civic Uses		
Aviation/Surface Passenger Terminal	SE	
Community Service		P
Day Care		PC
Educational Facilities		
Schools, Public or Private		SE
Government Facilities	P	PC
Institutions		
Religious Institutions	PC	PC
Other Institutions		SE
Parks and Open Areas		
Cemetery		P
Park, Community		SE
Park, Linear		P
Park, Mini		P
Park, Neighborhood		P
Park, Special Use		P
Utilities		
Major Utility	P	SE
Minor Utility	P	P
Telecommunications Facility	PC	PC
Waste Treatment Plant	SE	SE
Commercial Uses		
Eating Establishments		
With Seating, High Turnover	PC	
Without Seating	P	
Resort Accommodation		
Bed and Breakfast Inn		SE
Inn		SE
Retail Sales & Service		
Community Theater	PC	
Dance Studio	PC	
Funeral Home	P	
Furniture Store	P	

Specific Use	IL	RM-4
P = Permitted by Right PC = Permitted with Conditions SE = Special Exception		
Commercial Uses		
Retail Sales & Service (cont.)		
Hardware, Paint, Glass, Wallpaper or Flooring Store	P	
Kennel, Boarding	P	
Landscape Nursery	P	
Veterinary Hospital	P	
Watercraft Sales, Rental or Service	P	
Vehicle Sales & Service		
Auto Rental	P	
Auto Repair	P	
Auto Sales	PC	
Car Wash	P	
Taxicab Service	P	
Towing Service	P	
Truck or Trailer Rental	PC	
Industrial Services		
Aviation Services	PC	
Light Industrial Services		
Contractor's Office	P	
Other Light Industrial Service	P	
Manufacturing and Production		
Other Manufacturing and Production	P	
Warehouse and Freight Movement		
Moving and Storage	P	
Self-Service Storage	P	
Warehousing	P	
Waste Related Service	P	
Wholesale Sales		
Contractor's Materials	P	
Wholesale Business	P	
Wholesale Business with Accessory Retail Outlet	PC	
Other Uses		
Agriculture		P

ZMA110002 Marshland Road Rezoning
Attachment D

BEAUFORT COUNTY SC - ROD
BK 03009 PGS 0375-0392
FILE NUM 2010059836
11/10/2010 11:21:15 AM
REC'D BY B BING RCPT# 633587
RECORDING FEES 29.00

General Durable Power of Attorney of ALEXANDRIA ANNE PATTERSON

I, ALEXANDRIA ANNE PATTERSON of Bluffton, South Carolina, am creating a durable power of attorney under the laws of the state of South Carolina. I hereby revoke all Powers of Attorney previously granted by me as Principal and terminate all Agency relationships created by me except:

Powers granted by me under any Durable Health Care Power of Attorney;

Powers granted by me on forms provided by financial institutions granting the right to write checks on, deposit funds to and withdraw funds from accounts to which I am a signatory; and

Powers granting access to a safe deposit box.

Article One
Appointment of Agent

Section 1.01 Initial Agent

I appoint HENRY C. DRIESSEN to serve as my Agent.

Section 1.02 Successor Agent

If HENRY C. DRIESSEN fails to serve, I appoint the following person to serve as successor Agent.

Alternate: ROBERTS VAUX

Section 1.03 Prior or Joint Agent Unable to Act

A successor Agent or an Agent serving jointly with another Agent may establish that the acting Agent or joint Agent is no longer able to serve as Agent, by signing an affidavit that states that the Agent is not available or is incapable of acting. The affidavit may (but need not be) supported by a death certificate of the Agent, a certificate showing that a guardian or conservator has been appointed for the Agent, a letter from a physician stating that the Agent is incapable of managing his or her own affairs, or a letter from the Agent stating his or her unwillingness to act or delegating his power to the successor Agent.

Article Two
Effectiveness of Agent Appointment - Durability Provision

Section 2.01 Effectiveness

The authority granted to my Agent under this power of attorney shall be effective immediately upon signing.

Section 2.02 Durability

The authority granted to my Agent under this power of attorney shall not be affected by my subsequent disability, incapacity or lapse of time.

Section 2.03 Term of Durable Power of Attorney

This Durable Power of Attorney shall expire at the earlier of:

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My death, (except for post-death matters allowed under the laws of South Carolina), or

Upon my revocation of this Power of Attorney.

Article Three
Powers Granted to My Agent

I grant my Agent the powers described in this Article so that my Agent may act on my behalf. In addition, my Agent may do everything necessary to exercise the powers listed below:

Section 3.01 Power to Sell

Unless specifically limited by the other provisions of this power of attorney, my Agent may sell any interest I own in any kind of property, real or personal, tangible or intangible, including any contingent or expectant interest, marital right and any right of survivorship incident to joint tenancy or tenancy by the entirety. My Agent may determine the terms of sale and may grant options with regard to sales.

My Agent may dispose of sales proceeds on my behalf as my Agent determines is appropriate.

Section 3.02 Power to Buy

Unless specifically limited by the other provisions of this power of attorney, my Agent may buy any kind of property. My Agent may determine the terms for buying property and may obtain options to buy property. In addition, my Agent may arrange to insure the purchased property, and otherwise arrange for its safekeeping.

My Agent is authorized to borrow money for the purposes described in this Section and to secure the loan in any manner my Agent determines is appropriate.

My Agent is authorized to repay from my funds any money borrowed by me or on my behalf and to pay for any purchases made or cash advanced using my credit cards.

Section 3.03 Power to Invest

My Agent may invest and reinvest all or any part of my property in any other property of whatever type, real or personal, tangible or intangible, and whether located inside or outside the geographic borders of the United States and its possessions or territories. Unless specifically limited by the other provisions of this power of attorney, my Agent may:

Invest in securities of all kinds, limited partnership interests, real estate or any interest in real estate whether or not productive at the time of investment, commodities contracts of all kinds, interests in trusts including investment trusts;

Participate in common, collective or pooled trust funds or annuity contracts;

Sell or otherwise terminate any investment made by me or on my behalf, and establish and terminate savings and money market accounts at banks and other financial institutions;

Establish and terminate accounts with securities brokers and use brokerage accounts to make short sales and to buy on margin, and pledge any securities held or purchased in brokerage accounts as security for loans and advances made to the account;

Establish and terminate agency accounts with corporate fiduciaries; and

Employ and fire financial and investment advisors.

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Section 3.04 Power to Manage Real Property

My Agent may manage any real property I now own or may acquire in the future including my personal residence. Unless specifically limited by the other provisions of this power of attorney, my Agent may:

Lease and sublease property for any period, and grant options to lease or subdivide property, even if the term of the lease, sublease or option extends beyond the term of this power of attorney;

Eject and remove tenants or other persons from property, and recover the property by all lawful means;

Collect and sue for rents;

Pay, compromise or contest tax assessments and apply for tax assessment refunds;

Subdivide, partition, develop, dedicate property to public use without consideration, or grant or release easements over my real property;

Maintain, protect, repair, preserve, insure, build upon, improve, demolish, abandon and alter all or any part of my real property;

Employ laborers;

Obtain or vacate plats and adjust boundaries;

Adjust differences in the property's value on exchange or partition by giving or receiving consideration;

Release or partially release real property from a lien;

Enter into any contracts, covenants and warranty agreements regarding my real property that my Agent considers appropriate; and

Encumber property by mortgage or deed of trust.

My Agent may accept real property as a gift or as security for a loan.

Section 3.05 Power to Manage Tangible Personal Property

My Agent may manage any tangible personal property I now own or may acquire in the future. Unless specifically limited by the other provisions of this power of attorney, my Attorney may:

Lease and sublease property for any period, and grant options to lease or subdivide property, even if the term of the lease, sublease or option extends beyond the term of this power of attorney;

Recover my property by all lawful means;

Collect and sue for rents;

Pay, compromise or contest tax assessments and apply for tax assessment refunds;

Maintain, protect, repair, preserve, insure, improve, destroy, and abandon all or any part of my property; and

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Grant security interests in my property.

My Agent may accept tangible personal property as a gift or as security for a loan.

Section 3.06 Power to Operate Businesses

My Agent may continue operating and managing any business in which I now or later own an interest for the period of time and in any manner my Agent considers appropriate. Unless specifically limited by the other provisions of this power of attorney, my Attorney may:

Act as a director, general or limited partner, or associate or officer of the business;

Select and vote for directors, partners, associates and officers of the business and enter into owners' agreements with other owners of any business in which I have an interest;

Execute agreements and amendments to agreements necessary to the operation of the business including, but not limited to, stockholder agreements, partnership agreements, buy-sell agreements and operating agreements for limited liability companies;

Hire and fire employees;

Pay employees' salaries and provide for employee benefits; Employ legal, accounting, financial and other consultants;

Continue, modify, terminate, renegotiate and extend any contracts with any person, firm, association or corporation;

Execute business tax returns and other government forms required for my business;

Pay all business related expenses;

Transact business for me in my name and on my behalf;

Contribute additional capital to the business;

Change the name or the form of the business;

Incorporate the business;

Enter into a partnership agreement with other persons;

Join in a plan to reorganize or consolidate my business, or merge my business with any other business;

Establish the value of the business under "buy-out" or "buy-sell" agreements to which I am a party;

Create, continue or terminate retirement plans for my business' employees and make contributions required by those plans;

Advance money or other property to the business and make loans of cash or securities to the business as my Agent considers appropriate; and

Borrow for the business and secure any loans with business assets or my personal assets.

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My Agent may sell, liquidate or close a business upon terms my Agent considers appropriate, including a sale in exchange for cash, a private annuity and an installment note or any combination of those arrangements.

Section 3.07 Power to Manage Partnership Interests

My Agent may manage any general, limited or special partnership interest I own now or in the future. Unless specifically limited by the other provisions of this power of attorney, my Attorney may:

Exercise any right, power, privilege or option I may have or may claim under any contract with the partnership;

Modify or terminate my interest on terms and conditions my Agent considers appropriate;

Enforce the terms of the partnership agreement for my protection by instituting or maintaining any action, proceeding or otherwise as my Agent considers appropriate; and

Defend, arbitrate, settle or compromise any action or other legal proceeding to which I am a party because of my membership in the partnership.

Section 3.08 Power Regarding Securities

My Agent may exercise all rights regarding securities that I own now or in the future. Specifically my Agent may:

Buy, sell, and exchange all types of securities and financial instruments including but not limited to stocks. bonds and mutual funds, mutual funds and commodity futures contracts, and call and put options on stocks and stock indexes;

Receive certificates and other evidences of ownership with regard to securities;

Hold securities in bearer or uncertified form and use a central depository, clearing agency or book-entry system such as The Depository trust Company, Euroclear or the Federal Reserve Bank of New York;

Place all or any part of my securities in the custody of a bank or trust company or in the name of its nominee;

Employ a broker-dealer as custodian for my securities and register the securities in the name of the broker-deal or its nominee;

Exercise voting rights with respect to securities in person or by proxy, enter into voting trusts, and consent to limitations on the right to vote;

Participate in any reorganization, recapitalization, merger or similar transaction; and

Exercise any subscription rights, option rights (whether or not qualified under the Internal Revenue Code) or other rights to which I am entitled now or in the future, or to sell and dispose of these rights, and, if required, to sign my name to rights, warrants or other similar instruments.

Section 3.09 Power to Collect and Settle My Obligations

My Agent may collect all rights and benefits to which I am entitled now or in the future, including, but not limited to, rights to cash payments, property, debts, accounts, legacies, bequests, devises, dividends and annuities. In collecting my obligations, my Agent may demand, sue for, arbitrate, settle, compromise,

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receive, deposit, expend for my benefit, reinvest or otherwise dispose of these matters as my Agent determines appropriate.

My Agent may use all lawful means and methods to recover these assets and rights, to qualify me for benefits and claim benefits on my behalf, and to compromise claims and grant discharges regarding the matters described in this Section. My Agent may convert my assets into assets that do not disqualify me from receiving benefits, or my Agent may divest my assets altogether. In any divestment action or asset conversion, I direct my Agent to avoid disrupting the dispositive provisions of my estate plan as established by me prior to my incapacity.

Section 3.10 Power Regarding Governmental Benefits

All Powers described in this section are exercisable with respect to all federal and state (or any subdivision thereof) programs existing when this power of attorney was executed or for which I become eligible after this power of attorney is executed. The power of attorney shall extend to any state in which I live when my Agent's powers become effective.

My Agent is appointed as my "Representative Payee" for the purposes of receiving Social Security benefits. My Agent may collect all benefits payable to or for my benefit by any governmental agency or body, such as Supplemental Social Security (SSI), Medicaid, Medicare, and Social Security Disability Insurance (SSDI). My Agent shall have the full power to represent me and deal in all ways necessary concerning rights or benefits payable to me by any governmental agency including, without limitation, Supplemental Social Security Income (SSSI), Medicaid and Social Security Disability Income (SSDI).

My Agent may:

Execute vouchers in my name for allowances and reimbursements payable to me by the United States, a foreign government, a state, or a subdivision of a state, including allowances and reimbursements for my transportation, my spouse's, children's and other individual's transportation customarily or legally entitled to be supported by me, and for shipment of their household effects.

Take possession, remove and ship any of my property from a post, warehouse, depot, dock, or other place of storage, whether governmental or private, and execute and deliver a release, voucher, receipt, bill of lading, shipping ticket, certificate, or other instrument for that purpose.

Prepare, file, and prosecute my claims for benefits or assistances, financial or otherwise, for any claim to which I am entitled under a statute or government regulation.

Prosecute, defend, arbitrate, settle, and propose or accept a compromise with respect to any benefits I may be entitled to receive.

Receive the financial proceeds of any type of claim described in this Section and invest, disburse, or use the proceeds on my behalf for any lawful purpose.

Sign on my behalf any document necessary to permit my return to my residence following my incapacity or other condition that prevents me from currently living there.

Section 3.11 Power Regarding My Retirement Plans and Other Employee Benefits

My Agent may exercise all rights and collect all qualified retirement benefits to which I am entitled now or in the future. Specifically, my Agent may:

Establish, using any of my assets, one or more qualified retirement plans in my name;

Make contributions, including "rollover" contributions, or cause contributions to be made, to any qualified retirement plan my Agent considers appropriate using my assets;

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Receive and endorse checks and other distributions to me from any qualified retirement plans, or arrange for the direct deposit of those checks or distributions in any of my accounts;

Elect any form of payment from my qualified retirement plans and to withdraw benefits on my behalf from the IRAs and retirement plans;

Make, exercise, waive or consent to any and all election and/or option that I may have regarding contributions to qualified retirement plans, investments and administration of the retirement plans, and distribution or other forms of qualified retirement benefits available to me; and
Borrow money, purchase assets from any of my qualified retirement plans and sell assets to any of my qualified retirement plans if the plan authorizes these actions.

My Agent may make beneficiary designations, whether revocable or irrevocable, change revocable beneficiary designations, and consent or waive consent in connection with the designation of beneficiaries and the selection of joint and survivor annuities under any employee benefit plan. But my Agent may not directly or indirectly designate a greater share or portion of any benefit than my Agent would have otherwise received unless all other beneficiaries under the IRA or plan consent to the change in beneficiary designation.

For all purposes of this Section, "qualified retirement plan" means a plan qualified under Section 401 of the Internal Revenue Code, an individual retirement arrangement under Section 408 or Section 408A or a tax-sheltered annuity under Section 403. The term "qualified retirement benefits" means the amounts held in or distributed pursuant to a plan qualified under Section 401, an individual retirement arrangement under Section 408 or Section 408A, a tax-sheltered annuity under Section 403 or any other benefit subject to the distribution rules of Section 401 (a)(9).

Section 3.12 Power Regarding Bank Accounts

My Agent may establish bank accounts of any type in one or more bank institutions that my Agent may choose. My Agent may modify, terminate, make deposits to, write checks on, make withdrawals from and grant security interests in any account in my name or to which I am an authorized signatory, except accounts held by me in a fiduciary capacity. In exercising this authority, it does not matter whether or not the account was established by me or for me by my Agent. My Agent is authorized to negotiate, endorse or transfer any check or other instrument with respect to any account, to contract for any services rendered by any bank or financial institution, and to execute, on my behalf as principal, any agency or power of attorney forms furnished by a bank with respect to accounts with the bank that appoints the bank or any person as my agent.

If more than one Agent is serving concurrently under this power of attorney, the signature of any one of them is sufficient to endorse checks or drafts and to draw checks or drafts on my financial accounts.

Section 3.13 Power Regarding Safe-Deposit Boxes

My Agent may contract with any institution to rent a safe-deposit box in my name. My Agent may have access to any safe-deposit box in my name or with respect to which I am an authorized signer. This Section will apply whether or not the contract for the safe-deposit box was executed by me alone or jointly with others or by my Agent in my name. My Agent may also add to or remove the contents of a safe-deposit box, or terminate any rental contract for a safe-deposit box.

Section 3.14 Power to Prosecute and Defend Legal Actions

My Agent may institute, supervise, prosecute, defend, intervene in, abandon, compromise, adjust, arbitrate, settle, dismiss, and appeal from any and all legal, equitable, judicial or administrative hearings, actions, suits or proceedings involving me in any way. This authority includes, but is not limited to, claims by or against me arising out of property damage or personal injury suffered by or caused by me or under

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circumstances such that the resulting loss may be imposed on me. My Agent may otherwise engage in litigation involving me, my property or my legal interests, including any property, interest or person for which or for whom I have or may have any responsibility.

Section 3.15 Power to Loan and Borrow

My Agent may make secured or unsecured loans to any person, entity, trust or estate on my behalf, for any term or payable on demand, with or without interest. My Agent may enter into or modify the terms of any mortgage, deed of trust or security agreement made in connection with any loan and may release or foreclose on the mortgage, deed of trust, or security.

My Agent may borrow money on my behalf at interest rates and on other terms that my Agent considers advisable from any person, institution or other source including, if my then-acting Agent is a corporate fiduciary, its own banking or commercial lending department.

My Agent may encumber my property by mortgages, pledges, and other hypothecation and shall have the power to enter into any mortgage or deed of trust even though the term of the mortgage or deed of trust may extend beyond the term for which this power of attorney is effective.

My Agent may borrow money for any purpose on any life insurance policy owned by me on my life even though the term of the loan may extend beyond the term for which this power of attorney is effective. My Agent may grant a security interest in the policy to secure the loan. In this regard, my Agent may assign and deliver the policy as security. No insurance company will be under any obligation to determine the necessity of the loan or how my Agent applies the loan proceeds.

Section 3.16 Power to Renounce or Resign from Fiduciary Positions

My Agent may resign or renounce for me any fiduciary position I hold now or in the future including personal representative, trustee, guardian, attorney-in-fact, and officer or director of a corporation and any governmental or political office or position. In so doing, my Agent may file an accounting with the appropriate court of competent jurisdiction or settle on the basis of a receipt, release or other appropriate method.

Section 3.17 Power to Disclaim or Release Property Interests

My Agent may renounce and disclaim any property or property interest or power to which I may become entitled by gift, testate or intestate succession. My Agent may release or abandon any property interest or power that I may own or hold now or in the future, including any interest in, or right over, a trust, including the right to alter, amend, revoke or terminate the trust. My Agent may claim an elective share in any estate or under any will. But my Agent may not make any disclaimer that is expressly prohibited by the law or other provisions of this power of attorney.

Section 3.18 Power Regarding Insurance

My Agent may purchase, maintain, surrender, collect, or cancel

All kinds of life insurance or annuities on my life or the life of any one in whom I have an insurable interest;

Liability insurance protecting me and my estate against third party claims;

Hospital insurance, medical insurance, Medicare supplement insurance, custodial care insurance, and disability income insurance for me or my dependents; and

Casualty insurance insuring my assets against loss or damage due to fire, theft, or other commonly insured risk.

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My Agent may pay all insurance premiums, select any options under the policies, increase coverage under any policy, borrow against any policy, pursue all insurance claims on my behalf, and adjust insurance losses. This authority shall apply to both private and public plans, including Medicare, Medicaid, SSI and Workers' Compensation.

My Agent may select and amend the beneficiary designations under insurance policies insuring my life. My Agent may also select and amend beneficiary designations under any annuity contract in which I have an interest; provided, however, that my Agent may not directly or indirectly designate to himself or herself a greater share or portion of any benefit my Agent would have otherwise received unless the change is consented to by all other beneficiaries under the policy.

My Agent may decrease or terminate coverage under any insurance policy insuring my life. My Agent may receive and dispose of the cash value received if the policy is decreased or terminated and dispose of the cash value as my Agent considers appropriate.

Section 3.19 Power Regarding Taxes

My Agent may represent me in all tax matters and proceedings before any agent or officer of the Internal Revenue Service, state and local authorities and in any court, for all periods including the date this power of attorney is executed until December 31, 2099.

My Agent may:

Prepare, sign, and file all federal, state, and local tax returns including income, gift, FICA and payroll tax returns on my behalf;

Prepare, sign, and file claims for refunds, requests for extensions of time to file returns or pay taxes, extensions and waivers of applicable periods of limitation, protests and petitions to administrative agencies or courts (including, but not limited to, the United States Tax Court);

Sign consents and agreements under Section 2032A of the Internal Revenue Code or any successor section and consent to split gifts, closing agreements, and any power of attorney form required by the Internal Revenue Service or any state or local taxing authority with respect to any tax year;

Pay taxes due, collect and dispose of refunds as my Agent determines appropriate, post bonds, receive confidential information and contest deficiencies determined by the Internal Revenue Service or any state or local taxing authority;

Exercise any election I have under federal, state or local tax law and allocate any generation-skipping tax exemption to which I am entitled; and

Engage representation for me in any and all tax proceedings by attorneys-at-law, Certified Public Accountants, enrolled agents, and other licensed tax professionals.

Section 3.20 Power to Make Gifts

My Agent may make gifts on my behalf. In order to make gifts, my Agent may withdraw assets from any trust created by me or by my Attorney-in-Fact acting within the authority granted in Section 3.17 and from which I may withdraw assets.

For purposes of this power of attorney, my Agent may forgive any debts owed to me, and any debt forgiven will be considered a gift to the debtor.

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For purposes of this Section, "my beneficiaries" shall mean my spouse and my descendants and beneficiaries, including contingent beneficiaries, named in my Will or my revocable living trust.

My Agent may make gifts on the following terms and conditions:

(a) Continuation of My Gifting

My Agent may honor pledges and continue to make gifts to charitable organizations that I have regularly supported in the amounts I have customarily given. My Agent may make gifts in order to assure the continuation of any gifting program initiated by me prior to the time I became incapacitated.

My Agent may make special occasion gifts to my estate plan beneficiaries, family members, or friends, in equal or unequal amounts, that reflect my past giving and my relationship with such individuals.

(b) Gifts to My Agent

I specifically authorize gifts to my Agent, but only a Special Agent appointed under the provisions of Section 7.03 may make gifts to my Agent. My Agent may not make gifts to himself or herself, his or her estate, his or her creditors, or the creditors of his or her estate.

(c) Gifts in Excess of the Annual Federal Gift Tax Exclusion

Only a Special Agent appointed under the provisions of Section 7.03 may make gifts in excess of the annual federal gift tax exclusion to my beneficiaries.

If my Agent determines that gifts in amounts in excess of the annual federal gift tax exclusion are in my best interest and the best interests of my beneficiaries, my Agent, by unanimous vote if more than one Agent is serving, shall appoint a Special Agent, unrelated by blood or marriage to any Agent, to review the facts and circumstances and to decide whether such gifts should be made. I recommend, but do not require, that my Agent select an independent certified public accountant, attorney-at-law, or corporate fiduciary to serve as the Special Agent under such circumstances.

Neither my Agent, nor the Special Agent appointed by my Agent, shall be liable to any beneficiary for exercising or failing to exercise its discretion to make gifts.

(d) Gifts for Tuition

My Agent may prepay the cost of tuition for any of my beneficiaries. My Agent shall make the payments directly to the educational institution or by establishing and contributing to a Qualified State Tuition Program established under Section 529 of the Internal Revenue Code.

(e) Gifts for Medical Expenses

My Agent may pay medical expenses for any of my beneficiaries as permitted under Section 2503(e) of the Internal Revenue Code. My Agent shall make the payments directly to the medical provider.

(f) Gift Splitting Authorized

My Agent is authorized to consent to the splitting of gifts under Section 2513 of the Internal Revenue Code or under similar provisions of any state or local gift tax laws.

(g) Methods of Making Gifts

My Agent may make gifts of my property under this Section outright, in trust or in any other manner that my Agent considers appropriate.

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By way of example and without limiting my Agent's powers under this Section, my Agent is specifically authorized to make gifts by creating tenancy in common and joint tenancy interests or establishing irrevocable trusts including charitable or non-charitable split interest trusts. My Agent may make gifts by establishing and contributing my property to corporations, family limited partnerships, limited liability partnerships, limited liability companies or other similar entities and by making gifts of interests in any of those entities.

To accomplish the objectives described in this subsection, my Agent may establish and maintain financial accounts of all types and may execute, acknowledge, seal and deliver deeds, assignments, agreements, authorizations, checks and other instruments. My Agent may prosecute, defend, submit to arbitration, settle or propose or accept a compromise with respect to a claim existing in favor of or against me based on or involving a gift transaction on my behalf. My Agent may intervene in any related action or proceeding.

My Agent may perform any other act my Agent considers necessary or desirable to complete a gift on my behalf in accordance with the provisions of this Section.

(h) Standard for Making Gifts

It is my desire that in making gifts on my behalf, my Agent consider the history of my gift making and my estate plan. To the extent reasonably possible, I direct my Agent to avoid disrupting the dispositive provisions of my estate plan as established by me prior to my incapacity.

(i) Ratification of Gifts

I specifically ratify any gifts made by my Agent under the terms of this power of attorney.

Article Four
Care and Control of Principal

My Agent may, in my Agent's sole and absolute discretion, exercise the following powers with respect to the control and management of my person.

Section 4.01 Power to Provide for My Support

My Agent may do anything reasonably necessary to maintain my customary standard of living, including:

Maintain my residence by paying all operating costs, including, but not limited to, interest on mortgages or deeds of trust, amortization payments, repairs and taxes, or by purchasing, leasing or making other arrangement for a different residence;

Provide normal domestic help;

Provide clothing, transportation, medicine, food and incidentals; and

Make all necessary arrangements, contractual or otherwise, for my care at any hospital, hospice, nursing home, convalescent home or similar establishment, or in my own residence should I desire it, and assure that all of my essential needs are met wherever I may be.

Section 4.02 Protect or Dispose of Property

If Agent determines that I will never be able to return to my residence from a hospital, hospice, nursing home, convalescent home or similar facility, my Agent may dispose of my residence. In so doing, my Agent may sell, lease, sublease or assign my interest on terms and conditions that my Agent considers appropriate.

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My Agent may store and safeguard any items of tangible personal property remaining in my residence and pay all storage costs. Alternatively, my Agent may sell any items that my Agent believes I will never need again on terms and conditions that my Agent considers appropriate.

As an alternative to storing my tangible personal property, my Agent may transfer custody and possession, but not title, of any property item to the person named in my Will or my revocable living trust as the person entitled to receive that property item on my death.

Section 4.03 Power to Provide for My Recreation and Travel

My Agent may, at my expense, allow me to engage in recreational and sports activities as my health permits, including travel.

Section 4.04 Power to Provide for Religious and Spiritual Needs

My Agent may provide for my religious and spiritual needs, including involvement of religious clergy and spiritual leaders in my care and my membership in religious and spiritual organizations consistent with my religious beliefs. My Agent may purchase religious books, tapes and other materials for my use and benefit.

Section 4.05 Power to Provide for Companionship

My Agent may arrange any form of companionship for me necessary to meet my needs if I am unable to arrange for such companionship myself.

Section 4.06 Power to Make Advance Funeral Arrangements

My Agent may make advance arrangements for my funeral and burial, including a burial plot, marker and any other related arrangements that my Agent considers appropriate.

Article Five
Incidental Powers

My Agent may perform those acts and execute and deliver those legal documents necessary or appropriate to the exercise of the powers set forth in this power of attorney, including, but not limited, to the following incidental powers.

Section 5.01 Power to Commence Court Proceedings

My Agent may commence any court proceedings necessary to protect my legal rights and interests under this power of attorney including, but not limited to:

> Actions for declaratory judgments from any court of competent jurisdiction interpreting the validity of this power of attorney and any of the acts sanctioned by this power of attorney; provided, however, that my Agent need not seek a declaratory judgment to perform any act sanctioned by this power of attorney;
>
> Actions for mandatory injunctions requiring any person or entity to comply with my Agent's directions as authorized by this power of attorney;
>
> Actions for actual and punitive damages and the recoverable costs and expenses of such litigation against any person or entity who negligently or willfully fails or refuses to follow my Agent's directions as authorized by this power of attorney.

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Section 5.02 Power to Employ and Discharge Personnel

My Agent may employ and remove investment advisors, accountants, auditors, depositories, custodians, brokers, consultants, attorneys, expert advisors, agents and others to advise or assist my Agent as my Agent considers appropriate.

Section 5.03 Sign Documents

My Agent may sign, execute, endorse, seal, acknowledge, deliver and file or record all appropriate legal documents necessary to exercise the powers granted under this power of attorney.

Section 5.04 Power to Submit Costs for Payment

If my Agent incurs costs in performing any powers granted under this power of attorney, or in enforcing compliance with the powers given to my Agent under this power of attorney, my Agent may submit those costs to any person who has the authority to pay those costs such as the trustee of my revocable living trust or to my guardian or conservator. My trustee, conservator or guardian shall promptly pay those costs.

Section 5.05 Power Regarding My Mail

My Agent may open, read, respond to and redirect my mail. My Agent may represent me before the U.S. Postal Service and all other mail or package carriers in any matter relating to mail or delivery services including the receipt of certified mail.

Section 5.06 Power Regarding Memberships

My Agent may establish, cancel, continue or initiate my membership in organizations and associations of all kinds.

Section 5.07 Power Regarding Custody of Documents

My Agent may take, give or deny custody of my important documents, including my Will and any codicils, trust agreements, deeds, leases, life insurance policies, contracts or securities. My Agent may disclose or not disclose the whereabouts or contents of those documents as my Agent believes appropriate.

Article Six
Limitation on Agent Powers

All powers granted to my Agent under this power of attorney are subject to the limitations set forth in this Article.

Section 6.01 Tax Sensitive Powers

No individual serving as Agent may exercise any fiduciary power or discretion if the exercise of that power or discretion would:

Cause any income generated by my property to be attributed to my Agent for federal income tax purposes;

Cause the value of any property subject to this power of attorney to be included in my Agent's gross estate for federal estate tax purposes;

Cause any distribution made or allowed to be made to my Agent to be treated as a gift from my Agent; or

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Discharge a legal obligation of my Agent.

If the exercise of a power by an Agent under this power of attorney would cause any of the foregoing results, a Special Agent appointed under the provisions of Section 7.03 may exercise the power or discretion.

Section 6.02 Life Insurance on the Life of My Agent

No individual Agent may exercise any powers or rights in a policy owned by me that insures the life of that Agent. Any powers and rights regarding the policy will be exercised solely by another Agent serving under this power of attorney.

Section 6.03 Prohibition on Power over Prior Transfers

No Agent may exercise any power or authority over any irrevocable trust created by my Agent to which I am a trustee or a beneficiary or any asset given to me by my Agent.

Section 6.04 Trustee to Avoid Disrupting My Estate Plan

If it becomes necessary for my Agent to liquidate or reinvest any of my assets to provide support for me, I direct that my Agent, to the extent that it is reasonably possible, avoid disrupting the dispositive provisions of my estate plan as established by me prior to my incapacity.

If it is necessary to disrupt the dispositive provisions of my estate plan, my Agent will use his or her best efforts to restore my plan as soon as possible. My Agent will make reasonable efforts to obtain and review my estate plan. I authorize any person with knowledge of my estate plan or possession of my estate planning documents to disclose information to my Agent and to provide copies of documents to my Agent.

Article Seven
Administrative Powers and Provisions

This Article contains certain administrative powers and provisions that facilitate the use of the power of attorney and that protect my Agent and those who rely upon my Agent.

Section 7.01 Release of Information

My Agent may release and obtain. as the case may be, any and all information regarding my financial investments and taxes, including any information regarding stocks, bonds, certificates of deposit, bank accounts, tax returns. retirement accounts, pension plans, and any other documents or information regarding my financial affairs and taxes from my attorneys-at-law, financial advisors, insurance professionals, accountants, stockbrokers, stock transfer agents, and any other persons having such information.

I release these persons or entities from any liability for releasing the above-referenced information to my Agent in reliance on this Section.

If my Agent is an attorney-at-law or other accounting or financial professional, the professional regulations of my Agent's profession and federal law may prohibit my Agent from releasing information about my financial affairs to others if I am a client of my Agent. This instrument, therefore, is a limited waiver of any privilege (such as the attorney-client privilege) that I have established with any Agent as a client. The privilege is waived for the limited purpose of permitting my Agent to perform his or her duties under this power of attorney.

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Section 7.02 Nomination of Guardian of my Person and my Estate

If at any time proceedings are initiated for the appointment of Guardian of my person and my estate, I nominate the person serving, or named to serve, as my Agent at the time the proceedings are initiated.

If any person I have nominated is appointed Guardian of my person and my estate, I request that the court grant powers permitting my Guardian of my person and my estate to administer my estate independent of supervision and without adjudication, order or direction of any court.

Section 7.03 Appointment of a Special or Ancillary Agent

If for any reason any Agent is unwilling or unable to act with respect to any property or any provision of this power of attorney, my Agent shall appoint, in writing, a corporate fiduciary or an individual to serve as Special Agent as to the property or with respect to the provision. The Special Agent appointed must be an individual that is not related or subordinate to my Agent within the meaning of Section 672(c) of the Internal Revenue Code. My Agent may revoke any such appointment at will.

If my Agent determines that it is necessary or desirable to appoint an Ancillary Agent to act under this power of attorney in a jurisdiction other than this one, my Agent may do so. In making an appointment, my Agent may sign, execute, deliver, acknowledge and make declarations in any documents that may be necessary, desirable, convenient or proper in order to carry out the appointment. A Special or Ancillary Agent may exercise all powers granted by this power of attorney unless expressly limited elsewhere in this power of attorney or by the instrument appointing the Special or Ancillary Agent. A Special or Ancillary Agent may resign at any time by delivering written notice of resignation to my Agent. Notice of resignation shall be effective in accordance with the terms of the notice.

Section 7.04 Agent Authorized to Employ My Attorney

My Agent may employ the attorney who prepared this power of attorney or any other attorney employed by me in connection with my estate plan or business matters and I specifically:

Waive any and all conflicts of interest that might arise through such employment;

Authorize the attorney to make full disclosure of my estate plan and business to the Agent; and

Authorize the attorney to accept the engagement.

Section 7.05 Fiduciary Eligibility of Agent

My Agent shall be eligible to serve in any other fiduciary capacity for me or for my benefit, including trustee, guardian, conservator, committee, executor, administrator, or personal representative.

Section 7.06 Reimbursement for Expenses and Compensation

My Agent may pay himself or herself from my assets, fair and reasonable compensation authorized by law for services performed under this power of attorney and, in addition, my Agent may reimburse himself or herself for all reasonable expenses incurred for carrying out any provision of this power of attorney.

Section 7.07 Liability of Agent

I release and discharge any Agent acting in good faith from any and all civil liability and from all claims or demands of all kinds whatsoever by me, my estate, and my heirs, successors and assigns arising out of the acts or omissions of my Agent, except for willful misconduct or gross negligence. This protection extends to the estate, heirs, successors and assigns of my Agent.

AAA Initial

Section 7.08 Amendment and Revocation

I may amend or revoke this power of attorney at any time. Amendments to this document must be made in writing by me personally (not by my Agent) and must be attached to the original of this document and recorded in the same county or counties as the original if the original is recorded.

Section 7.09 Resignation

My Agent may resign by the execution of a written resignation delivered to me or, if I am mentally disabled, by delivery to any person with whom I am residing or who has my care and custody.

Section 7.10 Signature of Agent

Agent shall use the following form when signing documents on my behalf pursuant to this power:

ALEXANDRIA ANNE PATTERSON by HENRY C. DRIESSEN, her attorney-in-fact

Section 7.11 Interpretation

This power of attorney is a general power of attorney and should be interpreted as granting my Agent all general powers permitted under the laws of state of South Carolina. The description of specific powers is not intended to, nor does it, limit or restrict any of the general powers granted to my Agent.

Section 7.12 Use of "Agent" Nomenclature

The word "Agent" and any modifying or equivalent word or substituted pronoun includes the singular and the plural and the masculine, feminine and neuter genders.

Section 7.13 Third Party Reliance

No person who relies in good faith on the authority of my Agent under this power of attorney will incur any liability to me, my estate, or my heirs, successors and assigns.

Any party dealing with my Agent may conclusively rely upon an affidavit or certificate of my Agent that:

The authority granted to my Agent under this power of attorney is in effect;

My Agent's actions are within the scope of my Agent's authority under this power of attorney;

I was competent when I executed this power of attorney;

I have not revoked this power of attorney; and

My Agent is currently serving as my Agent.

Section 7.14 Effect of Duplicate Originals or Copies

If this power of attorney has been executed in multiple counterparts, each counterpart original will have equal force and effect. My Agent may make photocopies of this power of attorney and each photocopy will have the same force and effect as the original.

Section 7.15 Governing Law

This power of attorney's validity and interpretation will be governed by the laws of State of South Carolina. To the extent permitted by law, this power of attorney is applicable to all my property, whether real,

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Initial

personal, intangible or mixed, wherever located, and whether or not the property is owned by me now or in the future.

Section 7.16 Severability

If any provision of this power of attorney is declared invalid for any reason, the remaining provisions will remain in full force and effect.

Article Eight
Declarations of the Principal

I understand that this power of attorney is an important legal document. Before executing this power of attorney, my attorney explained to me the following:

The power of attorney provides my Agent with broad powers to dispose of, sell, convey and encumber my real and personal property.

The powers will exist for an indefinite period of time unless I revoke the power of attorney or I have limited their duration by specific provisions in the power of attorney.

This Durable Power of Attorney will continue to exist notwithstanding my subsequent disability or incapacity.

I have the power to revoke or terminate this Durable Power of Attorney at any time.

Dated: 3/7/07

Alexandria Anne Patterson
ALEXANDRIA ANNE PATTERSON, Principal

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Initial

Witness Attestation

The foregoing durable power of attorney was, on the day and year written above, published and declared by ALEXANDRIA ANNE PATTERSON, in our presence to be his/her power of attorney. We, in his/her presence and at his/her request, and in the presence of each other, have attested to the same and have signed our names as attesting witnesses.

We declare that at the time of our attestation of this instrument, ALEXANDRIA ANNE PATTERSON was, according to our best knowledge and belief, of sound mind and memory "and under no undue duress or constraint."

Witness One:

Heleen Cilli

Heleen Cilli

Witness Two:

Debra A. Criddle

Debra A. Criddle

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

We, Heleen Cilli and Debra Criddle, the witnesses, whose names are signed to the foregoing instrument, having been sworn, signed, acknowledged and declared to the undersigned officer that the principal, in the presence of witnesses, signed the instrument as his/her power of attorney as principal and that each of the witnesses, in the presence of the principal, and in the presence of each other, signed the power of attorney as a witness.

Witness my hand and official seal this 7th day of March, 2007.

[SEAL]

Debra A. Criddle

Notary Public for South Carolina

My commission expires: 8/7/11

AAP Initial

Town of Hilton Head Island
Community Development Department
One Town Center Court
Hilton Head Island, SC 29928
Phone: 843-341-4757 Fax: 843-842-8908
www.hiltonheadislandsc.gov

FOR OFFICIAL USE ONLY
Date Received: 9/21/11
App. #: ZMA 110002

AFFIDAVIT OF OWNERSHIP AND HOLD HARMLESS PERMISSION TO ENTER PROPERTY

The undersigned being duly sworn and upon oath states as follows:

1. I am the current owner of the property which is the subject of this application.
2. I hereby authorize the Town of Hilton Head Island to act as my agent for this application only.
3. All statements contained in this application have been prepared by me or my agents and are true and correct to the best of my knowledge.
4. The application is being submitted with my knowledge and consent.
5. Owner grants the Town, its employees, agents, engineers, contractors or other representatives the right to enter upon Owner's real property, located at 32 Marshland Road, R511 008 000 0410 0000 for the purpose of application review, for the limited time necessary to complete that purpose.
6. Owner agrees to hold the Town harmless for any loss or damage to persons or property occurring on the private property during the Town's entry upon the property, unless the loss or damage is the result of the sole negligence of the Town.
7. Non-responsiveness to a Town information request for sixty (60) or more days shall be cause to cancel the application(s) without refund of fees.

Print Name: HENRY DUESSELL Address: 10 ALEX PATTERSON DR

Signature: [signature] Date: 9/21/2011 Phone Number: 684-3914

State of SC County of BEAUFORT

Sworn and subscribed before me this 21st day of Sept, 2011

Name of Notary (print) Donna J. HORSMAN

Signature of Notary [signature]

Commission Expires 9/25/18

ZMA110002 Marshland Road Rezoning
Attachment E

TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Planning & Development Standards Committee
VIA: Teri Lewis, AICP*, LMO Official*
FROM: Nicole Dixon, CFM, *Senior Planner*
CC: Charles Cousins, AICP*, Director of Community Development*
DATE: October 10, 2011
SUBJECT: Proposed Ordinance No. 2011-33
ZMA110005 – Circle K Redevelopment

Recommendation: The Planning Commission met on October 5, 2011 to review the attached application for Zoning Map Amendment (ZMA110005) and after a public hearing voted 7-1 to recommend that Town Council approve the proposed application for rezoning. Commissioner Bennett voted against the motion, stating he felt the application would generate additional traffic problems for an already busy intersection.

Staff recommends that the Planning and Development Standards Committee forward the application for the proposed rezoning to Town Council with a recommendation for approval.

Summary: The purpose of this application is to apply the RFZ (Redevelopment Floating Zone Overlay District) to the existing OL (Office Institutional Low Intensity) Zoning District for the properties located at 825 and 827 William Hilton Parkway. The properties contain a Circle K gas station/convenience store and a car wash. The development contains a nonconforming use, a nonconforming structure and several nonconforming site features. In order to redevelop the property, the applicant has applied for the RFZ to allow flexibility in certain design standards that constrain the redevelopment.

Background: The Town received this request from Truitt Rabun, on behalf of Circle K. Staff met with Mr. Rabun and representatives of Circle K several times to discuss potential redevelopment options for the site. It was determined that the RFZ is the only option to allow the redevelopment of the site in this manner, while still retaining some nonconformities. The purpose the RFZ is to allow property to redevelop in a manner that is more flexible than design standards in the Land Management Ordinance (LMO) require of new development. Circle K currently leases the gas station property and is under contract to purchase the car wash property. Once purchased, Circle K plans to demolish the car wash and expand the gas station by adding a second fueling canopy and improving the vehicular circulation and parking for both sites. Staff reviewed this request and determined that the application is consistent with the Comprehensive Plan and the RFZ criteria in the LMO.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2011- **PROPOSED ORDINANCE NO. 2011-33**

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 16-4-102, THE OFFICIAL ZONING MAP WITH RESPECT TO THOSE CERTAIN PARCELS IDENTIFIED AS PARCELS 19A AND 19B ON BEAUFORT COUNTY TAX MAP 12, TO APPLY THE RFZ (REDEVELOPMENT FLOATING ZONE OVERLAY DISTRICT) TO THE EXISTING OL (OFFICE/INSTITUTIONAL LOW INTENSITY) ZONING DISTRICT; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on July 21, 1998, the Town Council did amend Title 16 of the Municipal Code of the Town of Hilton Head Island by enacting a revised Land Management Ordinance ("LMO"); and

WHEREAS, on March 6, 2007, the Town Council did amend Title 16 of the Municipal Code of the Town of Hilton Head Island by adopting amendments to the Land Management Ordinance creating the Redevelopment Floating Zone Overlay District; and

WHEREAS, the purpose of the Redevelopment Floating Zone is to encourage nonconforming properties to redevelop without requiring full compliance with the design and performance standards of the Land Management Ordinance; and

WHEREAS, the Planning Commission held a public hearing on said zoning map amendment application on October 5, 2011, at which time a presentation was made by staff and an opportunity was given for the public to comment on the rezoning request; and

WHEREAS, the Planning Commission, after consideration of the staff report, public comments, and the criteria set forth in Section 16-3-1607 of the LMO, voted 7-1 to find the application consistent with the Comprehensive Plan and serves to carry out the purposes of the LMO; and

WHEREAS, the Planning and Development Standards Committee held a public meeting on October 26, 2011 to review said zoning map amendment application, at which time a presentation was made by staff and an opportunity was given for the public to comment on the rezoning request; and

WHEREAS, the Planning and Development Standards Committee, after consideration of the staff report, public comments, and the criteria set forth in Section 16-3-1607 of the LMO, voted to recommend that Town Council <*MOTION*> the proposed zoning map amendment application; and

WHEREAS, after due consideration of said zoning map amendment application and the recommendations of the Planning Commission and the Planning and Development Standards Committee, the Town Council, upon further review, finds it is in the public interest to <*MOTION*> the proposed application.

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 16-4-102 of the LMO, be hereby amended to modify the zoning designation of those certain parcels identified as parcels 19A and 19B on Beaufort County Tax Map 12, to apply the RFZ Overlay District to the existing OL Zoning District. The attached Vicinity Map shows the location of the subject property.

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 TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS _____ DAY OF _____, 2011.

_____
Drew A. Laughlin, Mayor

ATTEST:

_____
Cori Brock, Town Clerk

Public Hearing: October 5, 2011
First Reading:
Second Reading:

Approved as to form:

_____
Gregory M. Alford, 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:
ZMA110005	Circle K Redevelopment	October 5, 2011

Parcel Data:	Property Owners	Applicant/Agent
Existing Zoning District: OL (Office Institutional Low Intensity) Proposed Zoning District: Same as Above Applicable Overlay District: Corridor Overlay Proposed Overlay District: Redevelopment Floating Zone (RFZ) Parcels Affected: Beaufort County Tax Map 12, Parcels 19A and 19B	Dillon Road Properties 10 S. Calibogue Cay Hilton Head Island, SC 29928 RI CS 2 LLC 600 La Terraza Blvd. Escondido, CA 92025	Truitt Rabun Truitt Rabun Associates PO Box 23229 Hilton Head Island, SC 29925

Application Summary:
Truitt Rabun, on behalf of Circle K Stores, is proposing to apply the RFZ (Redevelopment Floating Zone Overlay District) to the existing OL (Office Institutional Low Intensity) Zoning District for the properties located at 825 and 827 William Hilton Parkway. The site contains a nonconforming use, a nonconforming structure and several nonconforming site features. In order to redevelop the property, the applicant has applied for the RFZ to allow flexibility in certain design standards that constrain the redevelopment.

Staff Recommendation:
Staff recommends that the Planning Commission find this application to be consistent with the Town's Comprehensive Plan and does serve 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.

Background:

The applicant is proposing to apply the RFZ to two properties which contain a Circle K gas station/convenience store and a car wash. Circle K leases the gas station property and is under contract to purchase the car wash property. Once purchased, Circle K plans to demolish the car wash and expand the gas station by adding a second fueling canopy and improving the vehicular circulation and parking for both sites.

The subject properties are surrounded by a Town owned property and Palmetto Dunes to the north, a church to the east and south and a cellular phone service business and a restaurant across William Hilton Parkway.

The properties are currently zoned OL. A gas station and convenience store are not permitted uses in the OL zoning district, therefore they are considered nonconforming uses. Pursuant to LMO Section 16-7-201, Expansion, no nonconforming use may be enlarged, expanded or extended to occupy a greater area of land or floor area than was occupied on the effective date of this Title and no additional accessory use or structure may be established on the site of a nonconforming use.

The existing fueling canopy is located within the minimum adjacent street setback and buffer, and therefore is considered a nonconforming site feature. The properties contain several other nonconforming site features: lack of vegetated buffers, inadequate setbacks, inadequate parking spaces, medians, drive aisles, loading space, lack of open space and too much impervious coverage. Pursuant to LMO Section 16-7-106, Waiver by Administrator, provisions dealing with nonconforming site features may be waived if certain criteria can be met. One of those criteria is that the proposed expansion, enlargement or extension does not occupy a greater footprint than the existing nonconforming structure or site feature. The applicant is proposing to add a second fueling station within the adjacent street setback and buffer and therefore doesn't meet the criteria for a waiver.

Staff met with the applicant several times to review their options, and it was determined that the RFZ is the only option to allow the redevelopment of the site in this manner, while still retaining some nonconformities. The RFZ will reduce the required adjacent street and use setbacks and buffers by 50% to allow the placement of the additional fueling station.

The RFZ process requires the Design Review Board (DRB) to review and approve a conceptual landscape plan prior to the Planning Commission public hearing. On August 23, 2011, the DRB approved a conceptual landscape plan for this project.

Applicant's Grounds for ZMA:

The applicant states in the narrative that the current site is cramped and is in serious need of vehicular circulation and parking improvements. Presently fuel tankers and delivery trucks are forced to back into a busy William Hilton Parkway because there is not an adequate loading space or drive aisle for deliveries. The applicant states that vehicular circulation and access will be greatly improved with the proposed redevelopment. The applicant also states

that the proposed application for the RFZ will decrease nonconformities in land use and design standards and will allow for the overall enhancement of the site. The proposed redevelopment will be no more intense than what exists on site currently because they will be demolishing the car wash and adding a fueling station. While some of the existing construction that remains will still be non-compliant, all new construction and modified existing construction will conform to the standards allowed under the RFZ. The applicant believes that when the proposed project is complete, the redeveloped site will improve the aesthetics, functionality and safety of the site's operations.

Summary of Facts and Conclusions of Law:

Findings of Facts:

- Notice of the Application was published in the Island Packet on August 28, 2011 as set forth in LMO (Land Management Ordinance) Sections 16-3-110 and 16-3-111.
- Notice of the Application was posted and mailed as set forth in LMO Sections 16-3-110 and 16-3-111.
- A public hearing will be held on October 5, 2011 as set forth in LMO 16-3-1606A.
- The Commission has authority to render their decision reached here in LMO Section 16-3-1606.

Conclusions of Law:

- The application, notice requirements, and public hearing comply with the legal requirements as set forth in LMO 16-3-110, 16-3-111 and 16-3-1606.
- The applicant submitted an affidavit stating they met the mailed notice requirements as set forth in LMO Section 16-3-111.

As set forth in Section 16-3-1607, Redevelopment Floating Zone Review Criteria, Planning Staff has based its recommendation on analysis of the following criteria:

Summary of Facts and Conclusions of Law:

Criteria 1: The site plan, design standards, and other design criteria are consistent with the purpose of the Redevelopment Floating Zone as stated in Section 16-4-1101 (LMO Section 16-3-1607A):

Finding of Fact:

- Pursuant to LMO Section 16-4-1101, the purpose of the Redevelopment Floating Zone is "to allow a property to redevelop in a manner that is more flexible than the design standards and other design criteria required of new development. The Redevelopment Floating Zone is designed to promote redevelopment to improve sites while still maintaining island character and encourage owners of nonconforming properties on the Island to redevelop without requiring complete conformance with the current provisions of this Title. The needs and goals of the Comprehensive Plan support the creation of this zone to encourage redevelopment."

Conclusions of Law:

- Staff concludes that the site plan, design standards and other design criteria are consistent with the purpose of the Redevelopment Floating Zone as stated in LMO Section 16-4-1101.
- The design of the proposed redevelopment incorporates flexibility in the setback and buffer standards, but also includes the preservation of existing trees within the remaining buffer area as well as the installation of new landscaping and an increase of open space and pervious area on the site.

Summary of Facts and Conclusions of Law:

Criteria 2: The site plan, design standards, and other design criteria meet the definition of redevelopment in Chapter 10 of this Title (LMO Section 16-3-1607B):

Findings of Fact:

- Chapter 10 of the LMO defines redevelopment as: "The renovation of a previously developed site to the density allowed under Section 16-4-1601, or the existing density, whichever is greater."
- The applicant is proposing to demolish the existing car wash structure and add a second fueling station.

Conclusions of Law:

- Staff concludes that the site plan, design standards and other design criteria meet the definition of redevelopment in Chapter 10.
- The fueling station addition does not count as density because it is not an enclosed structure, therefore the proposed redevelopment project does not include the increase of density.

Summary of Facts and Conclusions of Law:

Criteria 3: The area surrounding the proposed redevelopment can be planned and developed or redeveloped in substantial compatibility with the standards and criterion of the proposed redevelopment (LMO Section 16-3-1607C):

Findings of Fact:

- The properties subject to the application are surrounded by a vacant Town owned property and Palmetto Dunes to the north, a church to the east and south and a cellular phone service business and a restaurant across William Hilton Parkway.
- LMO Section 16-4-1102 states that "The Redevelopment Floating Zone may be applied for by qualifying parcels island-wide to redevelop with flexibility in design standards and other design criteria….The following parcels qualify: (1) Parcels that contain a nonconforming structure or site feature, or (2) A conforming parcel that redevelops in conjunction with a parcel that contains a nonconforming structure or

site feature.

- The proposed redevelopment includes the following overall site improvements: increase in number of parking spaces, increase in buffer vegetation, increase in pervious surface coverage, precludes density from being developed on the car wash site, improve storm drainage conditions, provide a bike rack, provide a loading space, relocate and improve the dumpster area and improve vehicular circulation.

Conclusions of Law:

- Staff concludes that the area surrounding the proposed redevelopment can be planned and developed or redeveloped in substantial compatibility with the standards and criterion of the proposed redevelopment.
- If the adjacent properties are currently nonconforming, there would be the same opportunity provided for them to redevelop through this RFZ process where similar flexibility could be granted.
- The redevelopment will be an overall benefit to the surrounding area because of the proposed improvements to the site.

Summary of Facts and Conclusions of Law:

Criteria 4: The proposed redevelopment is consistent with the Comprehensive Plan (LMO Section 16-3-1607D):

Findings of Facts:
The Comprehensive Plan addresses this application in the following areas:

<u>Economic Development Element:</u>

Section 7.5 – Potential Risks for Future Economy with Comprehensive Plan Implications

"Flexibility" (where reasonable people may disagree but must find a solution) in the application of historic regulation and ordinance was called for to improve existing nonconformities and future redevelopment.

Section 7.6 – Potential Strategies with Implication for Comprehensive Plan

Identify and prioritize areas in need of redevelopment, including any obsolete or run down commercial buildings. Incentivize the development of flexibility of streamlining in regulation of density caps, setbacks (and other controls) that enable a qualitative, principle based, asset revitalization that enhances the Island's positive legacies.

<u>Land Use Element:</u>

An Implication for Building Permit Trends

Redevelopment of our existing built environment and infill development should be a focus for the future development of our community, while the Town has entered a more mature level of development.

Goal 8.9 – Age of Structures

B. The goal is to encourage redevelopment of properties with aging structures or that no longer meet current market demands.

Implementation Strategy 8.6 – Build-out

A. Consider flexibility within the Land Management Ordinance to address future development and redevelopment needs.

Conclusions of Law:

- Staff concludes that this application is consistent with the Comprehensive Plan, as set forth in LMO Section 16-3-1607D.
- The proposed rezoning will provide the property owner the flexibility needed to redevelop the site in compliance with the RFZ standards in the LMO.
- This rezoning could result in the revitalization of an aging development on the Island, which would contribute positively to the Island's character due to the addition of vegetation to the site and the reduction of impervious surface.

Summary of Facts and Conclusions of Law:

Criteria 5: The proposed redevelopment is not detrimental to the public health, safety and welfare (LMO Section 16-3-1607E):

Finding of Fact:

- The proposed redevelopment includes the addition of compliant parking spaces and a loading space as well as improvements to the vehicular circulation for automobiles, fuel tanker and delivery trucks.

Conclusions of Law:

- Staff concludes that the proposed redevelopment is not detrimental to the public health, safety and welfare.
- The proposed improvements to the site will benefit the public health, safety and welfare by providing compliant parking and driving areas.

Summary of Facts and Conclusions of Law:

Criteria 6: The proposed redevelopment will produce an overall result that is equal to, or will lessen the current nonconforming nature of the site (LMO Section 16-3-1607F):

Findings of Fact:

- LMO Section 16-5-704A requires an adjacent use setback of 30 feet between a commercial use and a recreational use (the Town-owned property to the north) and a 25 foot setback between a commercial use to an institutional use (the church property

to the east and south).

- LMO Section 16-5-704B requires a 50 foot adjacent street setback from William Hilton Parkway, a major arterial road.
- LMO Section 16-5-806A requires an adjacent use buffer of 25 feet between a commercial use and a recreational use (the Town-owned property to the north) and a 20 foot buffer between a commercial use to an institutional use (the church property to the east and south).
- LMO Section 16-5-806B requires a 50 foot minimum and 60 foot average adjacent street buffer from William Hilton Parkway, a major arterial road.
- The site plan submitted by the applicant for the proposed redevelopment illustrates the adjacent use and street setbacks and buffers reduced by 50 percent of the required width, which is allowed with the RFZ overlay.
- LMO Section 16-5-1209 requires 1 parking space for every 200 square feet of gross floor area. The existing building is 2,497 square feet, requiring 13 parking spaces on site. There are currently only 7 parking spaces on site. The applicant is proposing to remove asphalt on the car wash site and add 10 pervious parking spaces.
- LMO Section 16-5-1207 requires 15 foot landscaped medians as the ends of parking bays. The site currently lacks landscaped medians at the ends of the parking bay. The proposed redevelopment includes the addition of landscaped medians.
- LMO Section 16-5-1207 requires drive aisles behind parking spaces to be at least 24 feet in width and drive aisles that are not behind parking to be at least 20 feet in width. The proposed redevelopment includes improvements to the drive aisles and vehicular circulation.
- LMO Section 16-5-1211 requires one 12 foot by 40 foot loading space on site. The site currently does not have a designated loading space. The applicant is proposing a compliant loading space as part of the redevelopment.
- LMO Section 16-5-1213 requires bicycle parking for convenience stores. The site does not currently contain bicycle parking. The applicant is proposing to install a bike rack as part of the redevelopment.
- LMO Section 16-4-1606 requires a maximum impervious surface coverage of 60%. The car wash site currently has an impervious surface coverage of 52.4%. The Circle K site currently has an impervious surface coverage of 75%.
- The applicant is proposing to reduce the impervious coverage to 42.1% on the car wash site and slightly increase the impervious coverage on the Circle K site to 75.7%. Because the two sites function together, the overall impervious surface will be reduced by 6.5%.
- LMO Section 16-4-1606 requires a minimum open space coverage of 25%. The car wash site currently has 47.6% of open space. The Circle K site currently has 28.6% of open space.
- The applicant is proposing to increase the open space to 53.8% on the car wash site and slightly decrease the open space to 27.8% on the Circle K site. Because the two sites function together, the overall open space will be increased by 3.7%.

Conclusions of Law:

- Staff concludes that the proposed redevelopment will produce an overall result that will lessen the current nonconforming nature of the site.

- Through the redevelopment of the properties, even though the adjacent use and adjacent street buffers will be decreased in width, they will contain increased vegetation and therefore will still function as a buffer.
- Some of the non-compliant parking, medians and drive aisles will be improved, making the site less nonconforming. The addition of parking, a bike rack and a loading space will also make the site less nonconforming.
- The overall impervious surface coverage will be reduced and the open space will increase as a result of the proposed redevelopment, which is an additional improvement to the property because it improves the storm water conditions.

Summary of Facts and Conclusions of Law:

Criteria 7: The applicant has demonstrated that every effort has been made to meet the current standards of Chapters 4, 5 and 6 (LMO Section 16-3-1607G):

Findings of Fact:

- There are two live oak trees in the median in the adjacent street buffer that the applicant was initially proposing to remove due to the proposed location of the underground fuel tanks and proposed route for tanker truck deliveries.
- The Circle K property currently exceeds the maximum impervious surface coverage and minimum open space requirements.
- The site is currently nonconforming because it lacks adequate parking, medians, drive aisles, buffers, a loading space, and a bike rack.

Conclusions of Law:

- Staff concludes that the applicant has demonstrated that every effort has been made to meet the current standards of Chapters 4, 5 and 6.
- The applicant took the concerns of the Design Review Board and staff into consideration regarding saving the live oaks in the front buffer, and redesigned the proposed redevelopment plan to move the location of the underground fuel tanks and change the delivery route for tanker trucks in order to save the trees.
- The applicant is proposing to make the following overall improvements to make the site safer and to bring the property more into conformance with the current standards of Chapters 4, 5 and 6: remove existing concrete, increase parking spaces, increase vegetation, increase pervious surface coverage, increase open space, preclude density from being developed on the car wash site, improve storm drainage conditions, provide a bike rack, provide a loading space, relocate and improve the dumpster area and improve vehicular circulation.

Summary of Facts and Conclusions of Law:

Criteria 8: If the site contains nonconforming density, the applicant has demonstrated that redeveloping the site with that nonconforming density causes an inability to meet current standards (LMO Section 16-3-1607H):

Findings of Fact:

- LMO Section 16-4-1601, Density Standards Table, allows for 6,000 square feet of density per net acre in the OL zoning district.
- The Circle K site is 0.34 acres, which would allow a maximum of 2,040 square feet. The site currently contains a structure that is 2,497 square feet; therefore it is considered nonconforming to the density standards.
- There are no plans with the proposed redevelopment to make any changes to or expand that structure.
- Because of the existing structure and lack of adequate vehicular circulation on site, there isn't enough of area left on the property to add a second fueling station and redevelop the site.
- The car wash site is 0.66 acres, which would allow a maximum of 3,960 square feet. The applicant is proposing to demolish the existing car wash structure and add a second fueling station so that the properties could be redeveloped together. Because the fueling station is not an enclosed structure, it does not count as density.

Conclusions of Law:

- Staff concludes that the Circle K site does contain nonconforming density, and that the applicant has demonstrated that redeveloping the site with that nonconforming density causes an inability to meet current standards.
- By demolishing the car wash structure and having the two properties function together as one, the applicant is able to redevelop the site through the RFZ process while retaining the existing nonconforming building.

LMO Official Determination
Determination: Staff determines that this application is consistent with the Comprehensive Plan and does serve to carry out the purposes of the LMO as based on the Findings of Fact and Conclusions of Law detailed in this report.

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

<u>PREPARED BY</u>:

ND — 9/21/11

Nicole Dixon, CFM — DATE
Senior Planner

<u>REVIEWED BY</u>:

TBL — 9/19/11

Teri B. Lewis, AICP — DATE
LMO Official

REVIEWED BY:

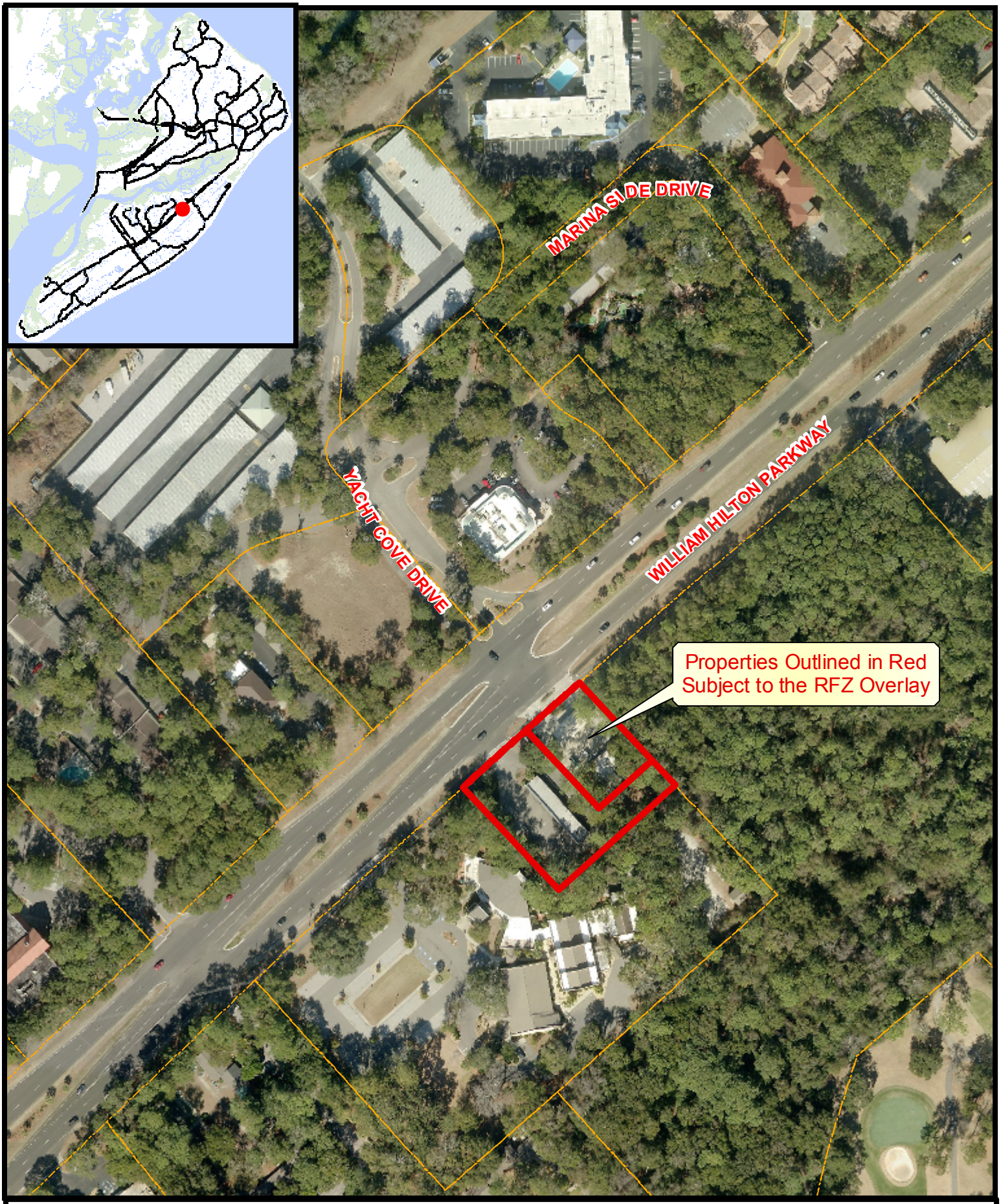
JL

Jayme Lopko, AICP
Senior Planner & Planning Commission Board Coordinator

9/20/11
DATE

ATTACHMENTS:

A) Vicinity Map
B) Zoning Map
C) Applicant's Narrative
D) Proposed Redevelopment Plan
E) Boundary Survey
F) Tree & Topo Survey
G) Site Analysis
H) Site Analysis Photographs



TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, S.C. 29928
PHONE (843) 341-6000

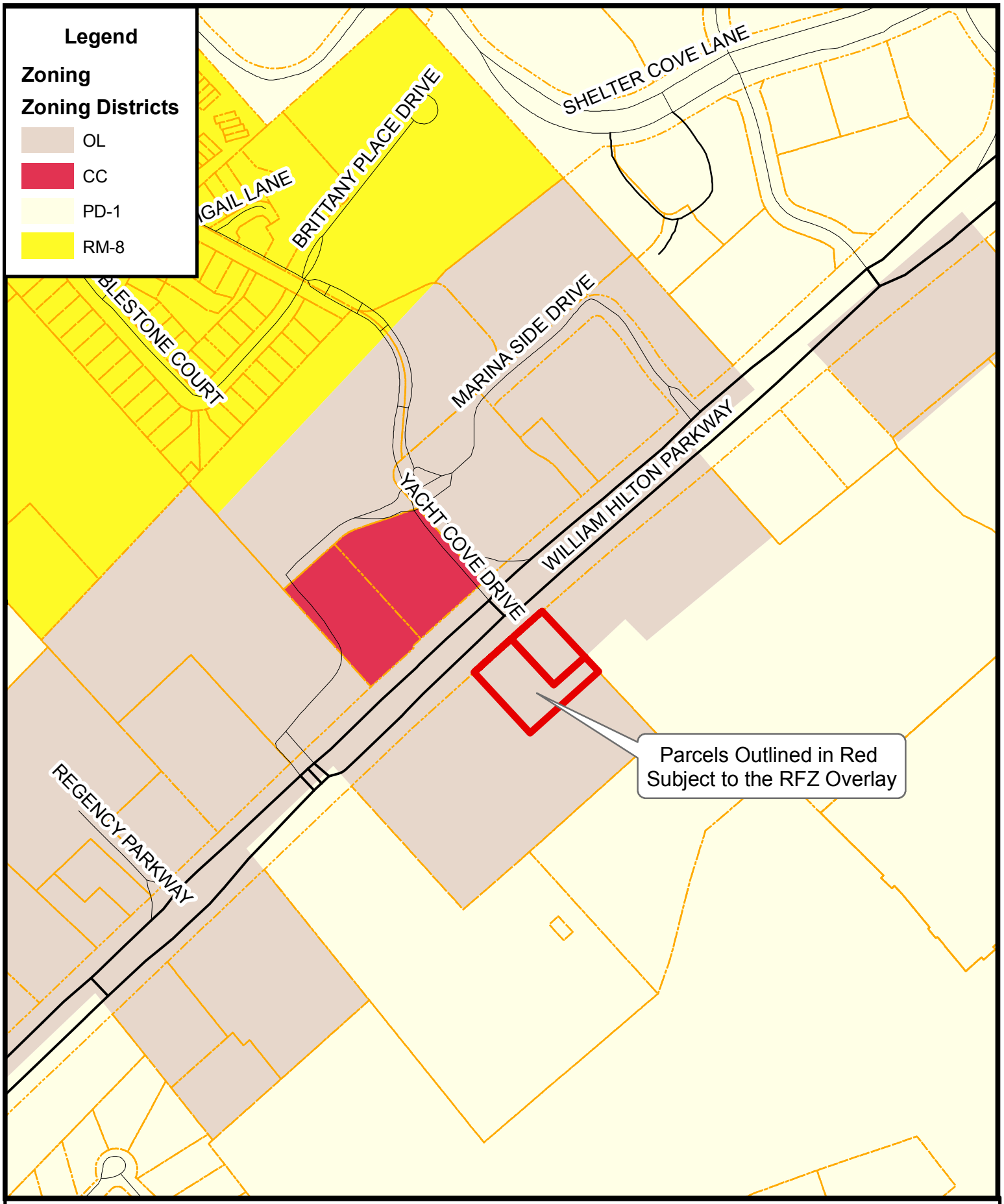
Re-Zoning

Town of Hilton Head Island

ZMA110005 - ATTACHMENT A

N
W E
S

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.



Vicinity Map

ZMA110005 - ATTACHMENT B

TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, S.C. 29928
PHONE (843) 341-6000

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 C

CIRCLE K STORE # 8100
NARRATIVE
REDEVELOPMENT FLOATING ZONE
ZONING MAP AMENDMENT

August 19, 2011
Revised September 15, 2011

Applicant: Circle K Stores, Inc.

Site Location, PINs and Property Ownership:

- 825 William Hilton Parkway
  0.34 Acres
  R520 012 000 019B 0000
  RI CS2 LLC & Realty Income Corporation (40 Year Lease to Circle K Stores, Inc.)

- 827 William Hilton Parkway
  0.66 Acres
  R520 012 000 019A 0000
  Dillon Road Properties, Inc.

Existing Zoning: Office/Institutional Low Density District (OL) and Corridor Overlay District (COR)

Agent for the Applicant: Truitt Rabun / Truitt Rabun Associates, Inc.

Redevelopment Program

Circle K Stores, Inc ("Circle K") owns and operates the gasoline service station and convenience store at 825 William Hilton Parkway. The property was first developed as a convenience store in 1977 with basic remodeling, repaving and a gasoline service canopy added in 2001. The site is cramped and in serious need of vehicular circulation and parking improvements. At present fuel tanker trucks and vendor delivery trucks are forced to back into an increasingly busy William Hilton Parkway. At times customers stack in queue for the fuel pumps with the queue extending into the turn-in lane on the Parkway.

Circle K is under contract to purchase the adjacent carwash site (827 William Hilton Parkway), demolish the carwash and expand operations onto the site. The expansion includes adding a second fueling canopy and vastly improving vehicular circulation and parking for service trucks and customers alike. In summary:

- Remove the existing carwash and reconfigure the paving to accommodate the service station program.
- Decrease overall impervious area by 2,827 +/- SF (6.5%).
  (-10.3 % Lot 19A, +0.7% Lot 19B)
- Increase overall open space by 1,638 +/- SF (3.7%)
  (+6.2 % Lot 19A, -0.8% Lot 19B)

- Add a second fueling canopy with 4 fueling positions that matches the size and attractive architectural style of the existing canopy (bringing the total to 8 fueling positions).
- Improve vehicular circulation for service trucks and customers, avoiding service trucks from having to back into the Parkway.
- Add needed customer and vendor parking area.
- Relocate and improve the dumpster/trash storage area.
- Relocate underground fuel storage tanks.
- Remove carwash vacuum and air pump stations.
- Add a bike rack for customers and employees.
- Improve landscape screening to adjacent Christ Lutheran Church.

The attached "DRB Conceptual Approval Plan", dated August 12, 2011, illustrates the proposed redevelopment plan and it's relationship to the existing Circle K and carwash developments.

Redevelopment Floating Zone Zoning Map Amendment Process and the DRB Conceptual Landscape Plan Approval

The basic development of the site was completed well before the present LMO standards were in place. As such, the site is non-conforming as to use and design standard. The Applicant is applying for a RFZ Zoning Map Amendment (ZMA) to redevelop the site within the use and design standards permitted in the RFZ. The RFZ process calls for the following two actions to take place before the RFZ Application can be submitted:

1. The Applicant to meet with Planning staff to review the proposed redevelopment. This was completed in the form of a DPR Pre-Application review on July 11, 2011 (PAPP110012). The DPR Pre-Application submittal included:
   - Conceptual Redevelopment Site Plan (07/01/11)
   - Conceptual Redevelopment Site Plan Site Modifications Overlay (07/01/11)
   - Narrative addressing Redevelopment Floating Zone Criteria. *(Because the RFZ allows modifications to setbacks and buffers, the Criteria Narrative was included within the DPR Conceptual Narrative, and included in revised form in this RFZ ZMA Narrative.)*

   The DRB Conceptual Approval Plan (08/12/11) submitted with the DRB Conceptual Approval submittal, and with this RFZ ZMA application (Site Plans revised 09/15/11), addresses Staff Comments received during the DPR Pre-Application Meeting, and the subsequent DRB Conceptual Approval conditions . The plan has been revised to move the fuel storage tanks and provide loading zone to save the live oak cluster in the Parkway buffer. The Applicant will also submit parking data from similar convenience store/service stations to support the five parking spaces shown over the LMO maximum.

   In addition to the DPR Pre-Application Meeting, the Applicant and its agents Truitt Rabun Associates (TRA) and Carolina Engineering Consultants (CEC)

met with Jennifer Lyle, PE Assistant Town Engineer (August 2, 2011) and have received the Pre-Design Conference Certification. Comments received during the Pre-Design conference will be addressed in the site engineering plans that will be submitted for Agency reviews prior to the DPR submittal. The Pre-Design comments are also taken into consideration on the the DRB Conceptual Approval Plan (08/12/11) submitted with the DRB Conceptual Approval submittal, and with this RFZ ZMA application (Site Plans revised 09/15/11).

2. Because the proposed redevelopment is within the Corridor Overlay District, a "conceptual landscape plan" is required to be submitted to the DRB for approval. The Applicant has chosen to make a more inclusive DRB "Conceptual Approval" submittal for the proposed redevelopment to more fully inform the DRB of the scope of the redevelopment and to expedite the Final DRB Approval and DPR processes that will be going on simultaneously with the RFZ ZMA process.

   The DRB meet on August 23, 2011 and approved the Conceptual Plan with conditions that the previous material remain "Plantation Mix" as proposed and that the overstory trees (in the William Hilton Parkway buffer) be "studied". The Applicant has responded to the DPR Pre-Application comments; the Pre-Design comments; and the DRB Conceptual Plan approval conditions in the revised DRB Conceptual Approval Plan (revised 09/15/11) by moving the fuel storage tanks and providing a loading zone to save the live oak cluster in the Parkway buffer. The pervious paving will be "Plantation Mix".

Both the Final DRB and DPR approvals will be subject to the approval of the RFZ ZMA.

Zoning Map Amendment Review Criteria

The following narrative describes how the proposed ZMA addresses LMO Section 16-3-1505. - Review Criteria.

A. *Consistency (or lack thereof) with the Comprehensive Plan.*

The current Town's Comprehensive plan was adopted in May 2010 and addresses policies and strategies to address current planning and community issues and those forthcoming over the next 20 years. The Comprehensive Plan stresses promoting new and revitalized development while protecting and enhancing Island character and natural resources. The proposed redevelopment will only enhance the overall site through the demolition of the 1986 carwash and addition of the new fuel canopy that matches the existing, attractive and previously DRB approved canopy. Non-conformities in land use and design standards will be decreased through the application of the flexibility inherent in the RFZ District, while maintaining high standards set by the LMO.

Many access and circulation problems are resolved by consolidating the Circle K site with the carwash site, demolishing the carwash, adding a new fuel canopy, and reconfiguring the existing paving to accommodate vastly improved vehicular circulation and parking. The Town's 2013 CIP includes a westbound left turn lane in the William Hilton Parkway median. This will also improve accessibility.

Further, aging and obsolete buildings and infrastructure were identified as one the Island's Top Tier Weaknesses in the Mayor's Task Force for the Island's Future Vision 2025 Final Report. The proposed redevelopment of the Circle K/carwash site is aimed at addressing that concern on the redevelopment site.

The Conceptual Redevelopment Plan will be thoroughly vetted in the RFZ ZMA process with conceptual landscape plan approval by DRB; Town Staff review and reports; the Planning Commission's review and recommendations to the Town Council; then, the Council's review and public hearings before adoption of the RFZ ZMA.

B. *Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood.*

The proposed redevelopment is compatible with the other commercial, retail and office land uses in this portion of the William Hilton Parkway corridor. The redevelopment site's immediate adjacencies are the undeveloped Town owned property to the East and the fully developed Christ Lutheran Church to the South and West. The existing land uses (Circle K and car wash) were in place before the church was built. The proposed redevelopment is no more intense than the existing uses on the redevelopment site.

C. *Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment.*

The proposed ZMA is for the redevelopment of an existing site where the land use is essentially the same pre and post redevelopment. Therefore, the site is intrinsically suitable for the uses that will be enabled by the ZMA.

D. *Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment.*

The proposed ZMA is for the redevelopment of an existing site where the land use is essentially the same pre and post redevelopment. Therefore, the site is intrinsically suitable for proposed uses at the time of the proposed amendment.

E. *Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment.*

The proposed ZMA is for the redevelopment of an existing site where the land use is essentially the same pre and post redevelopment. The existing Circle K convenience store and gasoline service is very successful, to the point of this ZMA to enable Circle K to purchase the adjacent carwash site, demolish the carwash and expand operations onto the site. The expansion includes adding a second fueling canopy and vastly improving vehicular circulation and parking for service trucks and customers alike.

F. *Availability of sewer, water and stormwater facilities generally suitable and adequate for the proposed use.*

The site is served by sewer and water with adequate capacity for the proposed redevelopment. The proposed redevelopment will actually decrease stromwater impacts by reducing overall impervious surface by 2,827+/- SF (6.5%)

Redevelopment Floating Zone Review Criteria

The following narrative describes how the proposed redevelopment plan addresses LMO Section 16-3-1607. - Redevelopment Floating Zone Review Criteria

A. *The site plan, design standards, and other design criteria are consistent with the purpose of the Redevelopment Floating Zone as stated in Section 16-4-1101.*

The existing zoning for the Circle K and carwash sites is Office/Institutional Low Density District (OL). Located on the frontage of William Hilton Parkway, the sites are also within the Corridor Overlay District and subject to DRB review and approval. The existing convenience store/fuel islands and carwash uses are not allowed within the OL District. Further, the existing site developments for the convenience store/fuel islands (built 1977/2001) and carwash (built 1986) are non-conforming with the underlying OL District site development standards. Rezoning to RFZ will allow the flexibility to redevelop the sites within the procedures and standards set forth in the LMO.

B. *The site plan, design standards, and other design criteria meet the definition of redevelopment in Chapter 10 of this Title.*

The Conceptual Redevelopment Site Plan meets the definition of redevelopment in Chapter 10.

LMO Chapter 10 Definitions defines "Redevelopment" as "The renovation of a previously developed site to the density allowed under Section 16-4-1601, or the existing density, whichever is greater."

Under Section 16-4-1601 Density Standards Table, for "Other" land uses in the OL District, the "Maximum Nonresidential Density By Right (per net acre)" is 6,000 SF per acre.

Lot 19A (Carwash Site Pre-and Post-Redevelopment):

- 0.66 Net Acres (No tidal wetlands on the site)
- At 6,000 SF per Net Acre x .66 Ac. = 3,960 SF Max. Allowable SF
- Density conforms in the OL District (no habitable space)

Lot 19B (Existing Circle K Site Pre-and Post-Redevelopment):

- 0.34 Net Acres (No tidal wetlands on the site)
- At 6,000 SF per Net Acre x .34 Ac. = 2,040 SF Max. Allowable SF
- The existing Circle K building is 2,499 SF +/-, which is non-conforming in the OL District. There are no revisions proposed to the existing building and no new structures proposed in the redevelopment for Lot 19B (habitable or non-habitable). The Lot 19B density non-conformity is not increased in the redevelopment.

C. *The area surrounding the proposed redevelopment can be planned and developed or redeveloped in substantial compatibility with the standards and criterion of the proposed redevelopment.*

The redevelopment site is surrounded by undeveloped Town owned property to the East and Christ Lutheran Church to the South and West. The Christ Lutheran Church property is fully developed adjacent to the redevelopment site. The proposed redevelopment is no more intense than the existing uses on the redevelopment site. The Town and Church sites can be planned and developed or redeveloped in substantial compatibility with the proposed redevelopment.

D. *The proposed redevelopment is consistent with the Comprehensive Plan.*

See 'Zoning Map Amendment Review Criteria, A. *Consistency (or lack thereof) with the Comprehensive Plan.'* above

E. *The proposed redevelopment is not detrimental to the public health, safety, and welfare.*

The proposed redevelopment will significantly increase the safety of ingress and egress to William Hilton Parkway, and in no way increases impacts on public health, safety, and welfare.

F. *The proposed redevelopment will produce an overall result that is equal to, or will lessen the current nonconforming nature of the site.*

Through application of the flexibility provided by the RDZ, the proposed redevelopment plan will increase the level of conformity under the RFZ. While some of the existing construction that remains will still be non-compliant, all new construction and modified existing construction will conform to the standards allowed under the RFZ District. See the attached DRB Conceptual Approval Plan (revised 09/15/11) and the chart below. Design Standards are calculated separately for Lot 19A and 19B. Per Town interpretation of the LMO, setbacks and buffers are not calculated between Lots 19A and 19B for the purpose of this RFZ ZMA.

LOT 19A (Carwash Site Post Redevelopment)

Sec. 16-4-1104 Design Standards Modifications	**OL**	**RFZ**	**New Construction & Modified Existing Construction**
Adjacent Street Setbacks	50'	25'	Canopy Conforms RFZ
Adjacent Use Setbacks (Church Property)	25'	12.5'	Canopy Conforms OL & RFZ
Adjacent Use Setbacks (Town Property)	30'	15'	Canopy Conforms OL & RFZ
Setback Angles	N/A	N/A	N/A
Adjacent Street Buffer	50' Min. 60' Avg.	25' Min. 30' Avg.	Canopy Conforms RFZ
Adjacent Use Buffer (Church Property)	20'	10'	Canopy Conforms OL & RFZ

Sec. 16-4-1104 Design Standards Modifications (Cont.)	**OL**	**RFZ**	**New Construction & Modified Existing Construction**
Adjacent Use Buffer (Town Property)	25’	12.5’	Conforms OL & RFZ
Specific Buffer Requirements (Adjacent Street)	OL Buffers (50’ Min/60’ Avg.) + 20’	OL Buffers + 20’ or less with additional screen plantings	Conforms RFZ with additional screen plantings
Specific Buffer Requirements (Church Property)	OL Buffers (20’) + 20’	OL Buffers + 20’ or less with additional screen plantings	Conforms RFZ with additional screen plantings
Specific Buffer Requirements (Town Property)	OL Buffers (25’) + 20’	OL Buffers + 20’ or less with additional screen plantings	Conforms RFZ with additional screen plantings
Impervious Coverage	60% Max.	60% Max. or existing if non-conforming to 80% Max.	Conforms OL & RFZ (42.1 % +/-)
Open Space	25% Min.	25% or existing if non-conforming to 20% Min.	Conforms OL & RFZ (53.8 % +/-)
Height	35’/2 stories	35’/2 Stories	Conforms OL & RFZ (1 story, less than 35’ Height)
Density	6,000 SF / Acre (.66 Ac = 3,960 SF Max. in OL)	Max. = 3,960 SF in OL and the Existing Density in RFZ	N/A (No habitable structure)
Parking	See Ch. 5, Art. XII. - Parking & Loading Standards	See Sec. 16-4-1104. - Floating Zone Restrictions	Applicant to submit parking data
Trees	See Ch. 6, Art. IV. - Trees	See Sec. 16-4-1104. - Floating Zone Restrictions	No Specimen Trees removed. Tree calcs to be submitted with DPR submittal.

LOT 19B (Existing Circle K Site Post Redevelopment)

Sec. 16-4-1104 Design Standards Modifications	**OL**	**RFZ**	**New Construction & Modified Existing Construction**
Adjacent Street Setbacks	50’	25’	Building Conforms OL & RFZ. Canopy Non-Conforming
Adjacent Use Setbacks (Church Property)	25’	12.5’	N/A
Adjacent Use Setbacks (Town Property)	30’	15’	Conforms RFZ
Setback Angles	N/A	N/A	N/A
Adjacent Street Buffer	50’ Min. 60’ Avg.	25’ Min. 30’ Avg.	Building Conforms OL & RFZ. Canopy Non-Conforming
Adjacent Use Buffer (Church Property)	20’	10’	N/A
Adjacent Use Buffer (Town Property)	25’	12.5’	Conforms RFZ
Specific Buffer Requirements (Adjacent Street)	OL Buffers (50’ Min/60’ Avg.) + 20’	OL Buffers + 20’ or less with additional screen plantings	Conforms RFZ with additional screen plantings
Specific Buffer Requirements (Church Property)	OL Buffers (20’) + 20’	OL Buffers + 20’ or less with additional screen plantings	N/A
Specific Buffer Requirements (Town Property)	OL Buffers (25’) + 20’	OL Buffers + 20’ or less with additional screen plantings	Conforms RFZ with additional screen plantings
Impervious Coverage	60% Max.	60% Max. or existing if non-conforming to 80% Max.	Conforms RFZ (75.7 % +/-) (Existing = 75.0% +/-)

Sec. 16-4-1104 Design Standards Modifications (Cont.)	**OL**	**RFZ**	**New Construction & Modified Existing Construction**
Open Space	25% Min.	25% or existing if non-conforming to 20% Min.	Conforms OL & RFZ (27.8 % +/-) (Existing = 28.6% +/-)
Height	35'/2 stories	35'/2 Stories	Conforms OL & RFZ (1 story less than 35' Height)
Density	6,000 SF / Acre (.34 Ac = 2,040 SF Max. in OL)	Max. = 2,040 SF in OL and the Existing Density 2,499 SF in RFZ	Conforms to RFZ (No increase in building SF)
Parking	See Ch. 5, Art. XII. - Parking & Loading Standards	See Sec. 16-4-1104. - Floating Zone Restrictions	Applicant to submit parking data
Trees	See Ch. 6, Art. IV. - Trees	See Sec. 16-4-1104. - Floating Zone Restrictions	No Specimen Trees removed. Tree calcs to be submitted with DPR submittal.

G. *The applicant has demonstrated that every effort has been made to meet the current standards of Chapters 4, 5, and 6.*

The DRB Conceptual Approval Plan (revised 09/15/11) demonstrates considerable effort to meet the current standards of Ch. 4. - Zoning District Regulations, Ch. 5. - Design and Performance Standards, and Ch. 6. - Natural Resource Protection while meeting the programmatic requirements of the redevelopment. Designs will be refined as the plans are prepared for the Final DRB and DPR Application submittals.

H. *If the site contains nonconforming density, the applicant has demonstrated that redeveloping the site with that nonconforming density causes an inability to meet current standards.*

Since the Lots 19A and 19B are not proposed to be combined during the redevelopment, the LMO requires that each lot be viewed separately.

Lot 19A (Carwash Site Pre-and Post-Redevelopment):

- 0.66 Net Acres (No tidal wetlands on the site)
- At 6,000 SF per Net Acre x .66 Ac. = 3,960 SF Max. Allowable SF
- Density conforms in the OL District (no habitable space)

Lot 19B (Existing Circle K Site Pre-and Post-Redevelopment):

- 0.34 Net Acres (No tidal wetlands on the site)
- At 6,000 SF per Net Acre x .34 Ac. = 2,040 SF Max. Allowable SF
- The existing Circle K building is 2,499 SF +/-, which is non-conforming in the OL District. There are no revisions proposed to the existing building and no new structures proposed in the redevelopment for Lot 19B (habitable or non-habitable). The Lot 19B density non-conformity is not increased in the redevelopment.

Since the redevelopment of the site calls for retaining the existing Circle K building "as-is", redeveloping the site with Lot 19B's nonconforming density causes an inability to meet current standards.

The Applicant appreciates the opportunity to present this RFZ Zoning Map Amendment Application. When completed, the redeveloped site will improve the aesthetics, functionality and safety of the site's operations and demonstrate that well conceived redevelopment is possible on the Island.

For additional copies or other information, please contact:

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P 843.342.7777
F 843.342.7701
C 843.384.2270
trabun@trabunassociates.com

Digital Submittal with the following enclosures per LMO Section 16-3-1604 Application:

1. Zoning Map Amendment (ZMA) Application Form
2. Affidavits of Ownership and Hold Harmless Permission to Enter Property (includes Owner's Consent in paragraph 4. of the Affidavits)
   - Dillon Road Properties, Inc. for 827 William Hilton Parkway
   - RI CS 2 LLC for 825 William Hilton Parkway
3. Narrative (08/19/11) (revised 09/15/11)
4. ALTA/ACSM Land Title Survey of: Parcels 19a & 19B, Palmetto Dunes Commercial (07/06/11) (24"x36")
5. Copy of Correspondence to POA (not required)
6. Copy of Correspondence Providing Notice for a Public Hearing (per ZMA Application Form)

7. DRB Conceptual Approval Plan (08/12/11) (revised 09/15/11) (24”x36”)
   - Site Analysis (Sheet 1of 3)
   - Site Analysis Photographs (Sheet 2 of 3)
   - Conceptual Redevelopment Site & Landscape Plan (Sheet 3 of 3)
8. Asbuilt, Boundary, Tree and Topographic Survey of: Parcels 19a & 19B, Palmetto Dunes Commercial (06/10/11) (24”x36”)
9. ▪ Conceptual Landscape Plan (included in ‘7. DRB Conceptual Approval Plan’, above)
10. Tree & Topography Plan (included in ‘8. Asbuilt, Boundary, Tree and Topographic Survey’, above)
11. Completed Tree Tally (08/12/11) (revised 09/15/11)and Tree Calculations Summary (08/12/11) (revised 09/15/11)

Submitted by Hand

- Filing Fee (Check # 9575 for $500)

ATTACHMENT C

TREE TALLY

Circle K Store #8100
825/827 William Hilton Pkwy
Hilton Head Island, SC
Conceptual Redevelopment Site Plan
August 12, 2011 / Revised September 15, 2011
Prepared: Truitt Rabun Associates

RFZ NON-BUFFER

				CALIPER INCHES EXISTING																																							TOTAL CALIPER
SYMBOL	TREE SPECIMEN	CATEG	TREES	4	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	26	27	28	29	30	31	32	33	34	36	38	40	42	43	44	46	47	48	53	62	INCHES
CHR	CHERRY	2	0																																									0
WO	WATER OAK	2	0																																									0
LA	LAUREL OAK	1	5										1		1		2							1																				92
SGM	SWEETGUM	2	0																																									0
HCK	HICKORY	2	0																																									0
TAL	TALLOW	4	0																																									0
PAL	PALMETTO PALM	4	0																																									0
PLM	PALM	4	4					1	1		2																																	43
LO	LIVE OAK	1	2							1	1																																	23
PN	PINE	3	10										1		5						2		1	1																				188
0	Specimen Trees																																										TOTAL CALIPER INCHES	346

				CALIPER INCHES TO BE REMOVED																																							TOTAL CALIPER
SYMBOL	TREE SPECIMEN	CATEG	TREES	4	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	26	27	28	29	30	31	32	33	34	36	38	40	42	43	44	46	47	48	53	62	INCHES
CHR	CHERRY	2	0																																									0
WO	WATER OAK	2	0																																									0
LA	LAUREL OAK	1	0																																									0
SGM	SWEETGUM	2	0																																									0
HCK	HICKORY	2	0																																									0
TAL	TALLOW	4	0																																									0
PAL	PALMETTO PALM	4	0																																									0
PLM	PALM	4	2						1		1																																	22
LO	LIVE OAK	1	0																																									0
PN	PINE	3	2																		1		1																					46
0	Specimen Trees to be Removed																																										TOTAL CALIPER INCHES	68

ATTACHMENT C

TREE TALLY

Circle K Store #8100
825/827 William Hilton Pkwy
Hilton Head Island, SC
Conceptual Redevelopment Site Plan
August 12, 2011 / Revised September 15, 2011
Prepared: Truitt Rabun Associates

RFZ BUFFER

				CALIPER INCHES EXISTING																																						TOTAL CALIPER
SYMBOL	TREE SPECIMEN	CATEG	TREES	4	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	26	27	28	29	30	31	32	33	34	36	38	40	42	43	44	46	47	48	53	62	INCHES
CHR	CHERRY	2	0																																									0
WO	WATER OAK	2	0																																									0
LA	LAUREL OAK	1	13		1	1	1	1		2	1		1		2		1		1		1																							170
SGM	SWEETGUM	2	0																																									0
HCK	HICKORY	2	0																																									0
TAL	TALLOW	4	0																																									0
PAL	PALMETTO PALM	4	0																																									0
PLM	PALM	4	0																																									0
LO	LIVE OAK	1	5				1				1				1		1		1																									74
PN	PINE	3	4												1		1		1				1																					78
0	Specimen Trees																											TOTAL CALIPER INCHES																322

				CALIPER INCHES TO BE REMOVED																																						TOTAL CALIPER
SYMBOL	TREE SPECIMEN	CATEG	TREES	4	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	26	27	28	29	30	31	32	33	34	36	38	40	42	43	44	46	47	48	53	62	INCHES
CHR	CHERRY	2	0																																									0
WO	WATER OAK	2	0																																									0
LA	LAUREL OAK	1	0																																									0
SGM	SWEETGUM	2	0																																									0
HCK	HICKORY	2	0																																									0
TAL	TALLOW	4	0																																									0
PAL	PALMETTO PALM	4	0																																									0
PLM	PALM	4	0																																									0
LO	LIVE OAK	1	0																																									0
PN	PINE	3	0																																									0
0	Specimen Trees to be Removed																											TOTAL CALIPER INCHES																0

ATTACHMENT C

TREE TALLY

Circle K Store #8100
825/827 William Hilton Pkwy
Hilton Head Island, SC
Conceptual Redevelopment Site Plan
August 12, 2011 / Revised September 15, 2011
Prepared: Truitt Rabun Associates

TREE COUNT RFZ NON-BUFFER

		TREES #	CAL. IN.
PRE-DEV.	CATEGORY 1	7	115
	CATEGORY 2	0	0
	CATEGORY 3	10	188
	CATEGORY 4	4	43
	TOTAL	**21**	**346**
REMOVE	CATEGORY 1	0	0
	CATEGORY 2	0	0
	CATEGORY 3	2	46
	CATEGORY 4	2	22
	TOTAL	**4**	**68**
NON BUFFER CAL. IN. POST-DEVELOPMENT			**278**

TREE COUNT RFZ BUFFER

		TREES #	CAL. IN.
PRE-DEV.	CATEGORY 1	18	244
	CATEGORY 2	0	0
	CATEGORY 3	4	78
	CATEGORY 4	0	0
	TOTAL	**22**	**322**
REMOVE	CATEGORY 1	0	0
	CATEGORY 2	0	0
	CATEGORY 3	0	0
	CATEGORY 4	0	0
	TOTAL	**0**	**0**
BUFFER CAL. IN. POST-DEVELOPMENT			**322**

TOTAL SITE CAL. IN. PRE-DEVELOPMENT	**668**
TOTAL SITE CAL. IN. POST-DEVELOPMENT	**600**
TOTAL SITE CAL. IN. REMOVED	**68**
SPECIMEN TREES TO BE REMOVED	**0**

ATTACHMENT C

TOHHI Tree Calculations Summary

PROJECT NAME: Circle K Store # 8100
Location: 825/827 William Hilton Pkwy
Hilton Head Island, SC 29928
TOHH Project Number: ZMA 110005 / DR 110032 / PAPP 110012

Applicant: Circle K Stores, Inc.
Date: 8/2/2011 / Rev. 9/15/11
Prepared By: Truitt Rabun Associates
TRA Project Number: 70409-00

SITE REQUIREMENTS

Req'd On-site Pervious Surface Ac. (Minimum, 0.40 Acres)	0.40
Multiply by 900 ACI / Acre	900
Min. Adj. Caliper Inches (ACI) Req'd	360
Max. ACI Allowed in Buffer (80%)	288
Balance ACI Req'd in Non-buffer Area	72
Acres in Buffer	0.27
Multiply by 900 ACI / Acre	900
Min. Req'd ACI in Buffer	243
Percentage Buffer ACI of Min. Site ACI	67.5%

TYPE USE: Gas Service / Convenience Store (OL District)
TOTAL ACRES: 1.00
IMPERVIOUS SURFACE MAXIMUM %: 60%

Notes:
1.) Areas and tree counts are based on Lots 19A & 19B combined.
2.) All Buffer and Non-buffer areas and tree counts are based on RFZ Average Buffer lines.

SITE PRE-DEVELOPMENT

	Category I		Category II		Category III		Category IV	
	No. Trees	Total D.B.H. Inches	No. Trees	Total D.B.H. Inches	No. Trees	Total D.B.H. Inches	No. Trees	Total D.B.H. Inches
Buffer Area	18	244			4	78		
Non-buffer Area	7	115			10	188	4	43
SITE PRE-DEVELOPMENT TOTAL	**25**	**359**			**14**	**266**	**4**	**43**

SITE POST DEVELOPMENT

	Category I		Category II		Category III		Category IV	
	No. Trees	Total D.B.H. Inches	No. Trees	Total D.B.H. Inches	No. Trees	Total D.B.H. Inches	No. Trees	Total D.B.H. Inches
Buffer Area	18	244			4	78		
Non-buffer Area	7	115			8	142	2	21
SITE POST DEVELOPMENT TOTAL	**25**	**359**			**12**	**220**	**2**	**21**

SITE TREES REMOVED

	Category I		Category II		Category III		Category IV	
	No. Trees	Total D.B.H. Inches	No. Trees	Total D.B.H. Inches	No. Trees	Total D.B.H. Inches	No. Trees	Total D.B.H. Inches
Buffer Area								
Non-buffer Area					2	46	2	22
SITE TREES REMOVED TOTAL					**2**	**46**	**2**	**22**
Percentages Removed					**14.3%**	**17.3%**	**50.0%**	**51.2%**

ATTACHMENT C

TOHHI Tree Calculations Summary

PROJECT NAME: Circle K Store # 8100
Location: 825/827 William Hilton Pkwy
Hilton Head Island, SC 29928
TOHH Project Number: ZMA 110005 / DR 110032 / PAPP 110012

Applicant: Circle K Stores, Inc.
Date: 8/2/2011 / Rev. 9/15/11
Prepared By: Truitt Rabun Associates
TRA Project Number: 70409-00

OVERALL SITE PRE-DEVELOPMENT CALCULATIONS

Category	No. Trees	Total D.B.H. Inches	Value Factor	Total Adjusted Caliper Inches	Percentage Coverage
I. Broad Leaf Evergreens	25	359	1.00	359	53.7%
II. Deciduous Hardwoods			0.75		
III. Conifers	14	266	0.50	133	39.8%
IV. Ornamentals & Palms	4	43	0.25	11	6.4%
Totals	**43**	**668**		**503**	**100.0%**

OVERALL SITE POST-DEVELOPMENT CALCULATIONS

Category	No. Trees	Total D.B.H. Inches	Value Factor	Total Adjusted Caliper Inches	ACI Removed	Percentage ACI Removed
I. Broad Leaf Evergreens	25	359	1.00	359		
II. Deciduous Hardwoods			0.75			
III. Conifers	12	220	0.50	110	23	80.7%
IV. Ornamentals & Palms	2	21	0.25	5	6	19.3%
Totals	**39**	**600**		**474**	**29**	**100.0%**
Pre-Dev. less Post-Dev.	**4**	**68**		**29**		

NON-BUFFER PRE-DEVELOPMENT CALCULATIONS

Category	No. Trees	Total D.B.H. Inches	Value Factor	Total Adjusted Caliper Inches
I. Broad Leaf Evergreen	7	115	1.00	115
II. Deciduous Hardwoods			0.75	
III. Conifers	10	188	0.50	94
IV. Ornamentals & Palms	4	43	0.25	11
Totals	**21**	**346**		**220**

NON-BUFFER POST-DEVELOPMENT CALCULATIONS

Category	No. Trees	Total D.B.H. Inches	Value Factor	Total Adjusted Caliper Inches
I. Broad Leaf Evergreens	7	115	1.00	115
II. Deciduous Hardwoods			0.75	
III. Conifers	8	142	0.50	71
IV. Ornamentals & Palms	2	21	0.25	5
Totals	**17**	**278**		**191**
Pre-Dev. less Post-Dev.	**4**	**68**		**29**

ATTACHMENT C

TOHHI Tree Calculations Summary

PROJECT NAME: Circle K Store # 8100
Location: 825/827 William Hilton Pkwy
Hilton Head Island, SC 29928
TOHH Project Number: ZMA 110005 / DR 110032 / PAPP 110012

Applicant: Circle K Stores, Inc.
Date: 8/2/2011 / Rev. 9/15/11
Prepared By: Truitt Rabun Associates
TRA Project Number: 70409-00

BUFFER PRE-DEVELOPMENT CALCULATIONS

Overall Site Pre-Development ACI	503
Non Buffer Pre-Development ACI	220
Buffer Pre-Development ACI	**283**

BUFFER POST-DEVELOPMENT CALCULATIONS

Overall Site Post-Development ACI	474
Non Buffer Post-Development ACI	191
Buffer Post-Development ACI	**283**

Pre-Dev. less Post Dev.

OVERALL SITE TEST

	ACI	Planting Factor	Req'd Supp. / Replmt. Cal. In
Minimum ACI Req'd	360		
Pre-Development ACI	503		
ACI to be Supplemented	-143	0.15	-21
Post-Development ACI	474		
ACI to be Replaced	-114	0.30	-34
Overall Site Req'd Supp. / Rplmt. CI			**-56**

NON-BUFFER TEST

	ACI	Planting Factor	Req'd Supp. / Replmt. Cal. In
Non-buffer Area ACI Req'd.	72		
Pre-Dev Non-buffer ACI	220		
ACI to be Supplemented	-148	0.15	-22
Post-Dev. Non-buffer ACI	191		
ACI to be Replaced	-119	0.30	-36
Non-buffer Req'd Supp. / Rplmt. CI			**-58**

ATTACHMENT C

TOHHI Tree Calculations Summary

PROJECT NAME: Circle K Store # 8100
Location: 825/827 William Hilton Pkwy
Hilton Head Island, SC 29928
TOHH Project Number: ZMA 110005 / DR 110032 / PAPP 110012

Applicant: Circle K Stores, Inc.
Date: 8/2/2011 / Rev. 9/15/11
Prepared By: Truitt Rabun Associates
TRA Project Number: 70409-00

BUFFER TEST

	ACI
Pre-Dev. ACI in Buffer	283
Max. ACI Allowed in Buffer (80%)	288
Min. Req'd ACI in Buffer	243
Post-Dev. Buffer ACI	283
Buffer ACI to be Replaced	**-40**

ATTACHMENT D

SITE 19 A (CAR WASH)

SITE AREA

PARCEL 19A	0.66 AC	28,554 SF

NET IMPERVIOUS COVERAGE

PERCENT IMPERVIOUS COVERAGE

PRE-DEVELOPMENT	14,950 SF	52.4%
POST-DEVELOPMENT	12,021 SF	42.1%

NET REDUCTION 2,929± SF IMPERVIOUS AREA

OPEN SPACE

PRE-DEVELOPMENT	0.32 AC	13,604 SF
POST-DEVELOPMENT	0.35 AC	15,366 SF

OPEN SPACE PERCENTAGE

PRE-DEVELOPMENT	47.6%
POST-DEVELOPMENT	53.8%

ALL AREA CALCULATIONS ARE BASED ON DIGITAL TAKE OFFS OF THE AS-BUILT SURVEY LINEWORK.

SITE 19B (CIRCLE K)

SITE AREA

PARCEL 19B	0.34 AC	14,997 SF

NET IMPERVIOUS COVERAGE

PERCENT IMPERVIOUS COVERAGE

PRE-DEVELOPMENT	11,250 SF	75.0%
POST-DEVELOPMENT	11,352 SF	75.7%

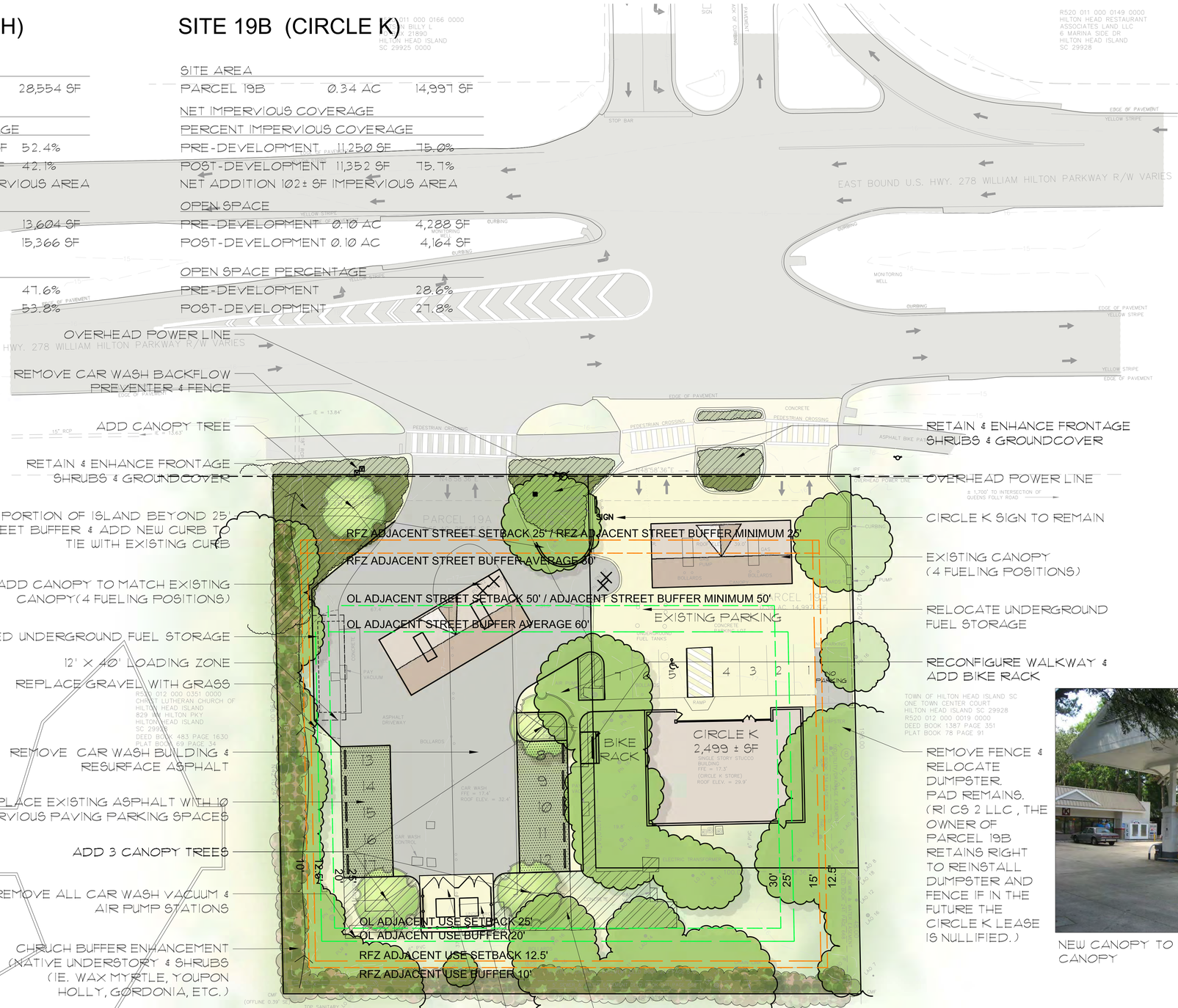
NET ADDITION 102± SF IMPERVIOUS AREA

OPEN SPACE

PRE-DEVELOPMENT	0.10 AC	4,288 SF
POST-DEVELOPMENT	0.10 AC	4,164 SF

OPEN SPACE PERCENTAGE

PRE-DEVELOPMENT	28.6%
POST-DEVELOPMENT	27.8%



OVERHEAD POWER LINE

REMOVE CAR WASH BACKFLOW PREVENTER & FENCE

ADD CANOPY TREE

RETAIN & ENHANCE FRONTAGE SHRUBS & GROUNDCOVER

REMOVE PORTION OF ISLAND BEYOND 25' RFZ STREET BUFFER & ADD NEW CURB TO TIE WITH EXISTING CURB

ADD CANOPY TO MATCH EXISTING CANOPY(4 FUELING POSITIONS)

RELOCATED UNDERGROUND FUEL STORAGE

12' X 40' LOADING ZONE

REPLACE GRAVEL WITH GRASS

REMOVE CAR WASH BUILDING & RESURFACE ASPHALT

REPLACE EXISTING ASPHALT WITH 10 PERVIOUS PAVING PARKING SPACES

ADD 3 CANOPY TREES

REMOVE ALL CAR WASH VACUUM & AIR PUMP STATIONS

CHRUCH BUFFER ENHANCEMENT (NATIVE UNDERSTORY & SHRUBS (IE. WAX MYRTLE, YOUPON HOLLY, GORDONIA, ETC.)

RETAIN & ENHANCE FRONTAGE SHRUBS & GROUNDCOVER

OVERHEAD POWER LINE

CIRCLE K SIGN TO REMAIN

EXISTING CANOPY (4 FUELING POSITIONS)

RELOCATE UNDERGROUND FUEL STORAGE

RECONFIGURE WALKWAY & ADD BIKE RACK

REMOVE FENCE & RELOCATE DUMPSTER. PAD REMAINS. (RI CS 2 LLC , THE OWNER OF PARCEL 19B RETAINS RIGHT TO REINSTALL DUMPSTER AND FENCE IF IN THE FUTURE THE CIRCLE K LEASE IS NULLIFIED.)

NEW CANOPY TO MATCH EXISTING CANOPY

REMOVE ASPHALT & CONCRETE PAVEMENT & REPLACE WITH MULCH

REMOVE UNDERGROUND TANK

RELOCATED DUMPSTER PAD AND TRASH ENCLOSURE ON CONCRETE PAD REPLACING EXISTING ASPHALT

TREES TO BE REMOVED

CATEGORY 1
N/A

CATEGORY 2
N/A

CATEGORY 3
PN22 (LOBLOLLY)
PN24 (LOBLOLLY)

CATEGORY 4
PLM10
PLM12

CONCEPTUAL REDEVELOPMENT SITE & LANDSCAPE PLAN

NORTH

0 10 20 40 60
FEET

CIRCLE K STORE #8100
Conceptual Site Development Plan
Circle K Store, Inc.

TRUITT RABUN ASSOCIATES
LAND PLANNING · LANDSCAPE ARCHITECTURE
creativity · environment · community
P.O. Box 23229
Hilton Head Island, SC 29925
843-342-7777
FAX 843-342-7701

REVISIONS:

DATE:	NO:	DESCRIPTION:
9-6-2011	1	Location of underground fuel storage, add loading zone, existing dumpster pad remains. Rev. buffers and setbacks along Town property
9-15-2011	2	Increase street buffer, save LO 16 & LO 12

PROJECT NO: 70409-00

ISSUE DATE: 8-12-2011

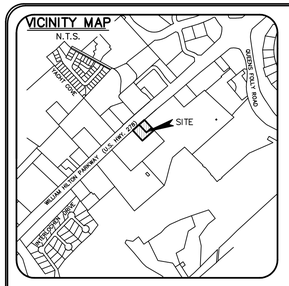
DRAWN: KE / TR

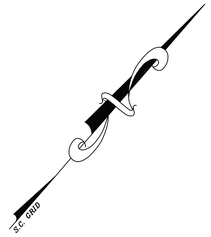
APPROVED: TR

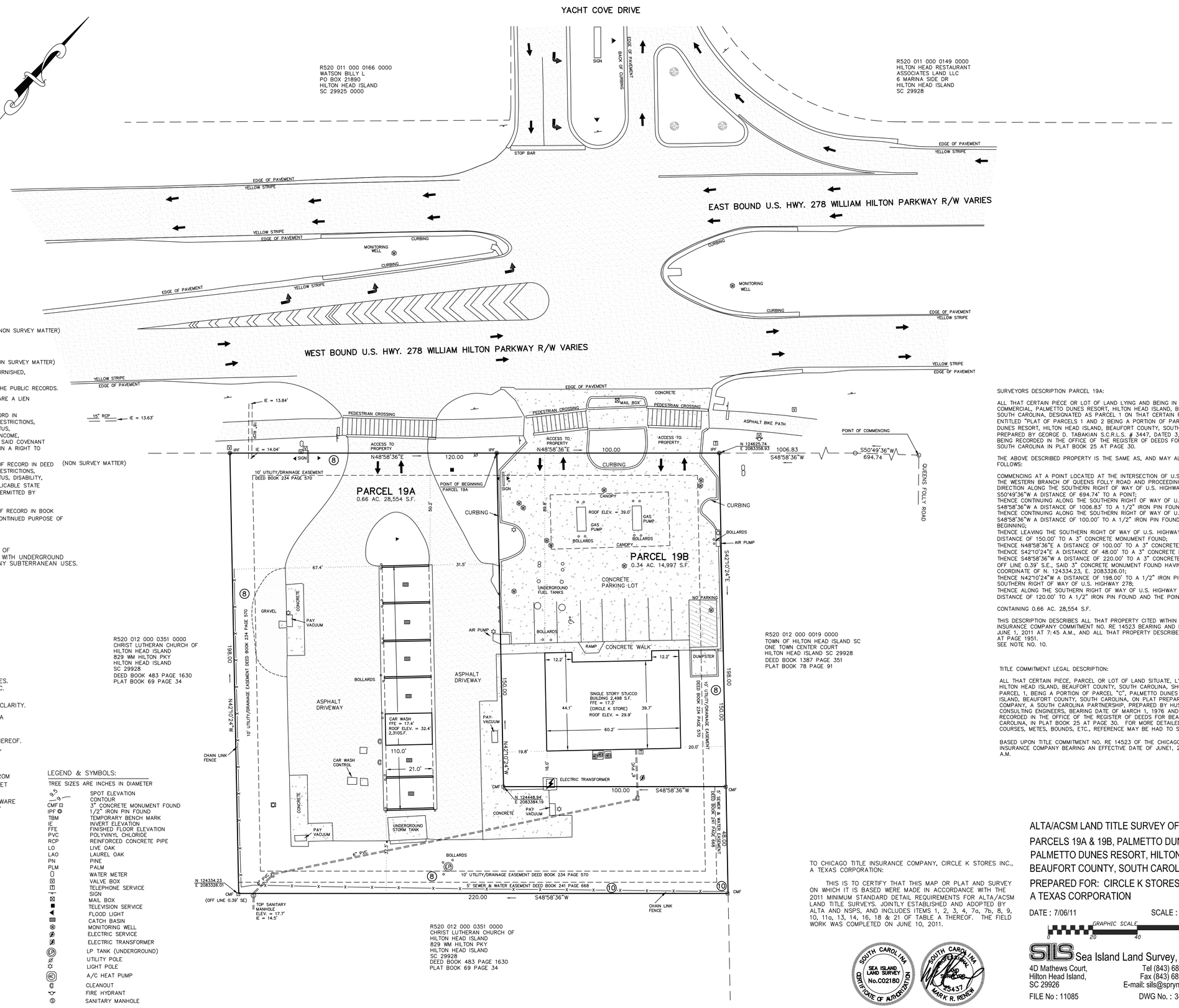
DRB Conceptual Approval Plan

Sheet 3 Of 3

ATTACHMENT E







ZONING CLASSIFICATION: SUBJECT PROPERTY IS ZONED OL OFFICE/INSTITUTIONAL LOW DENSITY. THE OFFICE/INSTITUTIONAL DISTRICTS ARE ESTABLISHED BETWEEN MAJOR COMMERCIAL AREAS OF THE THE ISLAND AND ARE INTENDED TO LIMIT THE TYPES OF NONRESIDENTIAL USESES PERMITTED. LAND USE PERMITTED ARE OFFICE AND INSTITUTIONAL IN ORDER TO MINIMIZE TRAVEL IMPACTS ON THE STREET SYSTEM, ENCOURAGE BETTER COMPATIBILITY IN AND AMONG LAND USES ON THE ISLAND, PROVIDE BALANCE AMONG LAND USE TYPES IN MAJOR CORRIDORS AND IMPROVE VISUAL APPEARANCE ALONG MAJOR CORRIDORS.

BUILDING HEIGHTS: 35 FEET, 2 STORIES

DENSITY: 8,000 S.F. OFFICE/INSTITUTIONAL, 6,000 S.F OTHER
4 UNITS PER ACRE

SCHEDULE B EXCEPTIONS:

1. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATED HEREOF BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT. (NON SURVEY MATTER)
2. RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY PUBLIC RECORDS. (NON SURVEY MATTER)
3. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION OR ADVERSE CIRCUMSTANCES AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND. (AFFECTS PROPERTY AS SHOWN).
4. EASEMENTS, OR CLAIMS OF EASEMENTS, NOT SHOWN BY THE PUBLIC RECORDS. (NON SURVEY MATTER)
5. ANY LIEN OR RIGHT OF LIEN, FOR SERVICES, LABOR OR MATERIALS HERETOFORE FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS. (NON SURVEY MATTER)
6. TAXES OR SPECIAL ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS BY THE PUBLIC RECORDS.
7. TAXES AND ASSESSMENTS FOR THE YEAR 2011, AND SUBSEQUENT YEARS, WHICH ARE A LIEN BUT NOT YET DUE AND PAYABLE. (NON SURVEY MATTER)
8. RESTRICTIVE COVENANTS AND EASEMENTS CONTAINED THEREIN APPEARING OF RECORD IN DEED BOOK 234, PAGE 570, AFORESAID RECORDS, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITIAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW. NOTE: SAID RESTRICTIONS CONTAIN A RIGHT TO REPURCHASE HELD BY PALMETTO DUNES RESORT, INC. (AFFECTS PROPERY AS SHOWN)
9. REVOCATION OF RESTRICTIONS AND REDECLARATION OF RESTRICTIONS APPEARING OF RECORD IN DEED BOOK 234, PAGE 570, AFORESAID RECORDS, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, DISABILITY, HANDICAP, NATIONAL ORGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW. (AFFECTS PROPERY AS SHOWN) (NON SURVEY MATTER)
10. EASEMENT FROM B.G.W COMPANY TO THE SOUTHLAND CORPORATION APPERAING OF RECORD IN BOOK 241, PAGE 668, AFORESAID RECORDS FOR THE PURPOSE OF CONSTRUCTING AND THE CONTINUED PURPOSE OF MAINTAINING WATER AND SEWER SERVICE. (AFFECTS PROPERTY AS SHOWN).

NOTES:
1) THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES.
2) SUBJECT PROPERTY DOES NOT APPEAR TO BE AFFECTED BY THE BEACHFRONT SETBACK REQUIREMENTS OF THE S.C. BEACH PROTECTION ACT OF JULY 1, 1988.
3) HORIZONTAL DATUM IS S.C. STATE PLANE (NAD 83) 2007.
4) VERTICAL DATUM IS NAVD88.
5) USE OF THIS PROPERTY MAY BE AFFECTED BY THE TERMS OF COVENANTS RELATING TO THIS PLANNED COMMERCIAL DEVELOPMENT.
6) BUILDING SETBACKS, WHETHER SHOWN OR NOT, SHOULD BE VERIFIED BY THE LOCAL BUILDING AUTHORITY OR ARCHITECTURAL REVIEW BOARD.
7) THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
8) THERE IS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
9) THE SURVEYOR HAS PREPARED A SURVEYORS DESCRIPTIONS TO TIE THE BOUNDARIES TO SOUTH CAROLINA STATE PLANE (NAD 83) 2007 COORDINATES. THE REFERENCE RECORDED IN PLAT BOOK 25 AT PAGE 30 VARIES FROM S.C. STATE PLANE COORDINATES BY 58°04'.
10) SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY.
11) THERE ARE SIX REGULAR PARKING SPACES AND ONE HANDICAP SPACE FOR A TOTAL OF SEVEN PARKING SPACES ON PARCEL 19B. PARCEL 19A HAS NO MARKED PARKING SPACES.
12 DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF.
13) SUBJECT PROPERTY HAS ACCESS TO HIGHWAY 278 WILLIAM HILTON PARKWAY AS SHOWN ON PLAT.
14) AT THE TIME OF THE ALTA SURVEY THERE WERE NO CHANGES IN STREET RIGHT-OF-WAY LINES EITHER COMPLETED OR PROPOSED, AND AVAILABLE FROM THE CONTROLLING JURISDICTION OR OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION REPAIRS.
15) THE SURVEYOR WAS NOT PROVIDED ANY DOCUMENTATION, WAS NOT MADE AWARE AND DID NOT OBSERVE ANY GROUND MARKINGS ON THE SUBJECT PROPERTY WITH REGARDS TO WETLANDS ON THE SUBJECT PROPERTY.
16 PROPERTY SUBJECT TO A 10' PERPETUAL, ALIENABLE AND RELEASABLE UTILITY/DRAINAGE EASEMENT.

REFERENCE PLAT

1) A PLAT OF PARCELS 1 AND 2, BEING A PORITON OF PARCEL C, PALMETTO DUNES RESORT, INC. HILTON HEAD ISLAND, BEAUFORT COUNTY, S.C.
DRAWN: 3/01/76
RECORDED IN BOOK 25 , PAGE 30
ROD. BEAUFORT COUNTY, SC
BY: GEORGE D. TABAKIAN S.C.R.L.S. # 3447

PARCEL 19A PROPERTY AREA = 0.66 AC. 28,554 S.F.
PARCEL 19B PROPERTY AREA = 0.34 AC. 14,997 S.F.

ADDRESS: 825 & 827 WILLIAM HILTON PARKWAY

DISTRICT: 520 , MAP: 12 , PARCELS: 19A & 19B

THIS PROPERTY LIES IN F.E.M.A. ZONE C
BASE FLOOD ELEVATION = NO MINIMUM ELEVATION
COMMUNITY NO. 450250, PANEL 0014D, DATED: 9/29/86

LEGEND & SYMBOLS:

TREE SIZES ARE INCHES IN DIAMETER

9.5	SPOT ELEVATION
9	CONTOUR
CMF	3" CONCRETE MONUMENT FOUND
IPF	1/2" IRON PIN FOUND
TBM	TEMPORARY BENCH MARK
IE	INVERT ELEVATION
FFE	FINISHED FLOOR ELEVATION
PVC	POLYVINYL CHLORIDE
RCP	REINFORCED CONCRETE PIPE
LO	LIVE OAK
LAO	LAUREL OAK
PN	PINE
PLM	PALM
	WATER METER
	VALVE BOX
	TELEPHONE SERVICE
	SIGN
	MAIL BOX
	TELEVISION SERVICE
	FLOOD LIGHT
	CATCH BASIN
	MONITORING WELL
	ELECTRIC SERVICE
	ELECTRIC TRANSFORMER
	LP TANK (UNDERGROUND)
	UTILITY POLE
	LIGHT POLE
AC	A/C HEAT PUMP
	CLEANOUT
	FIRE HYDRANT
	SANITARY MANHOLE

SURVEYORS DESCRIPTION PARCEL 19A:

ALL THAT CERTAIN PIECE OR LOT OF LAND LYING AND BEING IN PALMETTO DUNES COMMERCIAL, PALMETTO DUNES RESORT, HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA, DESIGNATED AS PARCEL 1 ON THAT CERTAIN PLAT OF SURVEY ENTITLED "PLAT OF PARCELS 1 AND 2 BEING A PORTION OF PARCEL C, PALMETTO DUNES RESORT, HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA", AS PREPARED BY GEORGE D. TABAKIAN S.C.R.L.S. # 3447, DATED 3/01/76, SAID PLAT BEING RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR BEAUFORT COUNTY, SOUTH CAROLINA IN PLAT BOOK 25 AT PAGE 30.

THE ABOVE DESCRIBED PROPERTY IS THE SAME AS, AND MAY ALSO BE DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT LOCATED AT THE INTERSECTION OF U.S. HIGHWAY 278 AND THE WESTERN BRANCH OF QUEENS FOLLY ROAD AND PROCEEDING IN A SOUTHERLY DIRECTION ALONG THE SOUTHERN RIGHT OF WAY OF U.S. HIGHWAY 278
S50°49'36"W A DISTANCE OF 694.74' TO A POINT;
THENCE CONTINUING ALONG THE SOUTHERN RIGHT OF WAY OF U.S. HIGHWAY 278
S48°58'36"W A DISTANCE OF 1006.83' TO A 1/2" IRON PIN FOUND;
THENCE CONTINUING ALONG THE SOUTHERN RIGHT OF WAY OF U.S. HIGHWAY 278
S48°58'36"W A DISTANCE OF 100.00' TO A 1/2" IRON PIN FOUND AND THE POINT OF BEGINNING;
THENCE LEAVING THE SOUTHERN RIGHT OF WAY OF U.S. HIGHWAY 278 S42°10'24"E A DISTANCE OF 150.00' TO A 3" CONCRETE MONUMENT FOUND;
THENCE N48°58'36"E A DISTANCE OF 100.00' TO A 3" CONCRETE MONUMENT FOUND;
THENCE S42°10'24"E A DISTANCE OF 48.00' TO A 3" CONCRETE MONUMENT FOUND;
THENCE S48°58'36"W A DISTANCE OF 220.00' TO A 3" CONCRETE MONUMENT FOUND OFF LINE 0.39' S.E., SAID 3" CONCRETE MONUMENT FOUND HAVING A S.C. STATE PLANE COORDINATE OF N. 124334.23, E. 2083326.01;
THENCE N42°10'24"W A DISTANCE OF 198.00' TO A 1/2" IRON PIN FOUND ON THE SOUTHERN RIGHT OF WAY OF U.S. HIGHWAY 278;
THENCE ALONG THE SOUTHERN RIGHT OF WAY OF U.S. HIGHWAY 278 N48°58'36"E A DISTANCE OF 120.00' TO A 1/2" IRON PIN FOUND AND THE POINT OF BEGINNING.

CONTAINING 0.66 AC. 28,554 S.F.

THIS DESCRIPTION DESCRIBES ALL THAT PROPERTY CITED WITHIN THE CHICAGO TITLE INSURANCE COMPANY COMMITMENT NO. RE 14523 BEARING AND EFFECTIVE DATE OF JUNE 1, 2011 AT 7:45 A.M., AND ALL THAT PROPERTY DESCRIBED IN DEED BOOK 1080 AT PAGE 1951.
SEE NOTE NO. 10.

TITLE COMMITMENT LEGAL DESCRIPTION:

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND SITUATE, LYING AND BEING IN HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA, SHOWN AND DESCRIBED AS PARCEL 1, BEING A PORTION OF PARCEL "C", PALMETTO DUNES RESORT, HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA, ON PLAT PREPARED FOR B.G.W. COMPANY, A SOUTH CAROLINA PARTNERSHIP, PREPARED BY HUSSEY, GAY, AND BELL, CONSULTING ENGINEERS, BEARING DATE OF MARCH 1, 1976 AND WHICH PLAT IS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR BEAUFORT COUNTY, SOUTH CAROLINA, IN PLAT BOOK 25 AT PAGE 30. FOR MORE DETAILED DESCRIPTION AS TO COURSES, METES, BOUNDS, ETC., REFERENCE MAY BE HAD TO SAID PLAT.

BASED UPON TITLE COMMITMENT NO. RE 14523 OF THE CHICAGO TITLE INSURANCE COMPANY BEARING AN EFFECTIVE DATE OF JUNE1, 2011 AT 7:45 A.M.

TO CHICAGO TITLE INSURANCE COMPANY, CIRCLE K STORES INC., A TEXAS CORPORATION:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS. JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 7a, 7b, 8, 9, 10, 11a, 13, 14, 16, 18 & 21 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JUNE 10, 2011.

SOUTH CAROLINA SEA ISLAND LAND SURVEY No.C02180 CERTIFICATE OF AUTHORIZATION

SOUTH CAROLINA PROFESSIONAL SEAL 25437 MARK R. RENEW

NOT VALID UNLESS EMBOSSED.

ALTA/ACSM LAND TITLE SURVEY OF:
PARCELS 19A & 19B, PALMETTO DUNES COMMERCIAL, PALMETTO DUNES RESORT, HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA
PREPARED FOR: CIRCLE K STORES, INC.
A TEXAS CORPORATION

DATE : 7/06/11 SCALE : 1" = 20'

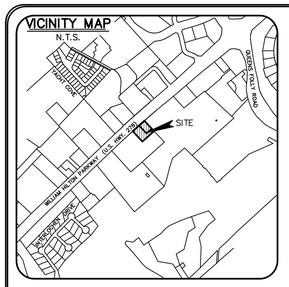
GRAPHIC SCALE 0 20 40 60

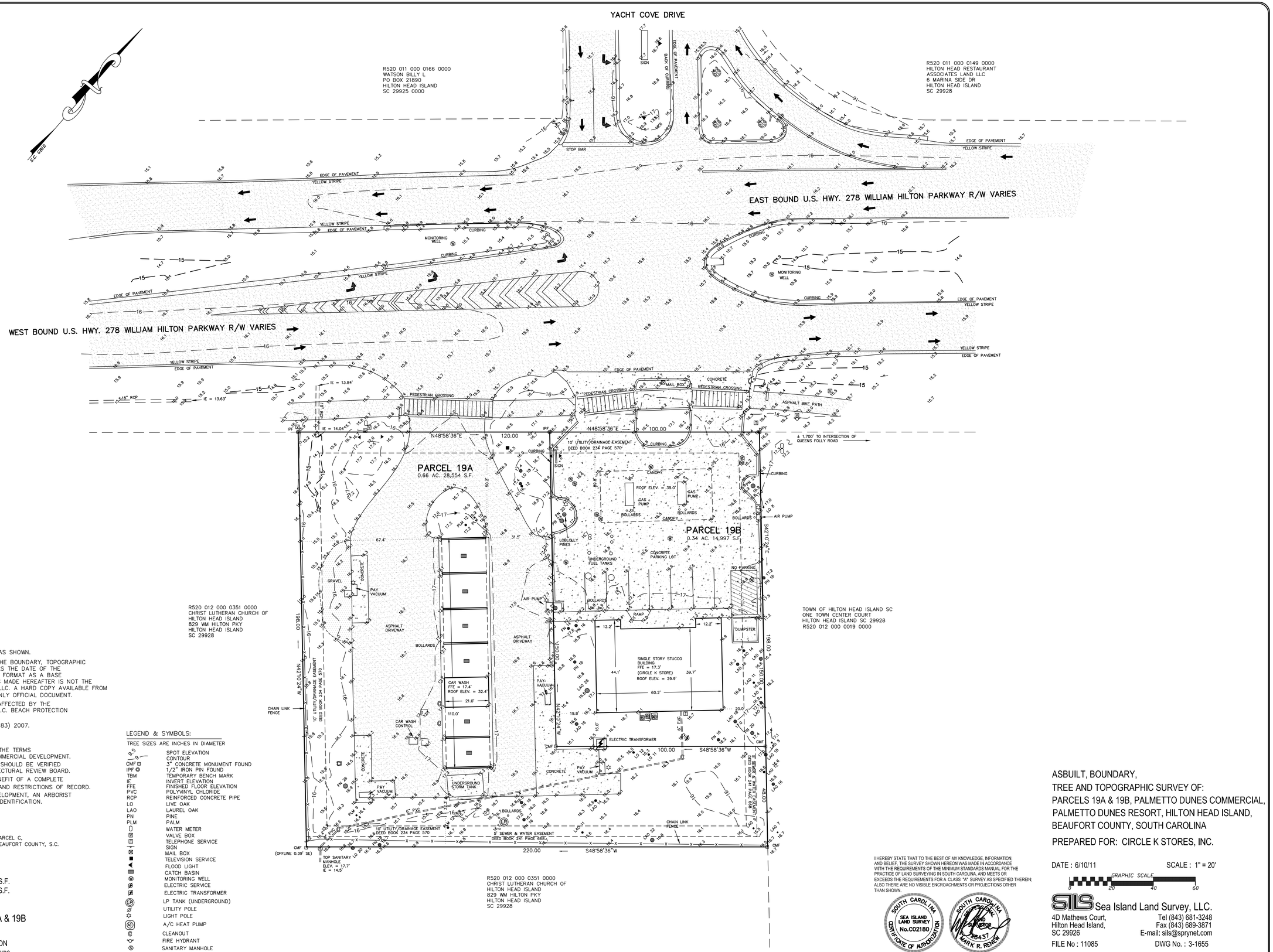
SIS Sea Island Land Survey, LLC.
4D Mathews Court, Hilton Head Island, SC 29926
Tel (843) 681-3248
Fax (843) 689-3871
E-mail: sils@sprynet.com

FILE No : 11085 DWG No. : 3-1656

COPYRIGHT © BY SEA ISLAND LAND SURVEY, LLC. CAD: BA, FLD: GR

ATTACHMENT F





NOTES:

1) UNDERGROUND UTILITIES NOT LOCATED EXCEPT AS SHOWN.
2) SEA ISLAND LAND SURVEY, LLC. CERTIFIES TO THE BOUNDARY, TOPOGRAPHIC AND ASBUILT INFORMATION PROVIDED HEREON AS THE DATE OF THE SURVEY. THIS SURVEY MAY BE USED IN DIGITAL FORMAT AS A BASE FOR OTHERS AND ANY REVISIONS OR ADDITIONS MADE HEREAFTER IS NOT THE RESPONSIBILITY OF SEA ISLAND LAND SURVEY, LLC. A HARD COPY AVAILABLE FROM SEA ISLAND LAND SURVEY, LLC. WILL BE THE ONLY OFFICIAL DOCUMENT.
3) SUBJECT PROPERTY DOES NOT APPEAR TO BE AFFECTED BY THE BEACHFRONT SETBACK REQUIREMENTS OF THE S.C. BEACH PROTECTION ACT OF JULY 1, 1988.
4) HORIZONTAL DATUM IS S.C. STATE PLANE (NAD 83) 2007.
5) VERTICAL DATUM IS NAVD88.
6) CONTOUR INTERVAL IS 1'.
7) USE OF THIS PROPERTY MAY BE AFFECTED BY THE TERMS OF COVENANTS RELATING TO THIS PLANNED COMMERCIAL DEVELOPMENT.
8) BUILDING SETBACKS, WHETHER SHOWN OR NOT, SHOULD BE VERIFIED BY THE LOCAL BUILDING AUTHORITY OR ARCHITECTURAL REVIEW BOARD.
9) THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A COMPLETE TITLE SEARCH AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
10) IF IDENTIFICATION OF TREES IS CRITICAL TO DEVELOPMENT, AN ARBORIST SHOULD BE CONSULTED TO VERIFY SUCH TREE IDENTIFICATION.

REFERENCE PLAT

1) A PLAT OF PARCELS 1 AND 2, BEING A PORITON OF PARCEL C, PALMETTO DUNES RESORT, INC. HILTON HEAD ISLAND, BEAUFORT COUNTY, S.C.
DRAWN: 3/01/76
RECORDED IN BOOK 25 , PAGE 30
ROD. BEAUFORT COUNTY, SC
BY: GEORGE D. TABAKIAN S.C.R.L.S. # 3447

PARCEL 19A PROPERTY AREA = 0.66 AC. 28,554 S.F.
PARCEL 19B PROPERTY AREA = 0.34 AC. 14,997 S.F.

ADDRESS: 825 & 827 WILLIAM HILTON PARKWAY

DISTRICT: 520 , MAP: 12 , PARCELS: 19A & 19B

THIS PROPERTY LIES IN F.E.M.A. ZONE C
BASE FLOOD ELEVATION = NO MINIMUM ELEVATION
COMMUNITY NO. 450250, PANEL 0014D, DATED: 9/29/86

LEGEND & SYMBOLS:

TREE SIZES ARE INCHES IN DIAMETER

15	SPOT ELEVATION
15	CONTOUR
CMF	3" CONCRETE MONUMENT FOUND
IPF	1/2" IRON PIN FOUND
TBM	TEMPORARY BENCH MARK
IE	INVERT ELEVATION
FFE	FINISHED FLOOR ELEVATION
PVC	POLYVINYL CHLORIDE
RCP	REINFORCED CONCRETE PIPE
LO	LIVE OAK
LAO	LAUREL OAK
PN	PINE
PLM	PALM
	WATER METER
	VALVE BOX
	TELEPHONE SERVICE
	SIGN
	MAIL BOX
	TELEVISION SERVICE
	FLOOD LIGHT
	CATCH BASIN
	MONITORING WELL
	ELECTRIC SERVICE
	ELECTRIC TRANSFORMER
	LP TANK (UNDERGROUND)
	UTILITY POLE
	LIGHT POLE
	A/C HEAT PUMP
	CLEANOUT
	FIRE HYDRANT
	SANITARY MANHOLE

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON 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; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

SOUTH CAROLINA SEA ISLAND LAND SURVEY No.C02180 CERTIFICATE OF AUTHORIZATION

SOUTH CAROLINA PROFESSIONAL LAND SURVEYOR 28437 MARK R. REINEKE

NOT VALID UNLESS EMBOSSED.

ASBUILT, BOUNDARY,
TREE AND TOPOGRAPHIC SURVEY OF:
PARCELS 19A & 19B, PALMETTO DUNES COMMERCIAL,
PALMETTO DUNES RESORT, HILTON HEAD ISLAND,
BEAUFORT COUNTY, SOUTH CAROLINA

PREPARED FOR: CIRCLE K STORES, INC.

DATE : 6/10/11 SCALE : 1" = 20'

GRAPHIC SCALE 0 20 40 60

SIS Sea Island Land Survey, LLC.
4D Mathews Court, Hilton Head Island, SC 29926
Tel (843) 681-3248
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E-mail: sils@sprynet.com

FILE No : 11085 DWG No. : 3-1655

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ATTACHMENT G

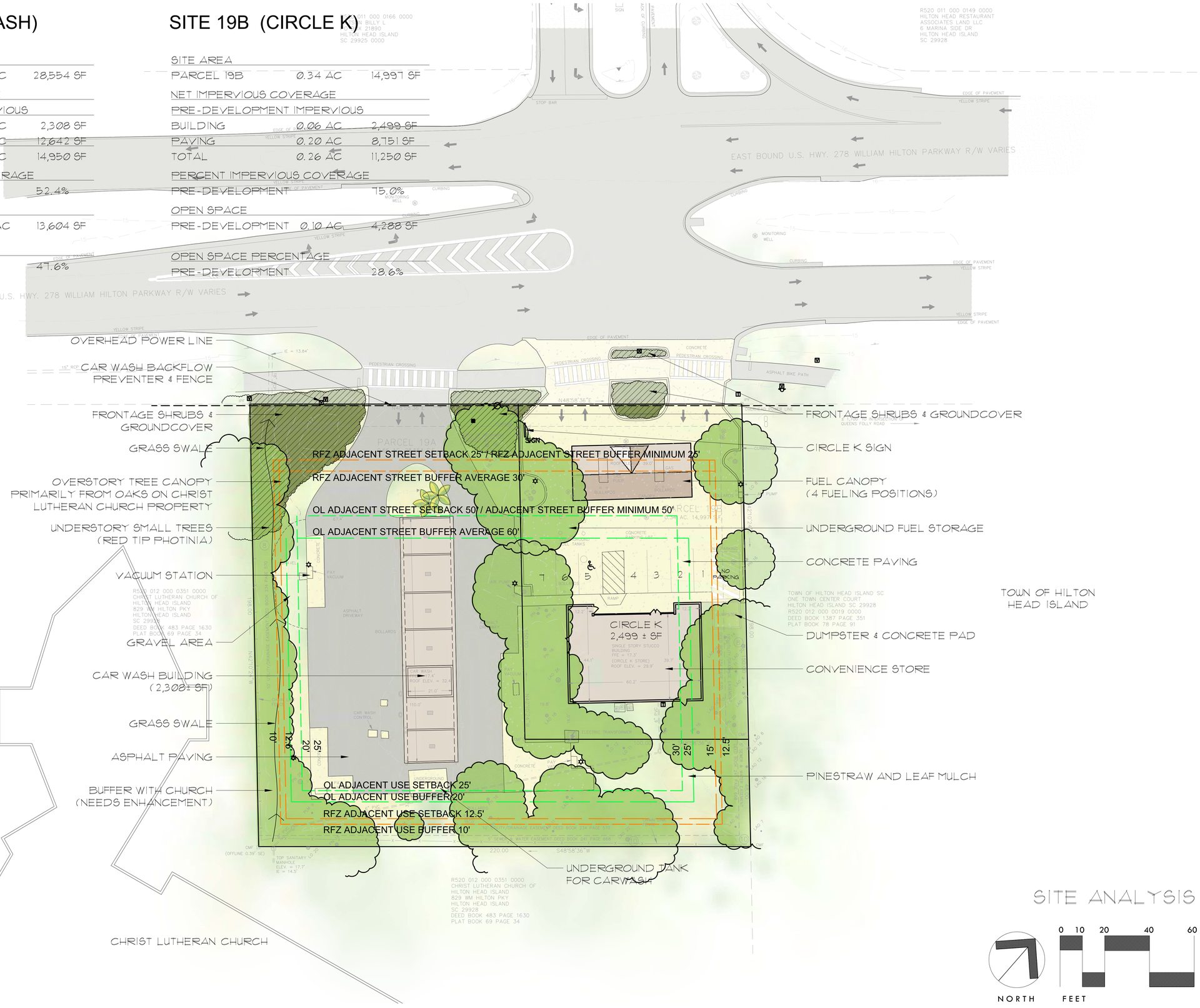
SITE 19 A (CAR WASH)

SITE AREA		
PARCEL 19A	0.66 AC	28,554 SF
NET IMPERVIOUS COVERAGE		
PRE-DEVELOPMENT IMPERVIOUS		
BUILDING	0.05 AC	2,308 SF
PAVING	0.29 AC	12,642 SF
TOTAL	0.34 AC	14,950 SF
PERCENT IMPERVIOUS COVERAGE		
PRE-DEVELOPMENT		52.4%
OPEN SPACE		
PRE-DEVELOPMENT	0.32 AC	13,604 SF
OPEN SPACE PERCENTAGE		
PRE-DEVELOPMENT		47.6%

ALL AREA CALCULATIONS ARE BASED ON DIGITAL TAKE OFFS OF THE AS-BUILT SURVEY LINEWORK.

SITE 19B (CIRCLE K)

SITE AREA		
PARCEL 19B	0.34 AC	14,997 SF
NET IMPERVIOUS COVERAGE		
PRE-DEVELOPMENT IMPERVIOUS		
BUILDING	0.06 AC	2,499 SF
PAVING	0.20 AC	8,751 SF
TOTAL	0.26 AC	11,250 SF
PERCENT IMPERVIOUS COVERAGE		
PRE-DEVELOPMENT		75.0%
OPEN SPACE		
PRE-DEVELOPMENT	0.10 AC	4,288 SF
OPEN SPACE PERCENTAGE		
PRE-DEVELOPMENT		28.6%



LEGEND & SYMBOLS:

TREE SIZES ARE INCHES IN DIAMETER

9.5	SPOT ELEVATION
9	CONTOUR
CMF	3" CONCRETE MONUMENT FOUND
IPF	1/2" IRON PIN FOUND
TBM	TEMPORARY BENCH MARK
IE	INVERT ELEVATION
FFE	FINISHED FLOOR ELEVATION
PVC	POLYVINYL CHLORIDE
RCP	REINFORCED CONCRETE PIPE
LO	LIVE OAK
LAO	LAUREL OAK
PN	PINE
PLM	PALM
	WATER METER
	VALVE BOX
	TELEPHONE SERVICE
	SIGN
	MAIL BOX
	TELEVISION SERVICE
	FLOOD LIGHT
	CATCH BASIN
	MONITORING WELL
	ELECTRIC SERVICE
	ELECTRIC TRANSFORMER
	LP TANK (UNDERGROUND)
	UTILITY POLE
	LIGHT POLE
	A/C HEAT PUMP
	CLEANOUT
	FIRE HYDRANT
	SANITARY MANHOLE

CIRCLE K STORE #8100

Conceptual Site Development Plan

Circle K Store, Inc.

TRUITT RABUN ASSOCIATES
LAND PLANNING · LANDSCAPE ARCHITECTURE
creativity · environment · community
P.O. Box 23229
Hilton Head Island, SC 29925
843-342-7777
FAX 843-342-7701

REVISIONS:

DATE:	NO:	DESCRIPTION:
9-6-2011	1	Location of underground fuel storage, add loading zone, existing dumpster pad remains. Rev. buffers and setbacks along Town property. Increase street buffer, save LO 16 & LO 12
9-15-2011	2	

PROJECT NO: 70409-00

ISSUE DATE: 8-12-2011

DRAWN: KE / TR

APPROVED: TR

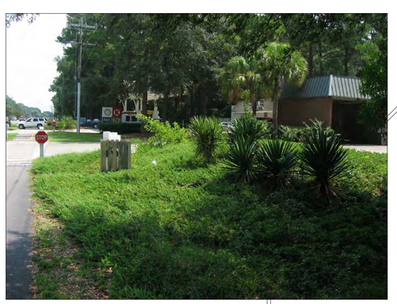
DRB Conceptual Approval Plan

Sheet 1 Of 3

ATTACHMENT H

1. OVERHEAD POWER LINE.

2. CAR WASH TO BE REMOVED.



3. FRONTAGE SHRUBS & GROUNDCOVER TO BE RETAINED & ENHANCED. REMOVE BACK FLOW PREVENTER & HENCE.

4. BUFFER WITH CHURCH TO BE ENHANCED. GRAVEL TO BE REMOVED. GRASS SWALE TO BE RETAINED. BACK FLOW PREVENTER / FENCE IS TO BE REMOVED.

LEGEND & SYMBOLS:

TREE SIZES ARE INCHES IN DIAMETER

	SPOT ELEVATION
	CONTOUR
CMF	3" CONCRETE MONUMENT FOUND
IPF	1/2" IRON PIN FOUND
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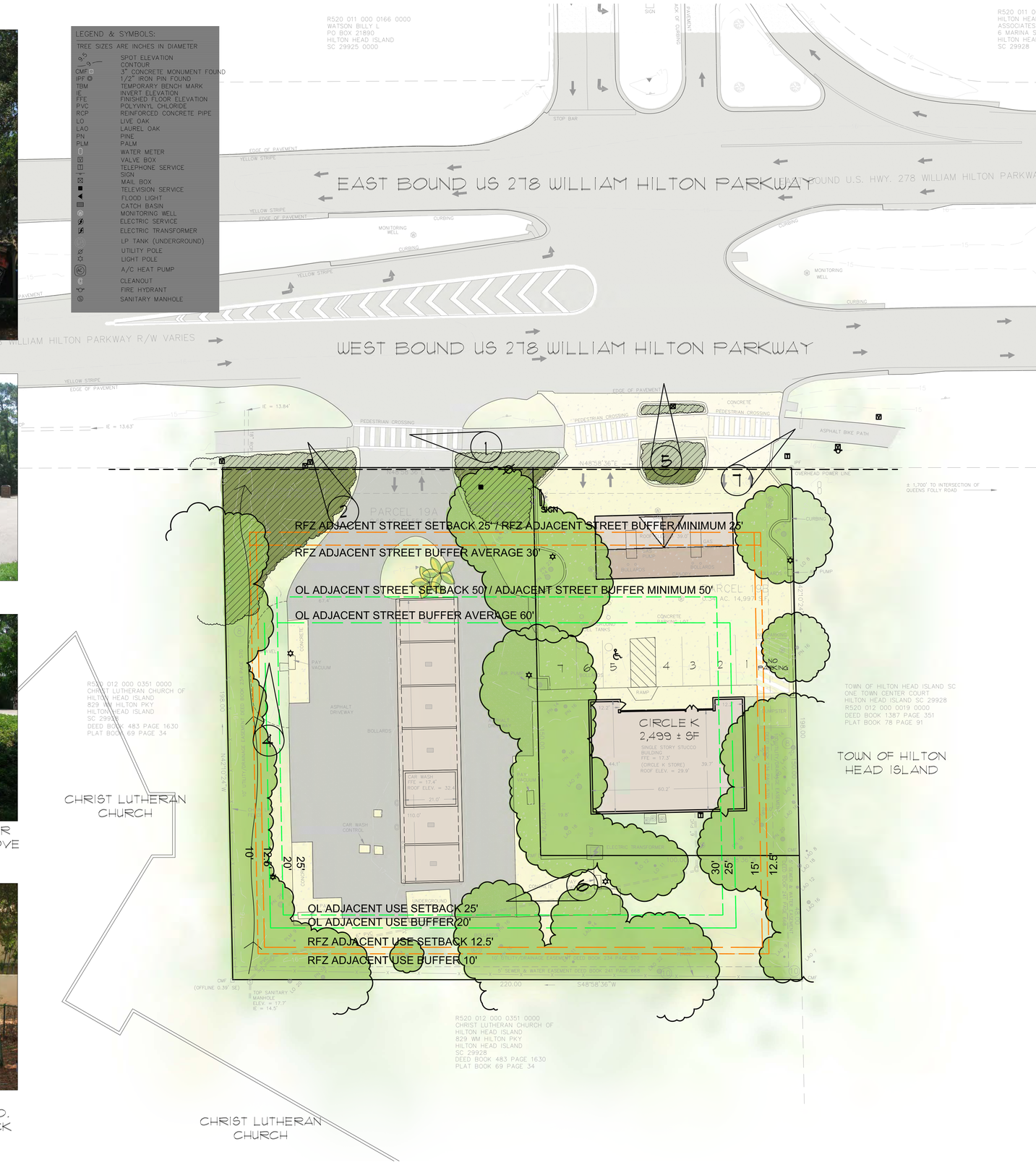

5. CIRCLE K- FRONT.

6. CIRCLE K- BACK.

7. NEW CANOPY ON CAR WASH SITE TO MATCH .

SITE ANALYSIS PHOTOGRAPHS

NORTH

0 10 20 40 60

FEET

CIRCLE K STORE #8100

Conceptual Site Development Plan

Circle K Store, Inc.

TRUITT RABUN ASSOCIATES
LAND PLANNING · LANDSCAPE ARCHITECTURE
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9-15-2011	2	

PROJECT NO: 70409-00

ISSUE DATE: 8-12-2011

DRAWN: KE / TR

APPROVED: TR

DRB Conceptual Approval Plan

Sheet 2 Of 3

THE TOWN OF HILTON HEAD ISLAND

PLANNING & DEVELOPMENT STANDARDS COMMITTEE

2012 Meeting Schedule

Meetings Are Held On the Fourth Wednesday of each Month at 4:00pm In Council Chambers	Meeting Deadline is at 12:00pm On the Following Dates:
January 25, 2012	January 6, 2012
February 22, 2012	February 3, 2012
March 28, 2012	March 9, 2012
April 25, 2012	April 6, 2012
May 23, 2012	May 4, 2012
June 27, 2012	June 8, 2012
July 25, 2012	July 6, 2012
August 22, 2012	August 3, 2012
September 26, 2012	September 7, 2012
October 24, 2012	October 5, 2012
November 28, 2012	November 9, 2012
* December 19, 2012	November 30, 2012

* Meeting on Thursday, December 19th is due to the Holidays.