



**Town of Hilton Head Island
Board of Zoning Appeals
Regular Meeting
Monday, August 27, 2018 – 1:00 p.m.
Benjamin M. Racusin Council Chambers
AGENDA**

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **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 requirements of the Town of Hilton Head Island Land Management Ordinance.
5. **Swearing in Ceremony for Reappointed Board Members Jerry Cutrer and John White**
Performed by Brian Hulbert, Staff Attorney
6. **Welcome and Introduction to Board Procedures**
7. **Approval of Agenda**
8. **Approval of the Minutes** – Meeting of June 25, 2018
9. **Unfinished Business**
10. **New Business**
 - a. **APL-001673-2016** – This is a re-hearing of a request for Appeal from Chester C. Williams on behalf of Beachwalk Hotel & Condominiums Association, Inc. and Beachwalk Hilton Head, LLC. The appellant is appealing staff's determination, dated August 23, 2016, that the proposed development of the Spinnaker Welcome Center at 30 Waterside Drive is permitted as proposed with Development Plan Review Application DPR-001056-2016.
11. **Board Business**
12. **Staff Report**
 - a. Waiver Report
13. **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
Board of Zoning Appeals
Minutes of the June 25, 2018 2:30 p.m. Regular Meeting
Benjamin M. Racusin Council Chambers

Board Members Present: Chairman David Fingerhut, Vice Chairman Jerry Cutrer, Patsy Brison, Charles Walczak, Robert Johnson, John White, Lisa Laudermilch

Board Members Absent: None

Council Members Present: Kim Likins

Town Staff Present: Charles Cousins, Director of Community Development; Nicole Dixon, Development Review Administrator; Carolyn Grant, Communications Director; Joheida Fister, Fire Marshal; Danielle Tison, Fire Inspector; Brian Hulbert, Staff Attorney; Teri Lewis, LMO Official; Taylor Ladd, Senior Planner; Teresa Haley, Senior Administrative Assistant

- 1. Call to Order**
- 2. Pledge of Allegiance to the Flag**
- 3. Roll Call**
- 4. Freedom of Information Act Compliance**
Public notification of the Board of Zoning Appeals meeting has been published, posted and mailed in compliance with the Freedom of Information Act and the requirements of the Town of Hilton Head Island Land Management Ordinance.
- 5. Swearing in Ceremony for New Board of Zoning Appeals Member Patsy Brison**
Kim Likins, Mayor Pro Tem, performed the swearing in ceremony for newly appointed Board member Patsy Brison.
- 6. Welcome and Introduction to Board Procedures**
Chairman Fingerhut welcomed the public and introduced the Board's procedures for conducting the business meeting.
- 7. Approval of Agenda**
Chairman Fingerhut asked for a motion to approve the agenda. Ms. Laudermilch moved to approve. Mr. White seconded. The motion passed with a vote of 7-0-0.
- 8. Approval of the Minutes – Meeting of January 22, 2018**
Chairman Fingerhut asked for a motion to approve the minutes of the March 26, 2018 meeting. Vice Chairman Cutrer moved to approve. Mr. Walczak seconded. The motion passed with a vote of 6-0-1. Ms. Brison abstained as she was not present at the subject meeting.
- 9. Unfinished Business – None**
- 10. New Business**

- a. **APL-942-2018** – Request for Appeal from Claudia Kennedy. The appellant is appealing staff’s determination, dated March 27, 2018, which states that the use being conducted at 2, 3, 7, 11, 15 and 17 Trail Beach Manor is Animal Services and Animal Services uses are not allowed in the MV (Mitchelville) zoning district.

Ms. Lewis presented on behalf of Town Staff. The Board made comments and inquiries to Staff regarding: permitted uses in the Mitchelville (MV) zoning district; permitted Commercial uses; other commercial services allowed; Animal Services is not an allowed use in MV; the interpretation of Animal Services as defined in the LMO; the properties were in the WMU zoning district until the LMO rewrite occurred in October 2014; prior use related to animals were pet stores and boarding kennels, but neither was allowed in WMU; whether any complaints were filed with the Town prior to 2014; around May 2016 Staff was alerted to cats being housed on the property; this property would not be grandfathered as animal services were not permitted uses previously; the size of the property; no other uses are being conducted on the property; and surrounding properties include The Spa and Mitchelville Freedom Park.

The Appellant, Claudia Kennedy, presented her case as described in the Board’s packet. The Board made comments and inquiries to the Appellant regarding: the percentage of cats that return to the property; she purchased the land in 2012; All About Cats has operated at property for approximately two to three years; All About Cats is a 501(c)(3) South Carolina non-profit; how the non-profit operates and where funding comes from; she does not hold a business license from the Town; how and from where do the cats come to her property; funding mostly comes from Appellant and some volunteers; the cats are fed, caught if possible, taken to the vet and paid for by the Appellant; the Appellant delivers cat food to people who cannot afford it; All About Cats is a group started around 2015 to provide people with a receipt for donating to the non-profit; consideration of purchasing additional land in other areas; there are about twenty kennels on site; the kennels are on pallets with straw underneath and inside, a tarp on top, and cat feeders to keep rain off the food; volunteers come and go at various times, with two to three cars at most parked on the other side of the fenced in area which is also owned by the Appellant; no cat food is on site as raccoons will eat it; the Appellant is interested in purchasing land for cats throughout the Island; the Appellant lives inside a PUD and this use is not allowed; the Appellant characterizes what she does as a rescue at an urgent level and to help control overpopulation; and consideration for removal of the structures.

Chairman Fingerhut asked the Town for a rebuttal. Ms. Lewis pointed out while not permitted in MV, Animal Services is permitted in five zoning districts – SPC, CC, Stoney, LC and IL. The property cannot be considered grandfathered as this type of use was never allowed on the property to begin with.

Chairman Fingerhut asked the Board for comments and discussion. The Board members discussed: their interpretations of the definition of Animal Services; a for profit business versus a non-profit and volunteer services; some members indicated the first sentence of the Animal Services definition governs and the rest of the definition includes examples; some members indicated interpreting the definition as a whole; the use is not permitted

now and was not permitted prior to the LMO adoption in 2014; and the Board is charged with deciding whether or not the use fits appropriately and complies with the LMO.

Upon the conclusion of the discussion, Chairman Fingerhut asked for a motion.

Vice Chairman Cutrer moved to uphold the finding of the LMO Official that the subject parcels are not in compliance with the LMO based on the Findings of Fact and Conclusion of Law as stated in the staff report and the March 27, 2018 determination letter. Ms. Brison seconded. The motion passed with a vote of 4-3-0.

(Roll: Brison, Johnson, Fingerhut, Cutrer – for the motion; Walczak, White, Laudermilch – against the motion.)

b. Election of Officers for the July 1, 2018 – June 30, 2019 Term

Mr. Cutrer made a motion to elect David Fingerhut to serve as Chairman for the new term. Mr. Walczak seconded. There were no additional nominations for the office of Chairman. The motion to elect David Fingerhut as Chairman passed with a vote of 6-0-1. Chairman Fingerhut abstained.

Mr. Walczak made a motion to elect Jerry Cutrer to serve as Vice Chairman for the new term. Chairman Fingerhut seconded. There were no additional nominations for the office of Vice Chairman. The motion to elect Jerry Cutrer as Vice Chairman passed with a vote of 6-0-1. Vice Chairman Cutrer abstained.

Vice Chairman Cutrer made a motion to appoint Teresa Haley to serve as Secretary for the new term. Ms. Laudermilch seconded. The motion passed with a vote of 7-0-0.

11. Board Business – None

12. Staff Report

a. Waiver Report – Ms. Ladd noted the Waiver Report was included in the Board's packet.

The Board asked Staff to offer more frequent board training sessions that follow BZA meetings.

The Board briefly discussed making motions that cover multiple issues. The Board was in general agreement to break up parts of a complex issue into compound matters. The suggestion was made to discuss each member's viewpoint on each issue prior to making a motion. This would allow for easier transcription and to lessen the likelihood of multiple amended motions.

13. Adjournment

Mr. Johnson moved to adjourn. Vice Chairman Cutrer seconded. The meeting was adjourned at 3:47 p.m.

Submitted by: Teresa Haley, Secretary

Approved:

David Fingerhut, Chairman

DRAFT



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Board of Zoning Appeals
VIA: Teri B. Lewis, AICP, *LMO Official*
FROM: Nicole Dixon, CFM, *Development Review Administrator*
DATE: August 13, 2018
SUBJECT: Rehearing of APL-001673-2016

On November 28, 2016, the Board of Zoning Appeals heard an appeal submitted by Chester C. Williams on behalf of Beachwalk Hotel & Condominiums Association, Inc. and Beachwalk Hilton Head, LLC. Mr. Williams appealed staff's determination, dated August 23, 2016, that the proposed development of the Spinnaker Welcome Center at 30 Waterside Drive is permitted as proposed with Development Plan Review Application DPR-001056-2016. The Board denied the appeal and upheld staff's determination.

The appellant filed a Petition for Reconsideration on December 2, 2016, requesting that the BZA reconsider their decision to uphold staff's determination. This was heard by the BZA at the January 23, 2017 meeting. No action was taken by the Board at that meeting, and as a result, the Motion to Reconsider APL-001673-2016 was deemed denied.

On December 30, 2016, the appellant filed an appeal of the BZA's decision to the Circuit Court (Attachment A). The appeal was heard by the Circuit Court on December 18, 2017. The Judge found that after presentations and questioning at the hearing by all parties, the record was unclear on certain issues he believes are important for appropriate judicial review of the appeal, including the basis for the BZA's decision. He remanded the appeal back to the BZA for a rehearing and to answer three specific questions (Attachment B).

Due to the lengthy size of the original record, the entire original appeal record, as well as the transcript of the BZA hearing that took place on November 28, 2016, was made available to the BZA members to pick up on Monday July 30th in order to give them enough time to read through the original documentation.

At this time, staff does not have any new information to add to the record; however, in an effort to assist the BZA in answering the three questions posed by the Judge in the remand order, staff offers the following:

1. **Is Parcel E in a PD-2 Overlay District established by the LMO?** Yes, Parcel E, which is the parcel subject to the appeal and also referred to as Tract B, is in the Waterside (Town Center) PUD as shown on the attached map (Attachment C), attached 1984 Conceptual Master Plan (Attachment D), attached Waterside PUD (Attachment E) and attached 1987 Conceptual Master Plans (Attachment F). Staff has found no evidence that Parcel E was ever removed from the PD-2 Overlay District.
2. **If Parcel E is in a PD-2 Overlay District, is Parcel E subject to the LMO's PD-2 Overlay District regulations?** Yes Parcel E is subject to the LMO's PD-2 Overlay District regulations as found in LMO Section 16-3-106.G.
3. **If Parcel E is subject to the LMO's PD-2 Overlay District regulations, what effect does that have on the development of Parcel E, and must the existing development on the**

other parcels within that PD-2 Overlay District be taken into account in connection with any proposed development of Parcel E? The PD-2 Overlay District Regulations do not have any effect on the development of Parcel E, nor does the existing development within the PD-2 have to be taken into account with any proposed development of Parcel E. Staff believes the regulations outlined in LMO Section 16-3-106.G.4 are to be used when developing a PD-2 and doesn't apply to a PD-2 that has been previously approved through prior regulations and substantially constructed.

The appellant claims that since the parcel is subject to the LMO's PD-2 regulations, the density and development standards provided in LMO Section 16-3-106.G.4.a prohibit Parcel E from being developed. The appellant claims that the average density of what currently exists within the PD-2 exceeds the maximum density allowed in the base zoning district. Staff disagrees with this claim.

The Waterside Master Plan identified specific densities and uses that were allowed within the PUD and required a certain amount of common open space. Parcel E was identified as a developable property with up to 16,787 square feet of commercial development. The fact that Parcel E was not developed at the same time as the other developments that are part of the subject PUD, doesn't mean it is now an un-buildable lot or that this parcel now has to comply with development standards that are meant to be used when creating a new plan for a PD-2. Staff does not believe at this point the density needs to be averaged for the PD-2 since this was clearly taken into account when the Master Plan was created. The Categorical Exemption, which vested the developer for specific densities and uses as shown on their Master Plan and vested them from having to comply with subsequent amendments to the LMO, expired on March 3, 2000. Staff's interpretation of the LMO is that since they are no longer vested under the Categorical Exemption, they have to comply with the current density standards of the underlying base zoning district for that parcel. The underlying zoning of the subject parcel is RD (Resort Development).

The proposed Welcome Center is shown to be built at a maximum of 7,500 square feet. The RD District allows up to 8,000 square feet of nonresidential uses per net acre. The subject property is 1.068 acres in size, which would allow 8,544 square feet. Since the proposed Welcome Center is only 7,500 square feet in size, it is clearly less than what the LMO allows. It is also less than the 16,787 square feet originally retained for Tract B on the Master Plan.

Staff reserves the right to submit additional documents.

Please contact me at (843) 341-4686 or at nicoled@hiltonheadislandsc.gov if you have any questions.

Enclosures:

- Attachment A- Appeal to Circuit Court
- Attachment B- Remand Order
- Attachment C- Vicinity Map
- Attachment D- 1984 Conceptual Master Plan
- Attachment E- 1987 Waterside PUD Plan
- Attachment F- Masterplan Included with DPR-18-87
- Attachment G- Appellants Memorandum on Remand
- Attachment H- Property Owners Memorandum on Remand
- Attachment I- Subpoena
- Attachment J- Record for Original Appeal Hearing 11-28-16
- Attachment K- Transcript of Original Appeal Hearing 11-28-16

ADMITTED TO UNITED STATES
SUPREME COURT BAR
ADMITTED IN SOUTH CAROLINA
AND GEORGIA
CERTIFIED CIRCUIT
COURT MEDIATOR

LAW OFFICE OF
THOMAS C. TAYLOR, LLC
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MAILING ADDRESS
P.O. BOX 5550
HILTON HEAD ISLAND, SC
29938

January 4, 2017

Via U.S. Mail and E-Mail Attachment to: gregg@alfordlawsc.com

Gregory M. Alford, Esq.
Alford & Thoreson Law Firm
18 Executive Park Road
Building 1
Hilton Head Island, SC 29928

Re: Beachwalk Hotel & Condominiums Association, Inc. and Beachwalk Hilton Head, LLC. v. The Town of Hilton Head Island and/or The Town of Hilton Head Island Board of Zoning Appeals; In the Court of Common Pleas Civil Action Number 2016-CP-07-2712

Dear Gregg:

I appreciate you acknowledging service on behalf of the Town of Hilton Head Island, of the enclosed copy of the Summons and Notice of Appeal and Petition with Exhibits 1, 2, and 3, in the above captioned case. Please sign the Acknowledgement of Service and return it to me in the self-addressed, stamped envelope enclosed. Thank you.

With kind regards, I am

Cordially yours,

LAW OFFICE OF THOMAS C. TAYLOR, LLC



Thomas C. Taylor

TCT/dpt
Enclosure(s)
cc: Chester Williams, Esq.
Brian Hulbert, Esq.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT	)	CIVIL ACTION NO. 2016-CP-07-2712
)	
Beachwalk Hotel & Condominiums)	
Association, Inc. and Beachwalk)	
Hilton Head, LLC.,)	
)	
Appellants/Petitioners)	
)	
vs.	)	ACKNOWLEDGEMENT OF SERVICE
)	
The Town of Hilton Head Island)	
and/or The Town of Hilton Head)	
Island Board of Zoning Appeals,)	
)	
Respondents/Defendants)	
_____)	

ON BEHALF of The Town of Hilton Head Island, the undersigned Gregory M. Alford, Esq., an attorney licensed and in good-standing in South Carolina, with the law office of Alford and Thoreson Law Firm, hereby accepts and acknowledges service of process of the **Summons and Notice of Appeal and Petition** filed December 30, 2016, in the above captioned case, this the ____ day of _____, 2017.

 Gregory M. Alford, Esq.
 Alford and Thoreson Law Firm
 18 Executive Park Road, Bldg. 1
 Hilton Head Island, SC 29928

ATTORNEY FOR THE DEFENDANT
 THE TOWN OF HILTON HEAD ISLAND

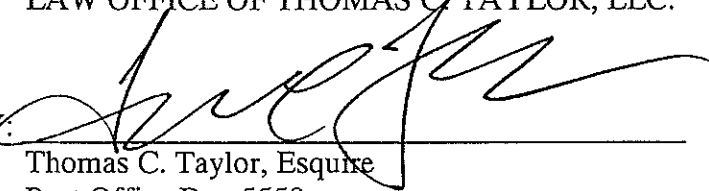
Hilton Head Island, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT	)	CIVIL ACTION NO. 2016-CP-07- <u>2712</u>
)	
Beachwalk Hotel & Condominiums)	
Association, Inc. and Beachwalk)	
Hilton Head, LLC.,)	
)	
Appellants/Petitioners)	
)	
vs.	)	SUMMONS
)	
The Town of Hilton Head Island	)	(Non-Jury Appeal)
and/or The Town of Hilton Head)	
Island Board of Zoning Appeals,)	
)	
Respondents/Defendants)	
)	

TO THE RESPONDENTS/DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Appeal and Petition herein, a copy of which is herewith served upon you, and to serve a copy of your Answer to this Appeal and Petition upon the subscriber, at Post Office Box 5550, Hilton Head Island, South Carolina 29938, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the Appeal and Petition within the time aforesaid, judgment by default may be rendered against you for the relief demanded in the Complaint.

LAW OFFICE OF THOMAS C. TAYLOR, LLC.

BY: 

Thomas C. Taylor, Esquire
 Post Office Box 5550
 Hilton Head Island, SC 29938
 Telephone: 843-785-5050
 Facsimile: 843-785-5030
 E-mail: tom@thomastaylorlaw.com
 SC Bar No.: 5499
 ATTORNEY FOR THE
 APPELLANTS/PETITIONERS
 BEACHWALK HOTEL &
 CONDOMINIUMS ASSOCIATION, INC.
 and BEACHWALK HILTON HEAD, LLC

December 30, 2016
Hilton Head Island, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT	)	CIVIL ACTION NO. 2016-CP-07- <u>2712</u>

Beachwalk Hotel & Condominiums Association, Inc. and Beachwalk Hilton Head, LLC.,)
)
Appellants/Petitioners)
vs.)
)
The Town of Hilton Head Island and/or The Town of Hilton Head Island Board of Zoning Appeals,)
)
Respondents/Defendants)
_____)

NOTICE OF APPEAL AND PETITION

(Non-Jury)

The Appellants/Petitioners, Beachwalk Hotel & Condominiums Association, Inc. and Beachwalk Hilton Head, LLC (hereinafter collectively referred to as the “Appellants”), hereby appeal the decision of the Town of Hilton Head Island Board of Zoning Appeals (hereinafter referred to as the “BZA”) dated November 28, 2016 (and mailed on November 30, 2016) to uphold the determinations made by Nicole Dixon, CFM, Senior Planner for the Town of Hilton Head Island, SC (hereinafter referred to as the “Town”) in her letter of August 23, 2016¹ to Chester C. Williams, Esq., (hereinafter referred to as the “Determination Letter”) that the proposed development of the Spinnaker Welcome Center as contemplated by the Development Plan Review Application DPR-001056-2016 is permitted under the applicable Town code requirements and controlling case law. The record of the BZA Hearing is replete with clear and convincing evidence that the proposed development will exceed the permitted density on the land, and the Town staff’s Determination Letter flies in the face of the Town’s adopted Land Management Ordinance requirements and if upheld, will establish a dangerous precedent undercutting the strict development guidelines that have helped build Hilton Head Island’s national reputation for quality land planning.

¹ A true and correct copy of the Determination letter of August 23, 2016 is attached as Exhibit 1.

Introduction

Ms. Dixon held in the Determination Letter that the proposed development of the Spinnaker Welcome Center as contemplated by Development Plan Review Application DPR-001056-2016 (the “DPR Application”) on that certain tract of land containing 1.068 acres, more or less, designated as “Parcel E” on the plat of survey entitled “15.100 Acres Waterside P.U.D.” recorded in Beaufort County Plat Book 35 at Page 79 (the “Waterside PUD Survey”) “is permitted as proposed [in the DPR Application] as long as it does not exceed what was allowed on that masterplan or what is permitted by the current LMO.”

The Waterside PUD Survey admitted into evidence at the Hearing shows a 15.100 acre tract subdivided into four separate parcels. Parcel E is the subject of the DPR Application, the Determination Letter, and this Appeal; the tract designated as “Parcel D” is the right-of-way of Waterside Drive; the tract designated as “Parcel F” is the site of the Waterside by Spinnaker interval occupancy (timeshare) development (the “Spinnaker Project”); and the tract designated as “Parcel A&C” is the site of the Beachwalk Hotel. *See* attachment 1 to the Appeal Application initially filed with the BZA. The Property is zoned Resort Development (“RD”), and is located within both the Corridor Overlay District and the PD-2 Waterside (Town Center) Overlay District (“Waterside PD-2 District”).

Appellant Beachwalk Hotel & Condominiums Association (sometimes herein singularly referred to as “BH&CA”) is the owners association of the owners of the various condominium units in the Beachwalk Hotel. Appellant Beachwalk Hilton Head, LLC (sometimes herein singularly referred to as “BHH”) is the owner of many of the condominium units in the Beachwalk Hotel.

The Appellants initially appealed Ms. Dixon’s Determination Letter to the Town’s BZA in case number APL001515-2016, and a hearing was held on November 28, 2016. Presentations were made by counsel on behalf of the Appellants, by Ms. Dixon, and, at the invitation of the Chairman of the BZA, by Barry L. Johnson, Esq., counsel for SDC Properties, Inc., the developer of the proposed Spinnaker Welcome Center. In addition, exhibits were identified and placed into evidence. At the conclusion of the Hearing, a motion was made and seconded to deny the Appeal. That motion passed by a 4-2 vote. The official Board of Zoning Appeals’ Notice of

Action in the matter was apparently signed and then mailed out via certified US mail on November 30, 2016.²

BH&CA, for itself and on behalf of its constituent members, and BHH, disagree with the determination made by Ms. Dixon about the permitted uses, densities, and design standards applicable to development on Parcel E, and specifically allege that Ms. Dixon admittedly failed to evaluate the proposed development from the required perspective of average density in the entire PD-2 overlay district. Further, the Appellants allege that Ms. Dixon necessarily, and incorrectly, relied on information that was, and still is, unavailable, in making her determination, and incorrectly construed or interpreted the Town's LMO and Town documents affecting the development potential of the various parcels that are part of the Waterside PUD Tract, and therefore erred in making the conclusions and determinations set forth in the Determination Letter. Thus, the Appellants seek relief by this Appeal.

In particular, in making her determination, Ms. Dixon relied on what she thought was, or may be, shown on the Conceptual Master Plan for the Town Center PUD dated 27 July 1987 (the "1987 Master Plan"), which, the Appellants submit, shows revisions to the Town Center PUD Master Plan approved by the Town's Planning Commission on May 6, 1987. However, as Ms. Dixon admits in the Determination Letter, the Town Staff is unable to locate a copy of the 1987 Master Plan.³ The 1987 Master Plan is the most recent Town-approved Master Plan for the PD-2 Town Center (Waterside) Overlay Zoning District, which includes the entire Waterside PUD Tract, and is part of the Town's Official Zoning Map. Accordingly, Ms. Dixon made her determination based at least in part on a document that neither she, the Town, the BZA nor this Court has to review.

The Appeal

I. BACKGROUND

Parcel E is located at 30 Waterside Drive, and is identified as Parcel 202 on Beaufort County Tax Map 18. The Property is zoned Resort Development ("RD"), and is located within

² A true and correct copy of the Notice of Action is attached as Exhibit 2.

³ See the fifth paragraph of the Determination letter, at the top of page two.

both the Corridor Overlay District and the PD-2 Waterside (Town Center) Overlay District (“Waterside PD-2 District”).

A. The 1984 Master Plan

What is now the Waterside PD-2 District received preliminary approval on December 12, 1983 from the Joint Planning Commission under the provisions of the Town’s 1983 Development Standards Ordinance (the “DSO”)⁴ as the Town Center P.U.D. The November 5, 1984 Conceptual Master Plan for Town Center P.U.D. (the “1984 Master Plan”),⁵ which Ms. Dixon refers to in the Determination Letter, was part and parcel of that approval.⁶

B. The 1987 Master Plan

On May 6, 1987, the Town’s Planning Commission voted to approve a conditional use application to change the boundary of the Waterside PUD, which resulted in the current configuration of the Waterside PUD Tract, and also a special exception application to amend the 1984 Master Plan to (i) increase the number of hotel rooms permitted on the Waterside PUD Tract from 50 rooms to 94 rooms, (ii) reduce the permitted square footage for office and retail space, (iii) reduce the permitted residential dwelling units from 222 to 200, and (iv) require 1.3 acres of common open space.⁷ The Town’s records at one point included a copy of the 1987 Master Plan showing, the Appellants submit, the amendments to the Waterside PUD approved by the Planning Commission May 6, 1987. The files of the Town Planning Department no longer contain a copy of the 1987 Master Plan.

In the Determination Letter, Ms. Dixon refers in several places to “the 1987 master plan.” The Appellants do not know if Ms. Dixon, by this reference, means the unapproved Conceptual

⁴ The DSO was the Town’s development standards ordinance that was in place prior to the Town’s adoption of its first version of the Land Management Ordinance on 19 January 1987.

⁵ What is now the Waterside PUD was originally named Town Center P.U.D.

⁶ A copy of the 1984 Master Plan is attached to the original Appeal to the BZA as Exhibit C.

⁷ See the minutes of the May 6, 1987 Planning Commission meeting that are part of the Town’s records. Note that the Development Summary chart that is part of the 1984 Master Plan required that 50% of the Waterside PUD Tract remain as open space; however, the Appellants do not know what the open space requirement of the 1987 Master Plan is, because the Town cannot produce it.

Master Plan for the Town Center PUD dated February 11, 1987 (referred to in the fifth paragraph of the Determination Letter), or the 1987 Master Plan, which was approved by the Planning Commission on May 6, 1987.

Shortly after the Planning Commission's approval of the 1987 Master Plan, the structure that is now the Beachwalk Hotel was permitted on Parcel A&C of the Waterside PUD Tract, and thereafter construction was completed in accordance, the Appellants assume, with the 1987 Master Plan.

C. The Categorical Exemption

By way of his letter of March 3, 1995 to Robert L. Graves, Thomas P. Brechko, then the Acting Administrator of the LMO,⁸ acknowledged the right of Pope Avenue Associates, then the owner of the Waterside PUD Tract, to develop the Waterside PUD Tract in conformance with the 1987 Master Plan, and approved a Categorical Exemption for the Waterside PUD (the "Categorical Exemption") from all subsequent amendments to the DSO and the LMO with regard to permitted uses, densities and design standards for five years, after which any future development on the Waterside PUD Tract parcels is to be subject to all relevant provisions of the LMO.⁹

The Categorical Exemption was issued upon application by Pope Avenue Associates under the administrative procedures adopted by the Town Council pursuant to former LMO Section 16-7-698,¹⁰ which provided for procedures for the determination of vested rights in order to provide fair and equitable determination of vested rights claimed by property owners pursuant to any approval previously granted under the LMO or any approval previously granted prior to the adoption of the LMO. Pope Avenue Associates claimed the vested right to develop the Waterside PUD Tract as allowed under the 1987 Master Plan, notwithstanding subsequent amendments to the LMO that limited development on the Waterside PUD Tract to lower

⁸ The Town's LMO Official was previously known as the LMO Administrator. Teri B. Lewis, AICP is currently the LMO Official. The LMO Administrator had powers, duties, and obligations similar to the LMO Official.

⁹ A copy of Mr. Brechko's March 3, 1995 letter to Mr. Graves is attached to the original Appeal to the BZA as Exhibit D.

¹⁰ See the LMO as of November 15, 1993, the date of the Town Council's adoption of Ordinance No. 93-33, which added Section 16-7-698 to the LMO.

development densities and more strict development standards, and the Categorical Exemption recognized Pope Avenue Associates' right to do so prior to the five-year expiration date of the Categorical Exemption.

After the issuance of the Categorical Exemption, the Spinnaker Project was permitted on Parcel F of the Waterside PUD Tract, and thereafter construction was completed in accordance, the Appellants assume, with the 1987 Master Plan.

Of particular importance to this Appeal, the Categorical Exemption expired on March 3, 2000. After that date, any future development on the Waterside PUD Tract "shall be subject to all relevant provisions of the then existing LMO."

D. The LMO

On October 7, 2014, the current LMO was adopted by the Town Council. This current LMO is substantially different in many respects from the earlier versions of the LMO. The existence and validity of the Waterside PD-2 District was reaffirmed in the current LMO as a Listed Master Plan.¹¹

II. THE PD-2 OVERLAY DISTRICT

LMO Section 16-1-108.F.2 recognizes the continuing validity of PD-2 Master Plans and the corresponding PD-2 Planned Development Overlay Districts, such as the Waterside PD-2 District, approved prior to October 7, 2014, the date of adoption of the current LMO.

The purpose of the PD-2 Overlay District is to encourage creativity in design and planning in the development of parcels by allowing greater design flexibility than the underlying base zoning district so that natural features may be protected and development concentrated in more suitable or less environmentally sensitive areas.¹² Any use permitted in the underlying base district is permitted in a PD-2 Overlay District.¹³

¹¹ See LMO Table 16-3-106.G.4.

¹² See LMO Section 16-3-106.G.1.

¹³ See LMO Section 16-3-106.G.3. The base zoning district for Parcel E is the RD District.

To allow for the encouraged design flexibility, concentration of development, and protection of natural features, a section or phase of a PD-2 planned development may be built at a density which is greater than the site-specific density allowed by the underlying base zoning district, provided that any such concentration of density is offset by an area of lower density in another section or phase of the PD-2 planned development, or by an appropriate reservation of common open space elsewhere in the PD-2 planned development.¹⁴

Of particular importance to this Appeal, LMO Section 16-3-106.G.4.a provides that the average density for the PD-2 Overlay District shall not exceed the maximum density permitted in the base zoning district. (Emphasis added.)

LMO Section 16-3-106.G.5 and LMO Table 16-3-106.G.4¹⁵, which includes “Waterside (Town Center)” as a Listed Master Plan, says, with respect to the Listed Master Plans, that “their Town-approved Master Plans including associated text and any subsequent amendments are hereby incorporated by reference as a part of the Official Zoning Map and LMO text.” In other words, the 1987 Master Plan is, for the Waterside PUD, part and parcel of the Town’s Official Zoning Map and the LMO text.¹⁶

III. ADMINISTRATIVE DETERMINATIONS

LMO Appendix A, Section A-1, identifies the LMO Official as the person designated by the Town Manager “who administers and enforces” the LMO. Mrs. Teri B. Lewis AICP, is the LMO Official. LMO Appendix A, Section A-1.A.3 authorizes the LMO Official to make written interpretations of the LMO, as provided for in LMO Section 16-2-103.R. LMO Section 16-10-101.F authorizes the LMO Official to delegate her authority as the LMO Official to a professional-level employee under the LMO Official’s authority or control.

¹⁴ See LMO Section 16-3-106.G.4.a.

¹⁵ That Table designation is likely a typographical error. Because it is in LMO Section 16-3-106.G.5, the Table should probably be designated as Table 16-3-106.G.5.

¹⁶ LMO Section 16-1-107.A.2 requires the original and all revised versions of the Official Zoning Map be kept on file, either in hardcopy or digital form, at Town Hall.

Mrs. Lewis is the Town's LMO Official in the Town's Community Development Department, and Ms. Dixon is a Senior Planner in the Town's Community Development Department, under the authority and control of the LMO Official, with delegated authority from Mrs. Lewis to act on her behalf.

Issues on Appeal

The pertinent portions of the Determination Letter for this appeal are Ms. Dixon's pronouncements that:

- a. "I have determined that the Spinnaker Welcome Center is permitted as proposed as long as it does not exceed what was allowed on that masterplan or what is permitted by the current LMO."
- b. "The proposed Welcome Center project (DPR-001056-2016) meets all current LMO requirements and a Notice of Action was issued on July 28, 2016."
- c. "The proposed Welcome Center project (DPR-001056-2016) meets all current LMO requirements".¹⁷

This Appeal seeks to reverse the Determination Letter, but only in part. Specifically, the Appellants disagree that the proposed Spinnaker Welcome Center can be developed on "as long as it does not exceed what was allowed on [the Conceptual Master Plan for the Town Center P.U.D. approved by the Town's Planning Commission on 06 May 1987]". On the other hand, the Appellants agree that the proposed development of "the Spinnaker Welcome Center is permitted as proposed as long as it does not exceed ... what is permitted by the current LMO." However, as the record shows, the construction of the proposed Welcome Center would exceed the allowable density of the 15.1 acre parcel under the PD-2 overlay district. For that reason, this Appeal also seeks to reverse that part of the Determination Letter in which Ms. Dixon asserts that "The proposed Welcome Center project (DPR-001056-2016) meets all current LMO requirements".

¹⁷ See Exhibit 1.

The Appellants hereby appeal the BZA's upholding of Ms. Dixon's August 23, 2016 determination letter and ask that her determination that "the Spinnaker Welcome Center is permitted as proposed as long as it does not exceed what was allowed on that masterplan or what is permitted by the current LMO" be invalidated and voided. In addition, the Appellants appeal the BZA's upholding of Ms. Dixon's declaration that "The proposed Welcome Center project (DPR-001056-2016) meets all current LMO requirements".

This appeal is made pursuant to South Carolina Code Annotated Section 6-29-820 *et. seq.* and the applicable provisions of the Municipal Code of the Town of Hilton Head Island including Section 16-2-307. As specific grounds for and in support hereof, the Appellants would show and allege that:

1. The subject matter, parties, and all things alleged herein are within the jurisdiction of the Court.

2. S.C. Code Annotated Section 6-29-820(A), authorizes appeals from any decision of a zoning board of appeals to the circuit court as follows:

A person who may have a substantial interest in any decision of the board of appeals ... may appeal from a decision of the board to the circuit court in and for the county, by filing with the clerk of the court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty days after the decision of the board is mailed.

3. Further, the Town of Hilton Head Island's Land Management Ordinance (the "LMO") §16-2-307.A, provides in part as follows:

A person who may have a substantial interest in any decision of the Board of Zoning Appeals ... may appeal from a decision of the Board to the Circuit Court of Beaufort County.

4. Appellant Beachwalk Hotel & Condominiums Association, Inc. is a South Carolina not-for-profit corporation with its principal place of business in Beaufort County, South

Carolina. Appellant Beachwalk Hilton Head LLC is a South Carolina for-profit corporation with its principal place of business in Beaufort County, South Carolina. The Appellants own property adjacent to the proposed “Spinnaker Welcome Center” and are an aggrieved party in that their personal, pecuniary, or property rights will be affected by Ms. Dixon’s determination letter. See, e.g., S.C. Attorney General’s Opinion letter dated February 17, 2009 to Hon. John Wade, stating that an “aggrieved party” generally refers to “a party where personal, pecuniary, or property rights have been adversely affected by another person’s actions or by a Court’s decree or judgment.”

5. The Town of Hilton Head Island is a body politic and a political subdivision. Section 6-29-800(A)(1) of the Code of Laws of South Carolina (1976), as amended, which is part of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (the “State Enabling Act”), grants the Town’s BZA the power and duty to hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance portions of the LMO. When hearing and deciding appeals, the BZA may subpoena witnesses, and may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit,¹⁸ and is authorized to make findings of fact and conclusions of law.¹⁹

6. On the local level, LMO Appendix A, Section A-3.A, provides that the BZA hears and decides appeals on written interpretations of the LMO Official on zoning regulations where it is alleged there is an error in an order, requirement, decision or determination made by an administrative official in the enforcement of the zoning ordinance.

7. Section 6-29-800(B) of the SC Code Annotated, referring to the BZA, provides that: “Appeals to the board may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality or county.”

¹⁸ See SC Code Annot. Section 6-29-800(D).

¹⁹ See SC Code Annot. Section 6-29-800(E).

8. Again on the local level, consistent with the State Enabling Act, LMO Section 16-2-103.T.2.a, provides that a decision or written interpretation made by the LMO Official or other administrative official pursuant to the LMO, may be appealed to the BZA by any person aggrieved by the decision or interpretation who alleges that the LMO Official or other administrative official erred in making the decision or interpretation.

9. On August 23, 2016, Ms. Dixon, acting in her capacity as a Senior Planner for the Town and with authority of the Town, issued the Determination Letter (Exhibit 1) to Chester C. Williams, Esq., counsel for the Appellants. The Determination Letter addressed the legality of the proposed construction of the Spinnaker Welcome Center. As noted above in the introduction, the pertinent portions of the determinations set forth in the August 23, 2016 letter were that:

- a. "I have determined that the Spinnaker Welcome Center is permitted as proposed as long as it does not exceed what was allowed on that masterplan or what is permitted by the current LMO."
- b. "The proposed Welcome Center project (DPR-001056-2016) meets all current LMO requirements and a Notice of Action was issued on July 28, 2016."
- c. "The proposed Welcome Center project (DPR-001056-2016) meets all current LMO requirements".

The Appellants disagree with the Determination Letter and allege that the Determination Letter is incorrect, is in error, is arbitrary and capricious, and is contrary to the LMO.

10. The Appellants have a substantial interest in the decision of the BZA set forth in the Notice of Action (attached as Exhibit 2), and are authorized to file this appeal to Circuit Court pursuant to SC Code Annotated Section 6-29-820 (A).

11. The Appellants have exhausted their administrative remedies by virtue of their appeal to the BZA in case number APL-001515-2016, which was denied by the Notice of Action attached as Exhibit 2.²⁰

²⁰ On December 2, 2016, pursuant to Article XI, Section 1 of the Rules of Procedure of the Board of Zoning Appeals, the Appellants filed a Petition for Reconsideration with the BZA, which remains pending as of the date of

12. The Appellants have timely filed this appeal to Circuit Court by virtue of filing same within thirty (30) days of the mailing of the Notice of Action attached as Exhibit 2.

13. The Appellants hereby request that this honorable Court review all the evidence in this case, including the filing of the original appeal to the BZA No. APL-001515-2016, the Appellants' arguments made against the Determination Letter at the November 28, 2016 Hearing, the relevant exhibits and testimony adduced at the November 28, 2016 Hearing (as shown in the Transcript that will be filed in this case), the BZA's actions and votes on BZA No. APL-001515-2016, the controlling Municipal Code sections, and the applicable state statutes and controlling case law, and based thereon enter an Order setting aside the BZA's decision to deny APL001515-2016 and uphold the Determination Letter. That Order should be based upon the facts and evidence in the record that will show the BZA failed to properly follow the Town of Hilton Head Island's established Land Management Ordinance and related Municipal Code provisions, failed to properly accept the undisputed facts agreed to at the Hearing, and failed to objectively consider the relevant, competent additional evidence adduced at the Hearing. Such a review will show the BZA's decision was without competent evidentiary support in the record, and reveals an abuse of discretion amounting to an error of law.

14. The Appellants specifically allege that the BZA's denial of appeal No. APL1515-2016 and the upholding of Ms. Dixon's Determination Letter was incorrect as a matter of law, and was arbitrary, capricious, and without reasonable relation to a lawful purpose, as follows:

A. APPLICABLE LMO PROVISIONS

The Appellants contend both the Town staff, in reviewing and approving the Development Plan Review application for the Spinnaker Welcome Center, and the BZA, in denying the Appeal, overlooked or misinterpreted the provisions of several directly applicable sections of the LMO, and applicable South Carolina case law.

filing of this Petition. However, counsel for the Appellants believe the provisions of S.C. Code 6-29-80(A) requiring the filing of this Petition within thirty (30) days after the decision of the BZA is mailed, are jurisdictional and not subject to extension by the filing of the Petition for Reconsideration.

1. CONFLICTING LMO PROVISIONS

LMO Section 16-1-106.A.1 says, “When any LMO provision is inconsistent with another LMO provision... the more restrictive provision shall govern unless the terms of the more restrictive provision specify otherwise.”

Further, LMO Section 16-1-106.A.2 says, “When there is a conflict between an overlay zoning district and an underlying base zoning district, *the provisions of the overlay district shall control.*” [Emphasis added]

2. ZONING DISTRICTS

LMO Section 16-3-101.A declares, “No land within the Town shall be developed except in accordance with the zoning district regulations of this chapter [*i. e.*, LMO Chapter 16-3: Zoning Districts] and all other regulations of this Ordinance.”

In addition, LMO Section 16-3-101.B says, “Land within the Town is classified by this Ordinance to be within one of several base zoning districts. Land within any base zoning district may also be classified into one or more overlay zoning districts, in which case regulations governing development in the overlay district **shall** apply in addition to the regulations governing development in the underlying base zoning district.” [Emphasis added]

As to Overlay Zoning Districts specifically, LMO Section 16-3-102.C says:

Regulations governing development in an overlay zoning district **shall** apply in addition to the regulations governing development in the underlying base zoning district. **The standards governing the overlay zoning district shall control, whether they are more restrictive or less restrictive than a base zoning district.** [Emphasis added]

3. AUTHORITY OF THE TOWN STAFF

The 2004 decision of the South Carolina Court of Appeals entitled *McCrowey v. Zoning Board of Adjustment*²¹ confirms what should be a self-evident proposition: The Town staff does not have the authority to alter or waive the provisions of a zoning ordinance.

B. TESTIMONY AT THE BZA HEARING

At the November 28, 2016 BZA hearing on the Appeal, counsel for the Appellants called Curtis L. Coltrane, Esq., former Town Attorney; Todd Theodore, a land planner with Wood+Partners, who submitted the Development Plan Review application for the Spinnaker Welcome Center; Charlie Halterman, a representative of SDC Properties, Inc.; and Ms. Dixon as witnesses, and they testified under oath administered by the Chairman of the BZA. (See the Transcript of Record prepared by Stenographic Reporter and Notary Public Amanda Brown, as is filed in this matter.)

In his testimony, Mr. Coltrane (who drafted the controlling ordinance as the Town Attorney) explained the process the Town went through that resulted in the March 3, 1995 “categorical exemption” letter from Thomas Brechko to Robert Graves (the “1995 categorical exemption”), and the effect of the 1995 categorical exemption on the properties included in the Waterside (Town Center) PD-2 Planned Development Overlay District²² (the “Waterside PD-2 Overlay District”), including the expiration of the 1995 categorical exemption on March 3, 2000, and the corresponding termination of the right of owners of properties in the Waterside PD-2 Overlay District to develop their properties with the uses and densities provided for in the 1987 Conceptual Master Plan for the 15.1 acres in the Waterside PD-2 Overlay District. See Transcript, pp 16-22. Specifically, see Mr. Coltrane’s testimony summarizing the intent of the “categorical exemption” at page 21:

- Q. And Curtis in a nutshell, is it accurate to say that basically it was either a matter to all these permit holders who had given permits before the restrictive LMO or the predecessor came to be, either build or lose your rights?

²¹ *McCrowey v. Zoning Board of Adjustment of the City of Rock Hill*, 599 S.E. 2d 617 (SC App. 2004).

²² See LMO Section 16-3-106.G.5, and LMO Table 16-3.G.4, the Listed PD-2 Master Plans.

- A. Well, either build within a given time frame or therefore build in conformance with whatever the LMO said to build to it.

Transcript, p. 21, lines 3-11.

Following Mr. Coltrane's testimony, Mr. Theodore (who in addition to being the developer's land planner, sits on the Town's Planning Commission) (Transcript p. 25, lines 1-2) was sworn and testified as follows:

1. That when he submitted the DPR Application on behalf of the developer, he was not aware that Parcel E was part of the property included in the Waterside PD-2 Overlay District, nor was he aware that the properties comprising the Waterside PD-2 Overlay District were the subject of the 1995 Categorical Exemption. Transcript, p. 25, lines 11-16 and pp. 25-26, lines 25-4.
2. That he acknowledged and agreed that Parcel E is part of the property included in the Waterside PD-2 Overlay District. Transcript, p. 26, lines 5-15, and p. 32, lines 9-13.
3. That he did not take the LMO's current PD-2 Overlay District regulations into account when preparing the DPR Application. Transcript, p. 38, lines 21-25.
4. That in preparing the DPR Application, he did not check to see if the overall density for the 15.1 acres in the Waterside PD-2 Overlay District was in conformance with the maximum density limitation of the base Resort Development District (the "RD District"). Transcript, p.55, lines 5-24.
5. That the development of the 15.1 acres in the Waterside PD-2 Overlay District as a new PD-2 Overlay under the current LMO requirements cannot be permitted with the development densities that currently exist on the 15.1 acres in the Waterside PD-2 Overlay District. Transcript, p. 39, lines 1-25.

While Mr. Theodore did an admirable job as the developer's land planner during his testimony attempting to minimize the importance of the PD-2 overlay that applies to the property (but which he was unaware of when making the application), BZA member David Fingerhut cut to the chase in his questions:

- Q. When you made the application, I think you did, pertaining to Tract D, that you were not aware this was a PD-2 overlay district; is that correct?
- A. That is correct.
- Q. Does that fact materially with that fact materially change your application with the town?
- A. We would have looked at the open spaces and buffers because it then looks at the property as a whole, be we also rely on the town to provide us with the historical background on the PD-2 information and, you know, apparently that '87 plan or whatever is missing.
- Q. So one follow up. So without that analysis, can your application be viewed as valid if that material fact was not presented?
- A. I don't know. That is the town.
- Q. You're right.

Transcript, p.55, lines 5-25.

At the conclusion of Mr. Theodore's testimony, Charlie Halterman, the Construction Manager for the developer, was called, sworn and testified. Mr. Halterman identified the 15.1 acre property which is the subject of this matter, from his personal knowledge and then identified the deed for the property. Transcript, p. 61, line 6-12 and p. 63, line 6-23. See the Deed attached to the Transcript as Exhibit B.

Finally, Ms. Dixon was called by the Appellants and testified:

1. That when she began her review of the DPR Application, she was not aware that Parcel E was part of the property included in the Waterside PD-2 Overlay District, nor was she aware that the properties comprising the Waterside PD-2 Overlay District were the subject of the 1995 Categorical Exemption. Transcript, p. 68, lines 3-6 and p. 67, lines 14-20.
2. That she learned that Parcel E was part of the property included in the Waterside PD-2 Overlay District and that the Waterside PD-2 Overlay District was the

subject of the 1995 Categorical Exemption when informed of those facts by counsel for the Appellants. Transcript, p. 68, lines 3-6 and p. 67, lines 14-20.

3. That she approved the DPR Application after she was aware that Parcel E was part of the property included in the Waterside PD-2 Overlay District and that the Waterside PD-2 Overlay District was the subject of the 1995 Categorical Exemption. Transcript, p. 68, lines 7-13.
4. That she acknowledged and agreed that Parcel E is part of the property included in the Waterside PD-2 Overlay District.²³
5. That in reviewing the DPR Application, she did not check to see if the overall density for the 15.1 acres in the Waterside PD-2 Overlay District was in conformance with the maximum density limitation of the base RD District, and that she only reviewed the DPR Application for conformance of Parcel E by itself with the density requirement of the RD District. Transcript, p. 69, lines 5-13.
6. That if the development of Parcel E must conform to the current LMO requirements for a PD-2 Overlay District, then the density calculation for the 15.1 acres in the Waterside PD-2 Overlay District set forth on Page 13 and 14 of the narrative attached to the BZA Appeal application are correct. Transcript, pp. 70, lines 17-25 and p.71, lines 1-10.
7. That the development of the 15.1 acres in the Waterside PD-2 Overlay District as a new PD-2 Overlay under the current LMO requirements cannot be permitted with the development densities that currently exist on the 15.1 acres in the Waterside PD-2 Overlay District. Transcript, pp. 72, lines 4-25 and p. 73, lines 1-10. See also her admission at page 108 to questions by Mr. Fingerhut: “If you’re going to look at the entire PD-2 and based on their density on the current LMO, but use what is existing out there now, then Chet has demonstrated in his math

²³ Ms. Dixon acknowledged in the Determination Letter that Parcel E is within the Waterside PD-2 Overlay District.

ATTACHMENT A

that they would not be allowed to do what they are proposing. Staff does not interpret the LMO that way.”

8. That the 1995 Categorical Exemption states that after its expiration on March 3, 2000, any future development of the properties in the Waterside PD-2 Overlay District “shall be subject to the provisions of the LMO in effect at that time.” Transcript, p. 73, lines 22-25 and p. 74, lines 1-13.
9. That the PD-2 Overlay District requirements of LMO Section 16-3-106.G are part of the current LMO requirements. Transcript, p. 88, lines 2-7.
10. That, notwithstanding the fact that Parcel E is in the Waterside PD-2 Overlay District, the Town staff does not agree that development of Parcel E must comply with the average density requirements of the LMO’s PD-2 Overlay District provisions in LMO Section 16-3-106.G.4.a. Transcript, p. 77, lines 10-16.
11. That if the average density limitations of the PD-2 Overlay District are applied to the entire 15.1 acres in the Waterside PD-2 Overlay District, then the existing development in place exceeds the LMO’s density limitations. Transcript p. 70, lines 17-24.
12. That she based her decision to approve the DPR Application on the expiration of the 1995 Categorical Exemption freeing Parcel E from the requirement of compliance with the current LMO PD-2 Overlay District regulations. Transcript, p. 74, lines 14-25.
13. That the PD-2 Overlay District is still applicable to Parcel E, but, in her opinion, the Town staff does not now have to go back and look at the overall average density of the 15.1 acres in the Waterside Overlay District, as required by LMO Section 16-3-16.G.4.a. Transcript p. 77, lines 10-16.
14. That the 1987 Conceptual Master Plan has no bearing on the development of Parcel E. Transcript p. 112, lines 14-18.

In his statement, Mr. Johnson acknowledged that any right to develop any portion of the 15.1 acres in the Waterside PD-2 Overlay District as permitted by the 1987 Conceptual Master Plan terminated when the 1995 Categorical Exemption expired on March 3, 2000, and that a court had upheld the five year life of the 1995 Categorical Exemption. During his presentation, in response to a question from BZA member Jerry Cutrer, Mr. Johnson agreed that the development of Parcel E is now governed by the provisions of the current LMO, and that the 1987 Conceptual Master Plan is now “irrelevant” to the development of Parcel E. Transcript, p. 97, lines 2-6.

After Mr. Johnson’s presentation, Thomas C. Taylor, Esq., co-counsel for the Appellants, sought to ask Mr. Johnson questions. Transcript p. 103, lines 16-20. However, Mr. Johnson claimed to be exempt from questioning, and Chairman Stanford refused to allow Mr. Taylor to question Mr. Johnson. As soon as practical thereafter, Mr. Taylor asked to make a proffer of evidence he expected Mr. Johnson to testify to, but Chairman Stanford denied that request, and asked if Mr. Taylor could submit a written proffer. Transcript pp. 118-119. Mr. Taylor’s written Proffer of Evidence was filed with Chairman Stanford on 29 November 2016, and a true and correct copy of same is attached hereto as Exhibit 3.

C. THE BZA MEMBERS’ DISCUSSION

During the BZA’s discussion after the testimony of the witnesses and Mr. Johnson’s statements, BZA member Robert Johnson asked Ms. Dixon, “This master plan if it were to appear, does it have any bearing on what we’re talking about?” Ms. Dixon answered, “It does not.” Transcript, p.112, lines 15-18.

Mr. Cutrer moved to deny the appeal, stating, “I believe I’ve heard Ms. Dixon say those requirements that were in that PD-2 density don’t apply. The property meets the current LMO standard. The results of the determination letter way back in 1987 said all that expired in 2000. It is expired. I heard testimony from the staff that says this property would comply with the current LMO, so I move to deny the appeal.” Transcript pp. 116, lines 20-25 and p. 117, lines 1-6. That motion was seconded by Mr. Wilson, and it was approved by a vote of 4-2.

D. COMPLIANCE WITH CURRENT LMO REQUIREMENTS

It is evident from the record that when Ms. Dixon said she reviewed the DPR Application “under the current LMO,” as to the LMO’s density limitations, she meant only the RD District’s limitations under the current LMO, and not the PD-2 Overlay District’s density limitations of the current LMO. But, Ms. Dixon also agreed that the LMO’s PD-2 Overlay District requirements are part of the current LMO requirements, and that she did not take into account the LMO’s PD-2 Overlay District average density requirements for the 15.1 acres in the Waterside PD-2 Overlay District.

Ms. Dixon cannot be right on both points: If Parcel E is in the Waterside PD-2 Overlay District, which she admits it is, and if the LMO’s PD-2 Overlay District requirements are part of the current LMO, which she admits they are, then any development of Parcel E must comply with all of the LMO’s PD-2 Overlay District requirements, including the PD-2 Overlay District’s density requirements and limitations. In fact, and in law, LMO Sections 6-1-106.A.1, 16-1-106.A.2, 16-3-101.A, 16-3-101.B, and 16-3-102.C *require* that any proposed development on Parcel E comply with all of the LMO’s PD-2 Overlay District requirements, including the PD-2 Overlay District’s density requirements and limitations, which control over the underlying base RD District’s density requirements and limitation; and Ms. Dixon has no authority to alter or waive those requirements.

LMO Section 16-1-106.A.1 states that when LMO provisions are inconsistent, the more restrictive provision shall govern unless the terms of the more restrictive provision specify otherwise. LMO Section 16-3-101.A states that no development of land shall occur except in accordance with the zoning district regulations of the LMO.

LMO Section 16-3-101.B provides that if any land is located in an overlay district, then the LMO’s regulations governing development in the overlay district **shall** apply in addition to the regulations governing development in the underlying base zoning district. And, LMO Sections 16-1-106.A.2 and 16-3-102.C *require* that when there is a conflict between an overlay zoning district and an underlying base zoning district, the provisions of the overlay district **shall** control, whether they are more restrictive or less restrictive than the base zoning district. (Emphasis added.)

Considering those LMO Sections and the *McCrowey* case, because Parcel E is in the Waterside PD-2 Overlay District, Ms. Dixon was required to look to the controlling density limitations of the LMO's overlay district regulations, and not to the density provisions of the underlying RD District. Ms. Dixon admitted that if the PD-2 Overlay District density requirements control, then the 15.1 acres in the Waterside PD-2 Overlay District are already over the overall maximum permitted density level for the 15.1 acres, and she would have to rescind her Notice of Action on the DPR Application.

A complete review of the record reveals the flaw in the process used by Ms. Dixon to review and approve the DPR Application: she looked at Parcel E as a stand-alone parcel in the RD District, and therefore not subject to the PD-2 Overlay District limitation. The Appellants contend that the correct process for Ms. Dixon to have followed was to look at Parcel E not only as a parcel in the RD District, but also as a parcel located in the Waterside PD-2 Overlay District, and therefore subject to the requirements of all parcels in any PD-2 Overlay District.

The *McCrowey* case stands for the proposition that the Town staff is not free to pick and choose which PD-2 Overlay District requirements will be applied to any particular proposed development of a tract located in a PD-2 Overlay District, such as Parcel E. Instead, all applicable requirements of the LMO must be taken into account by the Town staff when they review an application such as the DPR Application. Ms. Dixon admitted that she did not do so as to the PD-2 Overlay District's density limitations.

The Appellants submit that the Court should overturn the portion of the Determination Letter that states that the development of Parcel E as proposed in the DPR Application "meets all current LMO requirements".

E. THE DETERMINATION

The BZA voted 4-2 to simply deny the Appeal. Unless this Court intervenes, that means that the Determination Letter will be upheld as it is written.

Ms. Dixon's determination was that Parcel E can properly be developed as proposed in the DPR Application as long as it does not exceed (i) what was permitted under the 1987 Conceptual Master Plan, or (ii) what is permitted by the current LMO. However, Ms. Dixon

agreed at the hearing on the Appeal that Parcel E cannot be developed as provided for in the 1987 Conceptual Mater Plan. Therefore, Ms. Dixon's testimony and admissions at the hearing on the Appeal contradict part of her determination.

The Appellants submit that this Court should overturn that portion of the Determination Letter that approves the development of Parcel E under the provisions of the 1987 Conceptual Master Plan for the Waterside PD-2 Overlay District.

F. THE NOTICE OF ACTION

The Appellants received a Notice of Action of the BZA's decision on the Appeal by certified mail dated November 30, 2016. A copy of that Notice of Action is attached as Exhibit 2. It does not contain any Findings of Fact or Conclusions of Law.

Section 6-29-800(F) of the S.C. Code Annotated, requires that all final decisions and orders of the BZA must be in writing and be permanently filed in the office of the BZA as a public record, and that all findings of fact and conclusions of law must be separately stated in final decisions or orders of the BZA, which must be delivered to parties of interest by certified mail. Further, LMO Section 16-2-103.T.4.d.ii, regarding appeals of administrative decisions and written interpretations of the LMO to the BZA, requires that the BZA's final decision on an appeal "shall be in writing and shall include findings of fact and conclusions of law separately stated."

The motion by Mr. Cutrer, seconded by Mr. Wilson, to uphold the Determination Letter, did not include any reference to findings of fact or conclusions of law (Transcript p. 116-117), and the Notice of Action likewise does not. Therefore, on its face, the Notice of Action is legally defective, and is insufficient to document the BZA's decision on the Appeal.

The Appellants deserve to know, and have the right to know, the facts and law that form the basis of the BZA's decision to uphold the Determination Letter. Because the BZA overlooked its obligation to state the required findings of fact and conclusions of law necessary to support its decision to uphold the Determination Letter in the Notice of Action, or misinterpreted its obligation to do so, the Appellants ask that this Court reverse the BZA's upholding of the Determination Letter.

G. THE DEVELOPER DOES NOT OWN THE PROPERTY

Although the court reporter inadvertently transposed certain letters in the Transcript of Record on this issue, it is undisputed that the developer that has made the initial application for construction of the Welcome Center here at issue is SDC Properties, Inc. (also referred to as “Spinnaker”). The Deed to the property was identified by Mr. Halterman and is attached to the Transcript as Exhibit B. As the Proffer of Evidence from Thomas C. Taylor to Chairman Stanford dated November 29, 2016 establishes, the property here at issue was owned in 1999 by Pope Avenue Associates, a South Carolina partnership, and was transferred on July 14, 1999 to the legal entity SCD Properties, Inc. Because the developer SDC Properties, Inc. does not own the property, and because the legal entity SCD Properties, Inc., which actually owns the property, has not appeared in this matter and has not applied for development of the property, this Court must reverse the BZA’s denial of the appeal. A true and correct copy of the written Proffer of Evidence is attached hereto as Exhibit 3.

Conclusion

This case is the perfect storm of various mistakes by the applicant SDC Properties, Inc. and the Town staff coming together to overwhelm the members of the Board of Zoning Appeals with more than 1000 pages of documents and confusing testimony as to controlling principals and law. Somehow lost in the storm was the central issue of whether or not there is sufficient density remaining in the 15.1 acre tract to support further development on the property of a new Welcome Center and still comply with the average density requirements of the underlying base zoning tract. By clear and convincing evidence, the Appellants showed the BZA (and show this Court) that the proposed addition of the new Welcome Center development would exceed the allowable density under the LMO. The staff and even the developer’s land planner agreed under oath that if you take into account the existing density in the entire tract, that the Spinnaker application would have to be denied. But for some unfathomable reason, the staff has chosen—without any legal basis or precedent—to evaluate the new proposed development as a “stand alone” proposal, which flies in the face of the LMO, the case law, and appropriate land planning.

WHEREFORE, based on all of the reasons set out above, the Appellants pray that the Court inquire into the issues presented and request that the Court:

1. Hold that the decision of the BZA to uphold the August 23, 2016 Determination Letter is incorrect as a matter of law;
2. Hold that the BZA, in upholding the August 23, 2016 Determination Letter, acted arbitrarily, capriciously, and without reasonable relation to a lawful purpose;
3. Reverse the BZA decision and its upholding of the August 23, 2016 Determination Letter;
4. Specifically rule that the Notice of Action dated November 30, 2016, be invalidated and voided;
5. Award Appellants/Petitioners their costs of this action pursuant to Section 6-29-840(A) of the Code of Laws of South Carolina (1976), as amended; and,
6. Issue such other and further relief as is just and proper.

Law Office of Thomas C. Taylor, LLC



Thomas C. Taylor
P.O. Box 5550, Hilton Head Isl., SC 29938
S.C. Bar No. 5499
Telephone: 843-785-5050
Facsimile: 843-785-5030
Email: tom@thomastaylorlaw.com

ATTORNEY FOR THE
APPELLANTS/PETITIONERS
BEACHWALK HOTEL &
CONDOMINIUMS ASSOCIATION, INC.
and BEACHWALK HILTON HEAD, LLC

December 30, 2016
Hilton Head Island, South Carolina

TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928
 (843) 341-4600 Fax (843) 842-7728
 www.hiltonheadislandsc.gov

David Bennett
 Mayor

William D. Harkins
 Mayor ProTem

 Council Members

David Ames
 Marc A. Grant
 Thomas W. Lennox
 Kim W. Likins
 John J. McCann

 Stephen G. Riley
 Town Manager

August 23, 2016

Mr. Chester C. Williams
 Law Office of Chester C. Williams, LLC
 17 Executive Park Rd, Suite 2
 PO Box 6028
 Hilton Head Island, SC 29938

Dear Chet:

This letter is in response to the discussions we have had over the past few months and your request for information and a formal determination on what effect the Waterside (Town Center) PD-2 overlay has on the vacant parcel that Spinnaker is proposing to construct their Welcome Center on. The subject parcel is located at 30 Waterside Drive and is further identified as Parcel 202 on Beaufort County Tax Map 18. The property is zoned RD (Resort Development), is within the COR (Corridor Overlay District) and is part of the Waterside (Town Center) PD-2 Overlay.

According to the information that the Town has, the Waterside PD-2 received preliminary approval on December 12, 1984 by the Joint Planning Commission. This approval was obtained under the September 28, 1983 DSO (Development Standards Ordinance). The development as shown on the Conceptual Master Plan dated November 5, 1984 was to consist of a hotel, residential, commercial retail and commercial office uses. The master plan in our records, which only contains sheet 1 of 4, shows 5 Tracts of land with a development summary table that lists uses, acreage, square footages, open space, impervious area and parking assigned to each Tract. The parcel subject to your inquiry is labeled as Tract B on the master plan, with the use listed as "commercial-retail".

The DSO in effect at the time stated that preliminary approval did not provide exemption from subsequently enacted amendments and that any preliminary approval shall become invalid two years from the date of its issuance unless the applicant filed a completed application for final development permit. In the case of the Waterside PD-2 project, a preliminary approval was granted on December 12, 1984. An appeal of this approval was filed by adjacent landowners to the Board of Adjustment. The Board of Adjustment reversed the December 12, 1984 preliminary approval. This matter was further appealed to the Court of Common Pleas, which reversed the Board of Adjustments decision and reinstated the December 12, 1984 preliminary approval and further ruled that the preliminary approval would not expire until September 30, 1987.

A Special Exception/Conditional Use permit was approved for the development by the Planning Commission on May 6, 1987 which included a land exchange that changed the boundary of the PUD but not the site acreage, and also permitted an increase in the number of hotel rooms from 50 to 94 with a corresponding reduction of residential dwelling units and retail space.

According to a letter dated March 3, 1995 by Thomas Brechko, Chief of Planning with the Town, the Town's files at that time contained a "Conceptual Master Plan" dated July 27, 1987, which revised the 1984 master plan to match what was approved by the Planning Commission with the special exception/conditional use approval on May 6, 1987. Staff is unable to locate this master plan. Staff was able to locate a Conceptual Master Plan dated February 11, 1987 in the Development Plan Review file for the hotel development (DPR-18-87).

A review of the documentation associated with the special exception/conditional use approval indicates that the use of Tract B did not change. In comparing the 1984 master plan to the 1987 master plan, it appears the boundary change referenced in the special exception/conditional use approval was between the hotel tract and the Western Sizzlin property (now Aunt Chiladas). The Western Sizzlin property lost some of the parking area in the rear to allow a more workable hotel site and in exchange, the commercial/retail space originally planned for Tract C was reduced and part of it was replaced with parking for the Western Sizzlin property. Tract B remained on the 1987 master plan as commercial retail. There was a summary table that went along with the special exception/conditional use approval. The summary table lists a 1.4 acre tract with 21,913 square feet of commercial/ office, a 3 acre tract with 36,279 square feet of commercial/retail, a 2.6 acre tract with 94 hotel/motel rooms, a 1.3 acre tract for common open space and a 6.8 acre tract with 200 residential dwelling units.

According to a letter from McGinty Associates (Architects for the hotel project) to the Town dated July 13, 1987, 1.3 acres of open space was required by the Planning Commission in conjunction with the special exception/conditional use approval. The motel tract was 2.6 acres, which was not enough acreage to allow the requested 94 rooms. In order to make the rooms per acre figure comply with the provisions of the LMO, the Planning Commission required 1.3 acres of open space be provided in the Waterside PUD. According to this letter, it was agreed that this common open space could be distributed throughout the remaining PUD.

According to the March 3, 1995 letter by Thomas Brechko, on January 5, 1995 a Categorical Exemption was approved for the project making it exempt from all amendments to the DSO and LMO at the time with regards to permitted uses, densities and design standards. The uses, acreage assigned and square footages that were approved under the preliminary approval were determined to be vested for the project. The Categorical Exemption certificate was valid for five years, expiring on March 3, 2000. After the expiration of the certificate, any future development of the property shall be subject to the provisions of the LMO in effect at that time. This does not mean that the Waterside PD-2 Overlay would no longer exist; it simply means that any properties that were not developed by that time are not vested for uses, densities and design standards that were allowed under the old LMO. They must conform to the standards of the current LMO.

According to a narrative written by Don Guscio dated February 4, 1998 submitted in conjunction with a Development Plan Review application for the Spinnaker interval occupancy residential development (DPR-03-98), on December 17, 1997, Waterside by Spinnaker purchased all of the Waterside PD-2 property excluding the hotel tract and Tract B. The uses and density transferred to the new owner were 200 residential units, 5,126 square feet of office and 23,363 square feet of retail. The balance of office and retail development density was retained for Tract B. Subtracting what was assigned to the new

owner from what was approved by the Planning Commission on May 6, 1987, 16,787 square feet of office and 12,916 square feet of retail remains. DPR-03-98 was approved in 1998 for 200 development units and associated recreational facilities and check-in office space. That is how the development was built and still functions today. It is different than what the original 1984 Conceptual Master Plan was approved for, but matches the summary table that was approved in 1987.

Based on open space numbers staff obtained from Todd Theodore with Wood and Partners (architect/applicant for the proposed Spinnaker Welcome Center) the entire Waterside PUD, which is 15.1 acres total, has approximately 9.6 acres of open space. The Waterside PUD includes the Waterside by Spinnaker development, the Beachwalk Hotel development and the proposed welcome center. This information demonstrates that the 1.3 acres of open space required by the Planning Commission in 1987 for the PUD as a whole is being met.

Based on all of the above information, I have determined that the Spinnaker Welcome Center is permitted as proposed as long as it does not exceed what was allowed on that masterplan or what is permitted by the current LMO.

The proposed Welcome Center is shown to be built at a maximum of 7,500 square feet. Per LMO Section 16-3-102.L, the RD District allows up to 8,000 square feet of nonresidential uses per net acre. The subject property is 1.068 acres in size, which would allow 8,544 square feet. Since the proposed Welcome Center is only 7,500 square feet in size, it is clearly less than what the LMO allows and is less than the 16,787 square feet originally retained for Tract B. The proposed Welcome Center project (DPR-001056-2016) meets all current LMO requirements and a Notice of Action was issued on July 28, 2016.

Should you wish to appeal this determination to the Board of Zoning Appeals (BZA), please file an appeal application within 14 calendar days of receipt of this determination.


Should you have any other questions or concerns, please contact me at (843) 341-4686 or nicoled@hiltonheadislandsc.gov.

Sincerely,



Nicole Dixon, CFM
Senior Planner

Cc: Todd Theodore, Wood and Partners
Charlie Halterman, Spinnaker Resorts
File

	TOWN OF HILTON HEAD ISLAND COMMUNITY DEVELOPMENT DEPARTMENT		
	One Town Center Court	Hilton Head Island, SC 29928	843-341-4757	FAX 843-842-8908

BOARD OF ZONING APPEALS NOTICE OF ACTION

Case #:	Name of Development:	Hearing Date:
APL-1673-2016	Waterside – Spinnaker Welcome Center	November 28, 2016

Parcel or Location Data:	Applicant:
30 Waterside Drive Resort Development Zoning District R552 018-000 0202 0000 Corridor Overlay District Waterside (Town Center) PD-2 Overlay	Chester C. Williams


Brief Description:
Staff has received an Appeal from Chester C. Williams on behalf of Beachwalk Hotel & Condominium Association, Inc and Beachwalk Hilton Head, LLC. The appellant is appealing staff's determination, dated August 23, 2016, that the proposed development of the Spinnaker Welcome Center is permitted as proposed with Development Plan Review Application DPR-001056-2016.

BZA Action:
At their meeting on November 28, 2016, the Board voted to deny APL-1673-2016 and uphold the determination of the LMO Official.

Appeal To Circuit Court:
If you believe the Board erred in its decision, you have the right to appeal the decision to Circuit Court. You have two options to appeal to Circuit Court:

1. You may file a petition with the clerk of court in and for the county, in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within 30 days after the decision of the Board is mailed (South Carolina Code of Laws 6-29-820A). The mailing date of this decision is November 29, 2016.
30
2. You may file a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with South Carolina Code of Laws Section 6-29-825. Any notice of appeal and request for pre-litigation mediation must be filed within 30 days after the decision of the board is postmarked.

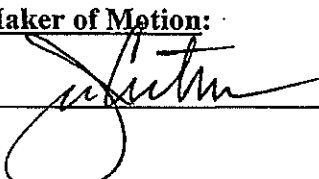
Chairman of BZA:



Date:

11/28/16

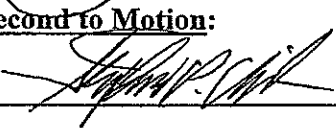
Maker of Motion:



Date:

11/28/16

Second to Motion:



Date:

11-28-2016

Note: This decision must be delivered to the parties of interest via certified mail.

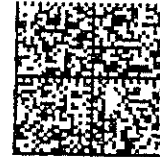
CERTIFIED MAIL



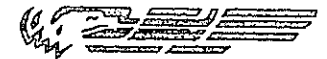
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928



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U.S. POSTAGE >> PITNEY BOWES



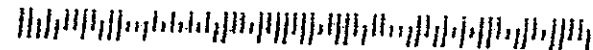
ZIP 29928 \$ 005.11⁵
02 1W
0001392114 NOV 30 2016



Chester C. Williams
Law Office of Chester Williams
17 Executive Park Road, Suite 2
PO Box 6028
Hilton Head Island, SC 29938

1st 12/2

2993886028 8014



ATTACHMENT A

STATE OF SOUTH CAROLINA	)	BEFORE THE BOARD OF ZONING
	)	APPEALS OF THE TOWN OF HILTON
	)	HEAD ISLAND, SOUTH CAROLINA
)	
COUNTY OF BEAUFORT	)	APPLICATION FOR APPEAL
	)	NO. APL-001515-2016

PROFFER OF EVIDENCE

TO THE APPEAL APPLICATION OF

**BEACHWALK HOTEL & CONDOMINIUMS ASSOCIATION, INC.
AND
BEACHWALK HILTON HEAD, LLC**

THE APPELLANTS Beachwalk Hotel & Condominiums Association, Inc. and Beachwalk Hilton Head, LLC, do hereby submit this Proffer of Evidence to the Board of Zoning Appeals of the Town of Hilton Head Island in follow-up to the direction of the Chairman of the Board of Zoning Appeals issued during the Appeal Hearing in this matter, which occurred on November 28, 2016, beginning at approximately 2:30 p.m. at the Hilton Head Library. The Appellants formally request that this Proffer of Evidence be attached to the official transcript of the Appeal Hearing as an Exhibit, and that it be made a part of the official records of the Appeal Hearing.

The below-signed Counsel for the Appellants hereby represent as follows:

1. During the course of the Appeal Hearing of November 28, 2016, the Chairman of the Board of Zoning Appeals (hereinafter sometimes referred to as the "BZA"), without any type of formal request to be heard having been made and without any type of Motion being made, called upon Bluffton, South Carolina attorney Barry L. Johnson, who was present in the Hearing room, to formally address the BZA and participate in the Hearing on behalf of an entity known as SDC Properties, Inc. Mr. Johnson accepted the invitation and presented a legal argument to the BZA as to why they should deny the appeal.

2. Following Mr. Johnson's presentation to the BZA, counsel for the Appellants requested that he be allowed to question Mr. Johnson briefly on the record, at a time when Mr. Johnson was still present in the Hearing room. Mr. Johnson objected to being questioned, and the Chairman denied the undersigned's request to call Mr. Johnson for questioning on the record.

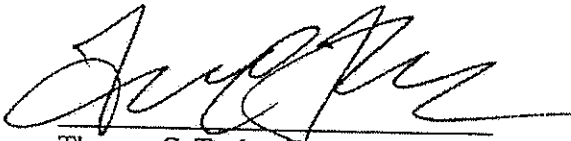
3. Following the denial of Appellant's request to call Mr. Johnson for questioning, and while the Hearing was ongoing, the undersigned requested of the Chairman of the BZA, an opportunity to make a proffer of evidence on the record, of the questions and evidence that he believed the examination of Mr. Johnson would have elicited. The Chairman denied the request to make a proffer, and stated, on information and belief without the benefit of a transcript at this point less than 24 hours after the Hearing, "Can't you submit that in writing?"

4. In a good-faith effort to comply with the Chairman's instructions and perfect the record for appeal, the under-signed co-counsel for the Appellants represents to the BZA that he believes in good faith that if he had been allowed to call Mr. Johnson for questioning that the following would have been established:

- a. That Mr. Johnson represented Robert L. Graves and the entity known as Pope Avenue Associates on March 3, 1995.
- b. That on March 3, 1995, Pope Avenue Associates owned the real property that is the subject matter of this appeal.
- c. That on March 3, 1995, at the behest of Pope Avenue Associates, the Town of Hilton Head Island through Thomas P. Brechko, AICP, its then Chief of Planning and Acting Administrator of the Land Management Ordinance, issued to Pope Avenue Associates a letter commonly referred to as a "Categorical Exemption" letter or certificate. A true and correct copy of that letter was attached to the Appellants' narrative in this Appeal as Exhibit D. By its terms, the Categorical Exemption letter expired on March 3, 2000.
- d. That on or about July 14, 1999, Pope Avenue Associates transferred ownership of a parcel of land by General Warranty deed to SCD PROPERTIES, INC. That parcel of land, described in a Deed presented during the Hearing and marked as Exhibit 2, is the same parcel of land that is the subject of this Appeal Hearing. A true and correct copy of the Deed is also attached to this Proffer of Evidence.
- e. That Mr. Johnson represents the legal entity SDC Properties, Inc., a South Carolina corporation that is commonly referred to as "Spinnaker" and is the legal entity that has made an application for a Development Permit to the Town of Hilton Head Island to build a commercial building on the property that is actually owned by SCD PROPERTIES, INC.

- f. That SDC Properties, Inc. does not own the real property for which it has made an application for a Development Permit, and which is the subject of this Appeal Hearing.
 - g. That SCD PROPERTIES, INC. has not authorized nor initiated the application for a Development Permit on land described in the Deed dated July 14, 1999.
5. Appellants request this Proffer of Evidence be attached to the formal record of the Appeal Hearing in this matter of November 23, 2016.

RESPECTFULLY SUBMITTED this 29th day of November, 2016.



Thomas C. Taylor, Esquire
Law Office of Thomas C. Taylor, LLC
22 Bow Circle, Suite A
PO Box 5550
Hilton Head Island, SC 29928-5550
843-785-5050
843-785-5030 (fax)
tom@thomastaylorlaw.com

3/10/99

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

BEAUFORT COUNTY, S.C.
RECORDING FEES COLLECTED
TRANSFER FEES \$ 800.00
COUNTY \$ 352.00 STATE \$ 828.00
GENERAL WARRANTY DEED 942

39611

KNOW ALL MEN BY THESE PRESENTS, THAT, POPE AVENUE ASSOCIATES, a South Carolina Partnership, together with its successors and assigns ("Grantor") for and in consideration of the sum of Three Hundred Twenty Thousand and no/100 Dollars (\$320,000.00) to Grantor in hand paid at and before the sealing of these presents by SCD PROPERTIES, INC., a Utah Corporation ("Grantee") of Post Office Box 6899, Hilton Head Island, South Carolina 29938-6899, the receipt of which is hereby acknowledged, has granted, bargained, sold and released and by these presents does grant, bargain, sell and release unto SDC Properties, Inc., a Utah Corporation, its successors and assigns forever, the property described on Exhibit "A" ("Property") attached hereto.

TOGETHER WITH ALL AND SINGULAR, the rights, members, hereditaments and appurtenances to the said Property belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the Property before mentioned unto SDC Properties, Inc., a Utah Corporation, its successors and assigns forever.

AND GRANTOR DOES hereby bind itself, its successors and assigns, to warrant and forever defend, all and singular, the Property unto SDC Properties, Inc., a Utah Corporation, its successors and assigns, against Grantor, its successors and assigns, and all persons whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed this 14th day of July, 1999.

Signed, sealed and delivered in the presence of:

POPE AVENUE ASSOCIATES, a South Carolina Partnership

Karen B. Murphy
[Signature]

By: [Signature]
Richard A. McGinty
His: General Partner

35
P550-18-202

944

EXHIBIT "A"

Legal Description

All that certain piece, parcel or lot of land situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, and shown as "Parcel E" on that certain Plat entitled "A Survey of 15,100 Acres Waterside P.U.D., a Section of Parcel 5B Forest Beach Subdivision" dated December 9, 1987, and prepared by Surveying Consultants, said plat being recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book 35, page 79. For a more detailed description, reference is made to said plat of record.

This conveyance is subject to all covenants, conditions, restrictions and easement as described in that certain Declaration of Covenants, Conditions and Restrictions for Waterside P.U.D. as recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Deed Book 404, page 419 and all amendments thereto as well as all easements, restrictions, covenants and conditions of record the Office of the Register of Deeds for Beaufort County, South Carolina, and further subject to all declarations, covenants, restrictions, easements and plats of record in the Office of the Register of Deeds for Beaufort County, South Carolina.

This being a portion of the property conveyed to Pope Avenue Associates by deed of Robert L. Graves, Richard A. McGinty and Robert S. Crum dated September 16, 1974, and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Deed Book 223, page 1953.

The within Deed was prepared by Mark S. Simpson, Esquire, of Jones, Scheider & Patterson, P.A., Post Office Drawer 7049, Hilton Head Island, South Carolina 29938-7049.

TMS: A PORTION OF DISTRICT 550, MAP 18, PARCEL 200

0 0 5 8

MAX COURTNEY
1495

53 JUL 20 AM 11:22

BK 1195 PG 942
FOLDER #

RECORDED

945

1993 AUG 31 PM 3:37

BK 1195 PG 942

Shawn @ Sevin

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT	)	CIVIL ACTION NO. 2016-CP-07-2712

)
Beachwalk Hotel & Condominiums)
Association, Inc. and Beachwalk)
Hilton Head, LLC.,)

Appellants/Petitioners,

vs.

ORDER

)
The Town of Hilton Head Island)
and/or The Town of Hilton Head)
Island Board of Zoning Appeals, and)
SDC Properties, Inc.)

Respondents/Defendants.

PURSUANT TO S.C. Code Annot. Section 6-29-820, Beachwalk Hotel & Condominiums Association, Inc. and Beachwalk Hilton Head, LLC (collectively, the “Appellants”) timely appealed the decision of the Board of Zoning Appeals (the “BZA”) of the Town of Hilton Head Island, South Carolina (the “Town”) dated November 28, 2016 to uphold the determination made by Nicole Dixon, CFM, Senior Planner for the Town in her determination letter of August 23, 2016 to Chester C. Williams, Esq., that the proposed development of the Spinnaker Welcome Center as contemplated by the Development Plan Review Application DPR-001056-2016 (the “DPR Application”), is permitted under applicable Town requirements of the Town’s Land Management Ordinance (the “LMO”).

Following the filing of this appeal by the Appellants, SDC Properties, Inc. (“SDC”), the owner of the tract of land referred to as Parcel E that is the subject of the DPR Application, by motion filed on February 5, 2017, moved to intervene in this appeal, and upon consent of all

parties, SDC was joined as a party defendant in this appeal on March 28, 2017. In the interim, the Respondent BZA filed its Answer on March 9, 2017, and thereafter, on April 18, 2017, the Appellants filed an Amended Notice of Appeal and Petition, which was answered by SDC on June 27, 2017. Subsequently, the Appellants filed their Second Amended Notice of Appeal and Petition on July 24, 2017, which was answered by the BZA and SDC on August 8, 2017 and September 1, 2017, respectively. Following briefing by all parties and the submission to the Court of a certified copy of the proceedings held before the Board of Zoning Appeals, including the hearing by the BZA on Application for Appeal APL-001673-2016 on November 28, 2016 and the hearing before the BZA on the Appellants' Petition for Reconsideration on January 23, 2017, a hearing pursuant to S.C. Code Annot. Section 6-29-840 was held before the undersigned, sitting as a Special Circuit Judge, on December 18, 2017. Present for the Appellants were Thomas C. Taylor and Chester C. Williams; present for SDC was Barry L. Johnson; and present for the BZA was Gregory M. Alford. All counsel having been heard and persuasive arguments having been made, I determine and find as follows:

Despite extensive presentations and questioning at the hearing before the BZA on November 28, 2016, I find the record is unclear as to certain issues that I believe are important for appropriate judicial review of this appeal, including the basis for the BZA's decision. Thus, I determine that the certified record of the proceedings before the BZA in Application for Appeal APL-001673-2016 is insufficient for review, and I hereby remand this matter to the BZA for a rehearing and direct the BZA to specifically focus upon and answer the following questions for the Court's further consideration:

- a. Is Parcel E in a PD-2 Overlay District established by the LMO?

- b. If Parcel E is in a PD-2 Overlay District, is Parcel E subject to the LMO's PD-2 Overlay District regulations?
- c. If Parcel E is subject to the LMO's PD-2 Overlay District regulations, what effect does that have on the development of Parcel E, and must the existing development on the other parcels within that PD-2 Overlay District be taken into account in connection with any proposed development of Parcel E?

AND IT IS SO ORDERED this _____ day of March, 2018.

Marvin H. Dukes, III
Beaufort County Master In Equity and
Special Circuit Judge



Beaufort Common Pleas

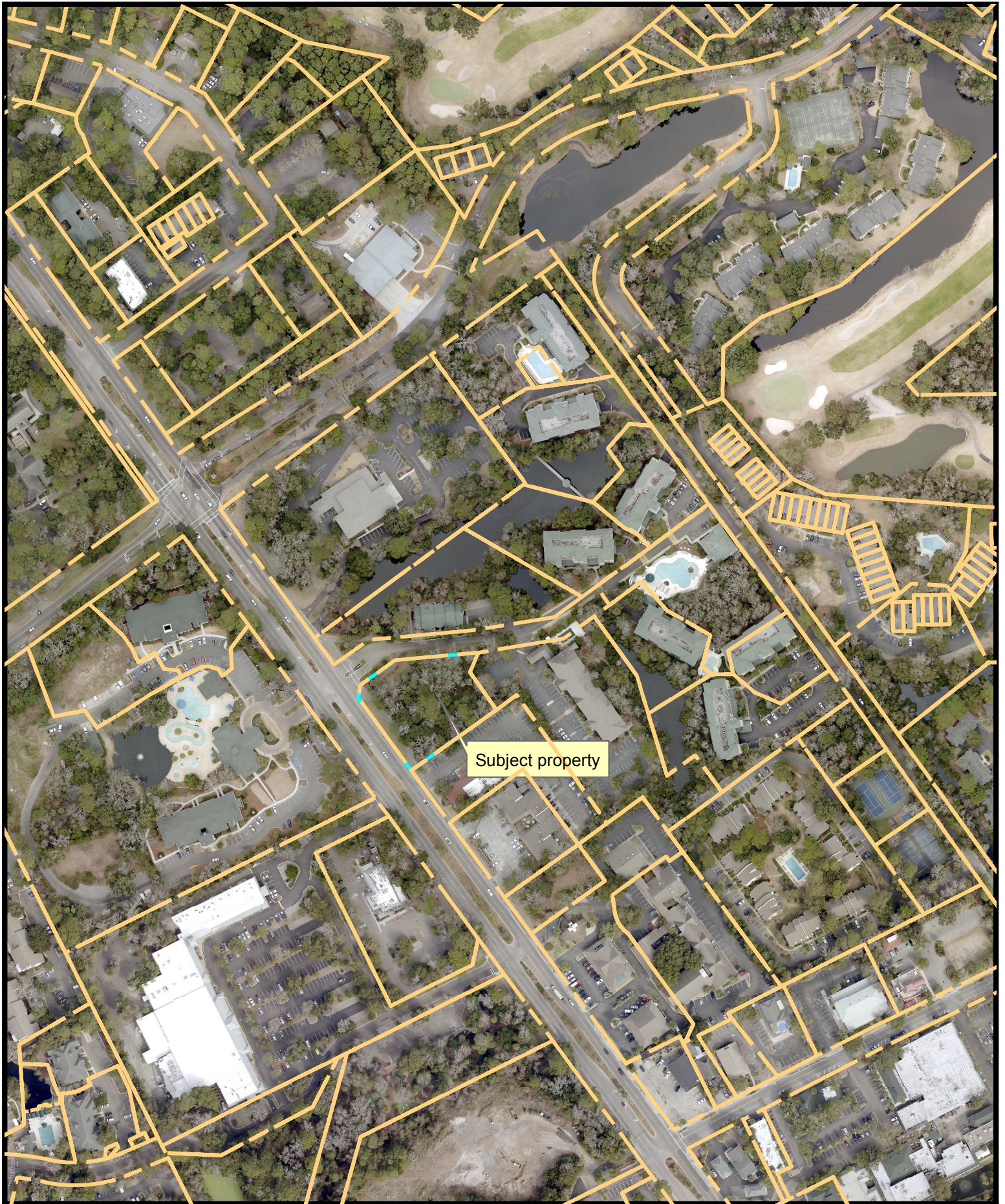
Case Caption: Beachwalk Hotel & Condominiums Association Inc , plaintiff, et al VS
Town Of Hilton Head Island , defendant, et al

Case Number: 2016CP0702712

Type: Order/Other

So Ordered:

s/Marvin H. Dukes III #3069



Subject property

Town of Hilton Head Island

APL-001673-2016

Attachment C - Vicinity Map



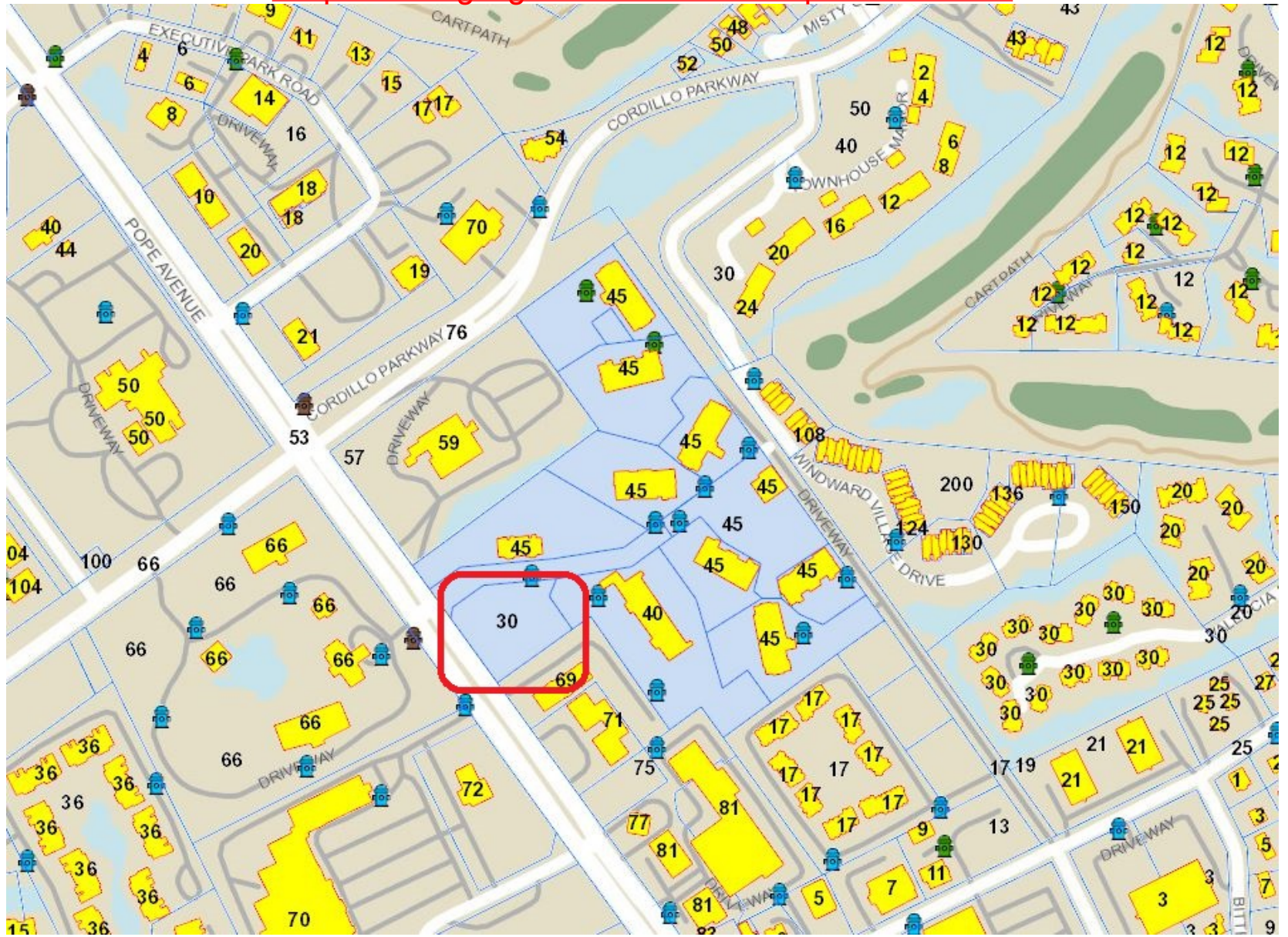
TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, S.C. 29928
PHONE (843) 341-4600
Date Created: April 24, 2017
Project: map.mxd



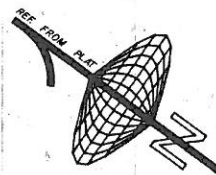
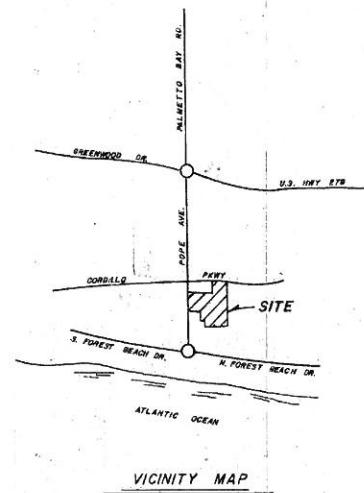
The information on this map has been compiled from a variety of sources and is intended to be used only as a guide. It is provided without any warranty or representation as to the accuracy or completeness of the data shown. The Town of Hilton Head Island assumes no liability for its accuracy or date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

ATTACHMENT C

Properties highlighted in blue encompass the PD-2



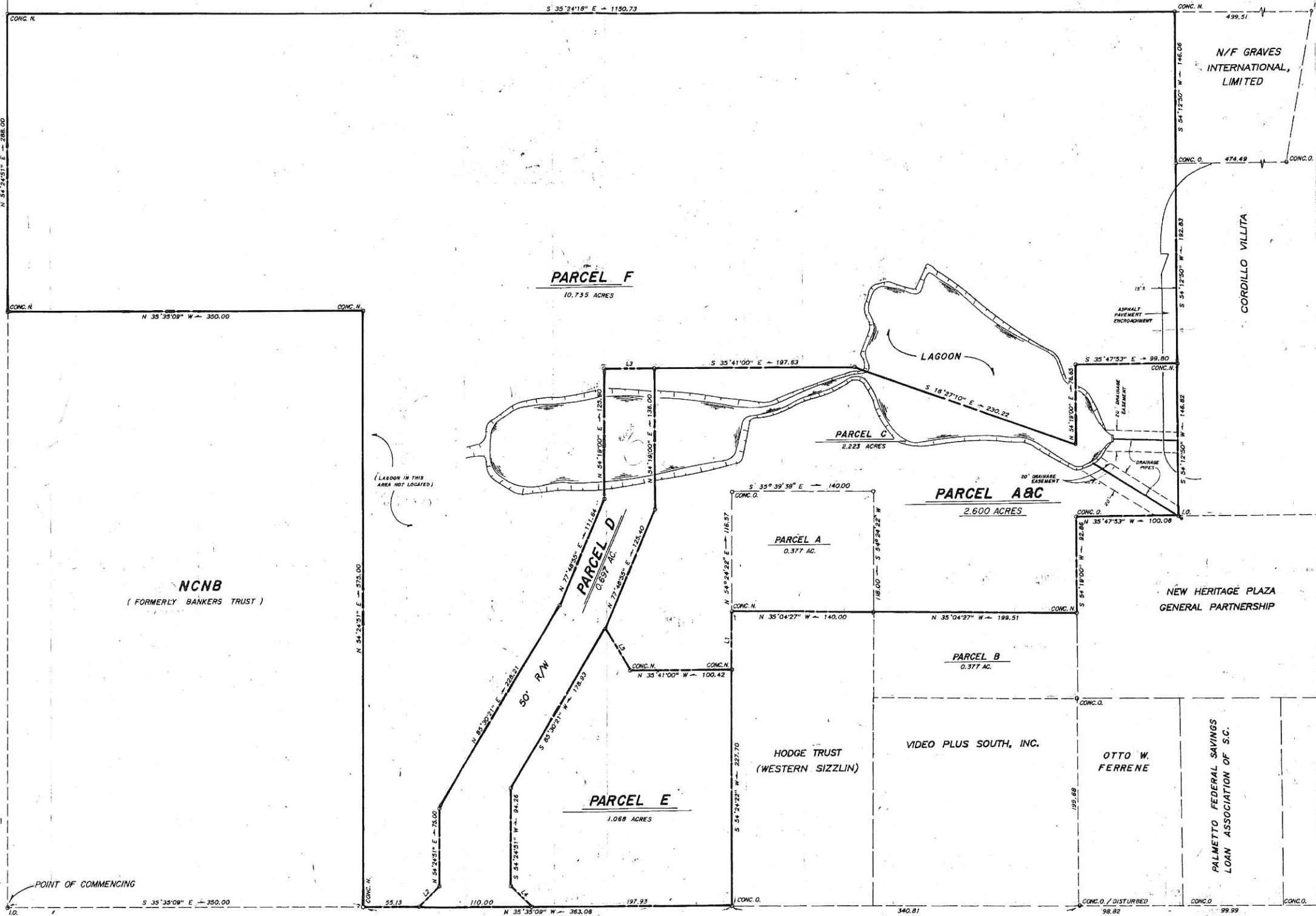
AVOCET STREET — 50' R/W
(UNOPENED)



LINE	BEARING	DISTANCE
L1	S 54°24'22" W	33.75
L2	S 80°33'03" E	28.28
L3	S 35°41'00" E	350.00
L4	S 9°24'31" W	28.28
L5	N 22°18'41" E	47.17

- REFERENCE PLATS:
- RESURVEY — LOTS 15A, 15B, 16A, 16B, FOREST BEACH SUBDIVISION, A SUBDIVISION OF SEA PINES PLANTATION, BY TOM V. WILDER, S.C.R.L.S. NO. 4677, DATED 5/21/84, RECORDED P.B. 32, PG. 72, 6/7/84.
 - PLAT OF 22.61 ACRES, PORTION OF BLOCK 5B, FOREST BEACH SUBDIVISION, BY W. G. FOSTER, R.L.S. NO. 2733, DATED 5/28/74, REVISOR 10/3/78, RECORDED P.B. 22, PG. 186.
 - ASBUILT PLAT OF HERITAGE PLAZA, POPE AVENUE, BY E. H. FRIESENEN, R.L.S. 4824, DATED 8/29/78, REVISOR 10/3/78, RECORDED P.B. 27, PG. 59, 10/3/78.
 - CORDILLO VILLITA — PHASE I (TERRIS ASSOCIATES, INC.), DATED 11/27/73, RECORDED P.B. 21, PG. 181.
 - 2,600 ACRES AND FUTURE 50' R/W, BY TERRY G. HATCHELL, SURVEYING CONSULTANTS, R.L.S. 11059, DATED 1/09/86, LAST REVISION 7/06/91.

CORDILLO PARKWAY — 100' R/W



ACREAGE

A B C	= 2.600 AC.
D	= 0.697 AC.
E	= 1.068 AC.
F	= 10.735 AC.
TOTAL = 15.100 ACRES	

POPE AVENUE — 100' R/W

- NOTES:
- I HEREBY CERTIFY THAT THE RATIO OF PRECISION OF THE UNADJUSTED FIELD SURVEY IS 1/125,000 AS SHOWN HEREON; THE AREA WAS DETERMINED BY THE D.M.D. METHOD OF AREA DETERMINATION; AND MONUMENTS HAVE BEEN PLACED AS SHOWN HEREON.
 - THIS LOT IS LOCATED IN ZONE A-7, A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY H.U.D., PANEL 1, COMMUNITY NO. 450250, MAP DATED 9/29/85, BASE ELEVATION 14.0.
 - SEE RESTRICTIVE COVENANTS, RECORDED AT D.B. 79, PAGE 306, ARTICLE III, PARAGRAPH 13, DECLARATION OF RIGHTS, BY THE HILTON HEAD COMPANY, FOR GENERAL USE AND CONVEYANCE EASEMENT FOR ELECTRICAL, TELEPHONE, SEWER, WATER, ETC.

A SURVEY OF
15.100 ACRES
WATERSIDE
P.U.D.

A SECTION OF
PARCEL 5B
FOREST BEACH
SUBDIVISION

HILTON HEAD ISLAND
BEAUFORT COUNTY
SOUTH CAROLINA

RECORDED IN
THE OFFICE OF THE
CLERK OF COURT
BEAUFORT CO., S.C.
BOOK _____ PAGE _____
DATE: / /
REPLACES PLATS IN
BOOK _____ PAGE _____

PREPARED FOR:
POPE AVENUE
ASSOCIATES

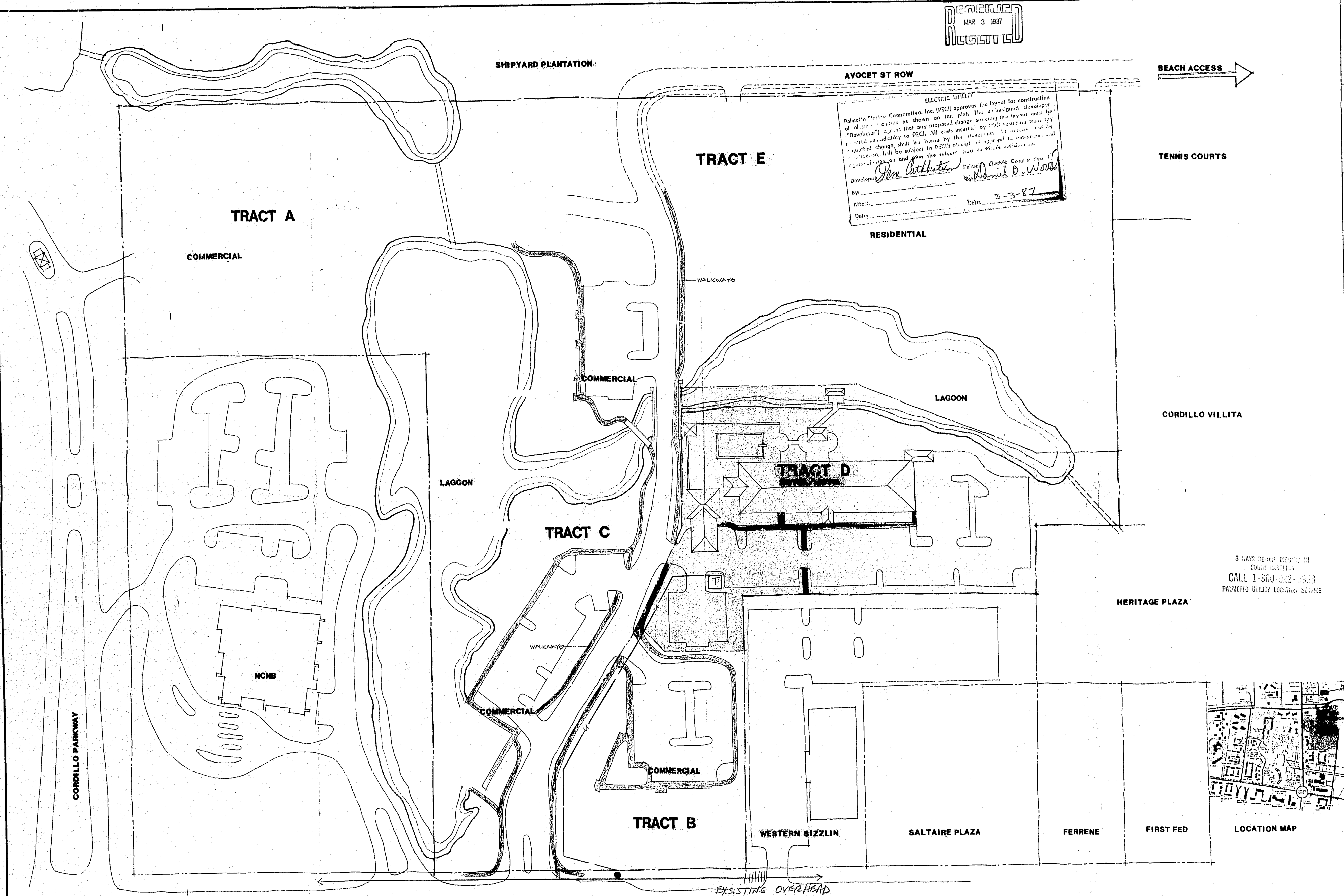
Terry G. Hatchell
TERRY G. HATCHELL
S.C.R.L.S. NO. 11059

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SURVEYING CONSULTANTS
OF HILTON HEAD IS., INC.
29-A Bow Circle
Hilton Head Island
South Carolina
(803) 842-3304

SCALE: 1" = 50'
DATE: 12/09/87
FIELD CK:
OFFICE CK:
JOB NO: 5-87
REVISIONS:

1145

McGINTY ASSOCIATES/ARCHITECTS
PRELIM
 MAR 3 1987



ELECTRIC UTILITY
 Palmetto Electric Cooperative, Inc. (PECH) approves the layout for construction of all electrical services as shown on this plan. The utility engineer, developer, and architect shall be responsible for obtaining the necessary permits and approvals from PECH. All costs incurred by the developer shall be the responsibility of the developer. Any changes to this plan shall be subject to PECH's review and approval. This approval is valid for one year from the date of this plan. If no construction occurs within this period, the approval shall be void. PECH reserves the right to modify or cancel this approval at any time without notice.
 By: *[Signature]* Date: 3-3-87
 Attach: *[Signature]* Date: 3-3-87

REVISIONS			
JOB NO.	SET NO.	DATE	DESCRIPTION
		2-11-87	DWY/K/S/XXX/DAK

This drawing and the design it represents are the property of McGinty Associates, Architects. It is to be used only for the project and site shown on this drawing and no part of it may be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of McGinty Associates, Architects.

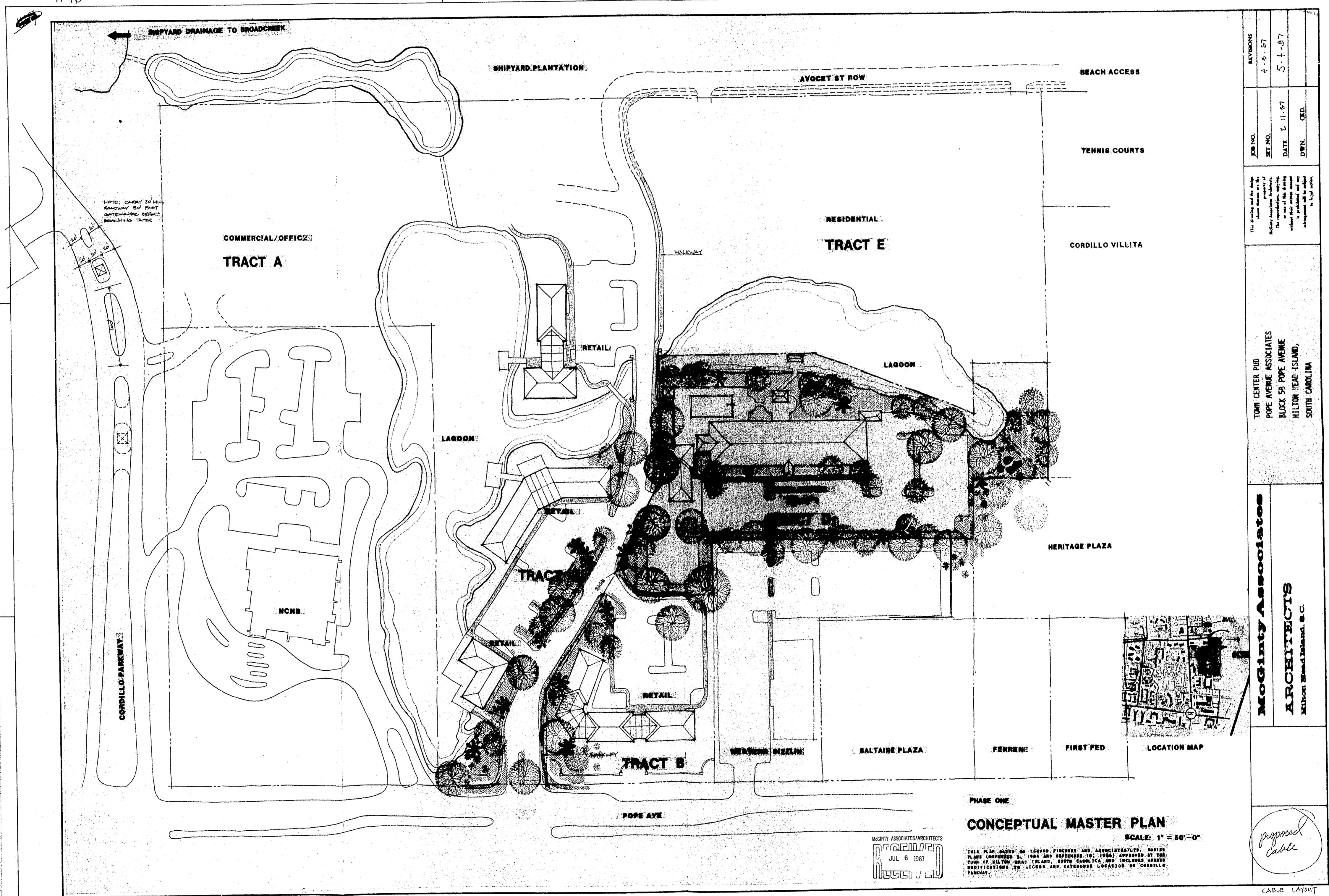
TOWN CENTER PID
 POPE AVENUE ASSOCIATES
 BLOCK 5B POPE AVENUE
 HILTON HEAD ISLAND,
 SOUTH CAROLINA

McGinty Associates
ARCHITECTS
 Hilton Head Island, S.C.

3 DAYS BEFORE OPENING IN
 SOUTH CAROLINA
 CALL 1-800-522-0923
 PALMETTO UTILITY LOCATION SERVICE

CONCEPTUAL MASTER PLAN
 PHASE ONE
 SCALE: 1" = 50' - 0"

1146



REVISED	4-9-87
DATE	5-4-87

JOB NO.	SET NO.	DATE	DWN.	CRD.
		2-11-87		

The information on this plan is based on the property of the City of Hilton Head Island, South Carolina. The information is provided for your information only and is not intended to be used for any other purpose.

TOWN CENTER PUD
POPE AVENUE ASSOCIATES
BLOCK 58 POPE AVENUE
HILTON HEAD ISLAND,
SOUTH CAROLINA

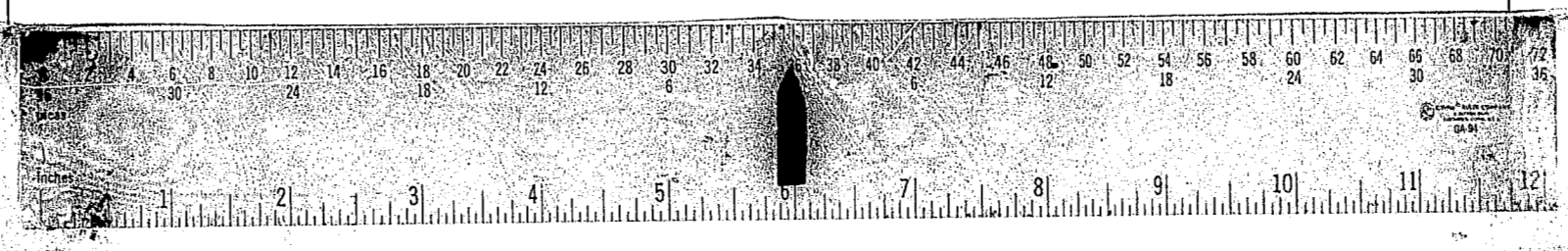
Moginty Associates
ARCHITECTS
Hilton Head Island, S.C.

Proposed Cable

PHASE ONE
CONCEPTUAL MASTER PLAN

MOGINTY ASSOCIATES/ARCHITECTS
JUL 6 1987

SCALE: 1" = 80'-0"
THIS PLAN BASED ON EDWARD FISCHER AND ASSOCIATES/PLT. MASTER PLAN (CONVERSION: 11-1984 AND SUPPLEMENT 10-1984) APPROVED BY THE BOARD OF HILTON HEAD ISLAND, SOUTH CAROLINA AND INCLUDES ALL NECESSARY MODIFICATIONS TO ACCESS AND CATERING LOCATIONS ON CORDILLO PARKWAY.



ATTACHMENT G

LAW OFFICE OF
THOMAS C. TAYLOR, LLC

22 BOW CIRCLE
SUITE A
HILTON HEAD ISLAND, SC 29928

TELEPHONE 843-785-5050
TELECOPIER 843-785-5030

www.thomastaylorlaw.com • tom@thomastaylorlaw.com

ADMITTED TO UNITED STATES
SUPREME COURT BAR

ADMITTED IN SOUTH CAROLINA
AND GEORGIA

CERTIFIED CIRCUIT
COURT MEDIATOR

MAILING ADDRESS
P.O. BOX 5550
HILTON HEAD ISLAND, SC
29938

August 9, 2018

Via Hand-Delivery and E-Mail Attachment to: nicoled@hiltonheadislandsc.gov

Ms. Nicole Dixon
Community Development Department
One Town Center Court
Hilton Head Island, SC 29928

Re: BZA hearing in Beachwalk case, APL-001673-2016 scheduled for 8-27-18

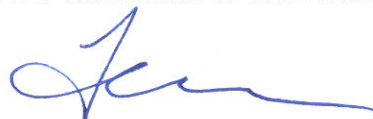
Dear Ms. Dixon:

I enclose herein, one original copy of our MEMORANDUM ON REMAND, which we ask that you provide to all BZA members.

Thank you.

Yours very truly,

LAW OFFICE OF THOMAS C. TAYLOR, LLC



Thomas C. Taylor

TCT/dpt
Enclosure(s)
cc: Chet Williams, Esq., via e-mail

was joined as a party defendant in the Circuit Court Appeal. SDC remains a party to this Appeal.

In the Remand Order, Judge Dukes found that the certified record of the proceedings of this Appeal APL-0001673-2016 was insufficient for review by the Court, and remanded the Circuit Court Appeal back to the BZA for a rehearing, and specifically directed the BZA to "... focus upon and answer the following questions for the Court's further consideration":

- A. Is Parcel E in a PD-2 Overlay District established by the LMO?
- B. If Parcel E is in a PD-2 Overlay District, is Parcel E subject to the LMO's PD-2 Overlay District Regulations?
- C. If Parcel E is subject to the LMO's PD-2 Overlay District Regulations, what effect does that have on the development of Parcel D, and must the existing development on the other parcels within that PD-2 Overlay District be taken into account in connection with any proposed development of Parcel E?

Parcel E is that certain tract of land containing 1.068 acres, more or less, designated as "Parcel E" on the plat of survey entitled "15.100 Acres Waterside P.U.D." recorded in Beaufort County Plat Book 35 at Page 79 (the "Waterside PUD Survey")² that was the subject of the Determination Letter.

This Memorandum addresses each of the remanded questions in turn.

II. Question 1: Is Parcel E in a PD-2 Overlay District established by the LMO?

Parcel E, located at 30 Waterside Drive, is identified as Parcel 202 on Beaufort County Tax Map 18. Parcel E is located in the Resort Development (RD) Zoning District, and is within both the Corridor Overlay District and the PD-2 Waterside (Town Center) Overlay District (the "Waterside PD-2 Overlay District").

In her Memorandum of 1 August 2018 to the BZA (the "Staff Report"), Ms. Dixon, as she previously did in the Determination Letter, has again

² A copy of the Waterside PUD Survey is Attachment E to Ms. Dixon's 1 August 2018 Memorandum to the BZA.



acknowledged and agreed on behalf of the Town Staff that Parcel E is in the Waterside PD-2 Overlay District. The Appellants agree, and Barry L. Johnson, Esq., counsel for SDC, likewise has agreed in his Brief in Reply to Court's Post-Hearing Questions filed on behalf of SDC in the Circuit Court Appeal, as did Todd Theodore,³ SDC's land planner, in his testimony at the first BZA hearing on this Appeal,⁴ that Parcel E is in, and is part of, the Waterside PD-2 Overlay District.

In fact, there is no controversy about whether Parcel E is located in a PD-2 District and, accordingly, the first question posed by Judge Dukes in the Remand Order must be answered **YES**.

III. Question 2: If Parcel E is in a PD-2 Overlay District, is Parcel E subject to the LMO's PD-2 Overlay District Regulations?

In the Staff Report, Ms. Dixon, again on behalf of the Town Staff, acknowledged and agreed that Parcel E is subject to the LMO's PD-2 Overlay District regulations, specifically, the provisions of LMO Section 16-3-106.G. The Appellants agree, and again likewise Mr. Johnson agreed in his Brief in Reply to Court's Post-Hearing Questions filed on behalf of SDC in the Circuit Court Appeal.

Mr. Theodore testified at the first BZA hearing on this Appeal that any development of Parcel E must comply with the base zoning district and also must comply with the PD-2 Overlay District requirements.⁵

The LMO itself is also dispositive on this question. Specifically, LMO Section 16-3-101.B says,

Land within any base zoning district may also be classified into one or more overlay zoning districts, in which case regulations governing development in the overlay district shall apply in

³ Mr. Theodore is also a member of the Town's Planning Commission.

⁴ See the transcript of the 28 November 2016 BZA hearing on this Appeal, at Page 26, lines 5-15, and Page 32, lines 9-13. Those two pages are highlighted and attached hereto as **Exhibit A**.

⁵ See the transcript of the 28 November 2016 BZA hearing on this Appeal, at Page 43, lines 22-25, and Page 44, lines 1-18. Those pages are highlighted and attached hereto as **Exhibit B**.



addition to the regulations governing development in the underlying base zoning district.

Further, LMO Sections 16-3-102.C and 16-3-106.D both say,

Regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the underlying base zoning district.

It is clear from the above provisions of the LMO that the LMO intends for the Overlay District regulations to apply to land located in that overlay district.

Because Parcel E is located in a PD-2 Overlay District, specifically, the Waterside PD-2 Overlay District, it is clear that Parcel E is subject to the LMO's PD-2 Overlay District regulations. Accordingly, the second question posed by Judge Dukes in the Remand Order must be answered **YES**.

IV. Question 3: If Parcel E is subject to the LMO's PD-2 Overlay District regulations, what effect does that have on the development of Parcel E, and must the existing development on the other parcels within that PD-2 Overlay District be taken into account in connection with any proposed development of Parcel E?

In the Staff Report, after acknowledging that Parcel E is subject to the LMO's PD-2 Overlay District regulations, Ms. Dixon, in response to this third question from Judge Dukes, first says, "The PD-2 Overlay District regulations do not have any effect on the development of Parcel E." Ms. Dixon goes on to say,

Staff believes the regulations outlined in LMO Section 16-3-106.G.4 are to be used when developing a PD-2 and doesn't [sic] apply to a PD-2 that has been previously approved through prior regulations and substantially constructed.

Ms. Dixon cites no authority in the LMO, or otherwise, for this position. The Appellants believe Ms. Dixon is simply wrong on this point for several different reasons.



A. PD-2 Overlay District Regulations

LMO Section 16-3-101.B says that if any land is located in an overlay district, then the LMO's regulations governing development in the overlay district **shall** apply in addition to the regulations governing development in the underlying base zoning district.

Notwithstanding LMO Section 16-3-101.B, Ms. Dixon and the Town Staff apparently believes that LMO Section 16-3-106.G.4 applies only to newly established, undeveloped PD-2 areas,⁶ and has no effect on a previously approved and substantially constructed PD-2 area. The practical effect of this "belief" is that Parcel E is not subject to all of the LMO's PD-2 Overlay District regulations. In other words, Ms. Dixon would have the BZA believe that while Parcel E is subject to the LMO's PD-2 Overlay District regulations, it's really not, at least not all of those regulations. Ms. Dixon cites no authority for this position, certainly none in the LMO, other than the Town Staff's "belief" as to when LMO Section 16-3-106.G.4 is to be applied. The Appellants assert that nothing could be further from the truth. The proposed development of the Spinnaker Welcome Center on Parcel E is nothing more than the last phase of the development of the various tracts in the Waterside PD-2 Overlay District. That is exactly the sort of scenario that LMO Section 16-3-106.G.4 addresses.

The Appellants contend that if Parcel E is subject to the LMO's PD-2 Overlay District regulations, which Ms. Dixon admits it is, then Parcel E is subject to not just some, but rather all, of the LMO's PD-2 Overlay District regulations. The Town Staff has not cited, and the Appellants cannot find, anything in the LMO that supports the Town Staff's "belief" or "interpretation" that LMO Section 16-3-106.G.4 applies only when developing, or establishing, a new PD-2 Overlay District.

If Parcel E is in the Waterside PD-2 Overlay District, which Ms. Dixon admits it is, and if the LMO's PD-2 Overlay District requirements are part of the current LMO, which Ms. Dixon also admits, then any development of Parcel E must comply with all of the LMO's PD-2 Overlay District requirements, including the PD-2 Overlay District's density requirements and limitations. In fact, and in law, LMO Sections 16-1-106.A.1, 16-1-106.A.2, 16-3-101.A, 16-3-

⁶ In the third paragraph of Section 3 of the Staff Report, Ms. Dixon, apparently with respect to the provisions of LMO Section 16-3-106.G.4, refers to "development standards that are meant to be used when creating a new plan for a PD-2."



101.B, and 16-3-102.C **require** that any proposed development on Parcel E comply with all of the LMO's PD-2 Overlay District requirements, including the PD-2 Overlay District's density requirements and limitations, which control over the underlying base RD District's density requirements and limitation.

In point of fact, the LMO includes no provisions that limit the applicability of any of the PD-2 Overlay District regulations to only "a PD-2 [Overlay District] that has been previously approved through prior regulations and substantially constructed." Further, Ms. Dixon doesn't try to define when a PD-2 Overlay District becomes "previously approved," nor does she try to describe what the "prior regulations" she refers to are, or when a PD-2 Overlay District becomes "substantially constructed." The Appellants submit that the standard relied on by Ms. Dixon is a fiction of the Town Staff, not contained in, or authorized by, the LMO, and is therefore arbitrary and capricious.

The LMO says that if a tract of land is located in a PD-2 Overlay District, as is Parcel E, then the LMO's regulations governing development in the overlay district **shall** apply in addition to the regulations governing development in the underlying base zoning district. Because the term "shall" is mandatory, there is no limitation of the applicability of the LMO's PD-2 Overlay District regulations to Parcel E, and neither Teri B. Lewis, AICP, the LMO Official, Ms. Dixon, nor any other member of the Town Staff has the authority, latitude, or freedom to decide otherwise.⁷

From the Appellants' point of view, given the clear answers to the first two questions, this third question posed by Judge Dukes in the Remand Order to the BZA must also be answered by saying that **YES**, the LMO's Overlay District regulations do effect the development of Parcel E, and **YES**, the existing development on the other parcels within the Waterside PD-2 Overlay District must be taken in to account in connection with any proposed development on Parcel E.

B. Fact versus opinion

In the second paragraph of Section 3 of the Staff Report, Ms. Dixon says that the Appellants "claim" that the average density of what is currently

⁷ See, *McCrowey v. Zoning Board of Adjustment of the City of Rock Hill*, 599 S.E. 2d 617 (SC App. 2004, a copy of which was included with the Petition for Reconsideration of this Appeal filed with the BZA on 12 December 2016. Another copy is attached hereto as **Exhibit C**.



developed in the Waterside PD-2 Overlay District exceeds the maximum density in the base zoning district, and that the Town Staff “disagrees with this claim.” However, the determination as to whether or not the existing development in the Waterside PD-2 Overlay District exceeds the average density limitation of LMO Section 16-3-106.G.4 is not a matter of opinion; instead, it is a matter of fact.⁸

LMO Section 16-3-106.G.4.a requires that “the average density for the PD-2 Overlay District shall not exceed the maximum density permitted in the base zoning district.” For Parcel E, the base zoning district is the Resort Development (RD) District.

The level of existing development on the tracts within the Waterside PD-2 Overlay District is a fact, not an opinion or a belief.

The recorded survey showing the tracts located within the Waterside PD-2 Overlay District, Attachment E to the Staff Report, shows a 15.100 acre tract subdivided into four separate parcels. Parcel E is the subject of this Appeal; the tract designated as “Parcel D” is the right-of-way of Waterside Drive; the tract designated as “Parcel F” is the site of the Waterside by Spinnaker interval occupancy (timeshare) development (the “Spinnaker Project”); and the tract designated as “Parcel A&C” is the site of the Beachwalk Hotel.

According to the Town’s records, over the years of the development of the Spinnaker Project, Building Permits for the construction of 198 dwellings units were issued.⁹ In addition, one Building Permit for a nonresidential structure with 5,262 square feet was issued.¹⁰ Under the current RD District regulations, which allows a maximum of 16 dwelling units per net acre, the Town now requires 12.375 acres to support the existing 198 dwelling units in the Spinnaker Project, and given the RD District’s maximum nonresidential density of 8,000 square feet per net acre, the Town now requires 0.658 acre to support the existing nonresidential development that is part of the Spinnaker

⁸ Daniel Patrick Moynihan, formerly U.S. Senator from the Commonwealth of Massachusetts, is generally credited with saying, “Everyone is entitled to their own opinions, but they are not entitled to their own facts.”

⁹ See Town Building Permits 8215, B9800299, B9901068, B9902863, B0000531, B0002113, B0100890, and B0101129.

¹⁰ See Town Building Permit B0000199.



Project. Therefore, under current LMO regulations, the Spinnaker Project's existing density would take up 13.033 acres of land in the RD District.

To the Appellants' information, the Beachwalk Hotel was originally developed with 91 hotel rooms. Under the current RD Zone regulations, which allow a maximum of 35 hotel rooms per net acre, the Town now requires 2.600 acres to support the existing 91 hotel rooms on the Beachwalk Hotel tract.¹¹

Averaging the existing density of the Spinnaker Project and the Beachwalk Hotel over the entire 15.10 acres of the Waterside PD-2 Overlay District, it turns out that under current LMO requirements for the RD District, 15.633 acres must be allocated to the existing development for the Spinnaker Project and the Beachwalk Hotel, leaving no acreage in the Waterside PD-2 Overlay District available for density allocation on Parcel E.

Accordingly, given the existing development in the Waterside PD-2 Overlay District, the LMO's requirement for averaging density across the various tracts within the Waterside PD-2 Overlay District, and the LMO's limitation on maximum density to the density that is currently permitted in the RD District, there is insufficient available unallocated acreage within the Waterside PD-2 Overlay District to permit the proposed development on Parcel E.¹²

The only possible basis for Ms. Dixon and the Town Staff to get around the facts, and the law, about the existing development on the tracts within the Waterside PD-2 Overlay District is to "interpret" the LMO in a manner that says the average density requirements of LMO Section 16-3-106.G.4 simply do not apply to Parcel E. That position is a tortured interpretation of the LMO that allows the Town Staff to disregard a mandatory provision of the LMO's PD-2 Overlay District regulations, and cannot be reconciled with Ms. Dixon's agreement that Parcel E is subject to the LMO's PD-2 Overlay district regulations.

¹¹ According to the Waterside PUD Survey, the Beachwalk Hotel tract, which is Parcel A&C on the Waterside PUD Survey, is exactly 2.60 acres.

¹² Ms. Dixon so testified at the 28 November 2016 BZA hearing on this Appeal. See the transcript of that hearing, at Page 108, lines 7-18, and Page 109, line 25 through Page 110, Line 13. Those pages are highlighted and attached hereto as **Exhibit D**.



Again, given the clear answers to the first two questions, the third question posed by Judge Dukes in the Remand Order to the BZA must also be answered by saying that **YES**, the LMO's Overlay District regulations do effect the development of Parcel E, and **YES**, the existing development on the other parcels within the Waterside PD-2 Overlay District must be taken in to account in connection with any proposed development on Parcel E.

C. The 1987 Master Plan and the 1995 Categorical Exemption

In the third paragraph of Section 3 of the Staff Report, Ms. Dixon says, "Staff does not believe at this point the density needs to be averaged for the [Waterside] PD-2 [District] since this was clearly taken into account when the Master Plan was created." This statement has no basis whatsoever in fact, and the Appellants challenge Ms. Dixon to cite her basis for this statement.

The density averaging provisions of the LMO could not have had any bearing on the Conceptual Master Plan for the Town Center PUD dated 27 July 1987 (the "1987 Master Plan") because the LMO, which was first enacted by the Town on 15 January 1987, at that time had no overlay zoning district comparable to the current PD-2 Overlay District, and no requirement for density averaging as now required by LMO Section 16-3-106.G.4.¹³

The 3 March 1995 Categorical Exemption letter (the "1995 Categorical Exemption") vested the right to development the Waterside PD-2 Overlay District tracts as allowed by the 1987 Master Plan, but only until 3 March 2000. The Spinnaker Project was developed based on reliance on the 1995 Categorical Exemption. SDC Properties, Inc. acquired Parcel E in July 1999, while the 1995 Categorical Exemption was still valid. However, as both Ms. Dixon and Mr. Johnson have agreed,¹⁴ after 3 March 2000, the owner of Parcel E no longer had any right to rely on the vesting of rights under the 1995 Categorical Exemption; instead, since 3 March 2000, and continuing until now, any development on Parcel E "shall be subject to all relevant provisions of the

¹³ Any supposed density averaging under the 1987 Master Plan would have resulted in over 58,000 square feet of office and retail space being available on Parcel E, which would equate to a density of well over 50,000 square feet per acre. No one can rationally argue that level of development should now be allowed on Parcel E.

¹⁴ Mr. Johnson acknowledged at the 28 November 2016 BZA hearing on this Appeal that on 3 March 2000, the 1987 Master Plan became irrelevant, and that the categorical exemption process utilized by the Town had been upheld by the South Carolina courts.



then existing LMO.” No language could be plainer or simpler. SDC Properties, Inc. chose not to develop Parcel E before 03 March 2000, thereby forfeiting the ability to develop Parcel E without complying with the LMO’s use and density regulations. Now, any development of Parcel E for any use, including the Spinnaker Welcome Center, is subject to the provisions of the current LMO. That includes, without limitation, all (not just some) of the LMO’s PD-2 Overlay District Regulations.

However, in the third paragraph of Section 3 of the Staff Report, Ms. Dixon says,

Staff’s interpretation of the LMO is that since they [*i. e.*, SDC Properties, Inc., the owner of Parcel E] are no longer vested under the [1995] Categorical Exemption, they have to comply with the current density standards of the underlying base zoning district for that parcel.

That statement, while accurate on its face, is only a partial statement of what the 1995 Categorical Exemption says. It is the truth, but not the whole truth. The 1995 Categorical Exemption actually says that after its expiration, future development on Parcel E shall be subject to all relevant portions of the then existing LMO. For purposes of Parcel E and this Appeal, the relevant portions of the current, *i. e.*, the now existing, LMO include not only the density standards of the underlying RD Zoning District, but also LMO’s PD-2 Overlay District regulations, including the average density regulations of LMO Section 16-3-106.G.4

The Appellants submit that the stated Town Staff interpretation is an arbitrary and capricious interpretation of the LMO without any factual or legal basis. It is an “interpretation” that says Parcel E, even though it is in a PD-2 Overlay District, is not subject to the average density regulations of LMO Section 16-3-106.G.4. That is an “interpretation” that is outside the scope of the Town Staff’s authority because it absolves Parcel E from compliance with mandatory provisions of the LMO.

Considering Ms. Dixon’s answers to the first two questions and the mandatory provisions of the LMO, the third question posed by Judge Dukes in the Remand Order to the BZA must also be answered by saying that **YES**, the LMO’s Overlay District regulations do effect the development of Parcel E, and **YES**, the existing development on the other parcels within the Waterside PD-2



Overlay District must be taken in to account in connection with any proposed development on Parcel E.

V. Interpretation of the LMO

LMO Section 16-2-103.R and LMO Appendix A, Section A-1.A.3 authorize the LMO Official to make written interpretations of the LMO.

The Town Staff's entire argument in this Appeal is based on an "interpretation" of the LMO, albeit an interpretation that results in a waiver of the applicability of mandatory LMO provisions to Parcel E.

While the LMO Official may, and should, render interpretations of the LMO when there is an ambiguity or uncertainty about the provisions of the LMO, interpretation of the LMO is unnecessary, and not allowed, when the provisions of the LMO are clear and unambiguous, and not susceptible to interpretation.

Here, the applicable provisions of the LMO are clear, concise, unambiguous, and mandatory. If Parcel E is in the Waterside PD-2 Overlay District, then it is subject to the LMO's PD-2 Overlay District regulations, which include the average density regulations of LMO Section 16-3-106-G.4. Those density regulations, being part of the PD-2 Overlay District regulations, control over the base zoning district regulations.

Ms. Dixon claims to know the intent of the average density regulations of LMO Section 16-3-106.G.4 when she says, without citing any authority or basis for her knowledge, those standards "are meant to be used when creating a plan for a PD-2." However, similar average density regulations have been in the LMO for over 25 years, having been added to the LMO by Ordinance No. 93-17 adopted by the Town Council on 2 August 1993. To the Appellants' knowledge, neither Ms. Dixon, nor Mrs. Lewis, nor any other members of the Town Staff (with the possible exceptions of Stephen G. Riley and Charles F. Cousins) were even on the Town Staff when the average density regulations were first incorporated into the LMO. How do they pretend to know the intent of those regulations?

To the Appellants' knowledge, the Town Staff has never, before this Appeal, taken the position it is now taking on the applicability of LMO Section 16-3-106.G.4, as they are by this new "interpretation" of the LMO.



The Town Staff should not be allowed to justify a position it has taken, in the face of LMO provisions using the mandatory term “shall,” by a so-called “interpretation” that meets its needs. The end should not justify the means.

It seems to the Appellants that the Town Staff simply does not want to be the one who enforces the plain language of the LMO, which would require them to tell SDC that they cannot develop Parcel E as requested; instead, under the guise of an “interpretation” of the LMO, the Town Staff wants the BZA to do that job. With their “interpretation,” the Town Staff has achieved that result.

VI. Conclusion

In the Determination Letter, Ms. Dixon said that Parcel E could be developed for the proposed Spinnaker Welcome Center as long as the density does not exceed what was allowed on the 1987 Master Plan or what is permitted by the current LMO. However, at the 28 November 2016 hearing by the BZA on this Appeal, both Ms. Dixon and Mr. Johnson, representing SDC, disavowed any reliance on the provisions of the 1987 Master Plan because of the expiration of the 1995 Categorical Exemption. So, at least to the extent that the Determination Letter purports to authorize development of Parcel E as provided for in the 1987 Master Plan, the Determination Letter should be reversed by the BZA.

LMO Section 16-1-106.A.2 says that overlay district regulations control over any underlying base zoning district regulations. That much is clear.

It is also clear that Ms. Dixon and Mr. Johnson have agreed that Parcel E is located in a PD-2 Overlay District and is subject to the LMO’s PD-2 Overlay District regulations.

During the BZA’s first hearing on this Appeal on 28 November 2016, Ms. Dixon testified that the 1995 Categorical Exemption states that after its expiration on 3 March 2000, any future development of the properties in the Waterside PD-2 Overlay District “shall be subject to the provisions of the LMO in effect at that time,”¹⁵ and that the PD-2 Overlay District requirements of

¹⁵ See the transcript of the 28 November 2016 BZA hearing, at Page 73, lines 21-25, and Page 74, lines 1-4. Those two pages are highlighted and attached hereto as **Exhibit E**.



LMO Section 16-3-106.G are part of the current LMO requirements.¹⁶ However, notwithstanding the fact that Parcel E is in the Waterside PD-2 Overlay District, the Town Staff disagrees with the proposition that the proposed development of Parcel E for the Spinnaker Welcome Center must comply with the average density requirements of the LMO's PD-2 Overlay District provisions in LMO Section 16-3-106.G.4.a. Ms. Dixon has now reiterated that position in the Staff Report, without citing any basis or authority in the LMO, other than "belief" and "interpretation."

The South Carolina courts have consistently held that when construing a statute, its words must be given their plain and ordinary meaning without resorting to subtle or forced construction to limit or expand the statute's operation.¹⁷ Here, the Town Staff has done the opposite, "interpreting" LMO Section 16-3-106.G.4 to include a non-existent limitation on applicability to only new PD-2 Overlay Districts.

Considering the mandatory LMO provisions applicable to PD-2 Overlay Districts, because Parcel E is in the Waterside PD-2 Overlay District, the Town is required to look to the controlling density limitations of the LMO's PD-2 Overlay District regulations, and not to the density provisions of the underlying RD District. Ms. Dixon admitted at the 28 November 2016 hearing on this Appeal that if the PD-2 Overlay District density requirements control, then the 15.1 acres in the Waterside PD-2 Overlay District are already over the overall maximum permitted density level for the 15.1 acres, and she would have to rescind her Notice of Action on the DPR Application.¹⁸

In the Appellants' view, the main flaw in the process used by Ms. Dixon to review and approve the DPR Application was that she looked at Parcel E as a stand-alone parcel in the RD District, and therefore not subject to the PD-2 Overlay District limitation. The Appellants submit that the correct process for Ms. Dixon to have followed was to look at Parcel E not only as a parcel in the

¹⁶ See the transcript of the 28 November 2016 BZA hearing, at Page 88, lines 2-7. That page is highlighted and attached hereto as **Exhibit F**.

¹⁷ See, *City of Myrtle Beach v. Juel P. Corporation*, 543 S.E.2d 538 (S.C. 2001), a copy of which is attached hereto as **Exhibit G**.

¹⁸ See the transcript of the 28 November 2016 BZA hearing, at Page 109, lines 4-19. That page is highlighted and attached hereto as **Exhibit H**. The Appellants note there is a typographical error in the highlighted portion of that transcript, in that the word "resend" should read "rescind."



RD District, but also as a parcel located in the Waterside PD-2 Overlay District, and therefore subject to the requirements of all parcels in any PD-2 Overlay District.

The *McCrowey* case stands for the proposition that the Town staff is not free to pick and choose which PD-2 Overlay District requirements will be applied to any particular proposed development of a tract located in a PD-2 Overlay District, such as Parcel E. Instead, all applicable requirements of the LMO must be taken into account by the Town staff when they review an application such as the DPR Application. Ms. Dixon admitted that she did not do so as to the PD-2 Overlay District's density limitations.¹⁹

The Appellants submit that all three questions posed by Judge Dukes in the Remand Order must be answered in the affirmative, and that compliance with the LMO precludes further development of Parcel E because its further development cannot comply with the LMO.

The Appellants ask that the BZA re-consider this Appeal, the record of this matter, the testimony and materials previously introduced, and to be introduced into the record of this Appeal at the re-hearing, and

1. Hold that Parcel E is located in a PD-2 Overlay District established by the LMO, specifically the Waterside (Town Center) PD-2 Overlay District under LMO Section 16-3-106.G;
2. Hold that Parcel E is subject to the LMO's PD-2 Overlay District regulations;
3. Hold that any proposed development of Parcel E must comply with the provisions of the current LMO, including, without limitation, all of the provisions of LMO Section 16-3-106.G regarding PD-2 Overlay Districts;
4. Hold that the average density provisions of LMO Section 16-3-106.G.4.a are applicable to any proposed development Parcel E, and that the density of the existing on the other parcels within the

¹⁹ See the transcript of the 28 November 2016 BZA hearing, at Page 69, lines 5-13. That page is highlighted and attached hereto as **Exhibit I**.

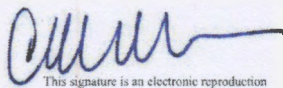


Waterside (Town Center) PD-2 Overlay District must be taken into account in connection with any proposed development of Parcel E;

5. Hold that Parcel E is no longer able to be developed as previously provided for in the Conceptual Master Plan for the Town Center PUD dated 27 July 1987; and
6. Reverse Ms. Dixon's determinations as stated in the Determination Letter.

The Appellants reserve the right to submit additional materials, documents, and information to the BZA in connection with this Appeal.

Respectfully submitted on behalf of the Appellants on 9 August 2018.



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Exhibit A (2 pages) -- Excerpt from examination of Todd Theodore during the 28 November 2016 BZA hearing

1 review application for the Spinnaker Welcome
2 Center, did you know it was part of the
3 Waterside PD-2 overlay district?

4 A No, I did not know that.

5 Q Is there any question in your mind now
6 that Parcel E is part of the Waterside PUD
7 district and subject to the PUD overlay
8 regulations?

9 A What threw us off and maybe threw the
10 town off as well is the PUD 2 zoning map that is
11 available on the website that we use for the
12 land zoning and the PD-2 had that parcel
13 excluded from PD-2. It was highlighted as not
14 being part of a PD-2, so we indicated as the
15 underlying district, which was RD.

16 Q All right. Again, I like to do sort of
17 theoretical plan exercise with you and what I
18 like you to -- let's assume you have a client
19 that owns an undeveloped tract of land on Hilton
20 Head Island located in the RD, the resort
21 development. And he takes 15.1 acres and also
22 let's assume it is in the PD overlay district.
23 The RD district, and correct me if I'm wrong.
24 You probably know this stuff better than I do.
25 The RD district allows development at 16 units

1 comply with the PD-2 overlay district
2 requirements?

3 A I mean, I'm not a lawyer or expert.

4 Q Like I say, theoretical land planning
5 exercise. We got a 15.1 acre tract. It is in
6 the base RD district also with a PD-2 overlay
7 district.

8 A Okay.

9 Q And there is no question that this
10 property is in a PD-2 overlay, is there, the
11 property that we are dealing with that is
12 subject of the appeal?

13 A Right.

14 Q So to go back where we were, if you
15 need to comply with the PD-2 regulations. You
16 developed a 10.75 --735 with a 198 residential
17 timeshare and 5,262 square feet of commercial
18 space.

19 A Right. And are you saying the 10.735
20 is Parcel F.

21 Q Let's assume it is Parcel F because
22 that one happens to be 10.735 acres.

23 A Got it.

24 Q That is the density on Parcel F. If
25 you were to develop that under the current LMO

Exhibit B (2 pages) -- Excerpt from examination of Todd Theodore during the 28 November 2016 BZA hearing

1 this smaller tract within that?

2 THE WITNESS: Yes.

3 MR. STANFORD: All right. How can
4 we determine what the applicable use of
5 that property is if we don't have that
6 concept master plan?

7 THE WITNESS: I don't know.

8 MR. STANFORD: Thank you.

9 BY MR. WILLIAMS:

10 Q So is it your testimony that not
11 withstanding the fact that Nicole's
12 determination letter says the property is
13 located in the PD-2 overlay district that the
14 development of part of that property does not
15 have to comply with the PD-2 overlay district
16 requirements?

17 A Based on zoning, not the map. The map
18 is incorrect that's -- that's available on the
19 website, but based on, you know, after you
20 highlighted the question, apparently this parcel
21 is in the PD-2 Waterside district.

22 Q And does that mean that any development
23 of the parcel must not only comply with the base
24 zoning district and also require to comply to
25 the PD-2 overlay district?

1 A Yes, I believe so.

2 MR. STANFORD: The answer was yes?

3 THE WITNESS: Yes.

4 BY MR. WILLIAMS:

5 Q And I think it was contrary when you
6 asked the question, Mr. Stanford.

7 And I think you are right about that.

8 If you have a parcel in the overlay district,
9 regardless -- well, your application says you're
10 in the corridor district, that means you have to
11 comply with the requirements of the corridor
12 overlay district, correct?

13 A Yes.

14 Q If your application had mentioned that
15 it is in the PD-2 overlay district, then it
16 would have been required to comply with the PD-2
17 overlay requirement, correct?

18 A Yes.

19 Q I think that's all the questions I
20 have.

21 MR. STANFORD: Any questions for
22 Mr. Theodore from the board?

23 MR. CUTRER: We've heard about
24 5,262 square feet of nonresidential
25 development.

Westlaw.

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 360 S.C. 301, 599 S.E.2d 617
 (Cite as: 360 S.C. 301, 599 S.E.2d 617)

Exhibit C (5 pages)

Page 1

H

Court of Appeals of South Carolina.
 Kevin McCROWEY, Appellant,

v.

The ZONING BOARD OF ADJUST-
 MENT OF THE CITY OF ROCK HILL,
 South Carolina, Respondent.

No. 3845.

Submitted May 13, 2004.

Decided July 12, 2004.

Background: Landowner appealed from decision of the Circuit Court, York County, John C. Hayes, III, J., sustaining the decision of the Zoning Board of Adjustment which found landowner's business to be in violation of local zoning ordinances.

Holding: The Court of Appeals held that, because landowner's property violated zoning ordinance, zoning administrator exceeded his authority when he approved landowner's parking plan, and because zoning administrator's actions in initially approving landowner's parking plan were in error, equitable estoppel could not be applied so as to estop Zoning Board of Adjustment from subsequently finding the property in violation of the zoning ordinance.

Affirmed.

West Headnotes

[1] Zoning and Planning 414 ↪1624

414 Zoning and Planning
 414X Judicial Review or Relief
 414X(C) Scope of Review
 414X(C)1 In General
 414k1624 k. Decisions of
 boards or officers in general. Most Cited

Cases

(Formerly 414k605)

Zoning and Planning 414 ↪1631

414 Zoning and Planning
 414X Judicial Review or Relief
 414X(C) Scope of Review
 414X(C)1 In General
 414k1627 Arbitrary, Capri-
 cious, or Unreasonable Action
 414k1631 k. Decisions of
 boards or officers in general. Most Cited
 Cases

(Formerly 414k610)

Zoning and Planning 414 ↪1649

414 Zoning and Planning
 414X Judicial Review or Relief
 414X(C) Scope of Review
 414X(C)1 In General
 414k1645 Matters of Discre-
 tion
 414k1649 k. Decisions of
 boards or officers in general. Most Cited
 Cases

(Formerly 414k621)

A decision of a municipal zoning board will be overturned if it is arbitrary, capricious, has no reasonable relation to a lawful purpose, or if the board has abused its discretion.

[2] Zoning and Planning 414 ↪1333(1)

414 Zoning and Planning
 414VII Administration in General
 414k1325 Boards and Officers in
 General
 414k1333 Power and Authority
 414k1333(1) k. In general.

Most Cited Cases
 (Formerly 414k353.1)

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Page 2

Zoning and Planning 414 ↪1770

414 Zoning and Planning

414XI Enforcement of Regulations

414k1767 Defenses to Enforcement

414k1770 k. Estoppel or inducement.

Most Cited Cases

(Formerly 414k762)

Since town's zoning code gave zoning administrator only the power to administer and enforce the code, zoning administrator did not have authority to alter or waive zoning ordinance, and because landowner's property violated zoning ordinance, zoning administrator exceeded his authority when he approved landowner's parking plan, and because zoning administrator's actions in initially approving landowner's parking plan were in error, equitable estoppel could not be applied so as to estop town's zoning board of adjustment from subsequently finding the property in violation of the zoning ordinance.

[3] Estoppel 156 ↪52.15

156 Estoppel

156III Equitable Estoppel

156III(A) Nature and Essentials in General

156k52.15 k. Essential elements.

Most Cited Cases

Typically, equitable estoppel is found to exist when the following elements are present: (1) conduct by the party estopped which amounts to false representation or concealment of material facts or which is calculated to convey impression that facts are otherwise than and inconsistent with those which party subsequently attempts to assert; (2) intention or at least expectation that such conduct shall be acted upon by other party; (3) knowledge of true facts; (4) lack of knowledge or means of knowledge of facts by other party; (5) reliance upon conduct by other party; and (6) detrimental

change of position by other party because of his reliance.

****617 *302** R. Chadwick Smith, of Rock Hill, for Appellant.

W. Mark White, of Rock Hill, for Respondent.

PER CURIAM:

Kevin McCrowey ("Appellant") appeals a circuit court ruling sustaining the decision of the Zoning Board of Adjustment of Rock Hill ("Respondent"), which found Appellant's ****618** business to be in violation of local zoning ordinances. We affirm.^{FNI}

FNI. Because oral argument would not aid the court in resolving the issues on appeal, we decide this case without oral argument pursuant to Rules 215 and 220(b)(2), SCACR.

FACTS

Kevin McCrowey is the owner of property ("the Property") located at 1151 Saluda Street in Rock Hill. On March 24, 1998, Appellant submitted an application for a Certificate of Occupancy along with a diagram of the building located on the Property. In March 1999, Rock Hill granted Appellant a Certificate of Occupancy for the operation of a pool hall.

***303** At the time Appellant submitted the application, he was leasing the Property. Appellant later subleased the Property to Carlondo Brown, who was granted a Commercial Zoning Permit to operate a game room on October 29, 1999. In February 2000, Appellant purchased the Property. On October 20, 2000 Appellant obtained a Certificate of Zoning Compliance for the operation of a sports bar under the name of Infinity 2000 Sports Lounge.

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Page 3

One of Rock Hill's inspectors noted on the Application for Certificate of Zoning Compliance that the parking lot did not conform to the zoning code's design standards, as it appeared the Property did not have enough parking spaces available to accommodate a nightclub. This notation also requested the submission of a parking plan for the site. Appellant submitted the requested parking plan and an additional notation was later added by Rock Hill's zoning administrator stating that the application was "[a]pproved for zoning compliance per plan revised [November 10, 2000]."

However, despite this apparent approval, the same zoning administrator who approved Appellant's parking plan issued a Notice of Violation to Appellant on September 6, 2001, which stated that the parking area and signs located on the Property were in violation of Rock Hill's Zoning Code. Appellant filed a notice of appeal on September 21, 2001 and a hearing was held before the Rock Hill Board of Zoning Appeals ("the Board") on November 20, 2001.

Despite the fact that he previously found Appellant's parking plan in compliance with the applicable zoning ordinance, the zoning administrator stated at the hearing that the Property did not currently, nor did it ever, comply with the zoning ordinance since the nightclubs were first opened on the property in 1998. On January 11, 2002, the Board issued a letter denying Appellant's appeal and affirming the decision of the zoning administrator.

Accordingly on February 8, 2002, Appellant appealed the Board's decision to the circuit court pursuant to S.C.Code Ann. § 6-29-820 (Supp.2002).^{FN2} At the hearing before the *304 circuit court, Appellant ar-

gued that Respondent should be estopped from finding the Property in violation of the zoning ordinances based on its earlier conduct. Appellant offered this argument, in part, based on the fact that nightclubs have operated on the Property since 1998 without incident and all with approval of Respondent. In addition, as noted above, the zoning administrator who issued the Notice of Violation previously approved Appellant's parking plan. Therefore, Appellant averred he relied on this past conduct to his detriment when he decided to purchase the Property.

FN2. A person who may have a substantial interest in any decision of the board of appeals or an officer or agent of the appropriate governing authority may appeal from a decision of the board to the circuit court in and for the county by filing with the clerk of the court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty days after the decision of the board is mailed.

S.C.Code Ann. § 6-29-820
 (Supp.2002).

Relying on several South Carolina authorities, Respondent averred that under the facts of this case, the doctrine of equitable estoppel should not be applied. By order dated May 23, 2002, the trial court agreed with Respondent and affirmed the Board's decision.

STANDARD OF REVIEW

Because Rock Hill enacted the zoning ordinance in question pursuant to the South Carolina**619 Local Government Comprehensive Planning Enabling Act of 1994, the

scope of review is governed by statute. See S.C.Code Ann. §§ 6-29-310-1200 (Supp.2002). Accordingly, as stated in Section 840, “[t]he findings of fact by the board of appeals shall be treated in the same manner as a finding of fact by a jury.” S.C.Code Ann. § 6-29-840 (Supp.2002); see also *Heilker v. Zoning Bd. of Appeals for City of Beaufort*, 346 S.C. 401, 405, 552 S.E.2d 42, 44 (Ct.App.2001). Furthermore, “[i]n determining the questions presented by the appeal, the court shall determine only whether the decision of the board is correct as a matter of law.” *Id.*

[1] It is important to note “[a] court will refrain from substituting its judgment for that of the reviewing body, even if it disagrees with the decision.” *Restaurant Row Assocs. v. Horry County*, 335 S.C. 209, 216, 516 S.E.2d 442, 446 (1999) (citation omitted). “However, a decision of a municipal zoning board will be overturned if it is arbitrary, capricious, has no *305 reasonable relation to a lawful purpose, or if the board has abused its discretion.” *Id.*

LAW/ANALYSIS

[2] Appellant argues the trial court erred in finding the doctrine of equitable estoppel not applicable because the zoning administrator erroneously issued a certificate of zoning compliance. We disagree.

[3] Typically, equitable estoppel is found to exist when the following elements are present:

(1) [C]onduct by the party estopped which amounts to a false representation or concealment of material facts or which is calculated to convey the impression that the facts are otherwise than and inconsistent with those which the party

subsequently attempts to assert; (2) the intention or at least expectation that such conduct shall be acted upon by the other party; (3) knowledge, actual or constructive, of the true facts; (4) lack of knowledge or the means of knowledge of the facts by the other party; (5) reliance upon the conduct by the other party; and (6) a detrimental change of position by the other party because of his reliance.

Oswald v. Aiken County, 281 S.C. 298, 305, 315 S.E.2d 146, 151 (Ct.App.1984) (citing *Frady v. Smith*, 247 S.C. 353, 147 S.E.2d 412 (1966)).

However, it is generally held that “[n]o estoppel can grow out of dealings with public officers of limited authority, and the doctrine of equitable estoppel cannot ordinarily be invoked to defeat a municipality in the prosecution of its public affairs because of an error or mistake of ... one of its officers or agents....” *DeStefano v. City of Charleston*, 304 S.C. 250, 257-258, 403 S.E.2d 648, 653 (1991) (quoting *Farrow v. City Council of Charleston*, 169 S.C. 373, 382, 168 S.E. 852, 855 (1933)) (further citations omitted). See also *South Carolina Coastal Council v. Vogel*, 292 S.C. 449, 452, 357 S.E.2d 187, 189 (Ct.App.1987) (holding that the doctrine of equitable estoppel cannot be used to deprive the State of the due exercise of its police power or to frustrate its application of public policy).

Significantly, in spite of this general rule, South Carolina courts have held that “[a] governmental body is not immune *306 from the application of equitable estoppel where its officers or agents act within the proper scope of their authority.” *South Carolina Coastal Council v. Vogel*, 292 S.C. 449, 453, 357 S.E.2d 187, 189 (Ct.App.1987) (citing *Oswald v. Aiken County*, 281 S.C. 298, 315 S.E.2d 146

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 (Cite as: 360 S.C. 301, 599 S.E.2d 617)

(Ct.App.1984)).

Although Appellant acknowledges the general rule, he argues the zoning administrator was acting within the proper scope of his authority, and thus, the doctrine should be applicable. Specifically, Appellant avers that in the current case "the Zoning Administrator acted within his proper authority when he concluded that [his] parking area met Rock Hill's zoning requirements." The Appellant goes on to state "the decision of whether a piece of property conforms to zoning compliance is a determination the zoning administrator would appear to have authority to make."

However, the zoning administrator did not have the authority to alter or waive the zoning ordinance in question. Rock Hill's **620 Zoning Code gives zoning administrators the power to administer and enforce the Zoning Code. Rock Hill's Zoning Code does not grant power to an administrator to alter, modify, or waive provisions contained in the Zoning Code. Further, the zoning administrator was not granted with the authority to grant a variance. The Zoning Code only grants the Zoning Board of Appeals the discretion of whether and when to grant a variance. Because the parties do not dispute that the Property did in fact violate the zoning ordinance, the zoning administrator exceeded his authority when he approved Appellant's parking plan in October 2000. As the zoning administrator's actions in approving Appellant's parking plan were in error, the trial court did not err in concluding, based on the authority cited above, that equitable estoppel could not be applied to frustrate the attempts by Rock Hill to enforce its zoning code as written.

CONCLUSION

Accordingly, based on the foregoing,

the decision of the trial court is

AFFIRMED.

HEARN, C.J., ANDERSON and BEATTY,
 JJ., concur.

S.C.App.,2004.
 McCrowey v. Zoning Bd. of Adjustment of
 City of Rock Hill
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END OF DOCUMENT

Exhibit D (3 pages) -- Excerpt from 28 November 2016 BZA hearing

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1 the math and if that's how you
2 interpret the LMO and/or direct us to
3 interpret the LMO, then they are over
4 their density and remanded it back to
5 us, I think that is going to hold up
6 the process.

7 MR. FINGERHUT: You would
8 stipulate to that the math -- I'm
9 sorry. I didn't hear that. You're
10 saying the theory is incorrect, but the
11 math is correct is what you're saying.

12 MS. DIXON: If you're going to
13 look at the entire PD-2 and based on
14 their density on the current LMO, but
15 use what is existing out there now,
16 then Chet has demonstrated in his math
17 they would not be allowed to do what
18 they are proposing. Staff does not
19 interpret the LMO that way.

20 MR. STANFORD: And that's because
21 we have a new LMO that is being applied
22 to this particular smaller parcel.

23 MS. DIXON: Correct. I believe on
24 this particular piece, they are meeting
25 the current LMO.

1 MR. FINGERHUT: Not as part of the
2 new development, just as a new piece of
3 land.

4 MS. DIXON: I'm not denying it is
5 part of the 15 acre PD-2. I'm not
6 denying that it is not part of that
7 anymore. It is still part of that
8 PD-2, but as you know -- as you said
9 that categorical exemption expired.
10 They're really not tied to the original
11 density allowed, so as long as they
12 meet the current density that is
13 allowed on that tract, then it should
14 be approved and that is what I based my
15 decision on.

16 So you can either agree with my
17 determination or not agree with it and
18 I would have to resend my notice of
19 action.

20 MR. WILSON: I think that is part
21 of the responsibility of the board
22 because there is this dispute including
23 with Mr. William's client and between
24 our town.

25 MR. FINGERHUT: So you're

1 concurring that his math is correct?

2 MS. DIXON: I concur his math is
3 correct, but I don't interpret the LMO
4 that way.

5 MR. FINGERHUT: That is fine.
6 Just speaking for myself that is a
7 correct finding because I wasn't
8 following all the math.

9 MS. DIXON: I just interpret the
10 LMO differently and that is not what I
11 based my approval on. But the math
12 that he had Mr. Theodore come up with
13 earlier, that is correct.

14 MR. STANFORD: I think the motion
15 of remand probably is not a good motion
16 at this point, so we are looking for a
17 motion either to grant the appeal,
18 which means to reverse the action of
19 the town or affirm the action of the
20 town and denying the appeal.

21 MR. CUTRER: Can I ask Ms. Dixon
22 one more question?

23 MR. STANFORD: Sure.

24 MR. CUTRER: If I'm interpreting
25 what you are saying correctly that the

Exhibit E (2 pages) -- Excerpt from examination of Nicole Dixon during the 28 November 2016 BZA hearing

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1 planner. You would be the one to review this
2 application. I've got a 15.1 acre tract. It's
3 in a RD base zoning district. I developed 198
4 residential units. I developed the commercial
5 space. I developed a hotel -- I guess the
6 question is could I develop the hotel and come
7 in for Parcel E, could you do that starting
8 fresh under the current code requirements?

9 A Under the current code requirements,
10 yes.

11 MR. STANFORD: Let's move it
12 along, Mr. Williams.

13 BY MR. WILLIAMS:

14 Q In your determination letter, you
15 acknowledge the categorical exemption expired in
16 -- on March 3rd of 2000, correct?

17 A (Nods head.)

18 Q Okay.

19 MR. STANFORD: Answer is yes?

20 THE WITNESS: Yes, sir.

21 BY MR. WILLIAMS:

22 Q I'm reading from the second page of
23 your letter. "The categorical exemption
24 certificate was valid for five years and expired
25 March 3, 2000. After the expiration of the

1 certificate, any future developments of the
2 property shall be subject to the provisions of
3 the LMO in effect at that time."

4 A Correct.

5 Q "They must conform to the standards of
6 the current LMO."

7 A Any future developments. It doesn't
8 mean go back and look at everything that is
9 there.

10 Q But isn't that what the PD-2
11 requirements call for? That you can't exceed --

12 A Staff doesn't agree with that. That's
13 why we're here.

14 Q Let me put it this way? They had their
15 cake with the PD-2 before and now they want to
16 eat it. They already developed more than what's
17 allowed in the current code requirements and not
18 withstanding the expiration of the categorical
19 exemption letter, it is still your position that
20 they can rely on the densities and uses of the
21 1987 master plan?

22 A They didn't develop the property to the
23 capacity that was allowed under the PD-2. They
24 didn't exceed what was allowed at that time.
25 They didn't fully develop it.

Exhibit F (1 page) -- Excerpt from examination of Nicole Dixon during the 28 November 2016 BZA hearing

1 even in the PD-2 documents.

2 Q One other question. Are the
3 LMO Section 16-3-106, Sub G, which is the
4 provisions for the plan development overlay PD-2
5 district, is that part of the current LMO
6 requirements?

7 A Yes.

8 Q Thank you.

9 MR. STANFORD: Thank you. Are you
10 finished?

11 MR. WILLIAMS: That's all.

12 MR. STANFORD: Nicole, you're
13 excused.

14 Is there any further presentation
15 from the town?

16 MS. DIXON: I think I addressed
17 everything I was going to say. No, I
18 can't think of anything I would like to
19 add.

20 MR. STANFORD: I know that we have
21 Mr. Johnson, who is the attorney for
22 the owner of this property. Mr.
23 Williams, Mr. Taylor represent the
24 condominium association that is
25 affiliated with the property.

Westlaw.

543 S.E.2d 538
 344 S.C. 43, 543 S.E.2d 538
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Exhibit G (4 pages)

Page 1



Supreme Court of South Carolina.
 CITY OF MYRTLE BEACH, Respondent,

v.

JUEL P. CORPORATION and Gay Dolphin, Inc., Petitioners.

No. 25261.

Heard Feb. 8, 2001.

Decided March 12, 2001.

City sought injunction to require commercial property owners to remove rooftop billboard sign, alleging that sign violated city ordinance or, alternatively, that owners had abandoned sign. Owners filed counterclaim alleging a taking. The Circuit Court, Horry County, J. Stanton Cross, Jr., Master-in-equity, denied injunction, and further found that owners did not abandon sign. City and property owners appealed. The Court of Appeals, 337 S.C. 157, 522 S.E.2d 153, reversed. Owners sought certiorari review. The Supreme Court, Burnett, J., held that: (1) sign ordinance expressed no time frame for abandonment, and thus, common law would be applied to determine whether owners intended to abandon sign, and (2) there was sufficient evidence to support finding that owners did not intend to abandon their rooftop sign.

Reversed.

West Headnotes

11 Zoning and Planning 414 ↪337

414 Zoning and Planning

414VI Nonconforming Uses

414k336 Discontinuance or Abandonment

414k337 k. Cessation of Use. Most Cited Cases

There was sufficient evidence to support finding that commercial property owners did not intend to abandon their rooftop sign, and thus, their nonconforming use could not be deemed abandoned, even though sign remained vacant for five years, where owners continued to pay Highway Department fees and maintain electricity to the sign.

12 Zoning and Planning 414 ↪9

414 Zoning and Planning

414I In General

414k7 Constitutional and Statutory Provisions

414k9 k. Construction of Statutes in General. Most Cited Cases

City ordinance, providing that any sign "which advertises or pertains to a business, product, service, event, activity, or purpose ... that has not been in use for three months ... shall be deemed to be an obsolete or abandoned sign," could not be broadly construed to mean that any sign that was not in use for three months would be deemed to be obsolete or abandoned, and thus, such broad construction would not operate to provide a three-month period of abandonment for signs.

3 Municipal Corporations 268 ↪120

268 Municipal Corporations

268IV Proceedings of Council or Other Governing Body

268IV(B) Ordinances and By-Laws in General

268k120 k. Construction and Operation. Most Cited Cases

When interpreting an ordinance, legislative intent must prevail if it can be reasonably discovered in the language used.

4 Statutes 361 ↪176

361 Statutes

361VI Construction and Operation

361VI(A) General Rules of Construction

361k176 k. Judicial Authority and Duty. Most Cited Cases

The determination of legislative intent is a matter of law.

5 Statutes 361 ↪188

361 Statutes

361VI Construction and Operation

361VI(A) General Rules of Construction

361k187 Meaning of Language

361k188 k. In General. Most Cited Cases

In construing a statute, its words must be given their plain and ordinary meaning without resorting to subtle or forced construction to limit or expand the statute's operation.

16 Municipal Corporations 268 ↪120

268 Municipal Corporations

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268IV Proceedings of Council or Other Governing Body
268IV(B) Ordinances and By-Laws in General
268k120 k. Construction and Operation. Most Cited Cases
 Ordinances in derogation of natural rights of persons over their property are to be strictly construed as they are in derogation of the common law right to use private property so as to realize its highest utility and should not be impliedly extended to cases not clearly within their scope and purpose.

[7] Zoning and Planning 414 ↪337

414 Zoning and Planning

414VI Nonconforming Uses

414k336 Discontinuance or Abandonment

414k337 k. Cessation of Use. Most Cited Cases

City ordinance providing that "any sign structure that no longer displays any sign copy ... shall be deemed to be an obsolete or abandoned sign" expressed no time frame for abandonment, and thus, common law would be applied to determine whether sign owner intended to abandon sign.

[8] Zoning and Planning 414 ↪337

414 Zoning and Planning

414VI Nonconforming Uses

414k336 Discontinuance or Abandonment

414k337 k. Cessation of Use. Most Cited Cases

In order to constitute abandonment, it must appear that there was a discontinuance of the nonconforming use with the intent to relinquish the right to so use the property; the question is largely one of intention and must be determined from all of the surrounding facts and circumstances.

****539*44** Howell V. Bellamy, Jr., and Douglas M. Zayicek, of Bellamy, Rutenberg, Copeland, Epps, Gravely & Bowers, of Myrtle Beach, for petitioners.

Michael W. Battle, of Battle & Vaught, of Conway, for respondent.

***45** BURNETT, Justice:

This case involves the proper construction of a Myrtle Beach city ordinance concerning abandoned and obsolete signs. Myrtle Beach Code § 902.4.7. We granted certiorari to review a decision of the Court of Appeals holding petitioners' sign could be deemed abandoned regardless of peti-

tioners' intent. City of Myrtle Beach v. Juel P. Corp. and Gay Dolphin, Inc., 337 S.C. 157, 522 S.E.2d 153 (Ct.App.1999). We reverse.

FACTS

In the early 1970s, petitioners purchased Ed's Hobby Shop in Myrtle Beach. The shop includes a rooftop sign, which is arguably the most prominent sign location in Myrtle Beach.

In 1979, Myrtle Beach enacted a zoning ordinance which prohibited rooftop signs in certain areas of the city, including the area where petitioners' sign was located. Section 902.8.3 of the zoning ordinance provided that rooftop signs had an amortization period of three years. In 1985, after the conclusion of a lengthy legal challenge to the city's comprehensive sign ordinance, the city notified petitioners that its ordinance had been declared legal, constitutional, and enforceable, and ordered petitioners to remove the rooftop sign from Ed's Hobby Shop. Petitioners, through an agent, responded by alerting the city to former S.C.Code Ann. § 57-25-195 (Supp.1980) (repealed in 1990), which would have required the city to pay just compensation for the sign. Rather than compensate petitioners for the sign's removal, the city chose not to enforce its 1985 letter.

In 1989, in the imminence of Hurricane Hugo, petitioners removed the sign facing to minimize damage from the storm. Shortly after the storm had passed, petitioners received a letter from the city informing them the sign was more than 50% damaged and could not be restored. Petitioners asked for repair estimates from three different sign companies, all of which agreed with petitioners' estimate that the sign was only 10% damaged. Petitioners approached the city's Director of Construction Services with these estimates, and, when he refused to concede their damage estimate, presented the estimates to the city manager. Petitioners attempted to reach ***46** a settlement with the city manager in which petitioners would agree to remove the rooftop sign in exchange for a permit for a unipole sign.

For the next five years, the sign remained vacant. Neither petitioners nor the city pursued formal appeals or informal negotiations. During this time, however, petitioners continued to pay Highway Department fees and maintain electri-

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city to the sign. In the fall of 1994, petitioners installed new sign facing. On November 8, 1994, the city notified petitioners that the sign violated the city zoning ordinance, § 902.4.8, which prohibits rooftop signs. When petitioners did not remove the sign, the city sought an injunction. In its second amended complaint, dated September 24, 1996, the city for the first time claimed petitioners had abandoned their sign. Section 902.4.7 of the Myrtle Beach Code provides:

Any sign which advertises or pertains to a business, product, service, event, activity or purpose which is no longer conducted or that has not been in use for three months or which is no longer imminent, or any sign structure that no longer displays any sign copy shall be deemed to be an obsolete or abandoned sign.

****540** The Master-in-Equity for Horry County conducted a hearing on the city's injunction action and petitioners' takings counterclaim. The Master ruled the city could not rely on its ordinance because to do so would retroactively deprive petitioners of a vested right. He further ruled intent is a necessary element of abandonment, and found petitioners "did not simply abandon the most prominent and valuable sign in Myrtle Beach." The Court of Appeals reversed, holding a property owner's intent is irrelevant when an ordinance specifies an objective time frame after which a nonconforming use shall be deemed abandoned. City of Myrtle Beach v. Juel P. Corp. and Gay Dolphin, Inc., 337 S.C. 157, 522 S.E.2d 153 (Ct.App.1999).

DISCUSSION

[1] Petitioners argue several issues on appeal. We decline to reach these issues because we conclude the city's ordinance does not provide an objective time frame for abandonment.

*47 [2][3][4][5][6] When interpreting an ordinance, legislative intent must prevail if it can be reasonably discovered in the language used. Charleston County Parks and Rec. Comm'n v. Somers, 319 S.C. 65, 459 S.E.2d 841 (1995). The determination of legislative intent is a matter of law. Id. In construing a statute, its words must be given their plain and ordinary meaning without resorting to subtle or forced construction to limit or expand the statute's operation. First Baptist Church of Mauldin v. City of Mauldin, 308 S.C. 226,

417 S.E.2d 592 (1992). "[O]rdinances in derogation of natural rights of persons over their property are to be strictly construed as they are in derogation of the common law right to use private property so as to realize its highest utility and should not be impliedly extended to cases not clearly within their scope and purpose." Purdy v. Moise, 223 S.C. 298, 302, 75 S.E.2d 605, 607 (1953).

We read the ordinance as follows:

Any sign

[1] which advertises or pertains to a business, product, service, event, activity, or purpose

[a] which is no longer conducted or [b] that has not been in use for three months or [c] which is no longer imminent or [2] any sign structure that no longer displays any sign copy

shall be deemed to be an obsolete or abandoned sign.

Myrtle Beach Code § 902.4.7. The city's proposed construction, "Any sign ... that has not been in use for three months ... shall be deemed to be an obsolete or abandoned sign," is a forced construction that would impermissibly expand the ordinance's operation. We cannot harmonize the city's interpretation with our obligation to construe the ordinance strictly.

While the intent of the city may well have been to provide a three-month period of abandonment for signs, that intent is not expressed in the language of the ordinance. Moreover, the portion of the ordinance which clearly applies to petitioners' sign—"any sign structure that no longer displays any sign copy"—contains no time provisions whatsoever.

*48 [7][8] Because the ordinance expresses no time frame for abandonment, we apply the common law. Under the common law:

In order to constitute abandonment, it must appear that there was a discontinuance of the nonconforming use with the intent to relinquish the right to so use the property. The question is largely one of intention and must be determined from all of the surrounding facts and circumstances.

Conway v. City of Greenville, 254 S.C. 96, 105, 173 S.E.2d 648, 652-53 (1970). We find abundant evidence in the record to support the Master's finding petitioners did not in-

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tend to abandon their sign.

CONCLUSION

Because the city's ordinance does not provide an objective time frame for abandonment of a nonconforming use, the common law of abandonment controls. The evidence **541 supports the finding that petitioners did not intend to abandon their rooftop sign.

REVERSED.

TOAL, C.J., MOORE, WALLER and PLEICONES, JJ.,
concur.

S.C.,2001.

City of Myrtle Beach v. Juel P. Corp.

344 S.C. 43, 543 S.E.2d 538

END OF DOCUMENT

Exhibit H (1 page) -- Excerpt from 28 November 2016 BZA hearing

109

1 MR. FINGERHUT: Not as part of the
2 new development, just as a new piece of
3 land.

4 MS. DIXON: I'm not denying it is
5 part of the 15 acre PD-2. I'm not
6 denying that it is not part of that
7 anymore. It is still part of that
8 PD-2, but as you know -- as you said
9 that categorical exemption expired.
10 They're really not tied to the original
11 density allowed, so as long as they
12 meet the current density that is
13 allowed on that tract, then it should
14 be approved and that is what I based my
15 decision on.

16 So you can either agree with my
17 determination or not agree with it and
18 I would have to resend my notice of
19 action.

20 MR. WILSON: I think that is part
21 of the responsibility of the board
22 because there is this dispute including
23 with Mr. William's client and between
24 our town.

25 MR. FINGERHUT: So you're

Exhibit I (1 page) -- Excerpt from examination of Nicole Dixon during the 28 November 2016 BZA hearing

1 against the RD and it does meet that.

2 Q When you say that, you're talking about
3 just Parcel E; is that correct?

4 A Correct.

5 Q So you did not check the overall
6 density on the 15.1 acres to see if the
7 additional development of the Parcel E caused
8 the overall average density to exceed what is
9 permitted in the underlying RD district; is that
10 correct?

11 A That is correct because staff does not
12 thing that is the intent of how you are
13 interpreting the LMO.

14 Q Okay.

15 A When the PD-2 was -- when the
16 conceptual plan was approved --

17 Q When you say "conceptual," can you give
18 us the date?

19 A 1984 and then reviewed 1987.

20 Q The one that we can't find?

21 A We have May 6th of 1987.

22 Q Isn't it dated February?

23 A The second page of that shows this
24 plan. There is a revised date of May 4th. Let
25 me think. May 4th, 1987 is the most recent.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT	)	CIVIL ACTION NO.: 2016-CP-07-02712

BEACHWALK HOTEL &
 CONDOMINIUMS ASSOCIATION,
 INC. and BEACHWALK HILTON
 HEAD, LLC,

Appellants/Petitioners,

vs.

THE TOWN OF HILTON HEAD
 ISLAND and/or THE TOWN OF
 HILTON HEAD ISLAND BOARD OF
 ZONING APPEALS, and SDC
 PROPERTIES, INC.

Respondents/Defendants.

MEMORANDUM OF
 RESPONDENT/DEFENDANT SDC
 PROPERTIES, INC. ON REMAND
 HEARING

[BEFORE THE BOARD OF ZONING
 APPEALS FOR THE TOWN OF HILTON
 HEAD ISLAND, SC

APPLICATION FOR APPEAL
 APL-001673-2016]

Respondent/Defendant SDC Properties, Inc. (“SDC”), here submits its Memorandum on the issues raised and directed by Judge Dukes to be resolved on the Remand Hearing.

SDC supports the Staff Memorandum dated August 1, 2018 regarding this matter, a copy of which is attached hereto as **Exhibit A**.

Attached hereto as **Exhibit B** is a copy of SDC’s Memorandum in Response, previously submitted to the Circuit Court. This memorandum lays out citations from prior testimony before the BZA, supporting and affirming the conclusions previously reached by the BZA, and supporting and affirming the analysis and conclusion of the Staff of the Town of Hilton Head Island as set forth in their recent Memorandum (**Exhibit A**).

Attached hereto as **Exhibit C** are three photographs of SDC’s subject property, the Beachwalk property, and adjacent properties, viewed eastward to the Atlantic Ocean.

ATTACHMENT H

SUMMARY AND CONCLUSION

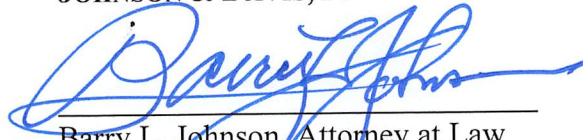
SDC respectfully asserts that the questions before the BZA, on remand, should be answered by the BZA in the manner recommended by staff in the Staff Memorandum (**Exhibit A**). To reach the conclusion urged by Beachwalk, as recently as in their August 9, 2018 Memorandum submitted to the BZA, would require an interpretation of the Town's zoning law so as to render the subject property of no economic utility or value – and certainly not to the level of reasonable economic or utility. The view urged by Beachwalk would require the BZA to create a regulatory taking – not for any valid public purpose – of SDC's subject property. The relief requested by Beachwalk also extends beyond the three questions of Judge Dukes in his remand order.

As the photographs (**Exhibit C**) demonstrate, there is no way in which the proposed SDC use of its property would be out of harmony with development in the area, and there is no way that such use by SDC of its property would harm, damage, or even presents an eyesore or traffic impediment, in any way, to Beachwalk.

SDC respectfully requests the BZA so determine.

Respectfully submitted,

JOHNSON & DAVIS, PA



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Bluffton, SC
August 13, 2018

*Attorney for Respondent/Defendant
SDC Properties, Inc.*

ATTACHMENT H
EXHIBIT A



TOWN OF HILTON HEAD ISLAND
Community Development Department

TO: Board of Zoning Appeals
VIA: Teri B. Lewis, AICP, *LMO Official*
FROM: Nicole Dixon, CFM, *Development Review Administrator*
DATE: August 1, 2018
SUBJECT: Rehearing of APL-001673-2016

On November 28, 2016, the Board of Zoning Appeals heard an appeal submitted by Chester C. Williams on behalf of Beachwalk Hotel & Condominiums Association, Inc. and Beachwalk Hilton Head, LLC. Mr. Williams appealed staff's determination, dated August 23, 2016, that the proposed development of the Spinnaker Welcome Center at 30 Waterside Drive is permitted as proposed with Development Plan Review Application DPR-001056-2016. The Board denied the appeal and upheld staff's determination.

The appellant filed a Petition for Reconsideration on December 2, 2016, requesting that the BZA reconsider their decision to uphold staff's determination. This was heard by the BZA at the January 23, 2017 meeting. No action was taken by the Board at that meeting, and as a result, the Motion to Reconsider APL-001673-2016 was deemed denied.

On December 30, 2016, the appellant filed an appeal of the BZA's decision to the Circuit Court (Attachment A). The appeal was heard by the Circuit Court on December 18, 2017. The Judge found that after presentations and questioning at the hearing by all parties, the record was unclear on certain issues he believes are important for appropriate judicial review of the appeal, including the basis for the BZA's decision. He remanded the appeal back to the BZA for a rehearing and to answer three specific questions (Attachment B).

Due to the lengthy size of the original record, the entire original appeal record, as well as the transcript of the BZA hearing that took place on November 28, 2016, was made available to the BZA members to pick up on Monday July 30th in order to give them enough time to read through the original documentation.

At this time, staff does not have any new information to add to the record; however, in an effort to assist the BZA in answering the three questions posed by the Judge in the remand order, staff offers the following:

1. **Is Parcel E in a PD-2 Overlay District established by the LMO?** Yes, Parcel E, which is the parcel subject to the appeal and also referred to as Tract B, is in the Waterside (Town Center) PUD as shown on the attached map (Attachment C), attached 1984 Conceptual Master Plan (Attachment D), attached Waterside PUD (Attachment E) and attached 1987 Conceptual Master Plans (Attachment F). Staff has found no evidence that Parcel E was ever removed from the PD-2 Overlay District.

2. If Parcel E is in a PD-2 Overlay District, is Parcel E subject to the LMO's PD-2 Overlay District regulations? Yes Parcel E is subject to the LMO's PD-2 Overlay District regulations as found in LMO Section 16-3-106.G.
3. If Parcel E is subject to the LMO's PD-2 Overlay District regulations, what effect does that have on the development of Parcel E, and must the existing development on the other parcels within that PD-2 Overlay District be taken into account in connection with any proposed development of Parcel E? The PD-2 Overlay District Regulations do not have any effect on the development of Parcel E, nor does the existing development within the PD-2 have to be taken into account with any proposed development of Parcel E. Staff believes the regulations outlined in LMO Section 16-3-106.G.4 are to be used when developing a PD-2 and doesn't apply to a PD-2 that has been previously approved through prior regulations and substantially constructed.

The appellant claims that since the parcel is subject to the LMO's PD-2 regulations, the density and development standards provided in LMO Section 16-3-106.G.4.a prohibit Parcel E from being developed. The appellant claims that the average density of what currently exists within the PD-2 exceeds the maximum density allowed in the base zoning district. Staff disagrees with this claim.

The Waterside Master Plan identified specific densities and uses that were allowed within the PUD and required a certain amount of common open space. Parcel E was identified as a developable property with up to 16,787 square feet of commercial development. The fact that Parcel E was not developed at the same time as the other developments that are part of the subject PUD, doesn't mean it is now an un-buildable lot or that this parcel now has to comply with development standards that are meant to be used when creating a new plan for a PD-2. Staff does not believe at this point the density needs to be averaged for the PD-2 since this was clearly taken into account when the Master Plan was created. The Categorical Exemption, which vested the developer for specific densities and uses as shown on their Master Plan and vested them from having to comply with subsequent amendments to the LMO, expired on March 3, 2000. Staff's interpretation of the LMO is that since they are no longer vested under the Categorical Exemption, they have to comply with the current density standards of the underlying base zoning district for that parcel. The underlying zoning of the subject parcel is RD (Resort Development).

The proposed Welcome Center is shown to be built at a maximum of 7,500 square feet. The RD District allows up to 8,000 square feet of nonresidential uses per net acre. The subject property is 1.068 acres in size, which would allow 8,544 square feet. Since the proposed Welcome Center is only 7,500 square feet in size, it is clearly less than what the LMO allows. It is also less than the 16,787 square feet originally retained for Tract B on the Master Plan.

Staff reserves the right to submit additional documents.

Please contact me at (843) 341-4686 or at nicoled@hiltonheadislandsc.gov if you have any questions.

ATTACHMENT H
EXHIBIT B

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
) FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT) CIVIL ACTION NO.: 2016-CP-07-02712

BEACHWALK HOTEL &)
CONDOMINIUMS ASSOCIATION,)
INC. and BEACHWALK HILTON)
HEAD, LLC,)

Appellants/Petitioners,)

vs.)

THE TOWN OF HILTON HEAD)
ISLAND and/or THE TOWN OF)
HILTON HEAD ISLAND BOARD OF)
ZONING APPEALS, and SDC)
PROPERTIES, INC.)

Respondents/Defendants.)

RESPONDENT’S/DEFENDANT’S SDC
PROPERTIES, INC.’S BRIEF IN REPLY
TO COURT’S POST-HEARING
QUESTIONS

INTRODUCTION

Respondent/Defendant SDC Properties, Inc. (“SDC”) accepts the Introduction provided by the Appellants/Petitioners (“Beachwalk”) in their Brief in Reply to Court’s Questions, filed March 02, 2018. However, in so doing, SDC would point to the full record of this case, as established before the BZA, and to the applicable Standards of Review, and to the materially-relevant case law. In so doing, SDC respectfully asserts that this Court should dismiss the appeal of Beachwalk and, thereby, uphold the decision of the Board of Zoning Appeals (“BZA”) of the Town of Hilton Head Island (sometimes, hereinafter, “Town”) and, thereby, avoid the result urged by Beachwalk that SDC’s property is “unbuildable” and without economic utility.

STANDARDS OF REVIEW

In South Carolina, boards of zoning appeals, in the exercise of their duties, have the powers, *inter alia*, (1) to hear and decide appeals wherein it is alleged there is an error in a determination made by an administrative official in the enforcement of the zoning ordinance; (2)

in appropriate circumstances, to determine if the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property. See S.C. Code § 6-29-800 (2003).

“In determining the question presented by the appeal, the court shall determine only whether the decision of the Board is correct as a matter of law.” Heilker v. Zoning Bd. of Appeals for City of Beaufort, 346 S.C. 401, 405, 552 S.E.2d 42, 44 (Ct. App. 2001), as cited with approval in McCrowey v. The Zoning Board of Adjustment of The City of Rock Hill, South Carolina, 360 S.C. 301, 304, 599 S.E.2d 617 (Ct. App. 2004).

“It is important to note “[a] court will refrain from substituting its judgment for that of the reviewing body, even if it disagrees with the decision.” Restaurant Row Assocs. V. Horry County, 335 S.C. 209, 216, 516 S.E.2d 442, 446 ((1999) (citations omitted). “However, a decision of a municipal zoning board will be overturned if it is arbitrary, capricious, has no reasonable relation to a lawful purpose, or if the board has abused its discretion.” *Id.* at 305).

In making such determinations, the court must give a zoning ordinance a practical, reasonable, and fair interpretation consonant with the purposes, design and policy of the lawmakers. Clear Channel Outdoor v. City of Myrtle Beach, 360 S.C. 459, 602 S.E.2d 76 (Ct. App. 2004), rehearing denied, and certiorari granted, affirmed 372 S.C. 230, 642 S.E.2d 565 (2007). Therein, the Court of Appeals also held that “[f]ew restrictions encumber the scope of the Board’s authority.” *Id.* at 465, 602 S.E.2d at 79. “[A] local zoning board’s] construction of its own ordinance, the enforcement of which it is charged with, should be given some consideration and not overruled without cogent reason therefor”, Purdy v. Moise, 223 S.C. 298, 302, 75 S.E.2d 605, 607 (1953).

The findings of fact by the board of appeals must be treated in the same manner as a finding of fact by a jury, and the court may not take additional evidence. S.C. Code Ann. § 6-29-840(A).

A court will uphold the decisions of a reviewing body if there is evidence in the record to support its decision. See Historic Charleston Found. V. Krawcheck, 313 S.C. 500, 505-06, 443 S.E.2d 401, 405 (Ct. App. 1994).

ISSUES

The below Issues developed by this Court are elements of the Court's analysis, subject to the above Standards of Review, of whether the BZA acted within its powers to determine if the subject Development Approval, and related Staff Determination, comply with the Town's zoning ordinance (LMO). Parcel E is a mere 1.068-acre portion of a 15.1-acre PUD, formerly named Town Center PUD, now called the Waterside PUD. Parcel E is proposed to be the site of a welcome center including space for sales and tours. (BZA Tr., Mr. Halterman, p. 66, ll. 1 – 7), and the development application shows it as a 7,500 square foot building on the 1.068-acre site.

A. Is Parcel E in a PD-2 Overlay District established by the LMO?

Response:

Parcel E is in the RD base zoning district. (BZA Tr., BZA Member Cutrer and Attorney Williams, p. 14, l. 23 – p. 15, l. 8.) When the subject application was filed with the Town of Hilton Head, the Town's website contained the PD 2 Overlay District Map which excluded Parcel E from the PD-2 Overlay District. (BZA Tr., Mr. Theodore, p. 26, ll. 5-15.)

Parcel E is now understood to be also in the PD-2 Overlay District. [See Staff Determination Letter, Nicole Dixon, dated August 23, 2016 (Exhibit 1 to Notice of Appeal and Petition); see also BZA Tr. (Mr. Theodore), p. 43, ll. 10 – 21.]

The Town's purpose with PD-2 Overlay District is "to encourage creativity in design and planning in the development of parcels between five and 249 acres by allowing greater design flexibility than the underlying base zoning district so that natural features may be protected and development concentrated in more suitable or less environmentally sensitive areas." (BZA Tr., Attorney Williams, p. 13, ll. 1-16.)

A method of accomplishing the purpose of a PD-2 Overlay District is found in the uses of Open Space. When Beachwalk raised its concerns, Todd Theodore calculated the Open Space in the Town Center PUD site (the subject of this PD-2 Overlay District) and determined that, even with the requested development of Parcel E, "[a]ll the open space is well within the original calculations in the original (Town Center PUD)". (BZA Tr., Theodore, p. 29, ll. 5-11.)

B. If Parcel E is in a PD-2 Overlay District, is Parcel E subject to the LMO's PD-2 Overlay District Regulations?

Response:

Parcel E is in a PD-2 Overlay District, and is subject to the LMO's PD-2 Overlay District Regulations.

The "devil is always in the details", and the question for this Court, as it was for the BZA, involves, given the 30-odd year history of this PUD (including Parcel E), how to determine the correct application of the Overlay District's Regulations with the RD Base District, and the current LMO, taking into account that history and the existing development within that PUD, and the current LMO.

C. If Parcel E is subject to the LMO's PD-2 Overlay District regulations, what effect does that have on the development of Parcel E, and must the existing development on the other

parcels within that PD-2 Overlay District be taken into account in connection with any proposed development of Parcel E?

Response:

The answer to this question is complicated and points up the fundamental ambiguities in the LMO as applicable to Parcel E. Both Town Staff (Nicole Dixon), in its determinations, and the BZA, in considering the Beachwalk appeal, had to resolve those ambiguities as part of their duties of interpretation of the LMO. Given the applicable Standards of Review, the BZA has made no error of law and has not acted in any way in an arbitrary or capricious manner. There are multiple ambiguities and most of them are dealt with in the following discussions and report of elements from the BZA record. The result of the BZA hearing was approval of the Staff Determination and Development Approval for Parcel E, in all of which the BZA – as did Town Staff – acted completely and reasonably within their discretionary responsibilities to interpret, apply and enforce the Town’s zoning law.

AMBIGUITY No. 1:

The first material ambiguity may be described as whether Parcel E remained a part of the Waterside PUD after March 3rd, 2000, to wit:

(BZA, Tr., Attorney Williams and Mr. Theodore, p. 40, ll. 9-14.):

Question (Williams): “The 1987 master plan was the subject of the 1995 categorical exemption?”

Answer (Theodore): “Correct.”

Question (Williams): “It expired on March 3rd, 2000?”

Answer (Theodore): “Then there you go. Then it is an RD piece of property.”

AMBIGUITY No. 2:

The second material ambiguity may be described as whether the calculation of open space as now affecting Parcel E and the PD-2 Overlay District is done by accepting the prior Waterside calculations as controlling, or are those now to be ignored by all charged with interpreting the current LMO?

(BZA, Tr. BZA Chair Stanford and Mr. Theodore, p. 41, l.12 – p. 42, l. 7):

Answer (Mr. Theodore): “But that’s where I think we were in a warp zone. We are stuck in a PD-2 and we are stuck in the current (LMO).”

Question (Chair Stanford): “What applies? Is it RD or PD-2 or both in your opinion?”

Answer (Mr. Theodore): “I believe it is the RD. It is the underlying district. The PD-2 allows flexibility as time goes on which is what this property has done. The PD-2 allows room for flexibility when you are outside the gate and share buffers and open space and things like that. This one even meets its open space criteria on sight (*sic*, site), so it can almost stand independently on its property boundaries rather than even relying on the rest of the (Waterside PUD) property to count for open space and impervious permits and calculations as well, so it was intended to stand on its own.

(BZA, Tr. BZA Member Johnson, Mr. Theodore, Attorney Taylor, and Attorney Williams, p. 52, l. 16 – p. 54, l. 25):

Question (Member Johnson): “When they developed this 198 residential, would they not have been required at that time to incorporate the open space into that design, or did they say, oh, we will get it someday with the other parcels?”

Answer (Mr. Theodore): “The intent of the PD-2 is to spread that out. And that becomes part of the lagoons, there is marshes, there is recreation area, all that counts as

open space criteria. I was looking at the 1987 approved modified PD-2 plan said there was office was 21, 913 square feet, 1.4 acres, retail was 3 acres at 16,279 square feet, hotel was 94 rooms, open space was 1.3 acres and residential was 200 DUs on 7.6 acres as what I can recall in here. So as part of the PD-2 when this was being developed, it was really under density. They really didn't do any commercial or – ”

Question (Attorney Taylor): “Mr. Chairman, I object to that because we don't have the document that he is testifying to us in front of us.”

Question (Attorney Williams): “Right. And again I think it is a factually inaccurate statement. Those densities are far in excess of what the code allowed at that time, but they were approved and there again is the reason for the categorical exemption. Categorical exemption letter in 1995 said property owners -- yeah – we will let you develop what the master plan says, notwithstanding the fact that it is far in excess what our current code requires or allows, but you have to do so in five years. That is 16 years after the permit was issued. Do it or don't.”

Question (Chair Stafford): “Mr. Johnson, did that answer your question?”

Answer (Member Johnson): “Somewhat.”

Question (Attorney Williams): “Well, please tell me what you still have unclear in your mind.”

Question (Member Johnson): “I just question whether there is open space on this 198 residential area?”

Answer (Attorney Williams): “There is clearly some open space there. But the PD-2 requirements under the current code requires to (*sic*)common open space and the open space that is back there is Spinnaker that is not common. That is Spinnaker's open space.”

Answer (Mr. Theodore): “But that is part of the PUD.”

Question (Attorney Williams): “Absolutely. No question about that. And it was developed under that code. The current code requirements though refer to common open space.”

[For the Court’s consideration at this point in the Brief, Barry L. Johnson comment in this Brief – not commented to the BZA: It is apparent that two interpretations of “common open space” were before the BZA. One interpretation was that the open space is “common” to the PUD and therefore “common” within the PD-2 Overlay District, and the other that it was not shared with the rest of the PUD, but had to be looked at site-specific on Parcel E, alone, but subject to Beachwalk’s interpretations of PD-2 Overlay District Regulations. See statement by BZA Member Cutrer, BZA Tr., p. 57, l. 25 – p. 58, l. 9: “. . . it seems to me that we’re applying this word ‘common’ one way when it suits us and one when it doesn’t. You would argue – you’re arguing that any open space associated with Spinnaker doesn’t apply to the whole parcel because it is not common open space and yet we’re throwing in the (Beachwalk) hotel to come up with the common parcel when trying to compute the density.”]

AMBIGUITY No. 3:

The third material ambiguity is this: Since the Open Space requirements under the Town Center/Waterside PUD have been fully satisfied, as noted above, what is the motivation of Beachwalk to even be concerned about Parcel E?

First, note that all of the rest of the land in the PUD/PD-2 Overlay District has already been developed or committed to Open Space, and all Open Space requirements of the PUD have been fully satisfied. (BZA Tr. (Mr. Theodore), p. 29, ll. 5-11.)

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Second, note the colloquy of BZA Member Wilson and BZA Chair Stanford, with Mr. Williams (BZA Tr., Wilson and Williams, p. 47, l. 9 -25):

Question (Member Wilson): “No, no. I’m suggesting -- I like to know what the motivation of your client is other than seeing that the town code is enforced. Is there some other motivation?”

Answer (Attorney Williams): “I’m not sure that that’s germane to the appeal even if the decision that was made is correct or not, but my client owns – if my client is entitled as the property owner in this PUD to maintain that area as open space, then it has the right to do so and this is the process to do that.”

Question (Member Wilson): “I’d like to know the motivation.”

Question (Chair Stanford): We may hear more about that as the hearing proceeds.”

And, following on that point:

(BZA Tr. (Mr. Theodore): p. 50, l. 21 – p. 51, l. 21):

Answer (Mr. Theodore): “If we’re going to get technical with that, wouldn’t you say that hotel (the Beachwalk property) has been vacated for a whole number of years. It has been basically moth balls. The stairs have been taken off. It has been boarded up. It has been trying to avoid condemnation It is a vacant. It is an eyesore. I’m surprised it never went to the design review board to approve the boarding up of that building. I’m sure Spinnaker folks love driving by there all the time and having the tape around it and the barricades and the painted plywood boards and all that stuff. But my question is I think there is duration of time that is more than 18 months that this building hasn’t been utilized as it’s intended and it’s not being maintained.”

AMBIGUITY No. 4:

The fourth material ambiguity is whether the Applicant's application for Development Plan Review (DPR) Approval for Parcel E was in conflict with the PD-2 Overlay District.

The Town's Development Review Administrator, Nicole Dixon, testified that the Applicant's application for DPR Approval was not in conflict with the PD-2 Overlay District, BZA Tr. (Dixon), p. 68, l. 11 – p. 73, l. 20, as follows in colloquy with Attorney Williams, with follow-up statement by BZA Chair Stanford:

Answer (Ms. Dixon): "I did all of my research and determined as you see in my staff determination that the proposed DPR was not in conflict with the (PD-2 Overlay District)."

Question (Attorney Williams): "And when you reviewed that, did you look at the overall density of the 15.1 acres on the entire PD-2 Overlay District and determined whether or not that exceeded the maximum density in the RD District?"

Answer (Ms. Dixon): "I looked at everything that pertained to the PD-2 (Overlay District); density, open space. The PD-2 developed under a different LMO. So, looking at what is developed out there now and looking at the density, no, I did not see it was in conformance with that. The RD District – I checked the conformance of the subject property against the RD and it does meet that."

Question (Attorney Williams): "When you say that, you're talking about just Parcel E; is that correct?"

Answer (Ms. Dixon): "Correct."

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Question (Attorney Williams): “So you did not check the overall density on the 15.1 acres to see if the additional development of the Parcel E caused the overall average density to exceed what is permitted in the underlying RD District; is that correct?”

Answer (Ms. Dixon): “That is correct because Staff does not (think) that is the intent of how you are interpreting the LMO.”

Question (Attorney Williams): “Okay.”

Answer (Ms. Dixon): “When the PD-2 was – when the conceptual plan was approved – “

Question (Attorney Williams): “When you say ‘conceptual’, can you give us the date?”

Answer (Ms. Dixon): “1984 and then reviewed 1987.”

Question (Attorney Williams): “The one that we can’t find?”

Answer (Ms. Dixon): “We have May 6th of 1987.”

Question (Attorney Williams): “Isn’t it dated February?”

Answer (Ms. Dixon): “The second page of that shows this plan. There is a revised date of May 4th. Let me think. May 4th, 1987 is the most recent.

Question (Attorney Williams): “Which was prior to the planning commission’s review and approval of the amendment of the master plan, correct?”

Answer (Ms. Dixon): “Two days prior.”

Question (Attorney Williams): “Correct. So –”

Answer (Ms. Dixon): “There was nothing in the planning revision that indicates that the layout was changed.”

Question (Attorney Williams): “But you don’t have access to – you didn’t have an opportunity to review the approved 1987 master plan?”

Answer (Ms. Dixon): "I did not."

Question (Attorney Williams): "Okay. You heard our discussion with Mr. Theodore about our theoretical plan process."

Answer (Ms. Dixon): "You're not going to ask me to do all of that."

Question (Attorney Williams): "On pages 13 and 14 of our narrative of the application, we basically go through that entire process. Did you have an opportunity to review those figures?"

Answer (Ms. Dixon): "I did."

Question (Attorney Williams): "Are they accurate?"

Answer (Ms. Dixon): "if you're looking at as you're interpreting it, yes. The way see it is that when the PD-2 was originally approved, it was based on a different LMO and right now when the DPR was submitted for the welcome center, I don't think that the PD-2 should have to comply. We are not changing the PD-2, so the density has to comply with the current resort development (RD) density standards. Most of the PD-2 Waterside exists today, what they're proposing does comply with that. That is what the LMO requires, any future development has to comply with the current LMO."

Question (Attorney Williams): "Okay. Let me ask you this: Going through the process that we went through with Todd (Theodore), if you had 15.1-acre tract and you have 198 residential units by Spinnaker, and you had 52 whatever the figure is commercial and the 91 hotel units, could you approve that development under a PD-2 with the current code requirements?"

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Answer (Ms. Dixon): "If you're coming in starting from scratch today then that would be brought to the planning commission and that flexibility would be (looked) at that time."

Question (Attorney Williams): "I'm not sure. Why would the planning commission be involved?"

Answer (Ms. Dixon): "Well, the PD-2 has to go for rezoning."

Question (Attorney Williams): "You're talking about --"

Answer (Ms. Dixon): "You're starting from scratch, yeah I would apply the LMO density standards."

Question (Attorney Williams): "Okay. Let me be more clear. The process that we went through with Mr. Theodore assumed that there was an existing PD-2 Overlay on the 15.1 acres and it was undeveloped."

Answer (Ms. Dixon): "Okay."

Question (Attorney Williams): "So no need for a rezoning and change in the PD-2. Could you develop that property with the densities that are already there plus the density for Parcel E under the current code requirements?"

Answer (Ms. Dixon): "I think so because they were not exceeded what was originally intended and what is in the LMO."

Question (Attorney Williams): "I'm not being very clear."

Answer (Ms. Dixon): "We obviously disagree. That's what we are here for today."

Question (Attorney Williams): "A new PD-2 -- okay -- a new Pd-2 Overlay, not the 1987 not the 1984, a new PD-2 Overlay under current code requirements, could you develop those?"

Answer (Ms. Dixon): “But we’re not talking about that.”

Question (Attorney Williams): “This is a theoretical. You’re a planner. You would be the one to review this application. I’ve got a 15.1-acre tract. It’s in a RD base zoning district. I developed 198 residential units. I developed commercial space. I developed a hotel – I guess the question is could I develop the hotel and come in for Parcel E, could you do that starting fresh under the current code requirements?”

Answer (Ms. Dixon): “Under the current code requirements, yes.”

Statement by Chair Stanford: “Let’s move it along, Mr. Williams.”

And, the colloquy continued between Attorney Williams and Ms. Dixon, substantively at BZA Tr., p. 75, l. 20 – p. 76, l. 12, as follows:

Question (Attorney Williams): “Okay. So, what you’re saying is town staff’s position notwithstanding the categorical exemption, the property owner still has a right to rely on the densities and uses provided for the 1987 master plan notwithstanding the fact that they do not comply with current code requirements?”

Answer (Ms. Dixon): “I’m saying that regardless of the fact that the developer did not develop fully to their potential at that time, yes, the categorical exemption did expire, that’s what I reviewed it under the current RD District for that property and it does not exceed the open space. It meet(s) all LMO requirements. I do not believe that just because the categorical exemption expired, the vacant areas of that property are no longer to be built on. I don’t agree with that.”

Then, BZA Chair Stanford further questioned Ms. Dixon on these points of background, LMO provisions, and interpretations, as set forth in the BZA Tr., p. 78, l. 11 – p. 80, l. 2, as follows:

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Question (Chair Stanford): “I don’t understand how you can make the decision to grant this application.”

Answer (Ms. Dixon): “I spent weeks reading through all the documentation that went along with the categorical exemption, the conditional use permit, the special exception, the original master plan documentation. I spent way too many hours in trying to understand it and there was nothing in that documentation that indicated that that parcel was going to be dedicated to open space. There was a revision in 1987. I have this plan that you see up on the screen that was dated May 4th (1987) before the planning commission approved it. What they did is they changed the boundary to allow for a better design of the hotel property and reconfigure some of the parking areas and they permitted an increase in the hotel rooms from 50 to 94 and a reduction – a corresponding reduction of residential to retail space. That is all it says. There was nothing in the documentation that indicated that lot (Parcel E) should be designated as open space. All along it said it was commercial retail. The only notation about the open space says that there had to be 1.3 acres of open space, but it could be spread out the PD-2.”

Question (Chair Stanford): “I understand.”

Answer (Ms. Dixon): “I got documentation from Mr. Theodore that the open space for the entire PD-2 was well over 1.3 acres. I think it averaged nine acres, so reading through all of that, and yeah, I don’t have the conceptual plan referred to in the letter dated May 7th, 1987. I do have the one dated May 4th (1987) and it looks very close to the original one from 1984. I did not find any reason to deny the (DPR) application (for Parcel E).

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Statement (Chair Stanford): “I acknowledge that you’ve made a very strong, thorough investigation of the records, and we appreciate that and I believe that this concept master plan (May 6th, 1987) probably could not be found for whatever reason.”

Then, BZA Member Fingerhut further questioned Ms. Dixon on these points of background, LMO provisions, and interpretations, as set forth in the BZA Tr., p. 80, l. 18 – p. 82, l. 15, as follows:

Question (Member Fingerhut): “Nicole, when you were doing your analysis did you apply the LMO in effect at the time of the master plan or the current LMO?”

Answer (Ms. Dixon): “When I was reviewing the DPR?”

Question (Member Fingerhut): “Yes.”

Answer (Ms. Dixon): “I reviewed what was in the PD-2 documents and then I also made sure it met the current LMO. In that letter it stated any future development has to comply with the current LMO, and this was considered future development but I also didn’t exceed that was on the original concept plan.”

Question (Member Fingerhut): “Did you do the analysis of units and square footage and units and acreage that we’ve been talking about here, did you do a separate analysis to make sure –”

Answer (Ms. Dixon): “No. What I did was I looked at the table that was in the master plan that allowed for – it was 23,330 square feet of retail –”

Question (Member Fingerhut): “Table in which master plan?”

Answer (Ms. Dixon): “I was looking at the table that was approved by the planning commission with the May 6, 1987 date.”

Question (Member Fingerhut): “So not this one?”

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Answer (Ms. Dixon): “The table was in the documentation. It was just (that) the actual plan was not in there. So, the table indicates how much square footage for commercial, retail and residential and open space. So, when I did my review, there was no retail out there currently, so because the proposal does not exceed that or (is) well below that amount, I felt it was compliant with that and because it meets the current LMO requirements, I did not see a reason to deny the application.”

Question (Member Fingerhut): “Okay. But just to – I hate to repeat the question, but did you do the analysis that was discussed earlier, in other words, to see if there was enough acreage not only (for) what was there and proposed to be there?”

Answer (Ms. Dixon): “You mean the math that Chet (Attorney Williams) was talking about?”

Question (Member Fingerhut): “Yes.”

Answer (Ms. Dixon): “Adding what was out there and – ”

Question (Member Fingerhut): “Sure.”

Answer (Ms. Dixon): “No, I did not. I looked up what was on the original master plan and what was allowed in the current LMO and it meets both of those, so that’s what I based my approval on.”

Then, BZA Member Cutrer further questioned Ms. Dixon on these points of background, LMO provisions, and interpretations, as set forth in the BZA Tr., p. 82, l. 19 – p. 83, l. 24, as follows:

Question (Member Cutrer): “If I understand what you’re saying, in the minutes of the planning commission was a table –”

Answer (Ms. Dixon): “Yes.”

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Question (Member Cutrer): “ – that addressed the development of this property on a square footage basis –”

Answer (Ms. Dixon): “Yes. It does.”

Question (Member Cutrer): “– rather than a per units basis like the other calculations we’re (referring to Attorney Williams’ calculations) doing.”

Answer (Ms. Dixon): “I’m not sure what attachment it is. It was in your packet.”

Question (Member Cutrer): “Honey, there was a thousand pages in there. I looked at every one of them, but I don’t remember many of them. Let me ask my question again.”

Answer (Ms. Dixon): “Okay.”

Question (Member Cutrer): “In the minutes of the planning commission, May whatever, it was 1987, that approved the master plan that we can’t find the drawing of, but in the minutes of the planning commission is this table –a”

Answer (Ms. Dixon): “Yes, sir.”

Question (Member Cutrer): “—which limits development or specified what can be developed on a square footage basis?”

Answer: (Ms. Dixon): “Correct.”

Question (Member Cutrer): “Using that and the current LMO, you’ve made the determination that this development is permitted?”

Answer (Ms. Dixon): “Correct.”

Statement (Member Cutrer): “Thank you.”

Then, BZA Member Laudermilk further questioned Ms. Dixon on these points of background, LMO provisions, and interpretations, followed by a statement of Chair Stanford, as set forth in the BZA Tr., p. 86, l. 12 – p. 87, l. 9, as follows:

Question (Member Lauder milk): “I have a question and it’s kind of this whole process again. But if we had that master plan document, however the categorical exemption has expired, now as you look at a new application, most of – well, I guess all, but the existing improvements on the various parcels within the (Waterside) PUD were built under different LMO requirements. So now that there is an application submitted for a specific undeveloped parcel, do you need to take into account the entire PUD under the current LMO or do you just look at that parcel?”

Answer (Ms. Dixon): “Staff believes that you look at that parcel. The original concept plan was based under a different LMO, and so to go back now this PD-2 doesn’t meet the LMO, well, obviously, it doesn’t. The LMO says any further development has to meet the criteria of the current LMO standards and that is what the applicant did. It meets all current LMO standards. I could not find a reason to deny the application.”

Statement (Chair Stanford): “Thank you very much.”

Then, the undersigned counsel for the Applicant, SDC Properties, Inc., Barry L. Johnson, engaged in the following colloquy with Members of the BZA, as set forth in the BZA Tr., p. 89, l. 14 – p. 98, l. 19:

Statement (Attorney Johnson): “The planning commission minutes that were alluded to a few minutes ago, and because these do not have Bates stamps, I don’t know how to identify them to you, but in your materials we have the Town of Hilton Head Island Planning Commission May 6, 1987 meeting, that’s either one or two days after the date of the drawing that is on the screen, and in these minutes there is approval of the plan that was discussed with modifications and those modifications appear in some tables that are attached to these minutes in these plans, and I believe that they significantly re-enforce what Ms. Dixon has said.

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“I think that what Mr. Theodore has calculated and everybody has talked about -- I don't know if it's specifically in evidence, but I think it is part of the submission Ms. Dixon made to you, but there is approximately nine or nine and a half acres of open space this property according to Mr. Theodore's calculations out of the 15.1 acres overall. That clearly demonstrates that the 1.3 acres required by the planning commission in this 1987 document has been met, and you have to recall that at that time nothing had been built.

“Now, if you – I think we all understand what the appellant (Beachwalk) is trying to argue. I would submit to you a couple of things in that regard. One is that the people that fought to get their vested right validated or verified, I think was the word that Curtis (Coltrane) used, intended to fully develop their property under their constitutional rights. That's why they went to significant expense and trouble to get these rights validated. They disagreed with the time limits on a very narrow point, the court said five years is good enough for the continuation of those rights.

“But if you just look not only to that cluster of (a) dozen or so of them and I represented at least half of those people that got those exemptions at that time, none of them will ever comply with the current LMO, so the theory that my friend, Chet (Williams), and my friend, Tom (Taylor) are arguing to you is that none of these undeveloped properties anywhere on the Island in PD-2 Overlays are ever going to get developed. That is the practical effect.

“And the zoning law requires that if you give people the opportunity to have a reasonable use of their property and a reasonable use of this property is certainly to comply with the applicable site standards for RD for those 1.086 or 68, whatever it is acres and it does comply. Otherwise, what you have effectively done is condemn the property as a Town action and that becomes a different conversation. But it may have

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effect on any other properties out there that so far undeveloped residuals from PUDs that met the categorical exemption standards that expired all of them in or about March of 2000 because they issued the letter about the same date if not the same date and are now sitting here saying,” is the property worth zero because you can’t do anything with it or does it have a reasonable and fair zoning which the municipality has obligation to provide to it. Staff has (made) a determination of how to interpret the LMO that is reasonable and fair and is consistent with the obligations of the municipality regarding zoning and resulting uses and densities.

“I would also like to say one more thing and then I’ll sit down. Some of you and I don’t know – I understand Mr. Stanford has legal background. I apologize – Mr. Fingerhut does too. I don’t know, unfortunately, all you people and I apologize for that. The law is South Carolina where there is ambiguity regarding restrictions, and I think it’s generally the law in the country. It is derivative of constitutional rights for property ownership. Where there is ambiguity, the law favors the unrestricted use of the property rather than the restricted use of the property.

“If you heard earlier, Mr. Coltrane, his association and law partnership with Jim Herring back in the mid-80’s. Mr. Herring had a case that went to the South Carolina Supreme Court called Hamilton versus CCM. It is Hilton Head based case. It has to do with the plats around Harbour Town and the documents related to the cemetery and some other land over there and the question was whether or not the absence of designation of use on the plats made it open space. And the court very convincingly ruled that it doesn’t say, therefore it is not expressly restricted to open space, and you can’t have that by implication because the law favors the free and unrestricted use of the property where this is (ambiguous).

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“So, if you find some ambiguity about the 1987 July master plan, which merely implemented what Nicole (Dixon) said, the May 1987 plat and the adjustments to that made by the planning commission at their meeting on May 6th, then I would suggest to you that is an ambiguity that supports the conclusion the staff has come to and I would encourage you in that decision.

“I will answer any questions I can.”

Question (Chair Stanford): “I continue to have trouble moving forward from the 1987 concept master plan, which is the core zoning document for this parcel as well as the balance of the 15 acres. That would have been the core zoning document there and we’re moving forward based on that, but we don’t have that document.”

Answer (Attorney Johnson): “Right.”

Question (Chair Stanford): “And we have to make an assumption on that. I’m very uncomfortable making an assumption.”

Answer (Attorney Johnson): “I’m suggesting that you don’t have to make that assumption. You can say the absence of that document creates an ambiguity, and there is enough documentation – I realize Mr. Cutrer?”

Statement (Member Cutrer): “Cutrer. Close enough.”

Answer (Attorney Johnson): “Cutrer. Sorry. That is was opine or said a while ago, you got thousands of pages of documents, and I appreciate you-all haven’t had time to study all that, but if you did you would find in the minutes of May 6, 1987, all the comfort you need and you would see that the July, three months later document, is the implementation of what was commanded by the Town planning commission.”

Statement (Chair Stanford): “Thank you for that able presentation, prepared or not. Any other questions.”

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Question (Member Cutrer): "If I might."

Answer (Attorney Johnson): "Yes, sir."

Question (Member Cutrer): "I think I heard Nicole (Dixon) say that under the current LMO this property could be developed. All of this discussion of the 1987 master plan was part of the conditional exemption."

Answer (Attorney Johnson): "Categorical exemption."

Question (Member Cutrer): "Categorical exemption."

Answer (Attorney Johnson): "Yes, sir."

Question (Member Cutrer): "Which expired in 2000."

Answer (Attorney Johnson): "Yes, sir."

Question (Member Cutrer): "Am I correct or am I wrong that all that 1987 stuff is kind of irrelevant at this point?"

Answer (Attorney Johnson): "I believe it became irrelevant on March 3rd, 2000."

Question (Member Cutrer): "So if all this discussion of 1987 action by the Town is irrelevant because that exemption expired, then today we're bound or governed by the current LMO?"

Answer (Attorney Johnson): "Correct."

Question (Member Cutrer): "And I believe I heard Ms. Dixon say that her interpretation was that under the current LMO this property could be developed as being proposed?"

Answer (Attorney Johnson): "That's correct."

Question (Chair Stanford): "But the application was not made based upon the current LMO, rather it was based on the 1987 master concept plan as I understand it."

Answer (Ms. Dixon): "No, it was not."

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Answer (Attorney Johnson): “I don’t have all the details about (that), but I think that is entirely accurate. I think that was just a component of the history.”

Question (Chair Stanford): “Nicole (Dixon), can you straighten me out?”

Answer (Ms. Dixon): “When the application was submitted it was initially reviewed under the current LMO. It wasn’t until Chet (Williams) brought to my attention the PD-2 that applied to this property, that I started doing all that determination to Chet (Williams). But all along I was reviewing the application under the current LMO and after reviewing the PD-2 documents still do not find a reason to deny the application, and the application met current LMO requirements and (I) approved it, so that’s what the application approval is based on is the current LMO.”

In the BZA meeting there then followed various discussions around the proper legal interpretation to be accorded the LMO, site specific to Parcel E in the RD District, and regarding the PD-2 Overlay District. The point was crystalized in this answer by Ms. Dixon, BZA Tr. p. 109, l. 4-p. 113, l.3 and following colloquy therein, with and among the members of BZA, as follows:

Answer (Ms. Dixon): “I’m not denying it is part of the 15-acre PD-2. I’m not denying that it is not part of that anymore. It is still part of that PD-2, but as you know – as you said that categorical exemption expired. They’re not tied to the original density allowed, so as long as they meet the current density that is allowed on that tract, then it should be approved and that is what I based my decision on.

“So, you can either agree with my determination or not agree with it and I would have to (rescind) my notice of action.”

Statement (Member Wilson): “I think that is part of the responsibility of the board because there is this dispute including with Mr. Williams’ client and between our Town.”

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Question (Member Fingerhut): "So you're concurring that his (Mr. Williams') math is correct?"

Answer (Ms. Dixon): "I concur his math is correct, but I don't interpret the LMO that way."

Statement (Member Fingerhut): "That is fine. Just speaking for myself that is a correct finding because I wasn't following all the math."

Answer (Ms. Dixon): "I just interpret the LMO differently and that is not what I based my approval on. But the math that he (Mr. Williams) had Mr. Theodore come up with earlier, that is correct."

Statement (Chair Stanford): "I think the motion of remand probably is not a good motion at this point, so we are looking for a motion either to grant the appeal, which means to reverse the action of the Town, or affirm the action of the Town and denying the appeal."

Question (Member Cutrer): "Can I ask Ms. Dixon one more question?"

Answer (Chair Stanford): "Sure."

Question (Member Cutrer): "If I'm interpreting what you are saying correctly that the PD-2 Overlay no longer applies or it does apply?"

Answer (Ms. Dixon): "I think the PD-2 Overlay is always going to be. It was approved in that (the PD-2 boundary exists. That property is part of that PD-2."

Question (Member Cutrer): "To create a total picture?"

Answer (Ms. Dixon): "Correct."

Statement (Member Cutrer): "Okay."

Answer (Ms. Dixon): "I do not think we have to go back and make sure all the densities in that development complies to the current LMO. I don't think that

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was the intent of the language in the LMO and I don't think that (they) should have an unbuildable lot."

Question (Mr. Cutrer): "So we take the parcel today, how does this application comply with the current LMO and how does it comply with the PD-2 Overlay?"

Answer (Ms. Dixon): "The PD-2 is always going to be there. Now, as far as them being tied to the density that was shown on the original conceptual plan, they don't have to be tied to that. They have to be tied to the current LMO standards."

Question (Member Cutrer): "So how does that proposed development comply with the current LMO?"

Answer (Ms. Dixon): "How does it?"

Question (Member Cutrer): "How does it?"

Answer (Ms. Dixon): "They demonstrated that their density meets the current density standards and current open space."

Statement (Member Cutrer): "That's what I needed to hear."

Question (Member Johnson): "Can I ask a quick question? This master plan if it were to appear, does it have any bearing on what we're talking about?"

Answer (Ms. Dixon): "It does not."

Statement (Chair Stanford): "We talked 45 minutes ago about that."

Answer (Ms. Dixon): "It is just a diagram (of) what was approved by the planning commission, and I just looked back when you were talking earlier, and that table is listed in Attachment H in the documents I gave you, and that is (the) planning commission minutes from the May 6th meeting."

CONCLUSION

Without in detail rehashing the foregoing many pages of testimony and commentary derived from the BZA hearing, it is apparent that all parties received a full, detailed and fair hearing and that the Members of the BZA were attentive and fully engaged in the matter. There were five Members of the BZA present at that hearing and the BZA Transcript show clearly that all five Members fully engaged in asking questions, making comments, discussing and deciding the case.

The BZA, as was the case with Ms. Dixon of the Town staff, dealt with some ambiguities in the Town's zoning law. Ms. Dixon well explained and supported her interpretation of the Town zoning law in regard to those ambiguities. The BZA denied the Beachwalk appeal, and in so doing upheld Ms. Dixon's interpretation of the Town zoning law.

Much of what else we would argue in our Conclusion to this Brief is found in the remarks and colloquy of SDC Properties, Inc.'s counsel (the undersigned Barry L. Johnson) with Members of the BZA, as above quoted from the BZA Tr., p. 89, l. 14 – p. 98, l. 19, here fully incorporated by reference.

Ms. Dixon, on behalf of the Town was mindful that the interpretation of the ambiguities in the Town's zoning law, if interpreted as urged by Beachwalk, would render SDC Properties, Inc.'s Parcel E as "unbuildable" (BZA Tr., p. 111, ll. 14-17.) The spectre of the Lucas case (Lucas v. South Carolina Coastal Council, 55 U.S. 1003 (1992)) would make any governmental body (such as the BZA) and responsible public official (such as Ms. Dixon) shudder at the thought of, by regulation, making a private property "unbuildable" and therefore, by regulation, rendering that property void of economic utility and value. Ms. Dixon, acting on behalf of the Town, was well guided in her interpretation of the Town's zoning law, as was the BZA in denying the Beachwalk appeal. We hope this Court will be similarly mindful.

ATTACHMENT H

Although the principles of legal construction favoring the freer and less restricted use of real property in South Carolina are well-established, please note the above-referenced case, Hamilton v. CCM, Inc., 274 S.C. 152, 263 S.E.2d 378 (1980).

No argument or showing has been made by Beachwalk that the proposed development of Parcel E would inappropriately impact “natural features” or “environmentally sensitive areas”, a point of concern for PD-2 Overlay Districts (BZA Tr., Attorney Williams, p. 13, ll. 1-16).

Application of the foregoing Standards of Review, indicate that the decision of the BZA, in denying the Beachwalk appeal, was made with an extensive factual review and basis, and an extensive inquiry into the applicable law. This record clearly shows that the BZA decision was not controlled by any error of law, nor could it possibly be characterized as arbitrary or capricious, nor can it be fairly stated that the BZA’s decision had no reasonable relation to a lawful purpose, nor that the BZA abused its discretion. Moreover, it is apparent that the BZA gave a practical, reasonable, and fair interpretation of the Town’s zoning law, consonant with the purposes, design and policy of the Town’s lawmakers. The courts must uphold the decision of the BZA in this case, because there is evidence – indeed, more than ample evidence, in the BZA record to support its decision.

Thus, there is no cogent reason for the courts to overrule the BZA decision here appealed from. The BZA complied with the controlling SC statute, S.C. Code § 6-29-800 (2003), by ruling to prevent the interpretation of the Town’s zoning law which would effectively prohibit or unreasonably restrict the utilization of the property. The courts in reviewing the BZA decision should refrain from substituting judicial judgment for the BZA’s judgment, even if the courts disagree with the BZA decision. Thus, the courts must surely agree that the BZA’s decision was correct as a matter of law.

ATTACHMENT H

The full and proper application of the Standards of Review not only suggest, but in all respects mandate, that the BZA's denial of the Beachwalk appeal should be upheld by the courts.

Respectfully submitted,

JOHNSON & DAVIS, PA

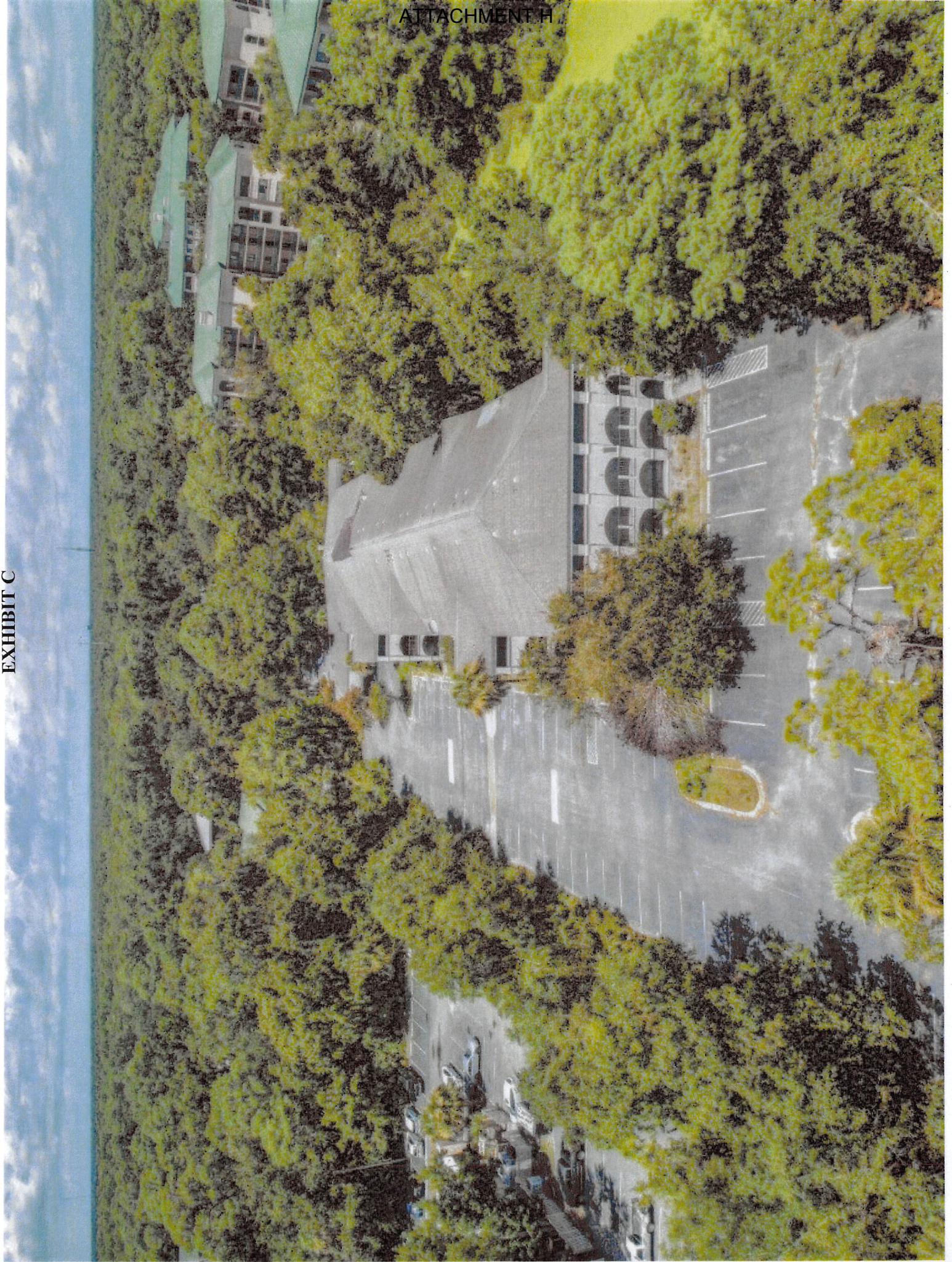
/s/ Barry L. Johnson

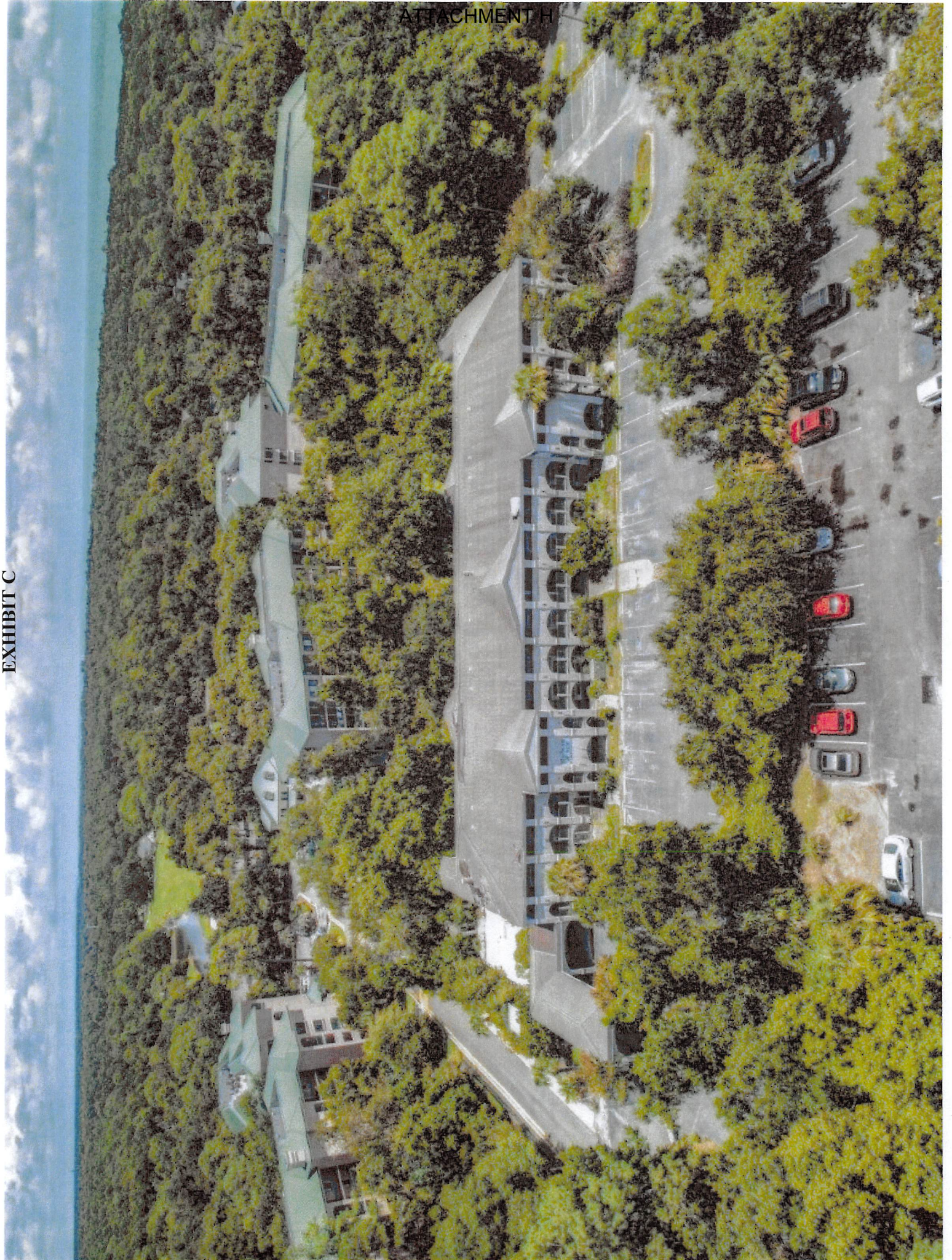
Barry L. Johnson, Attorney at Law
The Victoria Building, Suite 200
10 Pinckney Colony Road
Bluffton, SC 29909
(843) 815-7121
barry@jd-pa.com

Bluffton, SC
March 12, 2018

*Attorney for Respondent/Defendant
SDC Properties, Inc.*

ELECTRONICALLY FILED - 2018 Mar 12 3:30 PM - BEAUFORT - COMMON PLEAS - CASE#2016CP0702712





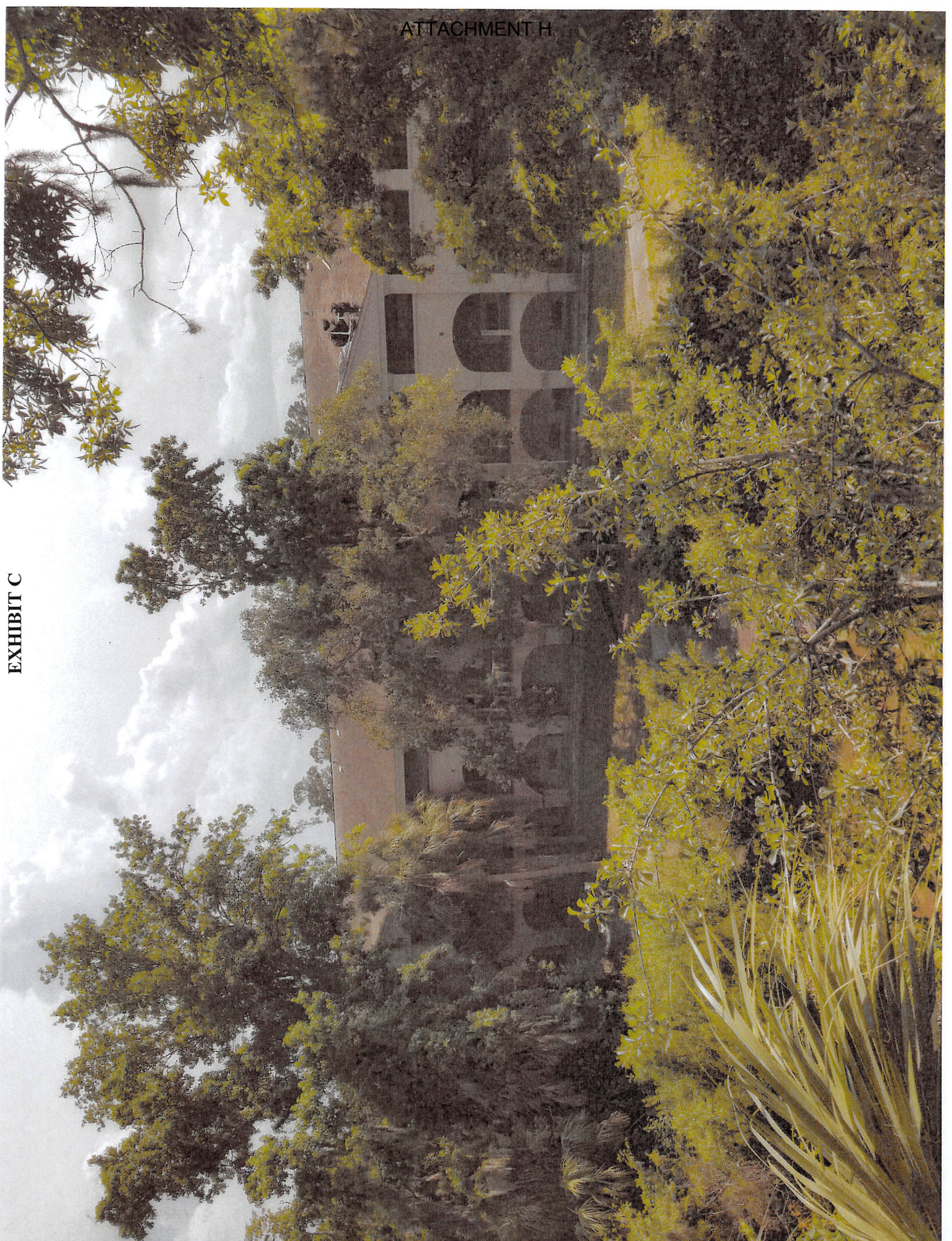


EXHIBIT C

ATTACHMENT I

From: David L. Fingerhut
To: "Tom Taylor"; Hulbert Brian; Lewis Teri; Dixon Nicole; Gregg Alford
Cc: Barry Johnson; Law Office of Chester C. Williams; Donna Taylor
Subject: RE: Request by Tom Taylor for issuance of subpoena in APL-001673-2016, Beachwalk re-hearing, set for August 27, 2018
Date: Friday, August 03, 2018 12:00:53 PM
Attachments: Subpoena.APL-001673-2016.pdf

Counsel:

Brian Hulbert has confirmed the voluntary attendance by Ms. Lewis and Ms. Dixon so there is no reason to issue a subpoena for their personal attendance. Since there have been no objections to the document demand or requests for additional time to respond the executed subpoena is attached.

Ms. Lewis and Ms. Dixon: Please make certain that Mr. Taylor's letter, the Subpoena and this email chain are included in the record.

Thank you all.

David Fingerhut

David L. Fingerhut, Esq.
Axelrod Fingerhut & Dennis
260 Madison Avenue
15th Floor
New York, New York 10016
212-702-0900
212-355-7365(fax)
dlfingerhut@afdny.com
www.afdny.com

From: Tom Taylor [mailto:tom@thomastaylorlaw.com]
Sent: Thursday, August 02, 2018 2:15 PM
To: Hulbert Brian; David L. Fingerhut; Lewis Teri; Dixon Nicole; Gregg Alford
Cc: Gregg Alford; Barry Johnson; Law Office of Chester C. Williams; Donna Taylor; Dixon Nicole
Subject: RE: Request by Tom Taylor for issuance of subpoena in APL-001673-2016, Beachwalk re-hearing, set for August 27, 2018

Thanks Brian.

t

Thomas C. Taylor

Law Office of Thomas C. Taylor, LLC
22 Bow Circle, Suite A
Hilton Head, SC 29928
843-785-5050 (office)
843-785-5030 (fax)

Mailing Address:
P.O. Box 5550
Hilton Head, SC 29938

ATTACHMENT I

843-301-6900 (cell)

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From: Hulbert Brian <brianh@hiltonheadislandsc.gov>

Sent: Thursday, August 2, 2018 12:30 PM

To: David L. Fingerhut <dlfingerhut@afdny.com>; Lewis Teri <TeriL@hiltonheadislandsc.gov>; Tom Taylor <tom@thomastaylorlaw.com>; Hulbert Brian <brianh@hiltonheadislandsc.gov>; Dixon Nicole <nicoled@hiltonheadislandsc.gov>; Gregg Alford <gregg@alfordlawsc.com>

Cc: Gregg Alford <gregg@alfordlawsc.com>; Barry Johnson <barry@jd-pa.com>; Law Office of Chester C. Williams <firm@ccwlaw.net>; Donna Taylor <donna@thomastaylorlaw.com>; Dixon Nicole <nicoled@hiltonheadislandsc.gov>

Subject: Re: Request by Tom Taylor for issuance of subpoena in APL-001673-2016, Beachwalk re-hearing, set for August 27, 2018

I have spoken with Teri and she and Nicole will be available for the BZA hearing so a subpoena is not required to ensure their attendance. Teri will confer with Gregg Alford concerning the document request portion of the subpoena and get back to us asap.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "David L. Fingerhut" <dlfingerhut@afdny.com>

Date: 8/2/18 12:23 PM (GMT-05:00)

To: Lewis Teri <TeriL@hiltonheadislandsc.gov>, Tom Taylor <tom@thomastaylorlaw.com>

Cc: Hulbert Brian <brianh@hiltonheadislandsc.gov>, Gregg Alford <gregg@alfordlawsc.com>, Barry

ATTACHMENT I

Johnson <barry@jd-pa.com>, "Law Office of Chester C. Williams" <firm@ccwlaw.net>, Donna Taylor <donna@thomastaylorlaw.com>, Dixon Nicole <nicoled@hiltonheadislandsc.gov>
Subject: RE: Request by Tom Taylor for issuance of subpoena in APL-001673-2016, Beachwalk re-hearing, set for August 27, 2018

All Counsel:

Kindly advise by the close of business today whether there are any comments regarding the requested subpoena. Thank you.

David Fingerhut

David L. Fingerhut, Esq.
Axelrod Fingerhut & Dennis
260 Madison Avenue
15th Floor
New York, New York 10016
212-702-0900
212-355-7365(fax)
dlfingerhut@afdny.com
www.afdny.com

From: Lewis Teri [mailto:TeriL@hiltonheadislandsc.gov]
Sent: Thursday, August 02, 2018 11:34 AM
To: Tom Taylor; David L. Fingerhut
Cc: Hulbert Brian; Gregg Alford; Barry Johnson; Law Office of Chester C. Williams; Donna Taylor; Dixon Nicole
Subject: RE: Request by Tom Taylor for issuance of subpoena in APL-001673-2016, Beachwalk re-hearing, set for August 27, 2018

All-

Please ensure that Nicole Dixon is copied on any other correspondence related to this matter.

Regards-

Teri B. Lewis, AICP
LMO Official
Community Development Department
One Town Center Court
Hilton Head Island, SC 29928
(843) 341-4698(p)
(843) 842-8907(f)
teril@hiltonheadislandsc.gov<mailto:teril@hiltonheadislandsc.gov>

ATTACHMENT I

From: Tom Taylor [mailto:tom@thomastaylorlaw.com]
Sent: Thursday, August 02, 2018 11:17 AM
To: David L. Fingerhut
Cc: Hulbert Brian; Gregg Alford; Barry Johnson; Law Office of Chester C. Williams; Lewis Teri; Donna Taylor
Subject: Request by Tom Taylor for issuance of subpoena in APL-001673-2016, Beachwalk re-hearing, set for August 27, 2018

Mr. Chairman—Good morning. As you know, Chet and I represent the Appellants in this case.

I hand-delivered the attached original letter and proposed subpoena to Brian Hulbert this morning at 11 a.m., via Betsy Mosteller at the Town Hall. This request is based upon Ms. Dixon's analysis given us yesterday. Please execute the subpoena and have it and the attached description of the documents delivered to Ms. Lewis at your earliest convenience. Thank you.

Please let me know if you have any questions. All counsel of record are copied on this communication, of course.

Tom Taylor

Thomas C. Taylor
Law Office of Thomas C. Taylor, LLC Mailing Address:
22 Bow Circle, Suite A P.O. Box 5550
Hilton Head, SC 29928 Hilton Head, SC 29938
843-785-5050 (office)
843-785-5030 (fax)
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ATTACHMENT I

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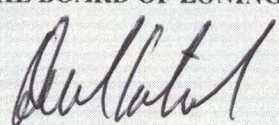
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**SUBPOENA
BOARD OF ZONING APPEALS**

SOUTH CAROLINA		TOWN OF HILTON HEAD ISLAND	
		CASE NO: APL-001673-2016	SUPOENA FOR (CIRCLE ONE) PERSON DOCUMENT OR OBJECTS 
TO: Teri Lewis			
<p>▪ YOUR ARE HEREBY COMMANDED to appear at a hearing before the Board of Zoning Appeals in the Town Council Chambers located at One Town Center Court, Hilton Head Island, South Carolina at the place, date and time specified below to testify in the above-entitled case.</p>			
PLACE One Town Center Court, Hilton Head Island, SC 29928	TOWN COUNCIL CHAMBERS	DATE AND TIME August 27, 2018; 1:00 p.m.	
<p>YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s)</p>			
<p>LIST DOCUMENT(S) OR OBJECT(S):</p> <p>See attached Exhibit A.</p> <p>This subpoena shall remain in effect until you are granted leave to depart by the Board or by an officer on behalf of the Board. This Subpoena is issued in accordance SC Laws Section 6-29-790, and other applicable provisions of law.</p>			
CHAIRMAN OF THE BOARD OF ZONING APPEALS (BZA) David Fingerhut 		DATE: August <u>3</u> , 2018	
BY CHAIRMAN OF THE BZA			
THIS SUBPOENA IS ISSUED UPON APPLICATION OF : Thomas C. Taylor, Esq. Law Office of Thomas C. Taylor, LLC. Post Office Box 5550 Hilton Head Island, SC 29938		APPELLANTS'S NAME AND ADDRESS: Beachwalk Hotel Condominiums Association and Beachwalk Hilton Head. LLC c/o Thomas C. Taylor, Esq.	

ATTACHMENT I

STATE OF SOUTH CAROLINA)
)
)
)
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)
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)
)
COUNTY OF BEAUFORT)

) BEFORE THE
) BOARD OF ZONING APPEALS
) FOR THE
) TOWN OF HILTON HEAD ISLAND, SC
)
) APPLICATION FOR APPEAL
) APL-001673-2016

**EXHIBIT A
TO SUBPOENA TO TERI LEWIS**

- A. Any and all written interpretations of, or determinations under, the Land Management Ordinance (the “LMO”) or other decisions of the LMO Official or her designees in which the LMO Official or her designee decided that one or more sections or provisions of the LMO applied or apply only prospectively to new proposed development; or that one or more sections or provisions of the LMO did not apply or do not apply to a development that was previously approved under prior regulations and partially constructed.

- B. Any and all written interpretations of, or determinations under, the LMO or other decisions of the LMO Official or her designees in which the LMO Official or her designee decided that one or more provisions of LMO Section 16-3-106.G did not or do not apply to a tract or parcel of land located in a PD-2 Overlay District.

- C. Any and all written interpretations of, or determinations under, the LMO or other decisions of the LMO Official or her designees in which the LMO Official or her designee decided that one or more provisions of LMO applied to or apply to an existing development in a manner that restrict or limit the density of development on any tract or parcel below that which was allowed under a previous provisions or versions of the LMO.

- D. Any and all written interpretations of, or determinations under, the LMO or other decisions of the LMO Official or her designees in which the LMO Official or her designee decided that the provisions of an LMO overlay district did not or do not control over the provisions of the LMO base zoning district.

ADMITTED TO UNITED STATES
SUPREME COURT BAR
ADMITTED IN SOUTH CAROLINA
AND GEORGIA
CERTIFIED CIRCUIT
COURT MEDIATOR

ATTACHMENT I
LAW OFFICE OF
THOMAS C. TAYLOR, LLC
22 BOW CIRCLE
SUITE A
HILTON HEAD ISLAND, SC 29928
TELEPHONE 843-785-5050
TELECOPIER 843-785-5030
www.thomastaylorlaw.com • tom@thomastaylorlaw.com

MAILING ADDRESS
P.O. BOX 5550
HILTON HEAD ISLAND, SC
29938

August 2, 2018

Via Hand-Delivery to Brian Hulbert, Esq. and
E-Mail Attachment to Chairman Fingerhut

Hon. David Fingerhut, Chairman
Board of Zoning Appeals
One Town Center Court
Hilton Head Island, SC 29928

**Re: Request for issuance of subpoena by Appellants for BZA hearing in
Beachwalk case, APL-001673-2016, scheduled for August 27, 2017**

Dear Chairman Fingerhut:

As you know, I, along with Chester C. Williams, Esq., represent Beachwalk Hotel & Condominiums Association, Inc. and Beachwalk Hilton Head, LLC, in this appeal. The BZA has scheduled it for a re-hearing per Judge Dukes' Order, on August 27, 2018.

I write today on behalf of the Appellants pursuant to Article IX, Section 2 (5) of the Board of Zoning Appeals Rules of Procedure, requesting that the BZA, through you, issue the enclosed Subpoena directed to Teri Lewis, requiring her to produce certain documents at the August 27, 2018 re-hearing, that are imperative to a fair hearing. The subpoena should be signed by you, and then you may either return it to me and I'll have it served, or you or Mr. Hulbert may simply acknowledge in writing to me that Mr. Hulbert has served Ms. Lewis.

We are requesting this subpoena issue because yesterday, August 1, 2018, for the first time, we received an explanation of Nicole Dixon's analysis of the LMO regarding the staff's determination dated August 23, 2016, that the proposed development of the Spinnaker Welcome Center at 30 Waterside Drive is proper. By her memo dated August 1, 2018, and delivered to Chet and me yesterday, she provides a rationale as to how she made the staff determination. (Heretofore, as is evidenced by her testimony at the original hearing on November 28, 2016, she simply stated "The way I see it is that when the PD-2 was originally approved, it was based on a different LMO and right now when the DPR was submitted for the welcome center, I don't think that the PD-2 should have to comply." Transcript, pp. 70-71.) However, Ms. Dixon's memo, we believe, is contradictory in its analysis in that she asserts the "PD-2 Overlay District Regulations do not have any effect on the development of Parcel E" even though she acknowledged at the original hearing that when the categorical exemption certificate for the property expired on March 3, 2000, "any future developments of the property shall be subject to the provisions of the LMO in effect at that time." Transcript, pp. 73-74.

ATTACHMENT I

Hon. David Fingerhut, Chairman

Board of Zoning Appeals

Re: Request for issuance of subpoena by Appellants for BZA hearing in
Beachwalk case, APL-001673-2016, scheduled for August 27, 2017

August 2, 2018

Page 2

Ms. Dixon's memo of August 1, 2018 raises the issues of how the staff has interpreted the LMO for similar situations in the past, and that is the purpose of the subpoena. We have worked hard to narrow the scope of the documents sought to be produced and are providing it to you today so that the staff will have plenty of time to gather the requested documents, and have Ms. Lewis prepared to testify about them. **Again, on behalf of the Appellants, I advise you and the BZA that we believe the production of these documents and having Ms. Lewis available for cross examination on them, is imperative to the Appellants receiving a fair hearing and to the BZA understanding the staff's position in this appeal.**

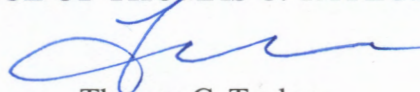
In addition, I am hereby requesting that the BZA confirm with the staff that Ms. Dixon will be present at the hearing on August 27, 2018 without the need of a subpoena. Chet and I are not trying to complicate matters by requesting the issuance of unnecessary subpoenas, but if there is any doubt that Ms. Dixon will be present for cross examination, we ask that a subpoena also issue for her attendance.

Please let me know as soon as possible as to the BZA's decision on the issuance of the enclosed subpoena to Ms. Lewis. If you decide not to issue the subpoena in the form attached, we may petition Judge Dukes' immediately for the issuance of a supplemental Order directing the subpoena issue so that we don't have that issue as an additional appellate argument. I want to make sure the record indicates that importance that we attach to this issue, and thus I also ask that this letter and the attached subpoena be made an exhibit to the record of August 27, 2018. Thank you.

On behalf of the Appellants, Chet and I thank you and the BZA Board for your professionalism in this matter and I look forward to hearing from you as soon as possible regarding the subpoena and confirmation of Ms. Dixon's attendance. If you have any questions, please contact me at your convenience.

Cordially yours,

LAW OFFICE OF THOMAS C. TAYLOR, LLC



Thomas C. Taylor

TCT/dpt

cc: Chester C. Williams, Esq., via e-mail attachment
Teri B. Lewis, AICP, via e-mail attachment
Gregg Alford, Esq., via e-mail attachment
Barry L. Johnson, Esq., via e-mail attachment



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Board of Zoning Appeals
VIA: Teri B. Lewis, AICP, *LMO Official*
FROM: Nicole Dixon, CFM, *Development Review Administrator*
DATE: November 14, 2016
SUBJECT: APL-001673-2016

Staff has received an appeal from Chester C. Williams on behalf of Beachwalk Hotel & Condominiums Association, Inc. and Beachwalk Hilton Head, LLC. Mr. Williams is appealing my determination, dated August 23, 2016, that the proposed development of the Spinnaker Welcome Center is permitted as proposed with Development Plan Review Application DPR-001056-2016. The subject property is located at 30 Waterside Drive, is zoned RD (Resort Development), is within the COR (Corridor Overlay District) and is part of the Waterside (Town Center) PD-2 Overlay.

Mr. Williams also filed an appeal of my approval of DPR-001056-2016, which will be heard by the Planning Commission, per LMO Section 16-2-103.U, Appeal of Official's Decision to Planning Commission. Mr. Williams filed a Motion for Postponement on that appeal so that it is heard after the BZA decides this appeal, which pertains to the underlying zoning and density of the parcel. Attachments K and L are copies of correspondence between Mr. Williams and myself about that appeal (APL-001515-2016), but should be included as part of this record.

Per the Code of Laws of South Carolina, specifically 6-29-800.B, upon receipt of an appeal, staff is required to immediately transmit to the board all the papers constituting the record upon which the action appealed from was taken. The record as attached consists of the following documents:

- Attachment A - Appellant Submittal
- Attachment B - Staff Determination Letter
- Attachment C - Vicinity Map
- Attachment D - DPR-001056-2016 – Spinnaker Welcome Center Notice of Action
- Attachment E - DPR-001056-2016 – Spinnaker Welcome Center Approved Plans
- Attachment F - DPR-001056-2016 – Spinnaker Welcome Center Application Materials
- Attachment G - Waterside PD-2 Conceptual Plan and Documents
- Attachment H – SER-03-87 – Waterside Special Exception and Conditional Use Documents
- Attachment I – DPR-18-87 - Super 8 Motel Plans and Documents
- Attachment J – DPR-03-98 - Waterside by Spinnaker Plans and Documents
- Attachment K – Appellant Letter dated September 6, 2016
- Attachment L – Staff Response Letter dated September 6, 2016
- Attachment M – Copy of Email Correspondence

Staff reserves the right to submit additional documents.

Please contact me at (843) 341-4686 or at nicoled@hiltonheadislandsc.gov if you have any questions.



LAW OFFICE OF
CHESTER C. WILLIAMS, LLC

17 Executive Park Road, Suite 2
Post Office Box 6028
Hilton Head Island, SC 29938-6028
Telephone (843) 842-5411
Telefax (843) 842-5412
Email Firm@CCWLaw.net

Chester C. Williams
ALSO MEMBER LOUISIANA BAR

Thomas A. Gasparini
ALSO MEMBER CALIFORNIA BAR
(Inactive)
ALSO MEMBER OHIO BAR
(Inactive)

06 September 2016

Teri B. Lewis, AICP
LMO Official
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928

Hand Delivered

RE: Beachwalk Hotel & Condominiums Association, Inc. and Beachwalk Hilton Head, LLC – Appeal of Nicole Dixon’s Determination Letter of 23 August 2016 – Our File No. 01787-002

Dear Teri:

We refer you to Nicole Dixon’s letter to us of 23 August 2016 in which she made several determinations regarding the tract owned by SCD Properties, Inc. designated as Parcel E of the Waterside (Town Center) PD-2 Overlay District.

Enclosed is a completed Application for Appeal regarding the determinations made by Nicole in her 23 August 2016 letter to us. Included with the application form are a narrative with exhibits. Also enclosed is our check payable to the Town for \$100.00 as the appeal filing fee.

By way of his copy of this letter, we advise Glenn Stanford, the Chairman of the Board of Zoning Appeals, of the filing of this appeal.

We also take this opportunity to note that LMO Section 16-2-103.T.6 provides that the filing of this appeal stays all Town action in furtherance of Nicole’s letter unless you, as the LMO Official, certify to the Board of Zoning Appeals that the stay would cause imminent peril to life or land. Therefore, we ask that you and your staff refrain from further action regarding the development of Parcel E.

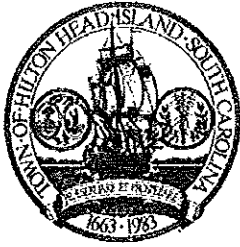
With best regards, we are

Very Truly Yours,
LAW OFFICE OF CHESTER C. WILLIAMS, LLC

Chester C. Williams

CCW/
Enclosures

cc: Mr. C. Cantzon Foster, III
C. Glenn Stanford, Esq.
Nicole Dixon, CFM



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

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Date Received: _____
Accepted by: _____
App. #: APL _____
Meeting Date: _____

Applicant/Agent Name: Beachwalk Hotel & Condominiums Association, Inc. and ~~Company~~: Beachwalk Hilton Head, LLC
Mailing Address: C/O Chester C. Williams, PO Box 6028 City: Hilton Head Island State: SC Zip: 29938
Telephone: 843-842-5411 Fax: 843-842-5412 E-mail: Firm@CCWLaw.net

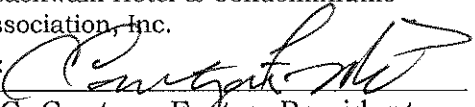
APPEAL (APL) SUBMITTAL REQUIREMENTS


If you are interested in submitting your appeal electronically please call 843-341-4757 for more information.
The following items must be attached in order for this application to be complete:

- XX A detailed narrative stating the Town Official or Body who made the decision, the date of the decision being appealed, the decision being appealed, the basis for the right to appeal, the grounds of the appeal, cite any LMO Section numbers relied upon; **and** a statement of the specific decision requested of the review body. See the Narrative at Attachment 1
- XX Any other documentation used to support the facts surrounding the decision:
*See exhibits attached to the Narrative
- XX Filing Fee - \$100.00 cash or check made payable to the Town of Hilton Head Island.

To the best of my knowledge, the information on this application and all additional documentation is true, factual, and complete. I hereby agree to abide by all conditions of any approvals granted by the Town of Hilton Head Island. I understand that such conditions shall apply to the subject property only and are a right or obligation transferable by sale.

I further understand that in the event of a State of Emergency due to a Disaster, the review and approval times set forth in the Land Management Ordinance may be suspended.

Applicant/Agent Signature: By:  Date: 06 September 2016
C. Cantzon Foster, President

Beachwalk Hilton Head, LLC
By: 
C. Cantzon Foster, Authorized Signatory.

REQUEST FOR APPEAL PROCEDURES

Appeal of Administrative Decisions Request

This is a request to appeal to the Board or Commission by any person aggrieved by a decision, interpretation or determination of the Official. An aggrieved person is defined as any property owner within 350 feet of the property for which a decision or determination has been rendered, and may include persons owning property beyond 350 feet if it is determined by the Board or Commission that such property owners may be affected by a decision or determination of the Official or the Board or Commission. An application for appeal shall be filed (received by the Official or postmarked) not later than 14 calendar days after receipt of the decision being appealed in order to be considered by the Board or Commission.

PROCEDURES

A. Submission of Application

1. Submit the application by the deadline indicated for each meeting on the appropriate Public Hearing Schedule.
2. For an appeal of administrative decisions request, please submit the Appeal Application Form, along with the items listed as submittal requirements on that form.
3. An application check-in conference is required for all applications to determine whether the application meets the minimum requirements for acceptance. The application check-in conference must be scheduled by appointment with the Community Development Department staff.

B. Public Notice Requirements

1. Public notice to be published is required for an appeal request.
2. **Published Notice** - A Public Notice shall be placed by the Official in a local newspaper of general circulation within the Town for not less than 30 calendar days prior to the meeting for the purpose of notifying the public.

C. Staff Review and Report

1. In an appeal, the Official will prepare a staff report which provides in detail staff's decision/interpretation of the Land Management Ordinance or Town Design Guide.
2. The Official shall provide a copy of the report to the Board or Commission and the appellant (applicant) before the scheduled meeting.

D. Meeting Conduct

1. The Board of Zoning Appeals is comprised of seven members, appointed by Town Council.
The Planning Commission is comprised of nine members, appointed by Town Council.
The Design Review Board is comprised of seven members, appointed by Town Council.
2. The Chairman of the Board or Commission opens the meeting and reads the procedures to be followed during the meeting.
3. In an appeal, staff will present the Official's interpretation of the LMO or the Design Guide. The applicant will then have an opportunity to present why they are appealing staff's decision.
4. The Board or Commission may have questions for Town staff or the applicant.
5. The Board or Commission will then deliberate until a decision is reached. During the deliberations, members may address questions to staff or the applicant, but no person shall participate in these discussions unless addressed by the Chairman or a Board or Commission member.
6. The Chairman will then ask for a motion.
7. In an appeal, at the conclusion of the proceeding on the appeal, the Board or Commission will either: affirm the action of the Official, modify the action of the Official, or reverse the action of the Official.

E. Written Notification of Decision

1. Within 10 calendar days after a decision has been made by the Board or Commission, a copy of the written decision shall be sent to the applicant or appellant and the property owner.
2. A copy of the notice shall be filed in the office of the Official, where it shall be available for public inspection during regular office hours.

F. Appeals from the Decision of the Board or Commission

1. A person who may have a substantial interest in any decision of the Board or Commission, or an officer or agent of the appropriate governing authority may appeal from a decision of the Board or Commission to the Circuit Court of Beaufort County. The appeal must be filed within 30 days after the decision of the Board or Commission is mailed.
2. A property owner whose land is the subject of a decision of the Board or Commission may appeal to the Circuit Court of Beaufort County or by filing a notice with the circuit court accompanied by a request for pre-litigation in mediation. The notice of appeal and request for pre-litigation in mediation must be filed within 30 days after the decision of the board is mailed.

STATE OF SOUTH CAROLINA)
)
) **BEFORE THE BOARD OF ZONING**
) **APPEALS OF THE TOWN OF HILTON**
) **HEAD ISLAND, SOUTH CAROLINA**
)
) **APPLICATION FOR APPEAL**
COUNTY OF BEAUFORT) **NO. APL-00____-2016**

ATTACHMENT 1

TO THE APPEAL APPLICATION OF

BEACHWALK HOTEL & CONDOMINIUMS ASSOCIATION, INC.

AND

BEACHWALK HILTON HEAD, LLC

NARRATIVE

I. INTRODUCTION

This Attachment 1 is part of the Application for Appeal (this “Appeal”) filed by Beachwalk Hotel & Condominiums Association, Inc. (“BH&CA”) and Beachwalk Hilton Head, LLC (“BHH”, and, collectively with BH&CA, the “Appellants”) in connection with determinations made by Nicole Dixon, CFM, Senior Planner for the Town of Hilton Head Island, SC (the “Town”) in her letter of 23 August 2016 to the undersigned (the “Determination Letter”)¹ that the proposed development of the Spinnaker Welcome Center as contemplated by Development Plan Review Application DPR-001056-2016 (the “DPR Application”)² on that certain tract of land containing 1.068 acres, more or less, designated as “Parcel E” on the plat of survey entitled “15.100 Acres Waterside P.U.D.” recorded in Beaufort County Plat Book 35 at Page 79 (the

¹ A copy of the Determination Letter is attached to this Narrative as **Exhibit A**. In requesting the Determination Letter, the undersigned was acting as counsel to the Appellants.

² Ms. Dixon’s approval of the DPR Application on 28 July 2016 has been appealed by the Appellants to the Town’s Planning Commission. See the Town’s records on Appeal Application APL-001515-2016.

“Waterside PUD Survey”)³ “is permitted as proposed [in the DPR Application] as long as it does not exceed what was allowed on that masterplan^[4] or what is permitted by the current LMO.”

The Waterside PUD Survey shows a 15.100 acre tract (the “Waterside PUD Tract”) subdivided into four separate parcels. Parcel E is the subject of the DPR Application, the Determination Letter, and this Appeal; the tract designated as “Parcel D” is the right-of-way of Waterside Drive; the tract designated as “Parcel F” is the site of the Waterside by Spinnaker interval occupancy (timeshare) development (the “Spinnaker Project”); and the tract designated as “Parcel A&C” is the site of the Beachwalk Hotel. BH&CA is the owners association of the owners of the various condominium units in the Beachwalk Hotel, and BHH is the owner of many of the condominium units in the Beachwalk Hotel.

BH&CA, for itself and on behalf of its constituent members, and BHH disagree with the determination made by Ms. Dixon about the permitted uses, densities, and design standards applicable to development on Parcel E; allege that Ms. Dixon necessarily, and incorrectly, relied on information that was, and still is, unavailable in making her determination, and incorrectly construed or interpreted Town documents affecting the development potential of the various parcels that are part of the Waterside PUD Tract, and therefore erred in making the conclusions and determinations set forth in the Determination Letter; and seek relief by this Appeal.

In particular, in making her determination, Ms. Dixon relies on what she thinks is, or may be, shown on the Conceptual Master Plan for the Town Center PUD dated 27 July 1987 (the “1987 Master Plan”), which, the Appellants submit, shows revisions to the Town Center PUD Master Plan approved by the Town’s Planning Commission on 06 May 1987; however, as

³ A copy of the Waterside PUD Survey is attached to this Narrative as **Exhibit B**.

⁴ Ms. Dixon’s reference to “that masterplan” is unclear to the Appellants. It seems to the Appellants that it could mean either (a) the Conceptual Master Plan for the Town Center PUD dated 27 July 1987, referred to below as the 1987 Master Plan, which shows revisions to the Town Center PUD approved by the Town’s Planning Commission on 06 May 1987, or (b) the Conceptual Master Plan for the Town Center PUD dated 11 February 1987, which was, to the Appellants’ knowledge, never approved by the Planning Commission.

Ms. Dixon admits in the Determination Letter, the Town Staff is unable to locate a copy of the 1987 Master Plan.⁵ The 1987 Master Plan is the most recent Town-approved Master Plan for the PD-2 Town Center (Waterside) Overlay Zoning District, which includes the entire Waterside PUD Tract, and is part of the Town's Official Zoning Map. Accordingly, Ms. Dixon made her determination based at least in part on a document she does not have.

This Narrative is submitted to the Town as part of this Appeal, for inclusion in the record of this Appeal, and for review by the Town's Board of Zoning Appeals (the "BZA").

II. BACKGROUND

Parcel E is located at 30 Waterside Drive, and is identified as Parcel 202 on Beaufort County Tax Map 18. The Property is zoned Resort Development ("RD"), and is located within both the Corridor Overlay District and the PD-2 Waterside (Town Center) Overlay District ("Waterside PD-2 District").

A. The 1984 Master Plan

What is now the Waterside PD-2 District received preliminary approval on 12 December 1983 from the Joint Planning Commission under the provisions of the Town's 1983 Development Standards Ordinance (the "DSO")⁶ as the Town Center P.U.D. The 05 November 1984 Conceptual Master Plan for Town Center P.U.D. (the "1984 Master Plan"),⁷ which Ms. Dixon refers to in the Determination Letter, was part and parcel of that approval.⁸

B. The 1987 Master Plan

On 06 May 1987, the Town's Planning Commission voted to approve a conditional use application to change the boundary of the Waterside PUD,

⁵ See the fifth paragraph of the Determination letter, at the top of page two.

⁶ The DSO was the Town's development standards ordinance that was in place prior to the Town's adoption of its first version of the Land Management Ordinance on 19 January 1987.

⁷ What is now the Waterside PUD was originally named Town Center P.U.D.

⁸ A copy of the 1984 Master Plan is attached to this Narrative as **Exhibit C**.

which resulted in the current configuration of the Waterside PUD Tract, and also a special exception application to amend the 1984 Master Plan to (i) increase the number of hotel rooms permitted on the Waterside PUD Tract from 50 rooms to 94 rooms, (ii) reduce the permitted square footage for office and retail space, (iii) reduce the permitted residential dwelling units from 222 to 200, and (iv) require 1.3 acres of common open space.⁹ The Town's records at one point included a copy of the 1987 Master Plan showing, the Appellants submit, the amendments to the Waterside PUD approved by the Planning Commission 06 May 1987. The files of the Town Planning Department no longer contain a copy of the 1987 Master Plan.

In the Determination Letter, Ms. Dixon refers in several places to “the 1987 master plan”. The Appellants do not know if Ms. Dixon, by this reference, means the unapproved Conceptual Master Plan for the Town Center PUD dated 11 February 1987 (referred to in the fifth paragraph of the Determination Letter), or the 1987 Master Plan, which was approved by the Planning Commission on 06 May 1987.

Shortly after the Planning Commission's approval of the 1987 Master Plan, the structure that is now the Beachwalk Hotel was permitted on Parcel A&C of the Waterside PUD Tract, and thereafter construction was completed in accordance, the Appellants assume, with the 1987 Master Plan.

C. The Categorical Exemption

By way of his letter of 03 March 1995 to Robert L. Graves, Thomas P. Brechko, then the Acting Administrator of the LMO,¹⁰ acknowledged the right of Pope Avenue Associations, then the owner of the Waterside PUD Tract, to develop the Waterside PUD Tract in conformance with the 1987 Master Plan, and approved a Categorical Exemption for the Waterside PUD (the “Categorical

⁹ See the minutes of the 06 May 1987 Planning Commission meeting that are part of the Town's records. Note that the Development Summary chart that is part of the 1984 Master Plan required that 50% of the Waterside PUD Tract remain as open space; however, the Appellants do not know what the open space requirement of the 1987 Master Plan is, because the Town cannot produce it.

¹⁰ The Town's LMO Official was previously known as the LMO Administrator. Teri B. Lewis, AICP is currently the LMO Official. The LMO Administrator had powers, duties, and obligations similar to the LMO Official.

Exemption”) from all subsequent amendments to the DSO and the LMO with regard to permitted uses, densities and design standards for five years, after which any future development on the Waterside PUD Tract parcels is to be subject to all relevant provisions of the LMO.¹¹

The Categorical Exemption was issued upon application by Pope Avenue Associates under the administrative procedures adopted by the Town Council pursuant to former LMO Section 16-7-698,¹² which provided for procedures for the determination of vested rights in order to provide fair and equitable determination of vested rights claimed by property owners pursuant to any approval previously granted under the LMO or any approval previously granted prior to the adoption of the LMO. Pope Avenue Associates claimed the vested right to develop the Waterside PUD Tract as allowed under the 1987 Master Plan, notwithstanding subsequent amendments to the LMO that limited development on the Waterside PUD Tract to lower development densities and more strict development standards, and the Categorical Exemption recognized Pope Avenue Associates’ right to do so prior to the five-year expiration date of the Categorical Exemption.

After the issuance of the Categorical Exemption, the Spinnaker Project was permitted on Parcel F of the Waterside PUD Tract, and thereafter construction was completed in accordance, the Appellants assume, with the 1987 Master Plan.

Of particular importance to this Appeal, the Categorical Exemption expired on 03 March 2000. After that date, any future development on the Waterside PUD Tract “shall be subject to all relevant provisions of the then existing LMO”.

D. The LMO

On 07 October 2014, the current LMO was adopted by the Town Council. This current LMO is substantially different in many respects from the earlier

¹¹ A copy of Mr. Brechko’s 03 March 1995 letter to Mr. Graves is attached to this Narrative as **Exhibit D**.

¹² See the LMO as of 15 November 1993, the date of the Town Council’s adoption of Ordinance No. 93-33, which added Section 16-7-698 to the LMO.

versions of the LMO. The existence and validity of the Waterside PD-2 District was reaffirmed in the current LMO as a Listed Master Plan.¹³

III. THE PD-2 OVERLAY DISTRICT

LMO Section 16-1-108.F.2 recognizes the continuing validity of PD-2 Master Plans and the corresponding PD-2 Planned Development Overlay Districts, such as the Waterside PD-2 District, approved prior to 07 October 2014, the date of adoption of the current LMO.

The purpose of the PD-2 Overlay District is to encourage creativity in design and planning in the development of parcels by allowing greater design flexibility than the underlying base zoning district so that natural features may be protected and development concentrated in more suitable or less environmentally sensitive areas.¹⁴ Any use permitted in the underlying base district is permitted in a PD-2 Overlay District.¹⁵

To allow for the encouraged design flexibility, concentration of development, and protection of natural features, a section or phase of a PD-2 planned development may be built at a density which is greater than the site-specific density allowed by the underlying base zoning district, provided that any such concentration of density is offset by an area of lower density in another section or phase of the PD-2 planned development, or by an appropriate reservation of common open space elsewhere in the PD-2 planned development.¹⁶

Of particular importance to this Appeal, LMO Section 16-3-106.G.4.a provides that the average density for the PD-2 Overlay District shall not exceed the maximum density permitted in the base zoning district.

¹³ See LMO Table 16-3-106.G.4.

¹⁴ See LMO Section 16-3-106.G.1.

¹⁵ See LMO Section 16-3-106.G.3. The base zoning district for Parcel E is the RD District.

¹⁶ See LMO Section 16-3-106.G.4.a.

LMO Section 16-3-106.G.5 and LMO Table 16-3-106.G.4¹⁷, which includes “Waterside (Town Center)” as a Listed Master Plan, says, with respect to the Listed Master Plans, that “their Town-approved Master Plans including associated text and any subsequent amendments are hereby incorporated by reference as a part of the Official Zoning Map and LMO text.” In other words, the 1987 Master Plan is, for the Waterside PUD, part and parcel of the Town’s Official Zoning Map and the LMO text.¹⁸

IV. ADMINISTRATIVE DETERMINATIONS

LMO Appendix A, Section A-1 identifies the LMO Official as the person designated by the Town Manager “who administers and enforces” the LMO. Mrs. Teri B. Lewis AICP, is the LMO Official. LMO Appendix A, Section A-1.A.3 authorizes the LMO Official to make written interpretations of the LMO, as provided for in LMO Section 16-2-103.R. LMO Section 16-10-101.F authorizes the LMO Official to delegate her authority as the LMO Official to a professional-level employee under the LMO Official’s authority or control.

Mrs. Lewis is the Town’s LMO Official in the Town’s Community Development Department, and Ms. Dixon is a Senior Planner in the Town’s Community Development Department, under the authority and control of the LMO Official, with delegated authority from Mrs. Lewis to act on her behalf.

V. THE AUTHORITY AND POWER OF THE BZA

Section 6-29-800(A)(1) of the Code of Laws of South Carolina (1976), as amended (the “SC Code”), which is part of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (the “State Enabling Act”), grants the BZA the power and duty to hear and decide appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance portions of the LMO. When hearing and deciding appeals, the BZA may subpoena witnesses, and may reverse or affirm, wholly or in part,

¹⁷ That Table designation is likely a typographical error. Because it is in LMO Section 16-3-106.G.5, the Table should probably be designated as Table 16-3-106.G.5.

¹⁸ LMO Section 16-1-107.A.2 requires the original and all revised versions of the Official Zoning Map be kept on file, either in hardcopy or digital form, at Town Hall.

or may modify the order, requirement, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit,¹⁹ and is authorized to make findings of fact and conclusions of law.²⁰

On the local level, LMO Appendix A, Section A-3.A provides that the BZA hears and decides appeals on written interpretations of the LMO Official on zoning regulations where it is alleged there is an error in an order, requirement, decision or determination made by an administrative official in the enforcement of the zoning ordinance.

VI. STANDING

BH&CA, for itself and as the representative of its constituent members, who are owners of real property within the Waterside PUD, and owners of property subject to the Waterside Covenants, and BHH have standing to file this Appeal because the BH&CA's members, including BHH, are owners of a tract of land that is contiguous with Parcel E, sharing a common boundary with Parcel E, and have rights in and to the properties comprising the Waterside PUD Tract under both the 1987 Master Plan and applicable recorded restrictive covenants,²¹ and are therefore have standing under Section 6-29-800(B) of the State Enabling Act. In addition, the Appellants have standing to file this Appeal under LMO Section 16-2-103.T.

VII. NECESSARY PARTY

SCD Properties, LLC ("SCD"), the owner of Parcel E and the permittee under the Notice of Action approving the DPR Application, may be a necessary party to this Appeal; however, the Appellants do not admit that SCD is a necessary party to this Appeal. Nevertheless, the Appellants ask that SCD receive notice of all matters and hearings associated with this Appeal, while

¹⁹ See SC Code Section 6-29-800(D).

²⁰ See SC Code Section 6-29-800(E).

²¹ See that certain Declaration of Covenants, Conditions, and Restrictions for Waterside P.U.D. recorded in Beaufort County Deed Book 494 at Page 419.

reserving the right to challenge any attempt by SCD to participate in this Appeal.

VIII. APPEALS OF DETERMINATIONS

Section 6-29-800(B) of the SC Code, referring to the BZA, says that, “Appeals to the board may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality or county.”

Again on the local level, consistent with the State Enabling Act, LMO Section 16-2-103.T.2.a provides that a decision or written interpretation made by the LMO Official or other administrative official pursuant to the LMO may be appealed to the BZA by any person aggrieved by the decision or interpretation who alleges that the LMO Official or other administrative official erred in making the decision or interpretation.

In the Determination Letter, Ms. Dixon notified the undersigned that a complete appeal application should be filed within fourteen (14) calendar days of receipt of the Determination Letter if an appeal is to be taken. This Appeal has followed in a timely fashion.

IX. THE DETERMINATIONS

In the Determination Letter, Ms. Dixon addresses the requirements for further development of Parcel E, stating:

I have determined that the Spinnaker Welcome Center is permitted as proposed as long as it does not exceed what was allowed on that masterplan or what is permitted by the current LMO.

Ms. Dixon also states in the Determination Letter that:

The proposed Welcome Center project (DPR-001056-2016) meets all current LMO requirements and a Notice of Action was issued on July 28, 2016.

The Appellants disagree with these determinations and allege that they are incorrect, are in error, are arbitrary and capricious, may be contrary to the 1987 Master Plan, and are contrary to the provisions of the LMO. The Appellants further allege that these determinations are in violation of their constitutional rights to due process, equal protection, and protection of its

property rights. The Appellants are aggrieved by these determinations, and therefore have filed this Appeal to the BZA.

X. GROUNDS FOR APPEAL

The Appellant alleges that Ms. Dixon's determinations were improperly made, and are in error, are arbitrary and capricious, may be contrary to the 1987 Master Plan, and are contrary to the explicit provisions of the LMO. In making the determinations, Ms. Dixon has ignored the specific requirements of the LMO, may have permitted a violation of the 1987 Master Plan, and ignored the express expiration date of the Categorical Exemption.

XI. THE APPELLANT'S ARGUMENTS FOR APPEAL

The Appellants submit that a thorough review of the history of the approval of the 1987 Master Plan, the Categorical Exemption and its expiration, and the LMO, leads to the conclusion that Ms. Dixon's determinations are wrong and should be reversed.

A. APPLICABLE SOUTH CAROLINA CASE LAW

Initially, the Appellant notes that the South Carolina courts have consistently held that when construing a statute, its words must be given their plain and ordinary meaning without resorting to subtle or forced construction to limit or expand the statute's operation. *City of Myrtle Beach v. Juel P. Corporation*, 543 S.E.2d 538 (S.C. 2001).²²

B. THE 1987 MASTER PLAN

The undisputed history of the approval of the 1987 Master Plan, most of which is set out in Mr. Brechko's Categorical Exemption letter and in the Determination Letter, makes it clear that the Waterside PD-2 District is a valid and existing PD-2 Planned Development Overlay (PD-2) District under LMO Section 16-3-106.G, and that the 1987 Master Plan is the Town-approved Master plan that controlled the development of the various parcels in the Waterside PUD Tract, at least until 03 March 2000, when the Categorical Exemption expired.

²² A copy of the cited case is attached hereto as **Exhibit E**.

To the extent that Ms. Dixon relied on the 1987 Master Plan approved by the Planning Commission on 06 May 1987 in making her determination, she necessarily had to assume, or guess, what the 1987 Master Plan says, because she admittedly has not, and cannot, review the 1987 Master Plan because no copy can be located. In and of itself, a determination based on a document that Ms. Dixon does not have and has not seen should not be upheld. Ms. Dixon's determination of the compliance with the current LMO of the proposed development of the Spinnaker Welcome Center on Parcel E should be, and must be, based on facts, data, and documents that can be produced for all to see. The 1987 Master Plan may well designate Parcel E as open space. The Appellants do not know what the 1987 Master Plan says about Parcel E, and neither does Ms. Dixon. So, how can Ms. Dixon say that Parcel E may be developed for the Spinnaker Welcome Center as long as it does not exceed what was allowed on that masterplan, when she does not know what the 1987 Master Plan says about Parcel E?

C. THE EXPIRATION OF THE CATEGORICAL EXEMPTION

Likewise, there is no dispute that the Categorical Exemption expired on 03 March 2000. As Ms. Dixon states in the Determination Letter:

The Categorical Exemption certificate was valid for five years, expiring on March 3, 2000. After the expiration of the certificate, *any future development of the property shall be subject to the provisions of the LMO in effect at that time.* [Emphasis added.]

Referring to the Waterside PD-2 District properties and the expiration of the Categorical Exemption, Ms. Dixon goes on to say:

This does not mean that the Waterside PD-2 Overlay would no longer exist; it simply means that any properties that were not developed by that time [meaning 03 March 2000] are not vested for uses, densities and design standards that were allowed under the old LMO. *They must conform to the standards of the current LMO.* [Emphasis added.]

Upon the expiration of the Categorical Exemption over 16 years ago, any further development on the Waterside PUD Tract, including Parcel E, must comply with all relevant provisions of the current LMO. The Determination Letter is correct in its above assertion that "... any

properties that were not developed by that time [03 March 2000] are not vested for uses, densities and design standards that were allowed under the old LMO. They must conform to the standards of the current LMO.”

D. THE LMO

The Appellants assert that provisions of the current LMO, including the Planned Development Overlay (PD-2) District regulations, and only those provisions, are applicable to the development of Parcel E. Contrary to Ms. Dixon’s determination that SDC can apparently choose to comply with either “that masterplan or what is permitted by the current LMO”, because of the expiration of the Categorical Exemption, the uses, densities, and development standards for Parcel E provided for in the 1987 Master Plan are no longer applicable to Parcel E, and have not been applicable for over 16 years.

Because the current provisions of the LMO are now applicable to any development of Parcel E, it follows that the density regulations applicable to a PD-2 Overlay District are now applicable to the development of Parcel E. Therefore, the average density for the Waterside PD-2 District shall not exceed the maximum density permitted in the RD District.²³

E. DENSITY

Because the Categorical Exemption for the Waterside PUD expired long ago, any further development or redevelopment of any portion of the Waterside PUD Tract, including Parcel E, must comply with current LMO requirements.

One of the bases of this Appeal is the unavailability of a copy of the 1987 Master Plan, and the resulting uncertainty about its requirements. That compelling argument notwithstanding, the BZA should overturn Ms. Dixon’s determinations because the proposed development of Parcel E does not comply with the density requirements of the current LMO.

The current LMO provisions on PD-2 Overlay District master plans, such as the 1987 Master Plan, make it clear that all of the property included in a PD-2 District is to be treated as a whole on certain levels. For instance, LMO Section 16-3-106.G.4.a requires that “the average density for the PD-2 Overlay

²³ Again, see LMO Section 16-3-106.G.4.a.

District shall not exceed the maximum density permitted in the base zoning district.”

The base underlying district for the Waterside PUD Tract as a whole, and for Parcel E in particular, is the RD District. There are currently two developments on the Waterside PUD Tract, *i. e.*, the Spinnaker Project, and the Beachwalk Hotel. The Spinnaker Project, being an interval occupancy (timeshare) development, is treated as multifamily residential for density purposes. The Beachwalk Hotel is treated as a hotel for density purposes.

According to the Town’s records, over the years of the development of the Spinnaker Project, Building Permits for the construction of 198 dwellings units were issued.²⁴ In addition, one Building Permit for a nonresidential structure with 5,262 square feet was issued.²⁵ Under the current RD District regulations, which allows a maximum of 16 dwelling units per net acre, the Town now requires 12.375 acres to support the existing 198 dwelling units in the Spinnaker Project, and given the RD District’s maximum nonresidential density of 8,000 square feet per net acre, the Town now requires 0.658 acre to support the existing nonresidential development that is part of the Spinnaker Project. Therefore, under current LMO regulations, the Spinnaker Project’s existing density would take up 13.033 acres of land in the RD District.

To the Appellants’ information, the Beachwalk Hotel was originally developed with 91 hotel rooms. Under the current RD Zone regulations, which allow a maximum of 35 hotel rooms per net acre, the Town now requires 2.600 acres to support the existing 91 hotel rooms on the Beachwalk Hotel tract.²⁶

Averaging the existing density of the Spinnaker Project and the Beachwalk Hotel over the entire 15.10 acres of the Waterside PUD Tract, it turns out that under current LMO requirements for the RD District, 15.633 acres must be allocated to the existing development for the Spinnaker Project

²⁴ See Town Building Permits 8215, B9800299, B9901068, B9902863, B0000531, B0002113, B0100890, and B0101129.

²⁵ See Town Building Permit B0000199.

²⁶ In fact, according to the Waterside PUD Survey, the Beachwalk Hotel tract, which is Parcel A&C on the Waterside PUD Survey, is exactly 2.60 acres.

and the Beachwalk Hotel, leaving no acreage in the Waterside PUD Tract available for density allocation on Parcel E.

So, given the existing development on the Waterside PUD Tract, the LMO's requirement for averaging density across the various Waterside PUD Tracts, and the LMO's limitation on maximum density to the density that is currently permitted in the RD District, there is insufficient available unallocated acreage within the Waterside PUD Tract to permit any development on Parcel E.

To put this issue into current terms, the BZA should ask,

If the Waterside PD-2 District was a new PD-2 District containing 15.1 acres located entirely within the base RD District, would, or could, the Town permit the development of the various parcels in the Waterside PD-2 District for 198 interval occupancy units, 5,682 square feet of nonresidential use, 91 hotel rooms, and an additional 7,500 square feet of nonresidential use?

Considering the current LMO's density limitations for the RD District, the answer to that question is clearly, "No." Therefore, because development within the Waterside PD-2 District is now controlled by the current LMO, regardless of what the 1987 Master Plan says, that level of density is now not permitted.

Apparently, Ms. Dixon failed to consider the combined effect of LMO Section 16-3-106.G.4.a and the existing developed density on the Waterside PUD Tract on the development potential of Parcel E when she wrote the Determination Letter. If she had done so, she would have realized that no nonresidential density can legally be developed on Parcel E, and she would not have approved the DPR Application. Therefore, the BZA should reverse Ms. Dixon's determination as set forth in the Determination Letter.

XII. CONCLUSION

The record of this Appeal shows that:

1. Parcel E is in the Waterside PD-2 Overlay District;
2. The 1987 Master Plan is the current Town-approved Master Plan for the Waterside PD-2 District;

3. No copy of the 1987 Master Plan is available for review;
4. Any vested right to develop Parcel E for the uses, density, and development standards allowed in the 1987 Master Plan expired on 03 March 2000 when the Categorical Exemption expired;
5. After 03 March 2000, any development of Parcel E is subject to all applicable provisions of the LMO;
6. The current LMO requires that the average density for the Waterside PD-2 Overlay District shall not exceed the maximum density permitted in the RD District; and
7. The existing development on the parcels within the Waterside PD-2 Overlay District already exceeds the average density for the Waterside PD-2 Overlay District.

To the extent that Ms. Dixon relied on the unapproved Conceptual Master Plan for the Town Center PUD dated 11 February 1987 in making her determination, that master plan was not approved by the Planning Commission as part of the Town Center PUD approval or amendment process, and is therefore not a valid PD-2 Master Plan.

The Town is unable to locate and produce a copy of the 1987 Master Plan. To the extent that any part of Ms. Dixon's determinations are based upon the contents of the 1987 Master Plan, those determinations should be reversed. It is literally impossible to rely on a document no one has seen.

In any event, even if Ms. Dixon did rely on the 1987 Master Plan in making her determination, by her own admission, the development uses and densities allowed on Parcel E under the 1987 Master Plan were no longer available on Parcel E after the expiration of the Categorical Exemption.

After 03 March 2000, any development of Parcel E "shall be subject to all relevant provisions of the then existing LMO". Among other things, the current LMO requires that the average density for a PD-2 Overlay District, such as the Waterside PD-2 District, shall not exceed the maximum density permitted in the base zoning district. Based on the existing development density on the parcels in the Waterside PD-2 District, the maximum density permitted in the RD District for the Waterside PUD Tract has already been exceeded, and

therefore permitting any development on Parcel E will cause an existing nonconformity with the LMO's density standards for the RD District to increase.

The Appellant asks that the BZA consider this Appeal, the record of this matter, the testimony and materials to be introduced into the record of this Appeal at the hearing, and

1. hold that any development in the Waterside PD-2 Overlay District, including, without limitation, the proposed Spinnaker Welcome Center on Parcel E, must comply with the current LMO;
2. hold that the average density provision of LMO Section 16-3-106.G.4.a is applicable to the Waterside PD-2 Overlay District;
3. hold that the average density for the RD District has already been exceeded by the existing development on the parcels within the Waterside PD-2 Overlay District; and
4. reverse Ms. Dixon's determinations as stated in the Determination Letter.

The Appellant reserves the right to submit additional materials, documents, and information to the BZA in connection with this Appeal.

Respectfully submitted on behalf of the Appellant 06 September 2016.

Chester C. Williams, Esquire
Law Office of Chester C. Williams, LLC
17 Executive Park Road, Suite 2
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Hilton Head Island, SC 29938-6028
843-842-5411
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Exhibit A (3 page)

TOWN OF HILTON HEAD ISLAND

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

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

www.hiltonheadislandsc.gov

David Bennett
Mayor

August 23, 2016

William D. Harkins
Mayor ProTem

Mr. Chester C. Williams
Law Office of Chester C. Williams, LLC
17 Executive Park Rd, Suite 2
PO Box 6028
Hilton Head Island, SC 29938

Council Members

David Ames
Marc A. Grant
Thomas W. Lennox
Kim W. Likins
John J. McCann

Dear Chet:

Stephen G. Riley
Town Manager

This letter is in response to the discussions we have had over the past few months and your request for information and a formal determination on what effect the Waterside (Town Center) PD-2 overlay has on the vacant parcel that Spinnaker is proposing to construct their Welcome Center on. The subject parcel is located at 30 Waterside Drive and is further identified as Parcel 202 on Beaufort County Tax Map 18. The property is zoned RD (Resort Development), is within the COR (Corridor Overlay District) and is part of the Waterside (Town Center) PD-2 Overlay.

According to the information that the Town has, the Waterside PD-2 received preliminary approval on December 12, 1984 by the Joint Planning Commission. This approval was obtained under the September 28, 1983 DSO (Development Standards Ordinance). The development as shown on the Conceptual Master Plan dated November 5, 1984 was to consist of a hotel, residential, commercial retail and commercial office uses. The master plan in our records, which only contains sheet 1 of 4, shows 5 Tracts of land with a development summary table that lists uses, acreage, square footages, open space, impervious area and parking assigned to each Tract. The parcel subject to your inquiry is labeled as Tract B on the master plan, with the use listed as "commercial-retail".

The DSO in effect at the time stated that preliminary approval did not provide exemption from subsequently enacted amendments and that any preliminary approval shall become invalid two years from the date of its issuance unless the applicant filed a completed application for final development permit. In the case of the Waterside PD-2 project, a preliminary approval was granted on December 12, 1984. An appeal of this approval was filed by adjacent landowners to the Board of Adjustment. The Board of Adjustment reversed the December 12, 1984 preliminary approval. This matter was further appealed to the Court of Common Pleas, which reversed the Board of Adjustments decision and reinstated the December 12, 1984 preliminary approval and further ruled that the preliminary approval would not expire until September 30, 1987.

A Special Exception/Conditional Use permit was approved for the development by the Planning Commission on May 6, 1987 which included a land exchange that changed the boundary of the PUD but not the site acreage, and also permitted an increase in the number of hotel rooms from 50 to 94 with a corresponding reduction of residential dwelling units and retail space.

ATTACHMENT J

According to a letter dated March 3, 1995 by Thomas Brechko, Chief of Planning with the Town, the Town's files at that time contained a "Conceptual Master Plan" dated July 27, 1987, which revised the 1984 master plan to match what was approved by the Planning Commission with the special exception/conditional use approval on May 6, 1987. Staff is unable to locate this master plan. Staff was able to locate a Conceptual Master Plan dated February 11, 1987 in the Development Plan Review file for the hotel development (DPR-18-87).

A review of the documentation associated with the special exception/conditional use approval indicates that the use of Tract B did not change. In comparing the 1984 master plan to the 1987 master plan, it appears the boundary change referenced in the special exception/conditional use approval was between the hotel tract and the Western Sizzlin property (now Aunt Chiladas). The Western Sizzlin property lost some of the parking area in the rear to allow a more workable hotel site and in exchange, the commercial/retail space originally planned for Tract C was reduced and part of it was replaced with parking for the Western Sizzlin property. Tract B remained on the 1987 master plan as commercial retail. There was a summary table that went along with the special exception/conditional use approval. The summary table lists a 1.4 acre tract with 21,913 square feet of commercial/ office, a 3 acre tract with 36,279 square feet of commercial/retail, a 2.6 acre tract with 94 hotel/motel rooms, a 1.3 acre tract for common open space and a 6.8 acre tract with 200 residential dwelling units.

According to a letter from McGinty Associates (Architects for the hotel project) to the Town dated July 13, 1987, 1.3 acres of open space was required by the Planning Commission in conjunction with the special exception/conditional use approval. The motel tract was 2.6 acres, which was not enough acreage to allow the requested 94 rooms. In order to make the rooms per acre figure comply with the provisions of the LMO, the Planning Commission required 1.3 acres of open space be provided in the Waterside PUD. According to this letter, it was agreed that this common open space could be distributed throughout the remaining PUD.

According to the March 3, 1995 letter by Thomas Brechko, on January 5, 1995 a Categorical Exemption was approved for the project making it exempt from all amendments to the DSO and LMO at the time with regards to permitted uses, densities and design standards. The uses, acreage assigned and square footages that were approved under the preliminary approval were determined to be vested for the project. The Categorical Exemption certificate was valid for five years, expiring on March 3, 2000. After the expiration of the certificate, any future development of the property shall be subject to the provisions of the LMO in effect at that time. This does not mean that the Waterside PD-2 Overlay would no longer exist; it simply means that any properties that were not developed by that time are not vested for uses, densities and design standards that were allowed under the old LMO. They must conform to the standards of the current LMO.

According to a narrative written by Don Guscio dated February 4, 1998 submitted in conjunction with a Development Plan Review application for the Spinnaker interval occupancy residential development (DPR-03-98), on December 17, 1997, Waterside by Spinnaker purchased all of the Waterside PD-2 property excluding the hotel tract and Tract B. The uses and density transferred to the new owner were 200 residential units, 5,126 square feet of office and 23,363 square feet of retail. The balance of office and retail development density was retained for Tract B. Subtracting what was assigned to the new

ATTACHMENT J

owner from what was approved by the Planning Commission on May 6, 1987, 16,787 square feet of office and 12,916 square feet of retail remains. DPR-03-98 was approved in 1998 for 200 development units and associated recreational facilities and check-in office space. That is how the development was built and still functions today. It is different than what the original 1984 Conceptual Master Plan was approved for, but matches the summary table that was approved in 1987.

Based on open space numbers staff obtained from Todd Theodore with Wood and Partners (architect/applicant for the proposed Spinnaker Welcome Center) the entire Waterside PUD, which is 15.1 acres total, has approximately 9.6 acres of open space. The Waterside PUD includes the Waterside by Spinnaker development, the Beachwalk Hotel development and the proposed welcome center. This information demonstrates that the 1.3 acres of open space required by the Planning Commission in 1987 for the PUD as a whole is being met.

Based on all of the above information, I have determined that the Spinnaker Welcome Center is permitted as proposed as long as it does not exceed what was allowed on that masterplan or what is permitted by the current LMO.

The proposed Welcome Center is shown to be built at a maximum of 7,500 square feet. Per LMO Section 16-3-102.L, the RD District allows up to 8,000 square feet of nonresidential uses per net acre. The subject property is 1.068 acres in size, which would allow 8,544 square feet. Since the proposed Welcome Center is only 7,500 square feet in size, it is clearly less than what the LMO allows and is less than the 16,787 square feet originally retained for Tract B. The proposed Welcome Center project (DPR-001056-2016) meets all current LMO requirements and a Notice of Action was issued on July 28, 2016.

Should you wish to appeal this determination to the Board of Zoning Appeals (BZA), please file an appeal application within 14 calendar days of receipt of this determination.

Should you have any other questions or concerns, please contact me at (843) 341-4686 or nicoled@hiltonheadislandsc.gov.

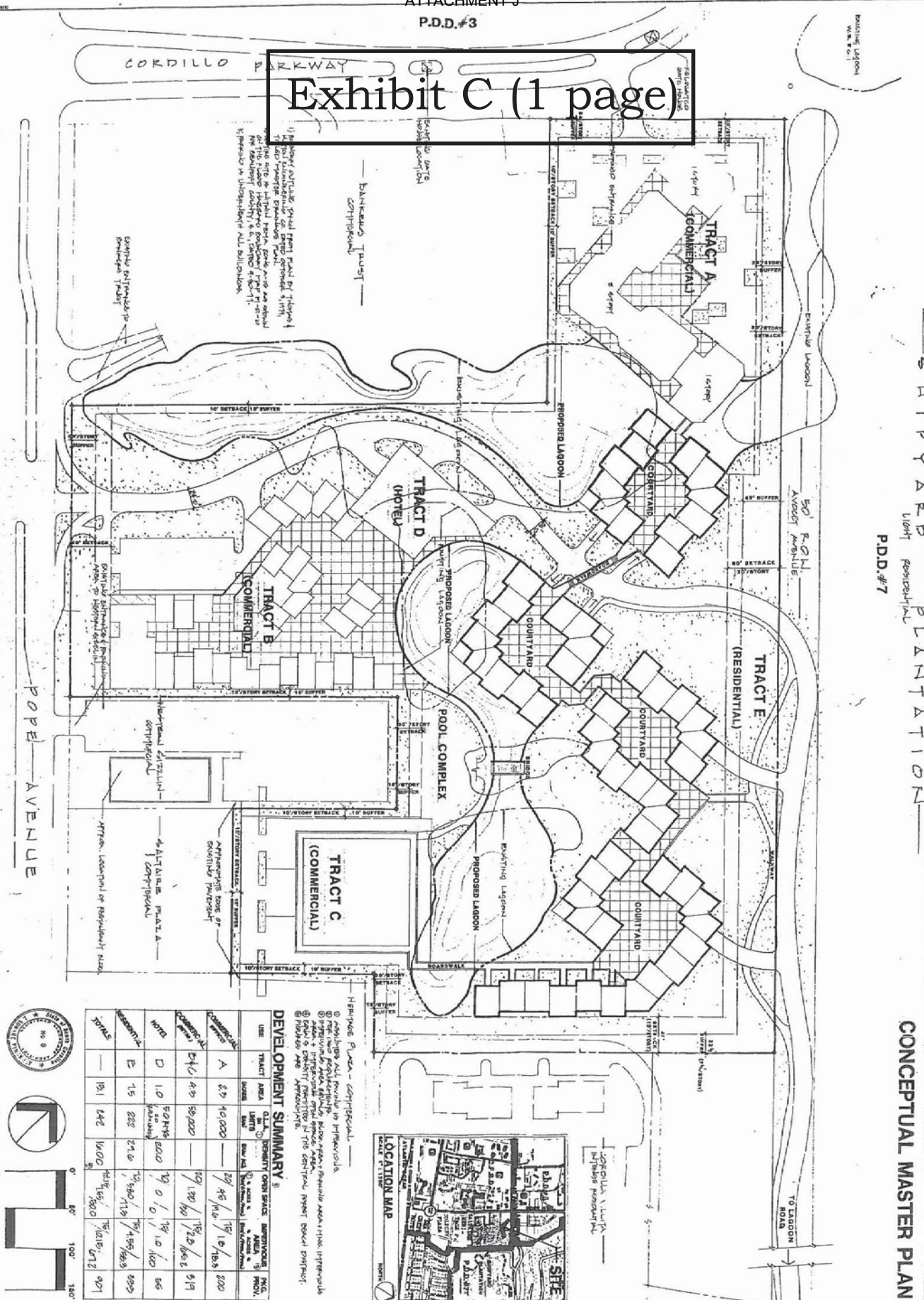
Sincerely,



Nicole Dixon, CFM
Senior Planner

Cc: Todd Theodore, Wood and Partners
Charlie Halterman, Spinnaker Resorts
File

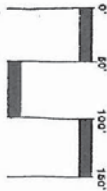
Exhibit C (1 page)



P.D.D.#7

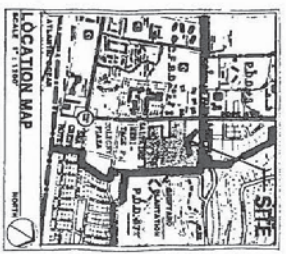
HIPPY RD
Residential PLANTATION

CONCEPTUAL MASTER PLAN



DEVELOPMENT SUMMARY

TRACT	AREA (SQ. FT.)	D.U. (DENSITY)	OPEN SPACE (SQ. FT.)	IMPROVEMENTS (AREA)	NO. OF UNITS
A	4,000	15'	15%	100	200
B	4,000	15'	15%	100	200
C	4,000	15'	15%	100	200
D	4,000	15'	15%	100	200
E	4,000	15'	15%	100	200
TOTAL	16,000	15'	15%	400	800



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

TOWN CENTER P.U.D.
POPE AVENUE ASSOCIATES
11 LAGOON ROAD
HILTON HEAD ISLAND, SOUTH CAROLINA

Exhibit D (5 pages)

TOWN OF HILTON HEAD ISLAND

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

803/842-8900 Fax 842-7728

March 3, 1995

Frank R. Chapman, Jr.
Mayor
Frank Brafman
Mayor ProTem

Council Members

James K. Carlin
Willie (Bill) Ferguson
Kate Keep
Tom Peoples
Dorothy G. Perkins

Stephen G. Riley
Town Manager

Mr. Robert L. Graves
Pope Avenue Associates
Post Office Box 6450
Hilton Head Island, SC 29938

CERTIFIED MAIL
P 836 425 821

RE: Application for Categorical Exemption/Town Center P.U.D.

Dear Mr. Graves:

We have now reviewed the Application for Categorical Exemption of Pope Avenue Associates, dated December 13, 1994, together with attachments (hereinafter, the "Application"). Previously, on December 23, 1994, the Town of Hilton Head Island, South Carolina (hereinafter, the "Town"), delivered a "Notice of Completeness" with respect to the Application for Categorical Exemption. Thereafter, on January 5, 1995, a public hearing on the Application for Categorical Exemption was held, pursuant to the provisions of Section 4(A)(5) of the Procedure for Determination of Vested Rights adopted under the authority of § 16-7-698, *Code of the Town of Hilton Head Island* (1983) (hereinafter, "Vested Rights Determination Procedures").

This determination set forth herein constitutes the Final Determination of the Administrator, as described in Section 4(A)(6) of the Vested Rights Determination Procedures. This determination is appealable to the Court of Common Pleas for Beaufort County, South Carolina, as set forth in Section 8 of the Vested Rights Determination Procedures.

APPLICATION FOR CATEGORICAL EXEMPTION

The Applicant, pursuant to the December 13, 1994, Application, seeks a determination that the property known as "Tract A," "Tract B," "Tract C," "Tract D" and "Tract E," as shown on the July 27, 1987 "Conceptual Master Plan for the Town Center P.U.D. (hereinafter the "Property") is categorically exempt from all amendments to the Development Standards Ordinance of the Town [§§ 16-7-10, *et seq.*, *Code of the Town of Hilton Head Island* (1983)] (hereinafter "DSO"), and also the Land Management Ordinance of the Town [§§ 16-7-100, *et seq.*, *Code of the Town of Hilton Head Island* (1983)] (hereinafter, "LMO"), regarding permitted uses, densities and design standards, enacted subsequent to the date of Preliminary Approval, to wit: December 12, 1984. (hereinafter, "December 12, 1984 Preliminary Approval"). (See: Narrative in the Application)

The basis for the claim of a Categorical Exemption are the following documents as set forth in the Application of Pope Avenue Associates, (hereinafter, the "Applicant") as follows:

1. November 5, 1984, Application for Development Permit.
2. December 12, 1984, Notice of Action Taken.
3. November 8, 1985, Order of the Hon. John H. Waller, Jr.
4. September 2, 1986, letter from Robert L. Graves to Orion Hack.
5. November 7, 1986, letter from Thomas P. Brechko to Barry L. Johnson.
6. July 8, 1987, letter from Thomas P. Brechko to Richard A. McGinty.
7. September 1, 1987, letter from John C. Benso to Thomas P. Brechko.

Mr. Robert L. Graves

March 3, 1995

Page 2

8. September 10, 1987, letter from Thomas P. Brechko to John C. Benso.

Although not included in the application, the Town's files also contained a "Conceptual Master Plan," dated July 27, 1987, together with minutes from the meeting of the Town of Hilton Head Island Planning Commission, dated May 6, 1987. It appears that certain changes to the December 12, 1984, Preliminary Approval were sought by the Applicant, and were approved by the Town of Hilton Head Island Planning Commission. Although the July 27, 1987, "Conceptual Master Plan," does not bear a Town stamp, the uses and densities as shown in the "Development Summary" on the July 27, 1987, "Conceptual Master Plan" are the same as those sought by the Applicant.

In December of 1994, the DSO was in effect within the Town. § 16-7-741, *Code of the Town of Hilton Head Island, South Carolina* (1983), provided, in relevant part:

Preliminary Approval, in and of itself, does not provide exemption from subsequently enacted amendments to this chapter except as to approvals on use and distribution of population. Approvals as to use and distribution of population shall be deemed vested and therefore exempt from subsequently enacted amendments to this chapter . . .

Further, § 16-7-743, *Code of the Town of Hilton Head Island, South Carolina* (1983), provided, in relevant part:

Any preliminary approval granted under the provisions of this chapter shall become invalid two years from the date of its issue unless the applicant shall file a properly completed application for a final development permit.

In this case, the preliminary approval was issued on December 12, 1984. An appeal from the approval to the Town of Hilton Head Island Board of Adjustment was initiated by adjoining landowners, and the Board of Adjustment reversed the grant of the December 12, 1984 Preliminary Approval. The matter was further appealed to the Court of Common Pleas for Beaufort County, South Carolina. In the case of "Robert L. Graves, *et al.*, v. The Town of Hilton Head Island, *et al.*," Beaufort County, South Carolina, Civil Action Number 85-CP-07-646, the Hon. John H. Waller, Jr., reversed the Board of Adjustment, reinstated the December 12, 1984 Preliminary Approval, and further ruled that the December 12, 1984 Preliminary Approval would not expire until September 30, 1987. No appeal was filed from this Order.

Thereafter, on May 6, 1987, the Town of Hilton Head Island Planning Commission approved certain "conditional use" and "special exception" requests with respect to the Property. In approving the request, the following uses and densities for the Property were approved:

Category of Use	Acres	Square Feet or Development Units	Density per Acre
Office	1.4	21,913	15,652 Square Feet
Retail	3.0	36,279	12,093 Square Feet
Hotel/Motel	2.6	94 Rooms	

Mr. Robert L. Graves
 March 3, 1995
 Page 3

Open Space	1.3		
Residential	7.6	200 Development Units	29.4 Development units ¹

The Applicant subsequently filed a complete application for a "Final Development Permit for "Tract D" of the Property, which application was approved, with conditions on August 27, 1987. This occurred within the life of the December 12, 1984 Preliminary Approval, as extended by the Order of the Hon. John H. Waller, Jr., on November 8, 1985.

As of August 27, 1987, § 16-7-744, *Code of the Town of Hilton Head Island, South Carolina* (1983), provided, in relevant part:

Any final permit approved under the provisions of this chapter shall become invalid one calendar year from the date of its issue unless:

(1) A building permit is issued and construction is commenced within the life of the building permit;

A building permit for (what was then) the "Super 8" motel was obtained and executed within the life of the final development permit. This action by the applicant was timely and therefore sufficient to prevent the expiration of the December 12, 1984 Preliminary Approval for the Property, pursuant to DSO § 16-7-741, *Code of the Town of Hilton Head Island, South Carolina* (1983).

EXTENT OF VESTED RIGHTS UNDER CATEGORICAL EXEMPTION

In consideration of the above referenced approvals, determinations, orders and agreements, all of which are hereby determined to be "Valid Final Development Permits" as defined in Section 2 (A)(18) of the Vested Rights Determination Procedures, the following rights are hereby determined to be "vested" against amendments to the DSO and LMO regarding permitted uses, densities and design standards enacted subsequent to the issuance of the December 12, 1984 Preliminary Approval:

Category of Use	Acres	Square Feet or Development Units	Density per Acre
Office	1.4	21,913	15,652 Square Feet
Retail	3.0	36,279	12,093 Square Feet
Open Space	1.3		
Residential	7.6	200 Development Units	29.4 Development units

¹ The method used to calculate density under the Development Standards Ordinance allowed for the density for each category of use to be spread over the entire area of the P. U. D. Therefore, the effective densities were: Commercial (office and retail), 3,854 square feet per acre, and Residential (including 94 motel rooms which converts to 38 residential development units), 15.67 units per acre.

Mr. Robert L. Graves

March 3, 1995

Page 4

The Hotel/Motel use is not included, because a Final Development Permit for "Tract D" was obtained and executed in 1987/1988. The Applicant's rights with respect to "Tract D" have, therefore, been fully executed.

In as much as no Final Development Permit was ever obtained for any part of the Property except "Tract D", any development on the remainder of the Property shall conform to all design standards of the existing LMO, § 16-7-100, *et seq.*, *Code of the Town of Hilton Head Island, South Carolina* (1983), to the greatest degree possible. As used above, "to the greatest degree possible" means that any design standard which can be met without creating a negative impact on the densities set forth above shall be met.

Notwithstanding anything to the contrary set forth above, future development shall also be subject to: (1) the provisions of §§ 16-7-300, *et seq.*, *Code of the Town of Hilton Head Island* (1983), Non-conformities; §§ 16-7-480, *et seq.*, *Code of the Town of Hilton Head Island* (1983), Corridor Review; (2) the provisions of § 16-7-700, *et seq.*, *Code of the Town of Hilton Head Island* (1983), Traffic Congestion and Growth Management; and, § 16-7-876, *et seq.*, *Code of the Town of Hilton Head Island* (1983), Street Improvement Fees. These subsequently enacted amendments to the LMO do not relate to uses or densities, nor do they affect the Applicant's ability to proceed with the development of the Property at the uses and densities set forth herein.

These supplemental land use regulations were not, and could not have been contemplated by the parties either at the time of the issuance of the December 12, 1984, Preliminary Approval, or at the time of the November 8, 1985, Order of the Hon. John H. Waller, Jr., or at the time of the May 6, 1987, Conditional Use/Special Exception Approval; or at the time of the September 10, 1987, confirmation of the status of the December 12, 1984, Preliminary Approval. Therefore, even under any applicable theory of contract law, such unforeseen needs and governmental responses would be outside the scope of permits, approvals and orders relied upon by the Applicant.

Future development of the Property pursuant to the December 12, 1984, Preliminary Approval shall be subject to the provisions of all building and related construction codes (*i. e.*, the plumbing, electrical and mechanical codes, etc.) in effect at the time of construction. Further, this Categorical Exemption Certificate does not purport to exempt the Applicant or any development on the subject property from requirements of the State of South Carolina or the United States of America (if any) which may be applicable to this Applicant or to development of the Property.

While the uses and densities set forth in the December 12, 1984, Preliminary Approval, as amended by the May 6, 1987, Conditional Use / Special Exception Approval, are determined to have been "vested," the existing development (*i. e.*, the "Holiday Express" on "Tract D,") and the remainder of the project, if and when built, may be "non-conforming" under the provisions of the RD-1 Central Forest Beach Zoning District, and the provisions of §§ 16-7-300, *et seq.*, *Code of the Town of Hilton Head Island* (1983). The Applicant claims exemption from the provisions of Article III of the LMO ("Non-Conformities and Prior Approvals"). Had the entire project been built, however, the entire project would be subject to the provisions of Article III of the LMO ("Non-Conformities and Prior Approvals"). The Applicant, through its inaction, cannot have improved its position over what it would have had if the project had been completed.

This Categorical Exemption Certification shall be valid for a period of Five (5) Years from

Mr. Robert L. Graves
 March 3, 1995
 Page 5

the date hereof, unless the Applicant shall have obtained a Development Plan Approval, and then to obtain and act upon a validly issued building permit within the life of the Development Plan Approval.²

After the expiration of this Certificate any future development on the real property which is the subject of the Application shall be subject to all relevant provisions of the then existing LMO, and/or such other land use ordinance or regulations as may be in force. As stated above, the Categorical Exemption Certification shall expire on March 3, 2000. This date is more than fifteen (15) years from the date of the issuance of the December 12, 1984, Preliminary Approval, and more than twelve (12) years from the granting of the Final Development Permit for "Tract D" of the Property.

Governments cannot bargain away their police powers, which are necessary both for promotion of the public health safety and welfare and for the prevention of public harm. The above described limitations on the extent of vested rights granted pursuant to this Categorical Exemption Certificate are designed to honor commitments previously made by the Town in granting development rights to this Applicant while properly balancing such rights with the Town's responsibilities to existing citizens.

**THE TOWN OF HILTON HEAD ISLAND,
 SOUTH CAROLINA**



Thomas P. Brechko, AICP
 Chief of Planning
 Acting Administrator of the Land Management
 Ordinance

TPB/

cc: Hon. Frank R. Chapman, Jr.
 Frank Brafman
 James K. Carlin
 Bill Ferguson
 Kathryn H. Keep
 Thomas D. Peoples
 Dorothy G. Perkins
 Orr Goy D. DeLoach, Esq.
 Stephen G. Riley, AICP
 Curtis L. Coltrane, Esq.
 Barry L. Johnson, Esq.

² Although obtaining a Development Plan Approval or Approvals and a building permit or permits to complete the Development within the five (5) year period will be sufficient to prevent expiration of the Categorical Exemption Certificate, a lapse of the Development Plan Approval or Approvals or the building permit or permits at any point after the expiration of five (5) years from the date hereof will result in the expiration of this Categorical Exemption Certificate.

Exhibit E (4 pages)



Supreme Court of South Carolina.
CITY OF MYRTLE BEACH, Respondent,

v.

JUEL P. CORPORATION and Gay Dolphin, Inc., Petitioners.

No. 25261.

Heard Feb. 8, 2001.

Decided March 12, 2001.

City sought injunction to require commercial property owners to remove rooftop billboard sign, alleging that sign violated city ordinance or, alternatively, that owners had abandoned sign. Owners filed counterclaim alleging a taking. The Circuit Court, Horry County, J. Stanton Cross, Jr., Master-in-equity, denied injunction, and further found that owners did not abandon sign. City and property owners appealed. The Court of Appeals, [337 S.C. 157, 522 S.E.2d 153](#), reversed. Owners sought certiorari review. The Supreme Court, [Burnett](#), J., held that: (1) sign ordinance expressed no time frame for abandonment, and thus, common law would be applied to determine whether owners intended to abandon sign, and (2) there was sufficient evidence to support finding that owners did not intend to abandon their rooftop sign.

Reversed.

West Headnotes

[1] Zoning and Planning 414 ↪337

[414](#) Zoning and Planning

[414VI](#) Nonconforming Uses

[414k336](#) Discontinuance or Abandonment

[414k337](#) k. Cessation of Use. [Most Cited Cases](#)

There was sufficient evidence to support finding that commercial property owners did not intend to abandon their rooftop sign, and thus, their nonconforming use could not be deemed abandoned, even though sign remained vacant for five years, where owners continued to pay Highway Department fees and maintain electricity to the sign.

[2] Zoning and Planning 414 ↪9

[414](#) Zoning and Planning

[414I](#) In General

[414k7](#) Constitutional and Statutory Provisions

[414k9](#) k. Construction of Statutes in General. [Most Cited Cases](#)

City ordinance, providing that any sign “which advertises or pertains to a business, product, service, event, activity, or purpose ... that has not been in use for three months ... shall be deemed to be an obsolete or abandoned sign,” could not be broadly construed to mean that any sign that was not in use for three months would be deemed to be obsolete or abandoned, and thus, such broad construction would not operate to provide a three-month period of abandonment for signs.

[3] Municipal Corporations 268 ↪120

[268](#) Municipal Corporations

[268IV](#) Proceedings of Council or Other Governing Body

[268IV\(B\)](#) Ordinances and By-Laws in General

[268k120](#) k. Construction and Operation. [Most Cited Cases](#)

When interpreting an ordinance, legislative intent must prevail if it can be reasonably discovered in the language used.

[4] Statutes 361 ↪176

[361](#) Statutes

[361VI](#) Construction and Operation

[361VI\(A\)](#) General Rules of Construction

[361k176](#) k. Judicial Authority and Duty. [Most Cited Cases](#)

The determination of legislative intent is a matter of law.

[5] Statutes 361 ↪188

[361](#) Statutes

[361VI](#) Construction and Operation

[361VI\(A\)](#) General Rules of Construction

[361k187](#) Meaning of Language

[361k188](#) k. In General. [Most Cited Cases](#)

In construing a statute, its words must be given their plain and ordinary meaning without resorting to subtle or forced construction to limit or expand the statute's operation.

[6] Municipal Corporations 268 ↪120

[268](#) Municipal Corporations

543 S.E.2d 538

344 S.C. 43, 543 S.E.2d 538

(Cite as: 344 S.C. 43, 543 S.E.2d 538)

[268IV](#) Proceedings of Council or Other Governing Body
[268IV\(B\)](#) Ordinances and By-Laws in General
[268k120](#) k. Construction and Operation. [Most Cited Cases](#)
 Ordinances in derogation of natural rights of persons over their property are to be strictly construed as they are in derogation of the common law right to use private property so as to realize its highest utility and should not be impliedly extended to cases not clearly within their scope and purpose.

[\[7\]](#) Zoning and Planning 414 337

[414](#) Zoning and Planning

[414VI](#) Nonconforming Uses

[414k336](#) Discontinuance or Abandonment

[414k337](#) k. Cessation of Use. [Most Cited Cases](#)

City ordinance providing that “any sign structure that no longer displays any sign copy ... shall be deemed to be an obsolete or abandoned sign” expressed no time frame for abandonment, and thus, common law would be applied to determine whether sign owner intended to abandon sign.

[\[8\]](#) Zoning and Planning 414 337

[414](#) Zoning and Planning

[414VI](#) Nonconforming Uses

[414k336](#) Discontinuance or Abandonment

[414k337](#) k. Cessation of Use. [Most Cited Cases](#)

In order to constitute abandonment, it must appear that there was a discontinuance of the nonconforming use with the intent to relinquish the right to so use the property; the question is largely one of intention and must be determined from all of the surrounding facts and circumstances.

**[539*44](#) [Howell V. Bellamy, Jr.](#), and [Douglas M. Zayicek](#), of Bellamy, Rutenberg, Copeland, Epps, Gravely & Bowers, of Myrtle Beach, for petitioners.

[Michael W. Battle](#), of Battle & Vaught, of Conway, for respondent.

*[45](#) [BURNETT](#), Justice:

This case involves the proper construction of a Myrtle Beach city ordinance concerning abandoned and obsolete signs. Myrtle Beach Code § 902.4.7. We granted certiorari to review a decision of the Court of Appeals holding petitioners' sign could be deemed abandoned regardless of peti-

tioners' intent. [City of Myrtle Beach v. Juel P. Corp. and Gay Dolphin, Inc.](#), 337 S.C. 157, 522 S.E.2d 153 (Ct.App.1999). We reverse.

FACTS

In the early 1970s, petitioners purchased Ed's Hobby Shop in Myrtle Beach. The shop includes a rooftop sign, which is arguably the most prominent sign location in Myrtle Beach.

In 1979, Myrtle Beach enacted a zoning ordinance which prohibited rooftop signs in certain areas of the city, including the area where petitioners' sign was located. Section 902.8.3 of the zoning ordinance provided that rooftop signs had an amortization period of three years. In 1985, after the conclusion of a lengthy legal challenge to the city's comprehensive sign ordinance, the city notified petitioners that its ordinance had been declared legal, constitutional, and enforceable, and ordered petitioners to remove the rooftop sign from Ed's Hobby Shop. Petitioners, through an agent, responded by alerting the city to former [S.C.Code Ann. § 57-25-195 \(Supp.1980\)](#) (repealed in 1990), which would have required the city to pay just compensation for the sign. Rather than compensate petitioners for the sign's removal, the city chose not to enforce its 1985 letter.

In 1989, in the imminence of Hurricane Hugo, petitioners removed the sign facing to minimize damage from the storm. Shortly after the storm had passed, petitioners received a letter from the city informing them the sign was more than 50% damaged and could not be restored. Petitioners asked for repair estimates from three different sign companies, all of which agreed with petitioners' estimate that the sign was only 10% damaged. Petitioners approached the city's Director of Construction Services with these estimates, and, when he refused to concede their damage estimate, presented the estimates to the city manager. Petitioners attempted to reach *[46](#) a settlement with the city manager in which petitioners would agree to remove the rooftop sign in exchange for a permit for a unipole sign.

For the next five years, the sign remained vacant. Neither petitioners nor the city pursued formal appeals or informal negotiations. During this time, however, petitioners continued to pay Highway Department fees and maintain electrici-

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344 S.C. 43, 543 S.E.2d 538

(Cite as: 344 S.C. 43, 543 S.E.2d 538)

city to the sign. In the fall of 1994, petitioners installed new sign facing. On November 8, 1994, the city notified petitioners that the sign violated the city zoning ordinance, § 902.4.8, which prohibits rooftop signs. When petitioners did not remove the sign, the city sought an injunction. In its second amended complaint, dated September 24, 1996, the city for the first time claimed petitioners had abandoned their sign. Section 902.4.7 of the Myrtle Beach Code provides:

Any sign which advertises or pertains to a business, product, service, event, activity or purpose which is no longer conducted or that has not been in use for three months or which is no longer imminent, or any sign structure that no longer displays any sign copy shall be deemed to be an obsolete or abandoned sign.

****540** The Master-in-Equity for Horry County conducted a hearing on the city's injunction action and petitioners' takings counterclaim. The Master ruled the city could not rely on its ordinance because to do so would retroactively deprive petitioners of a vested right. He further ruled intent is a necessary element of abandonment, and found petitioners "did not simply abandon the most prominent and valuable sign in Myrtle Beach." The Court of Appeals reversed, holding a property owner's intent is irrelevant when an ordinance specifies an objective time frame after which a non-conforming use shall be deemed abandoned. City of Myrtle Beach v. Juel P. Corp. and Gay Dolphin, Inc., 337 S.C. 157, 522 S.E.2d 153 (Ct.App.1999).

DISCUSSION

[1] Petitioners argue several issues on appeal. We decline to reach these issues because we conclude the city's ordinance does not provide an objective time frame for abandonment.

*47 [2][3][4][5][6] When interpreting an ordinance, legislative intent must prevail if it can be reasonably discovered in the language used. Charleston County Parks and Rec. Comm'n v. Somers, 319 S.C. 65, 459 S.E.2d 841 (1995). The determination of legislative intent is a matter of law. Id. In construing a statute, its words must be given their plain and ordinary meaning without resorting to subtle or forced construction to limit or expand the statute's operation. First Baptist Church of Mauldin v. City of Mauldin, 308 S.C. 226,

417 S.E.2d 592 (1992). "[O]rdinances in derogation of natural rights of persons over their property are to be strictly construed as they are in derogation of the common law right to use private property so as to realize its highest utility and should not be impliedly extended to cases not clearly within their scope and purpose." Purdy v. Moise, 223 S.C. 298, 302, 75 S.E.2d 605, 607 (1953).

We read the ordinance as follows:

Any sign

[1] which advertises or pertains to a business, product, service, event, activity, or purpose

[a] which is no longer conducted or [b] that has not been in use for three months or [c] which is no longer imminent

or [2] any sign structure that no longer displays any sign copy

shall be deemed to be an obsolete or abandoned sign.

Myrtle Beach Code § 902.4.7. The city's proposed construction, "Any sign ... that has not been in use for three months ... shall be deemed to be an obsolete or abandoned sign," is a forced construction that would impermissibly expand the ordinance's operation. We cannot harmonize the city's interpretation with our obligation to construe the ordinance strictly.

While the intent of the city may well have been to provide a three-month period of abandonment for signs, that intent is not expressed in the language of the ordinance. Moreover, the portion of the ordinance which clearly applies to petitioners' sign—"any sign structure that no longer displays any sign copy"—contains no time provisions whatsoever.

*48 [7][8] Because the ordinance expresses no time frame for abandonment, we apply the common law. Under the common law:

In order to constitute abandonment, it must appear that there was a discontinuance of the nonconforming use with the intent to relinquish the right to so use the property. The question is largely one of intention and must be determined from all of the surrounding facts and circumstances.

Conway v. City of Greenville, 254 S.C. 96, 105, 173 S.E.2d 648, 652-53 (1970). We find abundant evidence in the record to support the Master's finding petitioners did not in-

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(Cite as: **344 S.C. 43, 543 S.E.2d 538**)

tend to abandon their sign.

CONCLUSION

Because the city's ordinance does not provide an objective time frame for abandonment of a nonconforming use, the common law of abandonment controls. The evidence ****541** supports the finding that petitioners did not intend to abandon their rooftop sign.

REVERSED.

TOAL, C.J., MOORE, WALLER and PLEICONES, JJ.,
concur.

S.C.,2001.

City of Myrtle Beach v. Juel P. Corp.

344 S.C. 43, 543 S.E.2d 538

END OF DOCUMENT

David Bennett
Mayor

August 23, 2016

William D. Harkins
Mayor ProTem

Mr. Chester C. Williams
Law Office of Chester C. Williams, LLC
17 Executive Park Rd, Suite 2
PO Box 6028
Hilton Head Island, SC 29938

Council Members

David Ames
Marc A. Grant
Thomas W. Lennox
Kim W. Likins
John J. McCann

Dear Chet:

Stephen G. Riley
Town Manager

This letter is in response to the discussions we have had over the past few months and your request for information and a formal determination on what effect the Waterside (Town Center) PD-2 overlay has on the vacant parcel that Spinnaker is proposing to construct their Welcome Center on. The subject parcel is located at 30 Waterside Drive and is further identified as Parcel 202 on Beaufort County Tax Map 18. The property is zoned RD (Resort Development), is within the COR (Corridor Overlay District) and is part of the Waterside (Town Center) PD-2 Overlay.

According to the information that the Town has, the Waterside PD-2 received preliminary approval on December 12, 1984 by the Joint Planning Commission. This approval was obtained under the September 28, 1983 DSO (Development Standards Ordinance). The development as shown on the Conceptual Master Plan dated November 5, 1984 was to consist of a hotel, residential, commercial retail and commercial office uses. The master plan in our records, which only contains sheet 1 of 4, shows 5 Tracts of land with a development summary table that lists uses, acreage, square footages, open space, impervious area and parking assigned to each Tract. The parcel subject to your inquiry is labeled as Tract B on the master plan, with the use listed as "commercial-retail".

The DSO in effect at the time stated that preliminary approval did not provide exemption from subsequently enacted amendments and that any preliminary approval shall become invalid two years from the date of its issuance unless the applicant filed a completed application for final development permit. In the case of the Waterside PD-2 project, a preliminary approval was granted on December 12, 1984. An appeal of this approval was filed by adjacent landowners to the Board of Adjustment. The Board of Adjustment reversed the December 12, 1984 preliminary approval. This matter was further appealed to the Court of Common Pleas, which reversed the Board of Adjustments decision and reinstated the December 12, 1984 preliminary approval and further ruled that the preliminary approval would not expire until September 30, 1987.

A Special Exception/Conditional Use permit was approved for the development by the Planning Commission on May 6, 1987 which included a land exchange that changed the boundary of the PUD but not the site acreage, and also permitted an increase in the number of hotel rooms from 50 to 94 with a corresponding reduction of residential dwelling units and retail space.

ATTACHMENT J

According to a letter dated March 3, 1995 by Thomas Brechko, Chief of Planning with the Town, the Town's files at that time contained a "Conceptual Master Plan" dated July 27, 1987, which revised the 1984 master plan to match what was approved by the Planning Commission with the special exception/conditional use approval on May 6, 1987. Staff is unable to locate this master plan. Staff was able to locate a Conceptual Master Plan dated February 11, 1987 in the Development Plan Review file for the hotel development (DPR-18-87).

A review of the documentation associated with the special exception/conditional use approval indicates that the use of Tract B did not change. In comparing the 1984 master plan to the 1987 master plan, it appears the boundary change referenced in the special exception/conditional use approval was between the hotel tract and the Western Sizzlin property (now Aunt Chiladas). The Western Sizzlin property lost some of the parking area in the rear to allow a more workable hotel site and in exchange, the commercial/retail space originally planned for Tract C was reduced and part of it was replaced with parking for the Western Sizzlin property. Tract B remained on the 1987 master plan as commercial retail. There was a summary table that went along with the special exception/conditional use approval. The summary table lists a 1.4 acre tract with 21,913 square feet of commercial/ office, a 3 acre tract with 36,279 square feet of commercial/retail, a 2.6 acre tract with 94 hotel/motel rooms, a 1.3 acre tract for common open space and a 6.8 acre tract with 200 residential dwelling units.

According to a letter from McGinty Associates (Architects for the hotel project) to the Town dated July 13, 1987, 1.3 acres of open space was required by the Planning Commission in conjunction with the special exception/conditional use approval. The motel tract was 2.6 acres, which was not enough acreage to allow the requested 94 rooms. In order to make the rooms per acre figure comply with the provisions of the LMO, the Planning Commission required 1.3 acres of open space be provided in the Waterside PUD. According to this letter, it was agreed that this common open space could be distributed throughout the remaining PUD.

According to the March 3, 1995 letter by Thomas Brechko, on January 5, 1995 a Categorical Exemption was approved for the project making it exempt from all amendments to the DSO and LMO at the time with regards to permitted uses, densities and design standards. The uses, acreage assigned and square footages that were approved under the preliminary approval were determined to be vested for the project. The Categorical Exemption certificate was valid for five years, expiring on March 3, 2000. After the expiration of the certificate, any future development of the property shall be subject to the provisions of the LMO in effect at that time. This does not mean that the Waterside PD-2 Overlay would no longer exist; it simply means that any properties that were not developed by that time are not vested for uses, densities and design standards that were allowed under the old LMO. They must conform to the standards of the current LMO.

According to a narrative written by Don Guscio dated February 4, 1998 submitted in conjunction with a Development Plan Review application for the Spinnaker interval occupancy residential development (DPR-03-98), on December 17, 1997, Waterside by Spinnaker purchased all of the Waterside PD-2 property excluding the hotel tract and Tract B. The uses and density transferred to the new owner were 200 residential units, 5,126 square feet of office and 23,363 square feet of retail. The balance of office and retail development density was retained for Tract B. Subtracting what was assigned to the new

ATTACHMENT J

owner from what was approved by the Planning Commission on May 6, 1987, 16,787 square feet of office and 12,916 square feet of retail remains. DPR-03-98 was approved in 1998 for 200 development units and associated recreational facilities and check-in office space. That is how the development was built and still functions today. It is different than what the original 1984 Conceptual Master Plan was approved for, but matches the summary table that was approved in 1987.

Based on open space numbers staff obtained from Todd Theodore with Wood and Partners (architect/applicant for the proposed Spinnaker Welcome Center) the entire Waterside PUD, which is 15.1 acres total, has approximately 9.6 acres of open space. The Waterside PUD includes the Waterside by Spinnaker development, the Beachwalk Hotel development and the proposed welcome center. This information demonstrates that the 1.3 acres of open space required by the Planning Commission in 1987 for the PUD as a whole is being met.

Based on all of the above information, I have determined that the Spinnaker Welcome Center is permitted as proposed as long as it does not exceed what was allowed on that masterplan or what is permitted by the current LMO.

The proposed Welcome Center is shown to be built at a maximum of 7,500 square feet. Per LMO Section 16-3-102.L, the RD District allows up to 8,000 square feet of nonresidential uses per net acre. The subject property is 1.068 acres in size, which would allow 8,544 square feet. Since the proposed Welcome Center is only 7,500 square feet in size, it is clearly less than what the LMO allows and is less than the 16,787 square feet originally retained for Tract B. The proposed Welcome Center project (DPR-001056-2016) meets all current LMO requirements and a Notice of Action was issued on July 28, 2016.

Should you wish to appeal this determination to the Board of Zoning Appeals (BZA), please file an appeal application within 14 calendar days of receipt of this determination.

Should you have any other questions or concerns, please contact me at (843) 341-4686 or nicoled@hiltonheadislandsc.gov.

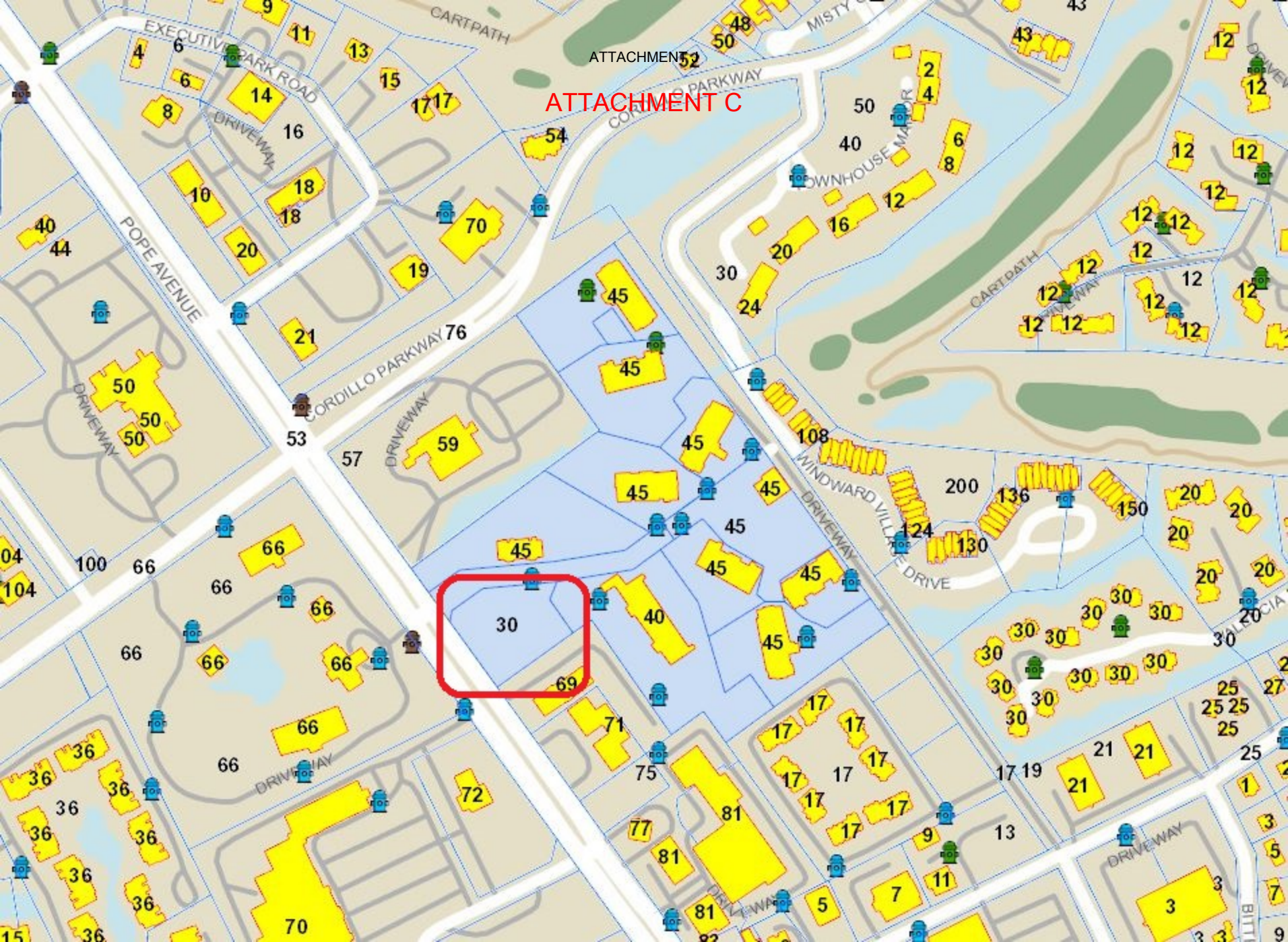
Sincerely,



Nicole Dixon, CFM
Senior Planner

Cc: Todd Theodore, Wood and Partners
Charlie Halterman, Spinnaker Resorts
File

ATTACHMENT C





NOTICE OF ACTION

DPR-001056-2016

Application #

Name of Development: SPINNAKER RESORT WELCOME CENTER		Location: 30 Waterside Drive Hilton Head, SC 29926	
Owner		Applicant	
SCD Properties Inc		WOOD + PARTNERS, INC	
Location and Development Information:			
Description: NEW SPINNAKER RESORT WELCOME CENTER			
Zoning District (s): A7(14) Flood Zone, Resort Development District, Corridor Overlay District, Corridor Overlay District - <i>Wesley-Town Center PD-2</i>		Subdivision:	Tax District Map Parcel:
		Not Applicable	R552 018 000 0202 0000
Approved Site Plan Information:			
Date of the latest revision of approved site plan: <i>June 24, 2016</i>		Based on Plans by: <i>Wood + Partners and Alliance Consulting Engineers</i> Plans Titled: <i>Spinnaker Welcome Center</i>	
Any deviation from the approved plans will require additional review.			
Case Manager: Nicole Dixon		Signature: <i>Nicole Dixon</i>	
Date Issued: 07/28/2016		Expiration Issued: 7-27-18	

Pursuant to LMO 16-3-310 or 16-3-608, this approval expires as indicated above unless a complete building permit application is submitted, or where no building permit is required, a Certificate of Compliance is obtained. Pursuant to LMO 16-3-706, the Building Official can issue no final Certificate of Occupancy until the Planning Division issues a final Certificate of Compliance. For more information, see LMO 16-3-703 and 16-3-801 through 807 (Development Sureties).

Print Name: David McAllister Signature: *David McAllister* Date: 7/28/16
Owner or Authorized Agent of Owner

This must be posted on the site and shall not be removed until it has passed the final inspection
 Print Date: 7/28/2016



NOTICE OF ACTION

DPR-001056-2016

Application #

Conditions of the Approval:

Town Staff conditions are included, additional pages may be attached.

Conditions of the Approval for: DPR-001056-2016

Fire:

- Contact the Fire Marshal for marking of fire lanes prior to request for C of C inspection

Natural Resource:

- Specimen Tree Impacts, Sec. 16-6-104.F

It appears that the proposed building footprint will impact the canopy drip line of the 40" Live Oak located on the southeast side of the building. A site visit with the applicant and their tree contractor will be required to address any pruning of this tree that will be required for the proposed construction.

Fire:

- Access & water supply for fire department operations shall be provided during construction.

Fire General Condition:

- Maintain a vertical clearance over access roads of 13'6". Ensure any trees are trimmed that hang over the access road.

Planning:

- Contact Nicole Dixon at 843-341-4686 for a pre-clear inspection once tree protection and erosion and sediment control fencing has been installed, prior to beginning construction or any clearing.

LANDSCAPE DEVELOPMENT PLANS FOR

APPROVED
By nicole at 12:47 pm, Jul 28, 2016

Spinnaker Welcome Center

Construction Documents Hilton Head Island, South Carolina June 29, 2016

PROJECT TEAM:

LANDSCAPE ARCHITECT

Wood + Partners Inc.
7 Lafayette Place
Hilton Head Island, SC 29926
843-681-6618
CONTACT: Todd Theodore

ARCHITECT

General Design and Restoration, Inc.
1000 Branson Landing Blvd.
Branson, MO 65616
417-334-1999

CIVIL ENGINEER

Alliance Consulting Engineers, Inc.
23 Plantation Park Drive, Suite 204
Bluffton, SC 29910
843-757-5959

SITE ELECTRICAL

CDDC, LLC
PO Box 2869
Bluffton, SC 29910
843-384-4731

PREPARED FOR:

Spinnaker Development Group
35 DeAllyon Avenue
843-785-8105

GENERAL CONSTRUCTION NOTES:

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL EXISTING UNDERGROUND UTILITIES PRIOR TO BEGINNING OF CONSTRUCTION ACTIVITIES AND FOR AVOIDING ALL CONFLICTS WITH SAME. ANY DAMAGE TO EXISTING UTILITIES SHALL BE REPAIRED AT THE EXPENSE OF THE CONTRACTOR.
2. ALL DISTURBED AREAS AND PROPOSED GRADING NOT TO BE COVERED BY OTHER SURFACES SHALL BE MULCHED AS REQUIRED TO OBTAIN AN ACCEPTABLE GROUND COVER, UNLESS SPECIFIED OTHERWISE.
3. ALL CONSTRUCTION SHALL BE IN COMPLIANCE WITH FEDERAL, STATE AND LOCAL CODES.
4. THE CONTRACTOR SHALL PERFORM HIS OWN INVESTIGATIONS TO THE EXTENT NECESSARY TO DETERMINE THE EFFECTS OF SUB-SURFACE CONDITIONS ON THE WORK AND SHALL BID AND CONSTRUCT THE WORK IN ACCORDANCE WITH HIS FINDINGS.
5. DEMOLITION SHALL INCLUDE THE REMOVAL OF ALL PIPE, STRUCTURES OR DEBRIS WITHIN THE AREA OF CONSTRUCTION WHETHER SHOWN ON THE PLANS OR NOT.
6. CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING PROPER DRAINAGE OF ANY AND ALL AREAS WHICH ARE FIELD ADJUSTED DURING CONSTRUCTION.
7. CONTRACTOR SHALL RESTORE DAMAGED FINISHES AND REPLACE DAMAGED OR DEFECTIVE UNITS.
8. CONTRACTOR SHALL COORDINATE WITH ALL UTILITY COMPANIES FOR TIMING OF AND RESPONSIBILITY OF DEMOLITION OPERATIONS.
9. CONTRACTOR TO AVOID ANY DAMAGE TO ALL EXPOSED TREE ROOTS. IF CONFLICTS WITH TREE ROOTS EXIST, CONTRACTOR SHALL NOT CUT TREE ROOTS AND SHALL NOTIFY LANDSCAPE ARCHITECT OF ANY CONFLICTS PRIOR TO MAKING ANY ADJUSTMENTS.



VICINITY MAP
NOT TO SCALE

INDEX TO DRAWINGS:

LANDSCAPE ARCHITECTURE	
CVR	COVER
L1	SITE PLAN
L2	LAYOUT PLAN
L3	DETAILS
L3.1	DETAILS
L4	PLANTING PLAN
L4.1	PLANT DETAILS
L5	SETBACK EXHIBIT



Know what's below.
Call before you dig.

SURVEY INFORMATION COMPILED FROM AS-BUILT SURVEY BY SURVEYING CONSULTANTS. FILE 14014 TA1.dwg, DATED FEBRUARY 26, 2014.

APPROVED
By nicolel at 12:48 pm, Jul 28, 2016

SPINNAKER
DEVELOPMENT GROUP
35 DeAlligon Avenue
Hilton Head Island, South Carolina

SPINNAKER RESORT
WELCOME CENTER

Hilton Head Island, South Carolina

LINE	LENGTH	BEARING	POINT
L1	28.28'	N 09°24'51" E	
L2	23.52'	S 26°54'56" W	
L3	16.42'	S 81°00'39" W	
L4	26.64'	N 47°33'02" W	
L5	39.79'	N 83°25'51" E	
L6	16.41'	S 81°47'39" E	
L7	23.35'	N 65°30'12" E	
L8	16.58'	S 20°21'54" W	
L9	29.39'	S 72°17'11" W	
L10	19.39'	N 80°12'57" E	

SITE SUMMARY:	
TOTAL SITE AREA:	1.068 ACRES
ZONING DISTRICT:	RD
OVERLAY DISTRICT:	CORRIDOR
CC MAXIMUM IMPERVIOUS COVER:	50%

PARCEL SUMMARY:
R552 018 000 0202 0000

PARKING SUMMARY
TOTAL GFA: ± 7,500 SF

TOTAL PARKING REQUIRED: ± 21
(BASED ON LMO OFFICE USE 1/350 SF)

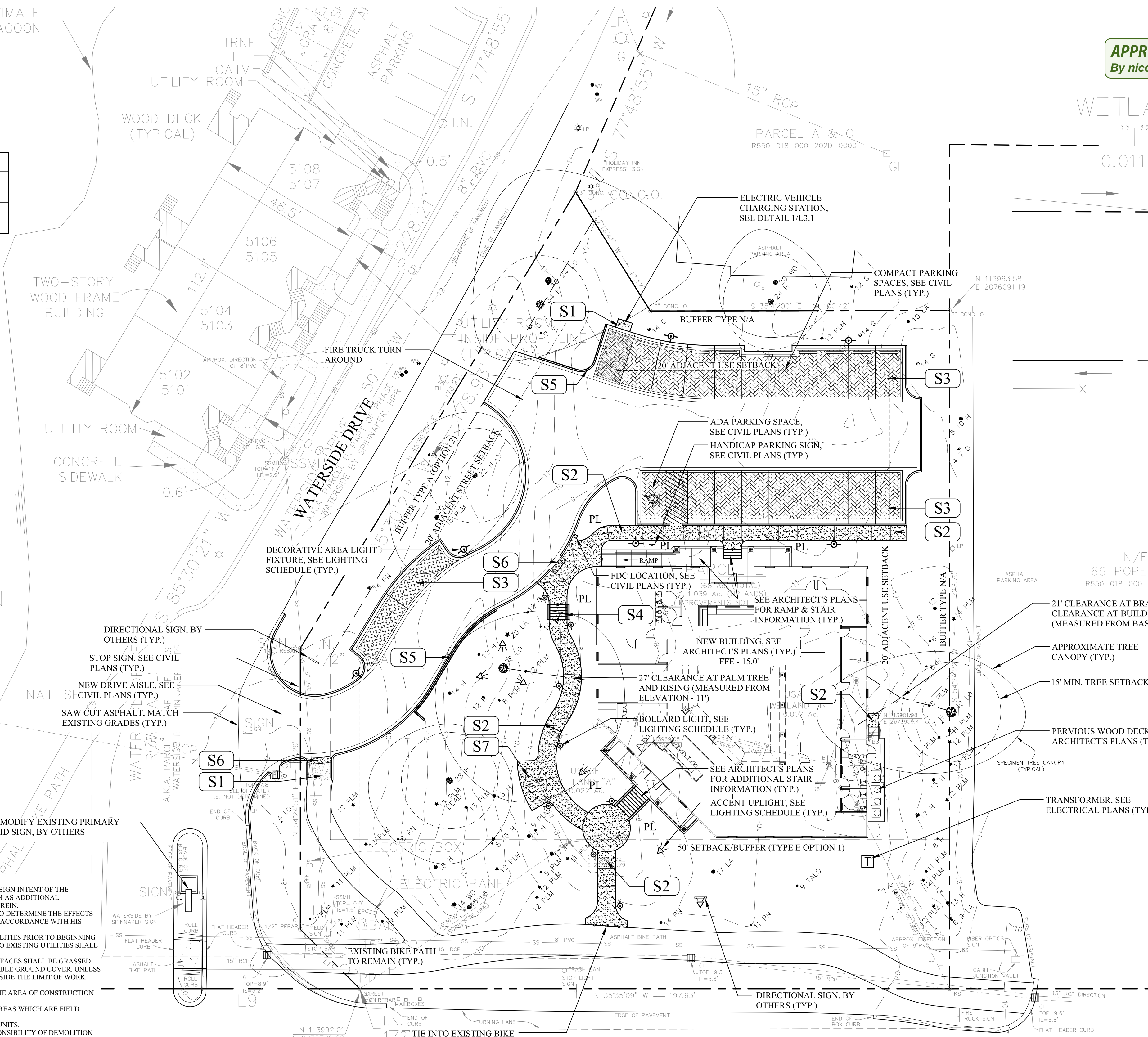
MAXIMUM PARKING ALLOWED: ± 22
(BASED ON 5% ABOVE MINIMUM)

COMPACT SPACES PROVIDED: ± 2
ELECTRIC VEHICLE CHARGING SPACES PROVIDED: ± 1
HANDICAPPED SPACES PROVIDED: ± 1
STANDARD PARKING SPACES: ± 18
TOTAL BIKE PARKING PROVIDED: ± 10 SPACES

TOTAL PARKING PROVIDED: ± 22

GENERAL SITE PLAN NOTES:

- THIS CONSTRUCTION DOCUMENTS SET HAS BEEN CREATED TO ILLUSTRATE THE GENERAL DESIGN INTENT OF THE PROJECT. THE CONTRACTOR SHALL WORK CLOSELY WITH THE OWNER'S REP. AND NOTIFY HIM AS ADDITIONAL INFORMATION IS NEEDED TO PROPERLY CONSTRUCT/INSTALL BUILD ELEMENTS DEPICTED HEREIN.
- THE CONTRACTOR SHALL PERFORM HIS OWN INVESTIGATIONS TO THE EXTENT NECESSARY TO DETERMINE THE EFFECTS OF SUB-SURFACE CONDITIONS ON THE WORK AND SHALL BID AND CONSTRUCT THE WORK IN ACCORDANCE WITH HIS FINDINGS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL EXISTING UNDERGROUND UTILITIES PRIOR TO BEGINNING CONSTRUCTION ACTIVITIES AND FOR AVOIDING ALL CONFLICTS WITH SAME. ANY DAMAGE TO EXISTING UTILITIES SHALL BE REPAIRED AT THE EXPENSE OF THE CONTRACTOR.
- ALL DISTURBED AREAS AND PROPOSED EARTH GRADING NOT TO BE COVERED BY OTHER SURFACES SHALL BE GRASSED BY SEEDING, FERTILIZING, MULCHING AND WATERING AS REQUIRED TO OBTAIN AN ACCEPTABLE GROUND COVER, UNLESS SPECIFIED OTHERWISE. ALL AREAS THAT ARE DISTURBED BY CONSTRUCTION INSIDE OR OUTSIDE THE LIMIT OF WORK SHALL BE REPAIRED, GRADED AND GRASSED AT THE CONTRACTOR'S EXPENSE.
- DEMOLITION SHALL INCLUDE THE REMOVAL OF ALL PIPE, STRUCTURES OR DEBRIS WITHIN THE AREA OF CONSTRUCTION WHETHER SHOWN ON THE PLANS OR NOT (SEE CIVIL FOR MORE INFORMATION).
- CONTRACTOR SHALL BE RESPONSIBLE FOR ENSURING PROPER DRAINAGE OF ANY AND ALL AREAS WHICH ARE FIELD ADJUSTED DURING CONSTRUCTION.
- CONTRACTOR SHALL RESTORE DAMAGED FINISHES AND REPLACE DAMAGED OR DEFECTIVE UNITS.
- CONTRACTOR SHALL COORDINATE WITH ALL UTILITY COMPANIES FOR TIMING OF AND RESPONSIBILITY OF DEMOLITION OPERATIONS.
- CONTRACTOR SHALL STAKE ALL WORK TO BE COMPLETED AND OBTAIN APPROVAL FROM OWNER'S REPRESENTATIVE PRIOR TO CONSTRUCTION. ANY DISCREPANCIES SHALL BE RESOLVED PRIOR TO CONSTRUCTION. ANY WORK PERFORMED WITHOUT APPROVAL, THE CONTRACTOR IS AT RISK FOR COST OF REPLACEMENT.
- ALL FIELD ADJUSTMENTS SHALL RECEIVE APPROVAL FROM OWNER'S REPRESENTATIVE PRIOR TO CONSTRUCTION.
- TEMPORARY EROSION & SEDIMENT CONTROLS (SILT FENCES, ETC.) SHALL BE INSTALLED AT INLETS, PIPES, & LIMITS OF WORK AREAS WHERE SURFACE RUN-OFF OCCURS UNTIL SOIL STABILIZATION IS COMPLETE. SEE ENGINEERING PLANS.
- SEE ENGINEERING PLANS FOR LAYOUT AND LOCATION OF UTILITIES, ROADS, PARKING AND STORM DRAINAGE.
- SEE ARCHITECTURAL PLANS FOR BUILDING INFORMATION.
- SEE ELECTRICAL PLAN FOR LOCATION OF ELECTRICAL, AND PROVIDE CONDUIT SLEEVING FOR ALL WIRING UNDER PAVEMENTS.
- CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND REPORT ANY DISCREPANCIES AND UNUSUAL CONDITIONS TO OWNER'S REPRESENTATIVE PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL MAINTAIN ALL GRASSED AREAS, INCLUDING THE REPAIR OF EROSION AREAS, UNTIL GRASS HAS REACHED THE LEVEL OF FINAL ACCEPTANCE.
- ALL EXISTING TREES TO BE SAVED WILL HAVE FREE BARRICADES INSTALLED AROUND THEM PRIOR TO BEGINNING OF DEMOLITION. ALL WORK IN THOSE AREAS TO BE DONE BY HAND. FENCES SHALL BE MAINTAINED AND KEPT IN PLACE AT ALL TIMES.
- ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS, AND ALL LOCAL, STATE, AND FEDERAL AGENCIES AND REGULATIONS.
- CONTRACTOR SHALL PROTECT THE PUBLIC FROM CONSTRUCTION AREAS AND ASSOCIATED ACTIVITY DURING CONSTRUCTION.
- CONTRACTOR SHALL COORDINATE CONDUIT LOCATIONS (I.E. IRRIGATION, ELECTRICAL, ETC.) WITH SUBSEQUENT DRAWINGS PRIOR TO PAVEMENT INSTALLATION.
- CONTRACTOR SHALL PROVIDE 4' x 4' MOCK UP PANELS OF ALL PAVEMENT & PAVER TYPES. IF APPROVED, PAVEMENT CAN BE A PART OF FINAL WORK.
- REFER TO ARCHITECTURE PLANS FOR ALL RAMPS & STAIRS ATTACHED TO BUILDING.



SITE KEY LEGEND:

- SITE WORK:
- S1 CONCRETE WALK W/ BROOM FINISH
DETAIL 1/L3
 - S2 POROUS CONCRETE WALK
DETAIL 2/L3
 - S3 VEHICULAR PERMEABLE PAVERS
DETAIL 3/L3
 - S4 BRICK STEPS W/ STUCCO CHEEK WALL
DETAIL 3/L3.1
 - S5 TIMBER RETAINING WALL
DETAIL 4/L3
 - S6 ADA CURB RAMPS
DETAIL 1/L3
 - S7 BIKE RACK
DETAIL 2/L3.1

PAVING & FURNISHING SCHEDULE:

- 4" CONCRETE WALK
COARSE BROOM FINISH
- POROUS CONCRETE WALK
- VEHICULAR PAVERS:
PINEHALL BRICK
STORMPAVE PERMEABLE PAVER
COLOR: FULL RANGE RED
PATTERN: 45° HERRINGBONE W/ BORDER
BORDER: SINGLE HEADER COURSE
(HATCH PATTERN DIRECTION DENOTES
HERRINGBONE PATTERN DESIGN INTENT)
- CONTROL JOINT:
SEE DETAIL 1/L3 OR 2/L3
- EXPANSION JOINT:
SEE DETAIL 1/L3 OR 2/L3
- ADA DETECTABLE WARNING:
STEPS/SAFE TILES FOR APPROVED EQUAL 12"x12"x.5"
COLOR: CHOCOLATE BROWN

PL PLANTING AREA

- BIKE RACKS (5 TOTAL):
MADRAX - U BIKE RACK
MODEL U190-IG-P
COLOR: BLACK
SEE DETAIL 2/L3.1 FOR MORE INFORMATION
- ELECTRIC VEHICLE CHARGING STATION (1 TOTAL):
LEGRAND MODEL L2EVPED1 - SINGLE PEDESTAL
MOUNT, PROVIDE 3x5' CONCRETE SIDEWALK
FOUNDATION FOR MOUNTING AND 18"x12" GREEN
REFLECTIVE E.V. CHARGING STATION SIGN
(INCLUDE (2) 4" Ø BLACK PAINTED CONCRETE
FILLED STEEL PIPE BOLLARDS)
SEE DETAIL 1/L3.1 FOR MORE INFORMATION

LIGHTING SCHEDULE:

- BOLLARD LIGHT (8 TOTAL):
PHILIPS LUMEC BOLLARD LIGHT
MODEL: D05B1-S0HPS-BKTX
COLOR: BLACK
- DECORATIVE AREA LIGHT FIXTURE (6 TOTAL):
PHILIPS HADCO CITY POST FROSTED GLOBE LED LUMINAIRE
FIXTURE MODEL: TX1-48-B-S1-P-A-2-A-3-N-N-A-3-N
POST MODEL: 306-16-BLK
- ACCENT UPLIGHT (6 TOTAL):
PHILIPS HADCO LED ALUMINUM BULLYITE
B3-A-LED13-NF-W

LIGHTING NOTES:

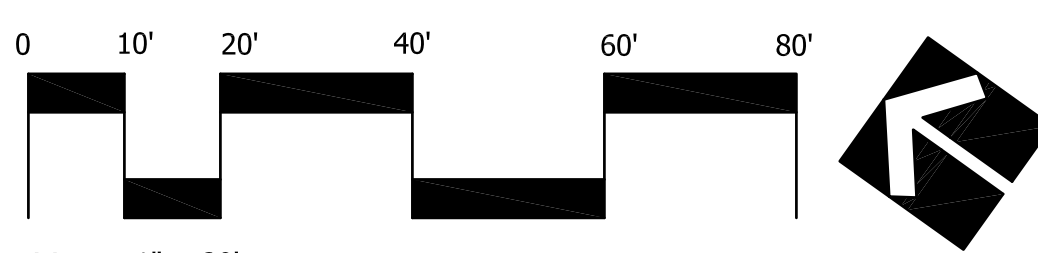
- INSTALL ALL FIXTURES PER MANUFACTURER'S RECOMMENDATIONS.
- SEE ELECTRICAL PLAN FOR ADDITIONAL INFORMATION.

DRAWN BY:
DM
CHECKED BY:
TT

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3	DRB SUBMITTAL	4-26-16	
4	DRP SUBMITTAL	6-2-16	
5	DRP SUBMITTAL	6-29-16	

DATE
6-29-16
PROJECT NUMBER
01-15035
SHEET TITLE
SITE PLAN



SCALE: 1" = 20'

PLAN IS SUBJECT TO CHANGE.

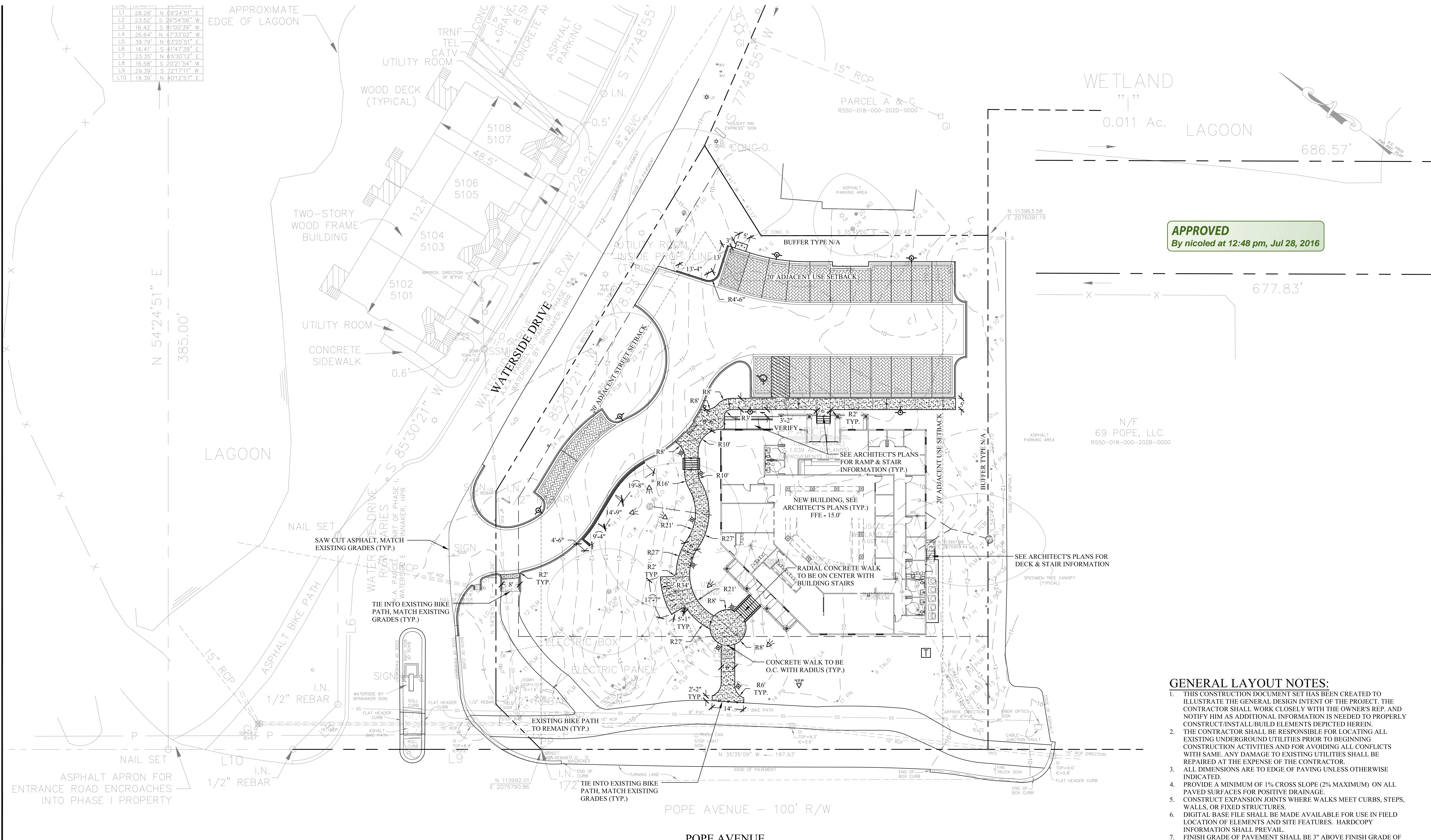
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Landscape Architects
Land Planners

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843.881.6618 Fax 843.881.7088 www.woodpartners.com

SHEET NUMBER
L1

L	LINE	LENGTH	BEARING	COORDINATES
L1	28.28'	N 09°24'51" E		
L2	23.52'	S 26°54'56" W		
L3	16.42'	S 81°00'39" W		
L4	26.64'	N 47°33'02" W		
L5	39.79'	N 83°25'51" E		
L6	16.41'	S 81°17'39" E		
L7	23.35'	N 65°30'12" E		
L8	16.58'	S 20°21'54" W		
L9	29.39'	S 72°17'11" W		
L10	19.39'	N 80°12'57" E		

APPROXIMATE EDGE OF LAGOON



APPROVED
By nicolel at 12:48 pm, Jul 28, 2016

GENERAL LAYOUT NOTES:

1. THIS CONSTRUCTION DOCUMENT SET HAS BEEN CREATED TO ILLUSTRATE THE GENERAL DESIGN INTENT OF THE PROJECT. THE CONTRACTOR SHALL WORK CLOSELY WITH THE OWNER'S REP. AND NOTIFY HIM AS ADDITIONAL INFORMATION IS NEEDED TO PROPERLY CONSTRUCT/INSTALL/BUILD ELEMENTS DEPICTED HEREIN.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL EXISTING UNDERGROUND UTILITIES PRIOR TO BEGINNING CONSTRUCTION ACTIVITIES AND FOR AVOIDING ALL CONFLICTS WITH SAME. ANY DAMAGE TO EXISTING UTILITIES SHALL BE REPAIRED AT THE EXPENSE OF THE CONTRACTOR.
3. ALL DIMENSIONS ARE TO EDGE OF PAVING UNLESS OTHERWISE INDICATED.
4. PROVIDE A MINIMUM OF 1% CROSS SLOPE (2% MAXIMUM) ON ALL PAVED SURFACES FOR POSITIVE DRAINAGE.
5. CONSTRUCT EXPANSION JOINTS WHERE WALKS MEET CURBS, STEPS, WALLS, OR FIXED STRUCTURES.
6. DIGITAL BASE FILE SHALL BE MADE AVAILABLE FOR USE IN FIELD LOCATION OF ELEMENTS AND SITE FEATURES. HARD COPY INFORMATION SHALL PREVAIL.
7. FINISH GRADE OF PAVEMENT SHALL BE 3" ABOVE FINISH GRADE OF ALL LANDSCAPE AREAS.
8. ALL SIGNS SHALL BE STAKED IN FIELD FOR APPROVAL BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION, SEE SITE PLAN FOR GENERAL LOCATION.
9. CONTRACTOR SHALL VERIFY ALL EXISTING TREE CONDITIONS AND ELEVATIONS PRIOR TO CONSTRUCTION. CONTRACTOR SHALL NOTIFY OWNER'S REPRESENTATIVE OF DISCREPANCIES PRIOR TO THEIR REMOVAL. CONTRACTOR SHALL PROTECT ALL TREES TO REMAIN.
10. CONTRACTOR SHALL COORDINATE CONDUIT LOCATIONS (I.E. IRRIGATION, ELECTRICAL, ETC.) WITH SUBSEQUENT DRAWINGS PRIOR TO CONCRETE INSTALLATION.

SPINNAKER DEVELOPMENT GROUP
35 DeAligon Avenue
Hilton Head Island, South Carolina

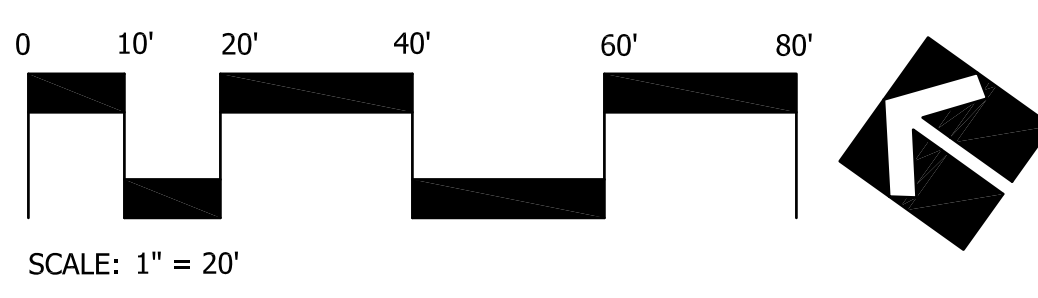
PERMIT DOCUMENTS
SPINNAKER RESORT
WELCOME CENTER
Hilton Head Island, South Carolina

DRAWN BY: DM
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6-29-16
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SHEET TITLE
LAYOUT PLAN

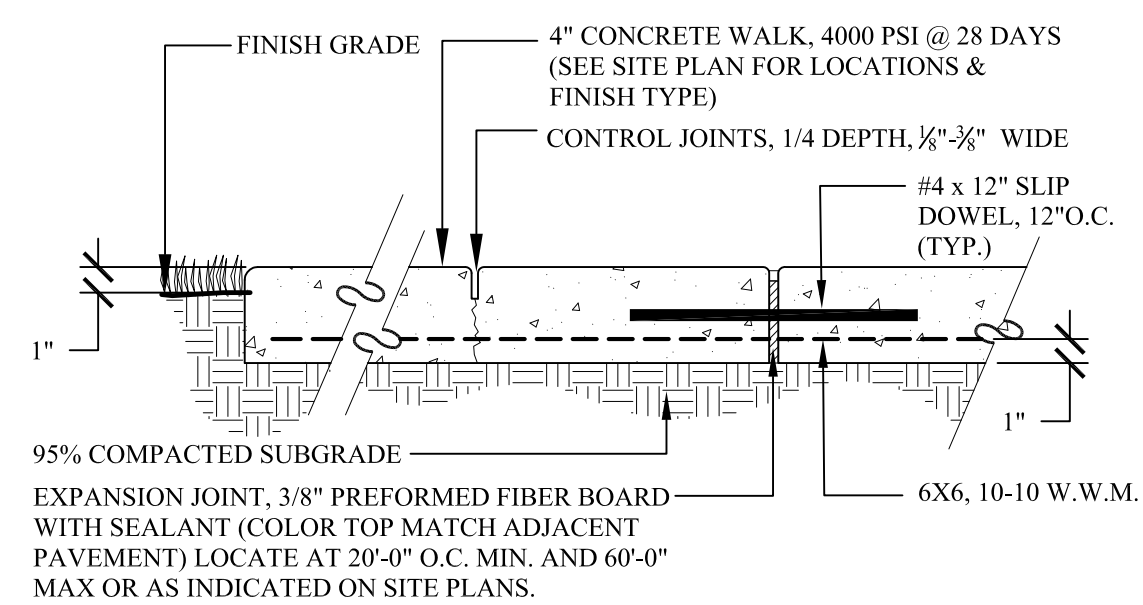


PLAN IS SUBJECT TO CHANGE.

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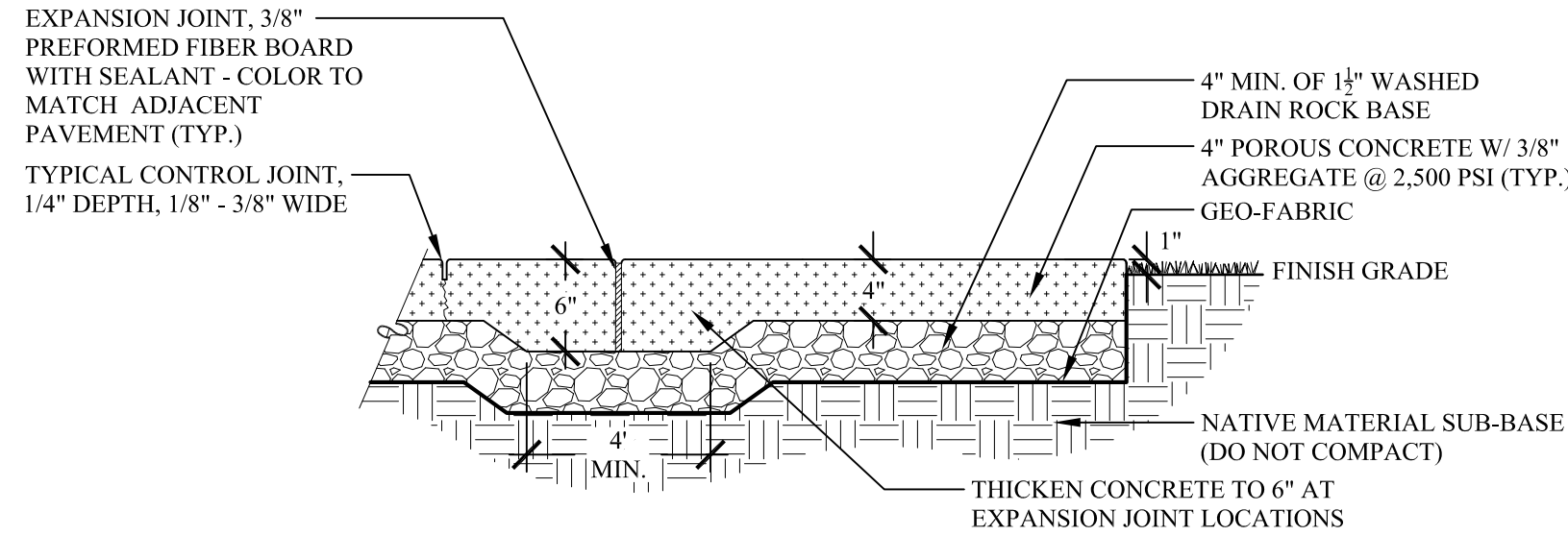
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SHEET NUMBER
L2



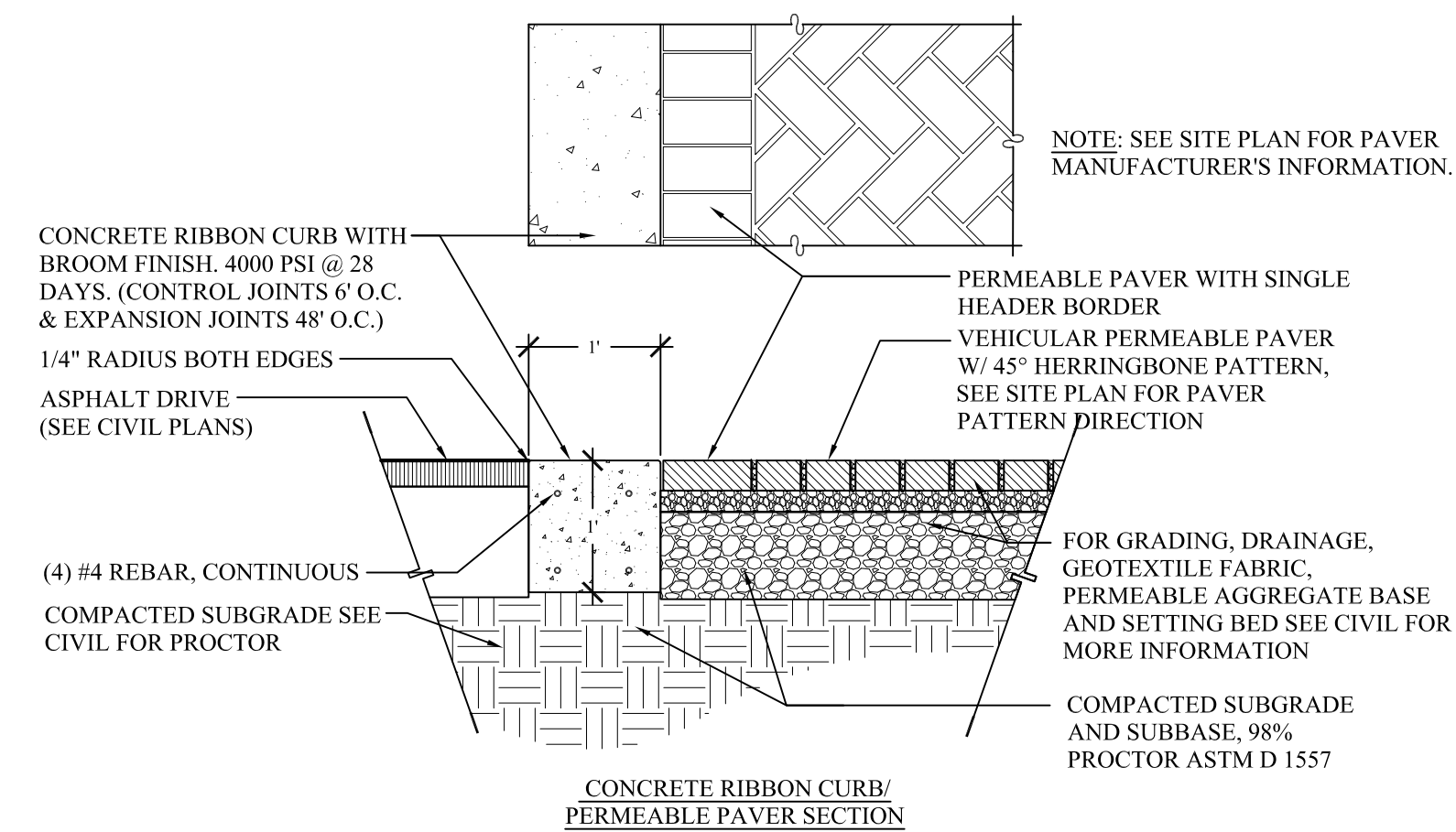
- NOTES:
- PROVIDE 4' x 4' MOCK UP PANEL OF EACH PAVEMENT TYPE AND OBTAIN APPROVAL PRIOR TO INSTALLATION. PANELS TO BE PROTECTED AND MAINTAINED ONSITE DURING CONSTRUCTION.
 - PROVIDE MIN. 1% CROSS SLOPE ON ALL PAVED SURFACES FOR POSITIVE DRAINAGE (SEE CIVIL).
 - SEE SITE PLAN FOR LOCATION OF EXPANSION AND CONTROL JOINTS. ALL JOINTS TO BE PERPENDICULAR TO PAVEMENT EDGES.

1
L3 4" CONCRETE WALK / EXPANSION & CONTROL JOINTS
SCALE: 1-1/2" = 1'-0"



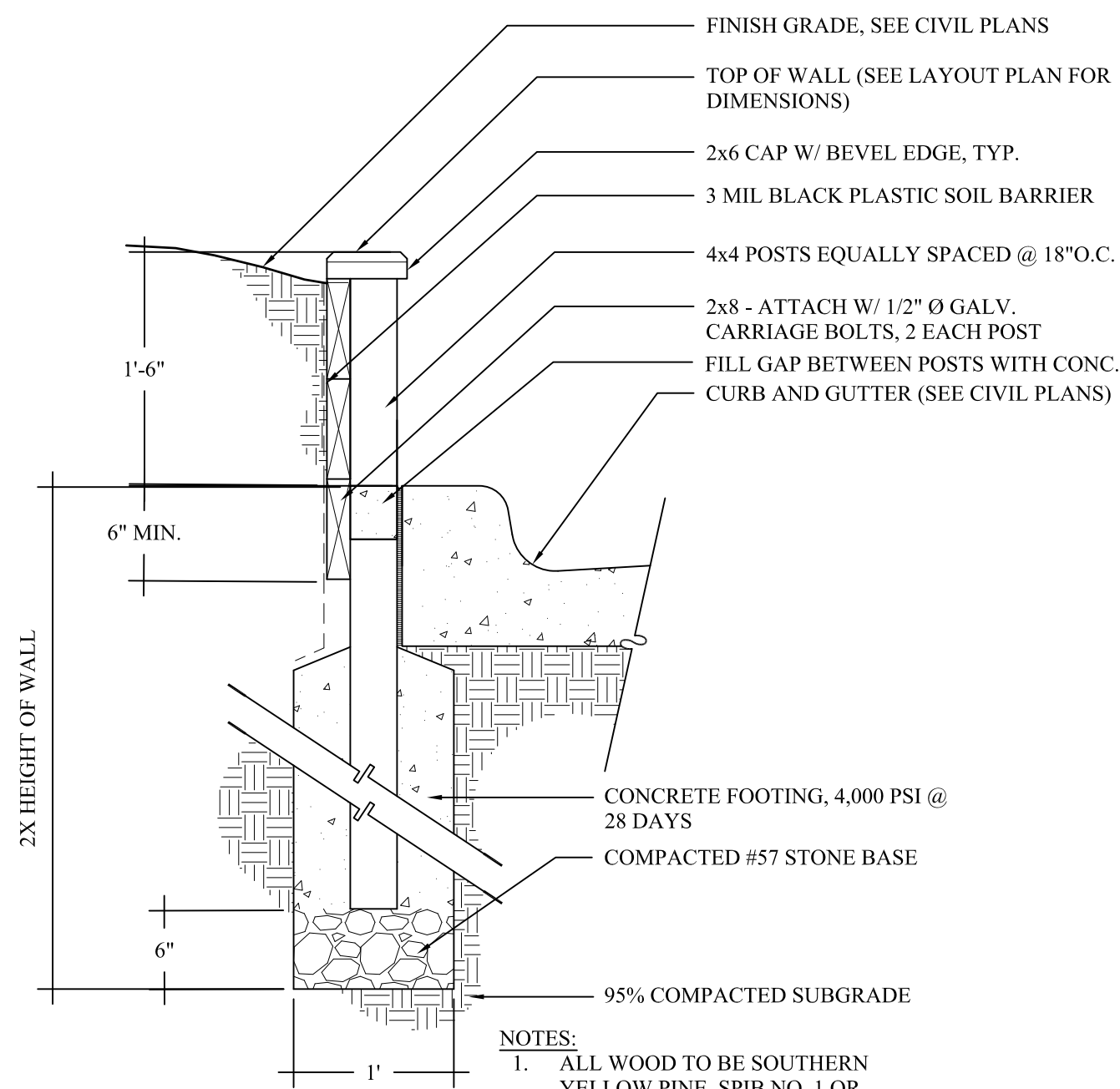
- NOTES:
- CONTRACTOR SHALL PROVIDE MIN 4'x4' SAMPLE FOR APPROVAL PRIOR TO CONSTRUCTION
 - PROVIDE MIN. 1% CROSS SLOPE ON ALL PAVED SURFACES FOR POSITIVE DRAINAGE
 - CONSTRUCT EXPANSION JOINTS WHERE WALKS MEET CURBS, VERTICAL ELEMENTS AND DIFFERENT PAVEMENT TYPES.
 - SEE SITE PLAN FOR LOCATION OF EXPANSION AND CONTROL JOINTS.
 - POROUS CONCRETE SHALL COMPLY WITH ASTM C 1688 FOR TESTING DENSITY AND VOID CONTENT.

2
L3 POROUS CONCRETE WALK / EXPANSION & CONTROL JOINTS
SCALE: 1" = 1'-0"



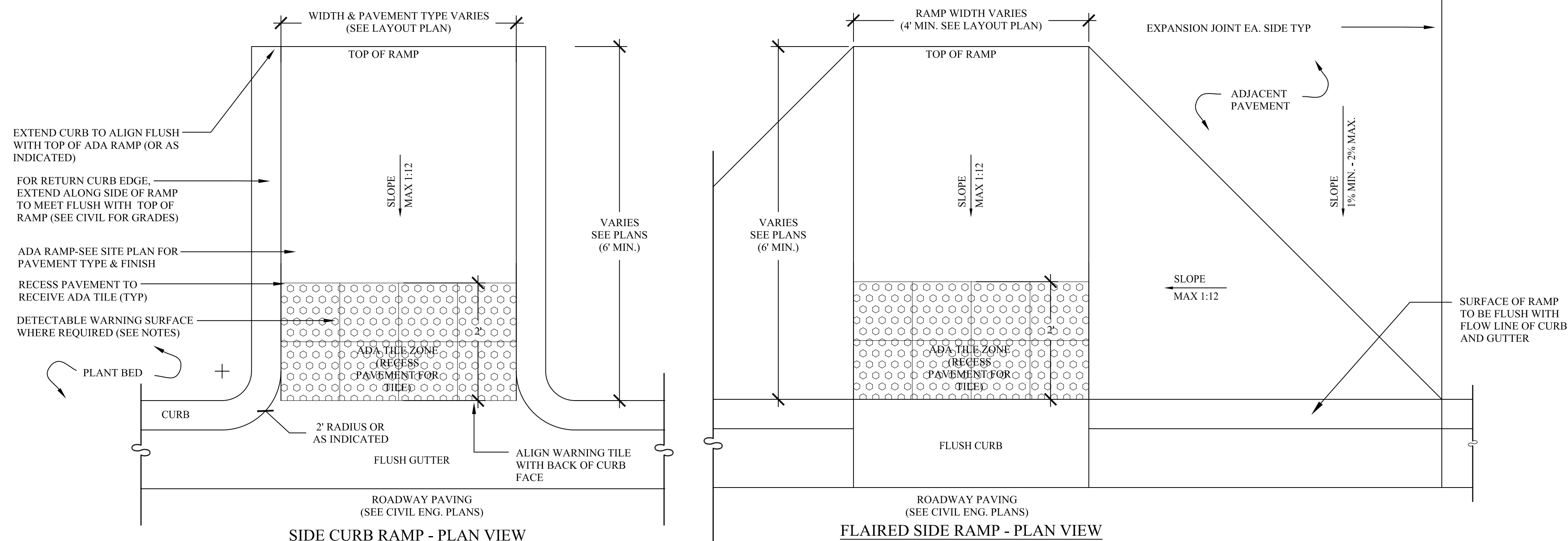
3
L3 PERMEABLE VEHICULAR PAVERS
SCALE: 3/4" = 1'-0"

APPROVED
By nicole at 12:48 pm, Jul 28, 2016



- NOTES:
- ALL WOOD TO BE SOUTHERN YELLOW PINE, SPIB NO. 1 OR BETTER, SYS. PRESSURE TREATED FOR GROUND CONTACT.

4
L3 TIMBER RETAINING WALL
SCALE: 1" = 1'-0"



- NOTES:
- GUTTER FLOW LINE AND PLAN PROFILE SHALL BE MAINTAINED THROUGH THE RAMP AREA.
 - DETECTABLE WARNING SURFACE:
 - PROVIDE TRUNCATED DOME DETECTABLE WARNING SURFACE WHERE PEDESTRIAN CIRCULATION PAVEMENTS INTERSECT FLUSH WITH VEHICULAR CIRCULATION (IN ACCORDANCE WITH ADA).
 - SEE PLAN FOR TILE MANUFACTURER INFORMATION.
 - FOR TILES LOCATED ALONG A RADIUS, EITHER CUT TILE TO ALIGN PERPENDICULAR TO CURVE (JOINTS OF TILES TO ALIGN) OR LAY TILE IN A GRID AND CUT OUTER PERIMETER TO MATCH RADI (USE ONLY ONE TYPE THROUGH OUT PROJECT).
 - SEE PLAN FOR PAVEMENT TYPES AND ASSOCIATED DETAILS.
 - SEE CIVIL FOR GRADING, ROADWAY PAVEMENTS AND CURBS...

5
L3 ADA CURB RAMPS
SCALE: 3/4" = 1'-0"

PLAN IS SUBJECT TO CHANGE.

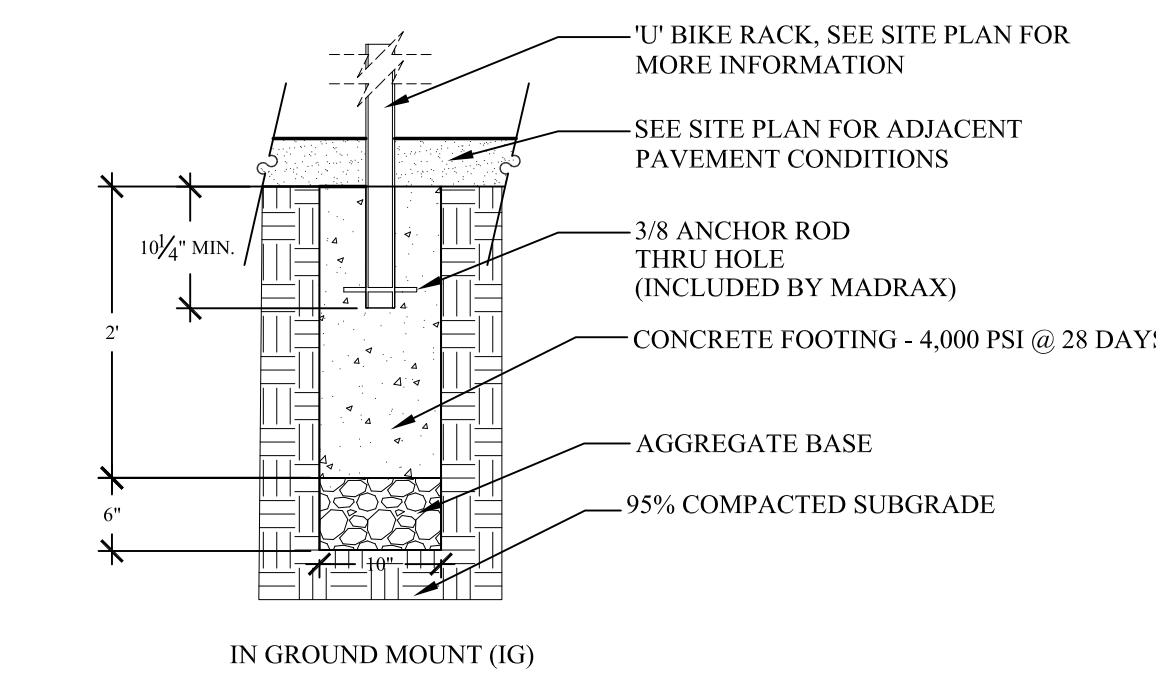
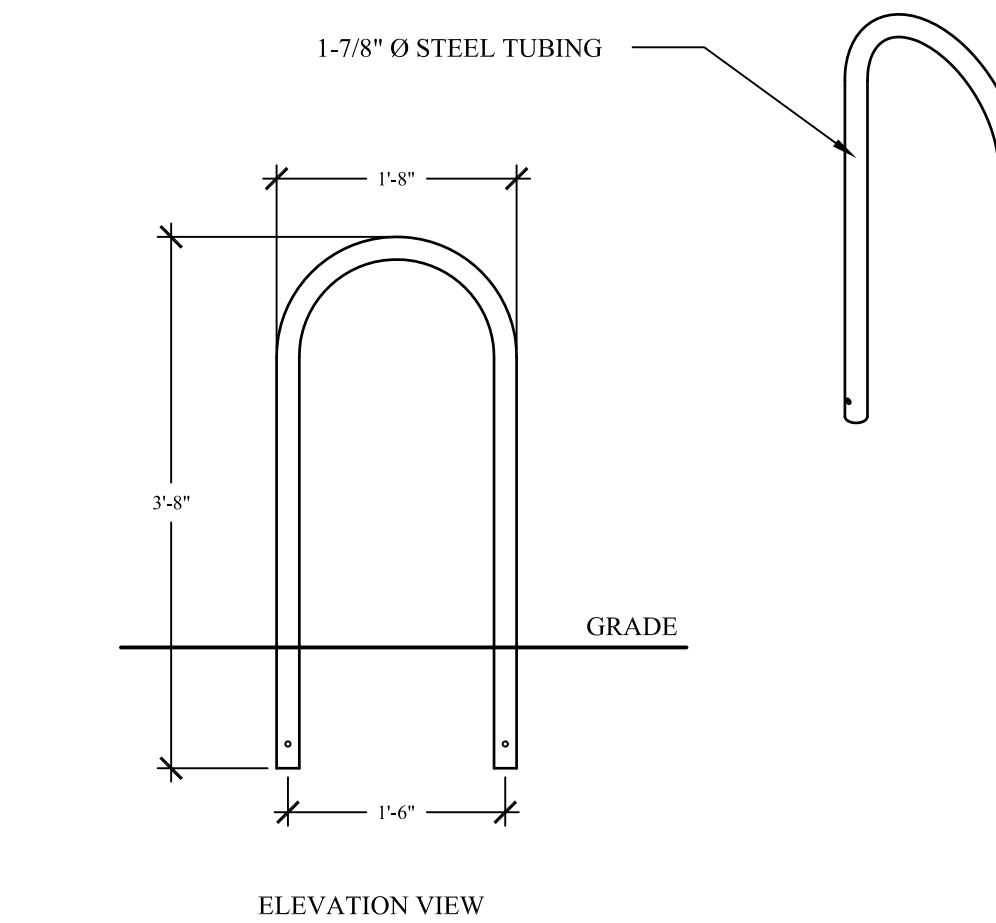
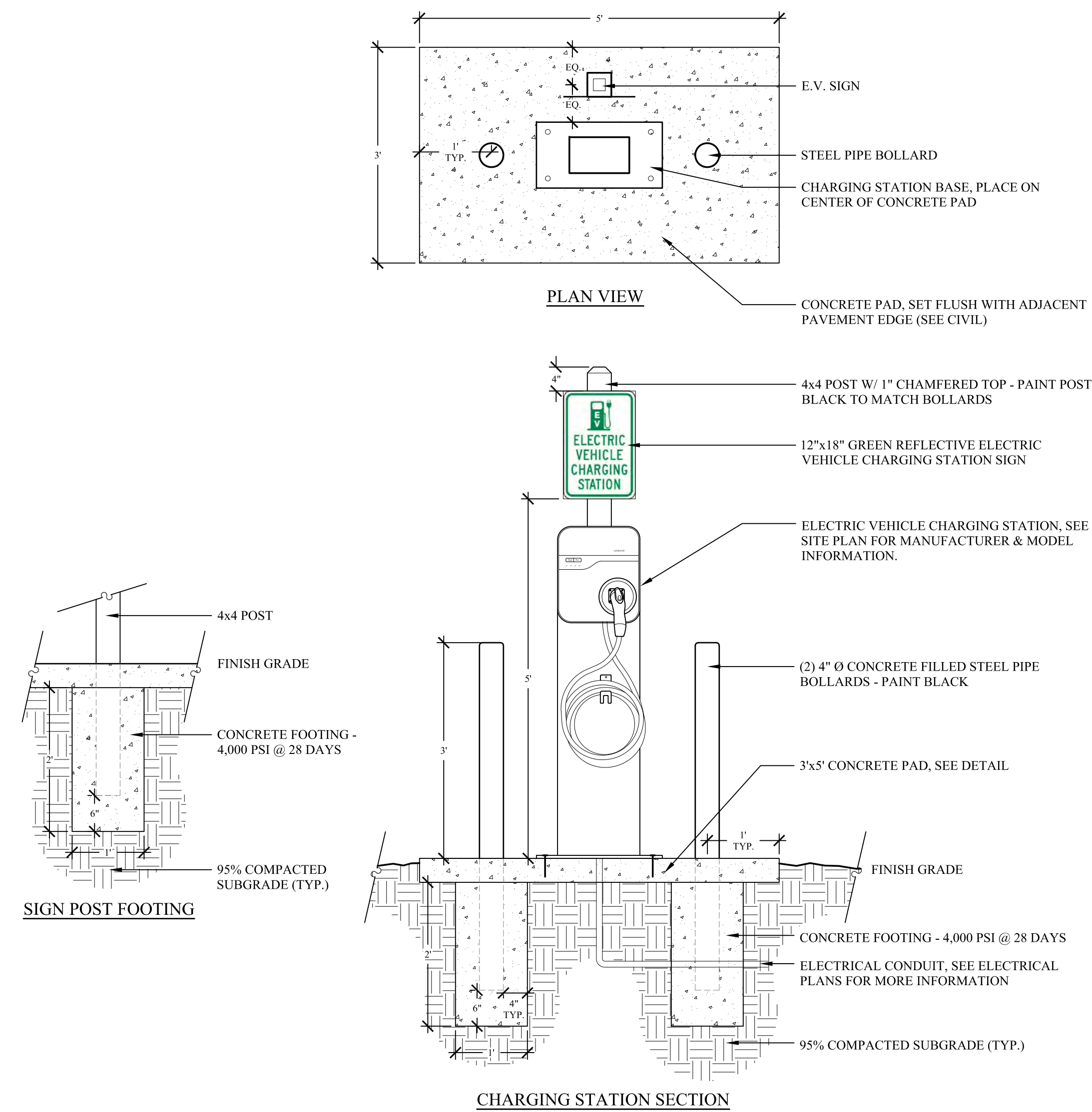
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2	DPR SUBMITTAL	6-29-16	

DATE: 6-29-16
PROJECT NUMBER: 01-15035
SHEET TITLE: DETAILS

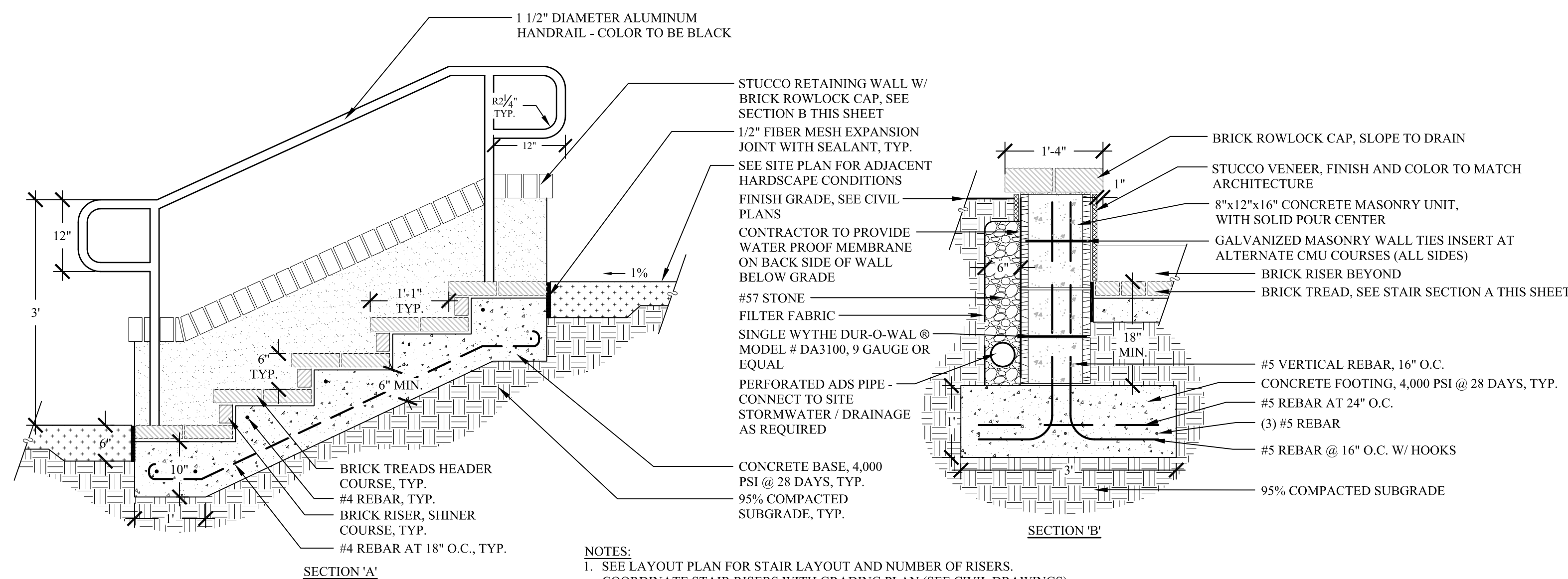
APPROVED
By nicoled at 12:48 pm, Jul 28, 2016



- NOTES:
1. INSTALL BIKE RACKS ACCORDING TO MANUFACTURER'S SPECIFICATIONS.
2. COLOR TO BE BLACK.
3. SEE SITE PLAN FOR LOCATION.
4. SEE SITE PLAN FOR MANUFACTURER & MODEL INFORMATION.

1
L3.1 ELECTRIC VEHICLE CHARGING STATION
SCALE: 3/4\"/>

2
L3.1 BIKE RACK
SCALE: 3/4\"/>



- NOTES:
1. SEE LAYOUT PLAN FOR STAIR LAYOUT AND NUMBER OF RISERS. COORDINATE STAIR RISERS WITH GRADING PLAN (SEE CIVIL DRAWINGS).
2. SEE CIVIL PLANS FOR TOP OF WALL HEIGHTS.
3. BRICK STEPS & WALL CAP SHALL BE PINE HALL BRICK - RUMBLED FULL RANGE CLAY PAVERS.
4. MORTAR JOINTS SHALL BE CONCAVE, COLOR SHALL BE BUFF.
5. EVENLY SPACE JOINTS AND REINFORCE CAST STONE CAPS PER MANUFACTURER'S RECOMMENDATION AND PROVIDE SLOTTED DOWEL SLEEVES WITH DOWELS BETWEEN JOINTS.
6. SEE SITE PLAN FOR ADJACENT HARDSCAPE CONDITIONS.
7. PAINT HANDRAIL, MATTIE BLACK, SUBMIT COLOR SAMPLE FOR APPROVAL PRIOR TO CONSTRUCTION.

BRICK MANUFACTURER INFORMATION:
PINE HALL BRICK COMPANY
2701 SHOREFAIR DRIVE
WINSTON-SALEM, NC 27105
PH. 1-800-334-8689
WWW.PINEHALLBRICK.COM

BRICK STYLE: 4x8 RUMBLED BRICK
BRICK COLOR: RUMBLED FULL RANGE
MORTAR COLOR: BUFF

3
L3.1 BRICK STAIRS & STUCCO CHEEK WALL
SCALE: 3/4\"/>

PLAN IS SUBJECT TO CHANGE.

PERMIT DOCUMENTS
**SPINNAKER RESORT
WELCOME CENTER**
Hilton Head Island, South Carolina

**SPINNAKER
DEVELOPMENT GROUP**
375 DeAlligon Avenue
Hilton Head Island, South Carolina

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Land Planners

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843.681.6618 ■ Fax 843.861.7188 ■ www.woodandpartners.com

SHEET
NUMBER

L3.1

TREE REMOVAL/REPLACEMENT SUMMARY

TREE REPLACEMENT UTILIZES THE ADJUSTED CALIPER INCH CALCULATION

TREE CATEGORY	INCHES REMOVED	# REPLACEMENT TREES PROVIDED
1	169" LIVE OAK 47" LAUREL OAK	(3) LIVE OAKS (1) MAGNOLIA
2	38" WATER OAK 260" SWEET GUM 7" BIRCH 15" HICKORY	N/A
3	60" PALM 63" PINE	(7) PINES (11) PALMS
4	N/A	(4) CHERRY LAURELS (2) CRAPE MYRTLES

TREE MITIGATION:

1. TREE MITIGATION WILL UTILIZE THE ADJUSTED CALIPER INCH CALCULATION TO MITIGATE THE REMOVAL OF TREES ON SITE. A COMPLETE TREE MITIGATION SUMMARY WILL BE PROVIDED UPON DPR SUBMITTAL.

TOTAL ACRES: 1.068
MAXIMUM IMPERVIOUS SURFACE ALLOWED (RD ZONE): 50%
ADJUSTED CALIPER INCHES TO BE MET POST DEVELOPMENT: 480.6

POST DEVELOPMENT TREE COUNTS (EXISTING TREES ONLY):

CATEGORY 1: 206 (1) = 206
CATEGORY 2: 417 (.75) = 312.75
CATEGORY 3: 441 (.5) = 220.5
CATEGORY 4: 0 (.25) = 0

POST DEVELOPMENT TREE COUNTS (PROPOSED TREES ONLY):

CATEGORY 1: 15 (1) = 15
CATEGORY 2: 0 (.75) = 0
CATEGORY 3: 102 (.5) = 51
CATEGORY 4: 14 (.25) = 3.5

POST DEVELOPMENT TREE COUNTS (TOTAL):

CATEGORY 1: 221 (1) = 221
CATEGORY 2: 417 (.75) = 312.75
CATEGORY 3: 543 (.5) = 271.5
CATEGORY 4: 14 (.25) = 3.5

TOTAL POST DEVELOPMENT ADJUSTED CALIPER INCHES: 808.75

ACI NOTES:

- ALL PROPOSED PALM TREES ARE CALCULATED AS AN 8" CALIPER TREE.
- ALL PROPOSED CRAPE MYRTLES ARE CALCULATED AS A 3" CALIPER TREE.

TREE IMPACT NOTES:

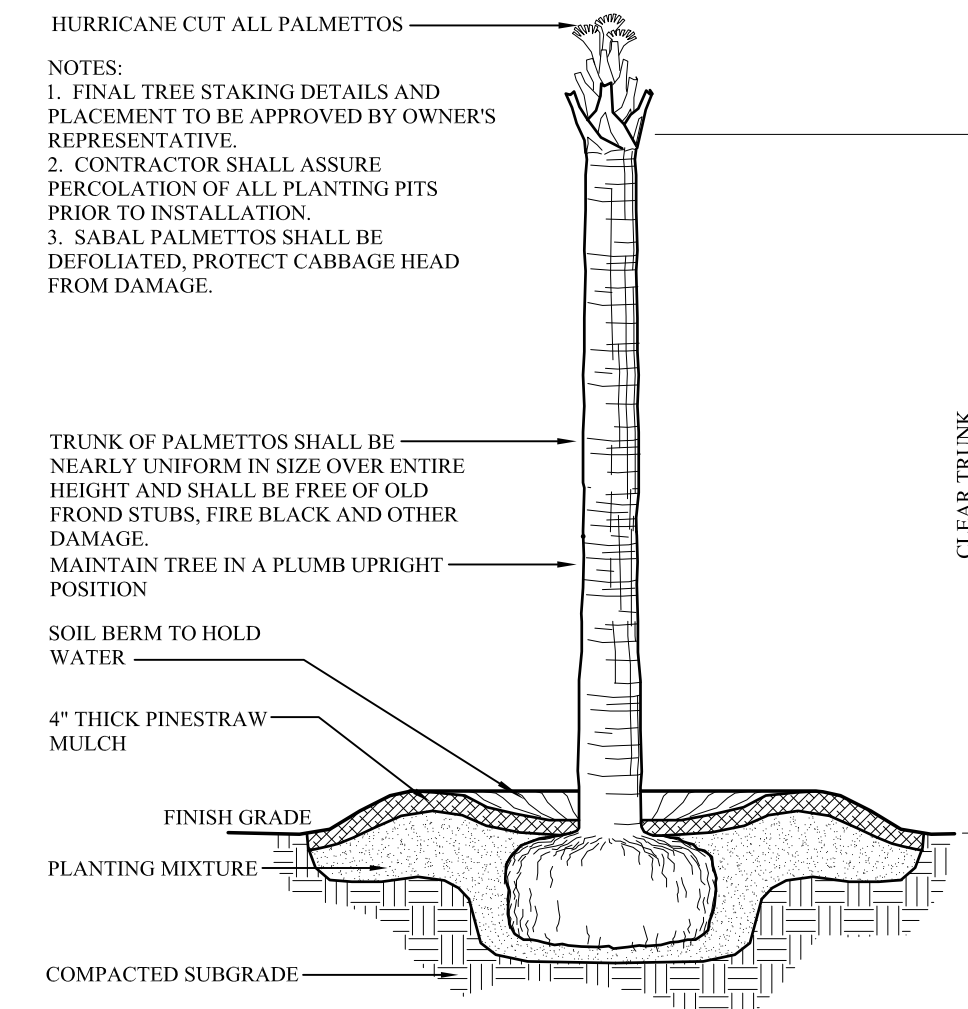
- 38" SPECIMEN LIVE OAK TOTAL CANOPY SIZE: ± 3,178.5 SF. AREA IMPACTED BY PROPOSED BUILDING: ± 258 SF OR 8%.
- 40" SPECIMEN LIVE OAK TOTAL CANOPY SIZE: ± 2,165.5 SF. AREA IMPACTED BY PROPOSED BUILDING: ± 375 SF OR 17%.
- AREA OF TREE CANOPY TAKEN FROM SURVEY DATED JANUARY 18, 2016.

GENERAL PLANTING & IRRIGATION NOTES:

- CONTRACTOR TO SUPPLY AUTOMATIC IRRIGATION SYSTEM, COMPLETE AND INSTALLED. SYSTEM TO INCLUDE ALL VALVES, PIPES, HEADS, FITTINGS AND BACKFLOW CONTROLLER, AND TO PROVIDE 100% COVERAGE OF ALL SOD, HYDRO-SEED AND PLANTING BEDS.
- ANY DEVIATION FROM THESE PLANS MUST BE SPECIFICALLY APPROVED BY LANDSCAPE ARCHITECT OR OWNER'S REPRESENTATIVE.
- NOTIFY LANDSCAPE ARCHITECT OF ANY SITE CONDITIONS WHICH MAY NECESSITATE MODIFICATION TO THE PLAN. LANDSCAPE ARCHITECT SHALL, IF NECESSARY, MAKE "IN-FIELD MODIFICATIONS".
- FINE GRADING SHALL CONSIST OF HAND RAKED SMOOTH, FREE OF ROCKS, ROOTS, AND OTHER DEBRIS, ALL AREAS TO RECEIVE LANDSCAPE PLANTING, INCLUDING LAWN AREAS IF APPLICABLE, AND/OR PINE STRAW MULCH.
- CONTRACTOR IS RESPONSIBLE FOR INSPECTION OF EXISTING CONDITIONS AND PROMPTLY REPORTING ANY DISCREPANCIES. CONTRACTOR TO PERFORM SOIL TESTS AS SPECIFIED.
- CONTRACTOR IS RESPONSIBLE FOR LOCATING EXISTING UTILITIES AND IS RESPONSIBLE FOR ANY DAMAGE THAT MAY OCCUR TO EXISTING UTILITIES.
- MULCH ALL PLANTING BEDS WITH PINE STRAW OR HARDWOOD MULCH TO A 4" DEPTH. MULCH ALL PLANT BEDS, INCLUDING AREAS OF EXISTING VEGETATION TO REMAIN.
- CONTRACTOR VERIFIES THAT ALL PLANT MATERIAL IS DETERMINED AVAILABLE AS SPECIFIED WHEN BID/PROPOSAL IS SUBMITTED. DO NOT MAKE SUBSTITUTIONS. IF THERE ARE DIFFICULTIES LOCATING PLANT MATERIAL AS SPECIFIED, CONTACT LANDSCAPE ARCHITECT OR OWNER'S REP. PRIOR TO BIDDING.
- PLANT SCHEDULE WAS PREPARED FOR ESTIMATING PURPOSES FOR THE CONTRACTOR'S CONVENIENCE ONLY. ITS ACCURACY IS NOT GUARANTEED. CONTRACTOR SHALL MAKE OWN QUANTITIES TAKEOFF USING DRAWINGS TO DETERMINE QUANTITIES TO HIS SATISFACTION, REPORTING PROMPTLY ANY DISCREPANCIES WHICH MAY AFFECT BIDDING.
- THE CONTRACTOR SHALL COORDINATE WITH OWNER/OWNER'S REPRESENTATIVE TO ESTABLISH A PLANTING SCHEDULE THAT PRIORITIZES THE PLANTING OF ALL TREES AND LAWN AREAS.
- ALL PLANTS SHALL BE SUBJECT TO APPROVAL OF THE LANDSCAPE ARCHITECT AND OWNER'S REP. BEFORE, DURING, AND AFTER INSTALLATION.
- ALL PLANTING TECHNIQUES SHALL CONFORM TO THE APPLICABLE DETAIL.
- ALL PLANTS SHALL HAVE A WELL FORMED HEAD WITH MINIMUM CALIPER, HEIGHT, AND SPREAD OR THE SIDE BRANCHES AS SHOWN ON THE PLANT LIST. TRUNKS SHALL BE UNDAUNAGED AND SHAPE SHALL BE TYPICAL OF THE SPECIES.
- ANNUALS TO BE PER OWNER'S CHOICE FOR SEASON OF INSTALLATION.
- WARRANT EXTERIOR PLANTS FOR ONE YEAR FROM DATE OF SUBSTANTIAL COMPLETION, AGAINST DEFECTS INCLUDING DEATH AND UNSATISFACTORY GROWTH, EXCEPT FOR DEFECTS RESULTING FROM LACK OF ADEQUATE MAINTENANCE, NEGLIGENCE, OR ABUSE BY OWNER, OR INCIDENTS THAT ARE BEYOND CONTRACTOR'S CONTROL.
- ALL PLANT BEDS TO RECEIVE WEED INHIBITOR OF PREEN OR EQUAL.

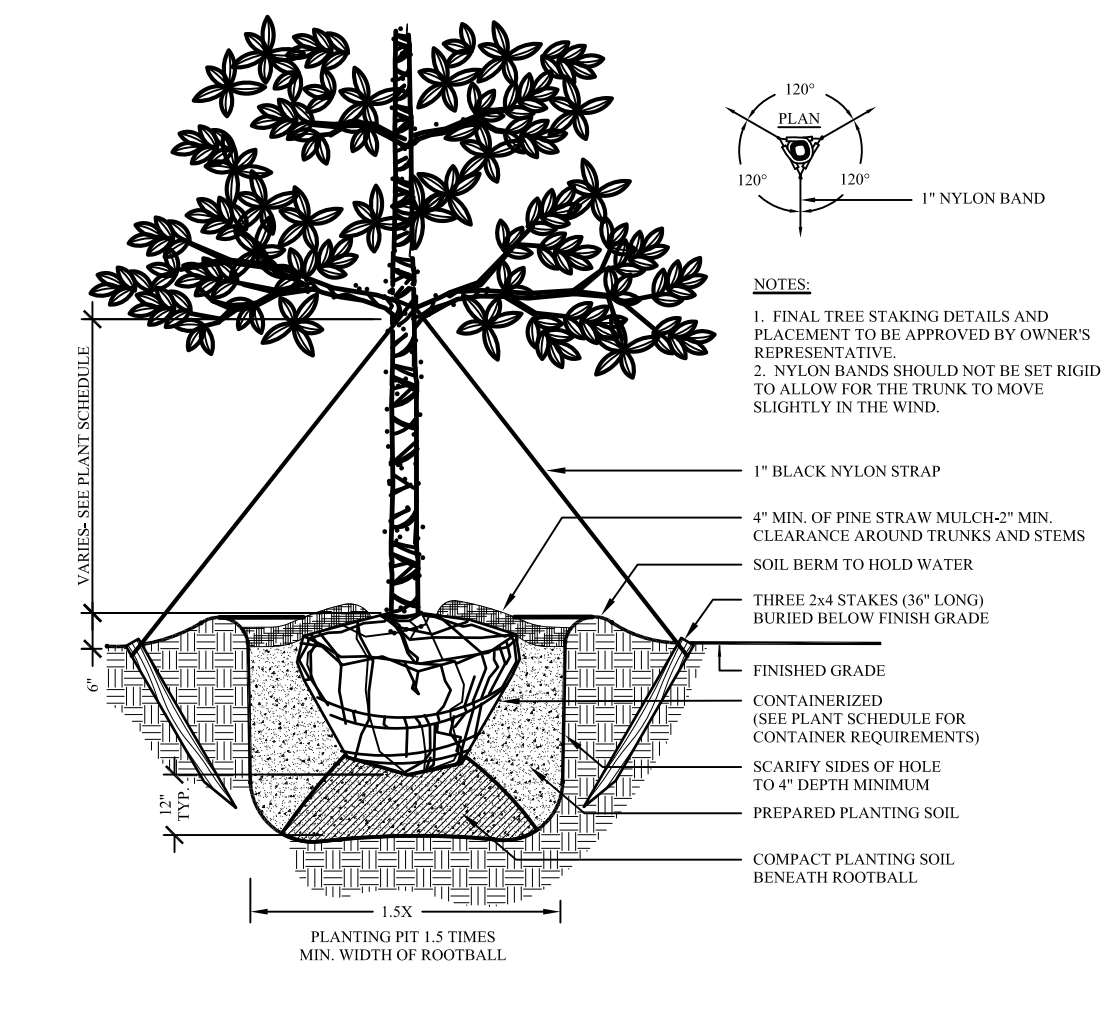
TREES REMOVED

CATEGORY	SPECIES	SIZE	TOTAL INCHES
CATEGORY I TREES REMOVED	LIVE OAK	15"	216"
	LIVE OAK	9"	
	LIVE OAK	15"	
	LIVE OAK	17"	
	LIVE OAK	15"	
	LIVE OAK	24"	
	LIVE OAK	30"	
	LIVE OAK	24"	
	LIVE OAK	20"	
	LAUREL OAK	15"	
	LAUREL OAK	12"	
	LAUREL OAK	20"	
CATEGORY II TREES REMOVED	WATER OAK	8"	475"
	WATER OAK	15"	
	WATER OAK	15"	
	SWEET GUM	18"	
	SWEET GUM	11"	
	SWEET GUM	12"	
	SWEET GUM	8"	
	SWEET GUM	12"	
	SWEET GUM	14"	
	SWEET GUM	14"	
	SWEET GUM	10"	
	SWEET GUM	14"	
	SWEET GUM	15"	
	SWEET GUM	10"	
	SWEET GUM	12"	
	SWEET GUM	14"	
	SWEET GUM	16"	
	SWEET GUM	7"	
	SWEET GUM	16"	
	SWEET GUM	17"	
CATEGORY III TREES REMOVED	PALM	12"	123"
	PALM	12"	
	PALM	14"	
	PALM	11"	
	PALM	11"	
	PALM	11"	
	PINE	30"	
	PINE	15"	
	PINE	18"	
	HICKORY	10"	
	HICKORY	18"	
	HICKORY	19"	
HICKORY	14"		
HICKORY	11"		
HICKORY	17"		
HICKORY	15"		
HICKORY	16"		
HICKORY	8"		
HICKORY	22"		

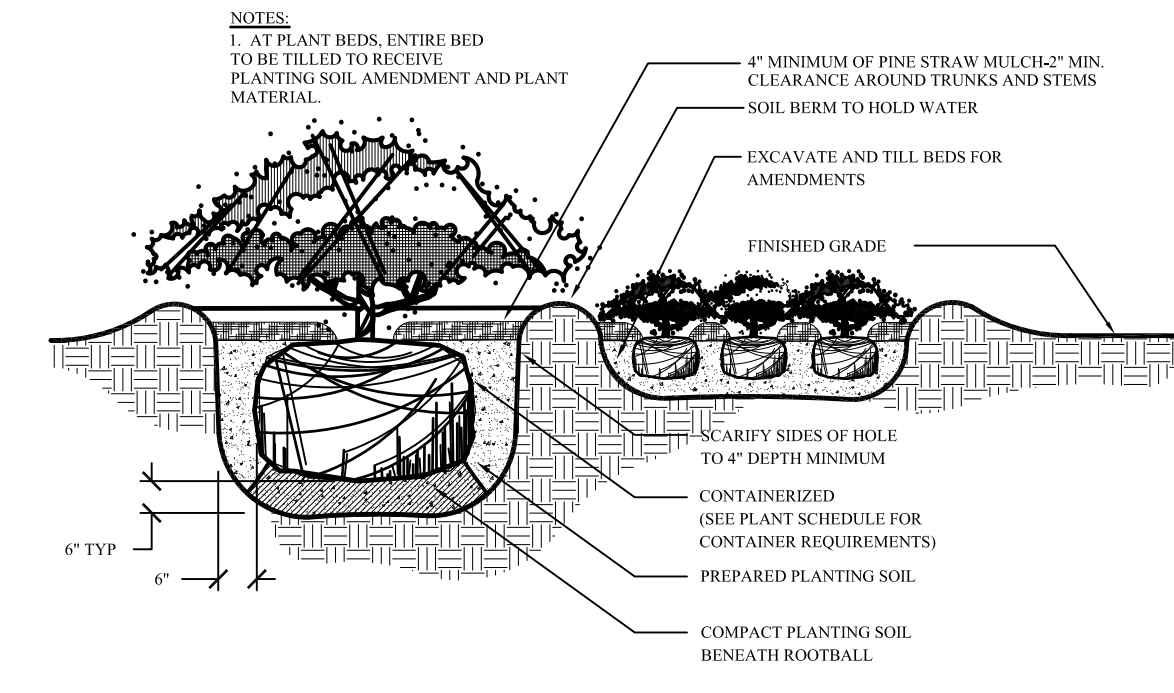


1 PALM TREE
L4.1 SCALE: N.T.S.

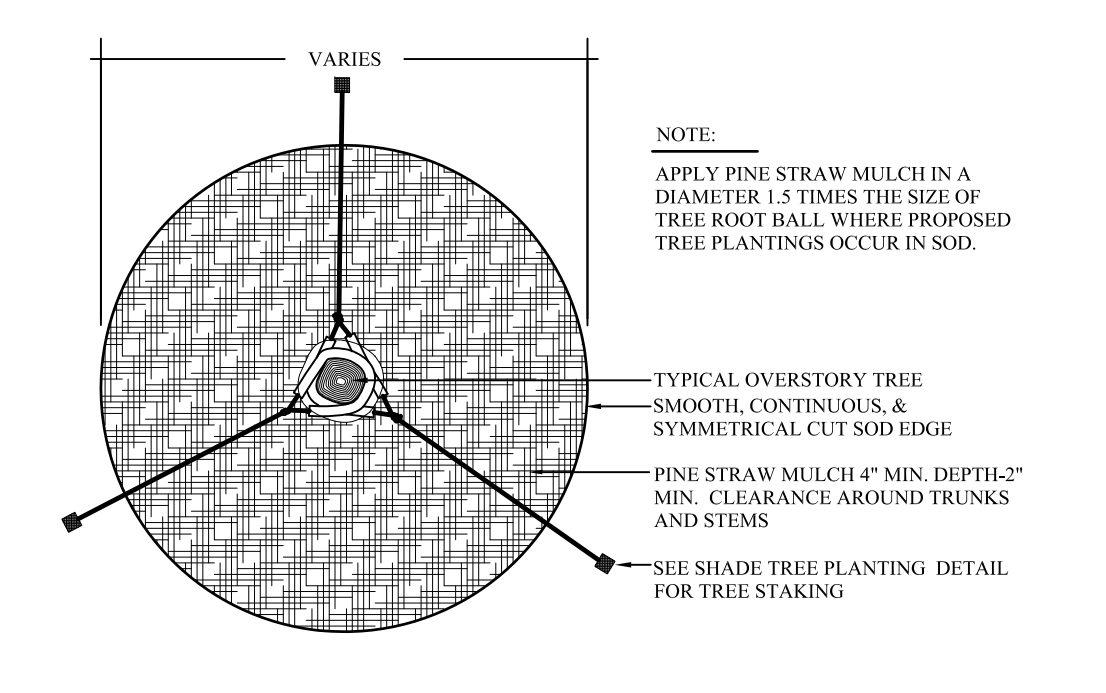
APPROVED
By nicoled at 12:48 pm, Jul 28, 2016



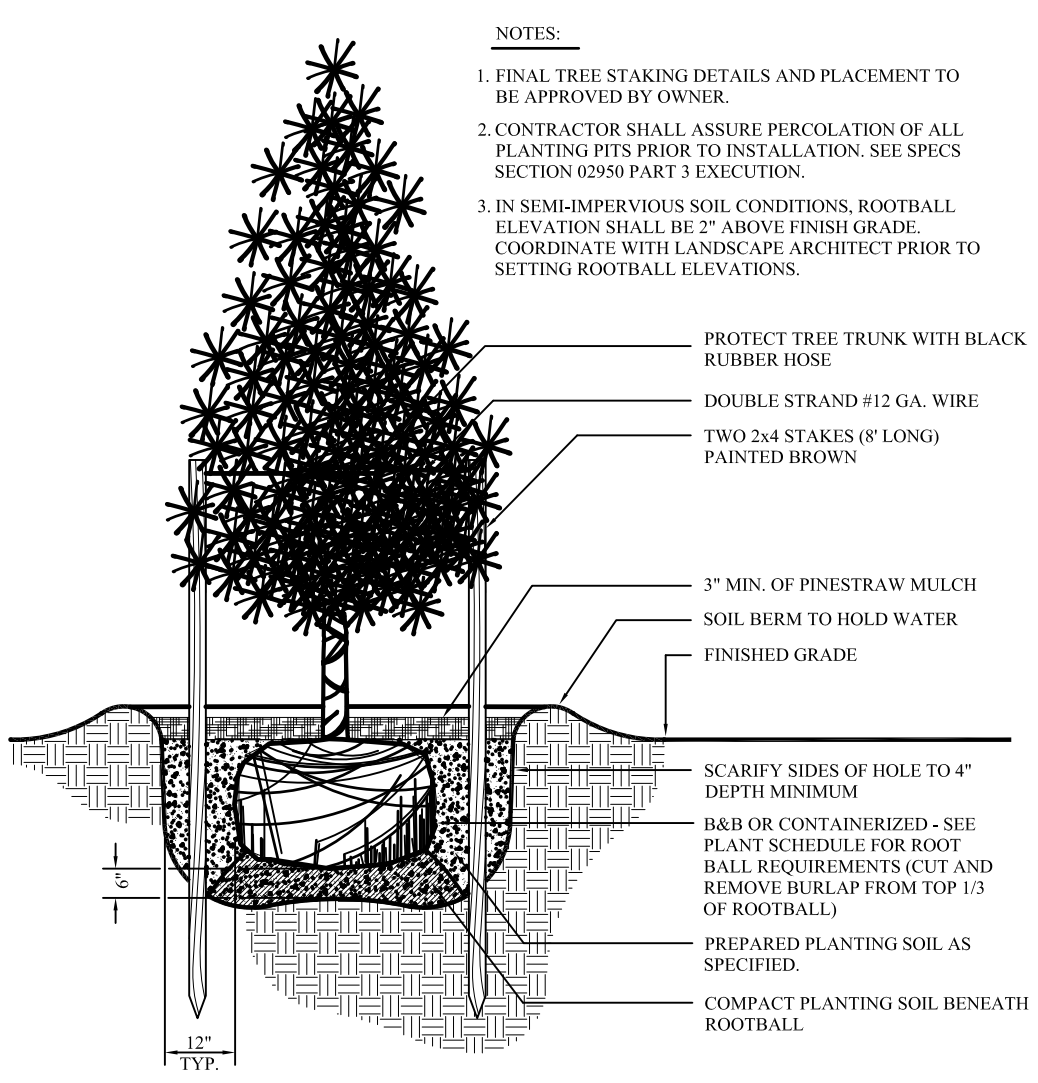
2 SHADE TREE
L4.1 SCALE: N.T.S.



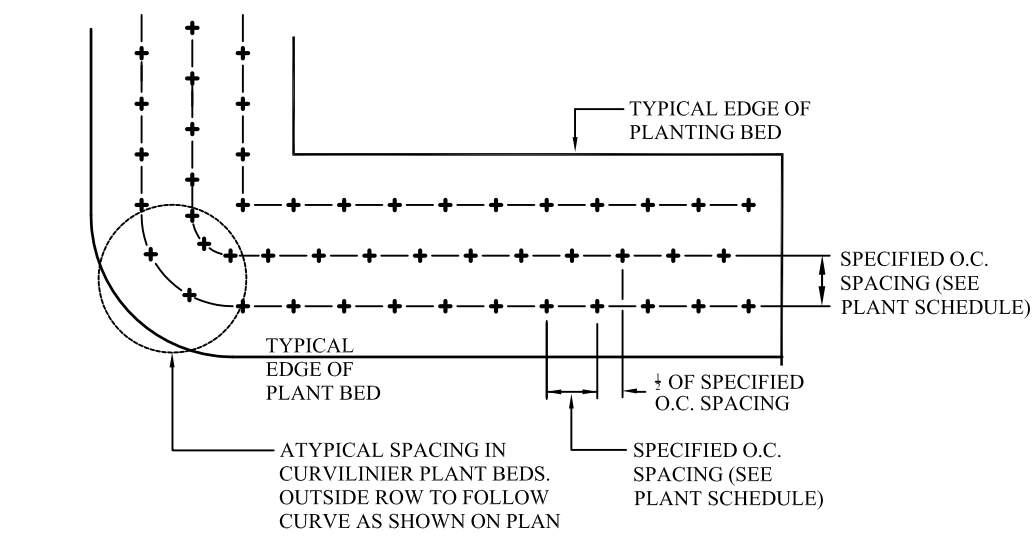
3 SHRUB PLANTING
L4.1 SCALE: N.T.S.



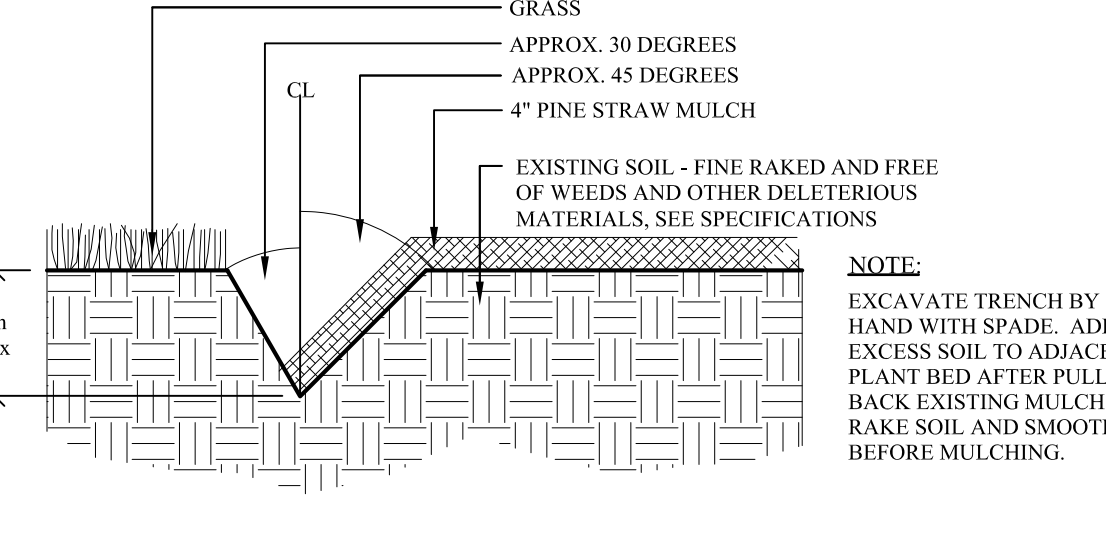
4 MULCH TREE RING
L4.1 SCALE: N.T.S.



5 PINE TREE
L4.1 SCALE: N.T.S.



6 GROUNDCOVER SPACING
L4.1 SCALE: N.T.S.



7 LANDSCAPE EDGE
L4.1 SCALE: N.T.S.

PLAN IS SUBJECT TO CHANGE.

SPINNAKER DEVELOPMENT GROUP
35 DeAligon Avenue
Hilton Head Island, South Carolina

SPINNAKER RESORT WELCOME CENTER
Hilton Head Island, South Carolina

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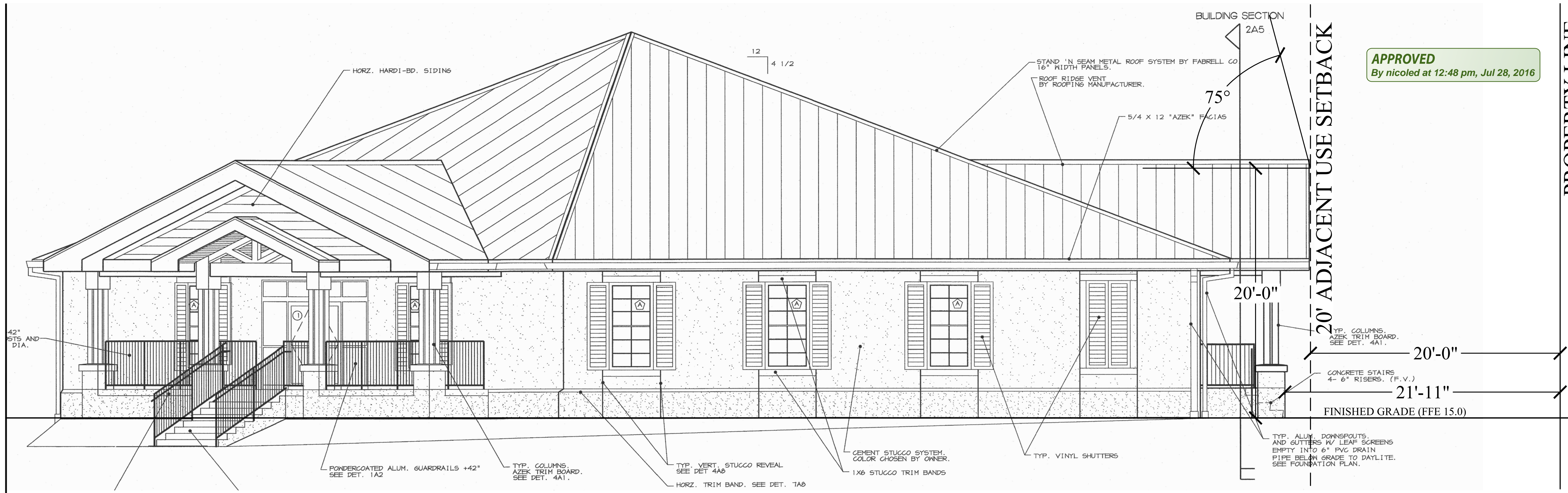
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DATE: 6-29-16
PROJECT NUMBER: 01-15035
SHEET TITLE: PLANTING DETAILS

Wood+Partners Inc. WPI
Landscape Architects
Land Planners

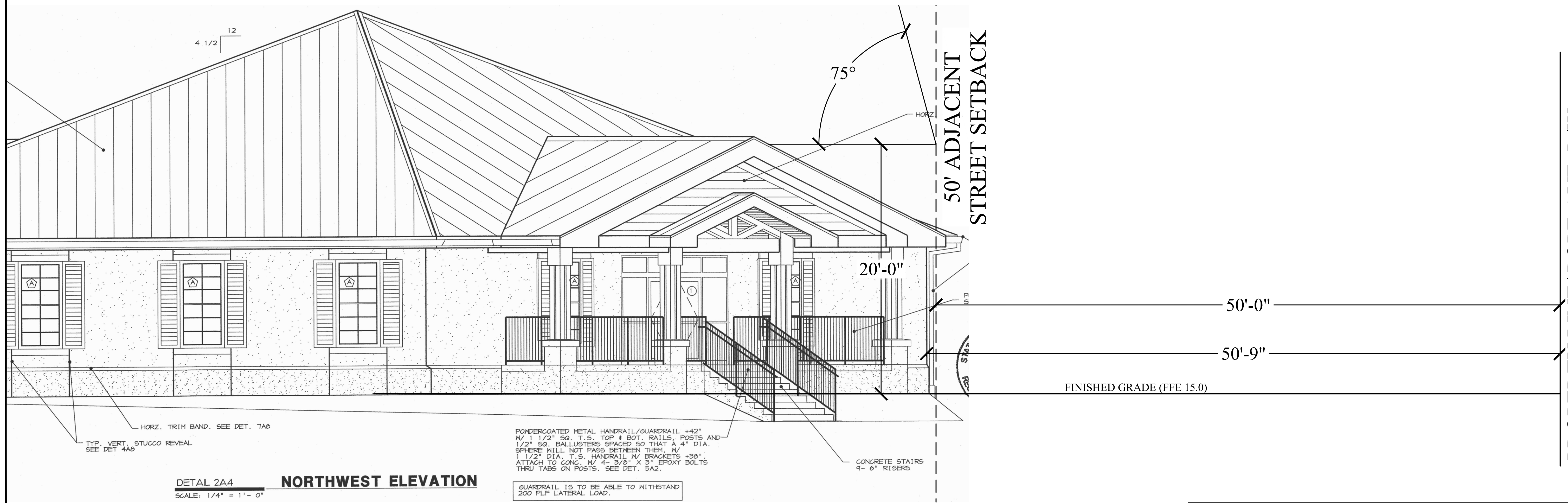
P.O. Box 22849 Hilton Head Island, SC 29925
843.881.6618 Fax 843.881.7188 www.woodandpartners.com

SHEET NUMBER
L4.1



APPROVED
By nicoled at 12:48 pm, Jul 28, 2016

ADJACENT USE SETBACK EXHIBIT (SOUTHWEST ELEVATION)
SCALE: 1/4" = 1'-0"



ADJACENT STREET SETBACK EXHIBIT (NORTHWEST ELEVATION)
SCALE: 1/4" = 1'-0"

PLAN IS SUBJECT TO CHANGE.

PROPERTY LINE

PROPERTY LINE/ POPE AVE. R/W

SPINNAKER DEVELOPMENT GROUP
35 DeAligon Avenue
Hilton Head Island, South Carolina

PERMIT DOCUMENTS
SPINNAKER RESORT WELCOME CENTER
Hilton Head Island, South Carolina

DRAWN BY: DM
CHECKED BY: TT

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#	REVISION	DATE	BY
1	DRS CONCEPTUAL	2-23-16	
2	DRS SUBMITTAL	4-8-16	
3	DRS SUBMITTAL	4-26-16	
4	DPR SUBMITTAL	6-2-16	
5	DPR SUBMITTAL	6-29-16	

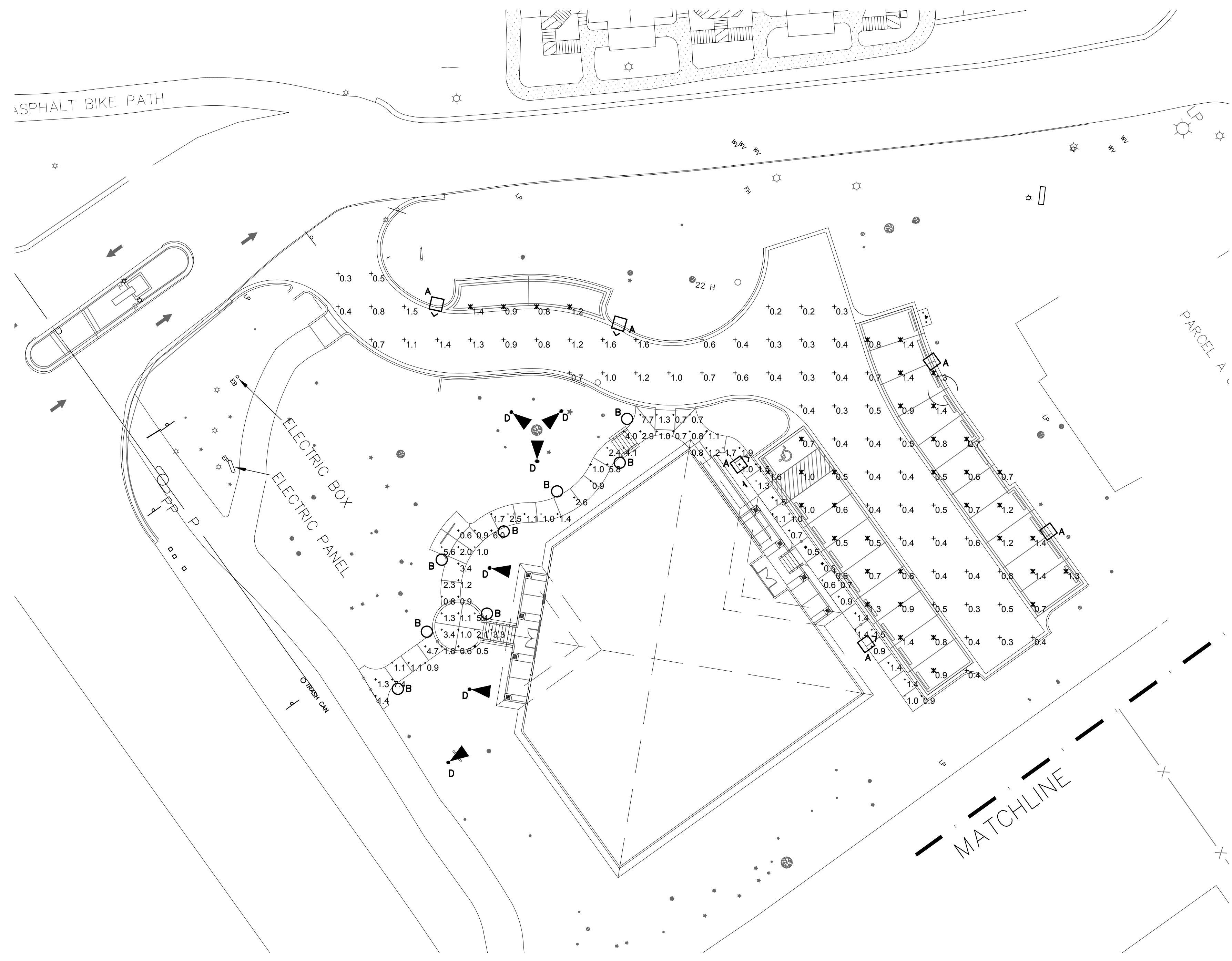
DATE: 6-29-16
PROJECT NUMBER: 01-15035
SHEET TITLE: ADJACENT SETBACK EXHIBIT

Wood+Partners Inc. **WPI**
Landscape Architects
Land Planners

PO Box 22848 Hilton Head Island, SC 29925
843.681.6618 Fax 843.881.7188 www.woodandpartners.com

SHEET NUMBER
L5

APPROVED
By nicoled at 12:48 pm, Jul 28, 2016



1 SITE LIGHTING PHOTOMETRICS PLAN
E-101 SCALE: 1" = 20'

LUMINAIRE SCHEDULE									
Symbol	Label	Qty	Catalog Number	Description	Lamp	File	Lumens	LLF	Watts
◇	A	6	TX148BSLPA2A3NNA3N 16ft mounting height	TX148BSLPA2A3NNA3N 48 LED 4000K LUXEON R BOARD TYPE III OPTICS, MAKROLON LENS, OPAL GLOBE	48 LED BOARD	TX148B-3HNA3- -R-13.IES	Absolute	0.90	53.6
○	B	8	DOSB1-50HPS	Architectural Bollard	(1) Coated 50HPS	DOSB1-50HPS (S0410071).ies	4000	0.75	70
▲	D	6	L-011-120-8W-FL BGSF	TREE ACCENT UPLIGHT LINE VOLTAGE BEACHSIDE LIGHTING	(1) 8W LED 36" FLOOD 3000K	N/A	Absolute	N/A	8

STATISTICS						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
PARKING LOT & DRIVE	+	0.7 fc	1.9 fc	0.2 fc	9.5:1	3.5:1
SIDEWALK	+	1.9 fc	7.7 fc	0.4 fc	19.3:1	4.8:1

SPINNAKER
DEVELOPMENT GROUP
35 DeAllyon Avenue
Hilton Head Island, South Carolina

PERMIT DOCUMENTS
SPINNAKER RESORT
WELCOME CENTER
Hilton Head Island, South Carolina

DRAWN BY:
RMY
CHECKED BY:
RMY

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#	REVISION	DATE	BY

DATE
6-2-16
PROJECT NUMBER
01-15035
SITE LIGHTING
PHOTOMETRIC
PLAN

CDDC

CONSULT
DESIGN
DRAFT
CONSTRUCT

P.O. BOX 2868 BLUFFTON, S.C. 29910
ph. 843-384-4731 fx. 843-337-3577

Wood+Partners Inc. WPI
Landscape Architects
Land Planners

PO Box 2868 Hilton Head Island, SC 29925
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SHEET
NUMBER
E-101

IRRIGATION NOTES & LEGENDS

APPROVED
By nicole at 12:48 pm, Jul 28, 2016



2112 Old Airport Rd.
Greer, SC 29651
Phone: 864-877-5562

- HEADS**
- II - TORO SERIES 570Z-4P POP UP - 4" POP UP SPRINKLER HEAD FITTED WITH FIXED SPRAY 570 SERIES SPECIAL PATTERN (4"X 30" RECTANGULAR SIDE MOUNT STRIP) "PRECISION" SPRAY NOZZLE.
 - △ - TORO SERIES 570Z-4P POP UP - 4" POP UP SPRINKLER HEAD FITTED WITH FIXED SPRAY 570 SERIES SPECIAL PATTERN (4"X 15" RECTANGULAR L/R CORNER MOUNT STRIP) "PRECISION" SPRAY NOZZLE.
 - - TORO SERIES 570Z-4P POP UP SPRINKLER WITH 4" POP-UP STROKE AND FITTED WITH FIXED SPRAY 570 SERIES 10' SERIES (MAXIMUM 11' RADIUS) "PRECISION" SPRAY NOZZLE.
 - ◇ - TORO SERIES 570Z-4P POP UP SPRINKLER WITH 4" POP-UP STROKE AND FITTED WITH FIXED SPRAY 570 SERIES 12' SERIES (MAXIMUM 13' RADIUS) "PRECISION" SPRAY NOZZLE.
 - ◇ - TORO SERIES 570Z-4P POP UP SPRINKLER WITH 4" POP-UP STROKE AND FITTED WITH FIXED SPRAY 570 SERIES 15' SERIES (MAXIMUM 16' RADIUS) "PRECISION" SPRAY NOZZLE.

- ALL POP-UP IRRIGATION HEADS DESIGNED ADJACENT TO CURBS OR PAVEMENT SHALL BE INSTALLED WITH A CLEARANCE OF 1 1/2" FROM THE EDGES OF ALL PAVED AREAS TO PROVIDE FOR EDGING AND MAINTENANCE OPERATIONS. HEADS INSTALLED ON SHRUB RISERS OR WITH THE TOP OF THE HEAD MORE THAN 1/2" ABOVE GRADE SHALL BE INSTALLED WITH A MINIMUM 6" CLEARANCE FROM PAVED AREAS.
- ALL THREADED PIPE CONNECTIONS SHALL BE ASSEMBLED USING TEFLON THREAD SEALING TAPE.
- ALL HEADS MOUNTED IN THE LAWN AREAS SHALL BE MOUNTED ON TORO POLYETHYLENE PIPE FLEX SWING JOINTS COMPOSED OF MODEL #850-01 3/8" I.D. POLY PIPE FITTED WITH #850-31 (3/8" INSERT BY 1/2" M.P.T.) AND/OR #850-32 (3/8" INSERT BY 3/4" M.P.T.) ELBOWS.

- DRIP IRRIGATION**
- LOCATION OF NETAFIM TECHLINE 1/2" P.E. TUBING, 18" EMITTER SPACING INTERVALS AT 1 GPH EMITTERS IN-LINE.
 - NETAFIM (MODEL #TLD-18250) TECHLINE TO BE INSTALLED UNDER MULCH IN LANDSCAPE AREAS AS SHOWN ON THE IRRIGATION PLANS.
 - SERIES REMOTE CONTROL VALVE WITH FLOW CONTROL FEATURE, NETAFIM 120 MESH FILTER #DP075-120, AND NETAFIM PRESSURE REGULATOR #PVR07545. FLOW CONTROL VALVES SHALL BE AS NOTED ON THE LAYOUT. ALL VALVES SHALL BE INSTALLED IN CARSON VALVE BOXES WITH LIDS MOUNTED AT GRADE LEVEL.

- PIPE**
- DENOTES ROUTE OF PR 200 PVC LATERAL PIPING. SIZE OF LATERAL PIPING SHALL BE AS NOTED BELOW. MINIMUM DEPTH OF COVER OVER LATERAL PIPING TO BE 12".

- LATERAL PIPING SIZING SCHEDULE**
- SUMMATION OF GALLONAGE DEMAND ON THE PARTICULAR BRANCHES OF PIPE WITHIN A CONTROL SECTION SHALL BE DETERMINED USING THE GPM FOR A NOZZLE BASED ON A 50 PSI BASE OF HEAD PRESSURE AND FULL RADIUS AT THAT PRESSURE AS REPORTED IN THE TORO 2011 IRRIGATION PRODUCTS CATALOG. PIPE SIZES FOR THE LATERALS SHALL BE AS FOLLOWS:

- ZERO TO FIFTEEN GPM ACCUMULATED FLOW USE 1" PR200 PVC PIPE
- GREATER THAN FIFTEEN UP TO THIRTY-FIVE GPM USE 1-1/2" PR200 PVC PIPE

- FRICITION LOSS ALLOWANCES FOR THIS PROJECT HAVE BEEN DETERMINED USING THE ABOVE FLOW RANGES AND DEMANDS.
- DENOTES ROUTE OF PR 200 MAIN LINE PIPING. SIZE OF PIPE TO BE 1-1/2". MINIMUM DEPTH OF COVER OVER MAINLINE PIPING TO BE 18".

- PIPING SHALL BE PR 200 SOLVENT WELD PVC PIPE WITH SCHEDULE 40 PVC SOLVENT WELD FITTINGS UNLESS OTHERWISE NOTED.
- ALL PIPING RUNS SHALL BE "SNAKED" IN THE TRENCH DURING INSTALLATION TO PREVENT EXCESSIVE STRAIN DUE TO THERMAL EXPANSION OR CONTRACTION.
- THE CONTRACTOR SHALL TAKE ALL PRECAUTIONS NECESSARY TO AVOID DAMAGING PLANTINGS (INCLUDING ROOTS) DURING INSTALLATION OF THE IRRIGATION SYSTEM AND SHALL COORDINATE HIS EFFORTS WITH THE LANDSCAPER AND LANDSCAPE ARCHITECT SO AS TO OPTIMIZE THE EFFICIENCY AND THE AESTHETIC QUALITY OF THE INSTALLATION.

- HEAD RADII**
- THE IRRIGATION CONTRACTOR SHALL ADJUST THE RADIUS AND THROW OF EACH SPRINKLER HEAD TO PROVIDE OPTIMUM COVERAGE WHILE MINIMIZING OVERSPRAY ONTO HARDSCAPES OR BUILDINGS. ADJUST HEADS TO ELIMINATE DRY SPOTS.
 - APPROXIMATE ARC AND RADIUS OF INDIVIDUAL SPRINKLER HEAD COVERAGE SHALL BE AS ILLUSTRATED. INDIVIDUAL HEAD OR NOZZLE MODEL NUMBERS MAY BE DEPENDENT UPON THESE SPECIFIC CHARACTERISTICS.

- VALVES**
- LOCATION OF ELECTRIC 24 V.A.C. REMOTE CONTROL VALVE WITH FLOW CONTROL FEATURE (MODEL # TORO TPV100). SIZE OF ZONE CONTROL VALVES TO BE AS NOTED ON THE IRRIGATION PLANS.
 - ALL IN-LINE REMOTE CONTROL VALVES SHALL BE INSTALLED IN CARSON VALVE BOXES WITH LIDS MOUNTED AT GRADE LEVEL. SINGLE VALVES MAY BE INSTALLED IN CARSON MODEL #910-1 VALVE BOX WITH #910-2 COVER, WHILE MULTIPLE VALVES (UP TO, TWO 1" VALVES OR ONE, 1-1/2" SHALL BE INSTALLED IN CARSON MODEL #1419-1 BOX WITH #1419-2 COVER.

- 24 VAC CONTROL WIRING**
- ALL 24 V.A.C. CONTROL WIRING SHALL BE SINGLE STRAND COPPER WIRE WITH POLYETHYLENE PE DIRECT BURIAL INSULATION RATED FOR 300 V.A.C. VALVE "COMMON" WIRES SHALL HAVE WHITE INSULATION WHILE VALVE "HOT" WIRES SHALL HAVE INSULATION RED IN COLOR. THE "COMMON" WIRES SHALL BE #14 AWG. "HOT" WIRES SHALL BE #14 AWG. VALVE WIRING SHALL FOLLOW MAINLINE PIPING WHERE FEASIBLE AND SHALL BE LAID IN A COMMON TRENCHLINE WITH THE MAINLINE PIPING AND IN THE BOTTOM OF THE TRENCH. WIRING SHALL BE "BUNDLED" AND TAPED AT INTERVALS OF APPROXIMATELY TEN FEET. ALL WIRING SHALL BE INSTALLED IN ACCORDANCE WITH LOCAL CODE REQUIREMENTS.
 - WIRE SPLICES SHALL BE KEPT TO AN ABSOLUTE MINIMUM. WHERE MAJOR CONCENTRATIONS OF SPLICES ARE NECESSARY SAID SPLICES SHALL BE PLACED IN A CARSON #910-1 VALVE BOX, WITH #910-2 COVER, INSTALLED AT GRADE LEVEL. SPLICES AT VALVE LOCATIONS SHALL BE MADE INSIDE OF THE VALVE BOX. ALL SPLICE LOCATIONS SHALL BE NOTED ON THE AS BUILT PLAN.
 - WIRE RUNS SHALL BE INSTALLED WITH ENOUGH SLACK AND/OR OCCASIONAL EXPANSION LOOPS TO PREVENT EXCESSIVE STRAIN DUE TO THERMAL CONTRACTION.
 - ALL WIRE SPLICES SHALL BE MADE USING UL APPROVED DIRECT BURIAL CONNECTORS AND WATERPROOFING MATERIALS. ALL ELECTRICAL WORK SHALL BE INSTALLED ACCORDING TO CODE.

- CONTROLLER**
- ⓐ - LOCATION OF THE IRRIGATION CONTROLLER. THE CONTROLLER SHALL BE TORO CUSTOM COMMAND SOLID STATE UNIT WHICH SHALL BE OF THE WALL MOUNT STYLE LOCATED ON THE EXTERIOR WALL OF THE EQUIPMENT ROOM. COORDINATE WITH OWNER FOR POWER SOURCE AND EXACT LOCATION.
 - ⓑ - LOCATION OF THE TORO WIRELESS RAIN SENSOR.

- ALL ELECTRICAL CONNECTIONS AND INSTALLATIONS SHALL BE PERFORMED IN ACCORDANCE WITH LOCAL CODE REQUIREMENTS.
- ALL 120 VAC WIRING SHALL BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE ELECTRICAL CODE REQUIREMENTS.

- NOTE: THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING A 120 VAC POWER CIRCUIT AT THE CONTROLLER LOCATION. THE POWER SOURCE SHALL BE CAPABLE OF SUPPORTING A 10 AMPERE LOAD AT 120 VAC.

- BACKFLOW PREVENTION**
- ⓓ - DENOTES THE LOCATION OF REDUCED PRESSURE BACKFLOW PREVENTER ASSEMBLY. THE BACKFLOW SHALL BE THE CONTRACTOR'S RESPONSIBILITY. THE BACKFLOW SHALL BE 1" IN SIZE. THE BACKFLOW ASSEMBLY SHALL BE INSTALLED DOWNSTREAM OF THE IRRIGATION METER AS SHOWN ON THE LAYOUT. THE UNIT MUST BE INSTALLED IN ACCORDANCE WITH ALL LOCAL AND STATE CODE REQUIREMENTS AND SHALL HAVE APPROVED COVER.

- WATER SUPPLY**
- Ⓜ - DENOTES THE PROPOSED LOCATION OF THE PROPOSED IRRIGATION METER. THE METER SHALL BE THE GENERAL CONTRACTOR'S RESPONSIBILITY. THE METER SHALL BE 1" IN SIZE. SINCE THE WATER SUPPLY FOR THE SYSTEM SHALL BE POTABLE WATER, THE CONTRACTOR WILL BE REQUIRED TO INSTALL BACKFLOW PREVENTION DEVICE WHICH WILL BE LOCATED DOWNSTREAM OF THE IRRIGATION METER AS NOTED ON PLAN.

- THE IRRIGATION SYSTEM SHALL BE CAPABLE OF DELIVERING 55 GPM MAXIMUM WITH ONE STATION OPERATING WITH 50 PSI AT THE BASE OF THE HEAD FOR OPTIMUM PERFORMANCE OF THE IRRIGATION SYSTEM AS DESIGNED AND SPECIFIED.

- * NOTE * - IF THE WATER SUPPLY IS NOT CAPABLE OF THE DESIGNED CAPACITY (FLOW AND/OR PRESSURE), THE IRRIGATION SYSTEM WILL NEED TO BE REDESIGNED, WHICH MAY ALTER THE IRRIGATION MATERIAL ESTIMATE.

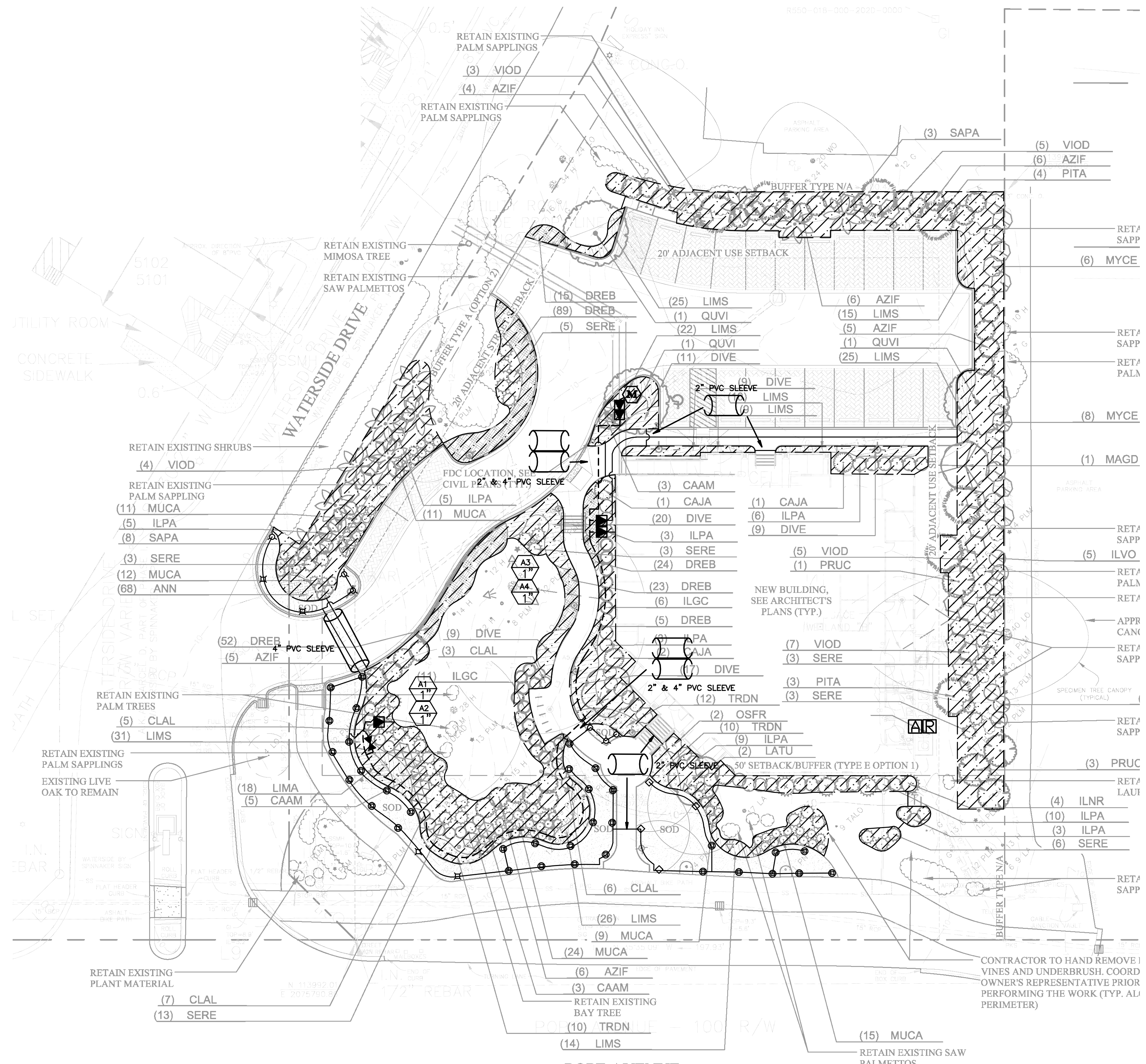
- SLEEVING**
- ⓐ - DENOTES LOCATION OF PVC SLEEVES FOR IRRIGATION PIPING. SIZE OF SLEEVES TO BE AS NOTED.
 - WHERE WIRE RUNS OCCUR, A SEPARATE PVC ELECTRICAL CONDUIT SLEEVE SHALL BE USED FOR 24 VAC WIRING PER ELECTRICAL CODE. SIZE OF PVC WIRE SLEEVES TO BE AS NOTED ON LAYOUT.

- WHERE IRRIGATION PIPING CROSSES SIDEWALKS, THE CONTRACTOR SHALL BE RESPONSIBLE FOR PLACING A SLEEVE 2 SIZES LARGER THAN THE PIPE THAT IS CROSSING.
- THE IRRIGATION CONTRACTOR SHALL COORDINATE THE INSTALLATION OF THE IRRIGATION SYSTEM WITH THE LANDSCAPE CONTRACTOR TO INSURE PROPER INSTALLATION OF BOTH THE IRRIGATION SYSTEM WITH THE LANDSCAPE AND HARDSCAPE.

- NOTE: THE IRRIGATION SYSTEM IS DISPLAYED SCHEMATIC IN NATURE. THE IRRIGATION CONTRACTOR MAY BE REQUIRED TO MAKE MINOR ADJUSTMENTS IN THE FIELD. THESE MINOR ADJUSTMENTS SHALL BE MADE AT NO ADDITIONAL COST TO THE OWNER BUT SHALL BE MADE ONLY AFTER NOTIFICATION IS MADE TO THE OWNER OR HIS REPRESENTATIVE.

- THE CONTRACTOR SHALL FAMILIARIZE HIMSELF WITH THE SITE SO THAT HE IS AWARE OF ANY SPECIAL CONDITIONS WHICH EXIST THAT MAY AFFECT HIS BID PROPOSAL AND SHALL THEREAFTER BE RESPONSIBLE FOR ALL COST INCURRED IN RELATION TO THE INSTALLATION.

- THIS DESIGN IS BASED ON THE SITE INFORMATION AND/OR DRAWINGS SUPPLIED BY THE CLIENT OF RECORD WITH DESIGN CRITERIA BEING SET BY THE CLIENT AND/OR PROJECT OWNER (I.E. AREA TO BE IRRIGATED, MANUFACTURER'S EQUIPMENT TO BE EMPLOYED, WATER SOURCE (LOCATION, FLOW & PRESSURE) CAPACITIES, ELECTRICAL POWER AVAILABILITY FOR IRRIGATION SYSTEM USE, ETC.). SMITH TURF & IRRIGATION BEARS NO RESPONSIBILITY OR LIABILITY FOR ANY ERRORS IN DESIGN OR APPLICATION WHICH MIGHT ARISE DUE TO INACCURACIES IN THE ABOVE REFERENCED INFORMATION SUPPLIED TO SMITH TURF & IRRIGATION IN RELATION TO THIS SPECIFIC PROJECT UNLESS OTHERWISE NOTED.



DATE	BY	REVISION	NO.

DRAWN: JWW
APPROVED: [Signature]
FILENAME: IR-1.DWG
DATE: 7-21-16

DRAWINGS FOR:
SPINNAKER WELCOME CENTER
HILTON HEAD ISLAND, SC
IRRIGATION LAYOUT

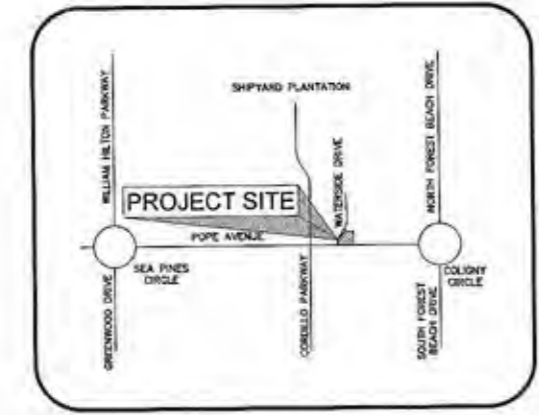
SCALE: 1" = 20'

1 OF 1

SHEET: PROJECT NO.: 160714.110



SPINNAKER WELCOME CENTER LOCATED AT 30 WATERSIDE DRIVE IN THE TOWN OF HILTON HEAD ISLAND IN BEAUFORT COUNTY, SOUTH CAROLINA



30 WATERSIDE DRIVE
 HILTON HEAD ISLAND, SOUTH CAROLINA 29928

VINICITY MAP
 NOT TO SCALE

APPROVED
 By nicoled at 12:49 pm, Jul 28, 2016



SHEET INDEX

- C0 COVER
- C1 EXISTING CONDITIONS, DEMOLITION PLAN, AND EROSION AND SEDIMENT CONTROL PLAN
- C2 SITE LAYOUT PLAN
- C3 GRADING AND DRAINAGE PLAN
- C4 SITE UTILITIES PLAN
- C5 EROSION AND SEDIMENT CONTROL DETAILS
- C6 SITE CIVIL DETAILS
- C7 SITE UTILITIES DETAILS

OWNER CONTACT INFORMATION

SPINNAKER RESORTS DEVELOPMENT GROUP
 MR. CHARLES B. HALTERMAN
 35 DEALLYON AVENUE
 HILTON HEAD ISLAND, SOUTH CAROLINA 29928
 PHONE: (843) 785-8105
 FAX: (843) 785-6178

GENERAL NOTES

1. LOCATIONS, ELEVATIONS AND DIMENSIONS OF EXISTING UTILITIES, STRUCTURES AND OTHER FEATURES ARE SHOWN ACCORDING TO THE BEST INFORMATION AVAILABLE AT THE TIME OF THE PREPARATION OF THESE DRAWINGS AND DO NOT PURPORT TO BE ABSOLUTELY CORRECT. THE CONTRACTOR SHALL VERIFY THE LOCATIONS, ELEVATIONS AND DIMENSIONS OF ALL EXISTING UTILITIES, STRUCTURES, ETC. AFFECTING THEIR WORK PRIOR TO CONSTRUCTION REFER TO REFERENCES FOR ALL INFORMATION INCORPORATED AS THE EXISTING CONDITIONS.
2. THE CONTRACTOR SHALL CAREFULLY STUDY AND COMPARE THE CONSTRUCTION DOCUMENTS AND SHALL IMMEDIATELY REPORT TO THE ENGINEER ANY DISCREPANCIES OR OMISSIONS DISCOVERED ON THE PLANS OR AT THE SITE. THE CONTRACTOR SHALL TAKE FIELD MEASUREMENTS TO VERIFY THAT ALL LOCATIONS ARE CORRECT PRIOR TO COMMENCING CONSTRUCTION.
3. THE CONTRACTOR SHALL CONTACT THE ENGINEER PRIOR TO PROCEEDING WITH ANY SITE WORK WITH WHICH A CONFLICT HAS ARISEN DURING CONSTRUCTION OF ANY IMPROVEMENTS SHOWN ON THESE DRAWINGS.
4. ALL WORK TO BE PERFORMED FOR THE COMPLETION OF THIS PROJECT SHALL BE CONSTRUCTED ACCORDING TO THE BEST PRACTICES OF THE INDUSTRY AND IN ACCORDANCE WITH APPLICABLE FEDERAL, STATE, COUNTY AND/OR TOWN CODES, ORDINANCES, STANDARDS AND PERMIT CONDITIONS.
5. CONTRACTOR IS RESPONSIBLE FOR THE REMOVAL OF ALL EXCAVATED MATERIAL TO AN APPROVED LOCATION, REGARDLESS OF CONTENT.
6. ALL PROPERTIES DISTURBED DURING OR AS A RESULT OF CONSTRUCTION SHALL BE RESTORED TO THEIR PRE-EXISTING CONDITION OR BETTER.
7. THE CONTRACTOR SHALL NOTIFY PROPERTY OWNERS IN WRITING AT LEAST TWO (2) BUSINESS DAYS PRIOR TO ANY INCONVENIENCE OR DISRUPTION OF SERVICES AS A RESULT OF CONSTRUCTION.
8. ANY AND ALL DAMAGE TO EXISTING UTILITIES AS A RESULT OF THE CONTRACTOR'S ACTIONS SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
9. CONTRACTOR SHALL NOT BLOCK ANY PROPERTY INGRESS/EGRESS AND IF NECESSARY, SHALL PROVIDE TEMPORARY CONSTRUCTION ACCESS TO PROPERTY OWNERS THROUGHOUT THE PROJECT.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SUPPLYING RECORD DRAWING INFORMATION INCLUDING LOCATIONS, DIMENSIONS AND ELEVATIONS OF ALL CONSTRUCTION COMPONENTS WHICH VARY FROM THE DESIGN.
11. CONTRACTOR SHALL WARRANTY ALL WORK AND MATERIALS FOR A MINIMUM PERIOD OF ONE (1) YEAR FROM COMPLETION DATE OF THE PROJECT.



AT LEAST 72 HOURS PRIOR TO BEGINNING
 LAND DISTURBING ACTIVITIES

**PRELIMINARY
 NOT FOR CONSTRUCTION**

REVISION	DATE
128 ARCHITECTURAL REVISIONS	12/28/2014
USE TOWN OF HILTON HEAD 21 2014	12/28/2014



ALLIANCE CONSULTING ENGINEERS, INC.
 23 PLANTATION PARK DRIVE SUITE 204
 BLUFFTON, SOUTH CAROLINA 29910-6072
 PHONE (843) 757-5959
 FAX (843) 757-6659
 WWW.ALLIANCECE.COM

PROJECT
 SPINNAKER WELCOME CENTER
 LOCATED AT
 30 WATERSIDE DRIVE
 IN THE
 TOWN OF HILTON HEAD
 BEAUFORT COUNTY SOUTH CAROLINA

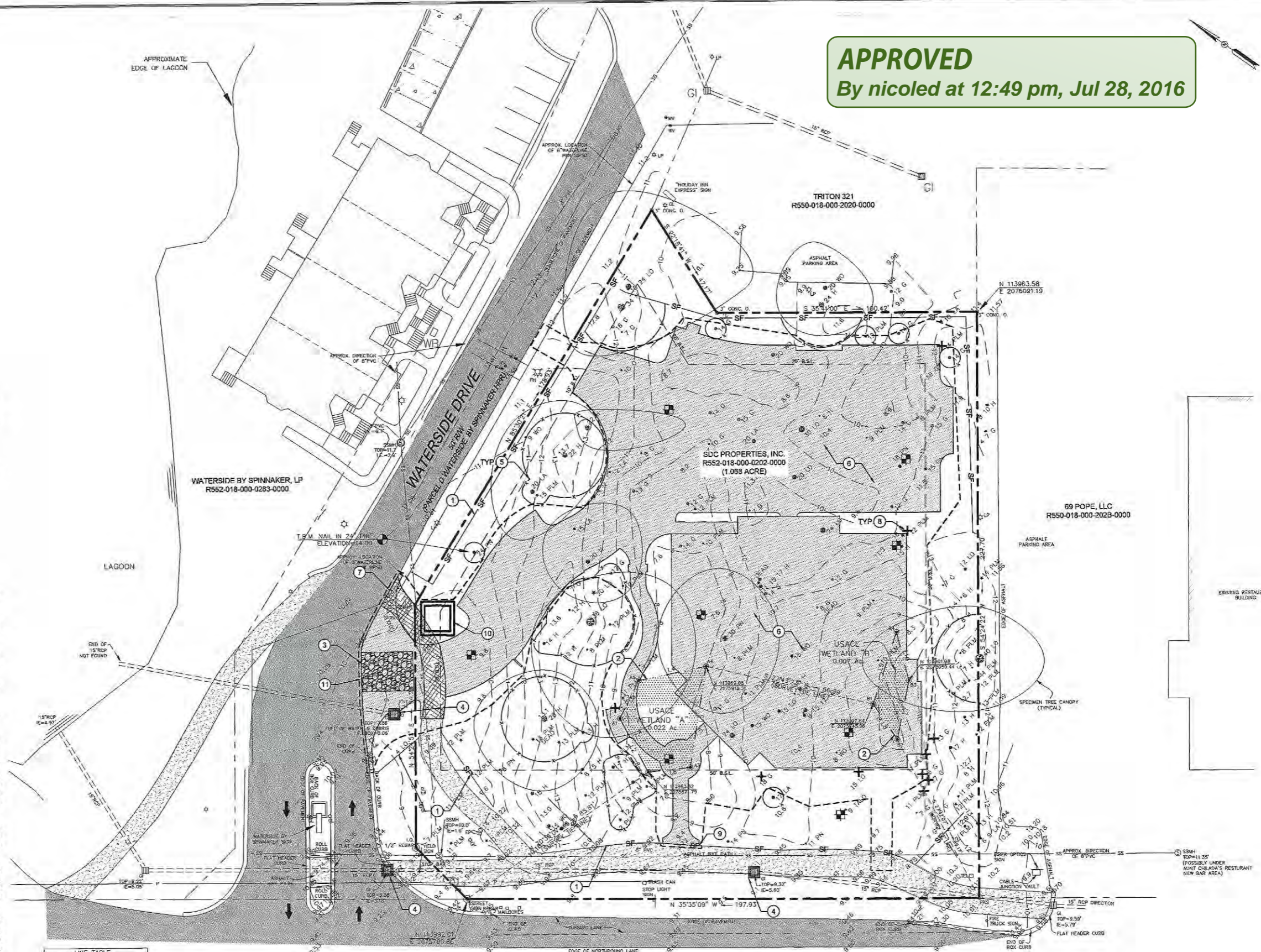
JUNE 2016
 Project No. 16101-0007
 DWG NO. 011012-D18

APPROVED
By nicoled at 12:49 pm, Jul 28, 2016

- LEGEND:**
- SPOT ELEVATION
 - CONC. D. CONCRETE MONUMENT, OLD (FOUND)
 - T.B.M. TEMPORARY BENCH MARK
 - B BAY
 - C CUM
 - H HICKORY
 - LA LAUREL OAK
 - LO LIVE OAK
 - PLM PALM
 - PN PINE
 - WO WATER OAK
 - EB ELECTRIC BOX
 - EP ELECTRIC PANEL
 - TEL TELEPHONE BOX
 - PP POWER POLE
 - LP LIGHT POLE
 - GL GROUND LIGHT
 - FH FIRE HYDRANT
 - WV WATER VALVE
 - GI GRATE INLET
 - RCP REINFORCED CONCRETE PIPE
 - SSMH SANITARY SEWER MANHOLE
 - IE INVERT ELEVATION
 - TALO CHINESE TALLOW
 - P OVERHEAD POWERLINE
 - SS SANITARY SEWER LINE
 - WL WATER LINE
 - IFD TRAFFIC FLOW
 - PKS IRON PIN, OLD (FOUND)
 - PKS PK NAIL SET
-
- SF LIMITS OF DISTURBANCE
 - SF SILT FENCE
 - TPF TREE PROTECTION FENCING
 - CR CLEAR AND GRUBBING
 - DR DEMOLISH AND REMOVE
 - WETLANDS
 - RT REMOVE TREE
 - BL APPROXIMATE BORING LOCATION

- KEYNOTES:**
1. INSTALL SINGLE ROW SILT FENCE. SEE DETAIL.
 2. WETLAND TO BE FILLED. REFER TO RECOMMENDATIONS OF GEOTECHNICAL EVALUATION.
 3. INSTALL TEMPORARY CONSTRUCTION ENTRANCE. SEE DETAIL.
 4. INSTALL CURB INLET PROTECTION. SEE DETAIL.
 5. INSTALL TREE PROTECTION FENCING. SEE DETAIL.
 6. CLEAR AND GRUB. SEE NOTE 6 FOR LIMITS OF CLEARING.
 7. SAWCUT AND REMOVE ASPHALT PATHWAY.
 8. REMOVE TREE.
 9. PROTECT IN PLACE.
 10. CONCRETE WASHOUT AREA.
 11. REMOVE AND RELOCATE SIGN.

- NOTES:**
1. BOUNDARY, TREE, AND TOPOGRAPHIC SURVEY CONDUCTED BY SURVEYING CONSULTANTS. DATED JANUARY 18, 2016.
 2. COORDINATES ARE BASED ON NGVD29 FOR VERTICAL CONTROL AND SOUTH CAROLINA STATE PLANE 83 FOR HORIZONTAL CONTROL.
 3. THE PROJECT SITE IS LOCATED IN FEMA FLOODPLAIN ZONE A7, BASE ELEVATION: 14.0, COMMUNITY NO. 450250, PANEL 1-D, DATED SEPTEMBER 29, 1988.
 4. GEOTECHNICAL EVALUATION PERFORMED BY EGS SOUTHEAST, LLC. REPORT DATED MARCH 3, 2016.
 5. UNDERGROUND UTILITIES NOT LOCATED EXCEPT AS SHOWN.
 6. CLEARING AND STRIPPING SHALL BE EXTENDED A MINIMUM OF 10 FEET BEYOND THE BUILDING AND 5 FEET BEYOND THE PAVING LIMITS, WITH THE EXCEPTION OF THE 15-FOOT SPECIMEN TREE PROTECTION ZONES. STRIPPING LIMITS SHOULD BE EXTENDED AN ADDITIONAL 1 FOOT FOR EACH FOOT OF FILL REQUIRED AT THE THE BUILDING AND PAVEMENT AREAS EXTERIOR EDGE. THIS WOULD INCLUDE THE REMOVAL OF ANY ABANDONED UTILITIES OR EXISTING STRUCTURE FOUNDATIONS.
 7. THE CONTRACTOR SHALL FULLY COMPLY WITH SCDHEC AND THE TOWN OF HILTON HEAD ISLAND SEDIMENT AND EROSION CONTROL ORDINANCES, STANDARDS, AND TECHNICAL SPECIFICATIONS.
 8. PROVIDE SILT FENCE AND/OR OTHER CONTROL DEVICES AS REQUIRED TO CONTROL EROSION DURING CONSTRUCTION. ALL DISTURBED AREAS SHALL BE CLEARED, GRADED, AND STABILIZED WITH GRASSING IMMEDIATELY AFTER CONSTRUCTION.
 9. ALL EROSION CONTROL DEVICES SHALL BE PROPERLY MAINTAINED DURING ALL PHASES OF CONSTRUCTION UNTIL THE COMPLETION OF ALL CONSTRUCTION ACTIVITIES AND ALL DISTURBED AREAS HAVE BEEN STABILIZED. ADDITIONAL CONTROL DEVICES MAY BE REQUIRED DURING CONSTRUCTION IN ORDER TO CONTROL EROSION AND/OR OTHER OFF-SITE SEDIMENTATION. ALL TEMPORARY CONTROL DEVICES SHALL BE REMOVED ONCE CONSTRUCTION IS COMPLETE AND THE SITE IS STABILIZED.
 10. STOCKPILE AREAS TO BE LOCATED WITHIN THE LIMITS OF DISTURBANCE.



LINE TABLE

LINE	LENGTH	BEARING
L1	28.28'	N 09°24'51" E
L2	23.52'	S 26°54'56" W
L3	16.42'	S 81°00'39" W
L4	26.64'	N 47°33'02" W
L5	39.79'	N 63°25'51" E
L6	18.41'	S 41°47'39" E
L7	23.35'	N 85°30'12" E
L8	16.58'	S 20°21'34" W
L9	29.39'	S 72°17'11" W
L10	19.39'	N 40°12'57" E

PROPERTY AREA:		LAND DISTURBANCE:	
UPLAND	1.039 ACRES	DISTURBED AREA (PROPERTY)	0.63 ACRES
USACE WETLAND "A"	0.022 ACRES	DISTURBED AREA (ROW)	0.04 ACRES
USACE WETLAND "B"	0.007 ACRES	TOTAL DISTURBED AREA	0.67 ACRES
TOTAL PROPERTY AREA	1.069 ACRES		



REVISION DATE

THE ARCHITECTURAL REVISIONS: JUN 28 2016

PER TOWN OF HILTON HEAD ISLAND: JUNE 2016

APPROVAL	ENGINEER	SM	REGISTERED	PROFESSIONAL	CHECKED BY	APPROVED

DATE: 6/28/16

STAMP: SOUTH CAROLINA PROFESSIONAL ENGINEERING BOARD, No. 20060

ALLIANCE CONSULTING ENGINEERS

Alliance Consulting Engineers, Inc.
23 Plantation Park Dr. Suite 201, Hilton Head Island, SC 29928
Phone (843) 731-9339 Fax (843) 731-6659

SCALE: AS SHOWN

DATE: JUNE 2016

EXISTING CONDITIONS, DEMOLITION PLAN, AND EROSION AND SEDIMENT CONTROL PLAN

SPINNAKER WELCOME CENTER
LOCATED AT
30 WATERSIDE DRIVE
IN THE
TOWN OF HILTON HEAD

FILE NAME: SHEET
REFERENCE FILE: C
SITE PLAN.dwg OF
PROJECT NO. 16101-0007 7
DWG NO. 01.1012-D18

**PRELIMINARY
NOT FOR CONSTRUCTION**

June 21, 2016 - 4:10:26 PM S:\Projects\16101-0007 Spinnaker Welcome Center at 30 Waterside Dr. on I1911 in Beaufort County\Construction Sheet\G1_Ex-Conditions.dwg Plot: E:\B&B_Plotting

APPROVED
By nicoled at 12:49 pm, Jul 28, 2016

LEGEND:

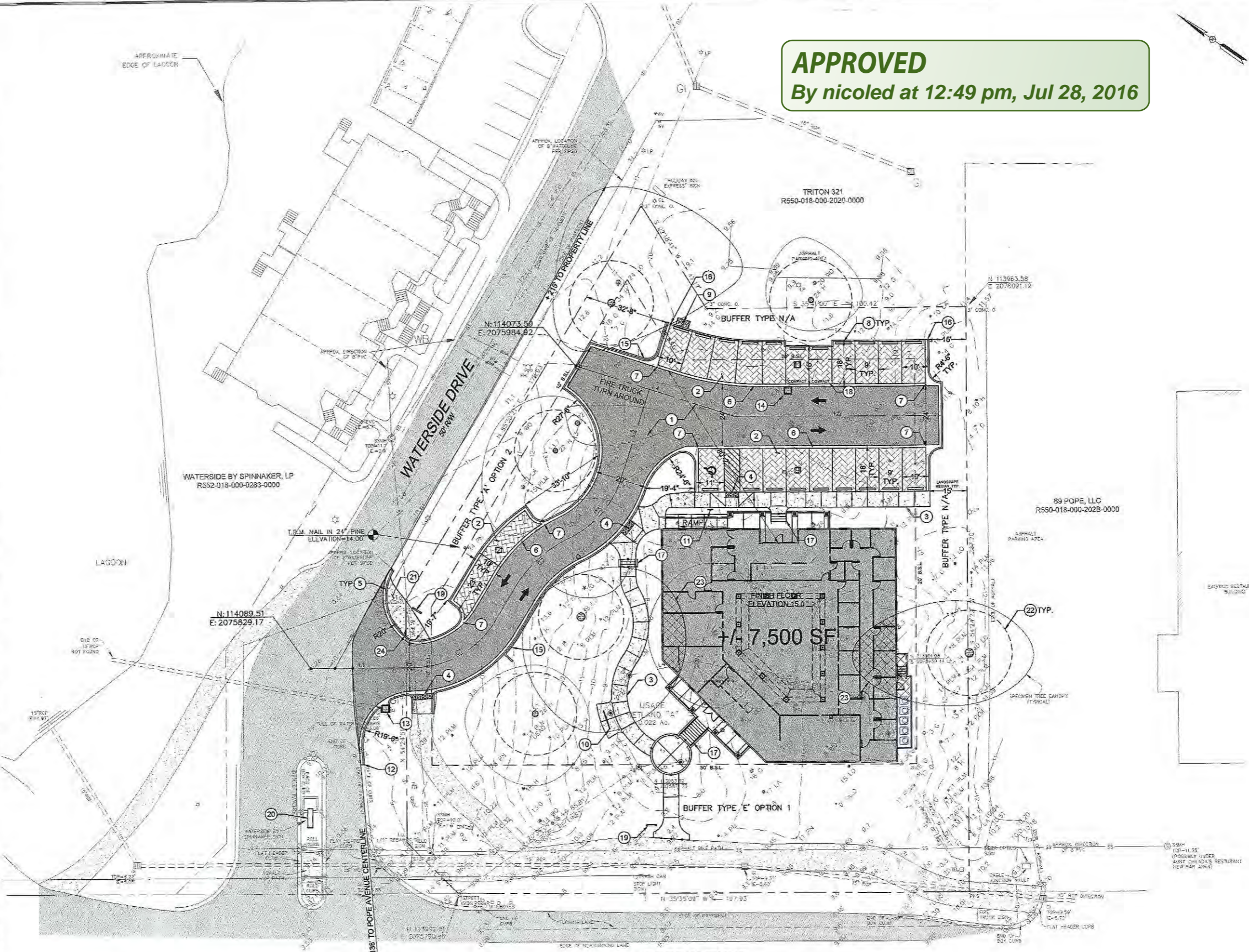
	PERMEABLE VEHICULAR PAVERS
	POROUS CONCRETE WALK
	PERMEABLE ASPHALT PAVEMENT
	TRAFFIC DIRECTION

SITE INFORMATION:

ZONING DISTRICT:	RESORT DEVELOPMENT (RD)
OVERLAY DISTRICT:	CORRIDOR
MAXIMUM DENSITY:	8,000 GFA/ACRE
PROPERTY ACREAGE:	1.068 ACRES
ALLOWABLE DENSITY:	8,544 SF
PROPOSED DENSITY:	7,404 SF
HEIGHT LIMIT:	60'-0"
PROPOSED HEIGHT:	30'-10"
CONSTRUCTION TYPE:	5B, SPRINKLED
MAX. ALLOWABLE IMPERVIOUS COVERAGE:	50%
PROPOSED SITE IMPERVIOUS COVERAGE:	27%
EXISTING PATHWAY:	2,600 SF
PROPOSED CURBING:	990 SF
PROPOSED ROOF:	8,770 SF
TOTAL PROPOSED SITE IMPERVIOUS COVERAGE:	12,360 SF
PROPOSED SITE IMPERVIOUS COVERAGE:	27%
PARKING (OFFICE):	1 SPACE/350 GFA
SPACES REQUIRED:	21
STANDARD SPACES PROVIDED:	20
COMPACT SPACES PROVIDED:	2
TOTAL PARKING SPACES PROVIDED:	22
BICYCLE PARKING REQUIRED:	4 BICYCLE/10 VEHICULAR
BICYCLE PARKING PROVIDED:	8

- KEYNOTES:**
- INSTALL PERMEABLE ASPHALT PAVEMENT. SEE DETAIL.
 - INSTALL PERMEABLE VEHICULAR PAVERS. REFER TO LANDSCAPING DETAILS FOR MATERIALS AND PATTERNS.
 - INSTALL POROUS CONCRETE WALK. REFER TO LANDSCAPING DETAILS.
 - INSTALL ADA CURB RAMPS WITH DETECTABLE WARNING. REFER TO LANDSCAPING DETAILS.
 - INSTALL CONCRETE ROLL CURB AND GUTTER. SEE DETAIL.
 - INSTALL RIBBON CURB PER LANDSCAPING DETAILS.
 - TRANSITION FROM ROLL CURB AND GUTTER TO FLUSH CONCRETE RIBBON CURB.
 - INSTALL 6'-0" 3000 PSI MIN. PRECAST CONCRETE WHEEL STOP WITH #4 REBAR AND ANCHOR STAKES. VEHICLE SIDE OF WHEEL STOP SHALL BE 18" FROM END OF PARKING SPACE. SEE DETAIL.
 - INSTALL ELECTRIC CHARGING STATION PER MANUFACTURER RECOMMENDATIONS. REFER TO LANDSCAPING PLANS.
 - INSTALL BICYCLE PARKING RACK PER MANUFACTURER RECOMMENDATIONS. REFER TO LANDSCAPING PLANS.
 - INSTALL RESERVED PARKING SIGN. SEE DETAIL.
 - TRANSITION TO EXISTING CURB AND GUTTER AS REQUIRED.
 - TRANSITION ROLL CURB AND GUTTER TO STORM DRAIN GRATE INLET. SEE GRADING AND DRAINAGE PLAN.
 - STORM DRAIN GRATE INLET. SEE GRADING AND DRAINAGE PLAN.
 - INSTALL TIMBER RETAINING WALL. REFER TO LANDSCAPING PLAN FOR DETAIL. SEE GRADING AND DRAINAGE PLAN FOR TOP OF WALL ELEVATIONS.
 - INSTALL BLOCK RETAINING WALL AS PAVER RESTRAINING EDGE. SEE GRADING AND DRAINAGE PLAN FOR TOP OF WALL ELEVATIONS.
 - INSTALL STAIRS WITH HANDRAILS. REFER TO LANDSCAPING PLANS FOR DETAIL. SEE GRADING AND DRAINAGE PLAN FOR ELEVATIONS.
 - INSTALL PAVEMENT MARKING WITH LETTERS 12" IN HEIGHT.
 - INSTALL DIRECTIONAL SIGN. REFER TO LANDSCAPING PLANS.
 - MODIFY EXISTING MONUMENT SIGN. REFER TO LANDSCAPING PLANS.
 - RESTORE AREA TO GRADE WITH CLEAN FILL. REFER TO LANDSCAPING PLANS FOR PLANTINGS.
 - 15FT MIN. TREE SETBACK.
 - LESS THAN 20% TREE CANOPY IMPACT.
 - INSTALL STOP SIGN. SEE DETAIL.

- NOTES:**
- RADI MEASURED FROM BACK OF CURVATURE UNLESS OTHERWISE NOTED.
 - POROUS CONCRETE WALKS SHALL BE 6'-0" IN WIDTH UNLESS OTHERWISE NOTED.
 - PARKING STRIPING SHALL BE 4" PAINTED WHITE STRIPE. ACCESS AISLE STRIPING AND ADA PARKING SYMBOL SHALL BE 4" PAINTED BLUE. ACCESS AISLE TO BE 6'-0" IN WIDTH WITH STRIPING AT 24" ON CENTER ROTATED 45°.
 - TREE REMOVAL SHOWN ON SHEET C1.
 - STRUCTURAL FILL SHALL BE PLACED IN LEVEL LIFTS NOT EXCEEDING 12 INCHES IN LOOSE THICKNESS AND COMPACTED TO 95% MODIFIED PROCTOR DENSITY. FILL PLACED IN THE TOP 2 FEET UNDER PAVED AREAS, CURBS, SIDEWALKS, AND BUILDING SLABS SHALL BE COMPACTED TO AT LEAST 98% MODIFIED PROCTOR DENSITY.



CENTERLINE LINE TABLE

LINE	LENGTH	BEARING
L1	39.43'	S 35°39'50" E
L2	14.77'	N 85°30'21" E
L3	36.83'	N 72°14'04" E
L4	84.89'	S 17°45'56" E
L5	79.99'	S 35°35'09" E

CENTERLINE CURVE TABLE

CURVE	LENGTH	RADIUS	TANGENT	CHORD	BEARING	DELTA
C1	39.01'	38.00'	21.43'	37.33'	S 65°04'44" E	31°10'11"
C2	29.29'	50.00'	15.08'	28.87'	S 77°42'45" E	38°28'13"
C3	31.08'	38.00'	16.46'	30.20'	S 84°20'54" E	43°09'58"



REVISION DATE

NO.	DATE	DESCRIPTION
1	JUNE 2016	PER ARCHITECTURAL REVISIONS
2	JUNE 2016	PER TOWN OF HILTON HEAD ISLAND
3	JUNE 2016	PER ARCHITECTURAL REVISIONS

APPROVALS:

DESIGNER	DATE	APPROVED
BY: [Signature]	6/28/16	[Signature]

SEAL: [Professional Engineer Seal]

ALLIANCE CONSULTING ENGINEERS

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23 Plantation Park Dr., Suite 204 Hilton Head Island, SC 29928
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SITE LAYOUT PLAN

SCALE: AS SHOWN

DATE: JUNE 2016

SPINNAKER WELCOME CENTER
LOCATED AT
30 WATERSIDE DRIVE
IN THE
TOWN OF HILTON HEAD


BEAUFORT COUNTY SOUTH CAROLINA

FILE NAME:	SHEET
REFERENCE FILE:	C2
SITE PLAN.dwg	OF
PROJECT NO.:	7
16101-0007	
DWG NO. 01.1012-D18	

PRELIMINARY
NOT FOR CONSTRUCTION

June 21, 2016 - 4:14:02 PM @ Project\16101-0007 Spinnaker Welcome Center at 30 Waterside Dr. on Hilton Head Island, South Carolina (Sheet) 02 Site Layout Plan.dwg
 PROJECT: SPINNAKER WELCOME CENTER, 30 WATERSIDE DRIVE, HILTON HEAD ISLAND, SOUTH CAROLINA
 SHEET: 02 OF 02
 DATE: 6/21/2016 4:14:02 PM
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

APPROVED
By nicoled at 12:49 pm, Jul 28, 2016

LEGEND:

 WSIA WATERSHED AREA IDENTIFIER
 --- DRAINAGE AREA BOUNDARY
 - - - PROPOSED CONTOUR
 11/10.26 FINISH GRADE ELEVATION

FIRST FLUSH ON-SITE RETENTION:

WS1A	
EXISTING IMPERVIOUS AREA:	440 SF
PROPOSED IMPERVIOUS AREA:	250 SF
TOTAL IMPERVIOUS AREA:	690 SF
RETENTION VOLUME REQUIRED:	60 CU.FT.
RETENTION VOLUME PROVIDED:	325 CU.FT.
WS1B	
EXISTING IMPERVIOUS AREA:	0 SF
PROPOSED IMPERVIOUS AREA:	9,510 SF
TOTAL IMPERVIOUS AREA:	9,510 SF
RETENTION VOLUME REQUIRED:	800 CU.FT.
RETENTION VOLUME PROVIDED:	975 CU.FT.
WS2A	
EXISTING IMPERVIOUS AREA:	460 SF
PROPOSED IMPERVIOUS AREA:	0 SF
TOTAL IMPERVIOUS AREA:	460 SF
RETENTION VOLUME REQUIRED:	40 CU.FT.
RETENTION VOLUME PROVIDED:	0 CU.FT. (MATCH EX.)
WS2B	
EXISTING IMPERVIOUS AREA:	1,700 SF
PROPOSED IMPERVIOUS AREA:	0 SF
TOTAL SITE IMPERVIOUS AREA:	1,700 SF
RETENTION VOLUME REQUIRED:	140 CU.FT.
RETENTION VOLUME PROVIDED:	0 CU.FT. (MATCH EX.)

NOTE: EXISTING IMPERVIOUS AREA IN SUB-BASINS WS1A, WS2A, AND WS2B CONSISTS OF EXISTING STREETS AND PATHWAYS.

KEYNOTES:

- INSTALL STORM DRAIN GRATE INLET (GI-1). SEE DETAIL.
- INSTALL STORM DRAIN GRATE INLET (GI-2). SEE DETAIL.
- BELOW GRADE ROOF DRAINS FROM DOWNSPOUTS TO DAYLIGHT AT THESE LOCATIONS. REFER TO ARCHITECTURAL PLANS. REDUCE PIPE SIZE IF NECESSARY.

NOTES:

- MAXIMUM ALLOWABLE SLOPE SHALL BE 3:1 UNLESS OTHERWISE DIRECTED BY THE ENGINEER.



REVISION	DATE
PER ARCHITECTURAL REVISIONS	JUNE 2016
PER TOWN OF HILTON HEAD ISLAND	JUNE 2016

APPROVALS:

ENGINEER	SML	DESIGNER	BJP	TECHNICAL	BJP	CHECKED BY	LJL	APPROVED	LJL
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Professional Engineer Seal: CAROLINA REGISTERED PROFESSIONAL ENGINEER, License No. 20460, Name: STEVE M. LITTLE, Date: 6/24/16

ALLIANCE CONSULTING ENGINEERS
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PROJECT: SPINNAKER WELCOME CENTER LOCATED AT 30 WATERSIDE DRIVE IN THE TOWN OF HILTON HEAD
 SHEET: GRADING AND DRAINAGE PLAN
 SCALE: AS SHOWN
 DATE: JUNE 2016

FILE NAME:	SHEET
REFERENCE FILE:	C3
SITE PLAN.dwg	OF
PROJECT NO.:	7
16101-0007	
DWG NO. 01.1012-D18	

**PRELIMINARY
NOT FOR CONSTRUCTION**

June 21, 2016 - 4:12:32 PM S:\Projects\16101-0007 Spinnaker Welcome Center at 30 Waterside Dr. on Hill in Beaufort County\Construction Sheets\C3 Grading and Drainage Plan.dwg

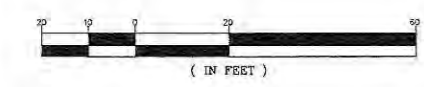
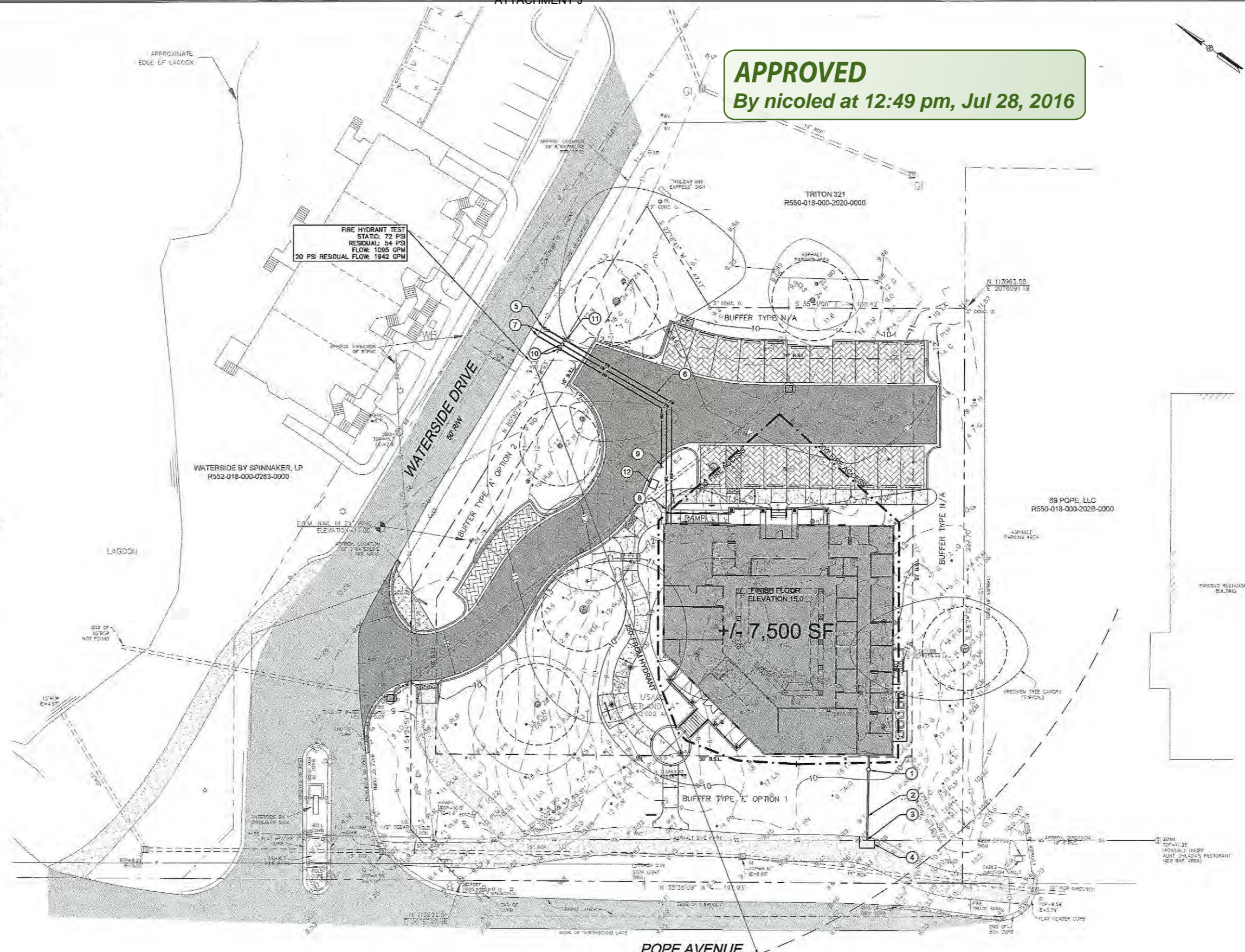
LEGEND:

6W	6" WATER SERVICE LINE
2W	2" WATER SERVICE LINE
---	FIRE ACCESS PATH
---	6" SANITARY SEWER LATERAL

- KEYNOTES:**
1. INSTALL SANITARY SEWER LATERAL CLEAN OUT. SEE DETAIL.
 2. INSTALL ±35LF 6" SANITARY SEWER SERVICE LATERAL MIN. SLOPE: 0.004 FT/FT.
 3. INSTALL 8"x6" INSERTA TEE AND CONNECT SEWER SERVICE LATERAL TO EXISTING SANITARY SEWER. SEE DETAIL.
 4. SAWCUT AND RESTORE DISTURBED EXISTING ASPHALT PAVEMENT. PAVEMENT CUT TO EXTEND 12" BEYOND EDGE OF TRENCH. MATCH EXISTING PAVEMENT THICKNESS.
 5. INSTALL 8"x8" TAPPING SLEEVE AND VALVE. SEE DETAIL.
 6. INSTALL ±110LF 6" WATER SERVICE LINE TO FIRE PROTECTION SYSTEM.
 7. CONNECT 2" WATER SERVICE LINES TO EXISTING 8" WATERLINE. SEE DETAIL.
 8. INSTALL ±105LF 2" WATER SERVICE LINE TO BUILDING MECHANICAL/ELECTRICAL ROOM(S).
 9. INSTALL ±90LF 2" WATER SERVICE LINE AND TERMINATE WITH 1" CONNECTION FOR IRRIGATION SYSTEM. REFER TO LANDSCAPING PLANS.
 10. INSTALL 2" DOUBLE CHECK VALVE AND METER ASSEMBLIES. SEE DETAIL.
 11. INSTALL DOUBLE DETECTOR CHECK VALVE ASSEMBLY. SEE DETAIL.
 12. INSTALL FREESTANDING FIRE DEPARTMENT CONNECTION (FDC) AND CONCRETE PAD. SEE DETAIL.

- NOTES:**
1. REFER TO ARCHITECTURAL PLANS FOR CONNECTION TO BUILDING MECHANICAL, ELECTRICAL, AND FIRE PROTECTION SYSTEMS.
 2. SANITARY SEWER LATERAL SHALL BE PVC SDR 26 OR APPROVED EQUAL.
 3. WATER SERVICE LINES 4" DIA. AND LARGER SHALL BE AWWA C900 PVC DR-18 WITH A MINIMUM PRESSURE RATING OF 150 PSI OR APPROVED EQUAL. WATER SERVICE LINES 2" DIA. AND SMALLER SHALL BE AWWA C901 PE.
 4. ALL WATER SERVICE PIPE, VALVES, FITTINGS, AND APPURTENANCES SHALL BE NSF 61 APPROVED.
 5. MINIMUM DEPTH OF COVER SHALL BE 36".
 6. RESTRAIN ALL HORIZONTAL AND VERTICAL BENDS.
 7. MAINTAIN 12" MINIMUM CLEARANCE BETWEEN CROSSING UTILITIES.

APPROVED
By nicoled at 12:49 pm, Jul 28, 2016

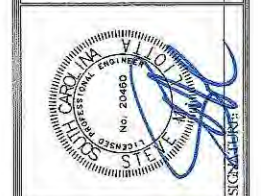


REVISION DATE

PER ARCHITECTURAL REVISIONS	JUNE 2016
PER TOWN OF HILTON HEAD ISLAND	JUNE 2016

APPROVALS

ENGINEER	SMU	DESIGNER	BJP	TECHNICIAN	BJP	CHECKED BY	LJL	APPROVED	LJL
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SITE UTILITIES PLAN

SCALE: AS SHOWN

**SPINNAKER WELCOME CENTER
LOCATED AT
30 WATERSIDE DRIVE
IN THE
TOWN OF HILTON HEAD**

SOUTH CAROLINA DATE: JUNE 2016

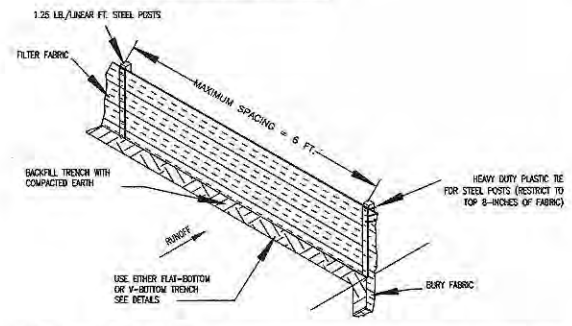
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REFERENCE FILE: SITE PLAN.dwg	C4
PROJECT NO. 16101-0007	OF
DWG NO. 011012-D18	7

**PRELIMINARY
NOT FOR CONSTRUCTION**

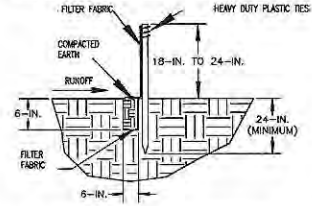
June 21, 2016 - 4:26:20 PM S:\Projects\16101-0007 Spinnaker Welcome Center at 30 Waterside Dr. on Hill in Bluffton Cobble Construction Sheets\C4 Site Utilities Plan.dwg
 THIS DOCUMENT IS THE SOLE PROPERTY OF ALLIANCE CONSULTING ENGINEERS, INC. IT IS NOT TO BE REPRODUCED, COPIED, OR OTHERWISE USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF ALLIANCE CONSULTING ENGINEERS, INC. THE TOWN OF HILTON HEAD ISLAND HAS REVIEWED THIS PROJECT FOR CONFORMANCE WITH THE TOWN OF HILTON HEAD ISLAND ZONING ORDINANCES.

APPROVED
By nicoled at 12:49 pm, Jul 28, 2016

SILT FENCE INSTALLATION



FLAT-BOTTOM TRENCH DETAIL



V-SHAPED TRENCH DETAIL

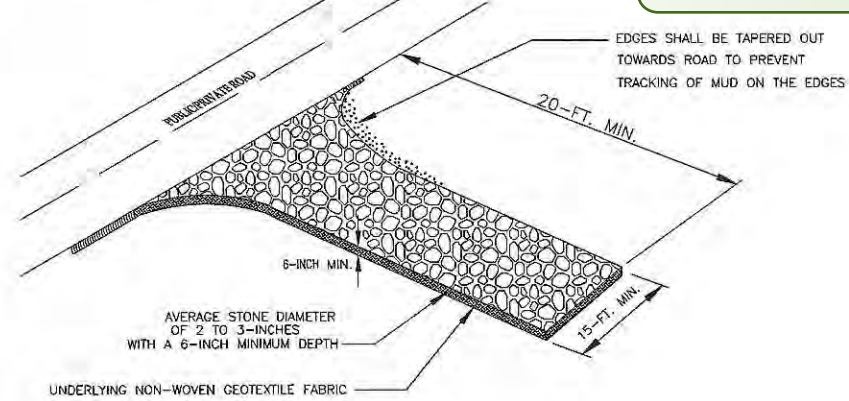
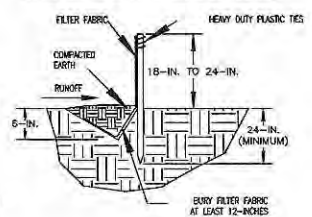


Table with 2 columns: SPECIFICATION and SIZE. Rows include Rock Pad Thickness (6 inches), Rock Pad Width (15 feet), Rock Pad Length (20 feet), and Rock Pad Stone Size (D50 = 2-3 inches).

- SILT FENCE - GENERAL NOTES: 1. Do not place silt fence across channels... 2. Maximum sheet or overlap flow path length to the silt fence shall be 100-feet... 3. Maximum slope steepness (normal [perpendicular] to the fence line) shall be 2:1... 4. Silt fence joints, when necessary, shall be completed by one of the following options...

SILT FENCE - POST REQUIREMENTS

- 1. Silt fence posts must be 48-inch long steel posts that meet, at a minimum, the following physical characteristics... 2. Posts shall be equipped with projections to aid in fastening of filter fabric... 3. Steel posts may need to have a metal stabilization plate welded near the bottom when installed along steep slopes...

SILT FENCE - FABRIC REQUIREMENTS

- 1. Silt fence must be composed of woven geotextile filter fabric that consists of the following requirements... 2. The only fabric approved on SC DOT's Qualified Products Listing (QPL) for silt fences is the requirements of the most current edition of the SC DOT Standard Specifications for Highway Construction... 3. 12-inches of the fabric should be placed within excavated trench and tied in when the trench is backfilled... 4. Filter fabric shall be purchased in continuous rolls and cut to the length of the barrier to avoid joints... 5. Filter fabric shall be installed at a minimum of 24-inches above the ground.

SILT FENCE - INSPECTION & MAINTENANCE

- 1. The key to functional silt fence is weekly inspections, routine maintenance, and regular sediment removal... 2. Regular inspections of silt fence shall be conducted once every calendar week and, as recommended, within 24-hours after each rainfall event that produces 1/2-inch or more of precipitation... 3. Attention to sediment accumulations along the silt fence is extremely important. Accumulated sediment should be continuously monitored and removed when necessary... 4. Remove accumulated sediment when it reaches 1/3 the height of the silt fence... 5. Removed sediment shall be placed in stockpile storage areas or spread thinly around disturbed areas... 6. Check for areas where stormwater runoff has eroded a channel beneath the silt fence, or where the fence has sagged or collapsed due to runoff overlapping the silt fence... 7. Check for tears within the silt fence, areas where silt fence has begun to decompose, and for any other circumstances that may render the silt fence ineffective... 8. Silt fence should be removed within 30 days after final stabilization is achieved and once it is removed, the resulting disturbed area shall be permanently stabilized.

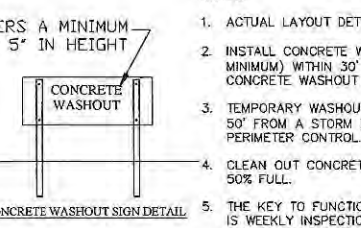
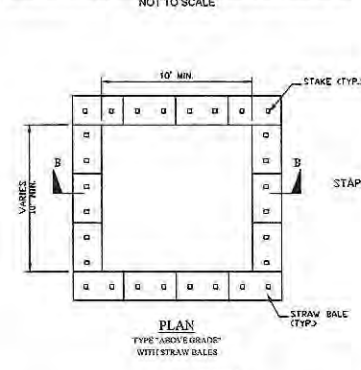
CONSTR. ENTRANCE - INSPECTION & MAINTENANCE

- 1. The key to functional construction entrances is weekly inspections, routine maintenance, and regular sediment removal... 2. Regular inspections of construction entrances shall be conducted once every calendar week and, as recommended, within 24-hours after each rainfall event that produces 1/2-inch or more of precipitation... 3. During regular inspections, check for mud and sediment buildup and pad integrity. Inspection frequencies may need to be more frequent during periods of wet weather... 4. Reshape the stone pad as necessary for drainage and runoff control... 5. Wash or replace stones as needed and as directed by site inspector... 6. Immediately remove mud and sediment tracked or washed onto adjacent impervious surfaces by brushing or sweeping... 7. During maintenance activities, any broken pavement should be repaired immediately... 8. Construction entrances should be removed after the site has reached final stabilization...

CONSTRUCTION ENTRANCE - GENERAL NOTES

- 1. Stabilized construction entrances should be used at all points where traffic will ingress/egress a construction site onto a public road or any impervious surfaces, such as parking lots... 2. Install a non-woven geotextile fabric prior to placing any stone... 3. Install a curved pipe across the entrance when needed to provide positive drainage... 4. The entrance shall consist of 2-inch to 3-inch D50 stone placed at a minimum depth of 8-inches... 5. Minimum dimensions of the entrance shall be 15-feet wide by 20-feet long, and may be modified as necessary to accommodate site constraints... 6. The edges of the entrance shall be tapered out towards the road to prevent tracking at the edge of the entrance... 7. Divert all surface runoff and drainage from the stone pad to a sediment trap or basin or other sediment trapping structure... 8. Limestone may not be used for the stone pad.

CONSTRUCTION ENTRANCE DETAIL



- NOTES: 1. ACTUAL LAYOUT DETERMINED IN FIELD... 2. INSTALL CONCRETE WASHOUT SIGN (24"x24", MINIMUM) WITHIN 30' OF THE TEMPORARY CONCRETE WASHOUT FACILITY... 3. TEMPORARY WASHOUT AREA MUST BE AT LEAST 50' FROM A STORM DRAIN, CREEK BANK OR PERIMETER CONTROL... 4. CLEAN OUT CONCRETE WASHOUT AREA WHEN 50% FULL... 5. THE KEY TO FUNCTIONAL CONCRETE WASHOUTS IS WEEKLY INSPECTIONS, ROUTINE MAINTENANCE, AND REGULAR CLEAN OUT... 6. SILT FENCE SHALL BE INSTALLED AROUND PERIMETER OF CONCRETE WASHOUT AREA EXCEPT FOR THE SIDE UTILIZED FOR ACCESSING THE WASHOUT... 7. A ROCK CONSTRUCTION ENTRANCE MAY BE NECESSARY ALONG ONE SIDE OF THE WASHOUT TO PROVIDE VEHICLE ACCESS.

CONCRETE WASHOUT AREA DETAIL

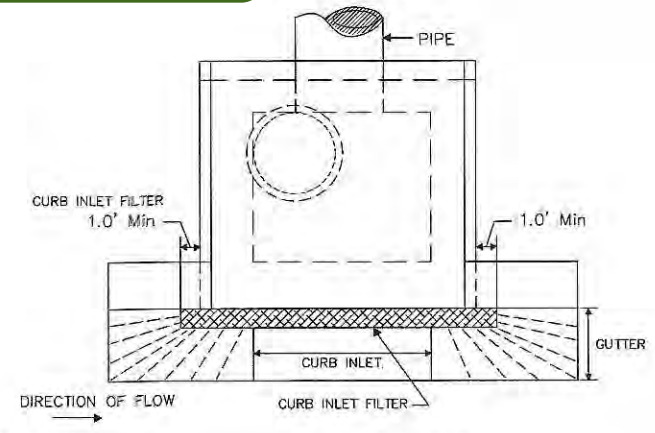
SILT FENCE DETAIL

NOT TO SCALE

SCDHEC STANDARD NOTES

- 1. If necessary, slopes, which exceed eight (8) vertical feet should be stabilized with synthetic vegetative mats, in addition to hydroseeding... 2. Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased... 3. All sediment and erosion control devices shall be inspected once every calendar week... 4. Provide silt fence and/or other control devices, as may be required, to control soil erosion during utility construction... 5. Immediately after the utility installation, fill, cover, and temporary seeding at the end of each day are recommended... 6. All erosion control devices shall be properly maintained during all phases of construction... 7. Residential subdivisions require erosion control features for infrastructure as well as for individual lot construction... 8. Temporary diversion berms and/or ditches will be provided as needed during construction to protect work areas from upslope runoff... 9. All waters of the State (WoS), including wetlands, are to be flagged or otherwise clearly marked in the field... 10. Litter, construction debris, oils, fuels, and building products with significant potential for impact... 11. A copy of the SWPPP, inspections records, and rainfall data must be retained at the construction site... 12. Initiate stabilization measures on any exposed steep slope... 13. Minimize soil compaction and, unless infeasible, preserve topsoil... 14. Minimize the discharge of pollutants from equipment and vehicle washing... 15. Minimize the discharge of pollutants from dewatering of trenches and excavated areas... 16. The following discharges from sites are prohibited: - Wastewater from washout of concrete, unless managed by an appropriate control... - Wastewater from washout and cleanup of stucco, paint, form release oils, curing compounds and other construction materials... - Fuels, oils, or other pollutants used in vehicle and equipment maintenance and soaps or solvents used in vehicle and equipment washing... 17. After construction activities begin, inspections must be conducted at a minimum of at least once every calendar week and must be conducted until final stabilization is reached on all areas of the construction site... 18. If existing BMPs need to be modified or if additional BMPs are necessary to comply with the requirements of this permit and/or SC's Water Quality Standards, implementation must be completed before the next storm event whenever practicable... 19. A Pre-Construction Conference must be held for each construction site with an approved On-Site SWPPP prior to the implementation of construction activities...

TOP VIEW



SURFACE COURSE CURB INLET PROTECTION

GENERAL NOTES

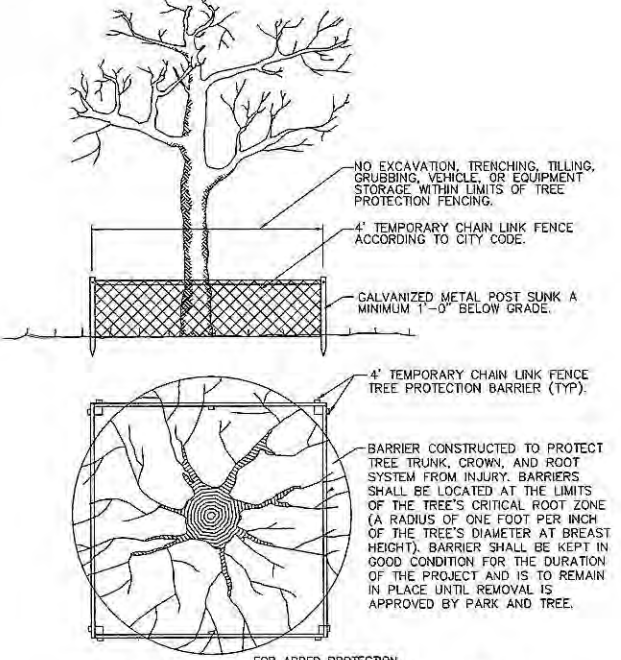
- 1. Only use surface curb inlet filters that have a minimum height or diameter of 9-inches and have a minimum length that is 2-feet longer than the length of the curb opening... 2. Surface course inlet filters that are designed to completely block the inlet opening are prohibited... 3. Surface course inlet filters should be constructed with a synthetic material that will allow stormwater to freely flow through while trapping sediment and debris... 4. Straw, straw fiber, straw bales, pine needles and leaf mulch are not permissible filter materials... 5. Each filter should have aggregate compartments for stone, sand, and other weighted materials or mechanisms to hold the unit in place... 6. Use only Type E inlet filters appearing on SC DOT's Qualified Products Listing (QPL), Approved Sheet #58, or filters meeting the most current edition of the SC DOT Standard Specifications for Highway Construction.

INSPECTION AND MAINTENANCE

- 1. The key to functional inlet protection is weekly inspections, routine maintenance, and regular sediment removal... 2. Regular inspections of all inlet protection shall be conducted once every calendar week and, as recommended, within 24-hours after each rainfall event that produces 1/2-inch or more of precipitation... 3. Attention to sediment accumulations in front of the inlet protection is extremely important... 4. Remove accumulated sediment when silt and/or debris has built up around the filter preventing stormwater to flow through the filter... 5. Removed sediment shall be placed in stockpile storage areas or spread thinly around disturbed areas... 6. Inlet protection structures should be removed after the disturbed areas are permanently stabilized...

CURB INLET PROTECTION DETAIL

NOT TO SCALE



TREE PROTECTION DETAIL

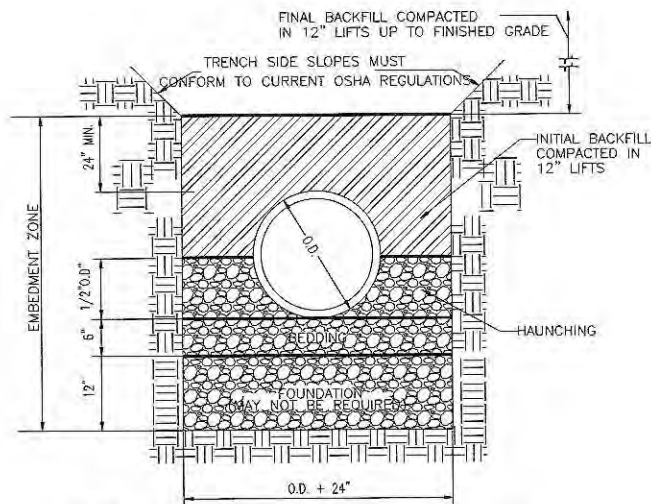
NOT TO SCALE

- PROVIDE 4" DEEP WOOD CHIP MULCH OVER ANY UNPROTECTED ROOT ZONE... - MAKE CLEAN CUTS ON ROOTS EXPOSED BY GRADING AND BACKFILL IMMEDIATELY... - PROVIDE TEMPORARY IRRIGATION WHERE PRACTICAL AND FEASIBLE.

PRELIMINARY
NOT FOR CONSTRUCTION

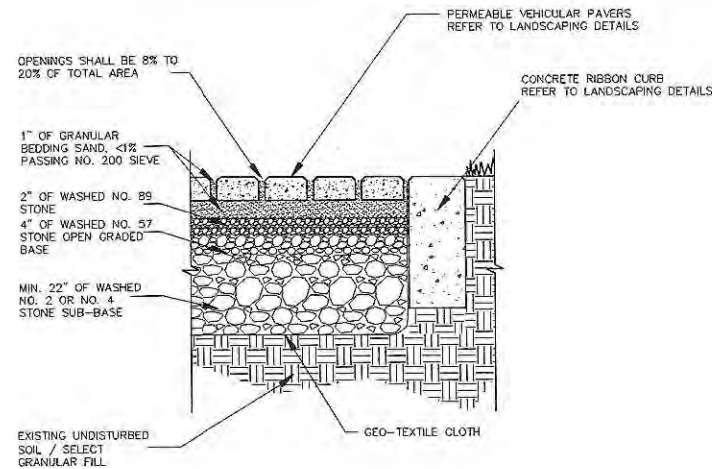
Project information block including revision table, project name (SPINNAKER WELCOME CENTER), location (30 WATERSIDE DRIVE), and sheet information (SHEET 7 OF 7).

APPROVED
By nicoled at 12:50 pm, Jul 28, 2016



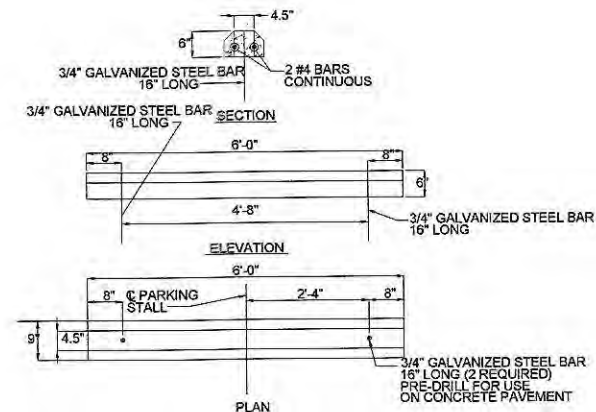
- NOTES:
1. FOUNDATION, BEDDING AND HAUNCHING SHALL BE #57 STONE.
 2. INITIAL BACKFILL FOR GRAVITY SEWER SHALL BE CLASS II OR BETTER SELECT COMMON FILL.
 3. INITIAL BACKFILL FOR SANITARY FORCEMAIN SHALL BE CLASS III OR BETTER SELECT COMMON FILL.
 4. FINAL BACKFILL SHALL BE CLASS III OR BETTER COMMON FILL.
 5. COMPACT TO 95% MODIFIED PROCTOR DENSITY.

PIPE BEDDING DETAIL
NOT TO SCALE

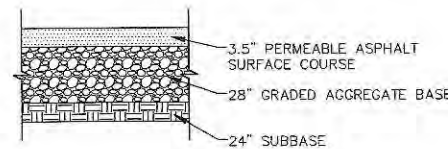


- NOTES:
1. ALL WORK IN TREE PROTECTION ZONES SHALL BE DONE BY HAND OR WITH LIGHT EQUIPMENT.
 2. SUBGRADE COMPACTION UNDER RIBBON CURB TO 98% MODIFIED PROCTOR DENSITY.
 3. CURB/EDGE RESTRAINT SHALL INCLUDE CUT-OUTS FOR OVERFLOW DRAINAGE AROUND THE PERIMETER OF THE PARKING BAYS.
 4. SELECT GRANULAR FILL SHALL CONTAIN <5% PASSING NO. 200 SIEVE AND SHALL BE COMPACTED TO 98% OF THE MAXIMUM DRY DENSITY IN ACCORDANCE WITH ASTM D-1557.

PERMEABLE VEHICULAR PAVERS DETAIL
NOT TO SCALE



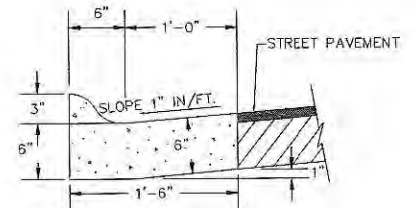
PRECAST CONCRETE WHEEL STOP DETAIL
NOT TO SCALE



- NOTES:
1. ALL AGGREGATE MATERIAL USED AS BASE COURSE MUST COMPLY WITH THE GRADATION REQUIREMENTS ESTABLISHED BY THE SCDOT.
 2. SUBBASE SHALL CONSIST OF SELECT GRANULAR MATERIALS CONTAINING <5% PASSING NO. 200 SIEVE AND SHALL BE COMPACTED TO 98% OF THE MAXIMUM DRY DENSITY IN ACCORDANCE WITH ASTM D-1557, MODIFIED PROCTOR METHOD.
 3. INSTALL 6\"

PERMEABLE ASPHALT PAVEMENT DETAIL
NOT TO SCALE

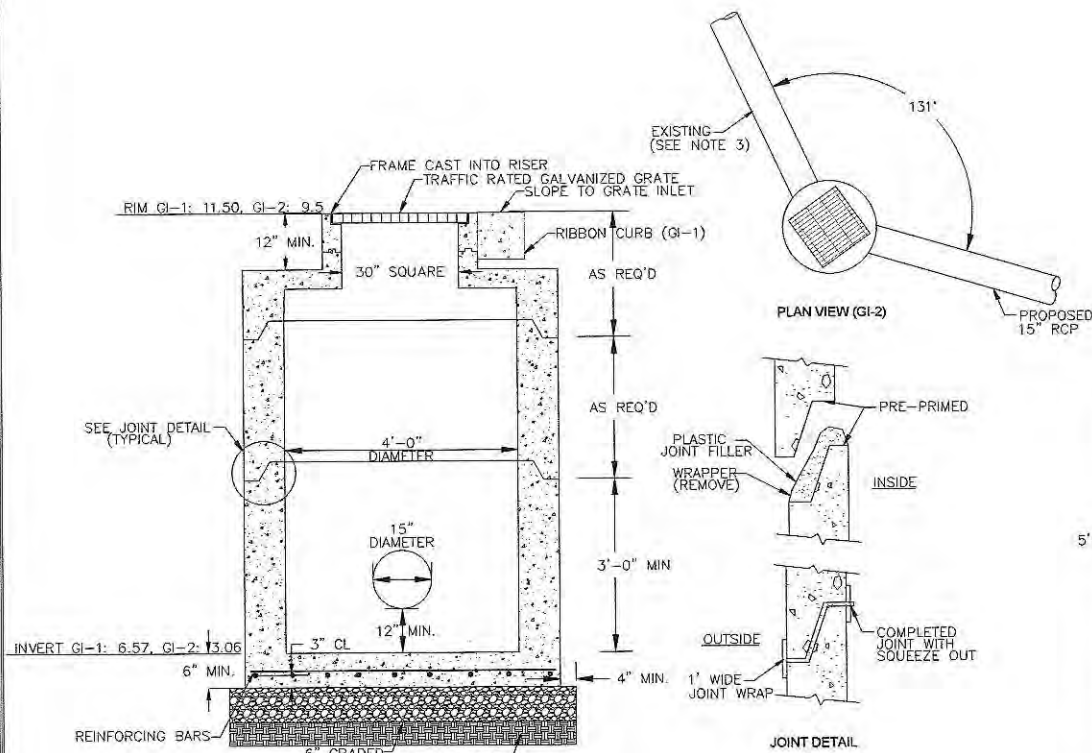
- NOTE:
1. PROVIDE 1\"
 2. PROVIDE 1/2\"
 3. PROVIDE 1/2\"



CONCRETE CURB DETAIL
NOT TO SCALE

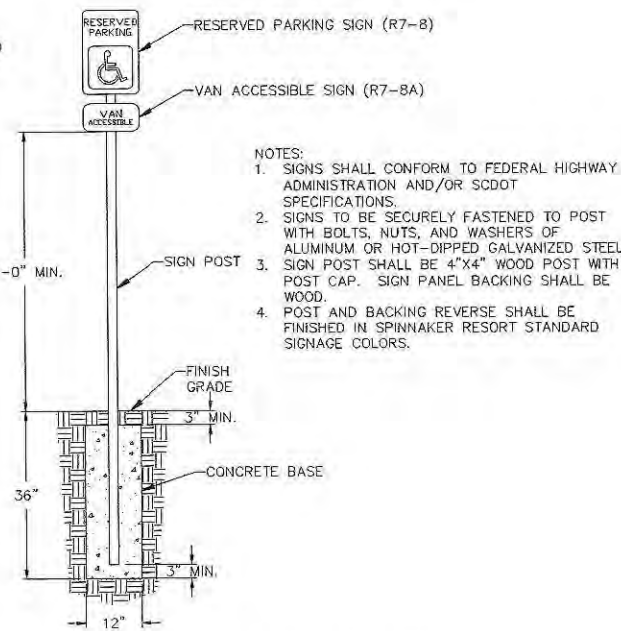
- NOTES:
1. SUBBASE COMPACTION UNDER CURB TO BE 98% (ASTM D698).
 2. CONTRACTION JOINTS TO BE SAW CUT NO LATER THAN 24 HOURS AFTER THE POUR.

ROLL CURB AND GUTTER



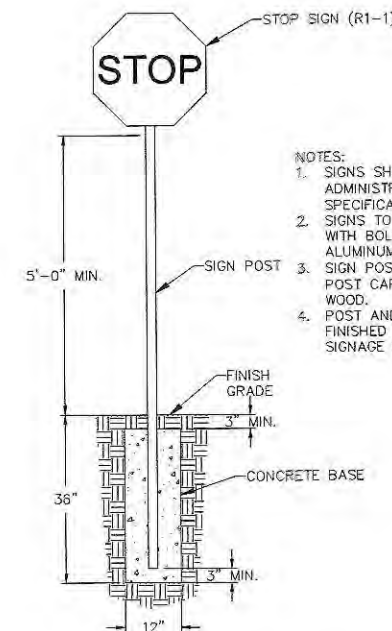
- NOTES:
1. PRECAST REINFORCED CONCRETE TOPS, RISERS, BASES AND REBARS SHALL CONFORM TO LATEST ASTM C-478 STD. SPECIFICATIONS.
 2. ALL PIPE PENETRATIONS SHALL HAVE BOOT CONNECTIONS.
 3. SIZE, MATERIAL, AND DEPTH OF EXISTING STORM PIPE NOT DETERMINED DURING SURVEY. CONTRACTOR TO FIELD-LOCATE AND ADJUST INVERT ELEVATION OF GI-2 AS NEEDED TO MAINTAIN 12\"

STORM DRAIN GRATE INLET DETAIL
NOT TO SCALE



- NOTES:
1. SIGNS SHALL CONFORM TO FEDERAL HIGHWAY ADMINISTRATION AND/OR SCDOT SPECIFICATIONS.
 2. SIGNS TO BE SECURELY FASTENED TO POST WITH BOLTS, NUTS, AND WASHERS OF ALUMINUM OR HOT-DIPPED GALVANIZED STEEL.
 3. SIGN POST SHALL BE 4\"
 4. POST AND BACKING REVERSE SHALL BE FINISHED IN SPINNAKER RESORT STANDARD SIGNAGE COLORS.

RESERVED PARKING SIGN DETAIL
NOT TO SCALE

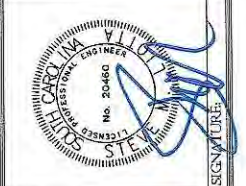


- NOTES:
1. SIGNS SHALL CONFORM TO FEDERAL HIGHWAY ADMINISTRATION AND/OR SCDOT SPECIFICATIONS.
 2. SIGNS TO BE SECURELY FASTENED TO POST WITH BOLTS, NUTS, AND WASHERS OF ALUMINUM OR HOT-DIPPED GALVANIZED STEEL.
 3. SIGN POST SHALL BE 4\"
 4. POST AND BACKING REVERSE SHALL BE FINISHED IN SPINNAKER RESORT STANDARD SIGNAGE COLORS.

STOP SIGN DETAIL
NOT TO SCALE

PRELIMINARY
NOT FOR CONSTRUCTION

REVISION DATE	
PER ARCHITECTURAL REVISIONS	JUNE 2016
PER TOWN OF HILTON HEAD ISLAND	JUNE 2016



ALLIANCE CONSULTING ENGINEERS
Alliance Consulting Engineers, Inc.
23 Plantation Park Dr., Suite 204, Bluffton, South Carolina 29910-4077
Phone: (843) 757-9959 • Fax: (843) 757-9659

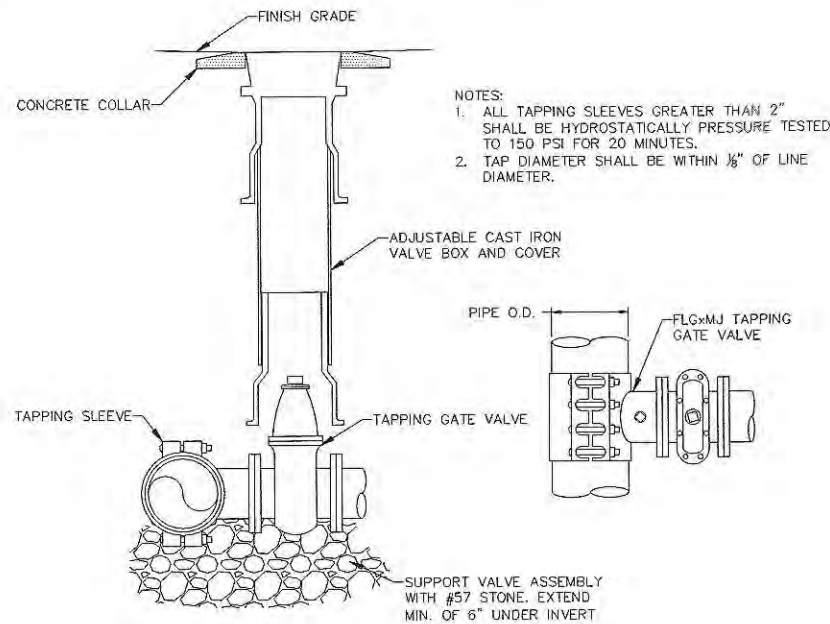
SITE CIVIL DETAILS
SCALE: AS SHOWN
DATE: JUNE 2016

PROJECT
SPINNAKER WELCOME CENTER
LOCATED AT
30 WATERSIDE DRIVE
IN THE
TOWN OF HILTON HEAD
BEAUFORT COUNTY
SOUTH CAROLINA

FILE NAME:	SHEET
REFERENCE FILE:	C6
SITE PLAN.dwg	OF
PROJECT NO.:	7
16101-007	
DWG NO. 01.1012-D18	

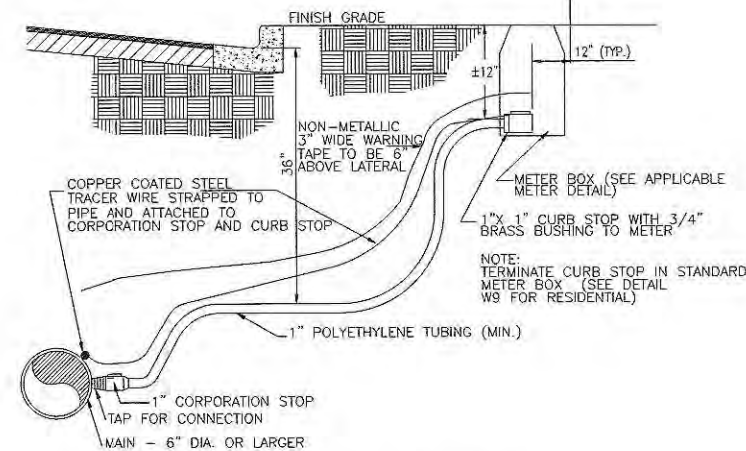
June 27, 2016 2:16:10 PM D:\Projects\16101-007\Spinnaaker Welcome Center at 30 Waterside Dr. on Hill in Bluffton Civil\Construction Sheets\C6-C7 Detail Sheets.dwg

APPROVED
By nicoled at 12:50 pm, Jul 28, 2016



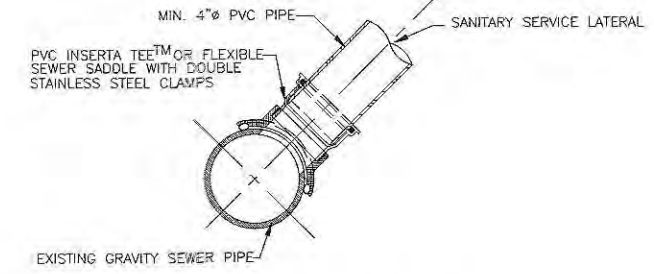
TAPPING SLEEVE DETAIL
NOT TO SCALE

- NOTES:
1. ALL TAPPING SLEEVES GREATER THAN 2" SHALL BE HYDROSTATICALLY PRESSURE TESTED TO 150 PSI FOR 20 MINUTES.
2. TAP DIAMETER SHALL BE WITHIN 1/8" OF LINE DIAMETER.

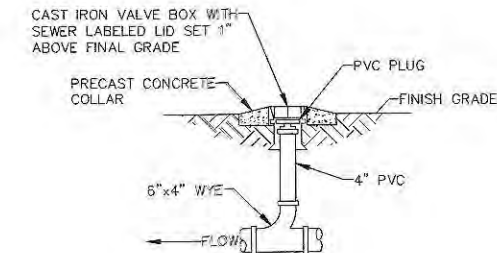


WATER SERVICE LATERAL DETAIL
NOT TO SCALE

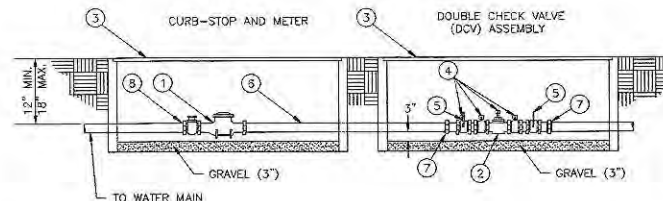
- NOTE:
ALL FITTINGS IN LATERAL SHALL BE LOW-LEAD BRASS COMPRESSION TYPE.



SEWER SERVICE LATERAL CONNECTION DETAIL
NOT TO SCALE



CLEAN OUT DETAIL
NOT TO SCALE



MATERIALS

ITEM	QUAN	DESCRIPTION
1	1	WATER METER
2	1	DOUBLE CHECK VALVE ASSEMBLY *
3	2	METER BOX (JUMBO METER BOX FOR 5/8", 3/4", 1" & 1 1/2" BFD ONLY)
4	4	TEST COCKS
5	2	FULL PORT BALL VALVES
6		POLYETHYLENE, COPPER OR BRASS CUT TO LENGTH
7	2	UNION BRASS
8	1	CURB STOP

* DUAL CHECK VALVES ARE NOT ALLOWABLE

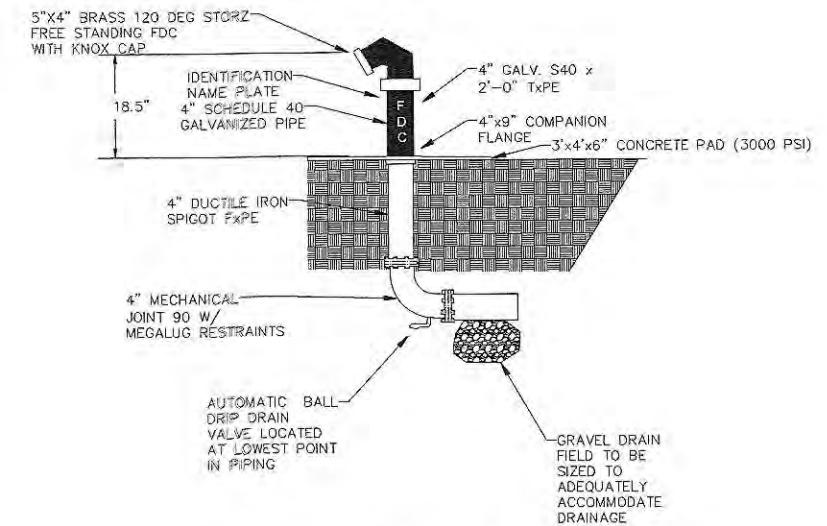
INSTALLATION INSTRUCTIONS:

- THE ASSEMBLY SHALL NOT BE BURIED IN EARTH, BUT MAY BE INSTALLED IN A UTILITY BOX ADJACENT TO OR AS CLOSE AS PRACTICAL TO, THE OUTLET SIDE OF THE METER. UNDER NO CONDITION WILL ANY CONNECTION BE ALLOWED BETWEEN THE SERVICE METER AND A BACKFLOW PREVENTER USED FOR SYSTEM CONTAINMENT.
- IF A PRESSURE MONITOR IS TO BE INSTALLED, ADD A TEE, VALVE, FITTINGS AND MOUNT ON SUPPLY SIDE PRIOR TO BACKFLOW PREVENTION DEVICE; UNDER NO CIRCUMSTANCES SHALL THE TEST PORTS BE MODIFIED OR UTILIZED FOR THIS OR OTHER APPLICATION, OTHER THAN BACKFLOW DEVICE TESTING.
- WHEN INSTALLED WITHIN PEDESTRIAN TRAFFIC/SIDEWALK AREAS CAST IRON OR QUARTZ SHALL BE USED.

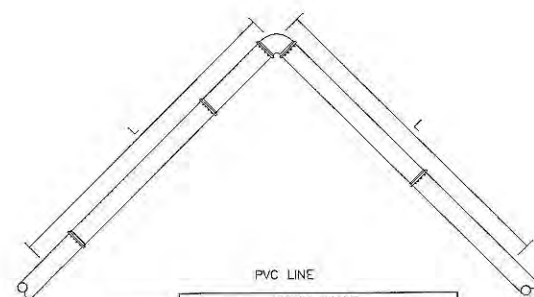
DOUBLE CHECK VALVE AND METER ASSEMBLY DETAIL
NOT TO SCALE

NOTES:

- FOR FINAL APPROVAL, ASSEMBLY MUST BE CENTERED IN ENCLOSURE. INSTALLER MUST PROVIDE FOR THERMAL EXPANSION DOWNSTREAM OF THE BACKFLOW PREVENTOR.



FIRE DEPARTMENT CONNECTION DETAIL
NOT TO SCALE



PVC LINE

PIPE DIA.	BEND ANGLE			
	11 1/2°	22 1/2°	45°	90°
4	2	4	8	18
6	3	5	11	25
8	4	7	14	33
10	4	8	16	39
12	5	9	19	45
16	5	9	19	45
20	6	11	23	54
24	8	16	26	62

DUCTILE IRON LINE

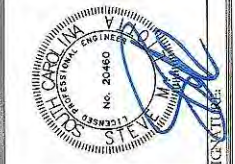
PIPE DIA.	BEND ANGLE			
	11 1/2°	22 1/2°	45°	90°
4	3	5	9	20
6	3	6	12	28
8	4	8	16	36
10	5	9	19	43
12	6	11	22	51
16	7	14	28	65
20	8	16	33	79
24	9	19	38	92

MINIMUM RESTRAINTED LENGTH (L)

- NOTES:
1. LENGTH OF RESTRAINT SHOWN IS IN FEET. PIPE DIAMETERS ARE IN INCHES.
2. WHERE LINES CONSIST OF BOTH DUCTILE IRON AND PVC WITHIN THE LIMITS OF REQUIRED RESTRAINT, LIMITS FOR PVC SHALL APPLY.
3. INFORMATION IN THE TABLES ABOVE ARE BASED ON THE DESIGN INFORMATION SHOWN. THE ENGINEER SHALL PROVIDE AMENDED RESTRAINT LENGTHS IF SITE CONDITIONS DIFFER

HORIZONTAL BEND RESTRAINT DETAIL
NOT TO SCALE

REVISION	DATE
PER ARCHITECTURAL REVISIONS	JUNE 2016
PER TOWN OF HILTON HEAD ISLAND	JUNE 2016



ALLIANCE CONSULTING ENGINEERS
Alliance Consulting Engineers, Inc.
23 Plantation Park Dr., Suite 204 Bluffton, South Carolina 29910-6077
Phone: (843) 757-9959 • Fax: (843) 757-4659

SITE UTILITIES DETAILS
SCALE: AS SHOWN
DATE: JUNE 2016

PROJECT
SPINNAKER WELCOME CENTER
LOCATED AT
30 WATERSIDE DRIVE
IN THE
TOWN OF HILTON HEAD
SOUTH CAROLINA
BLUFFTON COUNTY

FILE NAME:	SHEET
REFERENCE FILE:	17
SITE PLAN.dwg	OF
PROJECT NO.:	1
16101-0007	

PRELIMINARY
NOT FOR CONSTRUCTION

DWG NO. 01.1012-D18



ATTACHMENT J
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:	_____
Accepted by:	_____
Project Mgr:	_____
App. #: DPR	_____
Fees:	_____

**APPLICATION PACKET FOR
 MAJOR SITE DEVELOPMENT PLAN REVIEW (DPR)**

Project Name: Spinnaker Resort Welcome Center Project Address: 30 Waterside Drive
 Parcel Number [PIN]: R 5 5 2 0 1 8 0 0 0 0 2 0 2 0 0 0 0 Project Acreage: 1.068
 Zoning District: RD Overlay District(s): Corridor Overlay

Applicant/Agent Name: Todd Theodore Company: Wood + Partners, Inc.
 Mailing Address: 7 Lafayette Place City: Hilton Head Island State: SC Zip: 29926
 Telephone: 843-681-6618 Fax: _____ E-mail: ttheodore@woodandpartners.com
 Business License # _____
 Land Owner Name: Charlie Halterman Telephone #: 843-785-8105
 Address: 35 DeAllyon Avenue Hilton Head Island, SC 29938 Email: chalterman@spinnakerresorts.com

Are there recorded private covenants and/or restrictions that are contrary to, conflict with, or prohibit the proposed request? If so, a copy of the private covenants and/or restrictions must be submitted with this application. YES NO

Fees and Forms: Please see www.hiltonheadislandsc.gov for all application fees and forms. The Town accepts cash or check made Payable to Town of Hilton Head Island. Credit cards are accepted as payment for some items.

Instructions: A Staff Project Manager will be assigned to you to assist in processing this application and to be your only Point of Contact throughout the entire project. This Project Manager will also inform you of any boards that require review of the application, and will assist in determining which of the requirements of this application apply to the project. Additional items must be submitted at the end of construction to obtain a Final Inspection for the Certificate of Occupancy or final sign off.

Prior to submittal for a permit, an optional **Pre-Application Meeting** is highly recommended. At this meeting, you may provide very general, conceptual ideas to Town Staff to better assist you in submitting items for site development or building permitting. Your Project Manager can assist you with this process.

Application is hereby made to perform work on the site and accompanying features, and I am authorized to submit this application. To the best of my knowledge, the information on this application and all additional documentation is true, factual, and complete. I hereby agree to abide by all conditions of any approvals granted by the Town of Hilton Head Island. I understand that such conditions shall apply to the subject property only and are a right or obligation transferable by sale. I understand that failure to abide by this approval, any conditions, and all codes adopted by the Town of Hilton Head Island deems me subject to enforcement action and/or fines.

I further understand that in the event of a State of Emergency due to a Disaster, the review and approval times set forth in the Land Management Ordinance may be suspended.

Print Name Todd Theodore Agent Signature: *Todd P. Theodore*

**AFFIDAVIT OF OWNERSHIP AND RESPONSIBILITIES
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 _____ 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 30 Waterside Drive (address), R 552 018 000 0202 0000 (parcel ID) for the purpose of application review, for the limited time necessary to complete that purpose.
Description of Work: New Development
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. I acknowledge that the Town of Hilton Head Island Municipal Code requires that all construction in a Special Flood Hazard Zone be constructed in accordance with the following provisions that:
 - a. any enclosed area below the base flood elevation will be used solely for parking of vehicles, limited storage or access to the building. This space will never be used for human habitation without first becoming fully compliant with the Town's Flood Damage Controls Ordinance in effect at the time of conversion.
 - b. all interior walls, ceilings and floors below the base flood elevation will be constructed of flood resistant materials.
 - c. all mechanical, electrical and plumbing devices will be installed above base flood elevation.
 - d. walls of the enclosed area below base flood elevation will be equipped with at least two openings which allow automatic entry and exit of flood water. Openings will be on two different walls with at least one square inch of free area for every square foot of enclosed space and have the bottom of openings no more than a foot above grade.
 - e. the structure may be subject to increased premium rates for flood insurance from the National Flood Insurance Program.
8. I understand that failure to abide by Town permits, any conditions, and all codes adopted by the Town of Hilton Head Island deems me subject to enforcement action and/or fines.

Print Name: BASIL W. MATTHEWS Owner Signature: [Handwritten Signature]
 Phone No.: 843-785-8105 x5237 Email: bwm@spinnakerresorts.com
COMPTROLLER SBC PROPERTIES, INC.

The foregoing instrument was acknowledged before me by Basil W Matthews who is personally known to me or has produced as identification and who did not take an oath.

WITNESS my hand and official seal this 1st day of June, A.D., 2016

[Handwritten Signature]
Notary Public Signature

My Commission expires: 09-07-2021
Please affix seal or stamp.



STANDARD SITE PLAN SUBMITTAL REQUIREMENTS

Note: Staff will check which documents are required for submittal.

<p>Written Project Narrative, describing:</p> <p><input checked="" type="checkbox"/> Scope of the project, proposed specific use</p> <p><input checked="" type="checkbox"/> Number of Buildings</p> <p><input checked="" type="checkbox"/> Square Footage of each Building</p> <p><input checked="" type="checkbox"/> Square Footage of each Use</p> <p><input checked="" type="checkbox"/> Number of Stories for each Building</p> <p><input checked="" type="checkbox"/> Maintenance Responsibility</p> <p><input checked="" type="checkbox"/> Dedicated Improvements</p>	<p>Site Lighting Plan (if not previously submitted):</p> <p><input checked="" type="checkbox"/> Light levels- existing & proposed</p> <p><input checked="" type="checkbox"/> Fixture Locations- existing & proposed</p> <p><input checked="" type="checkbox"/> Manufacturer's Photometric Data</p> <p>Landscape Plan (if not previously submitted):</p> <p><input checked="" type="checkbox"/> Planting Plan</p> <p><input checked="" type="checkbox"/> Plant Schedule</p> <p><input type="checkbox"/> Irrigation Plan</p>
<p>Site Development & Boundary Plan:</p> <p><input checked="" type="checkbox"/> Name of Development</p> <p><input checked="" type="checkbox"/> Legend defining all symbols, scale & north arrow</p> <p><input checked="" type="checkbox"/> Tax Map & Parcel Number</p> <p><input checked="" type="checkbox"/> Date & Revisions & Vicinity Sketch</p> <p><input checked="" type="checkbox"/> Acreage</p> <p><input checked="" type="checkbox"/> FEMA Flood Zone</p> <p><input checked="" type="checkbox"/> Original Seal & Signature</p> <p><input checked="" type="checkbox"/> Reference Plats</p> <p><input checked="" type="checkbox"/> Topographic Information</p> <p><input checked="" type="checkbox"/> Trees 6" Diameter & Over</p> <p><input checked="" type="checkbox"/> Existing Structures within 50 Feet</p> <p><input checked="" type="checkbox"/> Off-street Loading Areas</p> <p><input checked="" type="checkbox"/> Parking Calculations & Dimensions</p> <p><input checked="" type="checkbox"/> Impervious Surface Calculations</p> <p><input checked="" type="checkbox"/> Open Space Calculations</p> <p><input checked="" type="checkbox"/> Setback & Buffer Areas</p> <p><input checked="" type="checkbox"/> Wetlands Delineation</p> <p><input checked="" type="checkbox"/> Fire Hydrants & Fire Lanes</p> <p><input checked="" type="checkbox"/> Trash Receptacles & Enclosures</p> <p><input checked="" type="checkbox"/> Location of Tree Protection</p>	<p>Tree Protection Plan:</p> <p><input checked="" type="checkbox"/> Narrative</p> <p><input checked="" type="checkbox"/> Tree Survey (no older than 2 years)</p> <p><input checked="" type="checkbox"/> Tree Tally Sheets</p> <p><input checked="" type="checkbox"/> Replacement or supplemental tree plantings schedule, if required</p> <p><input checked="" type="checkbox"/> Method & location of tree protection</p> <p>Engineering:</p> <p><input checked="" type="checkbox"/> Pre-Design Conference Certification</p> <p><input checked="" type="checkbox"/> Storm Water Calculations</p> <p><input checked="" type="checkbox"/> Traffic Control Plan (Signage and Marking)</p> <p><input checked="" type="checkbox"/> Storm Water Plan Review Application & checklist</p> <p>Others:</p> <p><input checked="" type="checkbox"/> Hydrant flow data</p> <p><input checked="" type="checkbox"/> Grading Plan showing any proposed grading</p> <p><input checked="" type="checkbox"/> Paving & Drainage Plan with drainage locations</p> <p><input checked="" type="checkbox"/> Water & Sewer Line Layout</p> <p><input checked="" type="checkbox"/> Septic or Waste System Layout</p> <p><input checked="" type="checkbox"/> Electric Line Layout (including lighting)</p> <p><input type="checkbox"/> Phasing Plan</p> <p><input type="checkbox"/> Archaeological Protection</p>
<p>OCRM/DHEC Approval:</p> <p><input type="checkbox"/> Beach/Dune Activity</p> <p><input type="checkbox"/> Coastal Zone Consistency Letter</p> <p><input checked="" type="checkbox"/> Land Disturbance/storm water Plan</p> <p><input checked="" type="checkbox"/> Water Plan</p> <p><input checked="" type="checkbox"/> Sewer Plan</p> <p><input type="checkbox"/> Air & Water Quality Approval</p> <p><input type="checkbox"/> Septic Tank Approval</p>	<p>Wetlands Information:</p> <p>Total Wetland Area in Acres: _____</p> <p><input checked="" type="checkbox"/> Copy of Delineation (letter & survey) of wetland approved by Army Corps of Engineers</p> <p><input checked="" type="checkbox"/> Wetlands Alteration Permit (Army Corps of Engineers)</p>
<p>Encroachment Permit:</p> <p><input type="checkbox"/> SC Department of Transportation</p> <p><input type="checkbox"/> Beaufort County</p> <p><input type="checkbox"/> Town of Hilton Head Island</p>	<p>Utility Approval:</p> <p><input checked="" type="checkbox"/> PSD Water</p> <p><input checked="" type="checkbox"/> PSD Sewer</p> <p><input checked="" type="checkbox"/> Electric Company</p> <p><input checked="" type="checkbox"/> Telephone Company</p>
<p>____ Other Governmental Approvals</p>	<p><i>Disclaimer: Although the application has been accepted, it may not be complete per the Town of Hilton Head Island Land Management Ordinance.</i></p>

Spinnaker Resort Welcome Center

30 Waterside Drive
Hilton Head Island, SC

Development Plan Review Project Narrative

June 2, 2016

The Spinnaker Resort is proposing to construct a new 7,500 SF welcome center to be located at Pope Avenue and Waterside Drive. The proposed site is a 1.068 acre undeveloped parcel across the street from Coral Sands Resort and lies within the RD zone. The existing welcome center for Spinnaker Resort is located at Heritage Plaza, which will soon be re-developed, forcing Spinnaker to relocate. The proposed site is adjacent to the existing Spinnaker Resort properties, making the new location more convenient for visitors. The welcome center will be used to orient visitors to the area as well as the Spinnaker Resort facilities.

The one story building will front Pope Avenue with parking towards the side and rear. The proposed building will blend with the adjacent Waterside Resort by matching stucco and roof colors. The undeveloped parcel has undulating topography and contains several specimen Live Oaks and Hickories that will be retained, adding character to the site. The proposed site layout has been designed to retain as much existing perimeter vegetation as possible, reducing the impact of development on the site. Naturalized plantings will complement the densely vegetated site, while maintaining visibility from Pope Avenue. The primary entrance into the site will be from Waterside Drive, reducing additional vehicular congestion on Pope Avenue. Storm water management will be handled on site; permeable vehicular pavers and permeable concrete will be utilized to reduce storm water runoff.

Per preliminary Design Review Board feedback, the architectural elevations include adjacent stairs, ramps and other visible architectural features. The white building trim will be replaced with the green trim and only the window frames will remain white. A dormer was added to the roof facing Aunt Chiladas and the entrance roof pitches were revised to match the main roof pitch. A foundation trim was added on all sides of the building to break up the exterior façade. Sod was removed from under the canopies of the specimen trees.

ATTACHMENT J

From: [Todd Theodore](#)
To: [Dixon Nicole](#)
Cc: [Charlie Halterman](#)
Subject: FW: Spinnaker Open Space Calcs
Date: Wednesday, August 17, 2016 5:02:57 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image008.png](#)
[JOB 5-87 2.600 ACRES AND FUTURE 50 RW DATED 10986 REVISED 70687.pdf](#)
[JOB 5-87 15.100 ACRES WATERSIDE P.U.D. DATED 120987 RECORDED PB 35 PG 7....pdf](#)

Nicole,

Below are the approximate open space calculations for the Waterside PD-2. I also included a couple maps that Surveying Consultants found in their archives.

Feel free to call or email me if you have any questions.

Thanks...Todd

Todd P. Theodore, RLA
Principal

Wood+Partners Inc.

Landscape Architects / Land Planners
Hilton Head Island Tallahassee

7 Lafayette Place, Hilton Head Island, SC 29926
(843) 681-6618 Ext. 230 - (843) 681-7086 fax - (843) 338-1876 cell

www.woodandpartners.com

WEEDS | WPI Energy + Environmental Design Solutions

Visit Us: 



If you must print this e-mail, please recycle.

From: David McAllister
Sent: Monday, August 15, 2016 11:22 AM
To: Todd Theodore <TTheodore@woodandpartners.com>
Subject: Spinnaker Open Space Calcs

Todd,

Below is a breakdown of open space for the Spinnaker properties & hotel parcel:

Waterside by Spinnaker (includes GIS for buildings not shown on as-built):

- Total property size: 498,242 SF or 11.4 Acres
- Total open space: +/- 328,788 SF or **66% Open Space**
- Total number of units: 198 (based on as-built survey)

Hotel Parcel (Area is approximate and calculated with GIS aerial):

- Total property size: 115,480 SF or 2.65 Acres
- Total open space: +/- 65,568 SF or **57% Open Space**

Spinnaker Resort Welcome Center:

- Total property size: 46,502 SF or 1.06 Acres
- Total open space: +/- 27,688 SF or **59.5% Open Space**

David McAllister
Project Planner



Wood+Partners Inc.

Landscape Architects / Land Planners
Hilton Head Island ■ Tallahassee

7 Lafayette Place
Hilton Head Island, SC 29925
(843)681-6618 Ext. 240
(843)681-7086 fax
www.woodandpartners.com

WEEDS | WPI Energy + Environmental Design Solutions

Visit Us: 



If you must print this e-mail, please recycle.

FOREST BEACH OWNERS' ASSOCIATION, INC.

P O Box 6442

Hilton Head Island, SC 29938-6442

(843)785-5565 FAX (843) 342-3801

Email: FBAssn@aol.com

April 30, 2016

Mr. Charlie Halterman
35 DeAllyon AV
Hilton Head Island, SC 29928

Re: Parcel E – Pope Avenue (CFB)
Commercial Building Permit
Permit #2016-03

Dear Mr. Halterman:

Thank you for your submission for architectural review for a planned Welcome Center at the above location. We have issued a permit for construction at the above location. This permit is conditional upon the following:

- 1) Our review is based upon the documents, drawings, photos and narratives submitted to us by Wood & Partners with an application date of 4/8/16.
- 2) Approval is based upon the stated use and occupancy in the submitted plans. Any change in use or occupancy will require a new review and possible changes to the approved parking plan as shown on the documents received.
- 3) Any changes to the submitted plans required by any department of the Town of Hilton Head Island must be re-submitted to the Association for review prior to adoption.
- 4) No exterior lighting, other than that shown on the submitted plans, is approved.
- 5) Approval of all exterior colors and finish materials along with the roofing material and color is given based upon the submitted plan. Any changes from the submitted colors, including options, must be made prior to installation and re-submitted for approval.
- 6) Any service areas and/or utilities serving the structure must be screened from view of adjoining properties and roads.
- 7) No application for a sign has been submitted. A separate application will be required if a sign is to be placed at this location.
- 8) Fencing is permissible, but none is shown on the submitted plans and none is approved.
- 9) Nothing may be placed or constructed within the buffer areas except landscaping (or fencing if so desired).

Any changes/additions/modifications to the submitted and approved plans must be submitted to the FBOA ARB for review and approval before construction of the change/addition/modification is begun. Failure to do so may result in a covenant violation. Items not shown on the submitted plans are not approved and a separate application will be required. Upon the FBOA ARB's written notification of completion of work being performed under this permit a final inspection will be made. Approval for any work not completed at that time will expire and a new application for FBOA ARB approval will be required.

This letter constitutes your ARB Building Permit. We request that a copy of this be posted at the site, during construction, alongside the Town of Hilton Head Island Building Permit.

Please make a note of any additional items we require above. Failure to submit these documents for review prior to installation may cause a covenant violation and a delay in completing our review procedure and the return of your compliance deposit.

Once construction has been completed, you must notify us in writing so that we may make a final inspection and close our file on this project and return your compliance deposit.

Thank you for your submission, and, please do not hesitate contact us with any questions.

Sincerely,

John D. Snodgrass

John D. Snodgrass,
Executive Director

JDS:me

Cc: Todd Theodore, Wood & Partners
Allen Wayne Johnson
Jennifer Ray, Town of Hilton Head Island

Spinnaker Resort Welcome Center

30 Waterside Drive
Hilton Head Island, SC

Tree Protection Narrative

June 2, 2016

Vegetation on the previously undeveloped site is primarily made up of mature over story trees such as live oaks, hickories and pines. The proposed landscape concept for the Spinnaker Welcome Center consists of native and adaptive plant species that complement the character of the site.

There are two specimen live oaks on site, along with three specimen hickory trees. The proposed development has been designed to preserve and highlight these trees. The use of sod under the canopy of the specimen trees was avoided. The proposed building impacts less than 20% of all specimen trees; see sheet L4.1 for a summary of specimen tree impacts. Tree mitigation utilizes the ACI calculation for tree replacement. Due to the density of vegetation, the size of the site, and the preservation of as many trees as possible, tree replacement is not required on this project. The adjusted caliper inches to be met post development is 480.6. The post development adjusted caliper inch is 808.75; see sheet L4.1 for a complete summary of the calculations.



Catherine E. Heigel, Director

Promoting and protecting the health of the public and the environment

May 31, 2016

Charles Halterman
SPINNAKER RESORTS
PO BOX 6899
HILTON HEAD ISLAND, SC 29938-6899

RE: **Stormwater Construction – Coastal Exemption Notification**
SPINNAKER WELCOME CENTER, Beaufort County
Notification No. 07-16-05-07

Dear Charles Halterman:

Based on your Notification to the Department and certification that this project will disturb less than 1.0 acre, is not part of a Larger Common Plan (LCP) for development or sale, and is not located within ½ mile of a coastal receiving water, this project will not require coverage under the NPDES General Permit for Storm Water Discharges from Large and Small Construction Activities. As indicated in your Notification disturbed area for this site is **.7 acres**.

Please note the following requirements of this notification:

- 1. This notification is only for the activity identified in Notification No. 07-16-05-07;**
- 2. This notification does not constitute DHEC's approval of the stormwater management and sediment control plan.**
- 3. You are responsible for ensuring your contractor complies with the site development plan prepared for this project.**
- 4. You must obtain federal, state, or local permits that may be required for this project. In particular, if this project is located in an area of the state where a local government implements a stormwater program, such as an MS4, a permit may be required for this activity.**
- 5. The Department does not regulate the placement of fill in floodplains. You must contact your local city or county official for such approvals; and**
- 6. You are responsible for overall compliance with the Storm Water Management and Sediment Reduction Act of 1991, South Carolina Pollution Control Act and the Federal Clean Water Act.**

Please note that the Department does not send a copy of this letter to any county or city building official. You must provide a copy of this letter to these agencies, as appropriate. Any future submittals to the Department for this project and/or this site, should reference this project/site name (as listed on the notification form), county, and assigned notification number (**Notification No. 07-16-05-07**).

The Department may conduct periodic inspections of this site to ensure compliance with all related requirements, including LCP status. Failure to comply with the site plan resulting in discharge of sediment to Waters of the State and/or adjacent properties may subject you to applicable penalties under the S. C. Pollution Control Act. Additional construction activities beyond the scope of this notification may require permit coverage.

If you have any questions, please call me at 843-953-7809.

Sincerely,

John L. Vinson, Permit Coordinator
Coastal Stormwater Permitting Section

ec: EQC Region - Region 8



One Cooperative Way

Hardeeville, SC 29927-5123

843-208-5551

June 23, 2016

David McAllister
Wood + Partners, Inc
7 Lafayette Place
Hilton Head Island, SC 29925

Re: Spinnaker Resort Welcome Center

Dear David:

Palmetto Electric Cooperative, Inc. ("PECI") has ample power available to serve the above-referenced project. A redline drawing will be provided when the electrical load requirements and a detailed drawing have been received.

Please provide electrical load requirements so that we can determine the transformer size and type that will serve your building. This information is needed to order transformers, which lead-times are around 16 weeks. The load calculations and applicable "aid-to-construction" charges will be determined upon receipt of the above-referenced information.

Please have the enclosed easement information form completed and returned so that we may draft an electric utility easement. When the easement has been recorded, a copy will be forwarded to you for your file.

PECI has a highly successful lighting program, which we would like to discuss with you at your convenience. I have enclosed an "Illuma Knight" lighting brochure for your review.



June 23, 2016
David McAllister
Page Two

Thank you for your cooperation in this matter. Please contact me at (843) 208-5512 or via email thutchinson@palmetto.coop if you have any questions or if I may be of further assistance.

Sincerely,

PALMETTO ELECTRIC COOPERATIVE, INC.



Tim Hutchinson
System Engineer

TH:mhl
Encl.

c: Mr. José-Luis Aguilar, PECI
Ms. Kristin Keller, PECI



June 22, 2016

David McAllister
Project Planner
Wood+Partners, Inc.
7 Lafayette Place
Hilton Head Island, SC 29925

Dear Mr. McAllister:

SUBJ: Letter of Intent to Provide Service for: Spinnaker Resort Welcome Center, 30 Waterside Drive, HHI

Hargray Engineering Services has reviewed the master plan for the above referenced project. Hargray Communications has the ability and intent to serve the above referenced project. Forward to our office a digital copy of the plan that has been approved by the county/town for use with Microstation or AutoCAD. Our office will then include owner/developer conduit requirements on the approved plan and return to your office.

By accepting this letter of intent to serve, you also accept sole responsibility to forward the requirements and Project Application Form to the owner/developer. The Project Application Form identifies the minimum requirements to be met as follows:

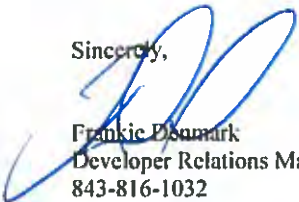
- Commercial buildings – apartments – villas: Minimum 4 inch diameter conduit Schedule 40 PVC with pull string buried at 24 to 30 inch depth, from the equipment room or power meter location to a point designated by Hargray at the road right-of-way or property line. Conduits are required from each building site and multiple conduits may apply.
- Commercial buildings with multiple "units" may require conduit(s) minimum ¾" from main equipment entry point to termination point inside unit. Plenum type ceilings require conduits or flame retardant Teflon wiring to comply with code.
- Hotel or large commercial project requirements would be two (2) 4 inch diameter Schedule 40 PVC underground conduits.
- Equipment rooms to have ¾ inch 4'x8' sheet of plywood mounted on wall to receive telephone equipment.
- A power ground accessible at equipment room or an insulated #6 from the service panel or power MGN to the backboard.
- Residential wiring requires CAT5E wiring (4 or 6 Pair) twisted wire for Telephone and Data. Industry Standard.
- All interior wiring should be pulled to the area immediately adjacent to the plywood backboard or power meter location. A minimum of 5' of slack is required for terminations.

Aid in or Aid to Construction may apply to certain projects.

Easements are required prior to installing facilities to your site.

Should there be any changes or additions to the original master plan, this letter will only cover those areas which are shown on the original master plan. All changes or additions would require another Letter of Intent to supply service. All costs incurred by the Telephone Company resulting from any requested change or failure to comply with minimum requirements shall be borne by the Developer. Commercial projects require pre-construction meeting with Telco Company to review requirements. I am available to discuss these requirements in more detail at your convenience.

Sincerely,



Frankie Blumark
Developer Relations Manager
843-816-1032
Hargray Engineering (843) 815-1676

TOWN OF HILTON HEAD ISLAND PLANNING DEPARTMENT
TREE TALLY SHEET

PROJECT NAME Spinnaker Welcome Center SITE ACREAGE 1.068

PRE-DEVELOPMENT POST DEVELOPMENT BUFFER NON BUFFER

CATEGORY I			CATEGORY II			CATEGORY III			CATEGORY IV		
24			28	12		12					
15			13	12		13					
38			15	8		11					
20			17	22		11					
9			8	22		7					
15			8	16		8					
17			17	7		12					
40			13	10		10					
15			13	14		10					
20			7	20		12					
12			8	14		9					
24			6	14		11					
20			7	16		15					
30			15	8		8					
20			11	14		30					
12			10	15		10					
10			18	10		9					
			15	15		11					
			14	14		18					
			12			15					
			15			12					
			11			9					
			17			14					
			16			8					
			12			12					
			14			14					
			7			12					
			12			12					
			7			11					
			12			8					
			14								
			12								
			19								
TOTAL # TREES: 17			TOTAL # TREES: 52			TOTAL # TREES: 30			TOTAL # TREES: 0		
TOTAL DBH INCHES: 341			TOTAL DBH INCHES: 686			TOTAL DBH INCHES: 354			TOTAL DBH INCHES: 0		

Buffer Planting Documentation:

Buffer Description : Western Buffer

Buffer Location : West Side of Property - Runs Parallel to Pope Ave.

Buffer Type : **Type E : Option 1**

Buffer Length : **217**

Buffer Width : **50'**

#	Existing Overstory Trees (To Remain)		Existing Understory Trees (To Remain)		Existing Evergreen Shrubs (To Remain)	
	Species	Size (Cal.)	Species	Size (Cal.)	Species	Qty.
1	Pine	8	Palm	11	Saw Palms	3
2	Hickory	18	Palm	7	Podocarpus	4
3	Water Oak	14	Palm	11	Loropetalum	3
4	Laurel Oak	15	Palm	10	Viburnum	11
5	Hickory	8	Palm	12		
6	Hickory	15	Palm	12		
7	Hickory	17	Palm	9		
8	Pine	14	Palm	12		
9	Sweet Gum	7	Palm	12		
10	Laurel Oak	17	Palm	11		
11	Pine	11	Tallow	9		
12	Sweet Gum	16	Palm	11		
13	Sweet Gum	17	Palm	12		
14	Sweet Gum	7	Palm	11		
15	Sweet Gum	13	Palm	12		
16	Hickory	13				
17						
18						
19						
20						
21						
22						
23						
24						
25						
26						
27						
28						
29						
30						
31						
32						
	Existing Overstory Trees		Existing Understory Trees		Existing Evergreen Shrubs	

ATTACHMENT J

#	(To Remain)		(To Remain)		(To Remain)	
	Species	Size (Cal.)	Species	Size (Cal.)	Species	Qty.
33						
34						
35						
36						
37						
38						
39						
40						

Totals	Overstory Totals :		Understory Totals :		Shrub Totals :	
	Tree Count	Inches	Tree Count	Inches	Shrub Count	
	16	210	15	162	0	21

Buffer Planting Documentation:

Buffer Description : Northern Buffer

Buffer Location : North Side of Property - Runs Parallel to Waterside Drive

Buffer Type : Type A : Option 2

Buffer Length : 232

Buffer Width : 10'

#	Existing Overstory Trees (To Remain)		Existing Understory Trees (To Remain)		Existing Evergreen Shrubs (To Remain)	
	Species	Size (Cal.)	Species	Size (Cal.)	Species	Qty.
1	Pine	24	Mimosa	5	Saw Palmetto	20
2	Water Oak	9				
3	Hickory	34				
4	Live Oak	10				
5	Live Oak	24				
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
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21						
22						
23						
24						
25						
26						
27						
28						
29						
30						
31						
32						
	Existing Overstory Trees		Existing Understory Trees		Existing Evergreen Shrubs	

ATTACHMENT J

#	(To Remain)	
	Species	Size (Cal.)
33		
34		
35		
36		
37		
38		
39		
40		

(To Remain)	
Species	Size (Cal.)

(To Remain)	
Species	Qty.

Totals	Overstory Totals :	
	Tree Count	Inches
	5	101

Understory Totals :	
Tree Count	Inches
1	5

Shrub Totals :	
Shrub Count	
0	20

ATTACHMENT J

1 PROJECT NAME: Spinnaker Welcome CerExamp.Site DATE:
 2 LOCATION: Pope Ave and Waterside Drive APPLICANT:
 3 TYPE USE: Welcome Center

4 TOTAL ACRES: 1.068
 5 IMPERVIOUS SURFACE MAXIMUM: % 0.5

7 SITE REQUIREMENTS
 8 *****

9 Total On-site Pervious surface 0.53
 10 (In acres)
 11 Multiply by 900 (Adj. Cal. In.) 900
 12 Total Adj. Caliper Inches Req. 480.6
 13 Max. allowed in Buffer (80%) 384.48
 14 Balance req. in non-buffer area 96.12

TOTAL SITE PRE-DEVELOPMENT		Category I	Total D.B.H.	Category II
*****		No. Trees	Inches	No. Trees
19	Buffer Area	4	81	14
20	Non-buffer Area	17	341	52
=====				
22	Total Site	21	422	66

TOTAL SITE POST DEVELOPMENT		Category I	Total D.B.H.	Category II
*****		No. Trees	Inches	No. Trees
27	Buffer Area	3	66	11
28	Non-buffer Area	6	140	20
=====				
30	Total Site	9	206	31

TOTAL SITE TREES REMOVED		Category I	Total D.B.H.	Category II
*****		No. Trees	Inches	No. Trees
35	Buffer Area	1	15	3
36	Non-buffer Area	11	201	32
=====				
38	Total Removed from Site	12	216	35
40	Percentages Removed	57.14%	51.18%	53.03%

42 TOTAL SITE PRE-DEVELOPMENT CALCULATIONS

43 *****

Category	No. Trees	Total D.B.H.	Value
		Inches	Factor
46 I. Broad Leaf Evergreens	21	422	1
47 II. Deciduous Hardwoods	66	892	0.75
48 III. Conifers	48	564	0.5
49 IV. Ornamentals & Palms	0	0	0.25

ATTACHMENT J

50 =====:=====:=====:=====:
 51 Totals 135 1878

52

53 TOTAL SITE POST-DEVELOPMENT CALCULATIONS

54 *****:*****:*****:*****:

55	Category	No. Trees	Total D.B.H. Inches	Value Factor
56				
57	I. Broad Leaf Evergreens	9	206	1
58	II. Deciduous Hardwoods	31	417	0.75
59	III. Conifers	40	441	0.5
60	IV. Ornamentals & Palms	0	0	0.25

61 =====:=====:=====:=====:

62 Totals 80 1064

63

64 Pre-Dev less Post Dev 55 814

65

66 NON-BUFFER PRE-DEVELOPMENT CALCULATIONS

67 *****:*****:*****:*****:

68	Category	No. Trees	Total D.B.H. Inches	Value Factor
69				
70	I. Broad Leaf Evergreen	17	341	1
71	II. Deciduous Hardwoods	52	686	0.75
72	III. Conifers	30	354	0.5
73	IV. Ornamentals & Palms	0	0	0.25

74 =====:=====:=====:=====:

75 Totals 99 1381

76

77 NON-BUFFER POST-DEVELOPMENT CALCULATIONS

78 *****:*****:*****:*****:

79	Category	No. Trees	Total D.B.H. Inches	Value Factor
80				
81	I. Broad Leaf Evergreens	6	140	1
82	II. Deciduous Hardwoods	20	262	0.75
83	III. Conifers	23	242	0.5
84	IV. Ornamentals & Palms	0	0	0.25

85 =====:=====:=====:=====:

86 Totals 49 644

87

88 Pre-Dev less Post Dev 50 737

89

90 Replanting

91 TOTAL SITE TEST ACI Factor Subtotal

92 *****:*****:*****:*****:

93	Total Site area requirement	480.6		
94	Pre-Development Quantity	1373		
95	Amount to be Supplemented	0	0.15	0
96				
97	Post Development Quantity	739		
98	Amount to be Replaced	-258.65	0.30	0

ATTACHMENT J

99	=====			
100	Total Site Replantings			0
101			Replanting	
102	NON-BUFFER TEST	ACI	Factor	Subtotal
103	*****			*****
104	Non-Buffer area requirement	96.12		
105	Pre-Dev Non-buffer Quantity	1033		
106	Amount to be Supplemented	0	0.15	0
107				
108	Post Dev Non-buffer Quantity	458		
109	Amount to be Replaced	-361	0.30	0
110	=====			=====
111	Subtotal Non-buffer Replantings			0
112				
113	REPLANTING SCHEDULE	TOTAL CAL. INCHES		
114	*****			
115	Total Site Replanting	0		
116	Non-buffer Replanting	0		
117	=====			
118	Other On-Site Replanting(cal in)	0	enter 0, otherwise subtract	
119				
120	CATEGORY REPLACEMENT	Percentage	Total Site	Non Buffer
121	*****			*****
122	I. Broad Leaf Evergreens	34.08%	0	0
123	II. Deciduous Hardwoods	56.21%	0	0
124	III. Conifers	9.70%	0	0
125	IV. Ornamentals & Palms	10.00%	0	0
126	=====			=====
127	TOTALS	110.00%	0	0

ATTACHMENT J

60716
Spinnaker Resort

Total D.B.H. Inches	Category III		Category IV	
	No. Trees	Total D.B.H. Inches	No. Trees	Total D.B.H. Inches
206	18	210	0	0
686	30	354	0	0
892	48	564	0	0

Total D.B.H. Inches	Category III		Category IV	
	No. Trees	Total D.B.H. Inches	No. Trees	Total D.B.H. Inches
155	17	199	0	0
262	23	242	0	0
417	40	441	0	0

Total D.B.H. Inches	Category III		Category IV	
	No. Trees	Total D.B.H. Inches	No. Trees	Total D.B.H. Inches
51	1	11	0	0
424	7	112	0	0
475	8	123	0	0

53.25% 16.67% 21.81% #DIV/0! #DIV/0!

*****:*****:

Total Adjusted Caliper Inches	Percentage Coverage
422	22.5%
669	47.5%
282	30.0%
0	0.0%

ATTACHMENT J

=====
1373 100.0%

*****:*****:*****

Total Adjusted Caliper Inches	Caliper Inch Removed	Percentage Removed
206	216	34.1%
313	356	56.2%
221	62	9.7%
0	0	0.0%

=====
739 633.75 100.0%

634

Total Adjusted
Caliper Inches
341
515
177
0

=====
1033

*****:

Total Adjusted
Caliper Inches
140
197
121
0

=====
458

575

t line 116 from line 115)

=====



ATTACHMENT J
Town of Hilton Head Island
Engineering Division
One Town Center Court
Hilton Head Island, SC 29928
Phone: 843-341-4600 Fax: 843-842-8587
www.hiltonheadislandsc.gov

FOR OFFICIAL USE ONLY
Date Received: _____
Accepted by: _____
App. #:DPR _____
Meeting Date: _____

Project Name: Spinnaker Welcome Center Project Address: 30 Waterside Drive

Applicant/Agent Name: Wood+Partners Inc.

Owner Name: Spinnaker Resorts, Inc.

Engineer of Record: Alliance Consulting Engineers, Inc.

Parcel Number [PIN]: R552 018 000 0202 0000

Total Project Area (acres) 1.068

Area of Disturbance (acres): 0.67

Existing Impervious Area (sq. ft.): 2,600

Proposed Impervious Area (sq. ft.) 9,760

Treatment Volume Required (cu.ft.): 1,040

Treatment Volume Provided (cu. ft.) 12,800

STORMWATER PLAN REVIEW SUBMITTAL REQUIREMENTS

To be filled out by Applicants

All items (if determined applicable by staff) are required at the time of submittal to be distributed for review.

- SCDHEC Stormwater Management and Sediment and Erosion Control Plan Review Checklist
- SCDHEC Permanent Stormwater System Maintenance and Responsibility Agreement is required to be prepared and executed for all permanent drainage facilities. This agreement must be approved by the Town Engineer and executed by the Owner.
- Maintenance Plan which identifies the entity responsible for maintenance and outlines the long-term schedule for inspection/maintenance of the facility and appurtenances.
- Town of Hilton Head Island Engineering Pre-Design Certification Form
- Town of Hilton Head Island Engineering Checklist
- Stormwater Calculations per Section of 16-5-109 the LMO

Note: Further documentation may be required upon review of the application.

TOWN OF HILTON HEAD ISLAND STORMWATER PLAN REVIEW CHECKLIST (REVISED August, 2015)				
Use this checklist to prepare the required Development Plan Review submittals. Please note that the following checklist is not all-inclusive. This checklist is intended to guide the preparation of the construction plans and calculations and is subject to change as necessary for clarification and updated according to current code and agency requirements.				
CONSTRUCTION PLANS – GENERAL INFORMATION				
Requirement	Yes	No	N/A	
PROFESSIONAL SEAL AND SIGNATURE required on final and complete approved plans, drawings, technical reports and specifications	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All
DESIGNER INFORMATION - The engineer, surveyor, and/or landscape architect's name, address, telephone number, and e-mail address	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All
APPLICANT INFORMATION - The owner's and/or developers name, address, telephone number, and e-mail address	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All
PLAN DATE and all revision dates with a brief description of the items revised	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All
TITLES AND NUMBERING for all plan sheets	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All
VICINITY MAP with street names and the site location	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Cover
SCALE at 1" = 30' minimum - Provide a graphic scale	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	C1-C4
NORTH ARROW	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	C1-C4
PLAN LEGEND with line types and symbols	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	C1-C4
BOUNDARY SURVEY of project site (Metes and Bounds, computed acreage, benchmarks, control points, property corners, reference plats)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	C1
PROPERTY INFORMATION for all parcels and adjacent parcels (tax map and parcel number, owner's name and address)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	C1
OFF-SITE CONSTRUCTION requires a recorded easement or notarized right of entry from the affected property owner(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
PROJECT OR CONSTRUCTION PHASE LINES (where applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
TOPOGRAPHY of the site and surrounding vicinity, showing existing and proposed contours with intervals of one (1) foot (max) and spot elevations as necessary. Reference source and date of all topography.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	C1,C3
VERTICAL DATUM - NAVD88 required	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
EXISTING AND PROPOSED SITE FEATURES - buildings, parking lots, patios, pools, water bodies, driveways, sidewalks, and bike paths.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	C1,C2
PERVIOUS MATERIAL - Location of existing and proposed pervious surface materials including pavers, granite stone #57 or CR-14 (stone choked with sand, not Crusher run)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	C2
FINISH FLOOR ELEVATIONS of proposed buildings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	C2
EXISTING AND PROPOSED UTILITIES - Show and label all existing and proposed utilities (above ground and underground).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	C1,C4
EXISTING AND PROPOSED RIGHTS-OF-WAY – Location, width, and ownership information for existing and proposed rights-of-way.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	C1
EXISTING AND PROPOSED DRAINAGE EASEMENTS - Location, width, and recordation information for all existing and proposed drainage easements per Section 16-5-109.G. of the LMO	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
EXISTING AND PROPOSED DRAINAGE STRUCTURES AND FACILITIES – Location of natural and manmade drainage infrastructure including pipes, swales, ditches, channels, curb and gutter, roof drains per Section 16-5-109 of the LMO.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	C3
DRAINAGE PATTERNS with flow direction arrows	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SWMP
OCRM CRITICAL LINE delineated and shown on plan (where applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

ENVIRONMENTALLY SENSITIVE AREAS such as wetlands, floodplains, critical soils, buffers, etc.	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	C1
FLOODPLAIN LIMITS and FEMA FIRM PANEL referenced with designated special flood hazard areas or zone designations associated with the site (where applicable)	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	C1
AREA OF DISTURBANCE – Tabulation of disturbed area and limits of disturbance delineated on plans. Includes area required for implementation of erosion and sediment controls, stockpile areas and utilities.	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	C1
IMPERVIOUS SURFACE COVERAGE - Tabulation of impervious cover applicable to the zoning district in which development is located	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	C2,C3
CONSTRUCTION PLANS - PLAN INFORMATION		
DRAINAGE INFORMATION		
<ol style="list-style-type: none"> Storm sewer – invert elevations, lengths, size (15" min. diameter or equivalent), material types, pipe class and slopes for all segments labeled on plan and correspond to calculations. Reinforced Concrete Pipe AASHTO M170 or ASTM Spec C-76, Class II and III, and corrugated High Density Polyethylene ASTM F2648 are permitted for drainage systems within the Town. Such other pipe as is approved in writing by the Town Engineer may be used. Drainage structures (inlets, manholes, junctions, etc.) - rim elevations, invert elevations, inlet type and required grate or top unit and lengths labeled on plan and correspond to calculations. Pipes and structures numbered or labeled and correspond to calculations Adequate horizontal clearance from other site utilities or structures Delineation of ponding, headwater, surcharge or backwater areas which may affect adjacent existing or proposed buildings, structures or upstream adjacent properties 	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	C3
PROFILES are encouraged to expedite review. If not provided, ensure all pipe segments have adequate minimum cover, do not exceed maximum depths of cover for the type/class of pipe specified, and do not conflict with other site utilities or excavation areas	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	
EROSION AND SEDIMENT CONTROL PLAN per Section 16-5-109.I. of the LMO and in accordance with SCDHEC Stormwater Management and Sediment and Erosion Control Plan Review Checklist For Design Professionals.	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	C1
CONSTRUCTION DETAILS		
<ol style="list-style-type: none"> Typical bedding details for all proposed storm pipe Standard details or reference note for all proposed access structure types (inlets, manholes, junctions, etc.) Catch basins shall provide for a bottom sand trap of 1.0 feet below the inlet or outlet, i.e. basins may be required to provide baffles for oil and grease trap operation Step detail or applicable reference note (if depth 4 ft. or more) Open channel details: shape, bottom width, top width, side slopes, etc. Outlet protection All special design structures (flumes, basin outlets, energy dissipators, etc.) Storm water management details for embankment, principal spillway, trash rack, anti-vortex device, anti-seep collars, etc. Construction Details of standard structures (Drop Inlets, Curb/Gutter, etc.) Catch basins provide for a bottom sediment trap of 1' below the inlet or outlet 	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	C6
STORM WATER FACILITY – GENERAL INFORMATION		
<ol style="list-style-type: none"> Basic considerations for safety and unauthorized entry Proper length/width ratio Safety bench around permanent pool; 10' Minimum width 	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	

The following to be included in Storm Water Plan

STORM WATER MANAGEMENT PLAN – Storm Water Management plan and calculations in accordance with Section 16-5-109 of the LMO.			
Requirement	Yes	No	N/A
STORM WATER MANAGEMENT and DRAINAGE DESIGN REPORT signed and sealed by Professional Engineer registered in South Carolina. Shall generally include a title sheet, date, project identification, owner and preparer information, table of contents, narrative, summaries and computations as required.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STORMWATER MANAGEMENT NARRATIVE describing the project, location, site and drainage basin soil characteristics, receiving water or drainage facility, existing site and drainage basin conditions (topography, land use, cover, slopes, etc.), proposed site development, proposed stormwater management Best Management Practices, summary of hydrology and hydraulics, maintenance program, and any special assumptions utilized for development of the stormwater management and drainage design plan or computations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DRAINAGE AREA MAP depicting drainage area boundaries for pre- and post-development conditions. Maps shall include drainage area size, runoff coefficient or curve number and time of concentration flow paths for each sub-area. Include off-site drainage where applicable. Clearly show roof drainage flow directions on buildings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SOILS MAP with soil symbols, Hydrologic Soil Group, soil boundaries and legend in accordance with the current Soil Survey of Beaufort County, South Carolina with approximate locations of the project site, BMPs and applicable drainage basins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GEOTECHNICAL REQUIREMENTS			
1. Groundwater Elevations – Seasonal high to be used for design purposes; Test boring locations with reference surface elevations (if known).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Geotechnical report prepared by a registered professional engineer with recommendations specific to BMP facility type selected.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
METHODOLOGY for surface runoff calculations in accordance with Section 16-5-109 of the LMO			
1. Rational Method; drainage area of 20 acres or less	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. USDA NRCS TR-55 Method; sites of any size	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. The Savannah Intensity—Duration Curve shall be used in computations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DESIGN STORM 25-year Frequency/24 Hour/8.4 Inch Rainfall, Antecedent Condition II. Type III distribution curve.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HYDROLOGY CALCULATIONS - Provide supporting calculations for the hydrologic analysis of both pre-developed and post-developed conditions at <u>each</u> outfall point on the project site.			
1. Calculations to include runoff Curve Number or Coefficient and Time of Concentration	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Runoff Curve Number or Coefficient determinations: pre-developed and ultimate development land use scenarios. Shall be in all cases acceptable to Town Engineer.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Curve Numbers shall not be less than the minimums established in the latest edition of the National Engineering Handbook, Part 630 (Hydrology), and shall be in all cases acceptable to the Town Engineer.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Site inflow and outflow Hydrograph generation (tabular or graphical) for the 25-year design storm event	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Site inflows C.F.S. (Hydrograph);	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Site outflows C.F.S. (Hydrograph);	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Tidal backwater effects;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Soil characteristics;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Static water levels;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ATTACHMENT J

<p>10. Peak water levels—25-year storm; Peak water levels shall be checked relative to a 100 year storm frequency in setting first flow elevations; and</p> <p>11. Pre-development conditions shall be carefully evaluated as to adequacy of drainage design (if any), and removed, replaced, or reworked if found unsatisfactory</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p>
<p>HYDRAULIC CALCULATIONS</p> <ol style="list-style-type: none"> 1. Elevation- or Stage-Storage curve and/or tabular data 2. Weir / Orifice Control calculations 3. Inlet / Outlet (barrel) control calculations 4. Emergency spillway capacity and depth of flow 5. Elevation - Discharge (Outlet Rating) curve and/or table. 6. Adequate channel computations for receiving channel 7. Permanent pool, 25-Year, 100-Year water surface elevations 8. Tidal backwater effects taken into consideration 9. Pipe calculations - Capacity, Flow Rate, Velocity, and Flow Depth; 25-year storm event. All storm sewer pipe shall be designed and constructed to produce a minimum velocity of two (2) feet per second (ft/s) when flowing full, unless site conditions do not allow. No storm sewer system or portion thereof will be designed to produce velocities in excess of ten (10) ft/s. 10. Hydraulic Grade Line computations; 25-year storm event 11. Open Channel computations; Capacity, Flow Rate, Velocity, and Flow Depth; 25-year storm event, 2-year storm event for velocity 12. Culvert computations – Capacity, Headwater depth, Velocity; 25-year storm event, 100-year storm event check 13. Pipe thickness design computations, as required, for selected pipe type (live load, minimum cover, maximum height of cover, etc.) 14. Downstream receiving channel check (based on field measured channel section data); 25-year storm event 15. Inlet / Catch Basin computations - Throat length, grate size, and inlet placement; 2-year storm event 16. Outlet velocity and outlet protection calculations; Discharge velocities shall be reduced to provide a non-erosive velocity flow from a structure, channel, or other control measure or the velocity of the 10-year, 24-hour storm runoff in the receiving waterway prior to the land disturbance activity, whichever is greater. 17. Curb and Gutter calculations -Spread and Ponding depth; 2-year storm event 18. Storage-Indication Routing of post-developed inflow hydrographs; 25-year design storm 19. Downstream hydrographs at established study points, if conditions warrant (i.e. facility discharge combined with uncontrolled bypass) 20. Provisions for retention of "First Inch" runoff from on-site impervious surfaces 21. Pre- vs. Post-development peak discharge calculations 22. Provisions for treatment of First Flush runoff 23. Design for 10-year sediment load storage 	<p><input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p>
<p>MISCELLANEOUS</p> <ol style="list-style-type: none"> 1. Riser / base structure flotation analyses (if warranted) 2. Downstream danger reach study and/or emergency action plan (if conditions warrant) 3. Upstream backwater analyses onto offsite adjacent property (if conditions warrant) 4. 100-year floodplain impacts (if conditions warrant) 	<p><input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p>

Pre-Design Conference Certification

Town of Hilton Head Island Engineering Division

Date of Meeting January 19, 2016

Expiration of Certification January 19, 2017

Name of Project Spinnaker Welcome Center

Location of Project 30 Waterside Drive

Description of Project New building and associated parking

Discussion points:

- Submit storm water management plans, including relevant calculations, signed and sealed by a professional engineer registered in South Carolina. The storm water design and calculations must comply with the requirements of Chapter 5 of the LMO.
- All development shall provide for on-site retention (dry or wet) or percolation of a minimum of one inch of runoff from on-site impervious surfaces. Major drainage canals may not be used for retention where doing so may adversely impact the storm hydrology upstream or downstream. The one inch of runoff from all such impervious surfaces shall be dissipated by percolation into the soil, evaporation, or other methods of treatment or handling acceptable to the Town Engineer. Where on-site retention of runoff is also required by OCRM standards, evidence of OCRM approval of the on-site retention shall be submitted to the Town Engineer.
- If underground storm water retention is to be employed, the applicant must submit sufficient geotechnical information (estimated seasonal high water elevation, soil permeability) at or around the proposed retention areas to be used in the design and ensure proper functionality.
- Erosion and sediment control plans must be provided and shall consider any construction phasing. All phase(s) must have sufficient storm water management in place for a certificate of compliance.
- The plans shall show existing and proposed contours, proposed spot elevations, and flow direction arrows.

Meeting Attendees: Steve Liotta, Bryan McIlwee

 3/24/16

Bryan McIlwee, PE – Asst. Town Engineer / Stormwater Manager

Signature and printed name of Town Engineer or designee

Per Section 16-5-109.C.10 of the Town of Hilton Head Island Land Management Ordinance- A pre-design conference with the Town Engineer or his or her designee is suggested for small projects not affecting major drainage ways or environmentally sensitive areas, and is required for all Subdivision Review and Development Plan Review applications.



DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
CHARLESTON
69-A HAGOOD AVENUE
CHARLESTON, SOUTH CAROLINA 29403

Regulatory Division

109 11 2016

Mr. Ken Taylor
Spinnaker Development Group
P.O. Box 6899
Hilton Head Island, South Carolina 29938

Dear Mr. Taylor:

This letter is in response to a Pre-Construction Notification (PCN) (SAC-2007-01796) dated February 18, 2016, which was considered complete on March 31, 2016. By submittal of the PCN, you requested verification that the proposed project is authorized by a Department of the Army (DA) Nationwide Permit (NWP).

The PCN contains the following identifying information for this project. The work affecting waters of the United States is part of an overall project known as Spinnaker Resorts Welcome Center. The project involves impacts to not more than **0.029** acre of waters of the United States, including wetlands. The project is located on the Atlantic Ocean at 30 Waterside Drive on Hilton Head Island, Beaufort County, South Carolina (Latitude: 32.1466 °N, Longitude: -80.7543 °W). The PCN also includes the following supplemental information:

- a. Drawing sheets 1-2 of 2 titled "Spinnaker Resorts Welcome Center Nationwide Permit #18 Drawings, SAC-2007-01796" and dated February 25, 2016;
- b. A delineation of wetlands, other special aquatic sites, and other waters.

Based on a review of the PCN, including the supplemental information indicated above, it has been determined that the proposed activity will result in minimal individual and cumulative adverse environmental effects and is not contrary to the public interest. Furthermore, the activity meets the terms and conditions of NWP #18.

For this authorization to remain valid, the project must comply with the enclosed Nationwide Permit General Conditions, Charleston District Regional Conditions, and the following special conditions:

1. That impacts to aquatic areas do not exceed those specified in the above mentioned PCN, including any supplemental information or revised permit drawings that were submitted to the Corps by the permittee;
2. That the construction, use, and maintenance of the authorized activity is in accordance with the information given in the PCN, including the supplemental information listed above, and is subject to any conditions or restrictions imposed by this letter;

3. That the permittee shall submit the attached signed compliance certification to the Corps within 30 days following completion of the authorized work.

This verification is valid until March 18, 2017, unless the district engineer modifies, suspends, or revokes the nationwide permit authorization in accordance with 33 CFR 330.5(d). If prior to this date, the NWP authorization is reissued without modification or the activity complies with any subsequent modification of the NWP authorization, the verification continues to remain valid until March 18, 2017. If you commence, or are under contract to commence, this activity before the nationwide permit expires, or the nationwide permit is modified, suspended, or revoked by the Chief of Engineers or division engineer in accordance with 33 CFR 330.5(b) or (c), respectively, so that the activity would no longer comply with the terms and conditions of the nationwide permit, you will have 12 months after the date the nationwide permit expires or is modified, suspended, or revoked, to complete the activity under the present terms and conditions of this nationwide permit.

This Nationwide permit is being verified based on the information you have provided. It is your responsibility to read the attached Nationwide Permits(s) along with the General, Regional, and Special Conditions before you begin work. If you determine that your project will not be able to meet the Nationwide Permit and the conditions, you must contact the Corps before you proceed.

Your cooperation in the protection and preservation of our navigable waters and natural resources is appreciated. In all future correspondence concerning this matter, please refer to our file number SAC-2007-01796. A copy of this letter is being forwarded to certain State and/or Federal agencies for their information. If you have any questions concerning this matter, please contact Tracy D. Sanders, Project Manager, at 843-329-8190.

Sincerely,



Courtney Stevens
Watershed Manager

Enclosures

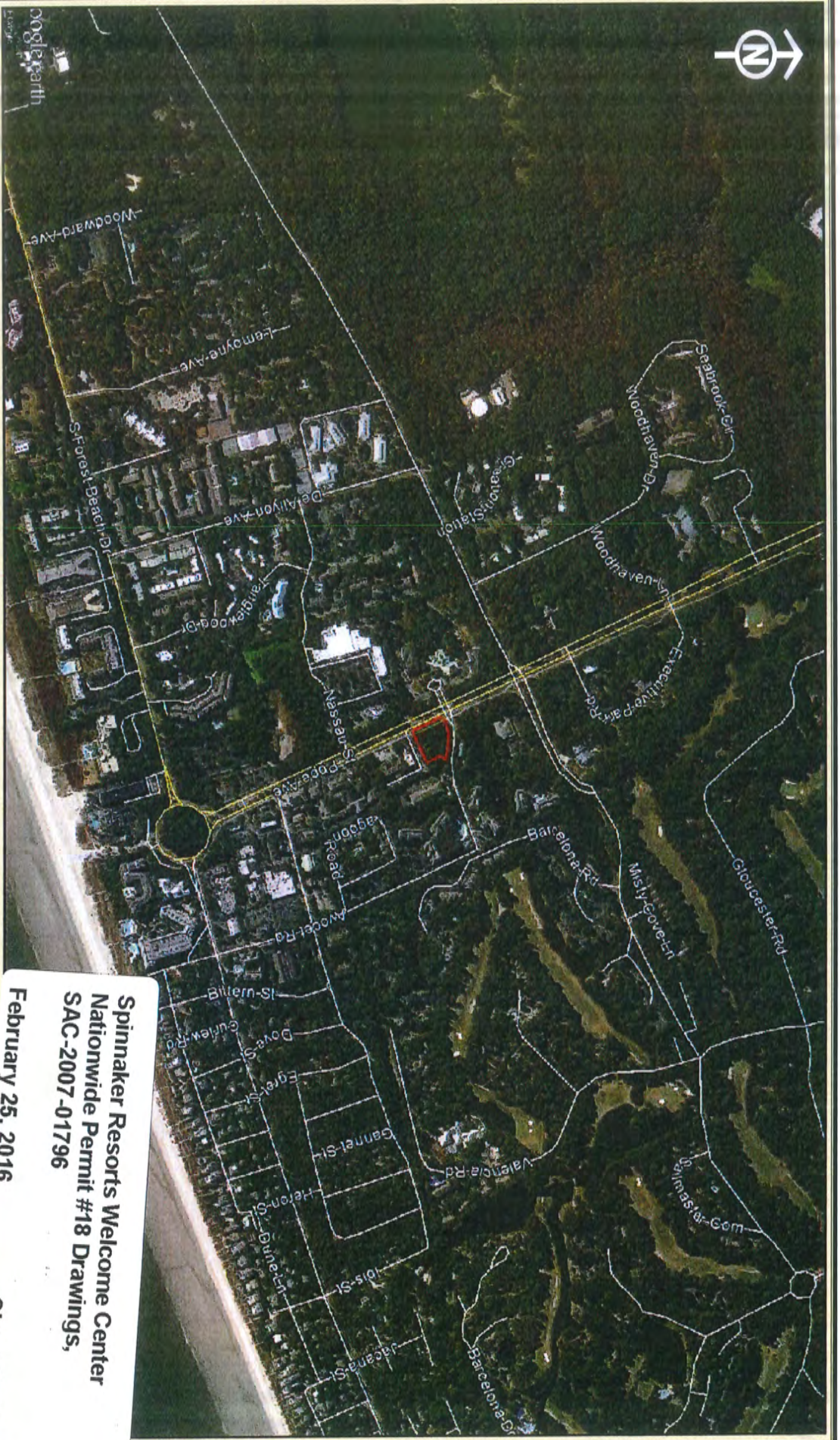
- Permit Drawings
- Nationwide Permit #18
- Nationwide Permit General Conditions
- Nationwide Permit Regional Conditions
- Compliance Certification Form

Copies Furnished:

Mr. Jeffrey Williams
Sligh Environmental Consultants, Inc.
31 Park of Commerce Way
Savannah, Georgia 31405

Mr. Chuck Hightower
South Carolina Department of
Health and Environmental Control
Bureau of Water Pollution Control
2600 Bull Street
Columbia, South Carolina 29201

Mr. Blair Williams
South Carolina Department of Health
and Environmental Control
Office of Ocean and Coastal
Resource Management
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405



Approximate Property Boundary

Spinnaker Resorts Welcome Center
Nationwide Permit #18 Drawings,
SAC-2007-01796
February 25, 2016

Sheet 1 of 2

sligh environmental consultants, inc.
 31 Park of Commerce Way, Suite 200B
 Savannah, Georgia 31405
 phone (912) 232-0451
 fax (912) 232-0453

LOCATION EXHIBIT:
 Spinnaker Resorts - Welcome Center
 Hilton Head Island
 Beaufort County, South Carolina

PERMITTED PLANS

NOT TO SCALE
Exhibit Date: February 25, 2016
Drawn By: JPW
Reviewed By: BMW
Job Number : 01-15-023

2012 Nationwide Permit

Please read this Nationwide Permit along with the General, Regional, and Special conditions that may be associated with this permit. It is your responsibility to insure your project meets this nationwide permit and the conditions at all times. If changes are needed or if you cannot meet these requirements, please notify the Corps before proceeding with the work.

18. Minor Discharge

Minor discharges of dredged or fill material into all waters of the United States, provided the activity meets all of the following criteria:

- (a) The quantity of discharged material and the volume of area excavated do not exceed 25 cubic yards below the plane of the ordinary high water mark or the high tide line;
- (b) The discharge will not cause the loss of more than 1/10-acre of waters of the United States; and
- (c) The discharge is not placed for the purpose of a stream diversion.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) The discharge or the volume of area excavated exceeds 10 cubic yards below the plane of the ordinary high water mark or the high tide line, or (2) the discharge is in a special aquatic site, including wetlands. (See general condition 31.)
(Sections 10 and 404)

C. Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR §§ 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR § 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

17. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address ESA compliance for the NWP activity, or whether additional ESA consultation is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed work or that utilize the designated critical habitat that might be affected by the proposed work. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWPs.

(e) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. FWS or the NMFS, The Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide web pages at <http://www.fws.gov/> or <http://www.fws.gov/ipac> and <http://www.noaa.gov/fisheries.html> respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address section 106 compliance for the NWP activity, or whether additional section 106 consultation is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties on which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation

with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWP's 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWP's 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 31, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWP's only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal, and provides a project-specific waiver of this requirement. For wetland losses of 1/10-acre or less

that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in minimal adverse effects on the aquatic environment.

(2) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(3) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) – (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(4) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(5) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream rehabilitation, enhancement, or preservation, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the restoration or establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to establish a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or establishing a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer

may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee programs, or separate permittee-responsible mitigation. For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide

permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

“When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

(Transferee)

(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

- (a) A statement that the authorized work was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;
- (b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(1)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and
- (c) The signature of the permittee certifying the completion of the work and mitigation.

31. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

- (1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or
- (2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 20 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is “no effect” on listed species or “no potential to cause effects” on historic properties, or that any consultation required under Section

7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWP's 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed project

(3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause, including the anticipated amount of loss of water of the United States expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the project and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(4) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(5) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse effects are minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and

(7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWP's and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

(2) For all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States, for NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed, and for all NWP 48 activities that require pre-construction notification, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWP's, including the need for mitigation to ensure the net adverse environmental effects to the aquatic environment of the proposed activity are minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(3) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(4) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

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The following Regional Conditions have been proposed by the Charleston District for the nationwide permits (NWP) published in the February 21, 2012, Federal Register as authorized under General Condition # 26. Regional conditions are authorized to modify NWP's by adding conditions on a generic basis applicable to certain activities or specific geographic areas. Certain terminologies used in the following conditions are identified in *italics* and are defined in the above referenced Federal Register under Definitions.

For All Nationwide Permits:

1. The applicant must implement *best management practices* during and after all construction to minimize erosion and migration of sediments off site. These practices may include use of devices capable of preventing erosion and migration of sediments in waters of the U.S., including wetlands. These devices must be maintained in a functioning capacity until the area is permanently stabilized. All disturbed land surfaces must be stabilized upon project completion.
2. All wetland and stream crossings must be stabilized immediately following completion of construction/installation and must be aligned and designed to minimize the *loss of waters of the U.S.*
3. Necessary measures must be taken to prevent oil, tar, trash, debris and other pollutants from entering the adjacent waters or wetlands.
4. Any excess excavated materials not utilized as authorized back fill must be placed and contained on high land and permanently stabilized to prevent erosion into waters of the U.S., including wetlands.
5. Placement and/or stockpiling (double handling) of excavated material in waters of the U.S, including wetlands, is prohibited unless specifically authorized by the nationwide permit verification. Should double handling be authorized, the material must be placed in a manner that does not impede circulation of water and will not be dispersed by currents or other erosive forces.
6. Once project construction is initiated, it must be carried to completion in an expeditious manner in order to minimize the period of disturbance to aquatic resources and the surrounding environment.
7. The permittee must notify the Corps of Engineers, Charleston District in the event archaeological or paleontological remains are found during the course of work. Archaeological remains consist of any materials made or altered by man, which remain from past historic or prehistoric times (i.e., older than 50 years). Examples include old pottery fragments, metal, wood, arrowheads, stone implements or tools, human burials, historic docks, structures, or non-recent (i.e., older than 100 years) vessel ruins.

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Paleontological remains consist of old animal remains, original or fossilized, such as teeth, tusks, bone, or entire skeletons.

8. Use of nationwide permits does not obviate requirements to obtain other Federal, State, county, or local government authorizations.
9. With the exception of NWP 38, no NWP is authorized in areas of known or suspected sediment contamination.

FOR SPECIFIC NATIONWIDE PERMITS:

10. For NWP's 12, 14, 18, 27, 29, 38, 39, 40, 42, 43, 44, 51 and 52, a discharge cannot cause the loss of greater than 300 linear feet of *streambed*.
11. For NWP's 1, 3, 5, 7, 8, 10, 11, 12, 13, 14, 15, 36, 51, and 52, a notification must be submitted for any activity that would be located adjacent to an authorized Federal Navigation project. These Federal navigation areas include Adams Creek, Atlantic Intracoastal Waterway (AIWW), Ashley River, Brookgreen Garden Canal, Calabash Creek Charleston Harbor (including the Cooper River and Town Creek), Folly River, Georgetown Harbor (Winyah Bay, Sampit River, and Bypass Canal), Jeremy Creek, Little River Inlet, Murrells Inlet (Main Creek), Port Royal Harbor, Savannah River, Shem Creek (including Hog Island Channel & Mount Pleasant Channel), Shipyard Creek, Village Creek and the Wando River.
12. For NWP 3, paragraph (a) and (c) activities, the prospective permittee must notify the District Engineer in accordance with General Condition 31, if the proposed discharge of dredged or fill material will cause the loss of greater than 1/10-acre of waters of the U.S. or if the proposed discharge will be located within a special aquatic site, including wetlands and riffle pool complexes.
13. For NWP 3, paragraph (b) activities, excavation of accumulated sediment or other material is not authorized in areas adjacent to existing private or commercial dock facilities, piers, canals dug for boating access, marinas, or boat slips.
14. For NWP's 7 and 12, the associated intake structure must be screened to prevent entrainment of juvenile and larval organisms and the inflow velocity of the associated intake structures must be limited to ≤ 0.5 ft/sec.
15. Activities authorized by NWP 7 must occur in the immediate vicinity of the outfall, and must be necessary for the overall construction or operation of the outfall (e.g. pump equipment, rip-rap). NWP 7 shall not be used to authorize ancillary activities such as construction of access roads, installation of utility lines leading to or from the outfall or intake structures, construction of buildings, distant activities, etc.

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16. NWP's 12, 14, 29, 39, 43, 51 and 52 will not be used in conjunction with one another for an activity that is considered a *single and complete project*.
17. For NWPs 12, 14, and 18, the prospective permittee must submit a pre-construction notification (PCN) to the District Engineer in accordance with General Condition 31, prior to commencing the activity if the proposed discharge will impact more than **25 linear feet of streambed**. This notification requirement is in addition to the notification criteria listed for these NWPs.
18. For **NWP 12**, excavated material shall be returned to the trench and any remaining material shall be relocated and retained on an upland disposal site. Substrate containing roots, rhizomes, seeds, etc., must be kept viable and replaced at the surface of the excavated site. Impacted wetlands will be replanted with native wetland species or allowed to naturally re-vegetate from the replaced substrate, as long as the resulting vegetation is native.
19. For **NWP 12**, stream banks that are cleared of vegetation will be stabilized using bioengineering techniques and/ or the planting of deep-rooted native species.
20. For **NWP 12**, construction techniques to prevent draining, such as anti-seep collars, will be required for utility lines buried in waters of the U.S. when necessary. If no construction techniques to prevent draining are proposed, the applicant must provide appropriate documentation that such techniques are not required to prevent drainage of waters of the U.S.
21. For **NWP 12**, the prospective permittee must submit a pre-construction notification (PCN) to the District Engineer in accordance with General Condition 31, prior to commencing the activity if the activity will involve temporary structures, fills, and/or work. To be complete, the PCN must also include the specifications of how pre-construction contours will be re-established and verified after construction. This notification requirement is in addition to the notification criteria listed for this NWP.
22. For **NWP 12**, the prospective permittee must submit a pre-construction notification (PCN) to the District Engineer in accordance with General Condition 31, prior to commencing the activity if the activity will involve maintained utility crossings. To be complete, the PCN must also include a justification for the required width of the maintained crossing that impacts waters of the U.S. This notification requirement is in addition to the notification criteria listed for this NWP.
23. For **NWP 12**, the prospective permittee must submit a pre-construction notification (PCN) to the District Engineer in accordance with General Condition 31, prior to commencing the activity if the activity will involve the construction of a sub-station in waters of the U.S. To be complete, the PCN must also include a statement of avoidance and minimization for the

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FOR SOUTH CAROLINA, REVISED**

loss of waters of the U.S. impacted by the utility line sub-station. This notification requirement is in addition to the notification criteria listed for this NWP.

24. For **NWP 12**, the prospective permittee must submit a pre-construction notification (PCN) to the District Engineer in accordance with General Condition 31, prior to commencing the activity if the activity will involve the permanent conversion of forested wetlands to herbaceous wetlands. To be complete, the PCN must also include the acreage of conversion impacts of waters of the U.S. and a compensatory mitigation proposal or a statement of why compensatory mitigation should not be required. This notification requirement is in addition to the notification criteria listed for this NWP.
25. For **NWP's 14, 29, 39, 46, 51 and 52**, all notifications must include appropriately sized and positioned culverts that meet the requirements of General Conditions 2, 9 and 10 for each individual crossing of waters of the U.S.
26. For **NWP's 14, 29, 39, 51 and 52**, each individual stream crossing is required to accommodate bankfull* flows by maintaining the existing bankfull channel cross sectional area. Flows that exceed bankfull flow must be accommodated by placement of additional culverts above the bankfull elevation.
27. Notifications for aquatic habitat *restoration*, establishment, and enhancement activities authorized by **NWP 27** will require coordination with appropriate Federal, State, and local agencies. The coordination activity will be conducted by the Corps of Engineers. Agencies will generally be granted 15 days to review and provide comments unless the District Engineer determines that an extension of the coordination period is reasonable and prudent.
28. For **NWP 29**, the loss of waters of the U.S. is limited to a maximum of ¼-acre for a single family residence.
29. For **NWP 36**, the width of the boat ramp will be limited to **16 feet** and only one boat ramp may be constructed on a single lot or tract of land (e.g. each lot within a subdivision). **NWP 36** may be used to authorize the construction of all boat ramps.
30. For **NWP 38**, notifications require the following information:
 - documentation that the specific activities are required to effect the containment, stabilization, or removal of hazardous or toxic waste materials as performed, ordered, or sponsored by a government agency with established legal or regulatory authority;
 - a narrative description indicating the size and location of the areas to be restored, the work involved and a description of the anticipated results from the restoration;
 - a plan for the monitoring, operation, or maintenance of the restored area.
31. For **NWP's 29 and 39**, the discharges of dredged or fill material for the construction of *stormwater management facilities in perennial streams* are not authorized.

2012 APPROVED
NATIONWIDE PERMIT REGIONAL CONDITIONS
FOR SOUTH CAROLINA, REVISED

32. For **NWP 41**, notification must be submitted for projects that require mechanized land clearing in waters of the U.S., including wetlands, in order to access or perform reshaping activities.
33. **NWP 41** is prohibited in channelized streams or stream relocation projects that exhibit natural stream characteristics and/or perform natural stream functions.
34. For **NWP 48**, a copy of the lease or permit issued by an appropriate state or local government agency, a treaty, or a legal contractual document establishing a valid property interest, must be provided with the pre-construction notification (PCN) for commercial shellfish aquaculture activities that occur in a new project area. This is in addition to the information specifically required for this NWP as well as the required information found in General Condition 31.
- **35.** For **NWP's 3, 11, 12, 13, 14, 15, 20, 22, and 33**, temporary structures, fills, and/or work are only authorized for a period of 90 days. Upon written request by the permittee and a complete PCN, the District Engineer may extend the 90-day period to no more than a total of 180 days, where appropriate. NOTE: All temporary structures, fills, and/or work that exceed 180 days will require Individual Permit authorization from the Corps prior to construction.

*Bankfull corresponds to the discharge at which channel-forming processes, such as forming or removing bars or meanders, is most effective. It is typically associated with the 1.5-year storm event, the "ordinary high water mark", and the elevation on the stream bank where flooding begins in a stable stream system. It can often be identified in the field by the elevation of the highest depositional feature (e.g. point bars), a recognizable floodplain, or a break in perennial vegetation.

****Regional Condition #35** was approved to be added on January 17, 2014.

Permit Number: _____

Name of Permittee: _____

Date of Issuance: _____

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

U.S. Army Corps of Engineers
Regulatory Division
69A Hagood Avenue
Charleston, South Carolina 29403-5107

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.



I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee



July 5, 2016

Town of Hilton Head Island
Mr. Rocky Browder, Environmental Planner
One Town Center
Hilton Head Island, South Carolina 29928

**Subject: Spinnaker Resorts Welcome Center
Mitigation Plan
Hilton Head Island, Beaufort County, South Carolina**

SECI: 01-15-023

Dear Mr. Browder:

On Behalf of Spinnaker Development Group (applicant), Sligh Environmental Consultants, Inc. (SECI) is pleased to provide the following mitigation plan for the wetland impacts associated with the proposed Spinnaker Resorts Welcome Center located west of and adjacent to Pope Avenue, Hilton Head Island, Beaufort County, South Carolina.

1.0 Background:

On April 11, 2016, the US Army Corps of Engineers issued a Nationwide Permit #18 for the impact of 0.029 acre of freshwater wetland located within the 1.068 Parcel E of Parcel R552 018 000 0202 0000 for the construction of the proposed Spinnaker Resorts Welcome Center. As depicted on the attached survey prepared by Surveying Consultants, the on-site wetland impacts are associated with two wetland areas, Wetland A (0.022 acre) and Wetland B (0.007 acre). Both depressional wetland areas contain vegetation commonly found within the Coastal Plain of South Carolina and dominated primarily by sapling, shrub, and herbaceous species such as cabbage palm (*Sabal palmetto*), red bay saplings (*Persea borbonia*), water oak sapling (*Quercus nigra*), dwarf palmetto (*Sabal minor*), wax myrtle (*Morella cerifera*), cane (*Arundinaria gigantea*), and Virginia chainfern (*Woodwardia virginica*).

2.0 Proposed Mitigation:

As per the our on-site meeting on June 28, 2016 and the *Town of Hilton Head Island – Land Management Ordinance, Section 16-6-102 E. Wetland Alteration and Mitigation Requirements*, the applicant proposes to create 0.029 acre of wetland within the Spinnaker Development adjacent to the stormwater lagoon as depicted on the attached exhibit prepared by SECI, titled: *Wetland Mitigation Location Exhibit Spinnaker Resorts Welcome Center Hilton Head Island, South Carolina*. The proposed wetland creation activities will be conducted during the construction process associated with the proposed Spinnaker Resorts Welcome Center. In addition, Spinnaker Resorts will shut down during the month of December 2016 which would allow for unimpeded access to the mitigation area.

As depicted on the attached photographs of the mitigation area, the proposed wetland creation area's vegetative complex is currently densely vegetated with woody vine species such as grape (*Vitis rotundifolia*) and Virginia creeper (*Parthenocissus quinquefolia*). The few trees that are within the area

are primarily Chinese tallow (*Sapium sebiferum*) which is considered an invasive species and red bay saplings. Due to the thick canopy of vines within the area, the shrub and herbaceous stratum is very sparse.

Within the 0.029 acre wetland creation area, the applicant proposes to clear the existing vegetation and excavate to the mitigation area. During excavation, the top soil will be scraped, stockpiled, and respread over the mitigation area. The finish elevation of the mitigation area will be within ten - twelve inches of the ordinary high water mark of the adjacent lagoon to ensure adequate soil hydrology. Upon completion of the grading, the area will be replanted with 12 containerized saplings on a 20 ft. x 20 ft. spacing. The species to be planted will include water oak and red bay. Since the top soil will be redistributed within the area, it is anticipated that the area will naturally be revegetated with shrub and herbaceous species typically found within wetland areas of the Coastal Plain of South Carolina.

3.0 Monitoring:

SECI will document the survival of the planted trees and naturally regenerating shrub and herbaceous species within the wetland creation area and provide your office with a report outlining the findings. The vegetation monitoring will be accomplished with quadrant sampling procedures for the comprehensive wetland determination as described in the 1987 "Corps of Engineers Wetlands Delineation Manual"¹. Stem survival will be documented for planted and naturally regenerating species. Success of natural herbaceous understory vegetation will be measured by individual plant counts, where applicable, or by estimating aerial coverage in the plots. Species composition will be recorded for all areas. Photographs will also be taken to document the vegetation growth changes that occur. Monitoring reports will be submitted to the Town of Hilton Head at the conclusion of each monitoring event. The wetland creation efforts will be considered successful and complete if 75 percent of the planted species are surviving within the mitigation areas. In the alternative, if less than 75 percent of the planted species survive but desired volunteer species are established to adequately compensate and create an indigenous community, then the restoration project may, after review by the Town of Hilton Head personnel, be considered complete.

Upon Town of Hilton Head approval of the mitigation plan and completion of the wetland creation activities, the monitoring will occur at the end of the first, second, and third growing seasons. SECI will forward the Town of Hilton Head a monitoring report detailing the success of the wetland creation efforts.

4.0 Contingency Plan:

If the success criteria has not been satisfied following the monitoring, the applicant will consult with the Town of Hilton Head to determine specifically what remedial action should be taken. If significant problems with the wetland creation efforts are identified at any time during the three year monitoring period, SECI will consult with the Town of Hilton Head personnel regarding corrective action. Remedial action may include replanting areas and continued monitoring until the 75 percent success criteria is met. As stated above, if less than 75 percent of the planted species survive but desired volunteer

¹ Environmental Laboratory. 1987. "Corps of Engineers Wetlands Delineation Manual." Technical Report Y-87-1, US Army Engineer Waterways Experiment Station. Vicksburg, Mississippi.

species are established to adequately compensate and create an indigenous community, then the restoration project may, after review by the Town of Hilton Head personnel, be considered complete.

It is the intent of the applicant to make every effort to attain success criteria; however, the applicant cannot be responsible for acts of God or natural disasters which may undermine or preclude success. In the case of a natural disaster or any other obstacle which may hinder the success of the restoration efforts, the applicant will consult with the Town of Hilton Head to determine specifically what remedial action should be taken.

If you have any questions or comments upon your review of this information, please do not hesitate to contact us at (912) 232-0451.


Sincerely,




Jeffrey P. Williams
Project Biologist
Sligh Environmental Consultants, Inc.

cc: Mr. Charles Halterman – Spinnaker Development Group
Mr. Todd Theodore – Wood and Partners, Inc.



 Welcome Center Project Limits (+/- 1.068 acres)

 Wetland Mitigation Area (+/- 0.029 acre)

slighenvironmental consultants, inc.
31 Park of Commerce Way, Suite 200B
Savannah, Georgia 31405
phone (912) 232-0451
fax (912) 232-0453

Wetland Mitigation Location Exhibit
Spinnaker Resorts Welcome Center
Hilton Head Island, South Carolina

Not to Scale

Exhibit Date: July 5, 2016

Drawn By: JPW

Reviewed By: BWW

Job Number : 01-15-023



Photograph 1: Wetland A (+/- 0.022 acre), facing west



Photograph 2: Wetland B (+/- 0.007 acre), facing west

sligh environmental consultants, inc.
31 Park of Commerce Way, Suite 200B
Savannah, Georgia 31405
phone (912) 232-0451
fax (912) 232-0453

On-site Wetlands Photographs
Spinnaker Resorts Welcome Center
Hilton Head Island, South Carolina

Site Photographs

Exhibit Date: July 5, 2016

Drawn By: JPW

Reviewed By: BWW

Job Number : 01-15-023



Photograph 1: Wetland Mitigation Area, facing northwest



Photograph 2: Wetland Mitigation Area, facing north

slighenvironmental consultants, inc.
31 Park of Commerce Way, Suite 200B
Savannah, Georgia 31405
phone (912) 232-0451
fax (912) 232-0453

On-site Wetland Mitigation Area
Spinnaker Resorts Welcome Center
Hilton Head Island, South Carolina

Site Photographs

Exhibit Date: July 5, 2016

Drawn By: JPW

Reviewed By: BWW

Job Number : 01-15-023

SOUTH ISLAND PUBLIC SERVICE DISTRICT

POST OFFICE BOX 5148 • 2 GENESTA STREET • HILTON HEAD ISLAND, SC 29938

Date: 5/27/16

Project Name: SPINNAKER RESORTS WELCOME CENTER.

South Island Public Service District has the capacity and infrastructure necessary to
Serve the above referenced lot with water and sewer services.

If you have any questions, please call 843-671-2907

Sincerely,



Brad O'Keefe
Operations Manager



Outsource Services, Inc. ATTACHMENT J

Phone 1-843-683-9503

Fax 1-843-681-5714

E-mail Gillingr@aol.com

P.O. Box 21444

Hilton Head Island, SC 29925

Fire Hydrant Flow Test

Test Hydrant Address

45 Waterside Dr.

Hilton Head Island, SC 29928

Hydrant # H19609 serving 30 Waterside Dr.

Hydrant Make: M & H

Year: 1997

Size: 5.25"

Pitot: 43 PSI

Static: 72 PSI

Residual: 54 PSI

GPM @ Flow: 1095.502

GPM @ 20 PSI residual: 1942.709

Date of test: 2-17-2016

Time of test: 10:30 AM

Foot Valve Found: 2' 12:00

Hydrant Condition: Hydrant is found to be in good working condition and is not served by the local fire pump.

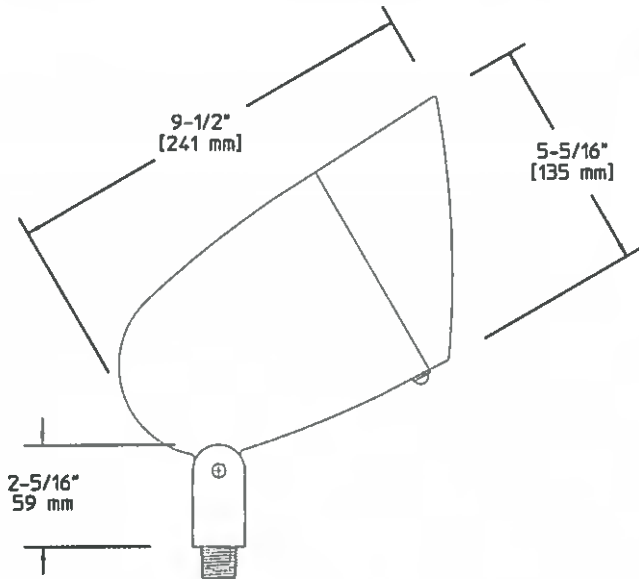
Site Map Included: No

Water Color: Clear

LED Aluminum Bullyte (B3) Specification Sheet

ATTACHMENT J

Project Name:	Location:	MFG: Philips Hadco
Fixture Type:	Catalog No.:	Qty:



Ordering Guide

Example: B3 A LED13 NF W

Product Code	B3	LED Aluminum Bullyte
Finish	A H G	Black Bronze Verde
Source/Lumens	LED13	13W LED *2
Optics	NF	Narrow Flood
CCT	W	Warm

*1 Lamp will be shipped with fixture, but not installed. Lamp not sold separately.
*2 13W LED only available in (W) warm CCT and (NF) narrow flood optics.

Specifications

HOUSING:

Die-cast aluminum Fully-adjustable swivel arm with vibration-proof locking teeth Gasketing is silicone Fasteners are 300 series stainless steel Fully rotatable shroud gasketed cast aluminum 1/2" NPS male threads to screw onto accessory mounting stake or junction box, sold separately.

FINISH:

Thermoset polyester powdercoat is electrostatically applied after a five-stage conversion cleaning process and bonded by heat fusion thermosetting.

OPTICAL ASSEMBLY:

Clear tempered glass affixed at 10° angle for natural cleaning.

LAMPING:

13W lamp with 25° beam spread. 25,000 hours life. Color temperature (CCT): warm white (2,700K nominal). No Mercury.

ELECTRICAL ASSEMBLY:

4kv rated porcelain mini-can base. Nickel-plated screw shell with center contact.

WARRANTY:

Three-year limited warranty.

CERTIFICATIONS:

ETL listed to U.S. safety standards for wet locations. cETL listed to Canadian safety standards for wet locations. Manufactured to ISO 9001 2008 Standards.

Width:

5 5/16" (135mm)

Length:

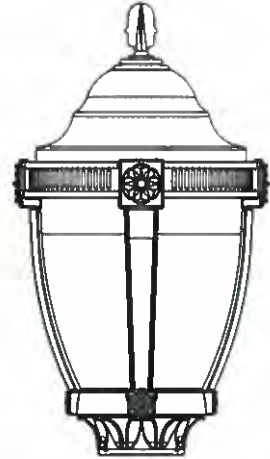
9 1/2" (241mm)

Max. Weight:

2.96 lb.

Traditional design, performance, and value combined.

CityPost LED POST TOP LUMINAIRE



PHILIPS HADCO, CITYPOST LED POST TOP LUMINAIRE, TX1

An optimal balance of standard features and accessories results in a competitively positioned luminaire to address a variety of outdoor lighting projects, efficiently illuminating streets, parks, cities, campuses and city centers. Powered by the Philips LEDgene platform, CityPost can considerably reduce operating and maintenance costs while offering superior photometric performance. This IP66 lighting solution delivers a soft and diffused light at night which will contribute to the beautification of its surroundings with a decorative and traditional look and feel during the day.

Project: _____
 Location: _____
 Catalog No: _____
 Fixture Type: _____
 Mfg _____ Qty: _____
 Notes: _____

Ordering guide

example: TX1 32 B H L P A 2 A 3 N N A 3 N

Series	LED	Globe	Fitter/Pod	Roof	Cage/ Band	Finial	Fasteners	Finish	Optics	Photo Control	Color Temp.	Voltage	Drive Current	Dimming Control
TX1	48	B	S	L	P	A	2	A	3	N	N	A	3	N
TX1	32 48 64 80 ¹ LEDs	B Opal C Clear D Vertical Rib	H Round Contemporary J Tapered Fluted w/Round stepped fitter L Round fluted long S ² Traditional	L Traditional	P Ribbed Q Smooth	A A Finial B B Finial C C Finial D D Finial E E Finial F F Finial G G Finial H H Finial N None	1 ³ Hex Head 2 Allen Head	A Black B White G Verde H Bronze J Green	2 Type I 3 Type III 4 Type IV 5 Type V	E ⁴ 120 VAC Button Eye H ⁵ 208/240/277 VAC Button Eye K ⁶ 347V Button Eye R ⁶ Twist lock Receptacle N None	N 4000K C ⁶ 5700K	A 120/277 VAC B ⁶ 347-480 VAC	3 350 5 ⁶ 530	N None A 4 Hrs, 25% reduction B 4 Hrs, 50% reduction C 4 Hrs, 75% reduction D 6 Hrs, 25% reduction E 6 Hrs, 50% reduction F 6 Hrs, 75% reduction G 8 Hrs, 25% reduction H 8 Hrs, 50% reduction J 8 Hrs, 75% reduction Z Custom Dimming Schedule

1. 80 LED configuration available with 350 mA only.
 2. Photo control options not available with 'S' pod.
 3. Not available with Traditional 'S' pod.
 4. Consult factory, Cool White option increases lead times.
 5. No dimming options available with 347-480 VAC.
 6. Not available with 80 LED array.



PASS & SEYMOUR® Pedestal Mount for Electric Vehicle Charging Stations

L2EVPED1, L2EVPED2

Electric vehicles (EVs) are hitting the road in a big way

and Legrand® can help keep you ahead of the curve with our new line of electric vehicle chargers and pedestal mounts. With new EV models rolling out in the next few years, equipping buildings and homes with safe, user-friendly plug-in charging stations makes good sense, economically and environmentally. And because the chargers and pedestals come from a manufacturer with a history of reliability, you can count on them to be safe, easy-to-install and code-compliant.



FEATURES & BENEFITS

Pedestal Unit – Mounted on a sturdy, anodized aluminum, Vista™ Architectural Column that provides support for up to two charging stations.

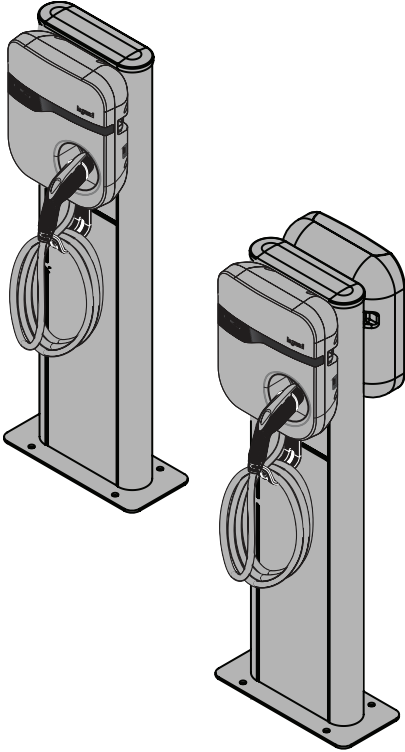
- **Single Pedestal** option is designed for parking lots and sidewalks so users can easily access charging stations while in their parking spaces.
- **Dual Pedestal** option offers two charging stations in the space of one, so two drivers can charge simultaneously at one station.



NOTE: L2EVPED1 and L2EVPED2 do not include the L2EVSE30 charger. Pedestals and chargers are sold separately.

FIELD USES / VERTICAL MARKETS

- Parking Lots & Garages
- Multiple Dwelling
- Retail/Office

**PASS & SEYMOUR®**Pedestal Mount for Electric
Vehicle Charging Stations**TECHNICAL INFORMATION**

Catalog Number	L2EVPED1, L2EVPED2
Input Power	30A, 208/240VAC, 60Hz grounded
Number of Charge Units	L2EVPED1 – 1, L2EVPED2 – 2
Number of Charge Ports	L2EVPED1 – 1, L2EVPED2 – 2
Number of Circuits	L2EVPED1 – 1, L2EVPED2 – 2
Output Power	30A, 208/240V, 60Hz grounded
Charge Connector	SAE J1772 Electric Vehicle Connector
Charging Cord Length	18'
Enclosure	NEMA 3R Rating for indoor or outdoor use, protected against water, ice and dust.
Operating Temperature	-22°F to 122°F (-30°C to 50°C)
Storage Temperature	-40°F to 176°F (-40°C to 80°C)
Operating Voltage Range	85 to 265 VAC
Ground Fault Protection	Internal 20mA CCID (no external GFCI protection required)
Standards & Certifications	SAE J1772 Electrical Vehicle Conductive Charge Coupler Standard UL2231 1 & 2 UL Standard for Personnel Protection Systems for Electric Vehicle (EV) Supply Circuits UL2251 UL Standard for safety for Plugs, Receptacles and Couplers for Electric Vehicles UL2594 UL Outline of Investigation for Electric Vehicle Supply Equipment NEC Article 625 Electric Vehicle Charging System UL991 Test for Safety Related Controls Employing Solid State Devices UL1998 Safety of Software in Programmable Controls CSA C22.2 No. 107.1-01

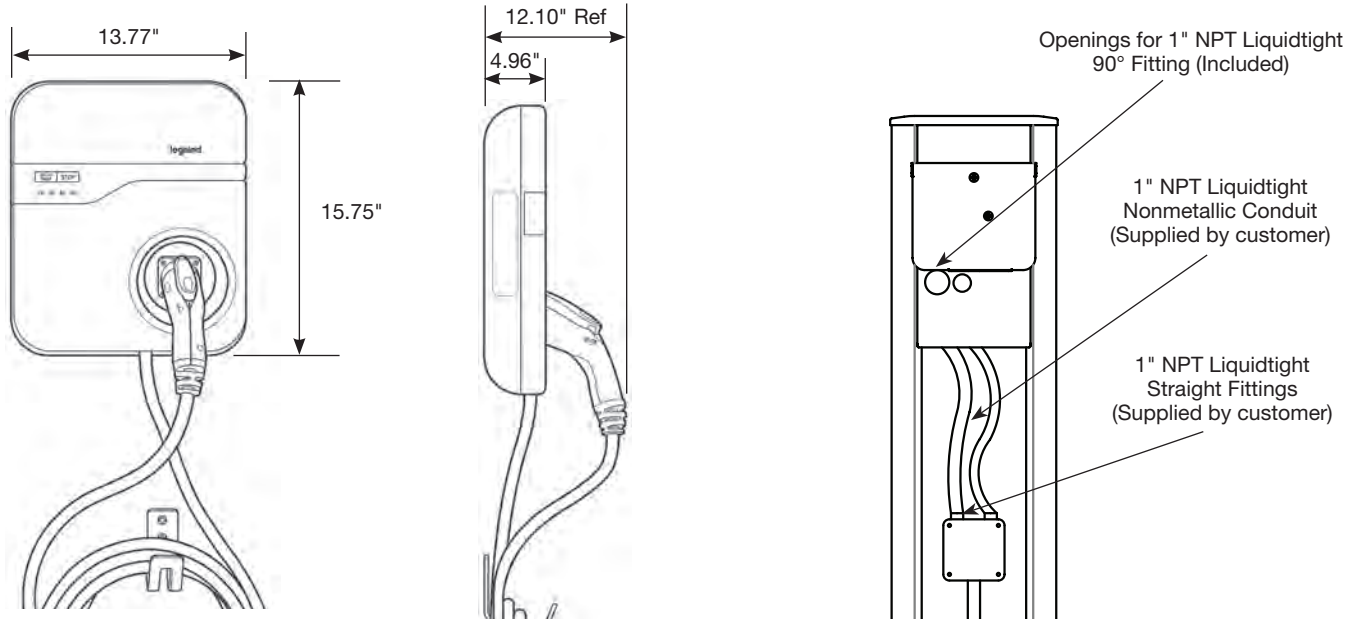
NOTE: L2EVPED1 and L2EVPED2 pedestal mounts are intended for use with L2EVSE30 chargers, but chargers are not included with the pedestals. Pedestal mounts and chargers are sold separately.

For more information on these and other P&S products refer to our Catalog or visit our web site.

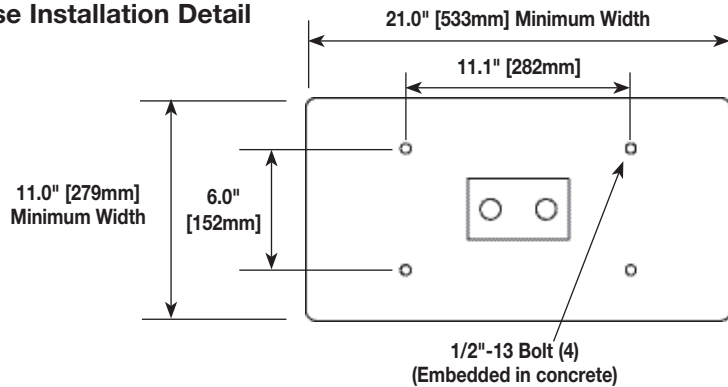
PASS & SEYMOUR® Pedestal Mount for Electric Vehicle Charging Stations



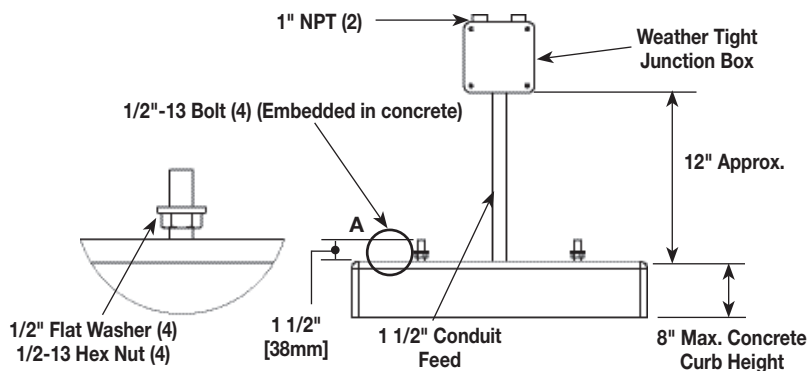
DIMENSIONS



Base Installation Detail



Curb Detail – Elevation View

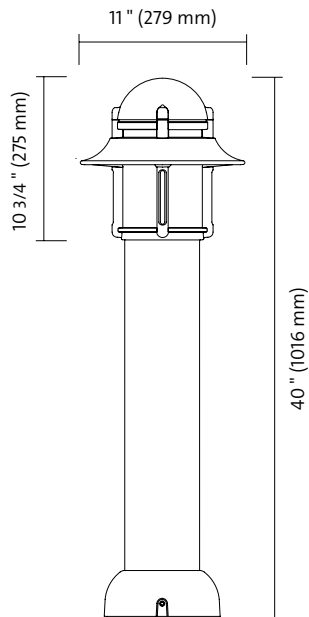


NOTE: L2EVPED1 and L2EVPED2 do not include the L2EVSE30 charger. Pedestals and chargers are sold separately.



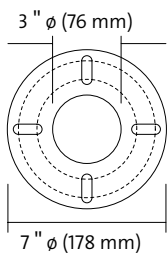
LUMINAIRES

Conform to the **UL 1598** and **CSA C22.2 No. 250.0-08** standards

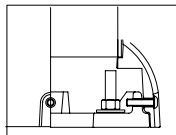


DOSB1

ANCHOR PLATE



Bolt circle
5 1/2" (140 mm)
B.C. possible :
from 4 3/8" to 6"
(111 mm to 152 mm)



Mounting details

Comes with 4 steel anchor bolts,
3/8" x 12" (10 ϕ mm X 305 mm),
4 nuts and 4 washers.

Important: Do not obstruct space
between anchor plate and
concrete base.

SPECIFICATIONS

Hood

Made from cast (356) aluminum, mechanically assembled.

Housing

Round shape, made from cast (356) aluminum, c/w one louver, welded to the base.

Ballast

High power factor of 90%. Assembled on a unitized removable tray with quick disconnect plug.

Base

Made from aluminum, 5" (127 mm) outside diameter, welded to the base cover.

Base cover

Made from cast (356) aluminum, mechanically secured to the anchor plate.

Finish

"Hot dip" chemical etching preparation. Lumital™ polyester powder coat finish. Excellent color retention as per #ASTM D2244, and outstanding salt-spray resistance according to #ASTM D2247 testing procedures.

ORDERING INFORMATION

PRODUCT	LAMP	VOLTAGE	BOLLARD OPTIONS	FINISH ¹	
DOSB1	35 MH	120	PH7 (photoelectric cell) VPA (vandalproof hardware)	BE2/TX	RD2/TX
	50 MH	208		BE6/TX	RD4/TX
		240		BE8/TX	WH/TX
	35 HPS	277		BG2/TX	NP
	50 HPS	347		BK/TX	TG
	18 CF			BR/TX	TS
	26 CF			GN/TX	
	32 CF			GN4/TX	
		120		GN6/TX	
		208		GN8/TX	
		240		GY3/TX	
		277			

¹ Consult Philips Lumec's color chart.

² Socket: GX24Q-2 (18W), GX24Q-3 (26W)(32W), GX24Q-4 (42W), triple tube for compact fluorescent (lamp not included).

ORDERING SAMPLE

PRODUCT	LAMP	VOLTAGE	BOLLARD OPTIONS	FINISH
DOSB1	50 MH	120	PH7	BE2/TX



Welcome Center

30 WATERSIDE DRIVE



19 x 36.5 sign face

STORMWATER MANAGEMENT PLAN
FOR
SPINNAKER WELCOME CENTER
LOCATED AT
30 WATERSIDE DRIVE
IN THE
TOWN OF HILTON HEAD ISLAND
IN
BEAUFORT COUNTY, SOUTH CAROLINA



June 2016

STORMWATER MANAGEMENT PLAN
FOR
SPINNAKER WELCOME CENTER
LOCATED AT
30 WATERSIDE DRIVE
IN THE
TOWN OF HILTON HEAD ISLAND
IN
BEAUFORT COUNTY, SOUTH CAROLINA



SPINNAKER
-RESORTS-

Prepared for:

Spinnaker Resorts Development Group
Mr. Charles B. Halterman, Construction Manager
35 DeAllyon Avenue, P.O. Box 6899
Hilton Head Island, South Carolina 29938

Prepared by:

Alliance Consulting Engineers, Inc.
23 Plantation Park Drive Suite 204
Bluffton, South Carolina 29910

Project Number 16101-0007

JUNE 2016



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1.0 Stormwater Management Narrative

1.1 Project Location

The project is located on a 1.068-acre parcel within the Town of Hilton Head Island in Beaufort County, South Carolina. The site is within the Forest Beach Subdivision and is zoned as Resort Development (RD). The site address is 30 Waterside Drive, Hilton Head Island, South Carolina, with a Tax Map (TMS) No. R552-018-000-0202-0000.

1.2 Existing Conditions

The project site is an existing undeveloped parcel that is mostly wooded with a variety of oaks, hickories, pines and sweet gum trees, several of which are specimen trees, and natural vegetated undergrowth. The Waterside Drive (a local road) right-of-way serves as the frontage along the northern property line, while the Pope Avenue (S-80E) road right-of-way forms the western border of the property. An existing asphalt public pathway parallels Pope Avenue for the entire length of the subject site, and continues approximately 80-feet along Waterside Drive. The adjacent properties include an existing restaurant to the south of the property and an abandoned hotel east of the property. Across Waterside Drive to the north are timeshare units and a large existing stormwater lagoon.



The general topography of the area slopes from west to east, while the site consists of rolling, undulating grades with elevations ranging from 8 to 13-feet MSL (NGVD 29 vertical datum) and an average elevation of 10-feet. Site elevations generally lower slightly towards the northeast and south. Grades vary in slope from less than 1% to as much as 15% across a narrow ridge in the northwest portion of the site. The central and southern areas of the site slope down to two (2) distinct very small low-lying areas.

The site is located in a FEMA floodplain Zone A7, with a Base Flood Elevation (BFE) of 14-feet. Two jurisdictional wetlands (0.022-acres and 0.007-acres respectively) have been identified within the property boundary. Refer to a map set of the project site located in **Appendix A** and sheet C1 of the project construction drawings titled Spinnaker Welcome Center located at 30 Waterside Drive in the Town of Hilton Head Island in Beaufort County, South Carolina (Drawing No. 01,1012-D18 dated June 2016) for further details.

1.3 Proposed Development

The proposed project entails the construction of a building that will serve as a welcome center and offices for Spinnaker Resorts (to be relocated from 81 Pope Avenue - Heritage Plaza) as well as parking, driveways, walkways, supporting utilities, stormwater system, and site landscaping. The

proposed one story building will be approximately 7,500-sf and will front Pope Avenue, with parking to the side and rear, and access from Waterside Drive. Proposed placement of the building, driveway and parking spaces are to avoid specimen trees and to minimize impacts to non-specimen existing trees. Pedestrian and bicycle access will include a connection to the public pathway along Pope Avenue. The building will also require water and sanitary wastewater service connections.

The building's finished floor will be elevated to 15-feet in order to meet flood elevation requirements. Ramps and stairs will be used for building access to minimize filling of surrounding grades. The majority of the fill needed will be retained under the footprint of the structure; the small existing wetlands will be filled under a Nationwide Permit.

The driveway, parking, and walkway areas around the building will all be pervious pavement. The proposed stormwater system will consist of runoff by overland flow, two (2) grate inlet structures, and a 15-inch storm drain pipe. All roof runoff will be diverted to the parking and driveway areas. Runoff detention and retention is provided in driveway, parking, and walkway areas with the use of permeable asphalt, pavers, and concrete, all with substantial reservoir layers comprising the sub-base. Final grading of the site will reduce off-site flow to the adjacent properties.

1.4 Stormwater Management and Sediment Control

Industrial Stormwater Discharges

There are no stormwater discharges from industrial activities within the project site.

Erosion Prevention BMPs

A list of erosion prevention BMPs has been developed and the locations of these BMPs are illustrated in the Construction Plans (prepared by Alliance Consulting Engineers, Inc., dated June 2016, Dwg. No. 01,1012-D18). These BMPs will be focused in areas with high potential of erosion, and will be applied to the perimeter of the alignment, as well as pipe inlets. To prevent soil from eroding from the project site and to aid in the prevention of sediment-laden stormwater runoff, the following erosion prevention BMPs will be implemented:

- It is expected that clearing and grubbing will be performed immediately prior to grading and site improvements.
- If construction does not occur within fourteen (14) days after clearing and grubbing, or grading, the soils for such disturbed areas of the project site will be prepared in accordance with the Construction Plans. After preparation, all such areas will be temporarily seeded.
- The temporary seed mix (if necessary) and permanent seed mix conform to the grassing specifications approved for the Project and/or to the seeding rates as indicated in the Construction Plans (Details).

- Areas of the project site which are to be paved may be temporarily stabilized by applying a graded aggregate base course until asphalt, concrete, or pavers are installed.
- Cleared and grubbed soils will be sloped as near as possible to the original grades as indicated in the Construction Plans.
- BMPs will be observed every seven (7) calendar days and within 24-hours of a storm event of 0.5-inches or greater.

Sediment Control BMPs

A list of water quality BMPs has been developed and the locations of these BMPs are illustrated in the Construction Plans. To remove some of the sediment accumulated within stormwater runoff and help prevent sediment impacts to adjacent properties and water bodies from stormwater discharges originating from the project site, the following project-wide BMPs will be implemented:

- Silt fencing will be placed along the perimeter of the areas to be cleared and grubbed, or graded, before any such land disturbance takes place. Silt fencing will be used along the areas of disturbance which slope away from the project site. Silt fencing has been provided at appropriate locations as indicated in the Construction Plans.
- Inlet protection will be installed at all existing inlets that receive stormwater runoff from the disturbed areas.
- BMPs will be observed every seven (7) calendar days and within 24-hours of a storm event of 0.5-inches or greater.

Structural Control BMPs and Floodplain Placement

No structural control BMPs are necessary for this project.

Construction Entrances and Dust Control

A Construction Entrance/Exit will be installed as indicated in the Construction Plans to minimize the migration of sediment onto adjacent roadways. Construction entrances consisting of two (2) to three (3)-inch diameter stone will be installed and traffic entering or exiting the project area will be directed through the construction entrances. A water truck will remain on hand and apply water to disturbed areas as necessary to minimize dust.

Water Quality BMPs During Construction

Site-specific water quality BMPs listed above must be installed prior to demolition, clearing and grubbing, and grading, and must be kept in functioning order throughout the lifespan of all construction activities. Each of these BMPs must be maintained and inspected until all areas

draining to these BMPs have reached final stabilization, approved by the construction site inspector or the SWMP Preparer, and recorded within the stabilization log.

The location, installation procedures, and maintenance procedures for each water quality BMP can be found within the Construction Plans.

Post-Construction Water Quality

Although water quality treatment post-construction is not required, as the disturbed area totals less than five (5) acres, reservoir layers beneath proposed permeable asphalt, porous concrete, and permeable pavers will act as permanent BMPs to treat water quality post-construction.

2.0 Geotechnical Evaluation Report

2.1 Subsurface Exploration

A Geotechnical Evaluation was performed by ECS Southeast, LLC. To explore the subsurface conditions at the project site, a total of two (2) Standard Penetration Test (SPT) borings, six (6) hand auger borings, one (1) Wildcat Dynamic Cone Penetrometer (WDCP) test, and two (2) percolation rate tests were performed. The SPTs were performed in the proposed building areas to depths of 20 to 60 feet below existing grade. Hand auger borings were performed in the proposed parking and driveway areas to a depth of 3.5 to 5-feet below existing grade. The complete Geotechnical Evaluation Report identifying the findings and recommendations is provided in **Appendix B**.

2.2 Soil Map

One (1) classification of soil type was identified within the project site. All of the project site consists of Fripp-Baratari (Fb) complex, which is characterized as a combination of very deep, excessively drained, rapidly permeable soils that formed in thick sandy sediments adjoining beaches and waterways along the coast, and very deep, poorly drained, moderately to moderately rapid permeable soils formed in sandy marine sediments. Fripp-Baratari is categorized as Hydraulic Soil Group (HSG) A/D. The soil types are illustrated in the Soil Map provided in the map set of the project site located in **Appendix A**.

2.3 Groundwater

Groundwater levels in the borings were measured upon completion of the drilling operations. Groundwater levels ranged from approximately 1 to 4.5 feet below existing grade at the time of drilling in SPT and hand auger borings. Groundwater level measurements can be found on the

individual borings logs in the appendix of the geotechnical report. The measured rate of water level drop in the percolation tests was adjusted to account for exfiltration occurring through the side interface of the test area. The Porchet Method was used to convert the percolation rates to anticipated infiltration rates.

3.0 Drainage Area Map

Watershed maps illustrating the watershed areas and apparent stormwater drainage patterns were developed for the Pre-Development and Post-Development conditions and are provided in **Appendix C**. The limits of study for the development of the watersheds were generally the property lines and disturbed area limits of the project site, as well as portions of the road rights-of-way draining to the project site.

3.1 Pre-Development

The Pre-Development Watershed Map illustrates the project site being divided into five (5) drainage basin areas. Drainage Basin WS1 consists of 0.34-acres and drains towards a grate inlet at the northwestern boundary of the site in the Waterside Drive right-of-way (Outlet 1). Drainage Basin WS2 consists of 0.12-acres and drains towards the southwestern border of the site adjoining the Pope Avenue right-of-way (Outlet 2). WS2 further divided into sub-basins WS2A and WS2B, each of which drain towards individual grate inlets that flow to Outlet 2. The remainder of the site is divided into Drainage Basins LP1 (0.32-acres), LP2 (0.19-acres), and LP3 (0.28-acres), all of which drain to small wetlands areas in basin LP1 and LP2, which ultimately overflow into sub-basin WS2B and on to Outlet 2. All drainage basin ground cover types include wood/grass-fair condition, as well as impervious road/public pathway or wetland surfaces. Each Outlet ultimately conveys runoff across Waterside Drive to the existing lagoon (Outfall).

3.2 Post-Development

The Post-Development Watershed Map illustrates the project site being divided into two (2) drainage basin areas. Drainage Basin WS1 consists of 0.79 acres and drains towards a grate inlet at the northwestern boundary of the site in the Waterside Drive right-of-way (Outlet 1). Drainage Basin WS2 consists of 0.38 acres and drains towards the southwestern border of the site adjoining the Pope Avenue right-of-way (Outlet 2). Both Drainage Basin WS1 and Drainage Basin WS2 ground cover types include wood/grass-fair condition, impervious roof, and pervious asphalt/concrete/pavers.

Each basin was further delineated into two (2) sub-drainage areas. Sub-drainage areas WS1A and WS1B drain to Outlet 1, while sub-drainage areas WS2A and WS2B drain to Outlet 2. Each Outlet ultimately conveys runoff across Waterside Drive to the existing lagoon (Outfall). First flush

retention of the impervious areas of sub-basins WS1A and WS1B is discussed further on page 8 below.

4.0 Stormwater Calculations

4.1 Hydrologic Calculations

Methodology

Surface runoff calculations were determined by utilizing the USDA NRCS TR-55 Method. The 24-hour rainfall data for Beaufort County as determined by the South Carolina Department of Health and Environmental Control (SCDHEC) was used in the analysis of the design storms which includes 8.4 inches of rainfall for the 25-year storm frequency.

Exclusions and Assumptions

Based on analysis of drainage patterns, it was determined that runoff from the site is contained within the greater Shipyard Plantation overall stormwater system, after passing through the existing lagoon north of the site. The points of study for the stormwater analysis are the storm drain grate inlets where runoff exits the site across Waterside Drive towards the lagoon. At these points, peak runoff discharges from the site were compared against each other for the Pre-development and Post-Development conditions.

Times of concentration were determined by the TR-55 method with a minimum time of concentration of 6 minutes. No off-site inflow hydrographs were available at the time of the analysis and were not included, no tidal backwater effects or tailwater conditions were assumed for the hydrologic analysis.

Curve Numbers

The following Curve Numbers (CN) shown in **Table 1** and **Table 2** were used in the analysis of the Pre- and Post-Development conditions of the project site. The curve numbers for the analysis reflect CNs that are within the range of USDA NCRS published cover types (Woods/Grass-Fair Condition and Impervious Road/Path/Wetland). In order to account for the Fripp-Baratari soil complex (HSG A/D), HSG B was used for the undeveloped portions of the site. These CNs were then weighted based on area within each drainage basin to determine a composite CN for each basin in the Pre- and Post-Development conditions.

Table 1: Pre-Development Curve Numbers

Pre-Development Condition				
Drainage Area Basin	Cover Type	HSG	CN	Composite CN
Basin WS1	Woods/Grass – Fair Condition	B	65	74
	Impervious Paved Road/Path	A	98	
Basin WS2A	Woods/Grass – Fair Condition	B	65	90
	Impervious Paved Road/Path	A	98	
Basin WS2B	Woods/Grass – Fair Condition	B	65	82
	Impervious Paved Road/Path	A	98	
Basin LP1	Woods/Grass – Fair Condition	B	65	67
	Impervious Wetland Area	D	98	
Basin LP2	Woods/Grass – Fair Condition	B	65	67
	Impervious Wetland Area	D	98	
Basin LP3	Woods/Grass – Fair Condition	B	65	67
	Impervious Paved Road/Path	A	98	

Table 2: Post-Development Curve Numbers

Post-Development Condition				
Drainage Area Basin	Cover Type	HSG	CN	Composite CN
Basin WS1A	Woods/Grass – Fair Condition	B	68	76
	Impervious Asphalt/Curbing	A	98	
	Pervious Asphalt/Pavers	A	75	
Basin WS1B	Woods/Grass – Fair Condition	B	68	84
	Impervious Roof/Curbing	A	98	
	Pervious Asphalt/Pavers	A	75	
Basin WS2A	Woods/Grass – Fair Condition	B	68	91
	Impervious Asphalt	A	98	
Basin WS2B	Woods/Grass – Fair Condition	B	68	71
	Impervious Concrete/Roof	A	98	
	Pervious Concrete	A	75	

Underground Detention System

To attenuate the Post-Development peak runoff to Pre-Development total runoff conditions, an underground detention system has been included, consisting of permeable asphalt, pavers, and concrete, all with reservoir layers comprising the sub-base with 24-inch thickness above the seasonal high water table. Refer to the project construction drawings for further illustration of the underground detention system.

Peak Discharge

Table 3 summarizes the Pre-Development and Post-Development peak discharge flow rates from each drainage basin of the project site. In order to account for the underground detention system described above, the post-development stormwater model reflects a time of concentration for watersheds WS1A and WS1B based upon a UNH Stormwater Center study where the time of concentration for a 41" base was calculated to be 790 minutes. Using proportional values for the 24" base material specified on this project, the time of concentration used for those two watersheds is 462 minutes. Although one of the basins analyzed resulted in an increase of the post-development peak discharge above the pre-development flow rates, the other resulted in a decrease, and the total peak discharge to the lagoon outfall is less in the post-development condition. It is our professional opinion that the development will not have a significant adverse impact on the downstream/adjacent properties provided the proposed drainage improvements are constructed in accordance with the approved plans and are properly maintained.

Table 3: Pre and Post Site Discharges

Drainage Area Basin	Return Period	Peak Discharge	
		Pre-Development Condition	Post-Development Condition
Basin WS1 (Outlet 1)	25-Year	1.8 cfs	0.5 cfs
Basin WS2 (Outlet 2)	25-Year	0.7 cfs	2.1 cfs
Outfall	25-Year	2.5 cfs	2.2 cfs

Refer to **Appendix D** for complete time of concentrations and hydrographs of each drainage basin of the project site for the Pre-Development and Post-Development conditions.

First Flush

The method of retaining the first inch of rain from on-site impervious areas utilized for this project is permeable asphalt (6,680-ft²), permeable pavers (3,500-ft²), and pervious concrete (970-ft²) with additional 4-inch reservoir layers comprising the sub-base of the pavement in sub-drainage areas WS1A and WS1B. Treatment of the first inch in these drainage basins is provided by infiltration. Impervious area in drainage basins WS2A and WS2B consists solely of pre-development streets and public pathways. Since no additional impervious surface is proposed in these basins, no additional retention volume is proposed.

Table 4 provides the volumes required and the volumes provided to retain the first inch of rain from on-site impervious areas.

Table 4: First Flush Volumes

Sub-Drainage Area	Total Impervious Area	First Inch Volume Required	Storage Volume Provided
WS1A	690 ft ²	60 ft ³	325 ft ³ (1)
WS1B	9,510 ft ²	800 ft ³	975 ft ³ (1)
WS2A	460 ft ²	40 ft ³	0 ft ³
WS2B	1,700 ft ²	140 ft ³	0 ft ³

(1) Storage volume based on permeable asphalt/pavers/concrete with an additional 4-inch layer of reservoir stone (effective porosity = 0.35)

4.2 Hydraulic Calculations

Grate Inlets

Surface runoff is directed towards sump locations in each of the sub-basins of Drainage Basin WS1. The runoff enters the on-site storm drain system by two (2) grate inlet structures. Each grate inlet structure provides an additional 1 foot of below the outlet pipe invert to provide for a sand trap. The selected grate has the capacity to convey the peak discharge flow of the 25-year storm event with no ponding depth.

Storm Drain Pipe

The storm drain pipe of the on-site storm drain system conveying runoff from WS1B to Outlet 1 was designed to be at the allowable minimum size of 15-inch in diameter, have an allowable minimum depth of cover of 1 foot, an allowable maximum depth of cover of 19 feet, have a burial depth to resist buoyance effects, and have an allowable flow velocity range of 2 feet per second to 10 feet per second. Table 4 provides a summary of the flow depths and flow velocities of the peak discharges from various design storms for the proposed storm drain pipe within the on-site storm drain system.

Table 5: Storm Drain Pipe Capacities

Pipe ID: SD-1; Pipe Diameter: 15-inch; Pipe Slope: 0.018 ft/ft				
Design Storm Peak Discharge		Flow Depth ⁽¹⁾	Flow Velocity	Percentage Full
Q _{2YR}	0.15 cfs	1.7 in	2.1 fps	6%
Q _{10YR}	0.27 cfs	2.2 in	2.5 fps	9%
Q _{25YR}	0.35 cfs	2.4 in	2.7 fps	11%
Q _{100YR}	0.48 cfs	2.8 in	3.0 fps	13%

(1) Reference datum: Invert of Pipe

APPENDIX A

Site Maps

Vicinity Map

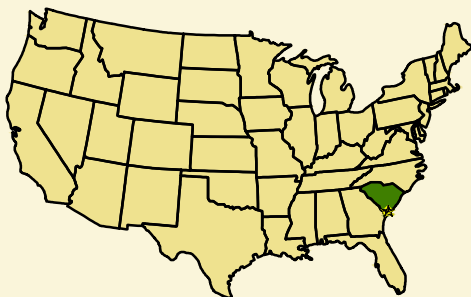
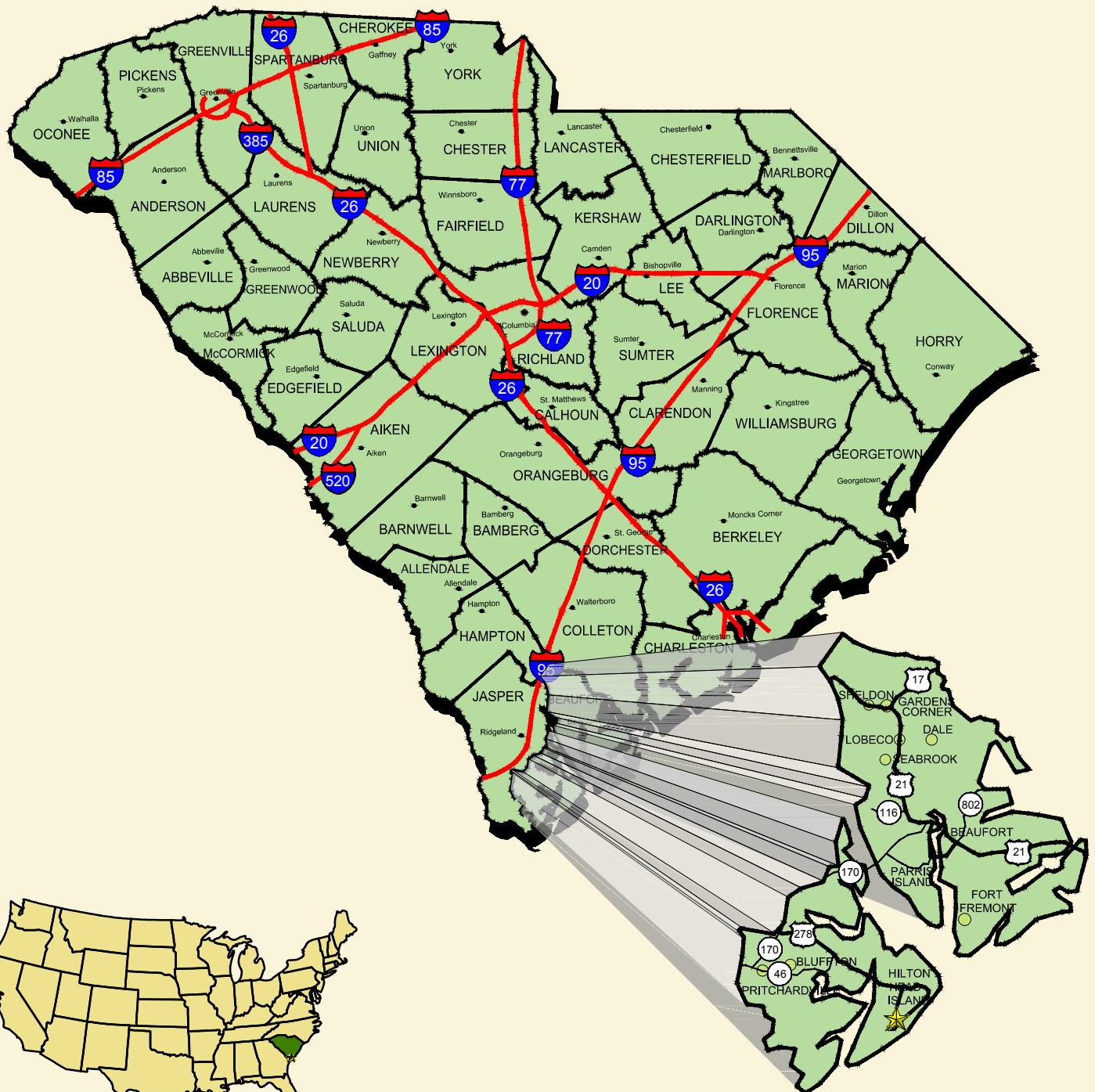
PROPOSED SPINNAKER RESORTS WELCOME CENTER ON 1 ACRE AT 30 WATERSIDE DRIVE IN THE TOWN OF HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA VICINITY MAP



+/- 1 Acres



PREPARED BY:
ALLIANCE CONSULTING ENGINEERS, INC.
FEBRUARY 22, 2016



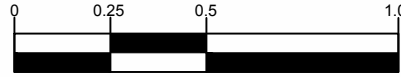
Site Location Map

ATTACHMENT J

**PROPOSED SPINNAKER RESORTS WELCOME
CENTER ON 1 ACRE AT 30 WATERSIDE DRIVE IN THE
TOWN OF HILTON HEAD ISLAND,
BEAUFORT COUNTY, SOUTH CAROLINA
SITE LOCATION MAP**

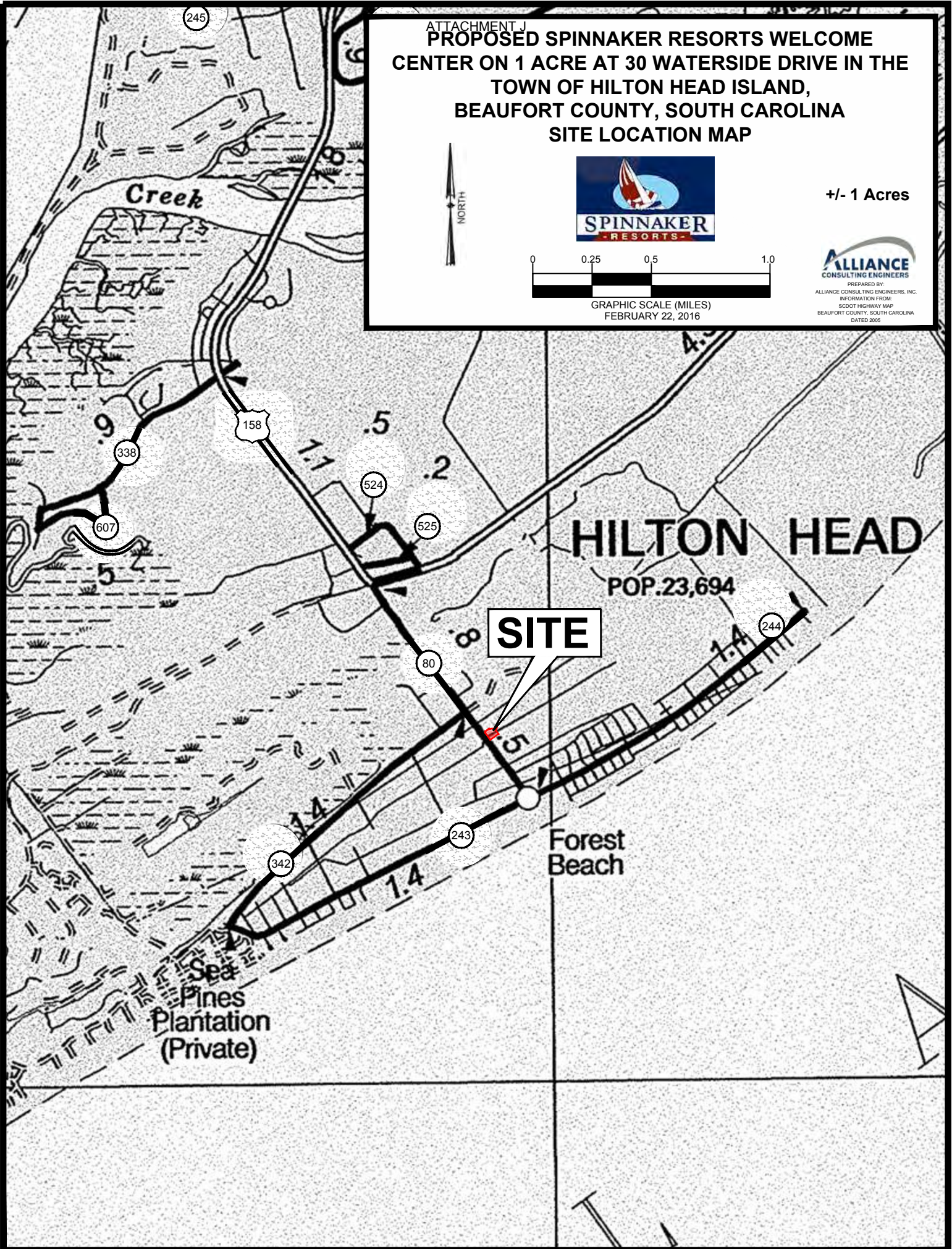


+/- 1 Acres



GRAPHIC SCALE (MILES)
FEBRUARY 22, 2016

ALLIANCE
CONSULTING ENGINEERS
PREPARED BY:
ALLIANCE CONSULTING ENGINEERS, INC.
INFORMATION FROM:
SCOTT HIGHWAY MAP
BEAUFORT COUNTY, SOUTH CAROLINA
DATED 2005

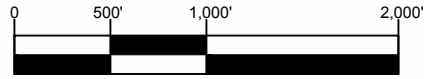


Aerial Map

ATTACHMENT J
**PROPOSED SPINNAKER RESORTS WELCOME
CENTER ON 1 ACRE AT 30 WATERSIDE DRIVE IN THE
TOWN OF HILTON HEAD ISLAND,
BEAUFORT COUNTY, SOUTH CAROLINA
AERIAL MAP**



+/- 1 Acres



GRAPHIC SCALE
FEBRUARY 22, 2016

ALLIANCE
CONSULTING ENGINEERS
PREPARED BY:
ALLIANCE CONSULTING ENGINEERS, INC.
INFORMATION FROM:
BEAUFORT COUNTY, SOUTH CAROLINA
USDA NRCS GEOSPATIAL GATEWAY
DATED 2011



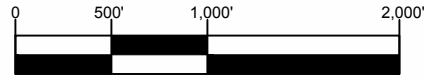
Topographic Map

ATTACHMENT J

**PROPOSED SPINNAKER RESORTS WELCOME
CENTER ON 1 ACRE AT 30 WATERSIDE DRIVE IN THE
TOWN OF HILTON HEAD ISLAND,
BEAUFORT COUNTY, SOUTH CAROLINA
TOPOGRAPHIC MAP**

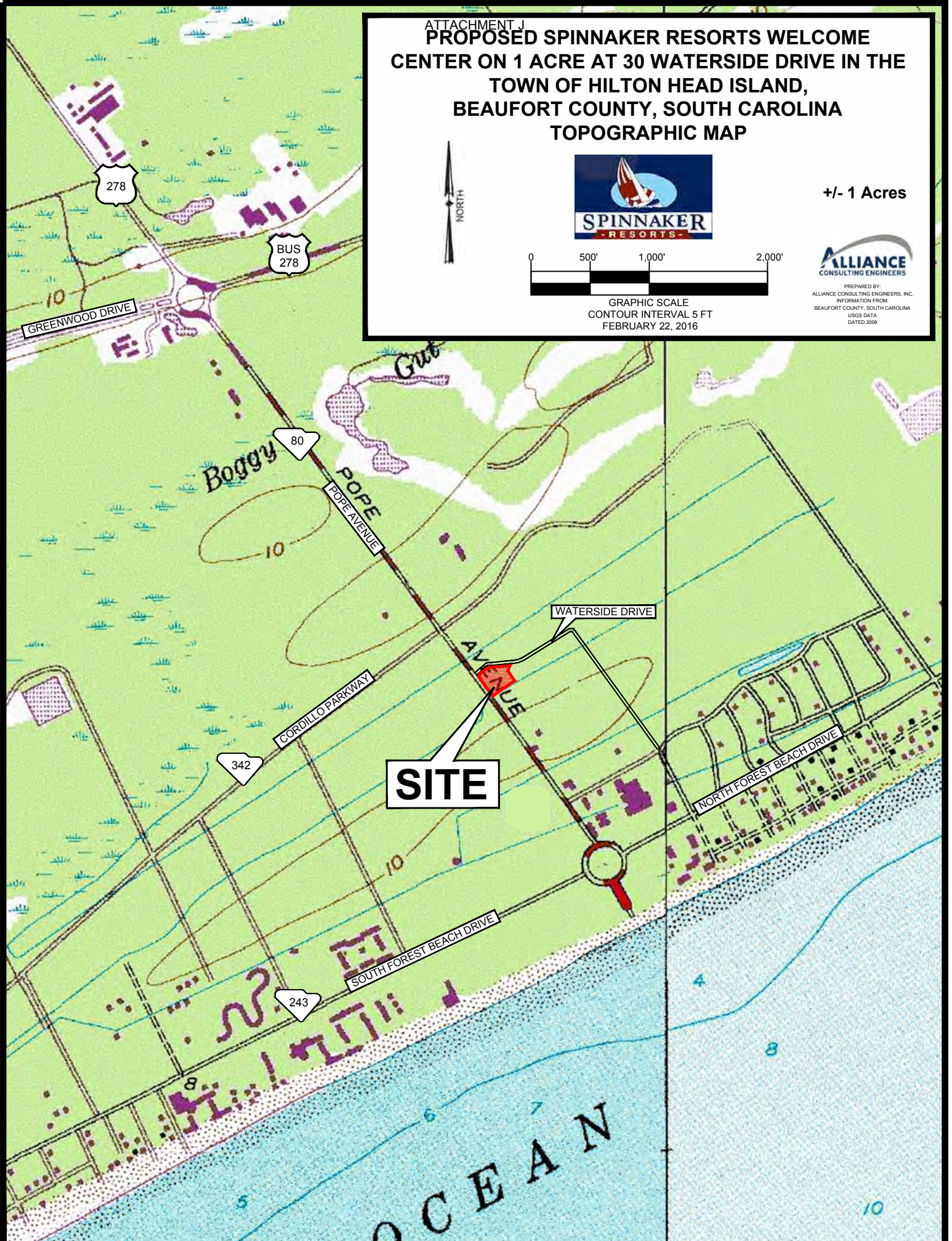


+/- 1 Acres



PREPARED BY:
ALLIANCE CONSULTING ENGINEERS, INC.
INFORMATION FROM:
BEAUFORT COUNTY, SOUTH CAROLINA
USGS DATA
DATED 2009

GRAPHIC SCALE
CONTOUR INTERVAL 5 FT
FEBRUARY 22, 2016



Soils Map

ATTACHMENT J
**PROPOSED SPINNAKER RESORTS WELCOME
 CENTER ON 1 ACRE AT 30 WATERSIDE DRIVE IN THE
 TOWN OF HILTON HEAD ISLAND,
 BEAUFORT COUNTY, SOUTH CAROLINA**
SOILS MAP



+/- 1 Acres



GRAPHIC SCALE
 FEBRUARY 22, 2016

ALLIANCE
 CONSULTING ENGINEERS
 PREPARED BY:
 ALLIANCE CONSULTING ENGINEERS, INC.
 INFORMATION FROM:
 BEAUFORT COUNTY, SOUTH CAROLINA
 USDA NRCS SOIL DATAMART
 DATED 2009



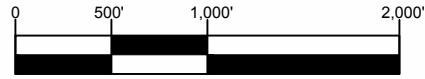
<u>LEGEND</u>		<u>HSG</u>	
Fripp-Baratari (Fb)		A/D	

FEMA Flood Map

ATTACHMENT J
**PROPOSED SPINNAKER RESORTS WELCOME
 CENTER ON 1 ACRE AT 30 WATERSIDE DRIVE IN THE
 TOWN OF HILTON HEAD ISLAND,
 BEAUFORT COUNTY, SOUTH CAROLINA
 FEMA FLOOD MAP**

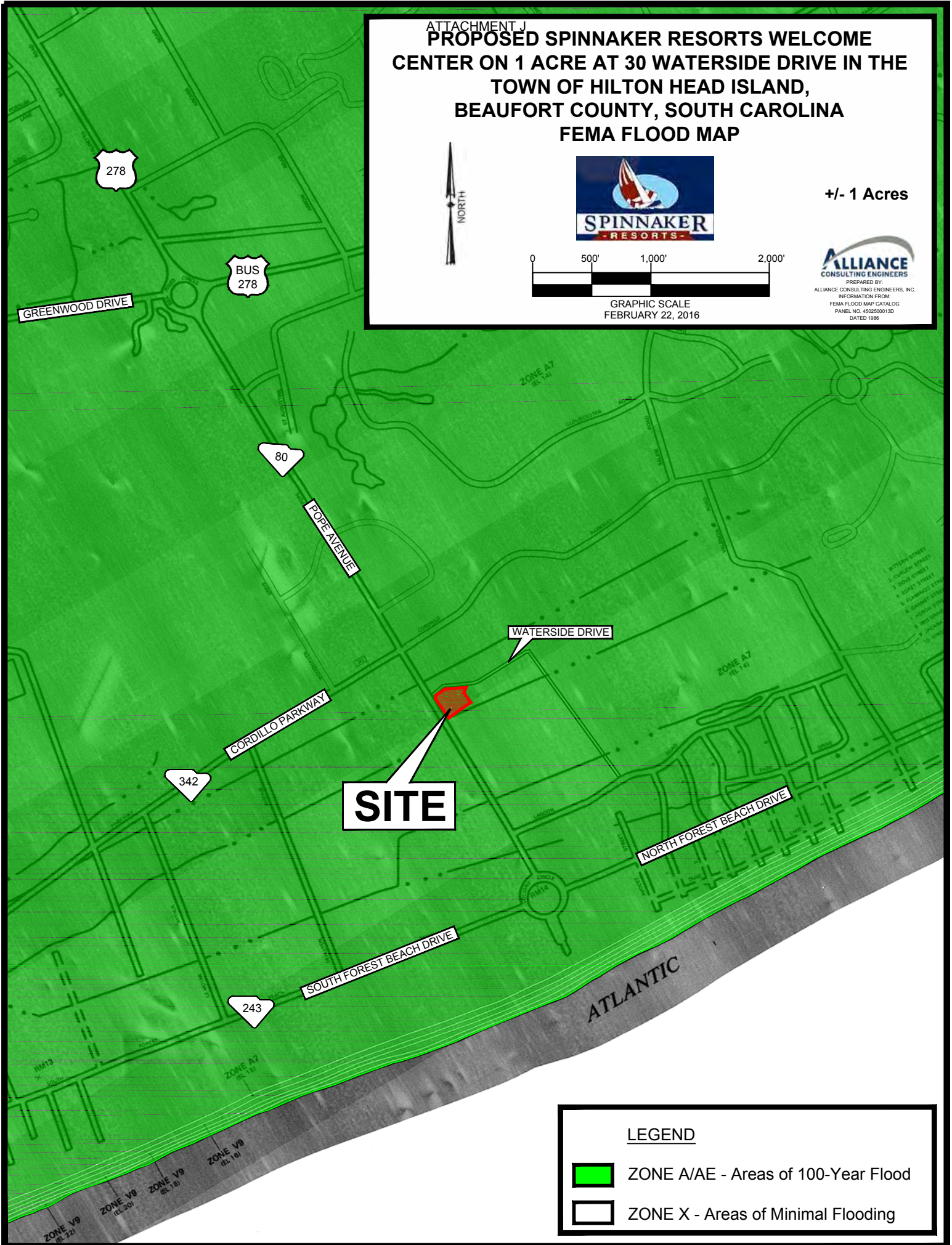


+/- 1 Acres





GRAPHIC SCALE
 FEBRUARY 22, 2016

ALLIANCE
 CONSULTING ENGINEERS
 PREPARED BY:
 ALLIANCE CONSULTING ENGINEERS, INC.
 INFORMATION FROM:
 FEMA FLOOD MAP CATALOG
 PANEL NO. 450250013D
 DATED 1998



LEGEND

-  ZONE A/AE - Areas of 100-Year Flood
-  ZONE X - Areas of Minimal Flooding

National Wetlands Inventory (NWI) Map

ATTACHMENT J
**PROPOSED SPINNAKER RESORTS WELCOME
 CENTER ON 1 ACRE AT 30 WATERSIDE DRIVE IN THE
 TOWN OF HILTON HEAD ISLAND,
 BEAUFORT COUNTY, SOUTH CAROLINA
 NATIONAL WETLANDS INVENTORY (NWI) MAP**



+/- 1 Acres



GRAPHIC SCALE
 FEBRUARY 22, 2016



PREPARED BY:
 ALLIANCE CONSULTING ENGINEERS, INC.
 INFORMATION FROM:
 WETLAND ONLINE MAPPER
 CREDIT: U.S. FISH AND WILDLIFE SERVICE



WETLANDS LEGEND

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

APPENDIX B

Geotechnical Evaluation Report



REPORT OF GEOTECHNICAL EXPLORATION

**SPINNAKER RESORT WELCOME CENTER
HILTON HEAD ISLAND, SOUTH CAROLINA**

FOR

ALLIANCE CONSULTING ENGINEERS, INC.

MARCH 3, 2016

ECS PROJECT NO. 23:2824



ECS SOUTHEAST, LLC

"Setting the Standard for Service"

Geotechnical • Construction Materials • Environmental • Facilities

March 3, 2016

Mr. Steven M. Liotta, PE
Alliance Consulting Engineers, Inc.
23 Plantation Park Drive
Suite 204
Bluffton, SC 29910-6072

Reference: Report of Geotechnical Exploration
Spinnaker Resort Welcome Center
Waterside Drive
Hilton Head Island, South Carolina

ECS Project No. 23:2824

Dear Mr. Liotta:

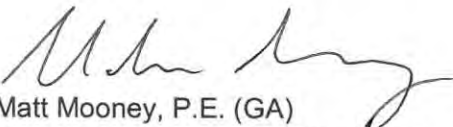
ECS Southeast, LLC (ECS) is pleased to submit our report of geotechnical exploration for the above referenced project. The attached report presents an introduction of the proposed project, results of field and laboratory exploration, subsurface conditions, and evaluations regarding the geotechnical design and construction aspects of the project.

The work was completed in general accordance with ECS Proposal No. 23:3209r1 per the Agreement between ECS and Client dated February 9, 2016.

We appreciate the opportunity of working with you on this project and look forward to our continued association. Should you have questions regarding our findings or need additional consultations, please do not hesitate to contact our Savannah office at (912) 966-2527.

Respectfully,

ECS Southeast, LLC represented by:


Matt Mooney, P.E. (GA)
Geotechnical Department Manager



**REPORT OF GEOTECHNICAL EXPLORATION
SPINNAKER RESORT WELCOME CENTER
HILTON HEAD ISLAND, SOUTH CAROLINA
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INTRODUCTION

General

This report presents the results of a geotechnical exploration for the Spinnaker Resort Welcome Center project in Hilton Head Island, South Carolina. The work was completed in general accordance with ECS Proposal No. 23:3209r1 per the Agreement between ECS and Client dated February 9, 2016.

Project Information

The information presented in this report is based on our site reconnaissance, various project drawings provided, project team emails, and our current understanding of the proposed project. We understand the following:

- The site is located on the south side of Waterside Drive in Hilton Head Island, Beaufort County, South Carolina. A Site Location Diagram is included in the Appendix as Figure 1.
- The proposed project consists of the construction of a 1-story wood framed building with a plan area of approximately 7,500 square feet total and associated parking, driveways, walkways, and detention ponds.
- At the time of this study, no structural loading information was available. We assume the maximum column loads will not exceed 75 kips and the maximum strip loads will not exceed 3 kips per linear foot.
- The surface elevations range from 8 to 13 feet across the site. From the grading plan provided, we understand the proposed finished floor elevation (FFE) will be at 15 feet. This may require up to 7 feet of fill in the proposed building area.

The attached Test Location Plan (Figure 2) presents the site development concept at the time of this report. If the information in this section is incorrect or changes, the applicability of the report should be reviewed and all required revisions provided in writing by ECS.

Site Conditions

During fieldwork for this geotechnical study, a representative of ECS visited the project site on multiple occasions. Based on aerial photos, plans provided, and observations during our site visits we understand the following:

- The existing ground elevations of the site range from approximately 8 to 13 feet above mean sea level (MSL).
- At the time of fieldwork, the site was wooded.

- The site was bordered to north by Waterside Drive, a 2-story residential building, and a water feature, to the east and southeast by 1- and 2-story buildings and parking lots, and to the southwest by Pope Avenue.

Purposes of Exploration

The primary purposes of this study were to explore the soil and groundwater conditions at the site and to develop engineering recommendations to help guide design and construction of the geotechnical aspects of the proposed project.

We accomplished the purposes of the study by:

1. Reviewing the available publications concerning local geology of the site and performing a general site reconnaissance;
2. Drilling Standard Penetration Test (SPT) borings, advancing shallow hand auger borings, performing Wildcat Dynamic Cone Penetrometer (WDCP) testing, and performing percolation rate testing to explore the subsurface soil and groundwater conditions;
3. Performing laboratory tests on selected representative soil samples from the borings to evaluate pertinent engineering properties;
4. Evaluating the field, laboratory, and background data to develop appropriate geotechnical engineering recommendations.

FIELD EXPLORATION AND LABORATORY TESTING

Subsurface Exploration

To explore the subsurface conditions at this site, 2 Standard Penetration Test (SPT) borings, 6 hand auger borings, 1 Wildcat Dynamic Cone Penetrometer (WDCP) test, and 2 percolation rate tests were performed in the proposed development area.

SPT Borings B-2 and B-3 were performed in the proposed building area to depths of 60 and 20 feet below existing grade, respectively. Due to wet/soft surface conditions and sloping terrain, the drill rig was unable to access Boring B-1. Therefore a hand auger with a WDCP test was performed at this location. Hand Auger Boring B-1 was performed in the proposed building area to a depth of 2.5 feet below existing grade. The WDCP test was performed adjacent to Boring B-1 to a depth of approximately 15 feet below existing grade.

Hand Auger Borings HA-1, HA-2, and HA-3 were performed in proposed parking, driveway, and/or walkway areas to depths of 3.5 to 5 feet below existing grade. Hand Auger Borings P-1 and P-2 were performed in potential detention pond areas to depths of 1.3 and 2 feet below existing grade, respectively. Percolation rate testing was performed in the open boreholes of Borings P-1 and P-2.

The boring locations were determined in the field by our representative utilizing site plans provided, existing site features, and handheld GPS techniques. The boring locations shown on the attached Test Location Plan (Figure 2) should be considered approximate.

The SPT borings were performed with an ATV mounted drill rig. Depending on soil and groundwater conditions encountered at each boring location, the drill crew utilized a combination of continuous sampling, hand augers, and/or mud rotary techniques in the upper 10 feet. Mud rotary techniques were used past 10 feet to advance the boreholes to termination depths. Quick Gel drilling fluid was used in the mud rotary phase of drilling to stabilize the walls of the borings.

Representative soil samples were obtained continuously in the upper 10 feet and at 5 foot intervals thereafter by means of the split-barrel sampling procedure in general accordance with ASTM D-1586. In this procedure, a 2-inch O.D., split-barrel sampler is driven into the soil a distance of 18 to 24 inches by a 140-pound manual hammer falling 30 inches. The number of blows required to drive the sampler through a 12-inch interval is termed the Standard Penetration Test (SPT) N-value and is indicated for each sample on the boring logs. This value can be used as a qualitative indication of the in-place relative density of cohesionless soils. In a less reliable way, it also indicates the consistency of cohesive soils.

The drill crew prepared a field log of the soils encountered in the borings. After recovery, each sample was removed from the sampler and visually classified by the drill crew. Representative

portions of each sample were then sealed and brought to our laboratory in Savannah, Georgia for further visual examination and laboratory testing.

The hand auger borings were conducted in general accordance with ASTM D1452. In this procedure, the auger boring is made by manually rotating and advancing an auger to the desired depths while periodically removing the auger from the hole to clear and examine the auger cuttings. Groundwater levels in the hand auger borings were checked at the time of drilling.

The percolation rate tests were performed in general accordance with the Modified Taft Engineering Method. In this method, a 4 inch minimum test hole is bored to the desired depth, and 2 inches of fine gravel is added to the bottom of the test hole. The test hole is then filled with water and allowed to soak, allowing soil saturation and clay particle swelling to occur. After preliminary soaking, water levels are adjusted to a maximum depth of 6 inches over the gravel, then measurements of percolation rates are observed at regular time intervals. The measured percolation rates are recorded until an apparent constant percolation rate is observed.

WDCP testing was conducted to assess relative soil consistency at regular intervals throughout the sounding profile. In WDCP testing, a cone with a diameter of 1.47 inches is driven into the soil by a 34.94-pound hammer falling 15 inches. The number of blows required to drive the cone through 10 centimeter intervals is recorded. The blows obtained from WDCP can be correlated to SPT N-values. Soil samples were not collected during WDCP testing.

Laboratory Testing Program

Representative soil samples were selected and tested in our laboratory to check visual classifications and to determine pertinent engineering properties. The laboratory testing program included visual classifications of soil samples as well as gradation analysis and natural moisture content testing on selected soil samples. The results of the laboratory testing are presented in the Laboratory Testing Summary in the Appendix.

A geotechnical engineer/geologist classified each soil sample from the borings on the basis of texture and plasticity in accordance with the Unified Soil Classification System. The group symbols for each soil type are indicated in parentheses following the soil descriptions on the boring logs.

The geotechnical engineer/geologist grouped the various soil types into the major zones noted on the boring logs. The stratification lines designating the interfaces between earth materials on the boring logs are approximate; in-situ, the transitions may be gradual. The soil samples will be retained in our laboratory for a period of 60 days, after which, they will be discarded unless otherwise instructed.

SUBSURFACE CONDITIONS

Regional Geology

The site is located within South Carolina's Coastal Plain Geologic Province. The soils of the Southern Coastal Plain Physiographic Province of South Carolina are primarily composed of Pleistocene to Holocene age deposits. The soil in the Coastal Plain is the result of sediment deposition in a former marine environment, during a time when sea levels were much higher than they are at present. The Pleistocene-Holocene deposits are generally composed of alternating sands, silts, and clays, which correspond to eustatic fluctuations in sea-level over several million years.

For the project site area, a Custom Soil Resource Report was created and downloaded from the NRCS website and the results are presented in the Appendix. The site was described as Fripp-Baratari complex (Fb). A summary of Fripp-Baratari complex and its characteristics is included in the following table:

Soil Type	Constituents	Parent Material	Internal Drainage	Depth to Water Table (inches)
Fripp	Fine sand	Sandy marine deposits	Excessively drained	80+
Leon	Fine sand	Sandy marine deposits	Poorly drained	6 to 18

The shallow groundwater table in the Coastal Plain region can fluctuate several feet with seasonal rainfall. Seasonal high groundwater levels are typically found at shallow depths in the flood plains with a reasonable probability of flooding in winter and spring. Seasonal high groundwater levels are typically found at depths greater than 2 feet below the ground surface in the gently rolling areas depending on rainfall. Seasonal high groundwater can also be found at the surface in poorly draining areas. It is important to note that the groundwater table can exhibit some distortions due to differences in vertical and lateral permeability.

Soil Conditions

Data from the soil test borings is included in the Appendix. The subsurface conditions discussed in the following paragraphs and those shown on the boring logs represent an estimate of the subsurface conditions based on interpretation of the subsurface data using normally accepted geotechnical engineering judgments. We note that the transition between different soil strata is usually less distinct than those shown on the boring logs.

The subsurface conditions indicated on the boring logs are for the specific location explored. It is a well-known fact that the subsurface conditions will vary intermediate of the actual boring

locations. Consequently, conditions different than those indicated in this report should be expected in some areas of the site.

Topsoil is a dark-colored surficial material with a high organic content and is generally unsuitable for structural support. Approximately 6 to 12 inches of topsoil was observed in Borings B-1, HA-1, HA-3, P-1, and P-2.

Beneath the surficial materials, the borings generally encountered loose to very dense Sand (SP), Sand with silt (SP-SM), and/or silty Sand (SM). N-Values ranged from 5 to 53 bpf.

Groundwater Conditions

Groundwater levels in the borings were measured upon completion of the drilling operations. Groundwater levels ranged from approximately 1 to 4.5 feet below existing grade at the time of drilling in Borings B-1, B-2, B-3, HA-1, HA-2, and HA-3. Groundwater level measurements can be found on the individual borings logs in the Appendix.

Please note that groundwater levels in coastal geology fluctuate with tidal, seasonal, and climatic variations, and may be significantly different at other times. Depending on rainfall events, we expect groundwater levels to fluctuate significantly, rise to within a few feet of the ground surface. Groundwater levels should be checked prior to construction to assess possible effects on grading operations and other activities.

Percolation Testing

The measured percolation rates (inches/hour) for the tests were converted to anticipated infiltration rates (inches/hour). The measured rate of water level drop in the percolation test was adjusted to account for exfiltration occurring through the side interface of the test area. The Porchet Method was used to convert the percolation rates to anticipated infiltration rates.

The following table summarizes the results of the percolation testing including measured percolation rates and anticipated infiltration rates.

Boring No.	Approx. Test Depth (inches below existing grade)	Measured Percolation Rate (in/hr)	Anticipated Infiltration Rate (in/hr)
P-1	16	48.75	9.6
P-2	24	93.75	15.8

Please note that the actual percolation/infiltration rates will vary with depth and distance across a site. For design purposes, we recommend applying an appropriate factor of safety to the measured percolation rates and anticipated infiltration rates to account for variable subsurface

conditions and progressive clogging. Construction activities including the presence of heavy machinery, site grading, and/or soil compaction may affect the natural percolation/infiltration rates. Additional testing of the exposed subsurface at the time of construction should be completed to confirm the measured percolation rates and anticipated infiltration rates.

ANALYSIS AND RECOMMENDATIONS

Seasonal High Groundwater Table

Groundwater levels at this site ranged from approximately 1 to 4.5 feet below existing grade at the time of fieldwork.

To evaluate estimated long term seasonal high groundwater table (SHGWT) level, an ECS Soil Scientist visited the site to further explore and assess the upper soil profile. Logs and discussion of that additional assessment are attached in the Appendix for your review.

Based on the soil horizons found in the borings, it is ECS's opinion that the long term seasonal high groundwater table will occur at or slightly below the existing ground surface in Boring P-1 and at approximately 20 inches below existing grade in Boring P-2. As discussed in the Appendix, these SHGWT estimations are subject to change based on site grading and other factors.

Foundation Recommendations

At the time of this study, no structural loading information was available. We assume the maximum column loads will not exceed 75 kips and the maximum strip loads will not exceed 3 kips per linear foot. From the grading plan provided, we understand the proposed finished floor elevation (FFE) will be at 15 feet. This may require up to 7 feet of fill in the development area.

Assuming any unsuitable materials or low consistency soils are "demucked" or over-excavated, and estimates of liquefaction settlement are tolerable or mitigated prior to foundation construction, it is our recommendation that the proposed structure be supported on conventional shallow spread or continuous footing foundations, provided the criteria in the following sections entitled "Subgrade Preparation" and "Recommended Earthwork Specifications" are met. We recommend foundations be designed for a net allowable soil bearing pressure of 2,500 pounds per square foot (psf). For footings constructed in accordance with the requirements outlined in this report, maximum total settlement is expected to be less than 1 inch. Maximum differential settlement between adjacent columns is expected to be half the total settlement.

To reduce the risk of foundation bearing failure and excessive settlement due to local shear or "punching" action, we recommend that continuous footings have a minimum width of 1.5 feet and that isolated column footings have a minimum lateral dimension of 2.5 feet. For this site,

we recommend footing bottoms be placed at a minimum depth of 1.5 feet below lowest adjacent finished grade.

These recommendations are based on our engineering experience and the anticipated structural loading.

Dewatering

The depth and fluctuation of the groundwater table for this project must be considered in design of the project and in planning the construction sequence. Groundwater levels should be checked immediately prior to any earthwork operations. Groundwater levels may fluctuate during tidal cycles due to the site's proximity to tidal water.

Due to the potential for shallow groundwater conditions in areas of the site, it may be necessary to perform temporary dewatering during construction. The dewatering operations may consist of installing perimeter rim ditches and if necessary secondary rim-ditches or a well point system, to withdraw groundwater. Temporary dewatering will not only help lower the natural moisture content of the subgrade soils but will also allow heavy construction equipment to gain access to portions of the site.

The groundwater table should be controlled at least 3 feet below the compacted surface or excavation elevations. The Contractor shall be solely responsible for all means and methods necessary to control the groundwater at a depth sufficient to successfully complete the site preparation, mass grading, and new grade supported construction.

Subgrade Preparation

After implementing successful dewatering, the subgrade preparation should consist of stripping all vegetation, rootmat, topsoil, and any other soft or unsuitable material from the building and pavement areas. We recommend earthwork clearing and stripping be extended a minimum of 10 feet beyond the building and 5 feet beyond pavement limits. Stripping limits should be extended an additional 1 foot for each foot of fill required at the building and pavement areas exterior edge. This would include the removal of any abandoned utilities or existing structure foundations.

Depending on planned finished grades, unsuitable material existing at shallow depth should be "demucked" or over-excavated from within the building (under slabs and footings) and pavement areas. Unsuitable soil materials are defined as those in ASTM D2487 soil classification groups ML, MH, CH, CL, OL and PT and those soils contaminated with construction debris or organics. Soil materials defined as those in ASTM D2487 soil classification groups SC or SM may be deemed unusable during subgrade evaluation due to the natural moisture content, consistency, or fines content of the material. Additionally, soils within the top 2 feet of pavement subgrade should have no more than 15 percent passing the No. 200 sieve. The unsuitable material should be replaced with approved structural fill.

After stripping, “demucking”, or over-excavating to the desired grade, and prior to structural fill placement, the stripped surface should be observed by an experienced geotechnical engineer or his authorized representative. For building and pavement areas, the subgrade should be densified with a large vibratory roller to achieve uniform subgrade. In areas where groundwater is brought to the surface during this densification process, the Contractor should cease the vibratory compaction effort, allow the groundwater to recede, and possibly be prepared to implement a static densification approach.

After the completion of densification, proofrolling using a loaded dump truck having an axle weight of at least 10 tons should be used to aid in identifying localized soft or unsuitable material which should be removed. Any soft or unsuitable materials encountered during this proofrolling should be removed and replaced with an approved backfill compacted to the criteria given below and/or stabilized with geogrid/geosynthetic fabric. The most appropriate remedial measure activity, if required, should be determined in the field by an ECS geotechnical engineer based upon the prevailing conditions.

We recommend a grading allowance for soft/loose or unsuitable soils be set aside as a contingency and that the Owner anticipate undercutting of unsuitable materials may be necessary during site grading. The actual extent and nature of the required remedial measures can be determined by ECS from proofrolling, hand augers, DCP testing, and/or test pits at the time of construction.

Recommended Earthwork Specifications

Fill in structural areas should be placed over a stable and unyielding subgrade. Soils used for structural fill shall have a PI (Plasticity Index) of less than 10, and a LL (Liquid Limit) of less than 30. Structural fill in the building area and below the top 2 feet in pavement areas should be inorganic, non-plastic granular soil containing less than 25 percent fines passing the No. 200 sieve. The soils to be used as structural fill within the top 2 feet below pavement areas should be inorganic, non-plastic granular soil containing less than 15 percent fines passing the No. 200 sieve. The structural fill depths are understood to extend from below the building slab granular base material or roadway graded aggregate base material. The maximum permissible organic content in structural fill shall be 2 percent.

Grade controls should also be maintained throughout the filling operations. Filling operations should be observed on a full-time basis by a qualified representative of ECS to determine that the required degrees of compaction are being achieved. The structural fill should be placed in level lifts not exceeding 12 inches in loose thickness and compacted to at least 95 percent of the maximum dry density obtained in accordance with ASTM D1557, Modified Proctor Method. Thinner lifts should be used within utility trenches, against below-grade walls, and within other localized excavations.

Fill placed in the top 2 feet under paved areas, curb and gutter, sidewalks, building slabs, and within 10 feet of buildings should be compacted to at least 98 percent of the maximum dry density obtained in accordance with ASTM D1557, Modified Proctor Method.

In-place density tests shall be performed at a frequency of about 1 test per 2,500 square feet of fill area for each lift or fill placed. Within localized excavations, at least one in-place density test shall be performed for each lift of fill for every 50 linear feet. The elevation and location of the tests should be clearly identified and recorded at the time of fill placement. The Contractor shall provide adequate controls so that the in-place density test locations and elevations can be accurately recorded.

The moisture content of the fill at the time of placement shall be within +/- 3 percent (wet or dry) of the optimum moisture content, as determined by the Modified Proctor Method. Moisture contents may be controlled by disking or other approved chemical or mechanical means to achieve the desired moisture content and density specification. During the warmer summer months wetting of fill soils should be expected to maintain the soils within their working range of optimum.

Ground Floor Slab Design

Concrete slabs-on-grade supported on properly compacted engineered fill can be designed using a modulus of subgrade reaction of 100 pounds per cubic inch (pci), provided the subgrades are prepared in strict accordance with this report and subgrades are confirmed to be firm and unyielding during a final proofroll.

We recommend the slabs-on-grade be underlain by a minimum of 4 inches of granular material. The granular material may be graded aggregate base or clean sands containing no more than 5 percent fines. Prior to placing the granular material, the floor subgrade soil should be properly compacted, proofrolled, and free of standing water, mud, and frozen soil. A properly designed and constructed capillary break layer can often eliminate the need for a moisture retarder and can assist in more uniform curing of concrete.

If a vapor retarder is considered to provide additional moisture protection, special attention should be given to the surface curing of the slabs to minimize uneven drying of the slabs and associated cracking and/or slab curling. The use of a blotter or cushion layer above the vapor retarder can also be considered for project specific reasons. Please refer to ACI 302.1R96 Guide for Concrete Floor and Slab Construction and ASTM E 1643 Standard Practice for Installation of Water Vapor Retarders Used in Contact with Earth or Granular Fill Under Concrete Slabs for additional guidance on this issue.

We recommend that wherever practical, the floor slabs be isolated from the footings so differential settlement of the structure will not induce shear stresses on the floor slabs. To minimize the crack width of any shrinkage cracks that may develop near the surface of the slabs, we recommend welded wire mesh reinforcement as a minimum be included in the design

of the floor slabs. For maximum effectiveness, temperature and shrinkage reinforcements in slabs on ground should be positioned in the upper third of the slab thickness. The Wire Reinforcement Institute recommends the mesh reinforcement be placed 2 inches below the slab surface or upper one-third of slab thickness, whichever is closer to the surface.

As an alternative to steel reinforcement, polyester fibers (fiber mesh) may be used; however fibers should be batched/mixed at the plant and not at the site. If fiber mesh is used, the structural engineer should determine the dosage quantity of fiber to be added.

Adequate construction joints, contraction joints and isolation joints should also be provided in the slabs to reduce the impacts of cracking and shrinkage. Please refer to ACI 302.1R96 Guide for Concrete Floor and Slab Construction for additional information regarding concrete slab joint design.

The above should be considered general guidance to assist the owner and design team. Project specific designs, plan details or other input from the Structural Engineer of Record should control.

Pavement Design

Based on information provided, typical minimum recommended pavement sections are provided below. We understand the following:

1. California Bearing Ratio (CBR) samples were not obtained for the proposed subgrade soils at these sites. Our pavement design analyses are based on local experience and *assumed* CBR values.
2. Our pavement design analysis is based on assumed traffic information: primarily automobiles.
3. We assume that the top 2 feet of the proposed roadway subgrade will consist of select granular fill material containing less than 15 percent passing the No. 200 sieve.
4. We assume that the top 2 feet of the proposed roadway subgrade will be compacted to at least of 98 percent maximum dry density in accordance with ASTM D1557, Modified Proctor Method.
5. We assume that criteria from our previous sections entitled "Subgrade Preparation" and "Recommended Earthwork Specifications" will be strictly followed.
6. We assume a minimum separation of 24 inches between the bottom of the base course material and the seasonal high groundwater table. Underdrains may be used to provide this separation.

Using the above-indicated design parameters, we have indicated a minimum pavement section for the roadways in the following table.

Minimum Flexible Pavement Section

Material Type	Parking Stalls and Interior Automobile Driveways	Heavy Duty Truck & Main Entrance Driveways
Surface Course Asphalt 9.5mm	2.0 inches	1.5 inches
Base Course Asphalt 19mm	-	2.0 inches
Graded Aggregate Base (GAB)	6.0 inches	8.0 inches

Due to the very clean nature of the surficial sands encountered at the site and their general lack of cohesion/binder material, some of the GAB may penetrate into the subgrade as it is initially placed to stabilize that very clean fine sand. To minimize the loss of aggregate into the subgrade, the Owner may wish to consider stabilizing the top 6 inches of the subgrade by mixing in fine grained material (clayey sand or shell) or adding a single layer of woven geotextile placed between the sandy subgrade soils and the GAB material. The decision on whether to stabilize the subgrade should be made on the basis of overall economy.

We recommend the material chosen for Graded Aggregate Base Course be Macadam (SABC Type 1), Marine Limestone (SABC Type 2), or Recycled Portland Cement Concrete (SABC Type 3) per the SCDOT Standard Specifications for Highway Construction Section 305. All aggregate material used as base course must comply with the gradation requirements established by the SCDOT. Aggregate material should be compacted to at least 98 percent of the maximum dry density obtained in accordance with ASTM D-1557, Modified Proctor Method.

The flexible pavement specifications used in roadways and parking stalls are not ideal for trash compactor/dumpster pick-up areas due to the heavy or repetitious loads anticipated. We recommend that a rigid concrete pavement section be strongly considered for those areas.

Where used, the concrete section should be at least 6 inches thick and should consist of concrete having a minimum 28-day compressive strength of 4,000 pounds per square inch (psi). We recommend a minimum of 4 inches of compacted graded aggregate base be placed beneath the rigid concrete pavements. While the aggregate base section is not part of the concrete pavement structural design, it is recommended for constructability of the pavement and for long-term performance. For dumpster storage areas, the concrete slab area should be large enough to support both the dumpster and the truck used to unload the dumpster.

It is important to note that the recommended pavement sections do not account for construction traffic. Any pavement section or partially constructed pavement section exposed to construction traffic should be expected to degrade and require repair or replacement prior to being placed in service. Otherwise, you may wish to construct designated haul roads within the

site to help avoid damaging properly constructed pavements. ECS can provide recommendations for haul road pavement sections, if requested.

An important consideration with the design and construction of pavements is surface and subsurface drainage. Where standing water develops, either on the pavement surface or within the base course layer, softening of the subgrade and other problems related to the deterioration of the pavement can be expected. Furthermore, good drainage should minimize the risk of the subgrade materials becoming saturated over a long period of time. This is particularly important due to the relatively low lying nature of the site.

Utility Recommendations

In general, before placement of utilities, the trench excavation bottom should be visually approved by an ECS Engineer. It may be necessary to undercut areas that are soft or yielding. The bottom of the excavations may be very wet in some areas. This could hinder proper compaction of backfill materials. Therefore, it is suggested that gravel (#57 stone) be used as a bedding material for a depth of at least 6 inches beneath pipe and structures. In some areas, a greater thickness (12 to 24 inches) of stone underlain with a woven geotextile (Mirafi 600X or equivalent) may be used to provide a stable working platform.

A proper dewatering and/or water barrier system (such as well points, deep wells, sump pumps, sock drains, sheet piling, etc.) should be installed as needed during construction. The groundwater level should be maintained at a depth of at least 3 feet below the proposed subgrade at all times during utility construction, and through backfilling operations. The dewatering system should be functioning prior to beginning excavation. After checking excavations and provided that the recommended earthwork procedures are performed, the resulting excavation bottoms should be capable of supporting the utility.

Excavation bracing or laying back of side slopes will be required during construction due to the depth of the proposed excavations and possible presence of buried utilities or other site improvements. Typical excavation systems such as sheet piling, trench box, wales, or rakers may be used. The shoring system should be designed by a Professional Structural Engineer or a certified trench box system should be used. Excavated material should be stockpiled away from the excavations, or the bracing system be designed for this additional load. The method of trench excavation support and design should be the decision of the Contractor and excavation safety shall be the sole responsibility of the Contractor.

As an alternative to a shoring system, the sides of the excavation may be temporarily sloped to 2H:1V or flatter provided that prevailing groundwater seepage is adequately controlled. Further flattening of the slopes may be required in areas that have seepage, appear unstable, or where extremely soft subsurface soils are exposed in the side slopes. All run-off and drainage water should be directed away from the construction area. Due to the moderate to deep invert elevations of some utilities, open trench excavations may be difficult.

Backfill materials should consist of an approved material free of organic matter and deleterious debris, with no rocks or lumps greater than 6 inches in diameter. Acceptable materials include soils complying with ASTM D2487 soil classification groups GW, GP, GM, GC, SC, SM, SW, and SP. Unacceptable soil materials are those complying with ASTM D2487 soil classification groups ML, MH, CL, CH, OL, OH, and PT and those materials contaminated with debris or organics. Excess water in soil materials will cause soil to be deemed unacceptable regardless of normal classification. Unsuitable materials removed during earthwork operations should be either stockpiled for later use in landscaped areas, or placed in approved disposal areas either on-site or off-site.

Structural backfill materials should be placed in continuous lifts not exceeding 8 inches in loose thickness and moisture conditioned to within +/- 3 percent points of the optimum moisture content to facilitate proper compaction. Utility trench backfill materials should be compacted to a minimum of 95 percent of the maximum dry density obtained in accordance with ASTM D1557, Modified Proctor Method. At least one in-place density test shall be performed for each lift of fill for every 50 linear feet. The elevation and location of the tests should be clearly identified and recorded at the time of fill placement.

Liquefaction Potential and Seismic Site Class Determination

Liquefaction is the loss of soil's shear strength due to an increase in pore water pressure resulting from seismic motions. Analytically, the potential for liquefaction is evaluated by comparing the soil's cyclic resistance to the seismic demand or cyclic stress. The seismic demand is a function of the level and duration of shaking, where the level of shaking is represented by the peak ground acceleration and the duration is represented by the magnitude of the earthquake. The loss of shear strength can result in volumetric compression (i.e. settlement) and/or lateral displacement of the soil. When soils susceptible to liquefaction are located within approximately 10 feet of the surface, ground surface disruptions (i.e., sand boils) are possible. Such disruptions beneath at-grade structures would result in bearing capacity failure. The net effect of the liquefaction is dependent on a few important considerations, including the severity of the liquefaction, the distance between the liquefiable soil and the grade supported construction, and the surface topography.

A liquefaction analysis was performed using the proprietary LiquefyPro computer program. Our liquefaction evaluation was based upon the Maximum Considered Earthquake (MCE) prescribed by the 2012 International Building Code (IBC 2012) and soils encountered in the borings. Our analysis considered a design earthquake having a magnitude (M_w) of 7.3 and peak ground acceleration (PGA_M) of 0.289g. This peak ground acceleration was adjusted for effects associated with a Seismic Site Class "D".

The IBC 2012 classifies sites with the potential for liquefaction as a Seismic Site Class "F". Based on soils encountered in the borings, the use of a Site Class "D" at this site is allowed by the IBC 2012 for structures with a fundamental period less than or equal to 0.5 seconds and the risks associated with liquefaction are considered in the design of the project. The structure

fundamental periods should be confirmed by the Structural Engineer of Record. If fundamental periods are greater than 0.5 seconds, a site specific seismic hazard analysis will be required for the site.

The following section includes results of our liquefaction analysis. Our analysis indicates that sands encountered at various depths below the existing ground surface have the potential to liquefy during the design seismic event. **Based on our analysis, at-grade structures such as parking, slabs, and shallow foundations could potentially settle on the order of about 4 inches during and immediately following the design seismic event.** This settlement would result from volumetric compression of the liquefiable sand layers which occurs as seismically-induced excess soil pore water pressures dissipate. We estimate differential settlement magnitudes of 50 to 100 percent of the total. The results of the liquefaction analysis for Boring B-2 are included in the Appendix.

We recommend that you consult with your Structural Engineer of Record to determine if the estimates of settlement are tolerable. If the structure cannot be designed to tolerate this movement, liquefaction mitigation measures should be considered. Liquefaction mitigation/ground improvement options typically include vibro-replacement, aggregate pier systems, or earthquake drains. Developing specific recommendations for liquefaction mitigation strategies or alternatives is beyond the scope of our services. However, we would be pleased to assist you and the design team with evaluating such alternatives, as appropriate.

Additional Considerations

Exposure to the environment may weaken the soils at the footing bearing level if the foundation excavations remain open for too long a time. Therefore, foundation concrete should be placed the same day that excavations are dug. If surface water intrusion or exposure softens the bearing soils, the softened soils must be removed from the foundation excavation bottom immediately prior to placement of concrete. If the excavation must remain open overnight, or if rainfall becomes imminent while the bearing soils are exposed, we recommend that the foundations be covered or otherwise protected.

Positive site drainage should be maintained during earthwork operations, which should help maintain the integrity of the soil. Placement of fill on the near surface soils, which have become saturated, could be very difficult. When wet, these soils will degrade quickly with disturbance from contractor operations and will be extremely difficult to stabilize for fill placement.

The surface of the site should be kept properly graded in order to enhance drainage of the surface water away from the proposed structure areas during the construction phase. We recommend that an attempt be made to enhance the natural drainage without interrupting its pattern.

The surficial soils contain fines, which are considered moderately erodible. All erosion and sedimentation shall be controlled in accordance with Best Management Practices and current

County and State NPDES requirements. At the appropriate time, we would be pleased to provide a proposal for conducting construction materials testing and NPDES services.

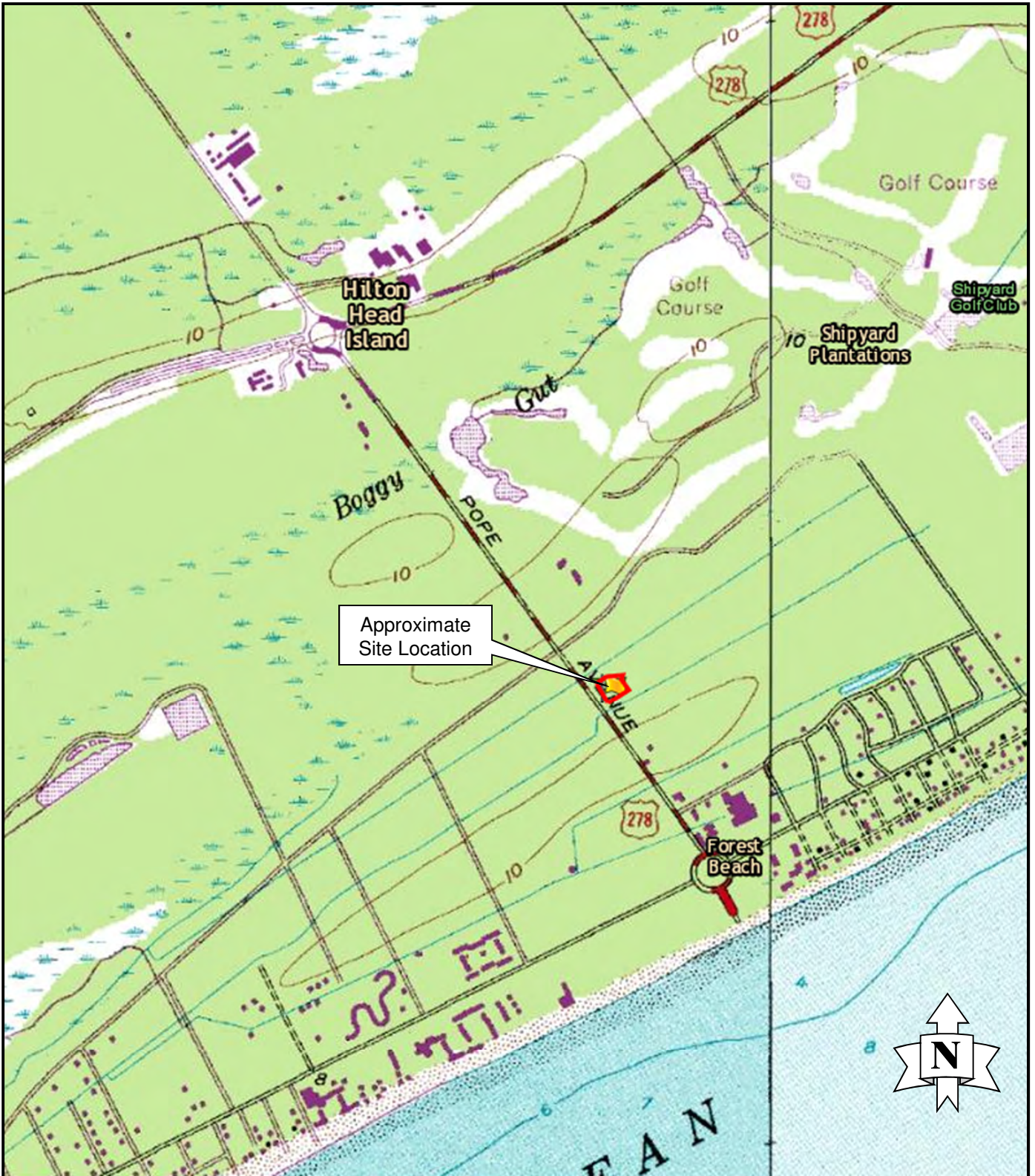
CLOSING

Our professional services have been performed, our findings obtained, and our recommendations prepared in accordance with generally accepted geotechnical engineering principles and practices. ECS is not responsible for the conclusions, opinions or recommendations made by others based on these data. No third party is given the right to rely on this report without express written permission. The use of this report, in whole or in part, without the written permission of ECS, is done so at the user's sole risk.

ECS should be given the opportunity to review the final drawings and site plans for this project to determine if changes to the recommendations outlined in this report are needed. ECS should be retained to provide testing services and observation during grading and foundation construction. If ECS is not retained for this extension of the field exploration, we cannot be responsible for the performance of the foundations or site improvements. We would be pleased to provide an estimated cost for these services at the appropriate time.

The scope of services for this study does not include environmental assessment or investigation for the presence or absence of wetlands, hazardous or toxic materials in the soil, groundwater, or groundwater within or beyond the site studied. Any statements in this report regarding odors, staining of soils, or other unusual conditions observed are strictly for the information of our client.

Appendix I



SITE LOCATION DIAGRAM

Figure No.:

REPORT OF GEOTECHNICAL EXPLORATION

Project No.:
23:2824

Spinnaker Resort Welcome Center
Hilton Head Island, SC

NOT TO SCALE

Reference: USGS Quadrangle

Date: 3/2016

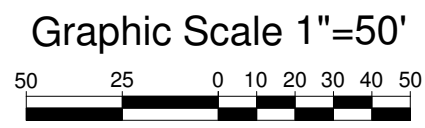
1





LEGEND

- ⊙ Approximate SPT Boring Location
- B-X SPT Boring Designation
- ⊙ Approximate Hand Auger/WDCP Location
- B-X Hand Auger/WDCP Designation
- ⊕ Approximate Hand Auger Location
- HA-X Hand Auger Designation
- ⊕ Approximate Perc Test/SHWT Location
- P-X Perc Test/SHWT Designation



PROJECT: Spinnaker Resort Welcome Center
Hilton Head Island, SC

PREPARED FOR: Alliance Consulting Engineers, Inc.

FIGURE NAME: TEST LOCATION PLAN

REFERENCE: Conceptual Site Plan
Dated 01-27-16
Provided by Alliance Consulting Engineers, Inc.

REVISIONS	

JOB NO.	23:2824
SCALE	1"=50'
DRAWN	MRM/3/2016
APPR.	RLG/3/2016

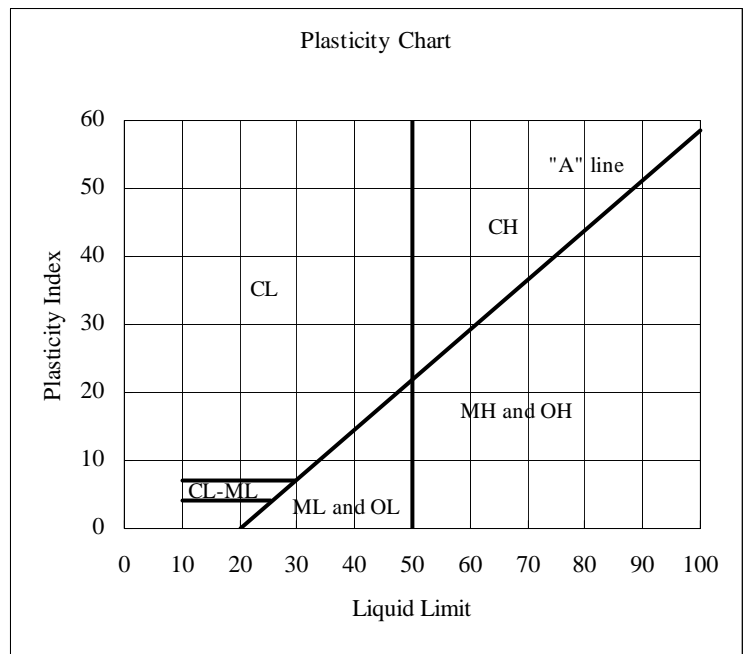
Figure No.: **2**

Appendix II

UNIFIED SOIL CLASSIFICATION SYSTEM (ASTM D 2487)

Major Divisions		Group Symbols	Typical Names	Laboratory Classification Criteria		
Coarse-grained soils (More than half of material is larger than No. 200 Sieve size)	Gravels (More than half of coarse fraction is larger than No. 4 sieve size)	GW	Well-graded gravels, gravel-sand mixtures, little or no fines	$C_u = D_{60}/D_{10}$ greater than 4 $C_c = (D_{30})^2/(D_{10} \times D_{60})$ between 1 and 3		
			GP			Poorly graded gravels, gravel-sand mixtures, little or no fines
		GM ^a	d	Silty gravels, gravel-sand mixtures	Determine percentages of sand and gravel from grain-size curve. Depending on percentage of fines (fraction smaller than No. 200 sieve size), coarse-grained soils are classified as follows: Less than 5 percent GW, GP, SW, SP More than 5 percent GM, GC, SM, SC 5 to 12 percent Borderline cases requiring dual symbols ^b	
			u			
	GC	Clayey gravels, gravel-sand-clay mixtures	Atterberg limits below "A" line or P.I. less than 4	Above "A" line with P.I. between 4 and 7 are borderline cases requiring use of dual symbols		
	GP	Clayey gravels, gravel-sand-clay mixtures	Atterberg limits below "A" line or P.I. less than 7			
	Sands (More than half of coarse fraction is smaller than No. 4 sieve size)	SW	Clean sands (Little or no fines)	Well-graded sands, gravelly sands, little or no fines	$C_u = D_{60}/D_{10}$ greater than 6 $C_c = (D_{30})^2/(D_{10} \times D_{60})$ between 1 and 3	
				SP			Poorly graded sands, gravelly sands, little or no fines
		SM ^a	Sands with fines (Appreciable amount of fines)	Silty sands, sand-silt mixtures	Determine percentages of sand and gravel from grain-size curve. Depending on percentage of fines (fraction smaller than No. 200 sieve size), coarse-grained soils are classified as follows: Less than 5 percent GW, GP, SW, SP More than 5 percent GM, GC, SM, SC 5 to 12 percent Borderline cases requiring dual symbols ^b	
SC		Clayey sands, sand-clay mixtures	Atterberg limits above "A" line with P.I. greater than 7			

Fine-grained soils (More than half material is smaller than No. 200 Sieve)	Silt and clays (Liquid limit less than 50)	ML	Inorganic silts and very fine sands, rock flour, silty or clayey fine sands, or clayey silts with slight plasticity
		CL	Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays
		OL	Organic silts and organic silty clays of low plasticity
	Silt and clays (Liquid limit greater than 50)	MH	Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, elastic silts
		CH	Inorganic clays of high plasticity, fat clays
		OH	Organic clays of medium to high plasticity, organic silts
	Highly Organic soils	Pt	Peat and other highly organic soils



^a Division of GM and SM groups into subdivisions of d and u are for roads and airfields only. Subdivision is based on Atterberg limits; suffix d used when L.L. is 28 or less and the P.I. is 6 or less; the suffix u used when L.L. is greater than 28.

^b Borderline classifications, used for soils possessing characteristics of two groups, are designated by combinations of group symbols. For example: GW-GC, well-graded gravel-sand mixture with clay binder. (From Table 2.16 - Winterkorn and Fang, 1975)

REFERENCE NOTES FOR BORING LOGS

I. Drilling Sampling Symbols

SS	Split Spoon Sampler	ST	Shelby Tube Sampler
RC	Rock Core, NX, BX, AX	PM	Pressuremeter
DC	Dutch Cone Penetrometer	RD	Rock Bit Drilling
BS	Bulk Sample of Cuttings	PA	Power Auger (no sample)
HSA	Hollow Stem Auger	WS	Wash sample
REC	Rock Sample Recovery %	RQD	Rock Quality Designation %

II. Correlation of Penetration Resistances to Soil Properties

Standard Penetration (blows/ft) refers to the blows per foot of a 140 lb. hammer falling 30 inches on a 2-inch OD split-spoon sampler, as specified in ASTM D 1586. The blow count is commonly referred to as the N-value.

A. Non-Cohesive Soils (Silt, Sand, Gravel and Combinations)

<i>Density</i>		<i>Relative Properties</i>	
Under 4 blows/ft	Very Loose	Adjective Form	12% to 49%
5 to 10 blows/ft	Loose	With	5% to 12%
11 to 30 blows/ft	Medium Dense		
31 to 50 blows/ft	Dense		
Over 51 blows/ft	Very Dense		

<i>Particle Size Identification</i>		
Boulders		8 inches or larger
Cobbles		3 to 8 inches
Gravel	Coarse	1 to 3 inches
	Medium	½ to 1 inch
	Fine	¼ to ½ inch
Sand	Coarse	2.00 mm to ¼ inch (dia. of lead pencil)
	Medium	0.42 to 2.00 mm (dia. of broom straw)
	Fine	0.074 to 0.42 mm (dia. of human hair)
Silt and Clay		0.0 to 0.074 mm (particles cannot be seen)


B. Cohesive Soils (Clay, Silt, and Combinations)

<i>Blows/ft</i>	<i>Consistency</i>	<i>Unconfined Comp. Strength Q_p (tsf)</i>	<i>Degree of Plasticity</i>	<i>Plasticity Index</i>
Under 2	Very Soft	Under 0.25	None to slight	0 – 4
3 to 4	Soft	0.25-0.49	Slight	5 – 7
5 to 8	Medium Stiff	0.50-0.99	Medium	8 – 22
9 to 15					Stiff	1.00-1.99	High to Very High
16 to 30	Very Stiff	2.00-3.00		
31 to 50	Hard	4.00–8.00		
Over 51	Very Hard	Over 8.00		

III. Water Level Measurement Symbols



WL	Water Level	BCR	Before Casing Removal	DCI	Dry Cave-In
WS	While Sampling	ACR	After Casing Removal	WCI	Wet Cave-In
WD	While Drilling	▽	Est. Groundwater Level	▽	Est. Seasonal High GWT

The water levels are those levels actually measured in the borehole at the times indicated by the symbol. The measurements are relatively reliable when augering, without adding fluids, in a granular soil. In clay and plastic silts, the accurate determination of water levels may require several days for the water level to stabilize. In such cases, additional methods of measurement are generally applied.

CLIENT Alliance Consulting Engineers, Inc.	JOB # 23:2824	BORING # B-2	SHEET 1 OF 2	
PROJECT NAME Spinnaker Resort Welcome Center	ARCHITECT-ENGINEER			


SITE LOCATION
Waterside Drive, Hilton Head Island, Beaufort County, SC


NORTHING	EASTING	STATION
----------	---------	---------

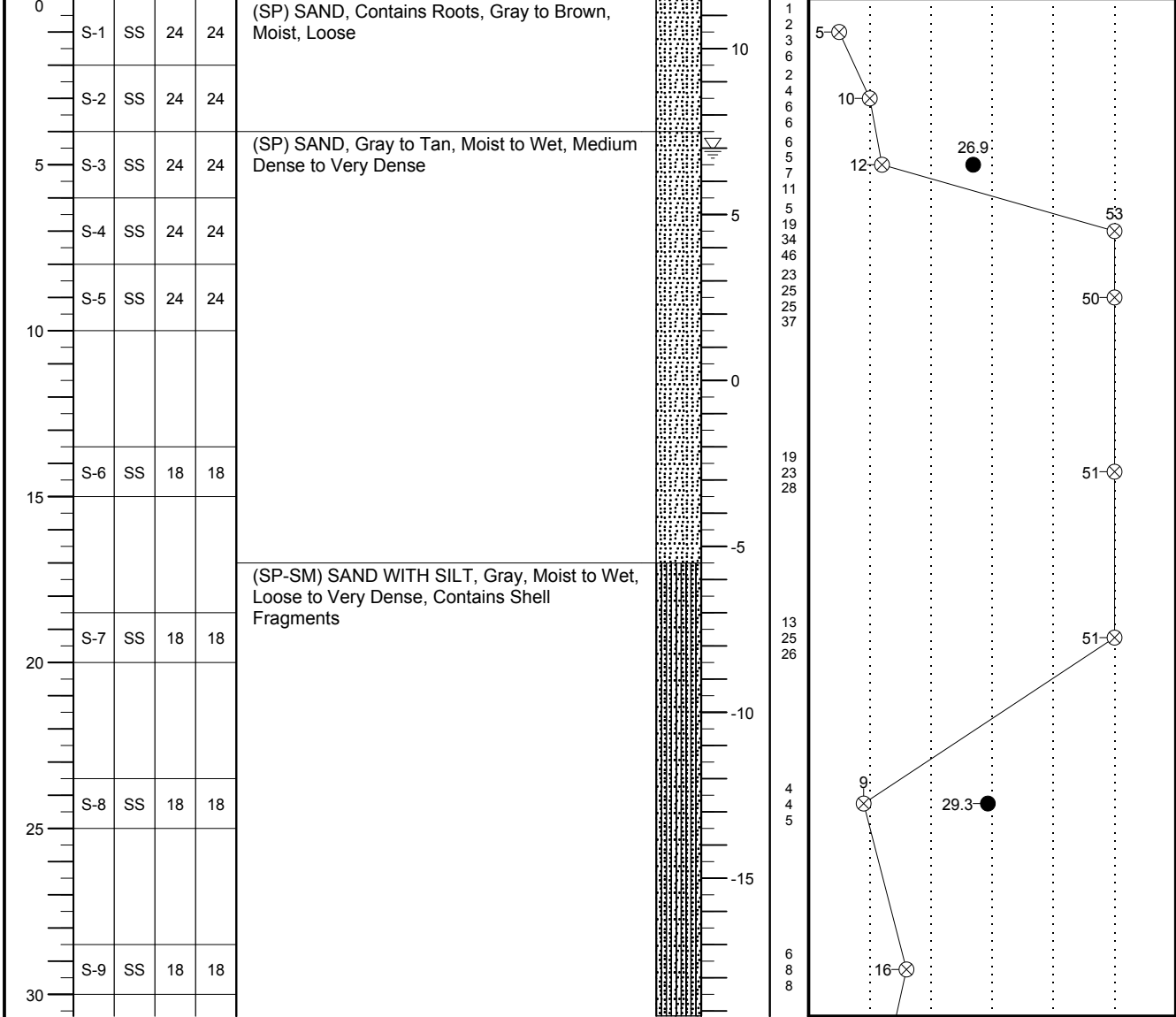
DESCRIPTION OF MATERIAL ENGLISH UNITS
 BOTTOM OF CASING  LOSS OF CIRCULATION 
 SURFACE ELEVATION **11.5**

WATER LEVELS ELEVATION (FT)
 BLOWS/6"

ROCK QUALITY DESIGNATION & RECOVERY
 RQD% - - - REC% - - -





PLASTIC LIMIT% WATER CONTENT% LIQUID LIMIT%



 STANDARD PENETRATION BLOWS/FT



CONTINUED ON NEXT PAGE.

THE STRATIFICATION LINES REPRESENT THE APPROXIMATE BOUNDARY LINES BETWEEN SOIL TYPES. IN-SITU THE TRANSITION MAY BE GRADUAL.

 WL 4.5'	WS <input type="checkbox"/> WD <input checked="" type="checkbox"/>	BORING STARTED 02/24/16	CAVE IN DEPTH
 WL(BCR)	 WL(ACR)	BORING COMPLETED 02/24/16	HAMMER TYPE Manual
 WL		RIG Diedrich D-50 FOREMAN C.M.	DRILLING METHOD Mud Rotary

CLIENT Alliance Consulting Engineers, Inc.	JOB # 23:2824	BORING # B-2	SHEET 2 OF 2	
PROJECT NAME Spinnaker Resort Welcome Center	ARCHITECT-ENGINEER			

SITE LOCATION
Waterside Drive, Hilton Head Island, Beaufort County, SC

NORTHING	EASTING	STATION	
----------	---------	---------	--

DESCRIPTION OF MATERIAL

BOTTOM OF CASING LOSS OF CIRCULATION

SURFACE ELEVATION **11.5**

ENGLISH UNITS

WATER LEVELS

ELEVATION (FT)

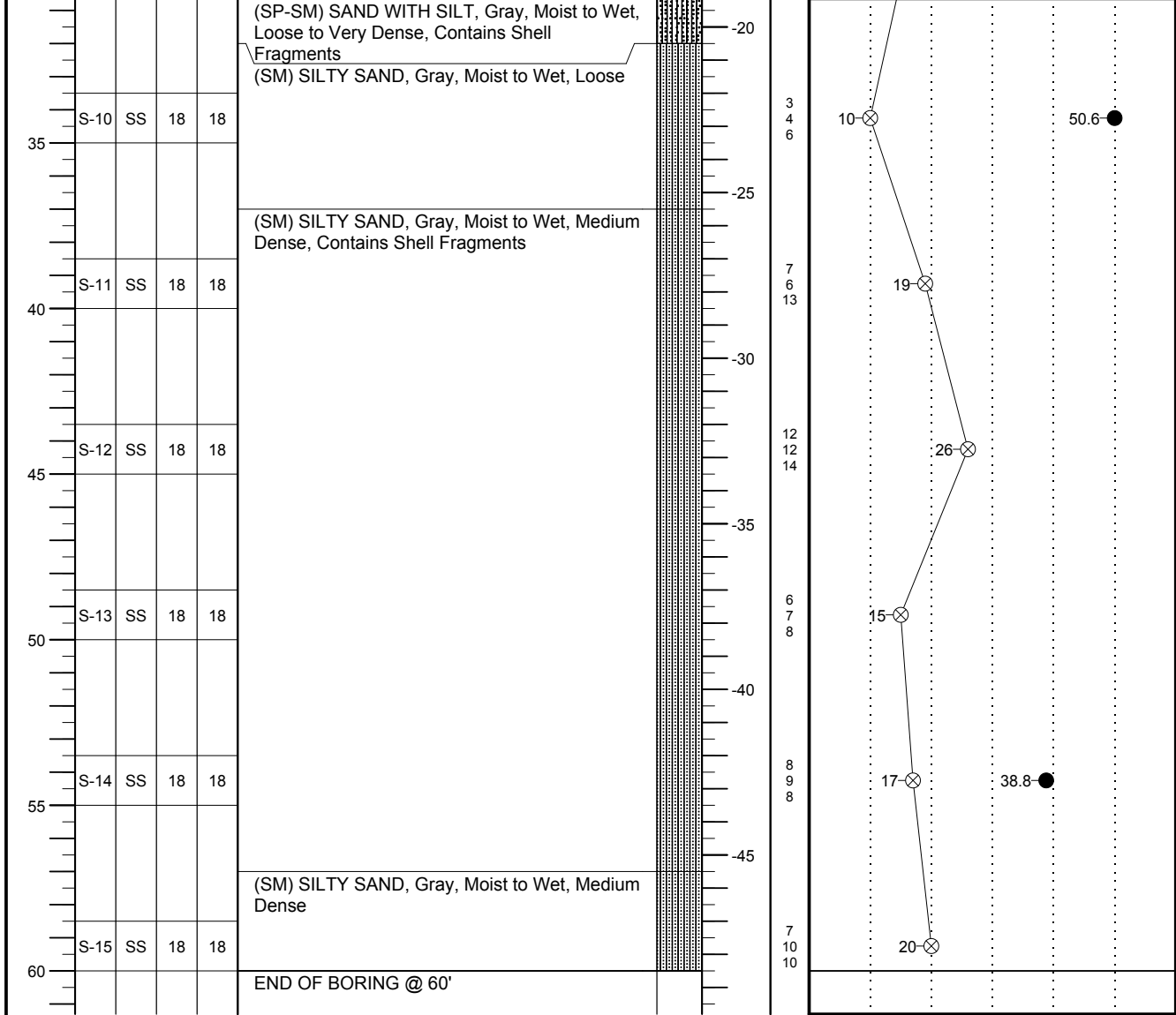
BLOWS/6"

ROCK QUALITY DESIGNATION & RECOVERY
RQD% - - - REC% ———

PLASTIC LIMIT% WATER CONTENT% LIQUID LIMIT%

————— ● ————— ▲


⊗ STANDARD PENETRATION BLOWS/FT



THE STRATIFICATION LINES REPRESENT THE APPROXIMATE BOUNDARY LINES BETWEEN SOIL TYPES. IN-SITU THE TRANSITION MAY BE GRADUAL.



WL 4.5'	WS <input type="checkbox"/> WD <input checked="" type="checkbox"/>	BORING STARTED	02/24/16	CAVE IN DEPTH
WL(BCR)	WL(ACR)	BORING COMPLETED	02/24/16	HAMMER TYPE Manual
WL		RIG	Diedrich D-50 FOREMAN C.M.	DRILLING METHOD Mud Rotary

ATTACHMENT J

CLIENT Alliance Consulting Engineers, Inc.	JOB # 23:2824	BORING # B-3	SHEET 1 OF 1	
PROJECT NAME Spinnaker Resort Welcome Center	ARCHITECT-ENGINEER			

SITE LOCATION
Waterside Drive, Hilton Head Island, Beaufort County, SC

NORTHING	EASTING	STATION
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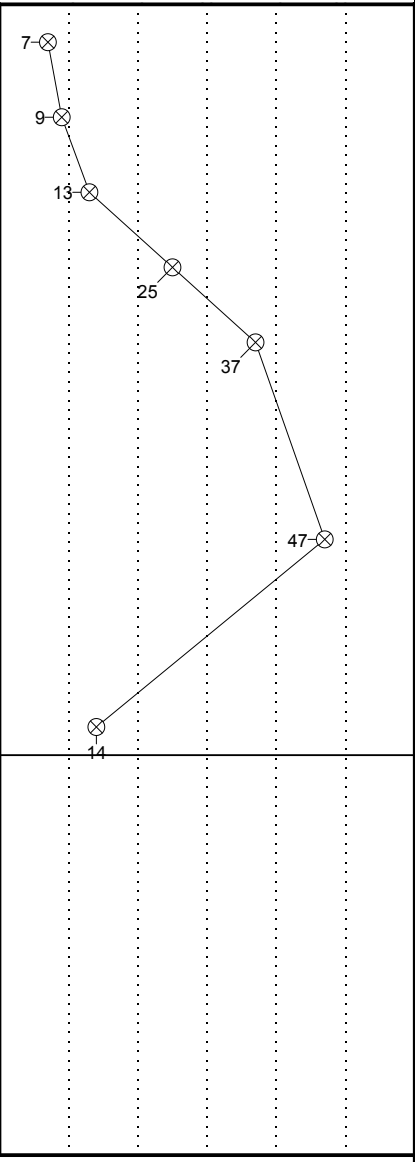
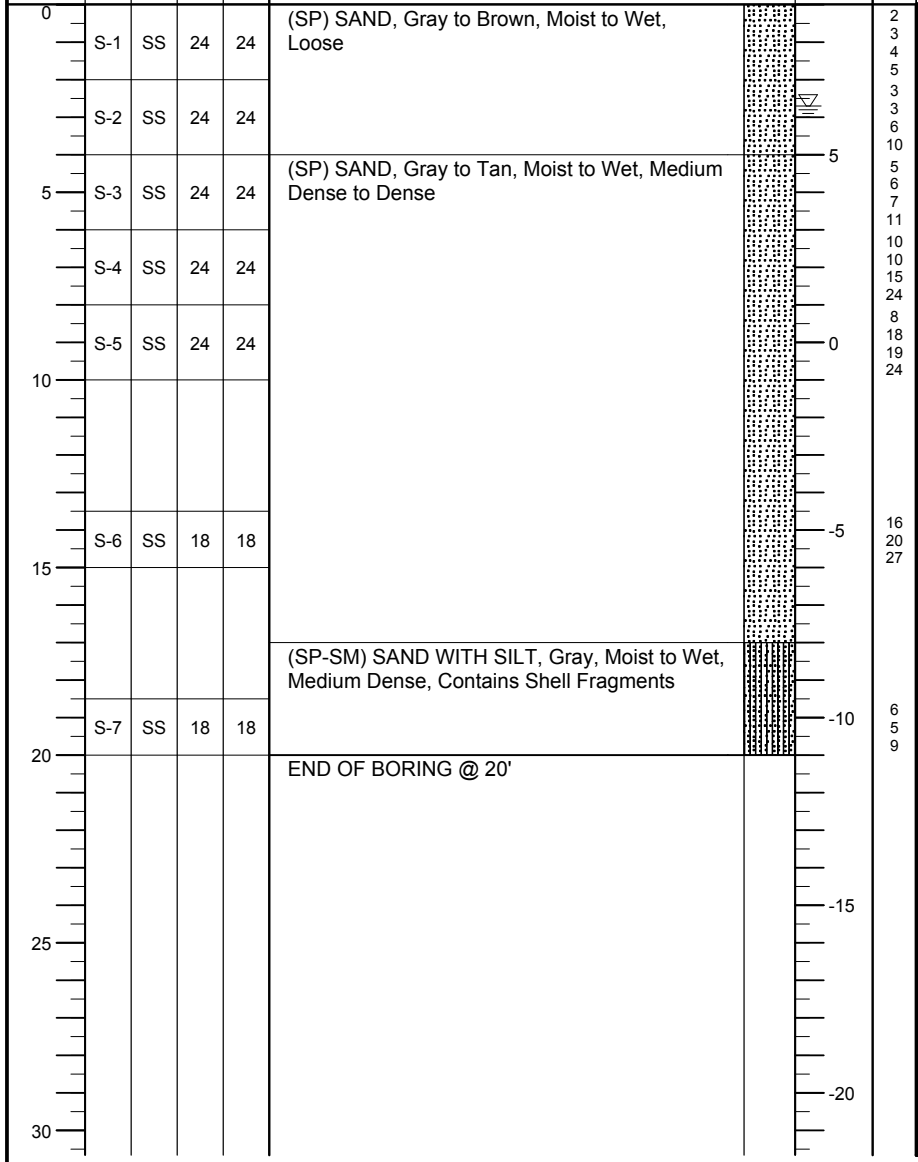
DEPTH (FT)	SAMPLE NO.	SAMPLE TYPE	SAMPLE DIST. (IN)	RECOVERY (IN)	DESCRIPTION OF MATERIAL	ENGLISH UNITS	WATER LEVELS	ELEVATION (FT)	BLOWS/6"
					BOTTOM OF CASING 	LOSS OF CIRCULATION 			
					SURFACE ELEVATION 9				

○ CALIBRATED PENETROMETER TONS/FT²

ROCK QUALITY DESIGNATION & RECOVERY
RQD% - - - REC% ———

PLASTIC LIMIT% WATER CONTENT% LIQUID LIMIT%


⊗ STANDARD PENETRATION BLOWS/FT






THE STRATIFICATION LINES REPRESENT THE APPROXIMATE BOUNDARY LINES BETWEEN SOIL TYPES. IN-SITU THE TRANSITION MAY BE GRADUAL.

WL 2.7'	WS <input type="checkbox"/>	WD <input checked="" type="checkbox"/>	BORING STARTED	02/24/16	CAVE IN DEPTH
WL(BCR)	WL(ACR)		BORING COMPLETED	02/24/16	HAMMER TYPE Manual
WL			RIG	Diedrich D-50 FOREMAN C.M.	DRILLING METHOD Mud Rotary




ATTACHMENT J

PROJECT NAME: Spinnaker Resort Welcome Center				HAND AUGER # B-1				
CLIENT: Alliance Consulting Engineers, Inc.		JOB #: 23:2824		SURFACE ELEVATION 8				
DEPTH (FT.)	ELEV. (FT.)	LOCATION: Waterside Drive, Hilton Head Island, Beaufort County, SC	ARCH./ENG:	EXCAV. EFFORT	DCP	QP (TSF)	SAMPLE NO.	MOIST. CONT. (%)
0		DESCRIPTION OF MATERIAL						
	▽	Topsoil Depth [6"] (SP) SAND, Contains Roots, Gray, Moist to Wet		E				
5		END OF HAND AUGER @ 2.5'						
5								
10								
-5								
15								
-10								
20								
-15								
25								
-20								
30								
-25								
REMARKS:								
THE STRATIFICATION LINES REPRESENT THE APPROXIMATE BOUNDARY LINES BETWEEN SOIL TYPES. IN-SITU THE TRANSITION MAY BE GRADUAL.								
GROUND WATER: While Drilling ▽ After Drilling ▼			EXCAVATION EFFORT: E - EASY M - MEDIUM D - DIFFICULT VD - VERY DIFFICULT					
ECS REP.:	DATE:	UNITS:	Cave-in Depth:	Groundwater Before Drilling:	Groundwater:			
WB	02/24/16		2.5'	2'				


ATTACHMENT J

PROJECT NAME: Spinnaker Resort Welcome Center				HAND AUGER # HA-1					
CLIENT: Alliance Consulting Engineers, Inc.		JOB #: 23:2824		SURFACE ELEVATION 8					
DEPTH (FT.)	ELEV. (FT.)	LOCATION: Waterside Drive, Hilton Head Island, Beaufort County, SC	ARCH./ENG:	EXCAV. EFFORT	DCP	QP (TSF)	SAMPLE NO.	MOIST. CONT. (%)	
DESCRIPTION OF MATERIAL									
0		Topsoil Depth [8"]		E					
		(SP) SAND, Contains Roots, Brown to Gray, Moist to Wet							
		(SP) SAND, Brown to Gray, Moist to Wet							
5		END OF HAND AUGER @ 3.5'							
5									
10									
15									
20									
25									
30									
35									
40									
45									
50									
55									
60									
65									
70									
75									
80									
85									
90									
95									
100									
REMARKS:									
THE STRATIFICATION LINES REPRESENT THE APPROXIMATE BOUNDARY LINES BETWEEN SOIL TYPES. IN-SITU THE TRANSITION MAY BE GRADUAL.									
GROUND WATER: While Drilling  After Drilling 			EXCAVATION EFFORT: E - EASY M - MEDIUM D - DIFFICULT VD - VERY DIFFICULT						
ECS REP.:	DATE:	UNITS:	Cave-in Depth:	Groundwater Before Drilling:	Groundwater:				
MM	02/20/16		3.5'	1'					




ATTACHMENT J

PROJECT NAME: Spinnaker Resort Welcome Center				HAND AUGER # HA-2				
CLIENT: Alliance Consulting Engineers, Inc.		JOB #: 23:2824		SURFACE ELEVATION 10				
LOCATION: Waterside Drive, Hilton Head Island, Beaufort County, SC		ARCH./ENG:		EXCAV. EFFORT	DCP			QP (TSF)	SAMPLE NO.	MOIST. CONT. (%)
DEPTH (FT.)	ELEV. (FT.)	DESCRIPTION OF MATERIAL						
0	10	(SP) SAND, Contains Roots, Brown to Gray, Moist		E				
		(SP) SAND, Brown to Gray, Moist to Wet						
5	5	END OF HAND AUGER @ 5'						
10	0							
15	-5							
20	-10							
25	-15							
30	-20							
REMARKS:								
THE STRATIFICATION LINES REPRESENT THE APPROXIMATE BOUNDARY LINES BETWEEN SOIL TYPES. IN-SITU THE TRANSITION MAY BE GRADUAL.								
GROUND WATER: While Drilling  After Drilling 				EXCAVATION EFFORT: E - EASY M - MEDIUM D - DIFFICULT VD - VERY DIFFICULT				
ECS REP.:	DATE:	UNITS:	Cave-in Depth:	Groundwater Before Drilling:	Groundwater:			
MM	02/20/16			3.4'				




ATTACHMENT J

PROJECT NAME: Spinnaker Resort Welcome Center				HAND AUGER # HA-3				
CLIENT: Alliance Consulting Engineers, Inc.		JOB #: 23:2824		SURFACE ELEVATION 11				
LOCATION: Waterside Drive, Hilton Head Island, Beaufort County, SC		ARCH./ENG:		EXCAV. EFFORT	DCP	QP (TSF)	SAMPLE NO.	MOIST. CONT. (%)
DEPTH (FT.)	ELEV. (FT.)	DESCRIPTION OF MATERIAL						
0		Topsoil Depth [12"]		E				
10		(SP) SAND, Contains Roots, Brown to Gray, Moist to Wet						
5	▽	(SP) SAND, Brown to Gray, Moist to Wet						
5		END OF HAND AUGER @ 5'						
10	0							
15	-5							
20	-10							
25	-15							
30	-20							
REMARKS:								
THE STRATIFICATION LINES REPRESENT THE APPROXIMATE BOUNDARY LINES BETWEEN SOIL TYPES. IN-SITU THE TRANSITION MAY BE GRADUAL.								
GROUND WATER: While Drilling ▽ After Drilling ▼				EXCAVATION EFFORT: E - EASY M - MEDIUM D - DIFFICULT VD - VERY DIFFICULT				
ECS REP.:	DATE:	UNITS:	Cave-in Depth:	Groundwater Before Drilling:	Groundwater:			
MM	02/20/16			3'				

ATTACHMENT J

PROJECT NAME: Spinnaker Resort Welcome Center				HAND AUGER # P-1				
CLIENT: Alliance Consulting Engineers, Inc.		JOB #: 23:2824		SURFACE ELEVATION 9.5				
DEPTH (FT.)	ELEV. (FT.)	LOCATION: Waterside Drive, Hilton Head Island, Beaufort County, SC	ARCH./ENG:	EXCAV. EFFORT	DCP	QP (TSF)	SAMPLE NO.	MOIST. CONT. (%)
DESCRIPTION OF MATERIAL								
0		Topsoil Depth [7"]		E				
		(SP) SAND, Contains Roots, Tan to Brown, Moist to Wet					S-1	20.3
		END OF HAND AUGER @ 1.3'						
5	5							
10	0							
15	-5							
20	-10							
25	-15							
30	-20							
REMARKS:								
THE STRATIFICATION LINES REPRESENT THE APPROXIMATE BOUNDARY LINES BETWEEN SOIL TYPES. IN-SITU THE TRANSITION MAY BE GRADUAL.								
GROUND WATER: While Drilling  After Drilling  EXCAVATION EFFORT: E - EASY M - MEDIUM D - DIFFICULT VD - VERY DIFFICULT								
ECS REP.:	DATE:	UNITS:	Cave-in Depth:	Groundwater Before Drilling:	Groundwater:			
MM	02/20/16			DRY				

ATTACHMENT J

PROJECT NAME: Spinnaker Resort Welcome Center					HAND AUGER # P-2			
CLIENT: Alliance Consulting Engineers, Inc.			JOB #: 23:2824		SURFACE ELEVATION 10			
DEPTH (FT.)	ELEV. (FT.)	LOCATION: Waterside Drive, Hilton Head Island, Beaufort County, SC	ARCH./ENG:	EXCAV. EFFORT	DCP	QP (TSF)	SAMPLE NO.	MOIST. CONT. (%)
DESCRIPTION OF MATERIAL								
0	10	Topsoil Depth [6"]		E				
		(SP) SAND, Contains Roots, Brown to Gray, Moist						
		END OF BORING @ 2'					S-1	5.5
5	5							
10	0							
15	-5							
20	-10							
25	-15							
30	-20							
REMARKS:								
THE STRATIFICATION LINES REPRESENT THE APPROXIMATE BOUNDARY LINES BETWEEN SOIL TYPES. IN-SITU THE TRANSITION MAY BE GRADUAL.								
GROUND WATER: While Drilling  After Drilling  EXCAVATION EFFORT: E - EASY M - MEDIUM D - DIFFICULT VD - VERY DIFFICULT								
ECS REP.:	DATE:	UNITS:	Cave-in Depth:	Groundwater Before Drilling:	Groundwater:			
MM	02/20/16			DRY				

ATTACHMENT J
WILDCAT DYNAMIC CONE LOG

ECS Southeast, LLC
1306 Heidt Ave., Suite A
Savannah, GA 31408

PROJECT NUMBER: 23:2824
DATE STARTED: 02-24-2016
DATE COMPLETED: 02-24-2016

HOLE #: B-1
CREW: WB/JT
PROJECT: Spinnaker Resort Welcome Center
ADDRESS: Waterside Drive
LOCATION: Hilton Head Island, SC

SURFACE ELEVATION: 8
WATER ON COMPLETION: 2'
HAMMER WEIGHT: 35 lbs.
CONE AREA: 10 sq. cm

DEPTH	BLOWS PER 10 cm	RESISTANCE Kg/cm ²	GRAPH OF CONE RESISTANCE				N'	TESTED CONSISTENCY	
			0	50	100	150		NON-COHESIVE	COHESIVE
-	4	17.8	.....				5	LOOSE	MEDIUM STIFF
-	5	22.2	.....				6	LOOSE	MEDIUM STIFF
-	1 ft 7	31.1	.....				8	LOOSE	MEDIUM STIFF
-	7	31.1	.....				8	LOOSE	MEDIUM STIFF
-	7	31.1	.....				8	LOOSE	MEDIUM STIFF
-	2 ft 9	40.0	.....				11	MEDIUM DENSE	STIFF
-	10	44.4	.....				12	MEDIUM DENSE	STIFF
-	12	53.3	.....				15	MEDIUM DENSE	STIFF
-	3 ft 17	75.5	.....				21	MEDIUM DENSE	VERY STIFF
-	1 m 18	79.9	.....				22	MEDIUM DENSE	VERY STIFF
-	29	111.9	.....				25+	DENSE	HARD
-	4 ft 26	100.4	.....				25+	MEDIUM DENSE	VERY STIFF
-	27	104.2	.....				25+	MEDIUM DENSE	VERY STIFF
-	34	131.2	.....				25+	DENSE	HARD
-	5 ft 36	139.0	.....				25+	DENSE	HARD
-	30	115.8	.....				25+	DENSE	HARD
-	28	108.1	.....				25+	MEDIUM DENSE	VERY STIFF
-	6 ft 36	139.0	.....				25+	DENSE	HARD
-	28	108.1	.....				25+	MEDIUM DENSE	VERY STIFF
-	2 m 21	81.1	.....				23	MEDIUM DENSE	VERY STIFF
-	7 ft 25	85.5	.....				24	MEDIUM DENSE	VERY STIFF
-	25	85.5	.....				24	MEDIUM DENSE	VERY STIFF
-	30	102.6	.....				25+	MEDIUM DENSE	VERY STIFF
-	8 ft 26	88.9	.....				25	MEDIUM DENSE	VERY STIFF
-	27	92.3	.....				25+	MEDIUM DENSE	VERY STIFF
-	24	82.1	.....				23	MEDIUM DENSE	VERY STIFF
-	9 ft 29	99.2	.....				25+	MEDIUM DENSE	VERY STIFF
-	33	112.9	.....				25+	DENSE	HARD
-	32	109.4	.....				25+	DENSE	HARD
-	3 m 10 ft 27	92.3	.....				25+	MEDIUM DENSE	VERY STIFF
-	33	101.0	.....				25+	MEDIUM DENSE	VERY STIFF
-	31	94.9	.....				25+	MEDIUM DENSE	VERY STIFF
-	33	101.0	.....				25+	MEDIUM DENSE	VERY STIFF
-	11 ft 24	73.4	.....				20	MEDIUM DENSE	VERY STIFF
-	26	79.6	.....				22	MEDIUM DENSE	VERY STIFF
-	21	64.3	.....				18	MEDIUM DENSE	VERY STIFF
-	12 ft 18	55.1	.....				15	MEDIUM DENSE	STIFF
-	21	64.3	.....				18	MEDIUM DENSE	VERY STIFF
-	25	76.5	.....				21	MEDIUM DENSE	VERY STIFF
-	4 m 13 ft 21	64.3	.....				18	MEDIUM DENSE	VERY STIFF

DEPTH	BLOWS PER 10 cm	RESISTANCE Kg/cm ²	GRAPH OF CONE RESISTANCE				N'	TESTED CONSISTENCY	
			0	50	100	150		NON-COHESIVE	COHESIVE
-	22	60.9	.....				17	MEDIUM DENSE	VERY STIFF
-	22	60.9	.....				17	MEDIUM DENSE	VERY STIFF
- 14 ft	29	80.3	.....				22	MEDIUM DENSE	VERY STIFF
-	15	41.6	.....				11	MEDIUM DENSE	STIFF
-	12	33.2	.....				9	LOOSE	STIFF
- 15 ft	11	30.5	.....				8	LOOSE	MEDIUM STIFF
-			END OF WDCP TEST @ 15'-1"						
-									
- 16 ft									
- 5 m									
-									
- 17 ft									
-									
- 18 ft									
-									
- 19 ft									
- 6 m									
- 20 ft									
-									
- 21 ft									
-									
- 22 ft									
-									
- 7 m 23 ft									
-									
- 24 ft									
-									
- 25 ft									
-									
- 26 ft									
- 8 m									
-									
- 27 ft									
-									
- 28 ft									
-									
- 29 ft									
- 9 m									

Laboratory Testing Summary

Sample Source	Sample Number	Depth (feet)	MC ¹ (%)	Soil Type ²	Atterberg Limits ³			Percent Passing No. 200 Sieve ⁴	Moisture - Density (Corr.) ⁵		CBR Value ⁶	Other
					LL	PL	PI		Maximum Density (pcf)	Optimum Moisture (%)		
B-2												
	S-3	4.00 - 6.00	26.9	SP				1.2				
	S-8	23.50 - 25.00	29.3	SP-SM				8.8				
	S-10	33.50 - 35.00	50.6	SM				42.8				
	S-14	53.50 - 55.00	38.8	SM				45.2				
P-1												
	S-1	1.00 - 1.33	20.3	SP				0.8				
P-2												
	S-1	1.67 - 2.00	5.5	SP				0.8				

Notes: 1. ASTM D 2216, 2. ASTM D 2487, 3. ASTM D 4318, 4. ASTM D 1140, 5. See test reports for test method, 6. See test reports for test method

Definitions: MC: Moisture Content, Soil Type: USCS (Unified Soil Classification System), LL: Liquid Limit, PL: Plastic Limit, PI: Plasticity Index, CBR: California Bearing Ratio, OC: Organic Content (ASTM D 2974)

Project No. 23:2824
Project Name: Spinnaker Resort Welcome Center
PM: Matt Mooney
PE: Robert Goehring
Printed On: Wednesday, March 02, 2016

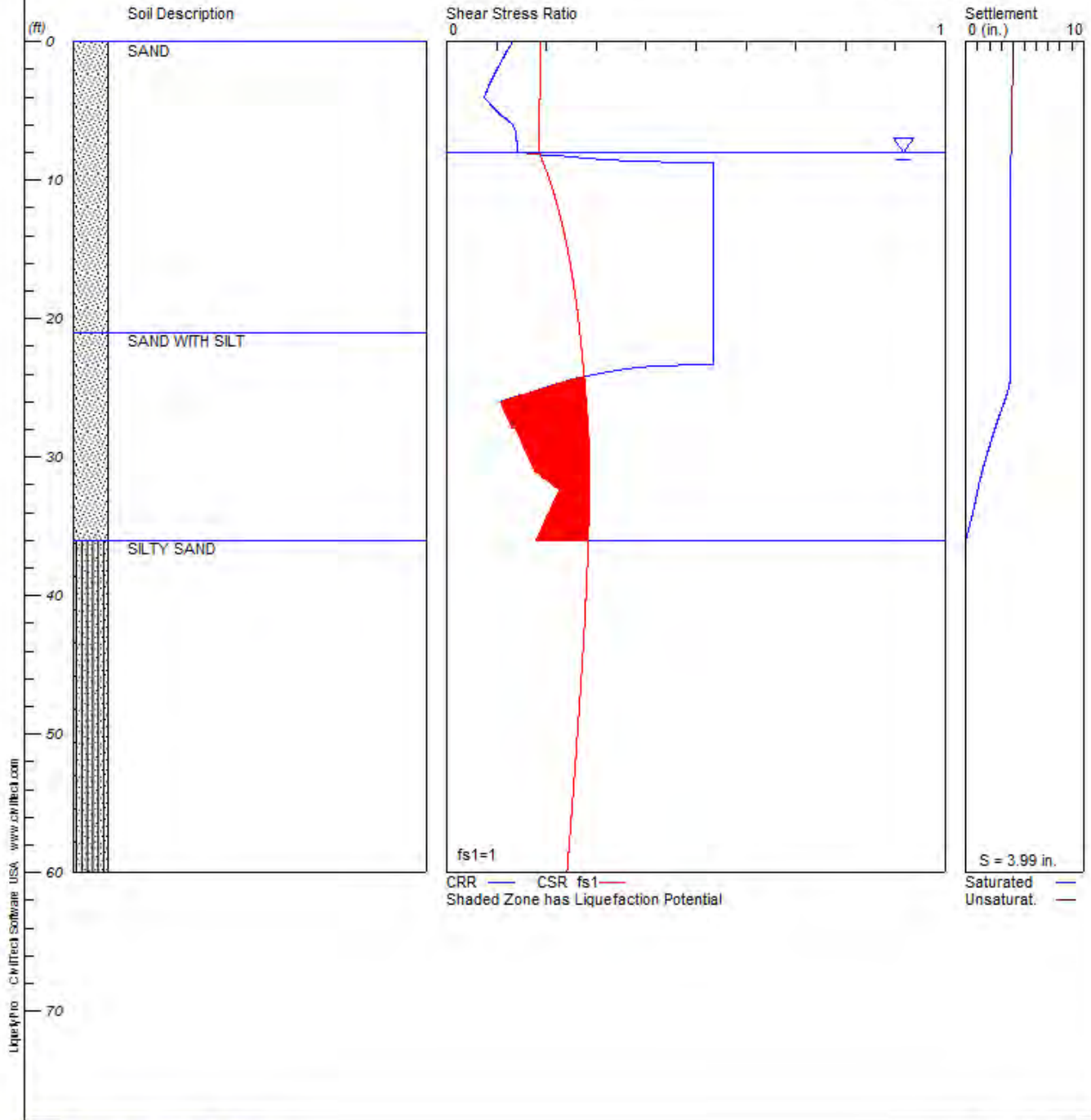


LIQUEFACTION ANALYSIS

Spinnaker Resort Welcome Center

Hole No.=B-2 Water Depth=8 ft Surface Elev.=15

Magnitude=7.3
Acceleration=0.289g



LiquefyPro - CivilTech Software USA www.civiltech.com



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A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Beaufort County, South Carolina

Spinnaker Resort Welcome Center



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<http://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil scientists classified and named the soils in the survey area, they compared the

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Custom Soil Resource Report

individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Reference Report
Soil Map



Map Scale: 1:571 if printed on A landscape (11" x 8.5") sheet.




Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 17N WGS84



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MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)


Soils


 Soil Map Unit Polygons


 Soil Map Unit Lines


 Soil Map Unit Points

Special Point Features

 Blowout

 Borrow Pit

 Clay Spot


 Closed Depression

 Gravel Pit

 Gravelly Spot


 Landfill

 Lava Flow

 Marsh or swamp

 Mine or Quarry


 Miscellaneous Water


 Perennial Water

 Rock Outcrop


 Saline Spot

 Sandy Spot

 Severely Eroded Spot


 Sinkhole


 Slide or Slip


 Sodic Spot


 Spoil Area

 Stony Spot


 Very Stony Spot

 Wet Spot

 Other

 Special Line Features

Water Features

 Streams and Canals


Transportation

 Rails


 Interstate Highways

 US Routes

 Major Roads

 Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Beaufort County, South Carolina
Survey Area Data: Version 11, Sep 29, 2015

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 1, 2010—Jan 15, 2012

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Beaufort County, South Carolina (SC013)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Fb	Fripp-Baratari complex	0.8	100.0%
Totals for Area of Interest		0.8	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

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An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Beaufort County, South Carolina

Fb—Fripp-Baratari complex

Map Unit Setting

National map unit symbol: 4fsp
Elevation: 30 to 250 feet
Mean annual precipitation: 45 to 52 inches
Mean annual air temperature: 64 to 70 degrees F
Frost-free period: 240 to 280 days
Farmland classification: Prime farmland if irrigated and drained

Map Unit Composition

Fripp and similar soils: 58 percent
Leon and similar soils: 34 percent
Minor components: 6 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Fripp

Setting

Landform: Marine terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Sandy marine deposits

Typical profile

A - 0 to 5 inches: fine sand
C - 5 to 80 inches: fine sand

Properties and qualities

Slope: 6 to 15 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Excessively drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): High to very high (5.95 to 19.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water storage in profile: Very low (about 1.4 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7s
Hydrologic Soil Group: A

Description of Leon

Setting

Landform: Depressions, marine terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Sandy marine deposits

Typical profile

A - 0 to 5 inches: fine sand
E - 5 to 11 inches: fine sand
Bh - 11 to 20 inches: fine sand
E' - 20 to 44 inches: fine sand
B'h - 44 to 70 inches: fine sand

Properties and qualities

Slope: 0 to 2 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Poorly drained
Runoff class: Very high
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.57 to 5.95 in/hr)
Depth to water table: About 6 to 18 inches
Frequency of flooding: None
Frequency of ponding: None
Available water storage in profile: Moderate (about 8.6 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 4w
Hydrologic Soil Group: A/D

Minor Components

Capers

Percent of map unit: 3 percent
Landform: Marshes, marine terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear

Bohicket

Percent of map unit: 3 percent
Landform: Marshes
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear

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March 1, 2016

Mr. Steven M. Liotta, PE
Alliance Consulting Engineers, Inc.
23 Plantation Park Drive, Suite 204
Bluffton, SC 29910

Report of Seasonal High Water Table Determination
Spinnaker Resort Welcome Center
Waterside Drive
Hilton Head Island, South Carolina 29928

ECS Project No.: 49.1538

Dear Mr. Liotta,

As authorized by your acceptance of our proposal number 23.3209, ECS Carolinas, LLP (ECS) has completed a seasonal high water table (SHWT) determination for the subject project. This report presents the results of the SHWT determination of the preselected boring location.

PROJECT INFORMATION

The Site consists of an undeveloped wooded parcel of land located at the corner of Waterside Drive and Pope Avenue in Hilton Head Island, South Carolina. Future development of an approximate 7,500 square foot Spinnaker Resort Welcome Center is planned for the site. We understand that the focus of this study is to obtain SHWT data required to provide a design for future development of stormwater control measures located adjacent the western and northern property boundaries.

EXPLORATION PROCEDURES

ECS performed two hand auger borings at preselected locations, as determined by Alliance Consulting Engineers, Inc, on the site to estimate the SHWT.

The hand auger borings were conducted to depths of 2 and 3 feet below current site grades, respectively. The hand auger borings were conducted in general conformance with ASTM D 1452. In this procedure, auger borings are made by rotating and advancing an auger to the desired depths while periodically removing the auger from the hole to clear and examine the auger cuttings. The auger cuttings were visually classified in the field.

SITE CONDITIONS

At the time of our exploration, the site was an undeveloped wooded lot with general area topography sloping from the west to the east. The site is bordered by Waterside Drive to the north, commercial development to the east and south, and Pope Avenue to the west.

The site appeared to ungrade across the site with the grade lowering slightly towards the northern and eastern portion of the site.

SUBSURFACE CONDITIONS

Generally the hand auger borings encountered 1-6 inches of organic laden topsoil material. Below the topsoil, ECS encountered Fine Sand (S) which continued to the termination of the borings, approximately 2 and 3 feet below existing grade, respectively.

SEASONAL HIGH WATER TABLE

The seasonal high water table was estimated at the borings below the existing ground surface. A summary of the findings are as follows:

Location	Latitude	Longitude	SHWT
P-1	32.146665°	-80.754349°	Ground Surface
P-2	32.146409°	-80.754622°	Approximately 20"

*SHWT may vary within the proposed site due to changes in elevation and subsurface conditions. The values provided are field values. An appropriate factor of safety should be applied for design.

The type of stormwater management facility designed is based on the depth of the SHWT or confining layer. The information above may be potentially utilized to determine the type of stormwater control measure best suited for this site according to the South Carolina Department of Health and Environmental Control (SCDHEC) Standards for Stormwater Management and Sediment Reduction Regulation 72-300 thru 72-316, dated June 28, 2002.

CLOSING

Our SHWT evaluation of the site has been based on our understanding of the site, the project information provided to us, and the data obtained during our assessment. The general subsurface conditions utilized in our evaluations are based on findings found at each particular boring location. If the project information provided to us is changed, please contact us so that our recommendations can be reviewed and appropriate revisions provided, if necessary. The assessment of site environmental conditions for the presence of pollutants in the soil and groundwater of the site is beyond the soil evaluation.

We appreciate the opportunity to be of service to you during the design phase of this project and look forward to our continued involvement during the construction phase. If you have any questions concerning the information and recommendations presented in this report, please contact us at (843) 654-4448 for further assistance.

Sincerely,

ECS CAROLINAS, LLP



Thurman Simmons
Environmental Scientist





W. Brandon Fulton, LSS, PSC, PWS
Environmental Principal

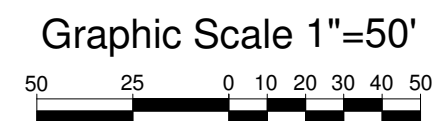
Attachments: Figure1: Site Location Plan
Detailed Soil Description/Properties & Qualities of Soil Profiles





LEGEND

-  Approximate SHWT Determination Location
-  SHWT Determination Designation



PROJECT: Spinnaker Resort Welcome Center
Hilton Head Island, SC

PREPARED FOR: Alliance Consulting Engineers, Inc.

FIGURE NAME: SITE LOCATION PLAN

REFERENCE: Conceptual Site Plan
Dated 01-27-16
Provided by Alliance Consulting Engineers, Inc.

REVISIONS	

JOB NO. 23:2824

SCALE 1"=50'

DRAWN MRM/2/2016

APPR. WBF/2/2016

Figure No.: **1**

DETAILED SOIL DESCRIPTION

<u>Location</u>	<u>Depth</u>	<u>Soil Description</u>
P-1	0-1"	10yr 2/1 <75% uncoated sand grains (S)
	1"-10"	10yr 4/1 <75% uncoated sand grains w 10yr 3/3 oxidized rhizospheres (S)
	10"-20"	10yr 5/1 <25% uncoated sand grains w 10yr 3/4 mottles (S)
	20"-24"	10yr 4/2 w 10yr 3/4 and 10yr 5/1 mottles (S)
P-2	0-6"	10yr 4/1 <50% uncoated sand grains (S)
	6"-12"	10yr 5/2 <25% uncoated sand (S)
	12"-20"	10yr 4/3 <25% uncoated sand grains (S)
	20"-24"	10yr 4/3 <25% uncoated sand grains w 10yr 5/6 and 10yr 5/2 mottles (S)
	24"-30"	2.5y 5/3 w 10yr 5/6 and 10yr 5/2 mottles
	30"-36"	2.5y 6/3 w 2.5y 5/6 and 2.5y 6/2 mottles

Seasonal High Water Table (SHWT) was estimated to be at the existing grade elevation at boring P-1.

Seasonal High Water Table (SHWT) was estimated to be at approximately 20" below existing grade elevation at boring P-2.

Fine Sand (S) – Has a gritty feel, does not stain the fingers, and does not ribbon or ball when wet or moist.

PROPERTIES and QUALITIES of SOIL PROFILES ON-SITE as per USDA SOIL SURVEY

- **Fb—Fripp-Baratari complex**
 - ***Fripp and similar soils: 58 percent***
 - ***Leon and similar soils: 34 percent***
 - ***Minor components: 6 percent***

Description of Fripp

- *Slope: 6 to 15 percent*
- *Depth to restrictive feature: More than 80 inches*
- *Natural drainage class: Excessively drained*
- *Runoff class: Low*
- *Capacity of the most limiting layer to transmit water (Ksat): High to very high (5.95 to 19.98 in/hr)*
- *Depth to water table: More than 80 inches*
- *Frequency of flooding: None*
- *Frequency of ponding: None*
- *Available water storage in profile: Very low (about 1.4 inches)*

Description of Leon

- *Slope*: 0 to 2 percent
- *Depth to restrictive feature*: More than 80 inches
- *Natural drainage class*: Poorly drained
- *Runoff class*: Very high
- *Capacity of the most limiting layer to transmit water (Ksat)*: Moderately high to high (0.57 to 5.95 in/hr)
- *Depth to water table*: About 6 to 18 inches
- *Frequency of flooding*: None
- *Frequency of ponding*: None
- *Available water storage in profile*: Moderate (about 8.6 inches)

Minor Components

Capers and Bohicket

Appendix III

Important Information About Your Geotechnical Engineering Report

Subsurface problems are a principal cause of construction delays, cost overruns, claims, and disputes

The following information is provided to help you manage your risks.

Geotechnical Services Are Performed for Specific Purposes, Persons, and Projects

Geotechnical engineers structure their services to meet the specific needs of their clients. A geotechnical engineering study conducted for a civil engineer may not fulfill the needs of a construction contractor or even another civil engineer. Because each geotechnical engineering study is unique, each geotechnical engineering report is unique, prepared *solely* for the client. No one except you should rely on your geotechnical engineering report without first conferring with the geotechnical engineer who prepared it. *And no one - not even you* - should apply the report for any purpose or project except the one originally contemplated.

Read the Full Report

Serious problems have occurred because those relying on a geotechnical engineering report did not read it all. Do not rely on an executive summary. Do not read selected elements only.

A Geotechnical Engineering Report Is Based on A Unique Set of Project-Specific Factors

Geotechnical engineers consider a number of unique, project-specific factors when establishing the scope of a study. Typical factors include: the client's goals, objectives, and risk management preferences; the general nature of the structure involved, its size, and configuration; the location of the structure on the site; and other planned or existing site improvements, such as access roads, parking lots, and underground utilities. Unless the geotechnical engineer who conducted the study specifically indicates otherwise, do not rely on a geotechnical engineering report that was:

- not prepared for you,
- not prepared for your project,
- not prepared for the specific site explored, or
- completed before important project changes were made.

Typical changes that can erode the reliability of an existing geotechnical engineering report include those that affect:

- the function of the proposed structure, as when it's changed from a parking garage to an office building, or from a light industrial plant to a refrigerated warehouse,

- elevation, configuration, location, orientation, or weight of the proposed structure,
- composition of the design team, or
- project ownership.

As a general rule, *always* inform your geotechnical engineer of project changes - even minor ones - and request an assessment of their impact. *Geotechnical engineers cannot accept responsibility or liability for problems that occur because their reports do not consider developments of which they were not informed.*

Subsurface Conditions Can Change

A geotechnical engineering report is based on conditions that existed at the time the study was performed. *Do not rely on a geotechnical engineering report* whose adequacy may have been affected by: the passage of time; by man-made events, such as construction on or adjacent to the site; or by natural events, such as floods, earthquakes, or groundwater fluctuations. *Always* contact the geotechnical engineer before applying the report to determine if it is still reliable. A minor amount of additional testing or analysis could prevent major problems.

Most Geotechnical Findings Are Professional Opinions

Site exploration identifies subsurface conditions only at those points where subsurface tests are conducted or samples are taken. Geotechnical engineers review field and laboratory data and then apply their professional judgment to render an opinion about subsurface conditions throughout the site. Actual subsurface conditions may differ-sometimes significantly from those indicated in your report. Retaining the geotechnical engineer who developed your report to provide construction observation is the most effective method of managing the risks associated with unanticipated conditions.

A Report's Recommendations Are *Not* Final

Do not overrely on the construction recommendations included in your report. *Those recommendations are not final*, because geotechnical engineers develop them principally from judgment and opinion. Geotechnical engineers can finalize their recommendations only by observing actual

subsurface conditions revealed during construction. The geotechnical engineer who developed your report cannot assume responsibility or liability for the report's recommendations if that engineer does not perform construction observation.

A Geotechnical Engineering Report Is Subject to Misinterpretation

Other design team members' misinterpretation of geotechnical engineering reports has resulted in costly problems. Lower that risk by having your geotechnical engineer confer with appropriate members of the design team after submitting the report. Also retain your geotechnical engineer to review pertinent elements of the design team's plans and specifications. Contractors can also misinterpret a geotechnical engineering report. Reduce that risk by having your geotechnical engineer participate in prebid and preconstruction conferences, and by providing construction observation.

Do Not Redraw the Engineer's Logs

Geotechnical engineers prepare final boring and testing logs based upon their interpretation of field logs and laboratory data. To prevent errors or omissions, the logs included in a geotechnical engineering report should *never* be redrawn for inclusion in architectural or other design drawings. Only photographic or electronic reproduction is acceptable, *but recognize that separating logs from the report can elevate risk.*

Give Contractors a Complete Report and Guidance

Some owners and design professionals mistakenly believe they can make contractors liable for unanticipated subsurface conditions by limiting what they provide for bid preparation. To help prevent costly problems, give contractors the complete geotechnical engineering report, *but* preface it with a clearly written letter of transmittal. In that letter, advise contractors that the report was not prepared for purposes of bid development and that the report's accuracy is limited; encourage them to confer with the geotechnical engineer who prepared the report (a modest fee may be required) and/or to conduct additional study to obtain the specific types of information they need or prefer. A prebid conference can also be valuable. *Be sure contractors have sufficient time* to perform additional study. Only then might you be in a position to give contractors the best information available to you, while requiring them to at least share some of the financial responsibilities stemming from unanticipated conditions.

Read Responsibility Provisions Closely

Some clients, design professionals, and contractors do not recognize that geotechnical engineering is far less exact than other engineering disciplines. This lack of understanding has created unrealistic expectations that have led

to disappointments, claims, and disputes. To help reduce the risk of such outcomes, geotechnical engineers commonly include a variety of explanatory provisions in their reports. Sometimes labeled "limitations" many of these provisions indicate where geotechnical engineers' responsibilities begin and end, to help others recognize their own responsibilities and risks. *Read these provisions closely.* Ask questions. Your geotechnical engineer should respond fully and frankly.

Geoenvironmental Concerns Are Not Covered

The equipment, techniques, and personnel used to perform a *geoenvironmental* study differ significantly from those used to perform a *geotechnical* study. For that reason, a geotechnical engineering report does not usually relate any geoenvironmental findings, conclusions, or recommendations; e.g., about the likelihood of encountering underground storage tanks or regulated contaminants. *Unanticipated environmental problems have led to numerous project failures.* If you have not yet obtained your own geoenvironmental information, ask your geotechnical consultant for risk management guidance. *Do not rely on an environmental report prepared for someone else.*

Obtain Professional Assistance To Deal with Mold

Diverse strategies can be applied during building design, construction, operation, and maintenance to prevent significant amounts of mold from growing on indoor surfaces. To be effective, all such strategies should be devised for the express purpose of mold prevention, integrated into a comprehensive plan, and executed with diligent oversight by a professional mold prevention consultant. Because just a small amount of water or moisture can lead to the development of severe mold infestations, a number of mold prevention strategies focus on keeping building surfaces dry. While groundwater, water infiltration, and similar issues may have been addressed as part of the geotechnical engineering study whose findings are conveyed in this report, the geotechnical engineer in charge of this project is not a mold prevention consultant; ***none of the services performed in connection with the geotechnical engineer's study were designed or conducted for the purpose of mold prevention. Proper implementation of the recommendations conveyed in this report will not of itself be sufficient to prevent mold from growing in or on the structure involved.***

Rely on Your ASFE-Member Geotechnical Engineer For Additional Assistance

Membership in ASFE/The Best People on Earth exposes geotechnical engineers to a wide array of risk management techniques that can be of genuine benefit for everyone involved with a construction project. Confer with your ASFE-member geotechnical engineer for more information.



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Memorandum

Date: May 10, 2016
To: Steven Liotta, P.E., Alliance Consulting Engineers, Inc.
From: Matt Mooney, P.E. and Robert Goehring, P.E., ECS Southeast, LLC (ECS)
Subject: Addendum to Report of Geotechnical Exploration dated March 3, 2016
Spinnaker Resort Welcome Center
Waterside Drive, Hilton Head Island, South Carolina
ECS Project No. 23:2824

As you are aware, ECS completed a Report of Geotechnical Exploration for the Spinnaker Resort Welcome Center referenced above. We understand the planned pavement types have changed since the time the report was issued. Permeable asphalt is now planned for the driveways and permeable concrete pavers are now planned for the parking stalls. This memo includes an updated Pavement Design section. The Pavement Design section provided in this memo supersedes or replaces the Pavement Design section in the previous report (dated March 3, 2016) and assumes this will be distributed to the project design team (architect, structural engineer, civil engineer, etc.). Necessary design changes may be needed based on these revised recommendations.

Pavement Design

Based on information provided, pavement recommendations are provided below. We understand the following:

1. Permeable asphalt will be used for the driveways and permeable concrete pavers will be used for the parking stalls.
2. California Bearing Ratio (CBR) samples were not obtained for the proposed subgrade soils at these sites. Our pavement design analyses are based on local experience and *assumed* CBR values.
3. Our pavement design analysis is based on assumed traffic information: primarily automobiles.
4. No erodible areas drain onto the pavement areas.
5. Please note that permeable pavement can be susceptible to clogging from oil, grease, and silt runoff. Permeable pavements are also more susceptible to scuffing, raveling and other surface damage than conventional asphalt pavements.

MemoPermeable Asphalt

1. We assume that the top 2 feet of the proposed roadway subgrade will consist of select granular fill material containing less than 5 percent passing the No. 200 sieve.
2. We assume that the top 2 feet of the proposed roadway subgrade will be compacted to at least of 98 percent maximum dry density in accordance with ASTM D1557, Modified Proctor Method.
3. We assume that criteria from our previous sections entitled “Subgrade Preparation” and “Recommended Earthwork Specifications” will be strictly followed.
4. We assume a minimum separation of 24 inches between the bottom of the base course material and the seasonal high groundwater table. Underdrains may be used to provide this separation.
5. We recommend a 6 inch wide section of stone be installed around the perimeter of the pavement for overflow drainage. The stone should have a depth equal to the asphalt section.
6. We recommend the permeable asphalt pavement mix design and associated permeability data be submitted to ECS for review and approval prior to placement. As with any permeable pavement it is the intent to construct a free draining pavement section that retains an adequate structural number to carry the anticipated traffic.

Using the above-indicated design parameters, we have indicated a minimum pavement section for the roadways in the following table.

Minimum Driveway Pavement Section

Material Type	Driveways
Permeable Asphalt Surface Course	3.5 inches
Graded Aggregate Base (GAB)	9.0 inches

Permeable Concrete Pavers

1. We recommend the use of 3 $\frac{1}{8}$ inch thick concrete pavers that meet the product requirements of ASTM C936 *Standard Specification for Solid Interlocking Paving Units*.
2. Pavers should be installed per the manufacturer’s specifications.
3. Select granular fill material containing less than 5 percent passing the No. 200 sieve should be placed in the joints between the pavers.
4. We recommend a granular “bedding sand” layer with a compacted thickness of 1 inch be placed below the pavers. The bedding sand should conform to the gradation in ASTM C33, containing less than 1 percent passing the No. 200 sieve.

ATTACHMENT J
Memo

5. We recommend a curb/edge restraint with cut-outs for overflow drainage be installed around the perimeter of the parking stall areas.
6. We assume that the top 2 feet of the proposed parking stalls subgrade will consist of select granular material containing less than 5 percent passing the No. 200 sieve.
7. We assume that the top 2 feet of the proposed parking stall subgrade will be compacted to at least of 98 percent maximum dry density in accordance with ASTM D1557, Modified Proctor Method.
8. We assume that criteria from our previous sections entitled “Subgrade Preparation” and “Recommended Earthwork Specifications” will be strictly followed.
9. We assume a minimum separation of 24 inches between the bottom of the base course material and the seasonal high groundwater table. Underdrains may be used to provide this separation.

Using the above-indicated design parameters, we have indicated a concrete paver section for the parking stalls in the following table.

Recommended Concrete Paver Section

Material Type	Automobile Parking
Concrete Paver	3½ inches
Bedding Sand	1 inch
Graded Aggregate Base (GAB)	4 inches

General Pavement Recommendations

We recommend the material chosen for Graded Aggregate Base Course be Macadam (SABC Type 1), Marine Limestone (SABC Type 2), or Recycled Portland Cement Concrete (SABC Type 3) per the SCDOT Standard Specifications for Highway Construction Section 305. All aggregate material used as base course must comply with the gradation requirements established by the SCDOT. Aggregate material should be compacted to at least 98 percent of the maximum dry density obtained in accordance with ASTM D-1557, Modified Proctor Method.

The pavement specifications used in roadways and parking stalls are not ideal for trash compactor/dumpster pick-up areas due to the heavy or repetitious loads anticipated. We recommend that a rigid concrete pavement section be strongly considered for those areas.

Where used, the concrete section should be at least 6 inches thick and should consist of concrete having a minimum 28-day compressive strength of 4,000 pounds per square inch (psi). We recommend a minimum of 4 inches of compacted graded aggregate base be placed beneath the rigid concrete pavements. While the aggregate base section is not part of the concrete pavement structural design, it is recommended for constructability of the pavement

ATTACHMENT J
Memo

and for long-term performance. For dumpster storage areas, the concrete slab area should be large enough to support both the dumpster and the truck used to unload the dumpster.

It is important to note that the recommended pavement sections do not account for construction traffic. Any pavement section or partially constructed pavement section exposed to construction traffic should be expected to degrade and require repair or replacement prior to being placed in service.

An important consideration with the design and construction of pavements is surface and subsurface drainage. Where standing water develops, either on the pavement surface or within the base course layer, softening of the subgrade and other problems related to the deterioration of the pavement can be expected. Furthermore, good drainage should minimize the risk of the subgrade materials becoming saturated over a long period of time. This is particularly important due to the relatively low lying nature of the site. In pavement areas adjacent to the proposed building, a barrier or impermeable liner may be used to keep water away from the building foundations.

Our professional services have been performed, our findings obtained, and our recommendations prepared in accordance with generally accepted geotechnical engineering principles and practices. ECS is not responsible for the conclusions, opinions or recommendations made by others based on these data. No third party is given the right to rely on this report without express written permission. Should you have questions, please do not hesitate to contact our Savannah office at (912) 966-2527.



APPENDIX C

Watershed Maps

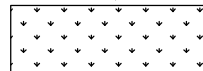

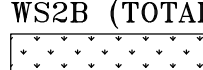
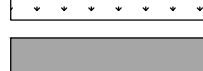
Pre-Development Watershed Map

WATERSHED SUMMARY

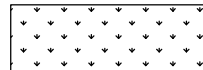

WS1 (TOTAL AREA: 0.34 ACRES)

-  WOODS/GRASS-FAIR HSG: B
CURVE NUMBER: 65
AREA: 0.25 ACRES
-  IMPERVIOUS-PAVED ROAD HSG: A
CURVE NUMBER: 98
AREA: 0.09 ACRES



WS2 (TOTAL AREA: 0.12 ACRES)

- ### WS2A (TOTAL AREA: 0.04 ACRES)
-  WOODS/GRASS-FAIR HSG: B
CURVE NUMBER: 65
AREA: 0.01 ACRES
 -  IMPERVIOUS-PAVED ROAD HSG: A
CURVE NUMBER: 98
AREA: 0.03 ACRES
- ### WS2B (TOTAL AREA: 0.08 ACRES)
-  WOODS/GRASS-FAIR HSG: B
CURVE NUMBER: 65
AREA: 0.04 ACRES
 -  IMPERVIOUS-PAVED ROAD HSG: A
CURVE NUMBER: 98
AREA: 0.04 ACRES

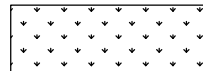

LP1 (TOTAL AREA: 0.32 ACRES)

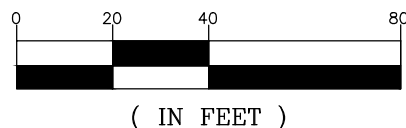
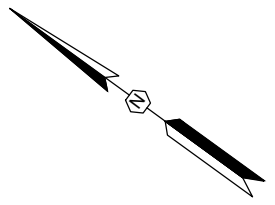
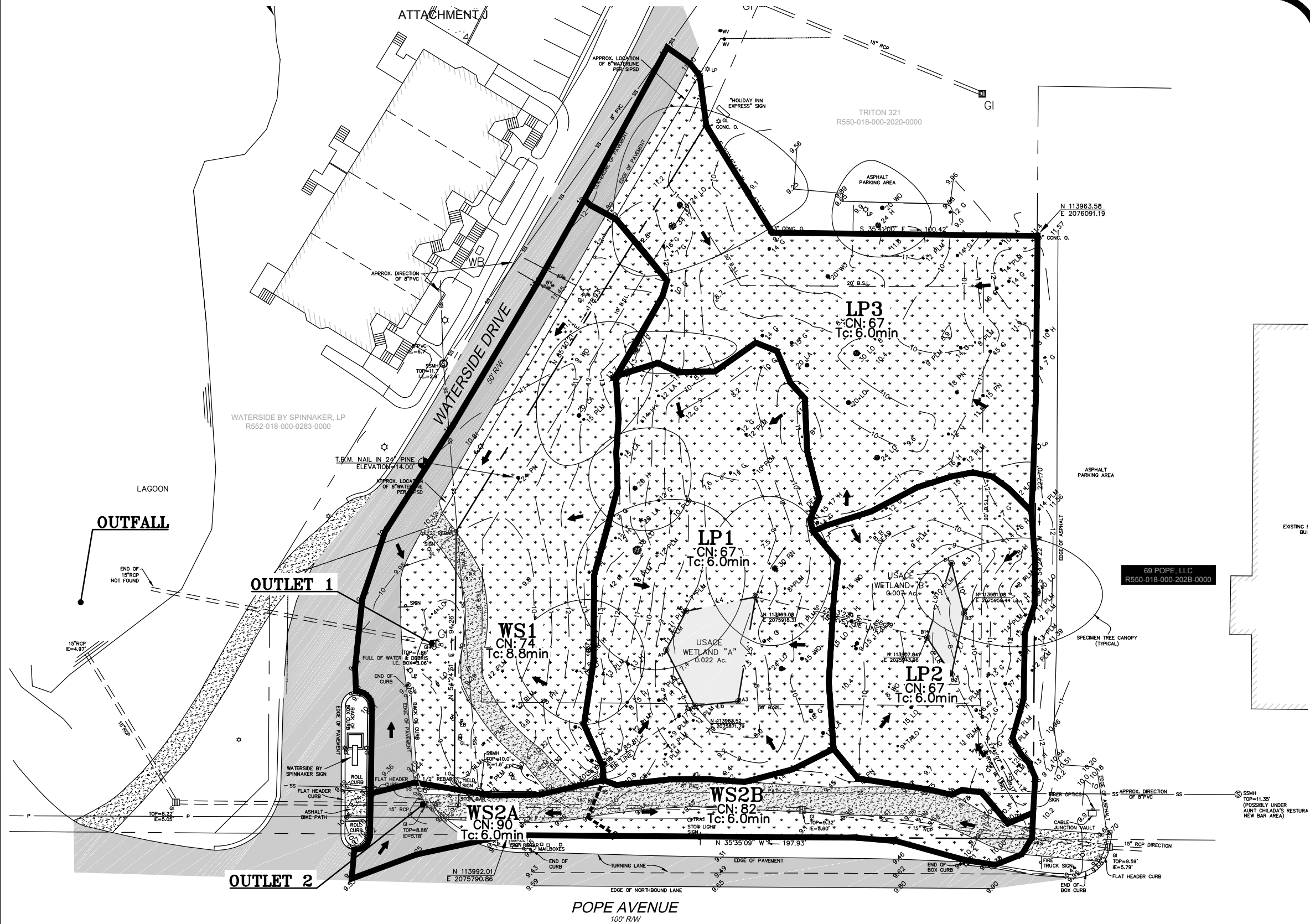
-  WOODS/GRASS-FAIR HSG: B
CURVE NUMBER: 65
AREA: 0.30 ACRES
-  IMPERVIOUS-WETLAND AREA HSG: D
CURVE NUMBER: 98
AREA: 0.02 ACRES

LP2 (TOTAL AREA: 0.19 ACRES)

-  WOODS/GRASS-FAIR HSG: B
CURVE NUMBER: 65
AREA: 0.18 ACRES
-  IMPERVIOUS-WETLAND AREA HSG: D
CURVE NUMBER: 98
AREA: 0.01 ACRES

LP3 (TOTAL AREA: 0.28 ACRES)

-  WOODS/GRASS-FAIR HSG: B
CURVE NUMBER: 65
AREA: 0.26 ACRES
-  IMPERVIOUS-PAVED ROAD HSG: A
CURVE NUMBER: 98
AREA: 0.02 ACRES



**PRE-DEVELOPMENT WATERSHED MAP
FOR THE
SPINNAKER WELCOME CENTER LOCATED AT
30 WATERSIDE DRIVE IN THE TOWN OF HILTON HEAD ISLAND
BEAUFORT COUNTY, SOUTH CAROLINA**



**ALLIANCE
CONSULTING ENGINEERS**

PREPARED BY: ALLIANCE CONSULTING ENGINEERS, INC.

Post-Development Watershed Map

WATERSHED SUMMARY

WS 1 (TOTAL AREA: 0.79 ACRES)

WS 1A (TOTAL AREA: 0.34 ACRES)

WOODS/GRASS-FAIR HSG: B
CURVE NUMBER: 68
AREA: 0.18 ACRES

IMPERVIOUS-PAVED ROAD HSG: A
CURVE NUMBER: 98
AREA: 0.07 ACRES

PERVIOUS CONCRETE PAVERS HSG: A
CURVE NUMBER: 75
AREA: 0.01 ACRES

PERMEABLE CONCRETE/ASPHALT HSG: A
CURVE NUMBER: 75
AREA: 0.08 ACRES

WS 1B (TOTAL AREA: 0.45 ACRES)

WOODS/GRASS-FAIR HSG: B
CURVE NUMBER: 68
AREA: 0.06 ACRES

PERVIOUS CONCRETE PAVERS HSG: A
CURVE NUMBER: 75
AREA: 0.08 ACRES

PERMEABLE CONCRETE/ASPHALT HSG: A
CURVE NUMBER: 75
AREA: 0.11 ACRES

IMPERVIOUS-ROOF HSG: A
CURVE NUMBER: 98
AREA: 0.20 ACRES

WS 2 (TOTAL AREA: 0.38 ACRES)

WS 2A (TOTAL AREA: 0.04 ACRES)

WOODS/GRASS-FAIR HSG: B
CURVE NUMBER: 68
AREA: 0.01 ACRES

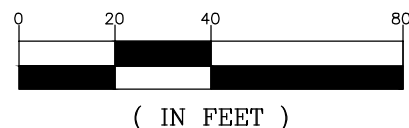
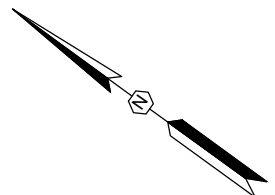
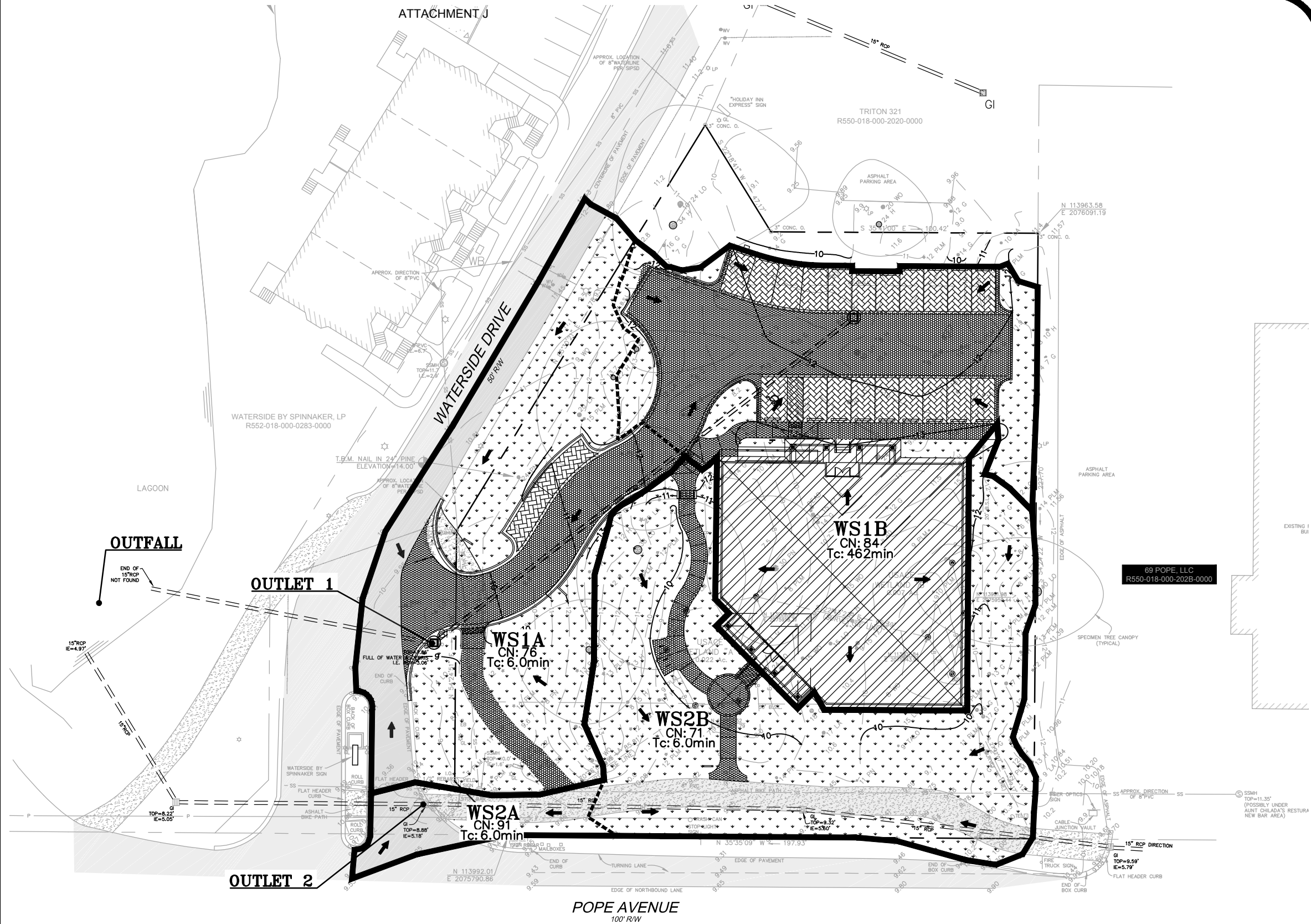
IMPERVIOUS-PAVED ROAD HSG: A
CURVE NUMBER: 98
AREA: 0.03 ACRES

WS 2B (TOTAL AREA: 0.34 ACRES)

WOODS/GRASS-FAIR HSG: B
CURVE NUMBER: 68
AREA: 0.29 ACRES

IMPERVIOUS-PAVED ROAD HSG: A
CURVE NUMBER: 98
AREA: 0.03 ACRES

PERMEABLE CONCRETE/ASPHALT HSG: A
CURVE NUMBER: 75
AREA: 0.02 ACRES



**POST-DEVELOPMENT WATERSHED MAP
FOR THE
SPINNAKER WELCOME CENTER LOCATED AT
30 WATERSIDE DRIVE IN THE TOWN OF HILTON HEAD ISLAND
BEAUFORT COUNTY, SOUTH CAROLINA**

**ALLIANCE
CONSULTING ENGINEERS**
PREPARED BY: ALLIANCE CONSULTING ENGINEERS, INC.

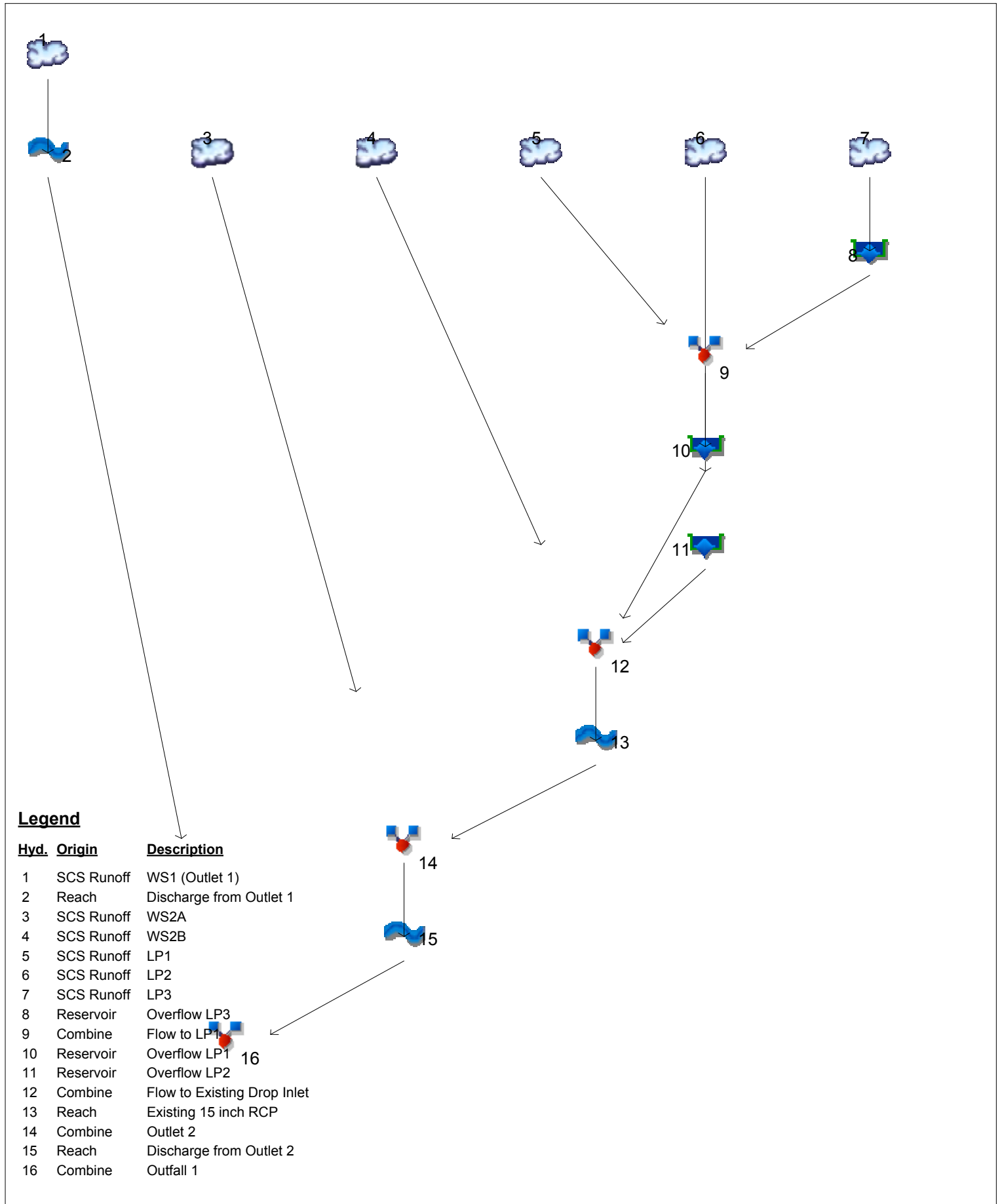
APPENDIX D

Stormwater Calculations

Watershed Model Schematic

ATTACHMENT J

Hydraflow Hydrographs Extension for AutoCAD® Civil 3D® 2016 by Autodesk, Inc. v10.5



Legend

Hyd. Origin	Description
1 SCS Runoff	WS1 (Outlet 1)
2 Reach	Discharge from Outlet 1
3 SCS Runoff	WS2A
4 SCS Runoff	WS2B
5 SCS Runoff	LP1
6 SCS Runoff	LP2
7 SCS Runoff	LP3
8 Reservoir	Overflow LP3
9 Combine	Flow to LP1
10 Reservoir	Overflow LP1
11 Reservoir	Overflow LP2
12 Combine	Flow to Existing Drop Inlet
13 Reach	Existing 15 inch RCP
14 Combine	Outlet 2
15 Reach	Discharge from Outlet 2
16 Combine	Outfall 1

Hydrograph Return Period Recap

ATTACHMENT J

Hydrow Hydrographs Extension for AutoCAD® Civil 3D® 2016 by Autodesk, Inc. v10.5

Hyd. No.	Hydrograph type (origin)	Inflow hyd(s)	Peak Outflow (cfs)								Hydrograph Description
			1-yr	2-yr	3-yr	5-yr	10-yr	25-yr	50-yr	100-yr	
1	SCS Runoff	-----	-----	0.683	-----	-----	1.388	1.848	-----	2.656	WS1 (Outlet 1)
2	Reach	1	-----	0.649	-----	-----	1.374	1.851	-----	2.675	Discharge from Outlet 1
3	SCS Runoff	-----	-----	0.150	-----	-----	0.245	0.304	-----	0.405	WS2A
4	SCS Runoff	-----	-----	0.240	-----	-----	0.431	0.552	-----	0.759	WS2B
5	SCS Runoff	-----	-----	0.506	-----	-----	1.171	1.623	-----	2.437	LP1
6	SCS Runoff	-----	-----	0.301	-----	-----	0.695	0.964	-----	1.447	LP2
7	SCS Runoff	-----	-----	0.443	-----	-----	1.024	1.420	-----	2.133	LP3
8	Reservoir	7	-----	0.041	-----	-----	0.837	1.350	-----	2.024	Overflow LP3
9	Combine	5, 8	-----	0.506	-----	-----	1.843	2.936	-----	4.425	Flow to LP1
10	Reservoir	9	-----	0.000	-----	-----	0.032	0.174	-----	1.289	Overflow LP1
11	Reservoir	6	-----	0.000	-----	-----	0.028	0.114	-----	0.879	Overflow LP2
12	Combine	4, 10, 11	-----	0.240	-----	-----	0.431	0.552	-----	1.944	Flow to Existing Drop Inlet
13	Reach	12	-----	0.161	-----	-----	0.348	0.470	-----	1.940	Existing 15 inch RCP
14	Combine	3, 13	-----	0.277	-----	-----	0.547	0.724	-----	2.042	Outlet 2
15	Reach	14	-----	0.213	-----	-----	0.478	0.660	-----	2.034	Discharge from Outlet 2
16	Combine	2, 15	-----	0.851	-----	-----	1.830	2.492	-----	3.786	Outfall 1

Hydrograph Summary Report

ATTACHMENT J

Hydraflow Hydrographs Extension for AutoCAD® Civil 3D® 2016 by Autodesk, Inc. v10.5

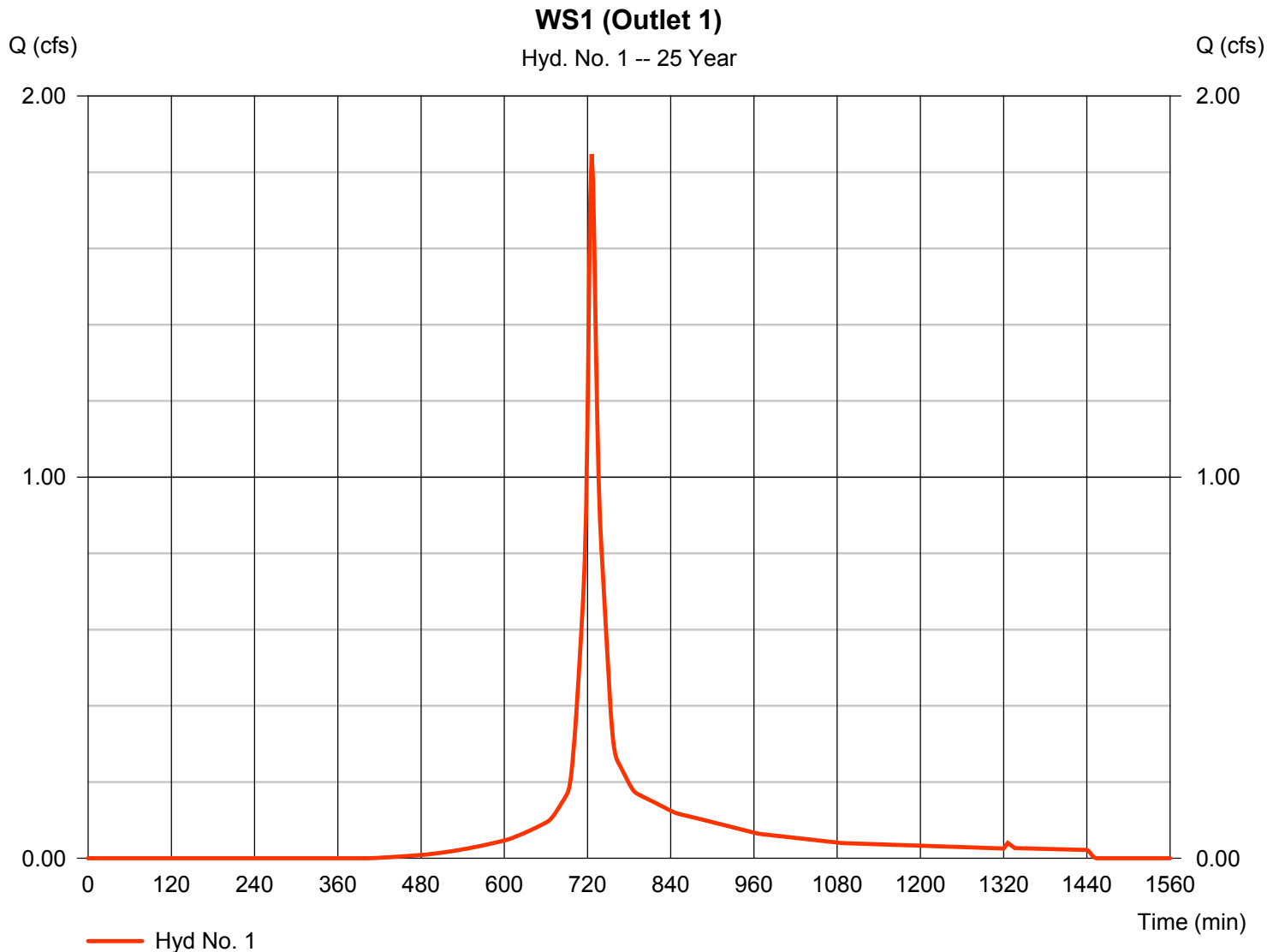
Hyd. No.	Hydrograph type (origin)	Peak flow (cfs)	Time interval (min)	Time to Peak (min)	Hyd. volume (cuft)	Inflow hyd(s)	Maximum elevation (ft)	Total strge used (cuft)	Hydrograph Description
1	SCS Runoff	1.848	2	726	6,331	-----	-----	-----	WS1 (Outlet 1)
2	Reach	1.851	2	728	6,330	1	-----	-----	Discharge from Outlet 1
3	SCS Runoff	0.304	2	724	980	-----	-----	-----	WS2A
4	SCS Runoff	0.552	2	724	1,699	-----	-----	-----	WS2B
5	SCS Runoff	1.623	2	724	4,852	-----	-----	-----	LP1
6	SCS Runoff	0.964	2	724	2,881	-----	-----	-----	LP2
7	SCS Runoff	1.420	2	724	4,245	-----	-----	-----	LP3
8	Reservoir	1.350	2	726	3,432	7	9.46	931	Overflow LP3
9	Combine	2.936	2	724	8,284	5, 8	-----	-----	Flow to LP1
10	Reservoir	0.174	2	860	2,719	9	9.31	5,625	Overflow LP1
11	Reservoir	0.114	2	766	1,232	6	9.40	1,658	Overflow LP2
12	Combine	0.552	2	724	5,650	4, 10, 11	-----	-----	Flow to Existing Drop Inlet
13	Reach	0.470	2	728	5,647	12	-----	-----	Existing 15 inch RCP
14	Combine	0.724	2	726	6,627	3, 13	-----	-----	Outlet 2
15	Reach	0.660	2	730	6,624	14	-----	-----	Discharge from Outlet 2
16	Combine	2.492	2	728	12,954	2, 15	-----	-----	Outfall 1

Hyd. No. 1

WS1 (Outlet 1)

Hydrograph type	= SCS Runoff	Peak discharge	= 1.848 cfs
Storm frequency	= 25 yrs	Time to peak	= 726 min
Time interval	= 2 min	Hyd. volume	= 6,331 cuft
Drainage area	= 0.330 ac	Curve number	= 74*
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= User	Time of conc. (Tc)	= 8.80 min
Total precip.	= 8.40 in	Distribution	= Type III
Storm duration	= 24 hrs	Shape factor	= 484

* Composite (Area/CN) = $[(0.090 \times 98) + (0.240 \times 65)] / 0.330$

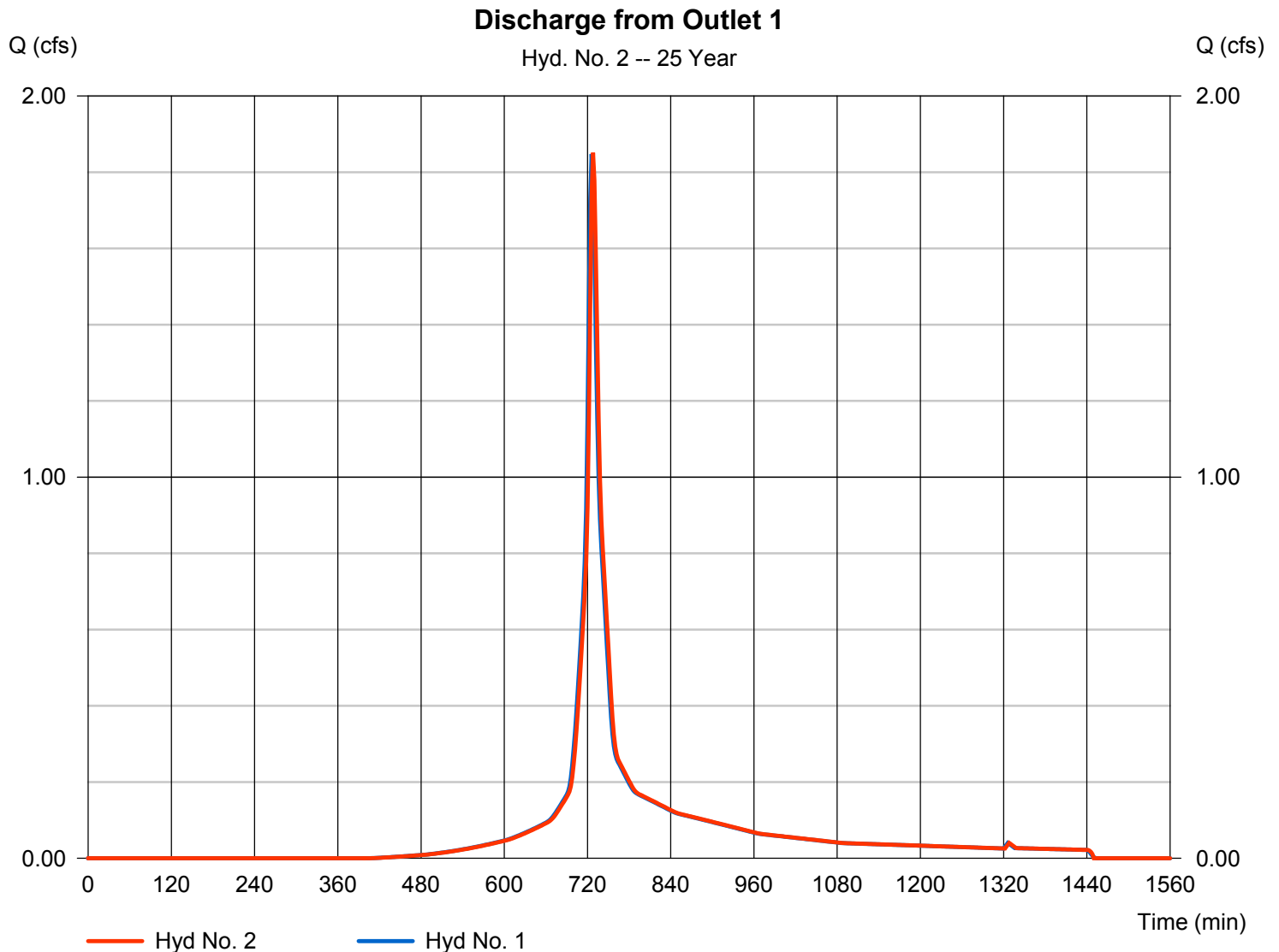


Hyd. No. 2

Discharge from Outlet 1

Hydrograph type	= Reach	Peak discharge	= 1.851 cfs
Storm frequency	= 25 yrs	Time to peak	= 728 min
Time interval	= 2 min	Hyd. volume	= 6,330 cuft
Inflow hyd. No.	= 1 - WS1 (Outlet 1)	Section type	= Circular
Reach length	= 107.0 ft	Channel slope	= 0.1 %
Manning's n	= 0.013	Bottom width	= 1.3 ft
Side slope	= 0.0:1	Max. depth	= 0.0 ft
Rating curve x	= 2.030	Rating curve m	= 1.250
Ave. velocity	= 0.00 ft/s	Routing coeff.	= 1.0270

Modified Att-Kin routing method used.

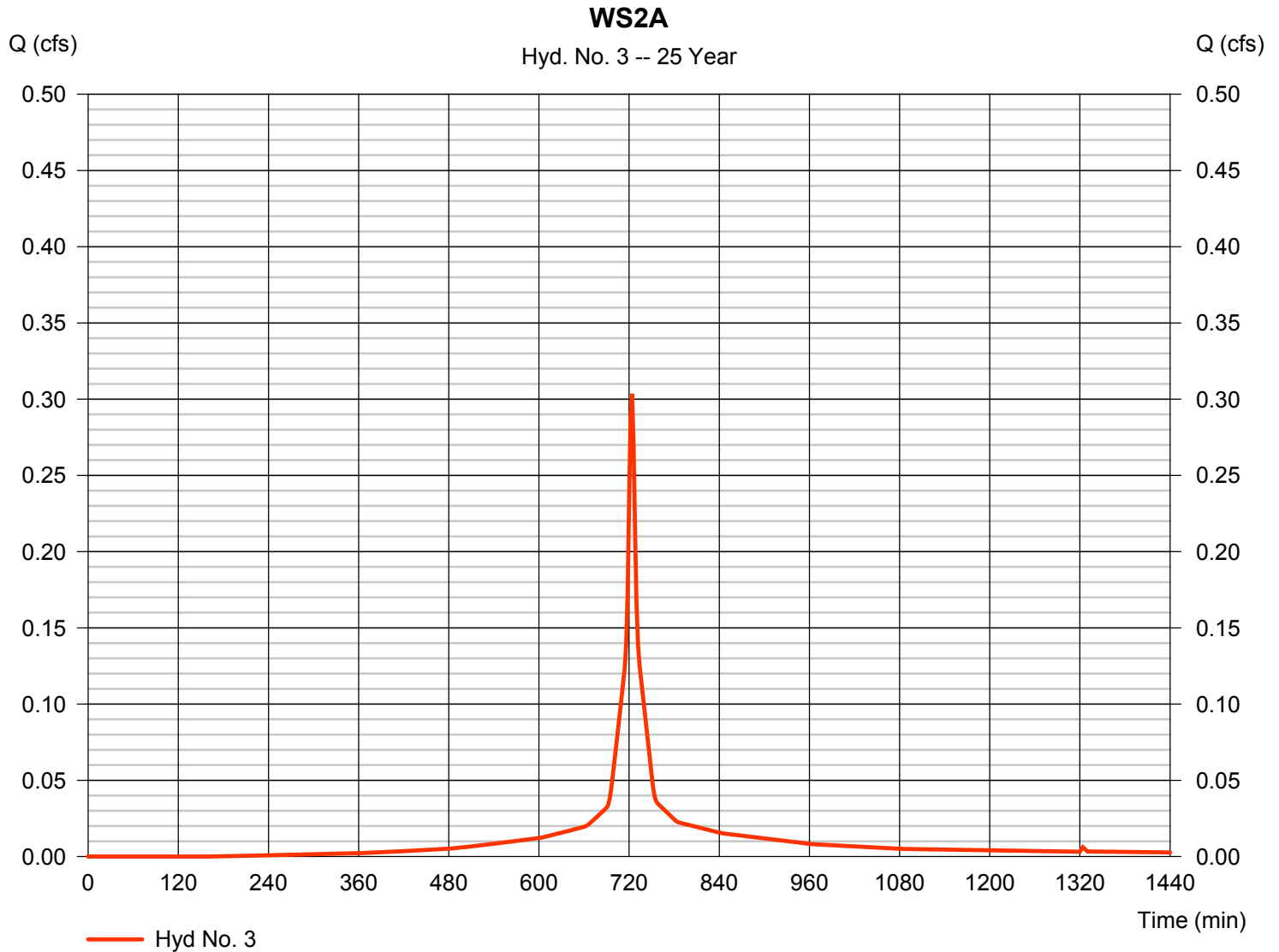


Hyd. No. 3

WS2A

Hydrograph type	= SCS Runoff	Peak discharge	= 0.304 cfs
Storm frequency	= 25 yrs	Time to peak	= 724 min
Time interval	= 2 min	Hyd. volume	= 980 cuft
Drainage area	= 0.040 ac	Curve number	= 90*
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= User	Time of conc. (Tc)	= 6.00 min
Total precip.	= 8.40 in	Distribution	= Type III
Storm duration	= 24 hrs	Shape factor	= 484

* Composite (Area/CN) = [(0.010 x 65) + (0.030 x 98)] / 0.040

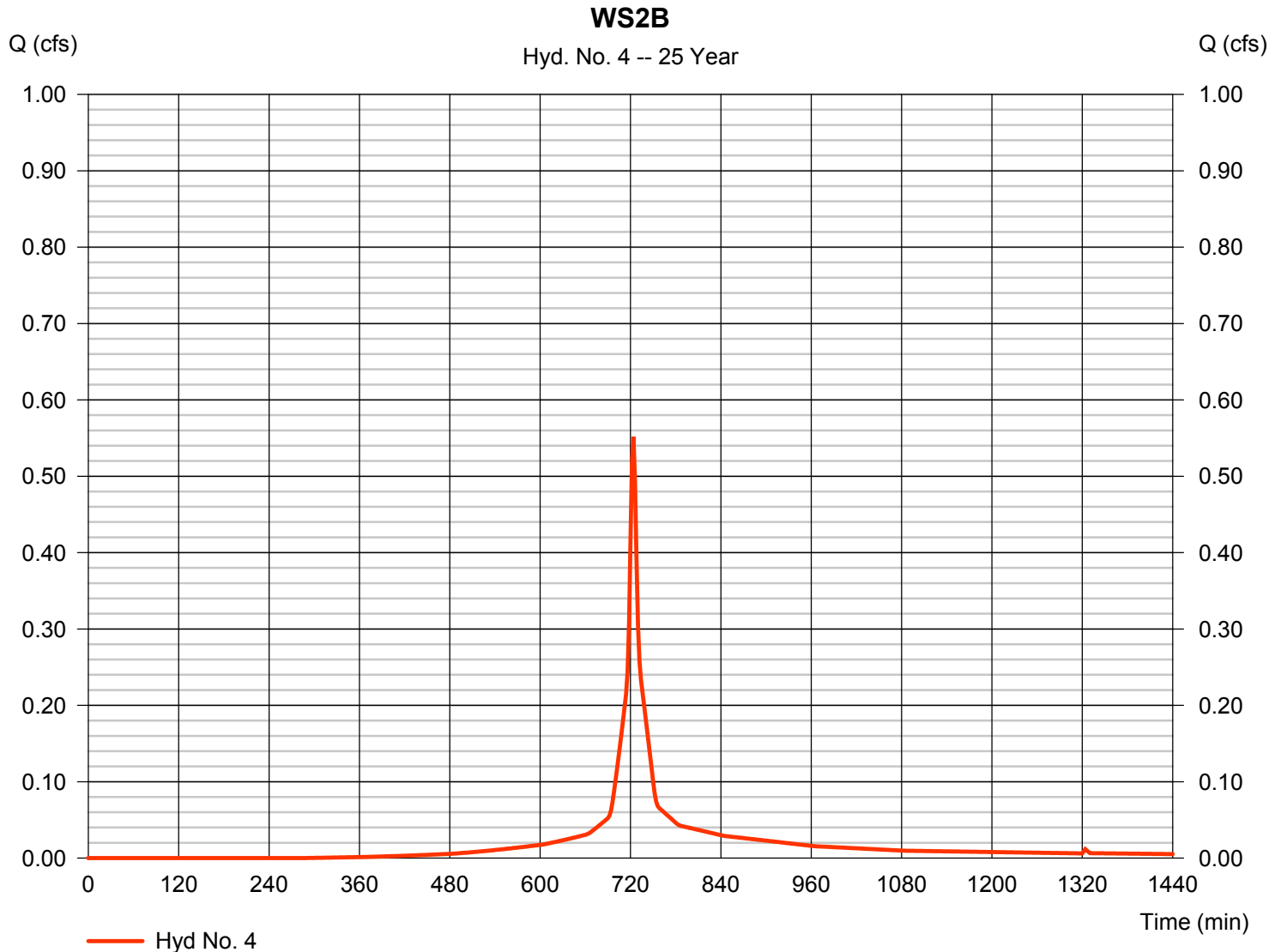


Hyd. No. 4

WS2B

Hydrograph type	= SCS Runoff	Peak discharge	= 0.552 cfs
Storm frequency	= 25 yrs	Time to peak	= 724 min
Time interval	= 2 min	Hyd. volume	= 1,699 cuft
Drainage area	= 0.080 ac	Curve number	= 82*
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= User	Time of conc. (Tc)	= 6.00 min
Total precip.	= 8.40 in	Distribution	= Type III
Storm duration	= 24 hrs	Shape factor	= 484

* Composite (Area/CN) = [(0.040 x 65) + (0.040 x 98)] / 0.080

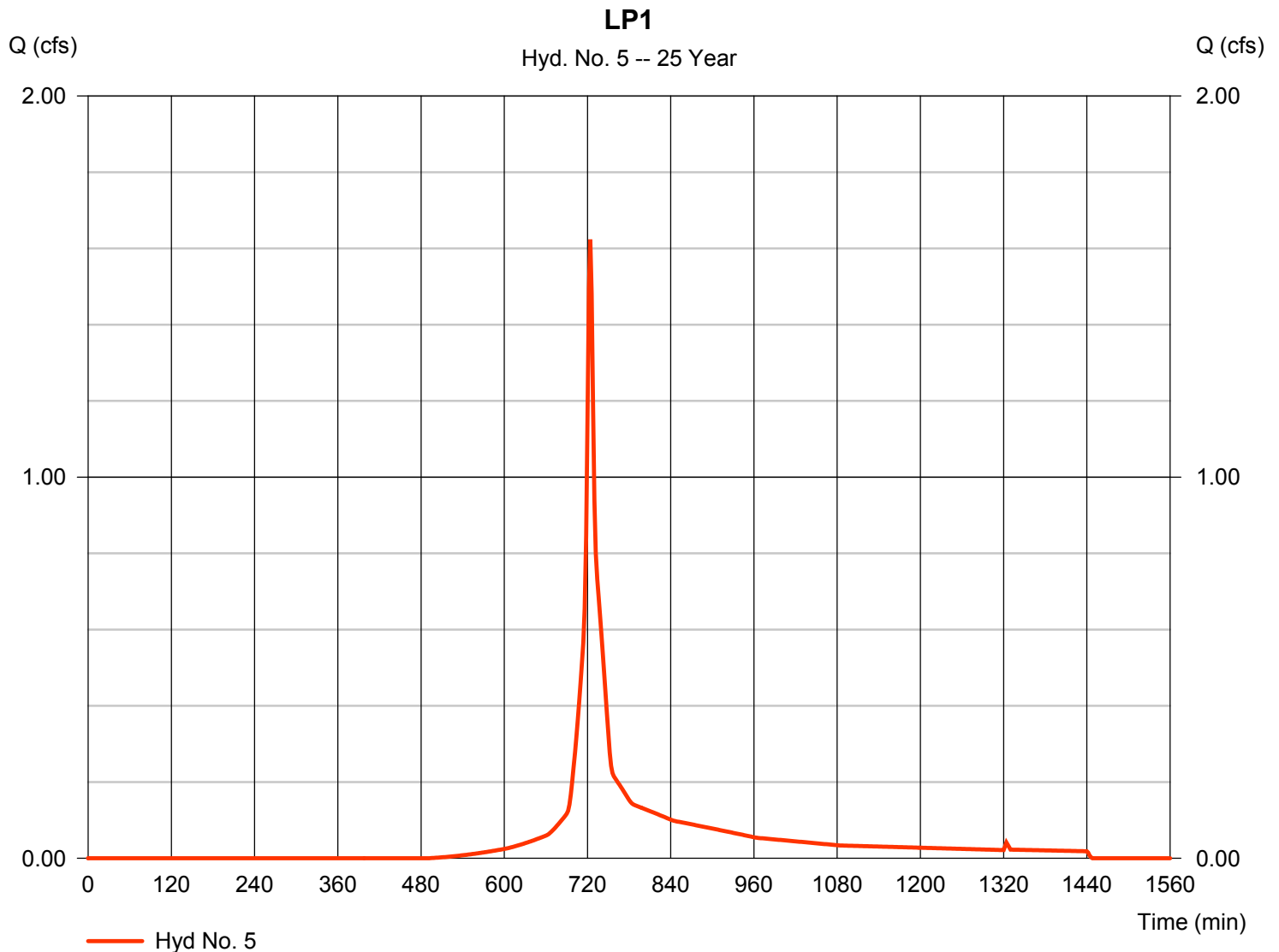


Hyd. No. 5

LP1

Hydrograph type	= SCS Runoff	Peak discharge	= 1.623 cfs
Storm frequency	= 25 yrs	Time to peak	= 724 min
Time interval	= 2 min	Hyd. volume	= 4,852 cuft
Drainage area	= 0.320 ac	Curve number	= 67*
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= User	Time of conc. (Tc)	= 6.00 min
Total precip.	= 8.40 in	Distribution	= Type III
Storm duration	= 24 hrs	Shape factor	= 484

* Composite (Area/CN) = [(0.300 x 65) + (0.020 x 98)] / 0.320

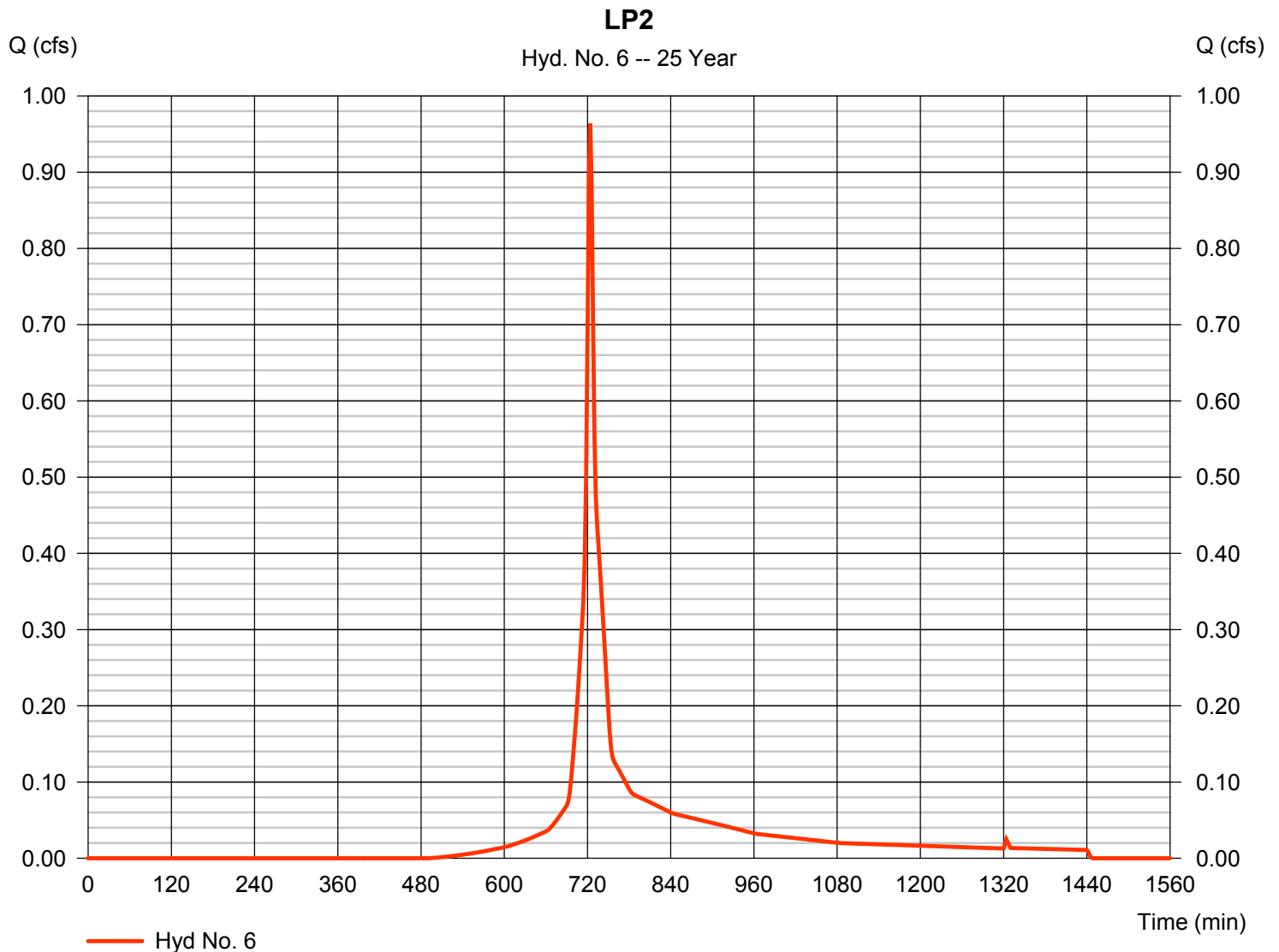


Hyd. No. 6

LP2

Hydrograph type	= SCS Runoff	Peak discharge	= 0.964 cfs
Storm frequency	= 25 yrs	Time to peak	= 724 min
Time interval	= 2 min	Hyd. volume	= 2,881 cuft
Drainage area	= 0.190 ac	Curve number	= 67*
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= User	Time of conc. (Tc)	= 6.00 min
Total precip.	= 8.40 in	Distribution	= Type III
Storm duration	= 24 hrs	Shape factor	= 484

* Composite (Area/CN) = [(0.180 x 65) + (0.010 x 98)] / 0.190

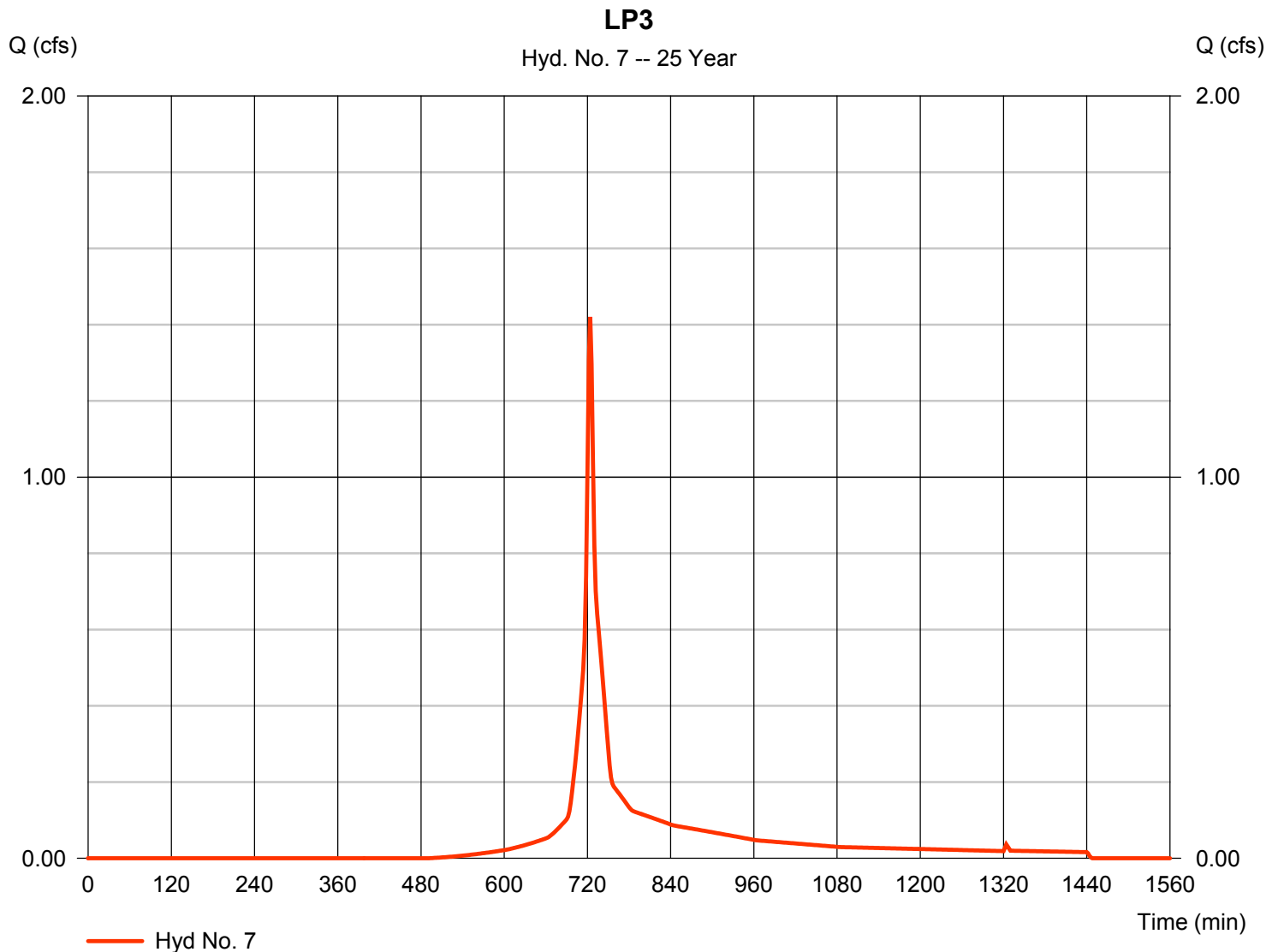


Hyd. No. 7

LP3

Hydrograph type	= SCS Runoff	Peak discharge	= 1.420 cfs
Storm frequency	= 25 yrs	Time to peak	= 724 min
Time interval	= 2 min	Hyd. volume	= 4,245 cuft
Drainage area	= 0.280 ac	Curve number	= 67*
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= User	Time of conc. (Tc)	= 6.00 min
Total precip.	= 8.40 in	Distribution	= Type III
Storm duration	= 24 hrs	Shape factor	= 484

* Composite (Area/CN) = $[(0.260 \times 65) + (0.020 \times 98)] / 0.280$

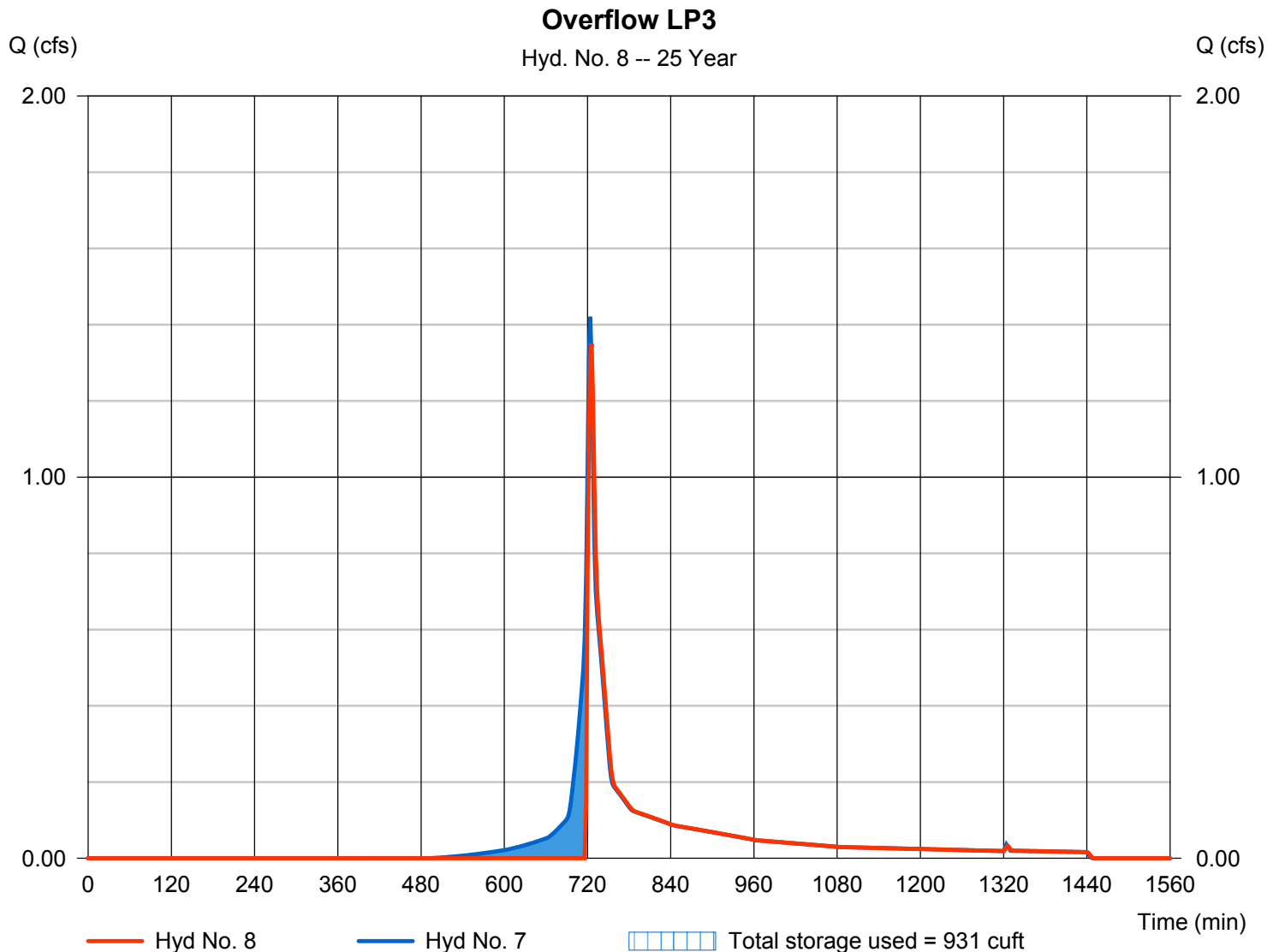


Hyd. No. 8

Overflow LP3

Hydrograph type	= Reservoir	Peak discharge	= 1.350 cfs
Storm frequency	= 25 yrs	Time to peak	= 726 min
Time interval	= 2 min	Hyd. volume	= 3,432 cuft
Inflow hyd. No.	= 7 - LP3	Max. Elevation	= 9.46 ft
Reservoir name	= LP3	Max. Storage	= 931 cuft

Storage Indication method used.

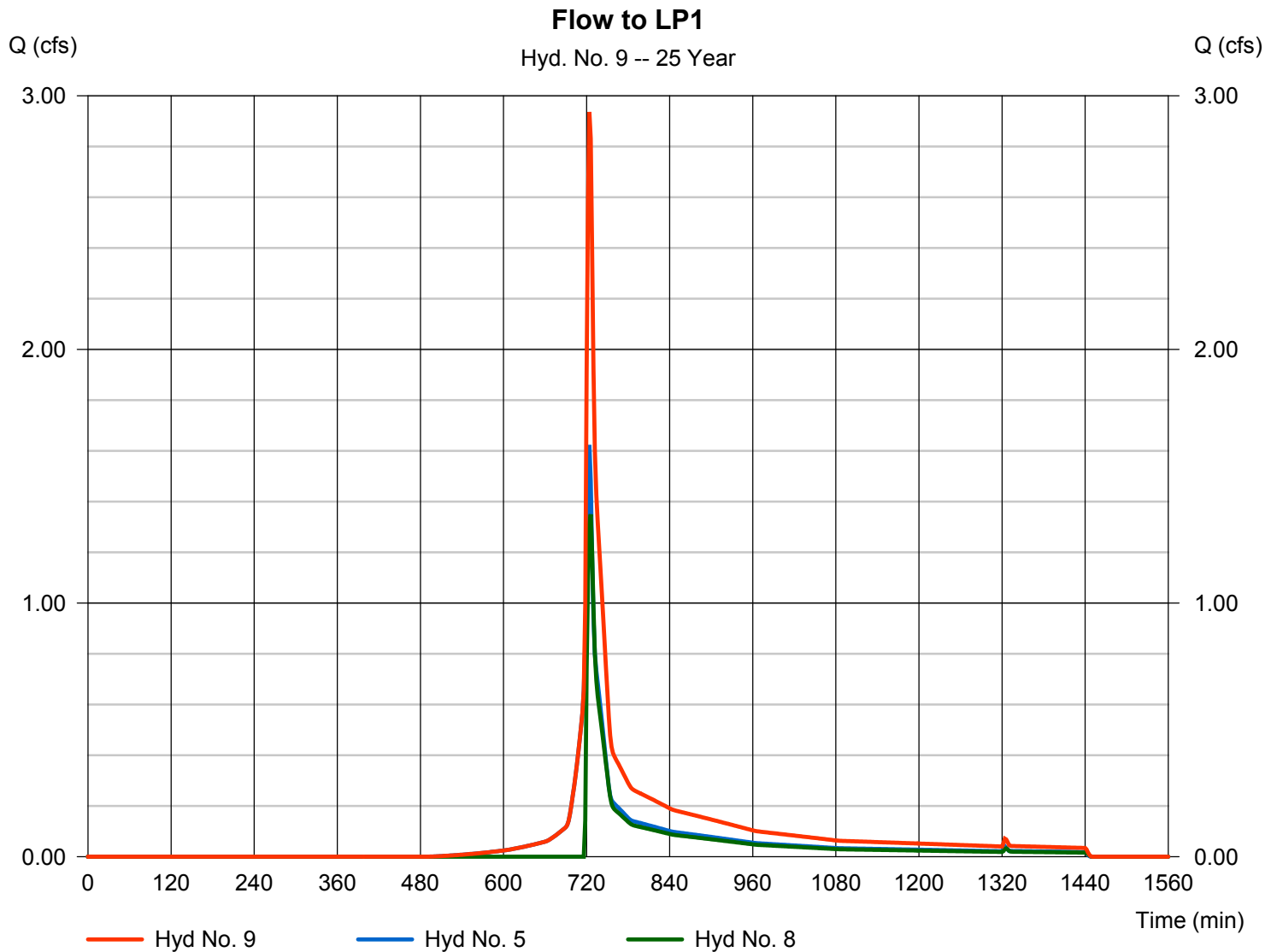


Hyd. No. 9

Flow to LP1

Hydrograph type = Combine
Storm frequency = 25 yrs
Time interval = 2 min
Inflow hyds. = 5, 8

Peak discharge = 2.936 cfs
Time to peak = 724 min
Hyd. volume = 8,284 cuft
Contrib. drain. area = 0.320 ac

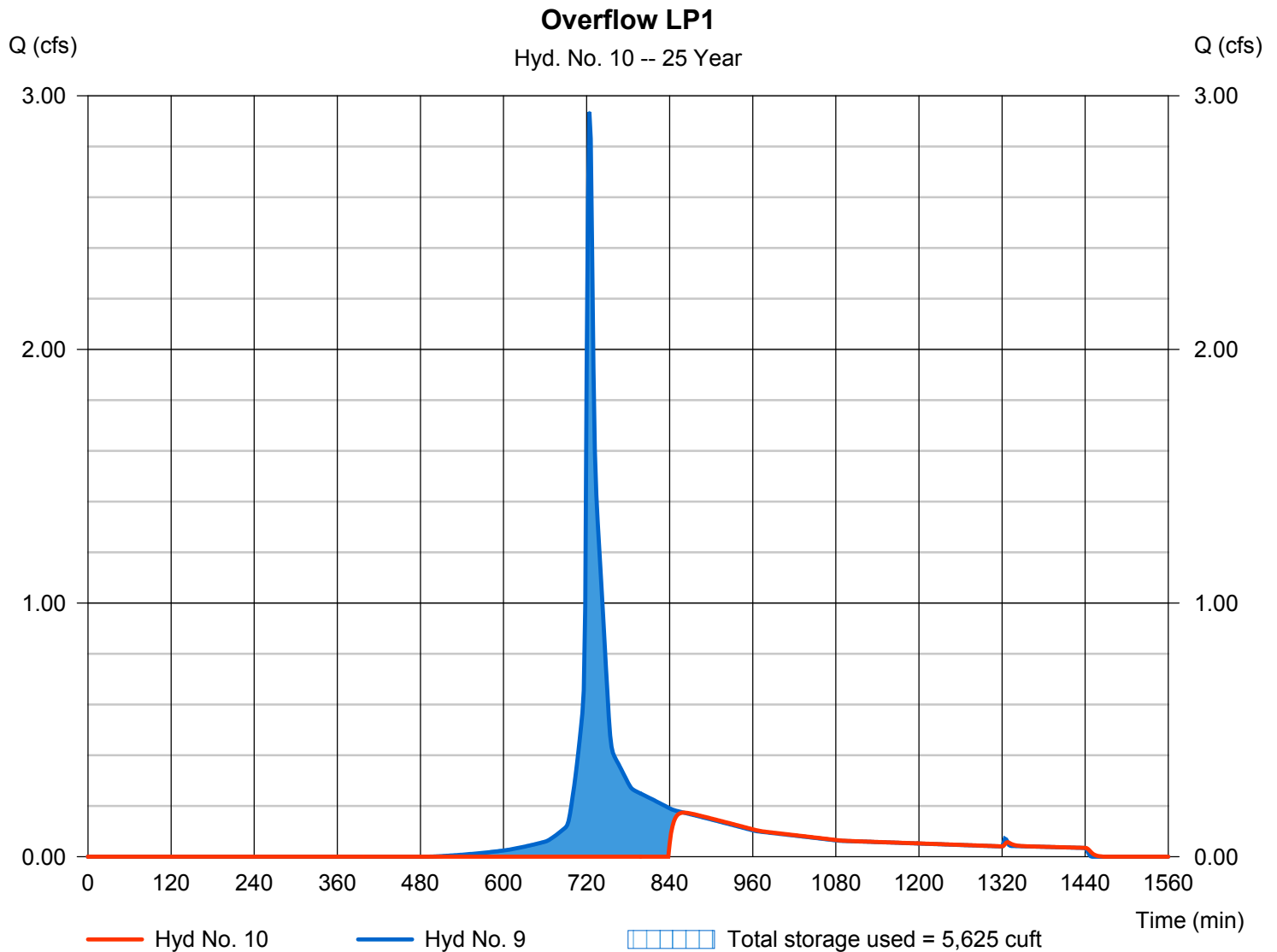


Hyd. No. 10

Overflow LP1

Hydrograph type	= Reservoir	Peak discharge	= 0.174 cfs
Storm frequency	= 25 yrs	Time to peak	= 860 min
Time interval	= 2 min	Hyd. volume	= 2,719 cuft
Inflow hyd. No.	= 9 - Flow to LP1	Max. Elevation	= 9.31 ft
Reservoir name	= LP1	Max. Storage	= 5,625 cuft

Storage Indication method used.

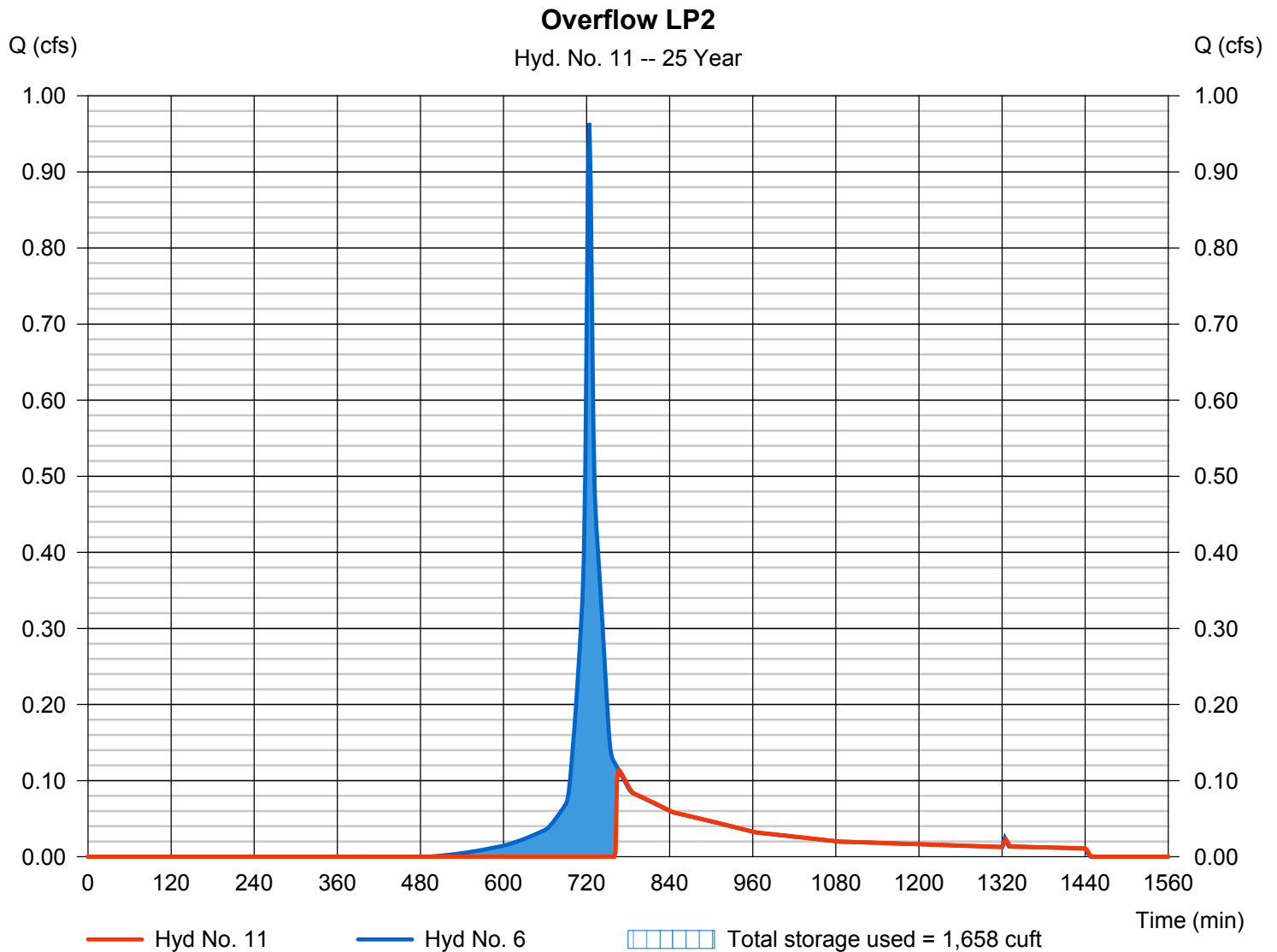


Hyd. No. 11

Overflow LP2

Hydrograph type	= Reservoir	Peak discharge	= 0.114 cfs
Storm frequency	= 25 yrs	Time to peak	= 766 min
Time interval	= 2 min	Hyd. volume	= 1,232 cuft
Inflow hyd. No.	= 6 - LP2	Max. Elevation	= 9.40 ft
Reservoir name	= LP2	Max. Storage	= 1,658 cuft

Storage Indication method used.

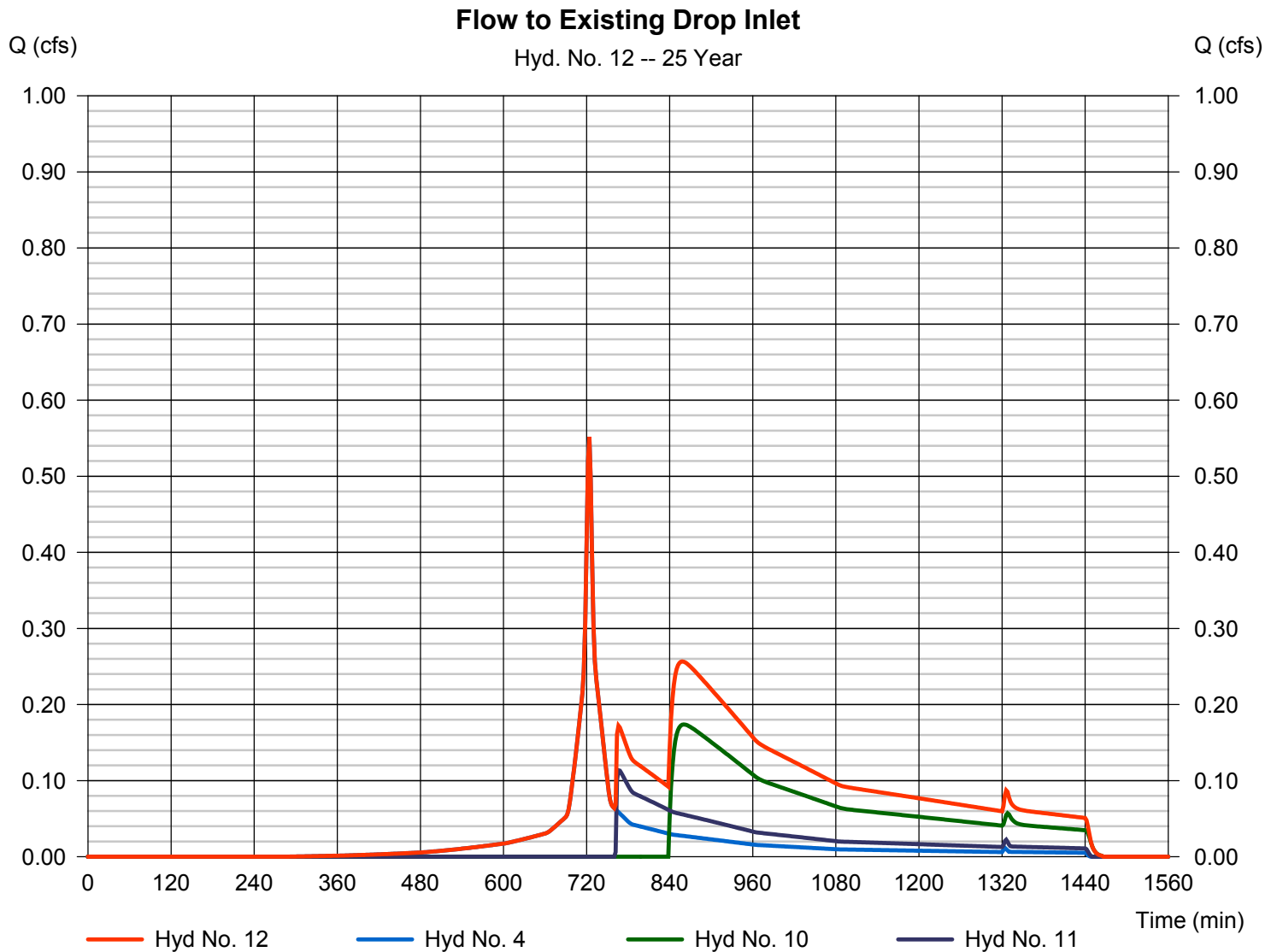


Hyd. No. 12

Flow to Existing Drop Inlet

Hydrograph type = Combine
Storm frequency = 25 yrs
Time interval = 2 min
Inflow hyds. = 4, 10, 11

Peak discharge = 0.552 cfs
Time to peak = 724 min
Hyd. volume = 5,650 cuft
Contrib. drain. area = 0.080 ac

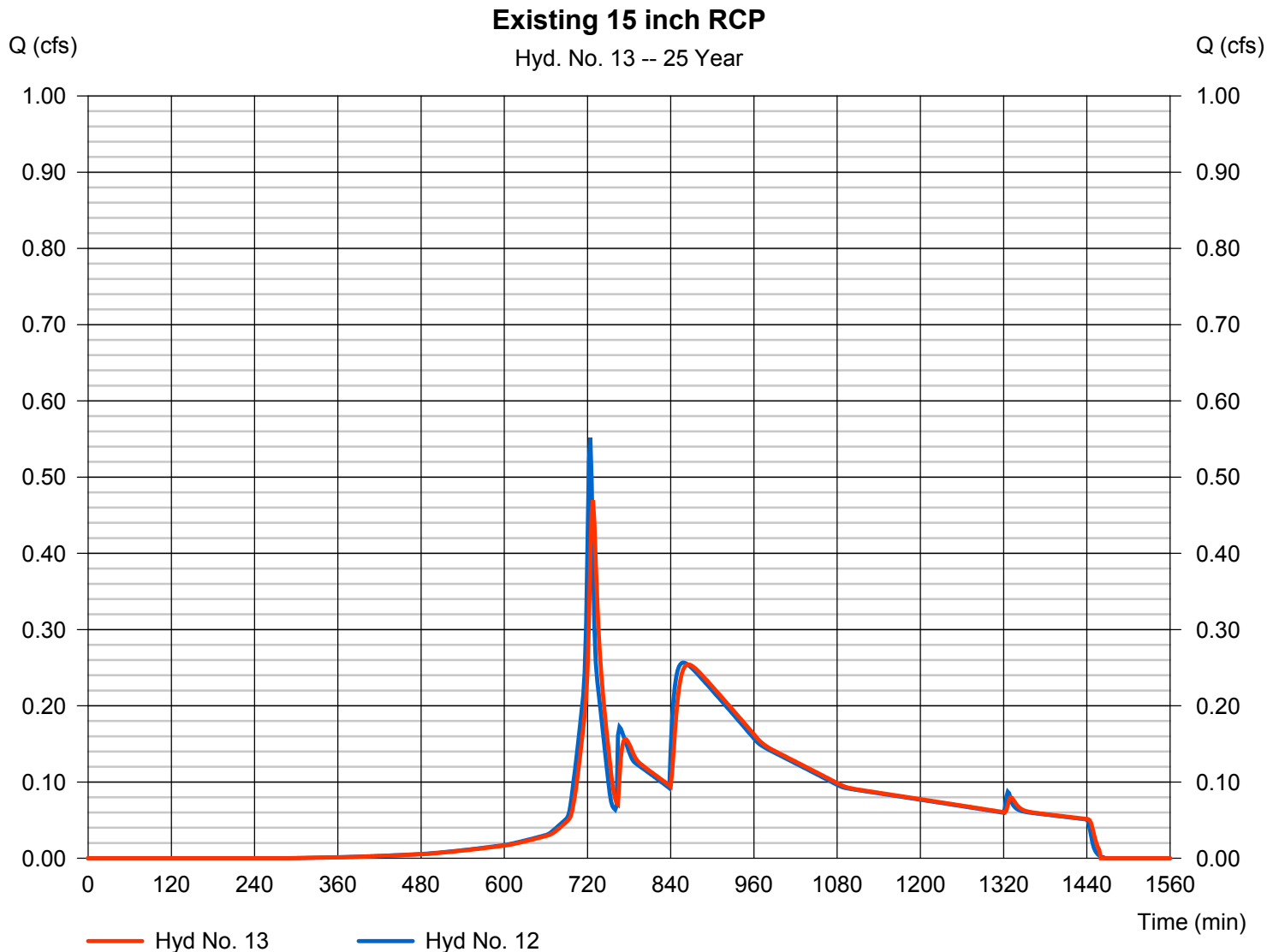


Hyd. No. 13

Existing 15 inch RCP

Hydrograph type	= Reach	Peak discharge	= 0.470 cfs
Storm frequency	= 25 yrs	Time to peak	= 728 min
Time interval	= 2 min	Hyd. volume	= 5,647 cuft
Inflow hyd. No.	= 12 - Flow to Existing Drop Inlet	Section type	= Circular
Reach length	= 140.0 ft	Channel slope	= 0.3 %
Manning's n	= 0.013	Bottom width	= 1.3 ft
Side slope	= 0.0:1	Max. depth	= 0.0 ft
Rating curve x	= 3.516	Rating curve m	= 1.250
Ave. velocity	= 0.00 ft/s	Routing coeff.	= 0.3881

Modified Att-Kin routing method used.

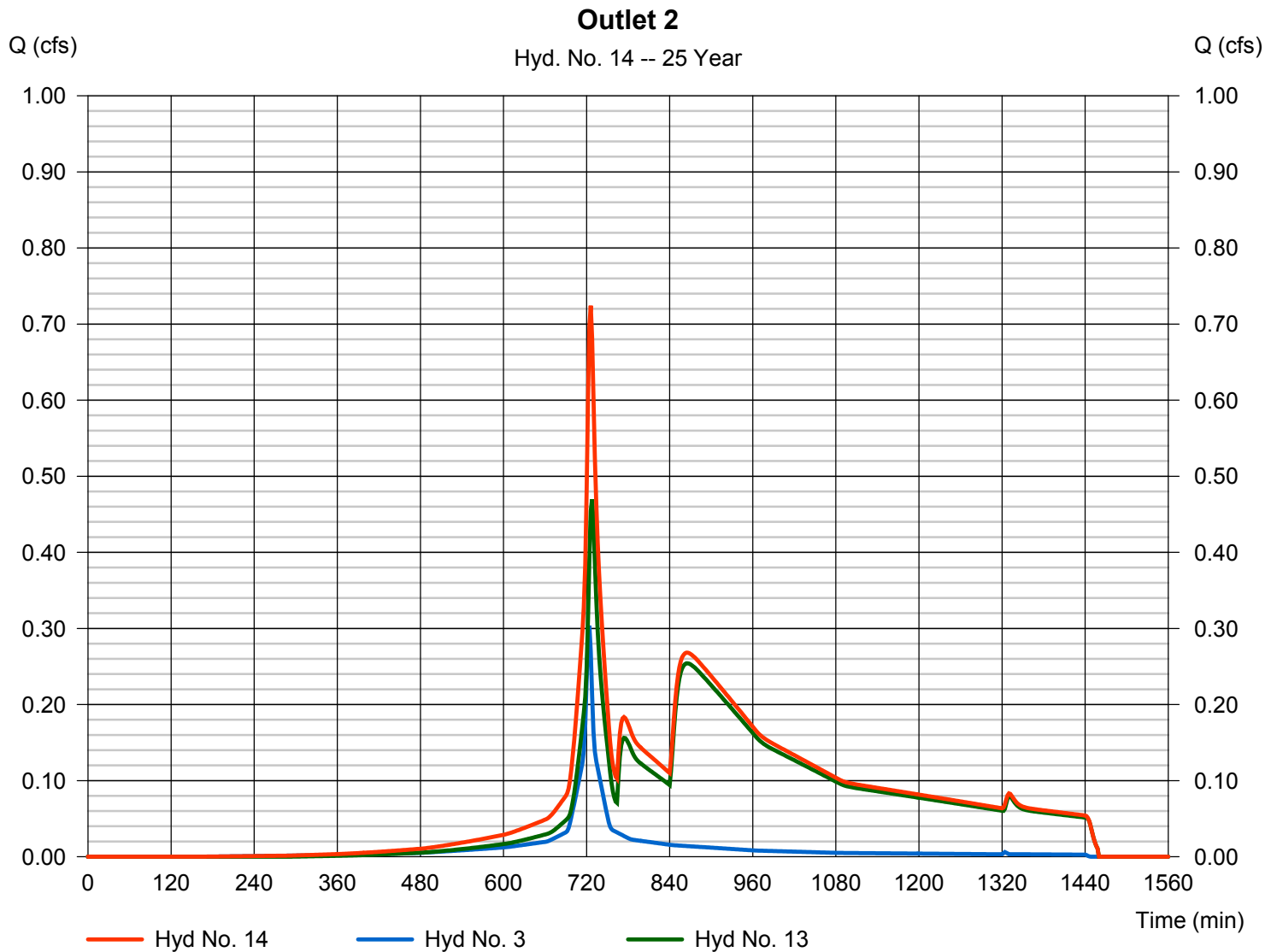


Hyd. No. 14

Outlet 2

Hydrograph type = Combine
Storm frequency = 25 yrs
Time interval = 2 min
Inflow hyds. = 3, 13

Peak discharge = 0.724 cfs
Time to peak = 726 min
Hyd. volume = 6,627 cuft
Contrib. drain. area = 0.040 ac

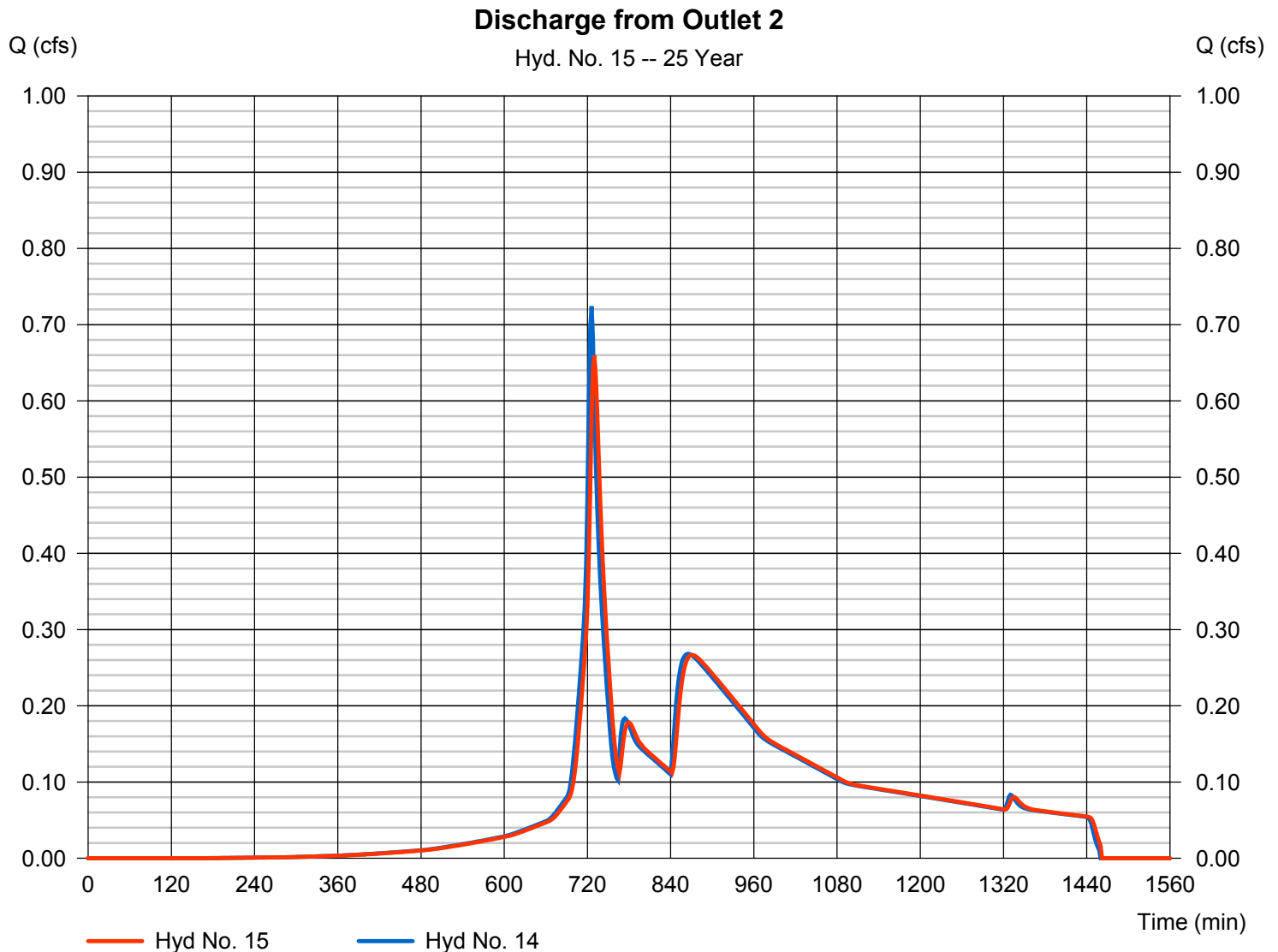


Hyd. No. 15

Discharge from Outlet 2

Hydrograph type	= Reach	Peak discharge	= 0.660 cfs
Storm frequency	= 25 yrs	Time to peak	= 730 min
Time interval	= 2 min	Hyd. volume	= 6,624 cuft
Inflow hyd. No.	= 14 - Outlet 2	Section type	= Circular
Reach length	= 158.0 ft	Channel slope	= 0.1 %
Manning's n	= 0.013	Bottom width	= 1.3 ft
Side slope	= 0.0:1	Max. depth	= 0.0 ft
Rating curve x	= 2.030	Rating curve m	= 1.250
Ave. velocity	= 0.00 ft/s	Routing coeff.	= 0.4377

Modified Att-Kin routing method used.

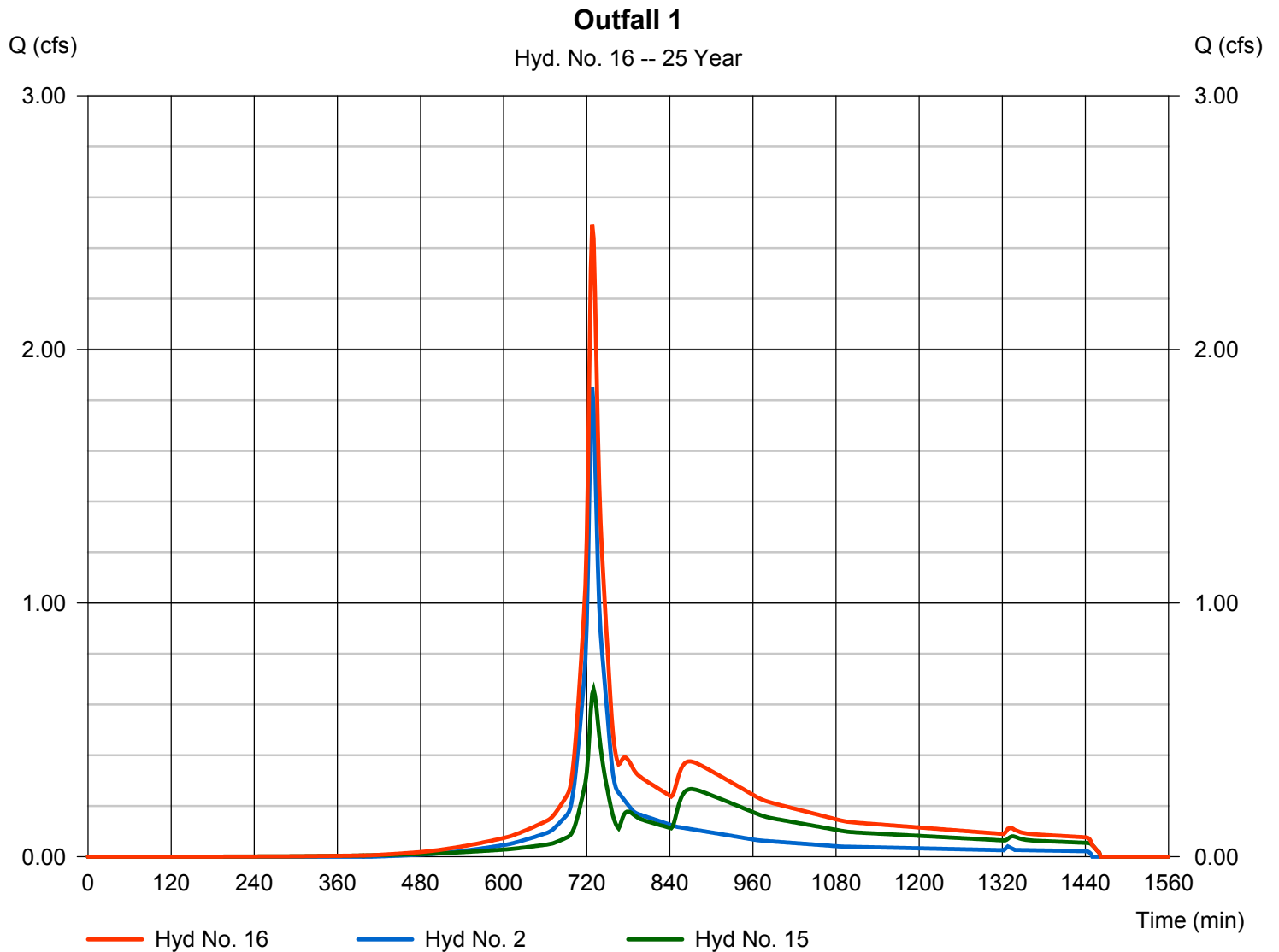


Hyd. No. 16

Outfall 1

Hydrograph type = Combine
Storm frequency = 25 yrs
Time interval = 2 min
Inflow hyds. = 2, 15

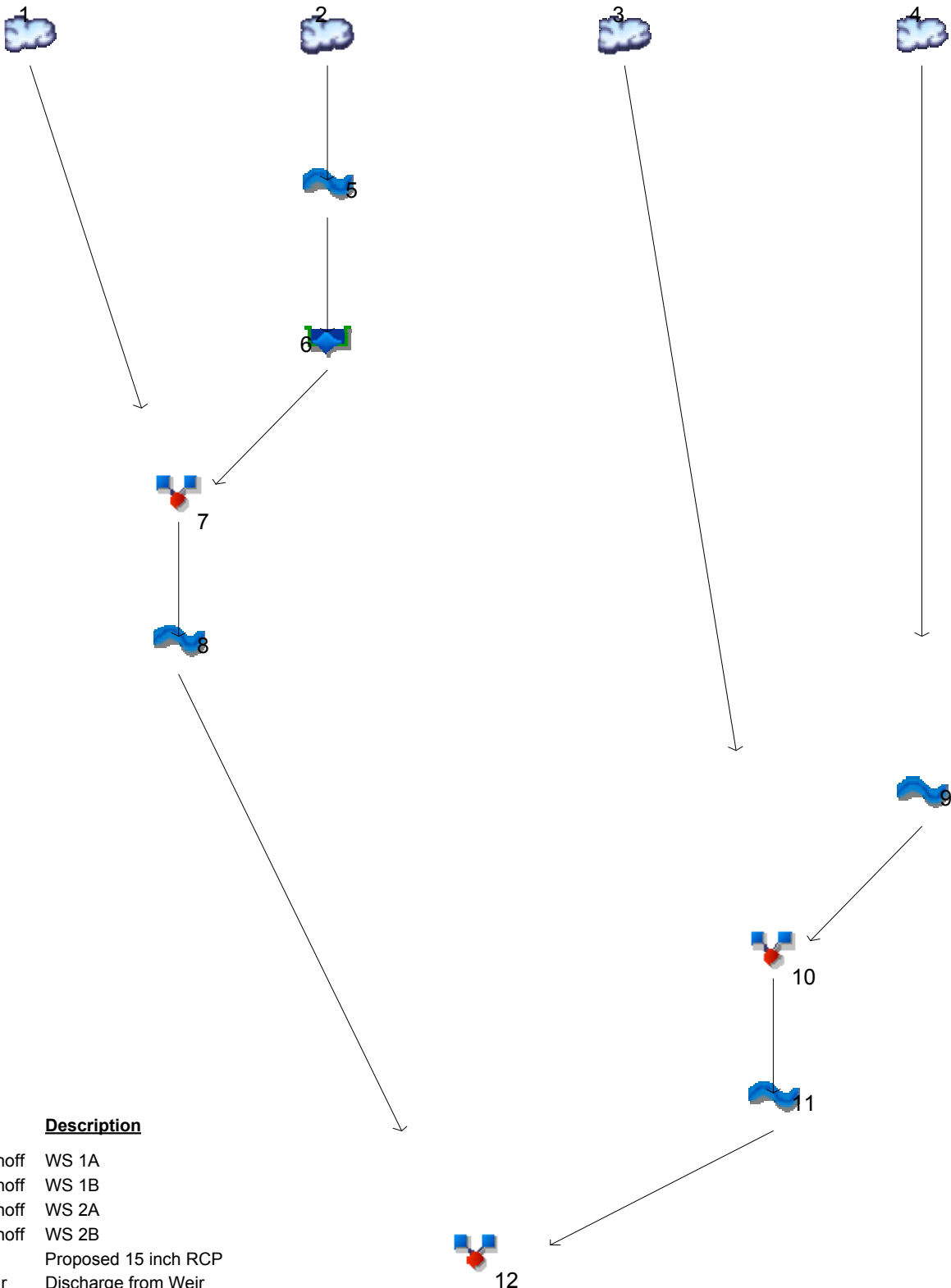
Peak discharge = 2.492 cfs
Time to peak = 728 min
Hyd. volume = 12,954 cuft
Contrib. drain. area = 0.000 ac



Watershed Model Schematic

ATTACHMENT J

Hydraflow Hydrographs Extension for AutoCAD® Civil 3D® 2016 by Autodesk, Inc. v10.5



Legend

Hyd. Origin	Description
1	SCS Runoff WS 1A
2	SCS Runoff WS 1B
3	SCS Runoff WS 2A
4	SCS Runoff WS 2B
5	Reach Proposed 15 inch RCP
6	Reservoir Discharge from Weir
7	Combine Outlet 1
8	Reach Discharge from Outlet 1
9	Reach Existing 15 inch RCP
10	Combine Outlet 2
11	Reach Discharge from Outlet 2
12	Combine Outfall 1

Hydrograph Return Period Recap

ATTACHMENT J

Hydrow Hydrographs Extension for AutoCAD® Civil 3D® 2016 by Autodesk, Inc. v10.5

Hyd. No.	Hydrograph type (origin)	Inflow hyd(s)	Peak Outflow (cfs)								Hydrograph Description
			1-yr	2-yr	3-yr	5-yr	10-yr	25-yr	50-yr	100-yr	
1	SCS Runoff	-----	-----	0.083	-----	-----	0.166	0.222	-----	0.320	WS 1A
2	SCS Runoff	-----	-----	0.149	-----	-----	0.269	0.345	-----	0.478	WS 1B
3	SCS Runoff	-----	-----	0.153	-----	-----	0.248	0.306	-----	0.407	WS 2A
4	SCS Runoff	-----	-----	0.661	-----	-----	1.409	1.905	-----	2.784	WS 2B
5	Reach	2	-----	0.128	-----	-----	0.252	0.331	-----	0.468	Proposed 15 inch RCP
6	Reservoir	5	-----	0.128	-----	-----	0.252	0.330	-----	0.467	Discharge from Weir
7	Combine	1, 6	-----	0.204	-----	-----	0.411	0.545	-----	0.781	Outlet 1
8	Reach	7	-----	0.204	-----	-----	0.411	0.545	-----	0.781	Discharge from Outlet 1
9	Reach	4	-----	0.578	-----	-----	1.361	1.889	-----	2.797	Existing 15 inch RCP
10	Combine	3, 9	-----	0.686	-----	-----	1.582	2.161	-----	3.159	Outlet 2
11	Reach	10	-----	0.621	-----	-----	1.530	2.146	-----	3.164	Discharge from Outlet 2
12	Combine	8, 11	-----	0.627	-----	-----	1.554	2.187	-----	3.245	Outfall 1

Hydrograph Summary Report

ATTACHMENT J

Hydraflow Hydrographs Extension for AutoCAD® Civil 3D® 2016 by Autodesk, Inc. v10.5

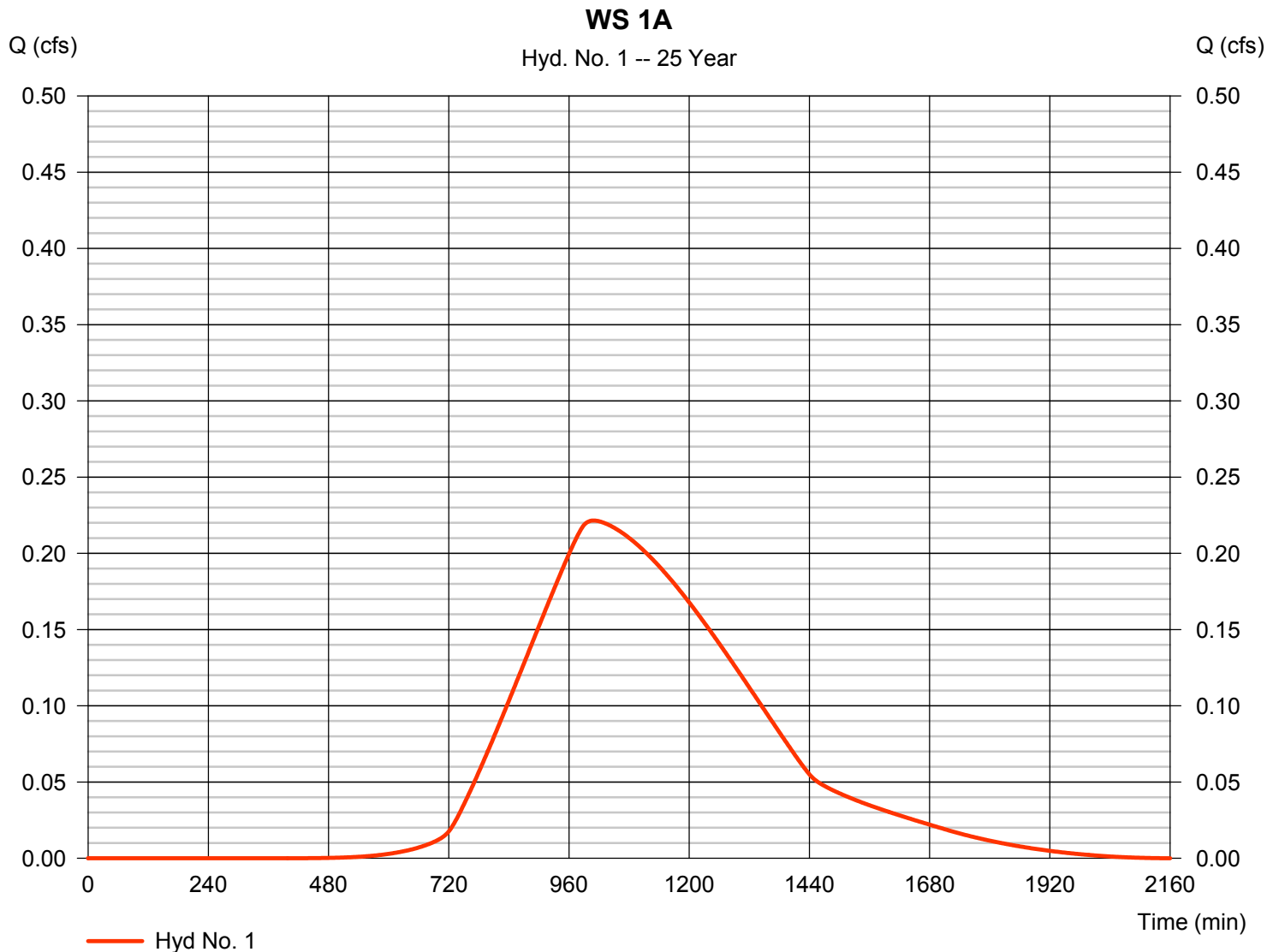
Hyd. No.	Hydrograph type (origin)	Peak flow (cfs)	Time interval (min)	Time to Peak (min)	Hyd. volume (cuft)	Inflow hyd(s)	Maximum elevation (ft)	Total strge used (cuft)	Hydrograph Description
1	SCS Runoff	0.222	2	1010	6,823	-----	-----	-----	WS 1A
2	SCS Runoff	0.345	2	1004	10,595	-----	-----	-----	WS 1B
3	SCS Runoff	0.306	2	724	996	-----	-----	-----	WS 2A
4	SCS Runoff	1.905	2	724	5,703	-----	-----	-----	WS 2B
5	Reach	0.331	2	1064	10,537	2	-----	-----	Proposed 15 inch RCP
6	Reservoir	0.330	2	1080	10,535	5	4.01	313	Discharge from Weir
7	Combine	0.545	2	1056	17,358	1, 6	-----	-----	Outlet 1
8	Reach	0.545	2	1062	17,333	7	-----	-----	Discharge from Outlet 1
9	Reach	1.889	2	726	5,701	4	-----	-----	Existing 15 inch RCP
10	Combine	2.161	2	726	6,697	3, 9	-----	-----	Outlet 2
11	Reach	2.146	2	728	6,697	10	-----	-----	Discharge from Outlet 2
12	Combine	2.187	2	728	24,030	8, 11	-----	-----	Outfall 1
Post-Development.gpw					Return Period: 25 Year			Monday, 05 / 23 / 2016	

Hyd. No. 1

WS 1A

Hydrograph type	= SCS Runoff	Peak discharge	= 0.222 cfs
Storm frequency	= 25 yrs	Time to peak	= 1010 min
Time interval	= 2 min	Hyd. volume	= 6,823 cuft
Drainage area	= 0.340 ac	Curve number	= 76*
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= User	Time of conc. (Tc)	= 462.00 min
Total precip.	= 8.40 in	Distribution	= Type III
Storm duration	= 24 hrs	Shape factor	= 484

* Composite (Area/CN) = [(0.180 x 68) + (0.070 x 98) + (0.010 x 75) + (0.080 x 75)] / 0.340

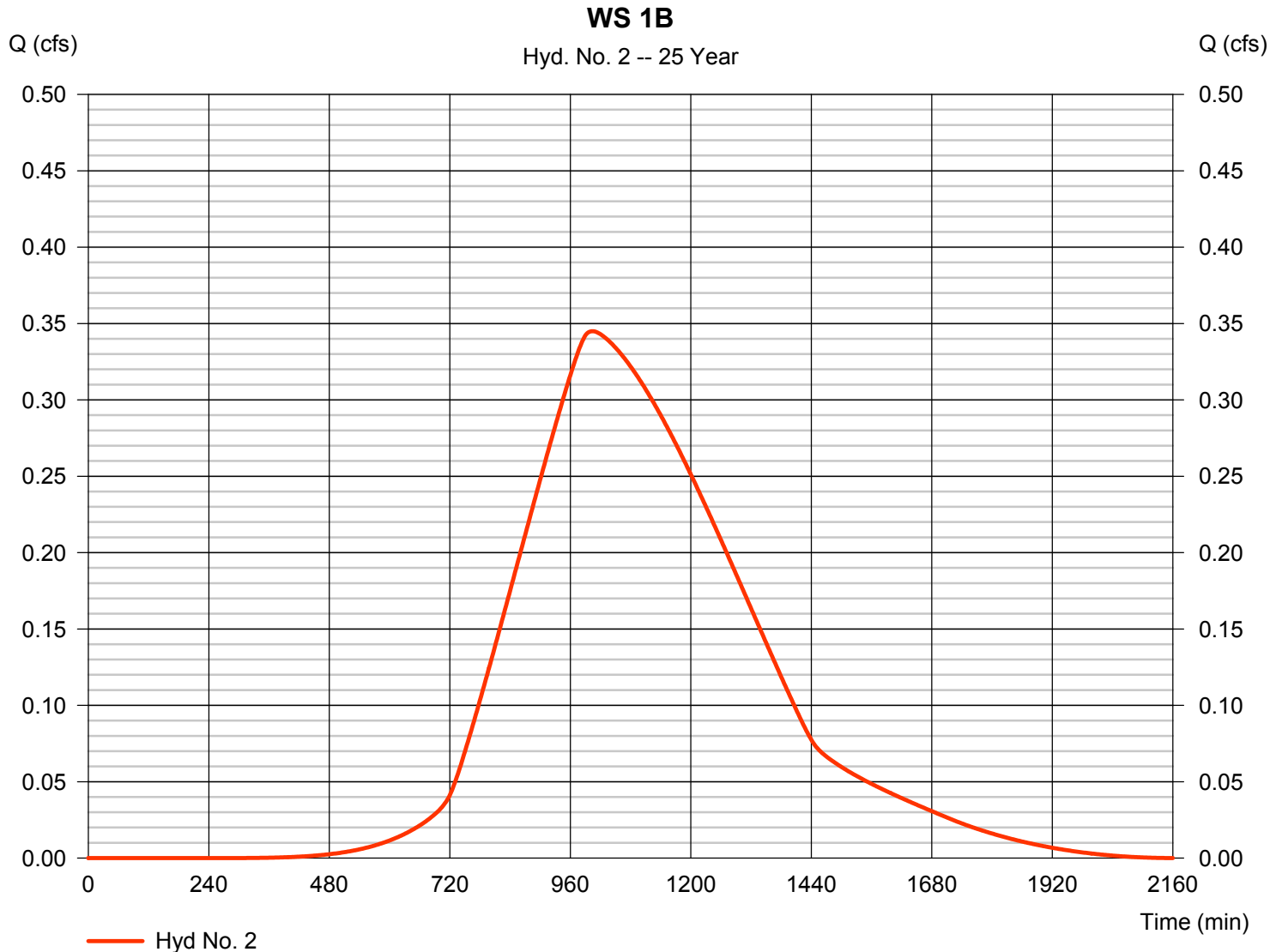


Hyd. No. 2

WS 1B

Hydrograph type	= SCS Runoff	Peak discharge	= 0.345 cfs
Storm frequency	= 25 yrs	Time to peak	= 1004 min
Time interval	= 2 min	Hyd. volume	= 10,595 cuft
Drainage area	= 0.450 ac	Curve number	= 84*
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= User	Time of conc. (Tc)	= 462.00 min
Total precip.	= 8.40 in	Distribution	= Type III
Storm duration	= 24 hrs	Shape factor	= 484

* Composite (Area/CN) = $[(0.060 \times 68) + (0.080 \times 75) + (0.110 \times 75) + (0.200 \times 98)] / 0.450$

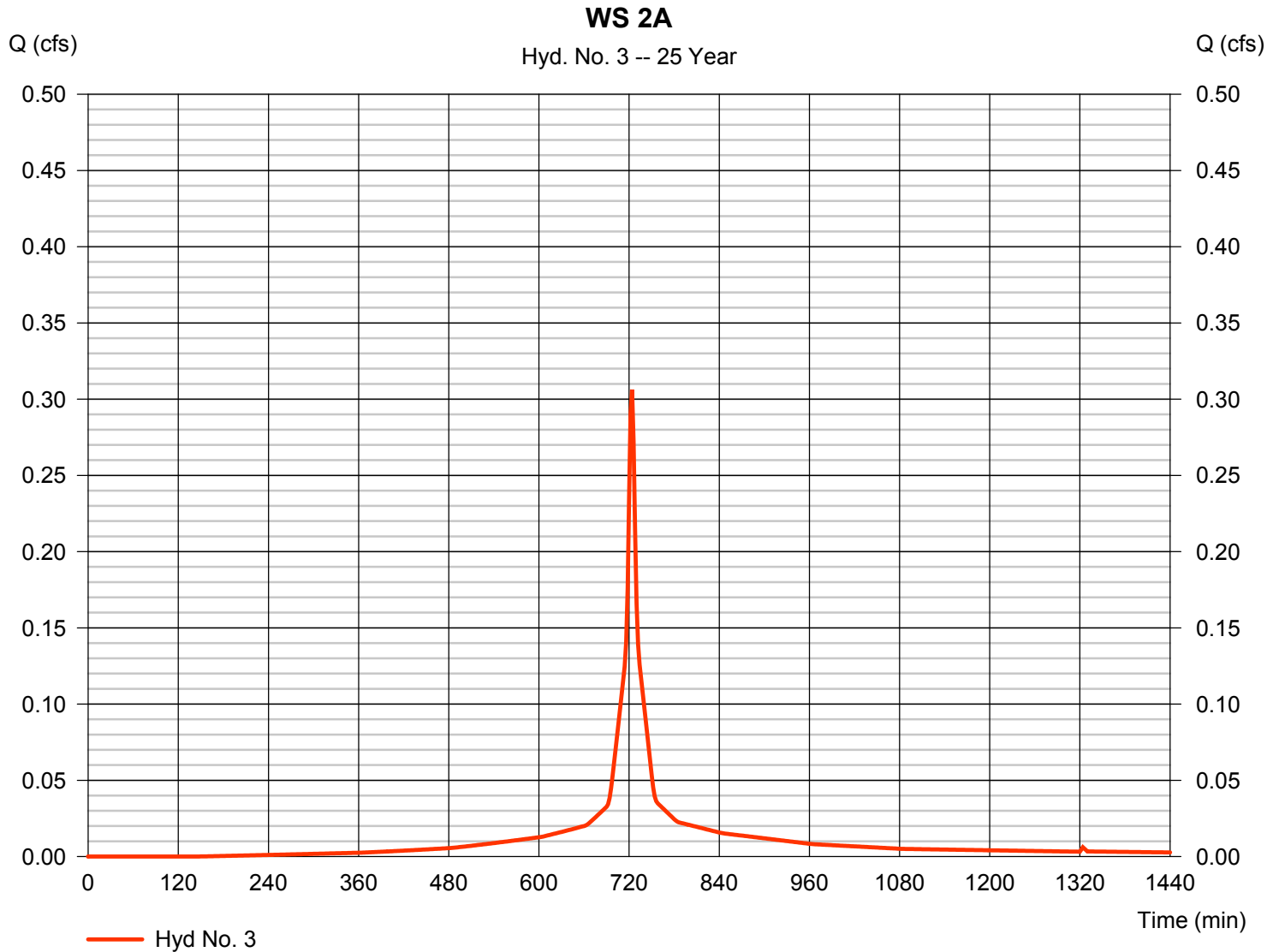


Hyd. No. 3

WS 2A

Hydrograph type	= SCS Runoff	Peak discharge	= 0.306 cfs
Storm frequency	= 25 yrs	Time to peak	= 724 min
Time interval	= 2 min	Hyd. volume	= 996 cuft
Drainage area	= 0.040 ac	Curve number	= 91*
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= User	Time of conc. (Tc)	= 6.00 min
Total precip.	= 8.40 in	Distribution	= Type III
Storm duration	= 24 hrs	Shape factor	= 484

* Composite (Area/CN) = [(0.010 x 68) + (0.030 x 98)] / 0.040

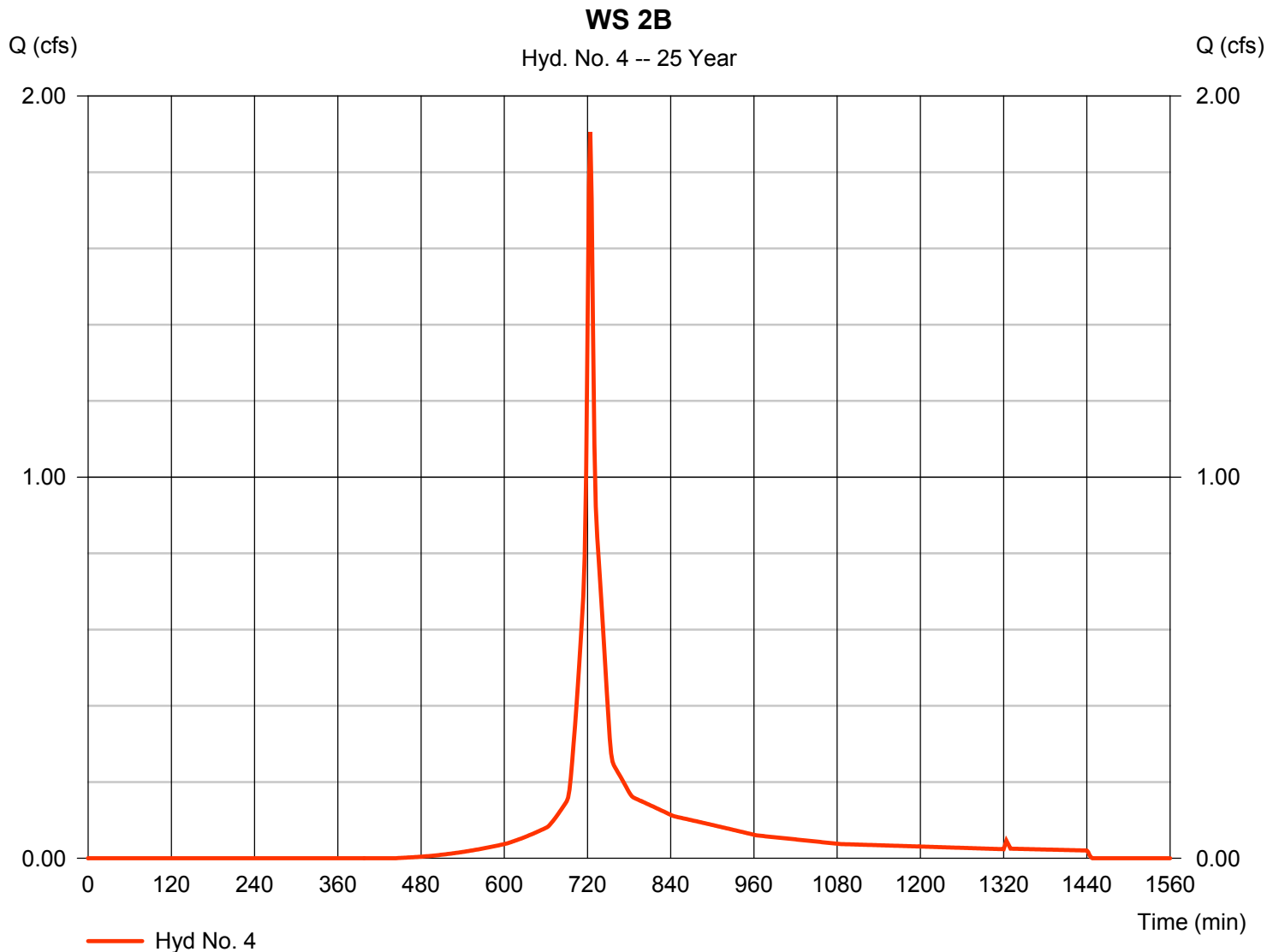


Hyd. No. 4

WS 2B

Hydrograph type	= SCS Runoff	Peak discharge	= 1.905 cfs
Storm frequency	= 25 yrs	Time to peak	= 724 min
Time interval	= 2 min	Hyd. volume	= 5,703 cuft
Drainage area	= 0.340 ac	Curve number	= 71*
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= User	Time of conc. (Tc)	= 6.00 min
Total precip.	= 8.40 in	Distribution	= Type III
Storm duration	= 24 hrs	Shape factor	= 484

* Composite (Area/CN) = [(0.290 x 68) + (0.030 x 98) + (0.020 x 75)] / 0.340



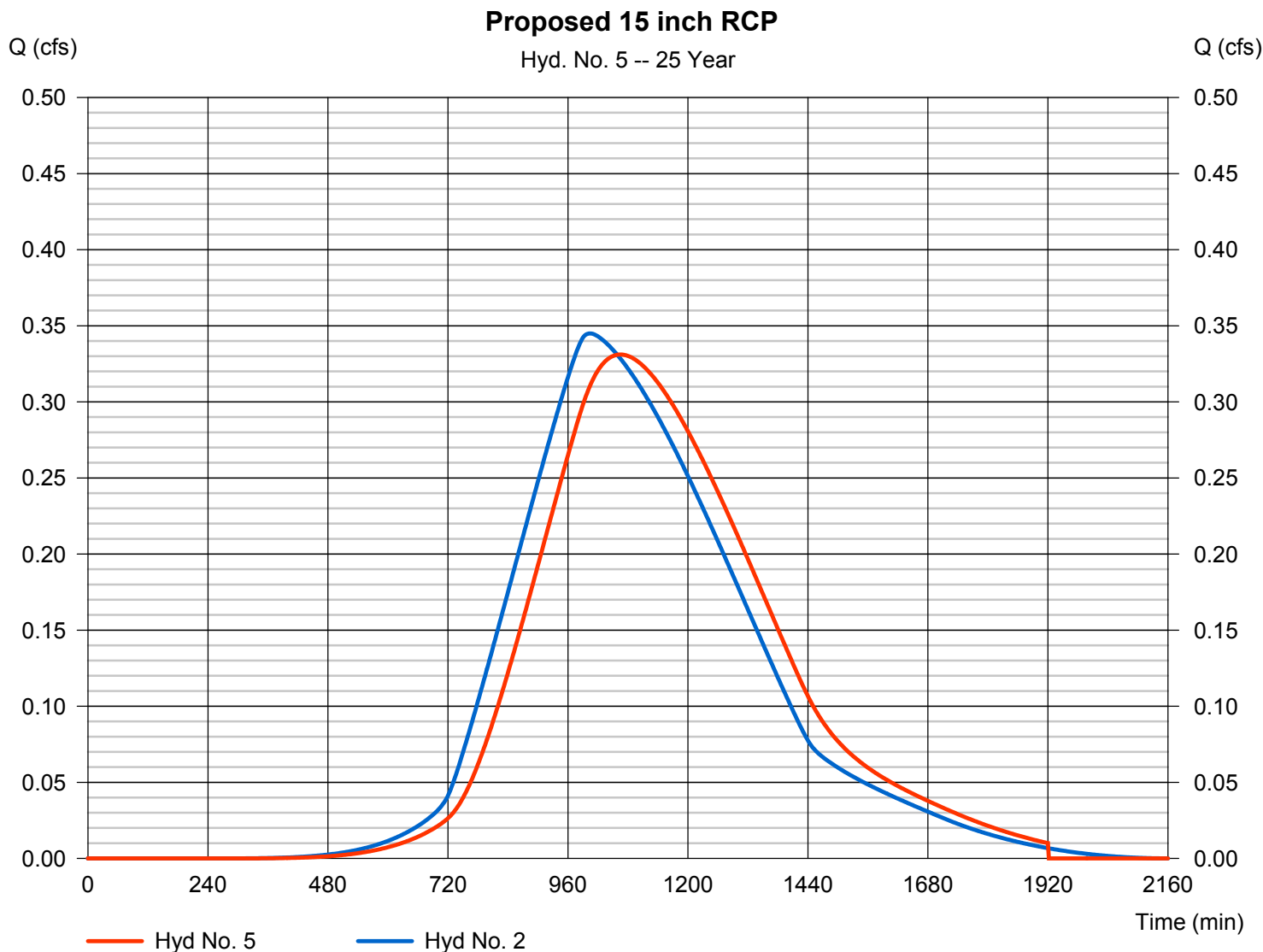
Hydrograph Report

Hyd. No. 5

Proposed 15 inch RCP

Hydrograph type	= Reach	Peak discharge	= 0.331 cfs
Storm frequency	= 25 yrs	Time to peak	= 1064 min
Time interval	= 2 min	Hyd. volume	= 10,537 cuft
Inflow hyd. No.	= 2 - WS 1B	Section type	= Circular
Reach length	= 195.0 ft	Channel slope	= 0.1 %
Manning's n	= 0.013	Bottom width	= 1.3 ft
Side slope	= 0.0:1	Max. depth	= 0.0 ft
Rating curve x	= 2.349	Rating curve m	= 1.250
Ave. velocity	= 0.00 ft/s	Routing coeff.	= 0.0375

Modified Att-Kin routing method used.

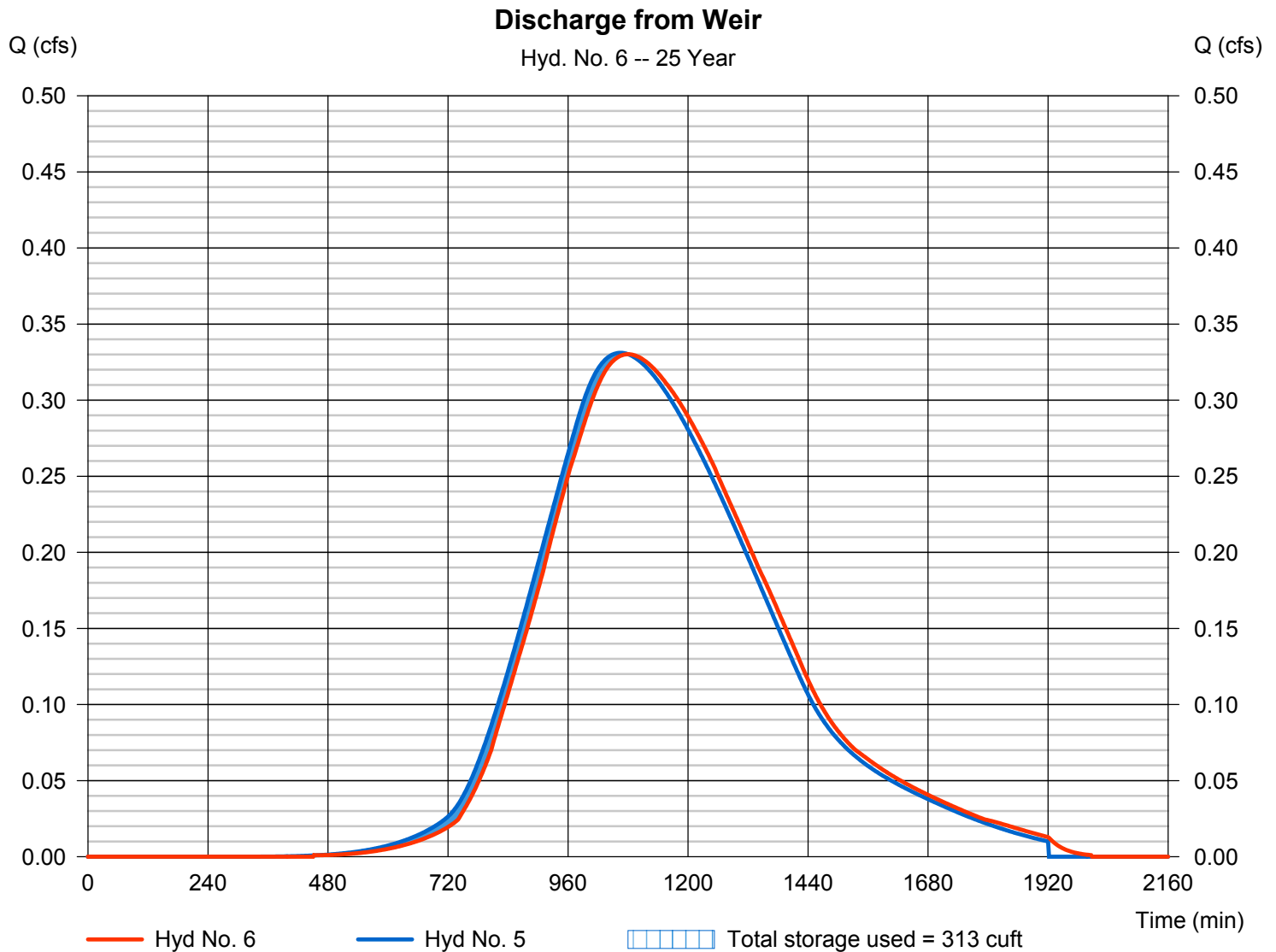


Hyd. No. 6

Discharge from Weir

Hydrograph type	= Reservoir	Peak discharge	= 0.330 cfs
Storm frequency	= 25 yrs	Time to peak	= 1080 min
Time interval	= 2 min	Hyd. volume	= 10,535 cuft
Inflow hyd. No.	= 5 - Proposed 15 inch RCP	Max. Elevation	= 4.01 ft
Reservoir name	= Weir Plate	Max. Storage	= 313 cuft

Storage Indication method used.

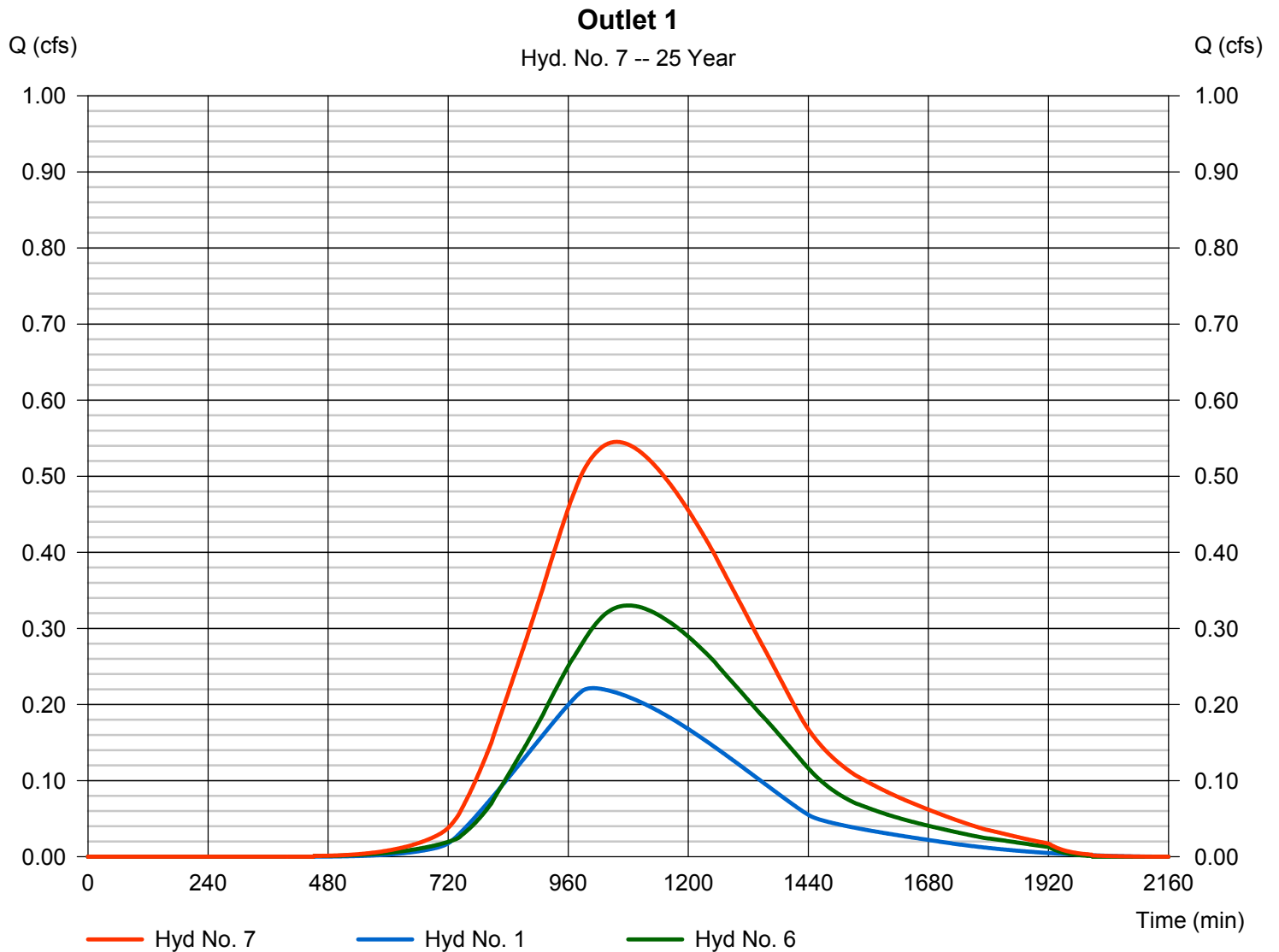


Hyd. No. 7

Outlet 1

Hydrograph type = Combine
Storm frequency = 25 yrs
Time interval = 2 min
Inflow hyds. = 1, 6

Peak discharge = 0.545 cfs
Time to peak = 1056 min
Hyd. volume = 17,358 cuft
Contrib. drain. area = 0.340 ac

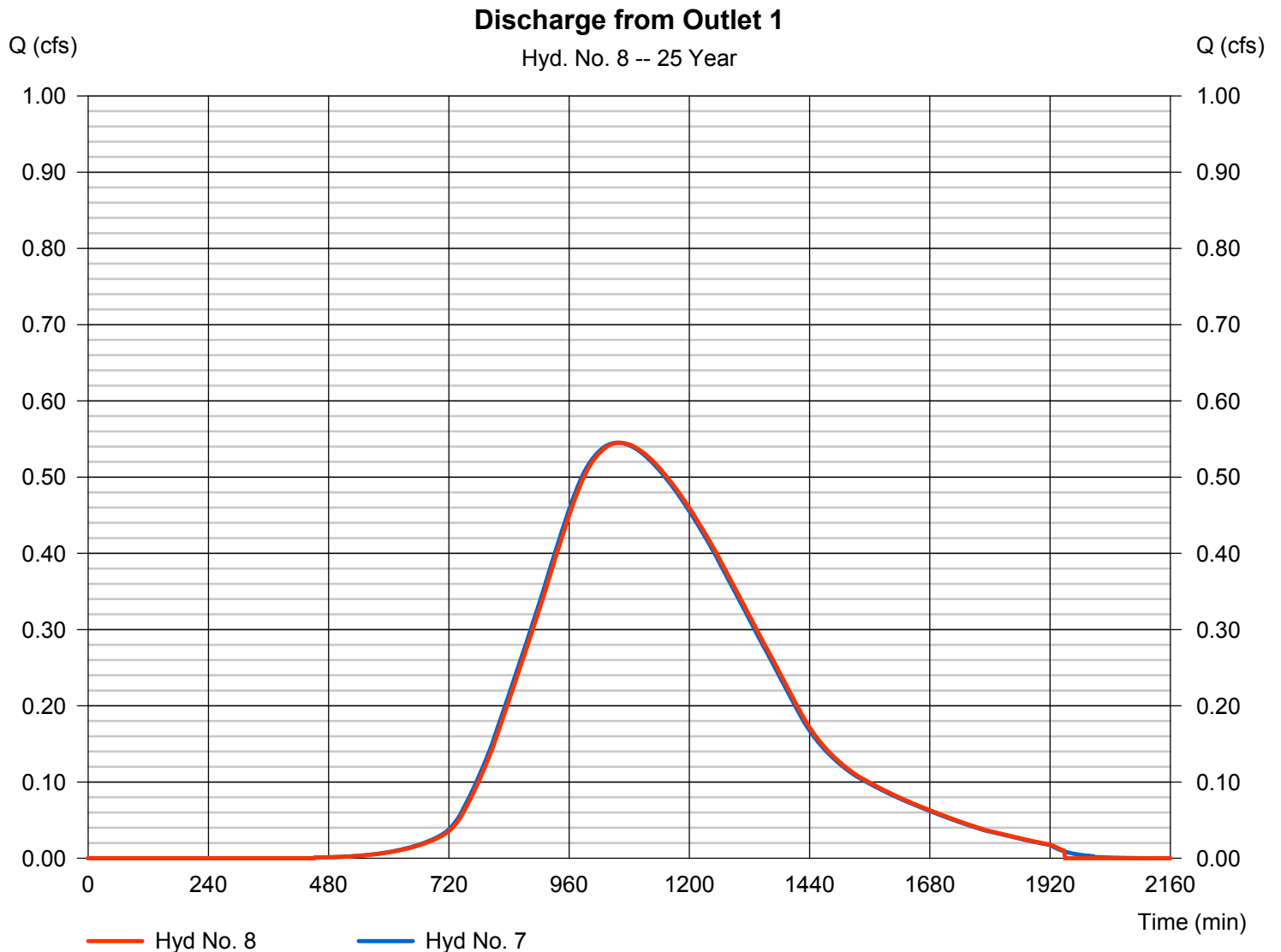


Hyd. No. 8

Discharge from Outlet 1

Hydrograph type	= Reach	Peak discharge	= 0.545 cfs
Storm frequency	= 25 yrs	Time to peak	= 1062 min
Time interval	= 2 min	Hyd. volume	= 17,333 cuft
Inflow hyd. No.	= 7 - Outlet 1	Section type	= Circular
Reach length	= 107.0 ft	Channel slope	= 0.1 %
Manning's n	= 0.013	Bottom width	= 1.3 ft
Side slope	= 0.0:1	Max. depth	= 0.0 ft
Rating curve x	= 2.030	Rating curve m	= 1.250
Ave. velocity	= 0.00 ft/s	Routing coeff.	= 0.4749

Modified Att-Kin routing method used.

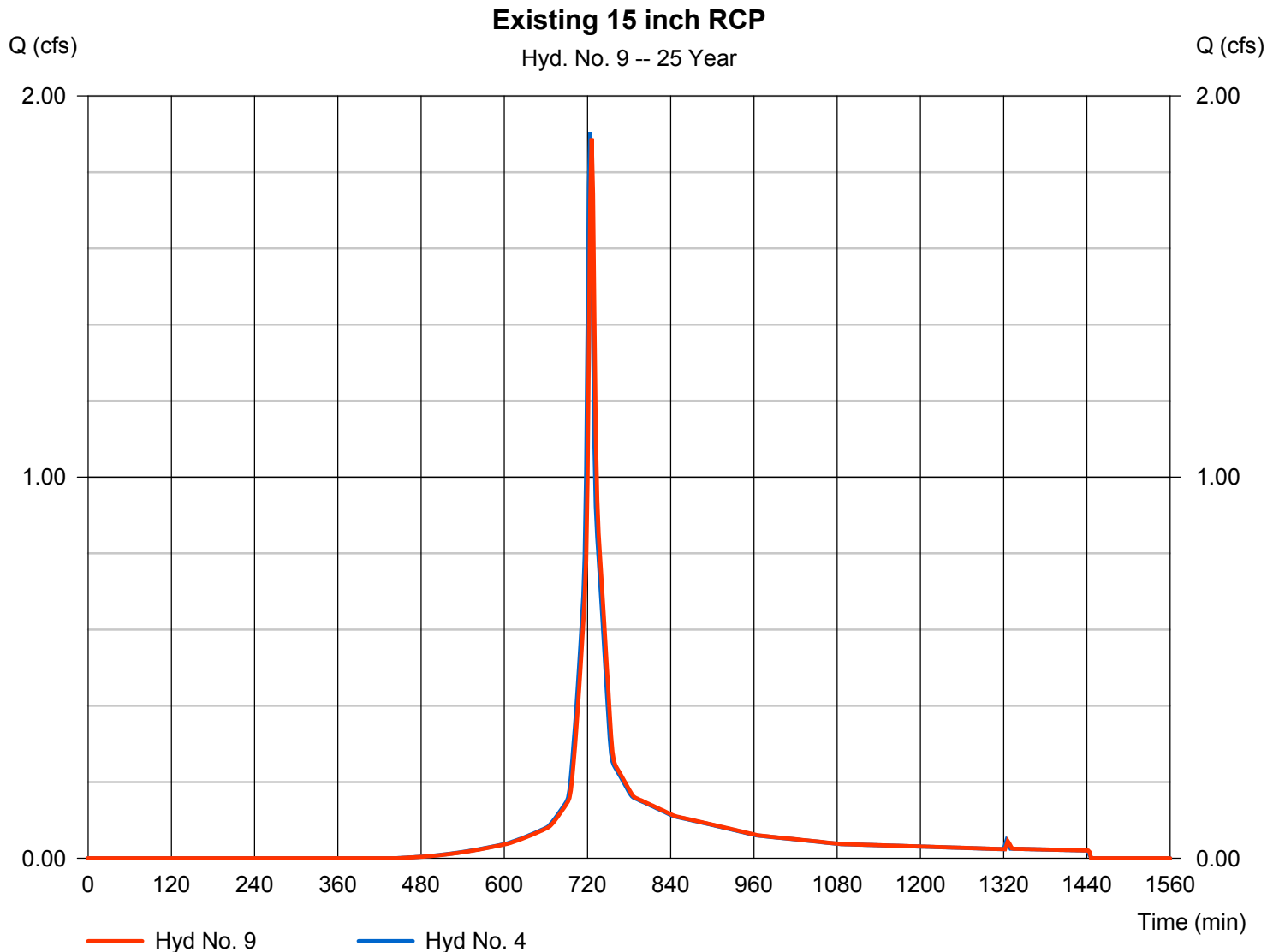


Hyd. No. 9

Existing 15 inch RCP

Hydrograph type	= Reach	Peak discharge	= 1.889 cfs
Storm frequency	= 25 yrs	Time to peak	= 726 min
Time interval	= 2 min	Hyd. volume	= 5,701 cuft
Inflow hyd. No.	= 4 - WS 2B	Section type	= Circular
Reach length	= 140.0 ft	Channel slope	= 0.3 %
Manning's n	= 0.013	Bottom width	= 1.3 ft
Side slope	= 0.0:1	Max. depth	= 0.0 ft
Rating curve x	= 3.516	Rating curve m	= 1.250
Ave. velocity	= 0.00 ft/s	Routing coeff.	= 0.9081

Modified Att-Kin routing method used.

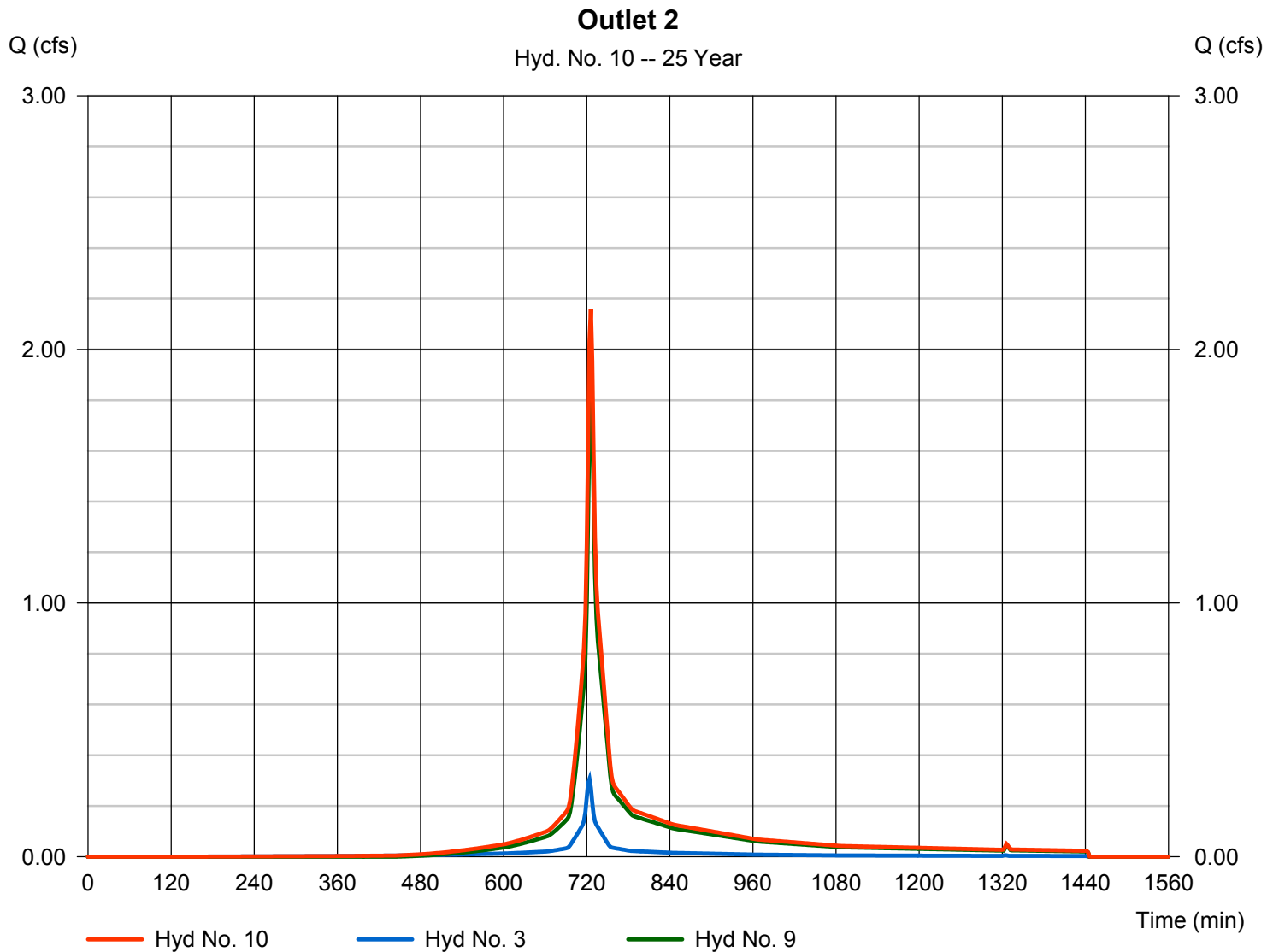


Hyd. No. 10

Outlet 2

Hydrograph type = Combine
Storm frequency = 25 yrs
Time interval = 2 min
Inflow hyds. = 3, 9

Peak discharge = 2.161 cfs
Time to peak = 726 min
Hyd. volume = 6,697 cuft
Contrib. drain. area = 0.040 ac

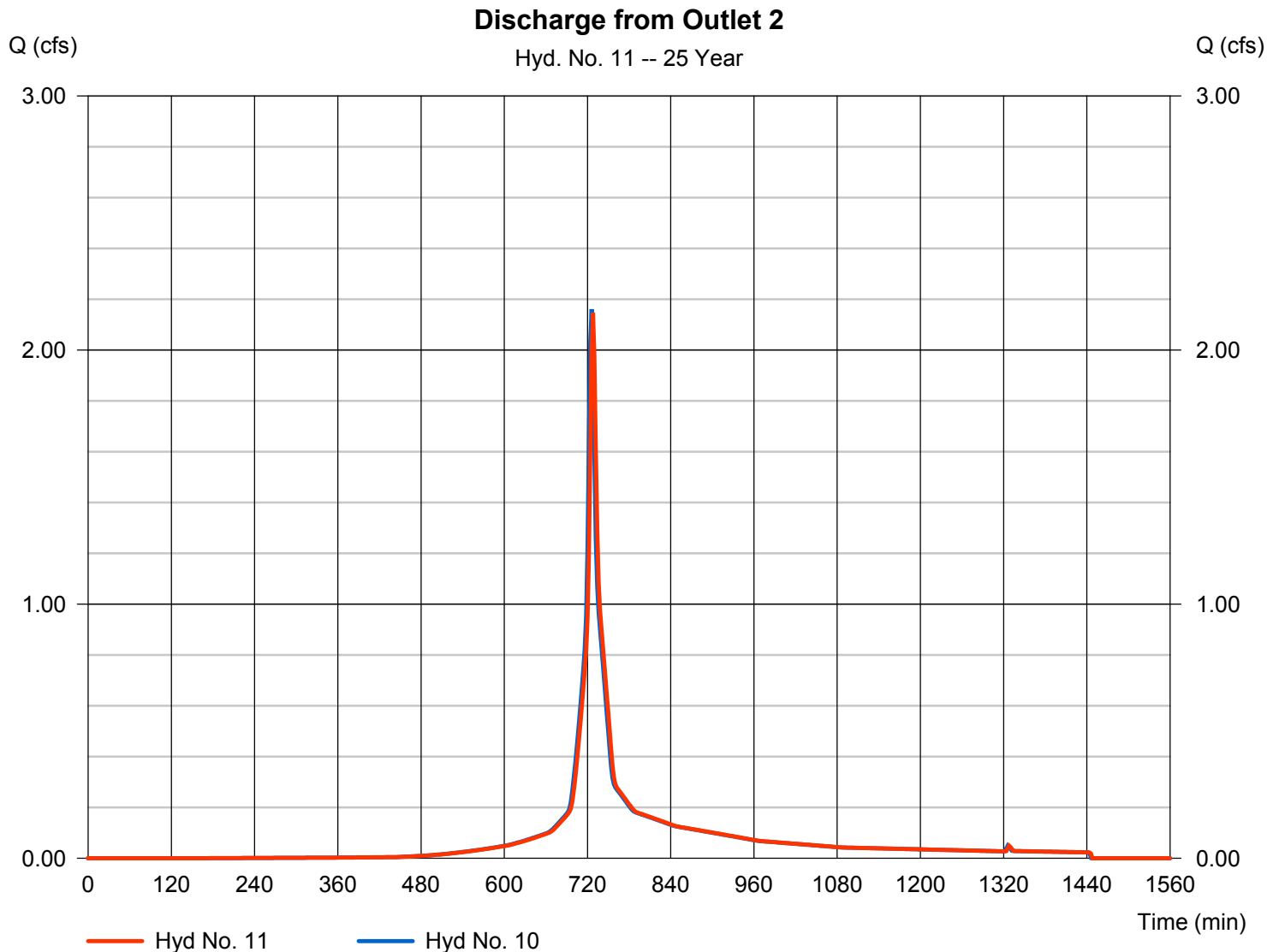


Hyd. No. 11

Discharge from Outlet 2

Hydrograph type	= Reach	Peak discharge	= 2.146 cfs
Storm frequency	= 25 yrs	Time to peak	= 728 min
Time interval	= 2 min	Hyd. volume	= 6,697 cuft
Inflow hyd. No.	= 10 - Outlet 2	Section type	= Circular
Reach length	= 158.0 ft	Channel slope	= 0.1 %
Manning's n	= 0.013	Bottom width	= 1.3 ft
Side slope	= 0.0:1	Max. depth	= 0.0 ft
Rating curve x	= 2.030	Rating curve m	= 1.250
Ave. velocity	= 0.00 ft/s	Routing coeff.	= 0.9106

Modified Att-Kin routing method used.

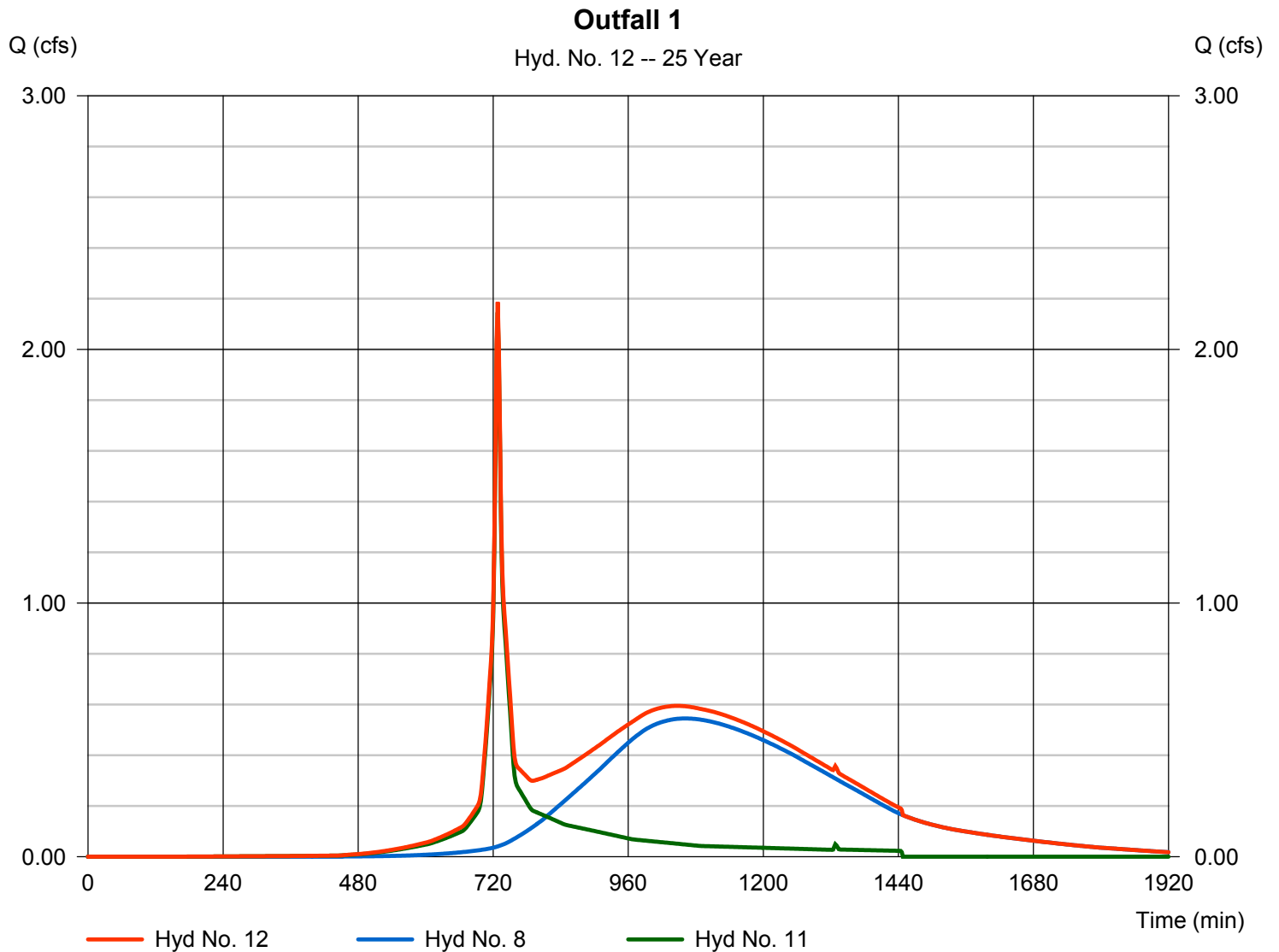


Hyd. No. 12

Outfall 1

Hydrograph type = Combine
Storm frequency = 25 yrs
Time interval = 2 min
Inflow hyds. = 8, 11

Peak discharge = 2.187 cfs
Time to peak = 728 min
Hyd. volume = 24,030 cuft
Contrib. drain. area = 0.000 ac



Partially Full Pipe Flow Calculations - U.S. Units

II. Calculation of Discharge, Q, and average velocity, V
for pipe with n_{full}

Instructions: Enter values in blue boxes. Calculations in yellow

Inputs

Pipe Diameter, **D** = in
 Depth of flow, **y** = in

(must have $y \geq D/2$)

Full Pipe Manning
 roughness, **n_{full}** =
 Channel bottom
 slope, **S** = ft/ft

Calculations

n/n_{full} =
 Partially Full Manning
 roughness, **n** =

Calculations

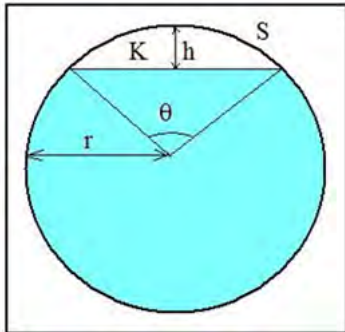
Pipe Diameter, **D** = ft
 Pipe Radius, **r** = ft

Circ. Segment Height, **h** = ft

Central Angle, **θ** = radians
 Cross-Sect. Area, **A** = ft²

Wetted Perimeter, **P** = ft
 Hydraulic Radius, **R** = ft
 Discharge, **Q** = cfs
 Ave. Velocity, **V** = ft/sec

pipe % full $[(A/A_{full}) * 100\%]$ =



Partially Full Pipe Flow Parameters
(More Than Half Full)

$$r = D/2$$

$$h = 2r - y$$

(hydraulic radius)

$$R = A/P$$

(Manning Equation)

$$Q = (1.49/n)(A)(R^{2/3})(S^{1/2})$$

$$V = Q/A \quad P$$

$$\theta = 2 \arccos \left(\frac{r-h}{r} \right)$$

$$A = \pi r^2 - \frac{r^2(\theta - \sin \theta)}{2}$$

$$P = 2\pi r - r * \theta$$

Equation used for n/n_{full} : $n/n_{full} = 1.25 - (y/D - 0.5) * 0.5$ (for $0.5 \leq y/D \leq 1$)

Partially Full Pipe Flow Calculations - U.S. Units

II. Calculation of Discharge, Q , and Average Velocity, V
for pipes more than half full

ATTACHMENT I

Instructions: Enter values in blue boxes. Calculations in yellow

Inputs

Pipe Diameter, $D =$ in
 Depth of flow, $y =$ in

(must have $y \geq D/2$)

Full Pipe Manning
 roughness, $n_{full} =$
 Channel bottom
 slope, $S =$ ft/ft

Calculations

$n/n_{full} =$
 Partially Full Manning
 roughness, $n =$

Calculations

Pipe Diameter, $D =$ ft
 Pipe Radius, $r =$ ft

Circ. Segment Height, $h =$ ft

Central Angle, $\theta =$ radians
 Cross-Sect. Area, $A =$ ft²

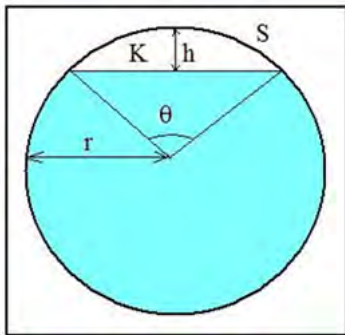
Wetted Perimeter, $P =$ ft

Hydraulic Radius, $R =$ ft

Discharge, $Q =$ cfs

Ave. Velocity, $V =$ ft/sec

pipe % full $[(A/A_{full}) * 100\%] =$



Partially Full Pipe Flow Parameters
(More Than Half Full)

$$r = D/2$$

$$h = 2r - y$$

(hydraulic radius)

$$R = A/P$$

(Manning Equation)

$$Q = (1.49/n)(A)(R^{2/3})(S^{1/2})$$

$$V = Q/A \quad P$$

$$\theta = 2 \arccos \left(\frac{r-h}{r} \right)$$

$$A = \pi r^2 - \frac{r^2(\theta - \sin \theta)}{2}$$

$$P = 2\pi r - r * \theta$$

Equation used for n/n_{full} : $n/n_{full} = 1.25 - (y/D - 0.5) * 0.5$ (for $0.5 \leq y/D \leq 1$)

Partially Full Pipe Flow Calculations - U.S. Units

II. Calculation of Discharge, Q , and Average Velocity, V
for pipes more than half full

ATTACHMENT J

Instructions: Enter values in blue boxes. Calculations in yellow

Inputs

Pipe Diameter, $D =$ in
 Depth of flow, $y =$ in

(must have $y \geq D/2$)

Full Pipe Manning
 roughness, $n_{full} =$
 Channel bottom
 slope, $S =$ ft/ft

Calculations

$n/n_{full} =$
 Partially Full Manning
 roughness, $n =$

Calculations

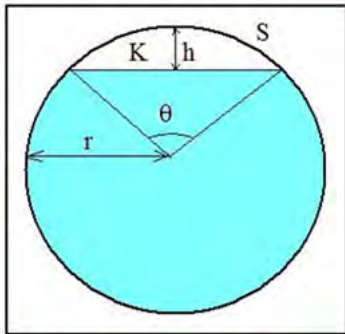
Pipe Diameter, $D =$ ft
 Pipe Radius, $r =$ ft

Circ. Segment Height, $h =$ ft

Central Angle, $\theta =$ radians
 Cross-Sect. Area, $A =$ ft²

Wetted Perimeter, $P =$ ft
 Hydraulic Radius, $R =$ ft
 Discharge, $Q =$ cfs
 Ave. Velocity, $V =$ ft/sec

pipe % full $[(A/A_{full}) * 100\%] =$



Partially Full Pipe Flow Parameters
(More Than Half Full)

$$r = D/2$$

$$h = 2r - y$$

(hydraulic radius)

$$R = A/P$$

(Manning Equation)

$$Q = (1.49/n)(A)(R^{2/3})(S^{1/2})$$

$$V = Q/A \quad P$$

$$\theta = 2 \arccos \left(\frac{r-h}{r} \right)$$

$$A = \pi r^2 - \frac{r^2(\theta - \sin \theta)}{2}$$

$$P = 2\pi r - r * \theta$$

Equation used for n/n_{full} : $n/n_{full} = 1.25 - (y/D - 0.5) * 0.5$ (for $0.5 \leq y/D \leq 1$)

Partially Full Pipe Flow Calculations - U.S. Units

II. Calculation of Discharge, Q , and average velocity, V
for pipes more than half full

ATTACHMENT J

Instructions: Enter values in blue boxes. Calculations in yellow

Inputs

Pipe Diameter, $D =$ in
 Depth of flow, $y =$ in

(must have $y \geq D/2$)

Full Pipe Manning
 roughness, $n_{full} =$
 Channel bottom
 slope, $S =$ ft/ft

Calculations

$n/n_{full} =$
 Partially Full Manning
 roughness, $n =$

Calculations

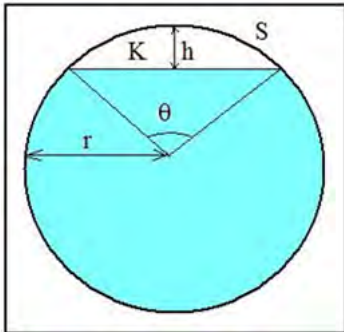
Pipe Diameter, $D =$ ft
 Pipe Radius, $r =$ ft

Circ. Segment Height, $h =$ ft

Central Angle, $\theta =$ radians
 Cross-Sect. Area, $A =$ ft²

Wetted Perimeter, $P =$ ft
 Hydraulic Radius, $R =$ ft
 Discharge, $Q =$ cfs
 Ave. Velocity, $V =$ ft/sec

pipe % full $[(A/A_{full}) * 100\%] =$



Partially Full Pipe Flow Parameters
(More Than Half Full)

$$r = D/2$$

$$h = 2r - y$$

(hydraulic radius)

$$R = A/P$$

(Manning Equation)

$$Q = (1.49/n)(A)(R^{2/3})(S^{1/2})$$

$$V = Q/A \quad P$$

$$\theta = 2 \arccos \left(\frac{r-h}{r} \right)$$

$$A = \pi r^2 - \frac{r^2(\theta - \sin \theta)}{2}$$

$$P = 2\pi r - r * \theta$$

Equation used for n/n_{full} : $n/n_{full} = 1.25 - (y/D - 0.5) * 0.5$ (for $0.5 \leq y/D \leq 1$)

ATTACHMENT G

#1733

TOWN CENTER PUD

1984

1733

ATTACHMENT G

HERRING & MEYER, P.A.
ATTORNEYS AT LAW
WOODLAND BUILDING - 3 POPE AVENUE MALL
POST OFFICE DRAWER 5909
HILTON HEAD ISLAND, SOUTH CAROLINA 29938

AREA CODE 803
788-5106

JAMES M. HERRING
R. THEODORE W. MEYER
CURTIS L. COLTRANE
JOHN L. WILSON

*ALSO MEMBER VIRGINIA BAR

April 14, 1987

PRIVILEGED/CONFIDENTIAL

Mr. Carey F. Smith, Town Manager
Town of Hilton Head Island
40 Palmetto Parkway
Hilton Head Island, SC 29928

HAND-DELIVERY LETTER

Re: Town Center/PUD/Robert Graves
Our File No.: 30453-6-8

Dear Carey:

This is in response to your letter of April 2, 1987.

I have reviewed the issues raised in your letter and have in addition gone back to reactivate my file on the litigation between Mr. Graves and the Town. In addition, I have also reviewed the legal memorandum I previously submitted with regard to the Town Center/PUD issue, the opinions given to the Planning Commission in response to an inquiry from Mr. Hack. Finally, I have taken another look at the basic studies previously done by me regarding "master plans."

In preparing a response, I have broken out my thoughts into four subsections. They include:

- (1) General Observations
- (2) Questions Presented
- (3) General Response
- (4) Comments

Without attempting to dictate how the material furnished herewith should be circulated, I might suggest to you that general observations, my definition of the questions presented, and my general response might be the items most appropriate for distribution or circulation. There is, however, nothing secret in the comments. I have just used a two level response. The comments are in more detail.

ATTACHMENT G

Mr. Carey F. Smith, Town Manager
Page Two

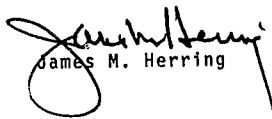
The comments material, however, was necessary to reach the general response conclusions and I therefore enclose it all in order that you have the benefit of not only my opinion, but the thought processes and issues reviewed in reaching the conclusions now submitted.

Please let me know if anything further is needed at this time.

With all best wishes.

Sincerely,

HERRING & MEYER, P.A.


James M. Herring

JMH:bmy
Encs.

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GENERAL OBSERVATIONS

A. This inquiry may be a "one time only"/"last time seen" issue because it is based upon a PUD approval;

(1) Obtained under the 9/28/83 D.S.O., and

(2) Artificially prolonged because of litigation so that its expiration - unless implemented - is September 30, 1987, and

(3) The developer bases its position on the first paragraph in Section 16-7-461 (4) (a) of the September 28, 1983 D.S.O. which reads as follows:

In the case of a PUD, the total gross distribution of population may be allocated in any manner, so long as the total number of units to be developed is within an overall distribution of population cap to be determined as the product of the gross acreage of the PUD times the permissible distribution of population level for the district in which the PUD is located, (emphasis added) and

(4) The entire first paragraph referenced above was deleted by Ordinance 85-5 effective March 18, 1985.

B. Any development on this property, based upon vested usage or vested distribution of population, is still subject to all L.M.O. standards except as to use and density approvals still in place. See L.M.O. Section 16-7-356 enacted as Ordinance 87-1.

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QUESTIONS PRESENTED

(1) Does Section 16-7-461 (4) (a) of the 9/28/83 D.S.O., by itself, or in conjunction with Section 16-7-741 (A) and (B), of the same D.S.O., give a PUD developer the right to unilaterally:

- (a) Reallocate or redistribute approved uses and densities so long as the equivalent control totals do not change, and/or,
- (b) Change the PUD boundary lines?

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GENERAL RESPONSE

I give negative responses to both inquiries as outlined above.

There is no authority for post-approval unilateral reallocation of uses and/or densities contained in Section 16-7-461 (4) (a) of the applicable D.S.O. The allocation flexibility allowed and given is at the pre-application, pre-permit and pre-approval point in the procedure as mandated by the D.S.O., rather than after a permit is issued.

Section 16-7-741 (A) and (B) of the same D.S.O. required an original PUD developer who wished to sell tracts within its PUD to restrict any tracts sold to the usages and densities indicated (by the developer) in its master plan which had been approved (emphasis added) as its planned unit development.

If the owner cannot sell densities higher or uses different than that previously indicated in the approved master plan (emphasis added), neither can it increase nor adjust these uses or densities for its own use without the Town's approval.

See also Section 16-7-484 of the 9/28/83 D.S.O. which requires approval of deviations from approved "uses of the land and the maximum distribution of population of such uses thereon."

Changes in a PUD boundary must have some impact on size unless the exchange of property is an absolute wash.

A change in size might justify density changes but any such change in size would be controlled by the then existing D.S.O.

See Section 16-7-484 (9/28/83 D.S.O.) which requires changes from "declared uses, maximum distribution and size" to be submitted to and approved by the permitting agency.

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COMMENTS

IMPACT OF THE FIRST PARAGRAPH OF SECTION 16-7-461 (a) AS FOUND IN THE 9/28/83 D.S.O. ON THE ISSUES PRESENTED BY THE DEVELOPER.

The specific paragraph in issue reads as follows:

In the case of a PUD, the total gross distribution of population may be allocated in any manner, so long as the total number of units to be developed is within an overall distribution of population cap to be determined as the product of the gross acreage of the PUD times the permissible distribution of population level for the district in which the PUD is located. (Emphasis added).

* * * * *

The first paragraph of Section 16-7-461 (4) (a) in issue here is part of D.S.O. Chapter 7 and Article VI entitled:

SITE DESIGN AND DEVELOPMENT STANDARDS
APPLYING THROUGHOUT THE TOWN

specifically part of Article VI which is entitled:

DISTRIBUTION OF POPULATION, OPEN SPACE AND BUFFERS

The term "distribution of population" is discussed in Section 16-7-461 as follows:

For purposes of this section, distribution of population is expressed in terms of dwelling units per gross acre.

This is consistent with the definition of density found elsewhere in the D.S.O. at 16-7-122/14.

* * * * *

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The subject paragraph [first paragraph of Section 16-7-461 (4) (a)] provides an allocation of usages and densities [distribution of population] at the time of application for a permit. If the allocation as presented did not exceed the "overall distribution of population" cap then applicable, then the application was, as to that requirement, permissible. See 9/28/83 D.S.O. Section 16-7-731.

The subject paragraph does not contain within it the authority to unilaterally reallocate or redistribute previously declared, applied for and permitted density or use limitations. That authority remains with the Town. See 16-7-484.

16-7-741 (A) and (B) INTERPRETATION URGED BY DEVELOPER

The D.S.O (9-28-83) at 16-7-741 (A) gave statutory vesting to use and distribution (density) when a preliminary permit approval was obtained.

16-7-741 (B) in relevant part provides that:

(B) Planned unit development. Often a tract of land is masterplanned for development in sections or phases consisting of several different types and distribution of population of land use. The original developer of a planned unit development may or may not be the developer that actually develops each phase or section to completion. As a special exception to the development permit process, the developer of a planned unit development may sell or transfer ownership of development

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tracts within a planned unit development in accordance with the following procedures and provisions:

- 1) The developer must submit a preliminary application according to the procedures and requirements of this Code and obtain Planning Commission approval of the preliminary master plan of the total planned unit development.
- 2) Property covenants and restrictions must accompany the transfer of any development tract within the approved planned unit development restricting the new owner to the development type and distribution of population indicated in the approved master plan.
(emphasis added).

Title 16-7-741 (B) and subparagraphs (1) and (2) indicate that an emphasis is placed on "master planned development" consisting of:

"Several different types and distribution of population of land use."

After such approval of the "Preliminary master plan of the total planned unit development." [(16-7-741 (B) (1)] has been obtained, the developer may then:

"sell or transfer ownership of development tracts within a planned unit development in accordance with the following procedures and provisions":

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16-7-741 (B) (I) requires that he have submitted an application according to the procedures of the code [allocation of use and density under 16-7-461 (4) (a)] and that he have approval of the:

The preliminary master plan of the total planned unit development.

16-7-741 (B) (2) requires that the transfer of the development tract be accomplished by covenants and restrictions:

"Restricting the new owner to the development type and distribution of population indicated in the approved master plan." (emphasis added).

16-7-471 (B) (1) and (2) thus limits the original developer (holder of a PUD approval) to the ability to convey away only the development types and :distribution of population (densities) indicated in the approved master plan. (emphasis added).

Since the original PUD developer cannot convey any development types and distribution other than those indicated by it when it received the approved master plan, it follows that it has no rights itself other than those indicated in the self same approved master plan. (emphasis added).

The 9/28/83 D.S.O. [16-7-741 (B)] refers to a PUD as being: "Master planned for development in sections or phases consisting of several different types and distribution of population of land use." (emphasis added).

16-7-471 (B) (2) refers to the developer's obligation to restrict a new owner of any tract within the PUD to:

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"The development, type and distribution of population indicated in the approved master plan." (emphasis added).

The term "master plan" is thus used to apply to approved PUD's.

Section 16-7-484 of the same D.S.O. provides that in part:

Declaration of land use and distribution of population.

No development shall be undertaken except where master plans, site plans or plats have been submitted to and approved by the Planning Commission clearly denoting all proposed uses of the land and the maximum distribution of population of such uses thereon. (emphasis added).

Such declared uses, maximum distribution and size shall not be deviated from until such proposed changes are submitted to and approved by the Planning Commission. (emphasis added).....

COMMENT ON BOUNDARY CHANGE ISSUE

Neither 16-7-461 (4) (a) nor 16-7-741 (A) (B) contemplate a boundary change. I am not advised as to whether the change being discussed increases or decreases the "gross acreage" contained within the PUD.

However, using the PUD/Master Plan language, Section 16-7-484 applies and it rules out changes in "size" (any change in size) unless approved by the permitting agency.

ATTACHMENT G

HERRING & MEYER, P.A.
ATTORNEYS AT LAW
WOODLAND BUILDING - 3 POPE AVENUE MALL
POST OFFICE DRAWER 5909
HILTON HEAD ISLAND, SOUTH CAROLINA 29928

JAMES M. HERRING
R. THEODORE W. MEYER
CURTIS L. COLTRANE
JOHN L. WILSON

AREA CODE 803
785-5106

October 6, 1986

*ALSO MEMBER VIRGINIA BAR

PRIVILEGED/CONFIDENTIAL

The Honorable Orion Hack, Chairman
Town of Hilton Head Island Planning Commission
40 Palmetto Parkway
Hilton Head Island, SC 29928

Re: Town Center/P.U.D. Master Plan
Our File Nos.: 30453-16-13 and 30453-1-13

Dear Mr. Hack:

This is a response to your recent inquiry relating to the Planning Commission preliminary permit of December 15, 1984 issued to a project known as "Town Center P.U.D. Master Plan."

Your inquiry as communicated to me, addressed that Preliminary Development Permit's condition number two, wherein the Planning Staff was to obtain an opinion from me, regarding whether or not the Town Center Master Plan as approved, constituted a change or "no change in the approval Shipyard Master Plan (with reference to the proposed relocation of the Shipyard Security Gate on Cordillo Parkway - the applicant shall document that this does not in fact require a Shipyard Master Plan change - the Planning Staff is obtaining the Town Attorney's opinion on this matter)."

I advise you that, in my opinion, the proposed relocation of the Shipyard Plantation Security Gate on Cordillo Parkway does not require a Shipyard Master Plan change.

The proposal does require development permit approval and building permit clearances.

It is not, however, the type of change - under 16-7-484 of the Development Standards Ordinance - wherein certain deviations to a "master plan" must be approved. Those are changes dealing with "declared uses, maximum distributions and size."

This information furnished you is consistent with and referenced back to my prior opinions touching on master plan issues submitted to Town Council on April 2, 1985 and January 24, 1986 respectively.

ATTACHMENT G

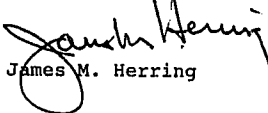
The Honorable Orion Hack
October 6, 1986
Page Two

Please let me know if I can be of further assistance.

With all best wishes.

Sincerely,

HERRING & MEYER, P.A.



James M. Herring

JMH:bmy

cc: ✓ Mr. William E. Issel, AICP, Director
of Planning and Inspections
Mr. Carey F. Smith, Town Manager
John Gregory Walker, Esquire, Staff Attorney

ATTACHMENT G

September 2, 1986

Town of Hilton Head Island
Planning Commission
Mr. Orion Hack, Chairman
#4 Falcata Place
Hilton Head Island, SC 29928

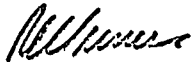
Re: Town Center P.U.D. on Pope Avenue, by Pope Avenue
Associates

Dear Mr. Hack:

The Planning Commission approved the above project with three (3) conditions. We kindly request that we be permitted to appear before the Commission at their September 17, 1986, business meeting to demonstrate our compliance with their conditions, and if the Planning Commission concurs that we have complied, we request they take the corresponding official action needed to provide us their unconditional preliminary approval.

Thank you for your attention to this matter. With warmest personal regards, I am

Sincerely,



Robert L. Graves
Partner, Pope Avenue Associates

cc: R. A. McGinty
Robert Crum
Doug Church
Barry Johnson

ATTACHMENT G

TOWN OF
HILTON HEAD ISLANDP.O. BOX 6659, HILTON HEAD ISLAND, S.C. 29938
(803) 681-9440

Memo to Current Planners & Mike Date 11-15-85
 From Karen
 Subject Town Center PUD

You may have heard that the court overturned the BOA decision on this project. (PC approved it in Dec. 84, BOA reversed PC in spring '85.)

Result: Pope Ave. Assoc's has preliminary approval for Town Center PUD as approved by the PC. However, their approval is for 23 months, beginning w/ the court order of Oct. 30, 1985. Please note on our permit log & in permit actions data base. File this in Town Center P.U.D. file.

- FOR YOUR INFORMATION
 RESPONDING TO YOUR REQUEST
 REGARDING OUR RECENT CONVERSATION
 PLEASE TAKE APPROPRIATE ACTION
 FOR YOUR FILES
 FOR YOUR SIGNATURE
 NOTE AND RETURN
 NOTE AND SEND COMMENTS TO THIS OFFICE BY

ATTACHMENT G



SOUTH CAROLINA
DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION
ENGINEERING DISTRICT NO. 6
P.O. BOX 70159
CHARLESTON HEIGHTS, S. C. 29406 29415

January 16, 1985

Mr. Douglas B. Church, ASLA
Edward Pinckney/Associates Ltd.
Post Office Box 5339
Hilton Head Island, South Carolina 29938

Re: ~~Village Square~~ and Town Center
Developments on Hilton Head Island

Dear Mr. Church:

Reference is made to your letter dated November 21, 1984 soliciting our comments on access to two proposed developments on Hilton Head Island. Our Traffic Engineer has reviewed the plans which you forwarded, and we offer the following comments.

1. Village Square

We note that two entrance roadways are proposed to serve this development and their alignment is opposite existing crossovers. The Department recently issued an encroachment permit to Greenbrooke Homes, Inc. for the easternmost entrance including the right turn deceleration lane. We note that the acceleration lanes as shown on your drawing were not included which meets with our satisfaction. We were planning to recommend their omission anyhow.

The northernmost entrance appears to be satisfactorily located and the design is acceptable with the exclusion of the acceleration lanes and a lengthening of the tapers on the deceleration lanes. I have indicated these revisions in red on the attached sketch. As before, an encroachment permit will need to be obtained before the entrance can be constructed.

ATTACHMENT G

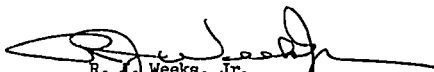
-2-

2. Town Center

The Town Center's main entrance is located on Pope Avenue, and the right turn movements in and out of the proposed entrance are channelized. The right turn out is complicated due to the proximity of the Bankers Trust driveway and the short accel-decel lane connecting the two. In view of this, we recommend that this movement not be channelized. The second point of concern is with the internal drive to Tract B immediately inside the property line. This presents conflicts to those motorists entering from Pope Avenue and should also be revised. I have indicated our suggestions in red on the attached plan, which I am returning.

I appreciate the opportunity to comment on access to these developments, and I apologize for the delay in responding to you.

Yours truly,



R. J. Weeks, Jr.
District Engineering Administrator

CC: Mr. Bill Issell ✓
Mr. Wallace Stanley

ATTACHMENT G

TOWN OF
HILTON HEAD ISLAND

P.O. BOX 6659, HILTON HEAD ISLAND, S.C. 29938
(803) 681-9440

January 7, 1985

Mr. Peter E. Sherratt
Interland Incorporated
P. O. Box 6809
Hilton Head, S. C. 29938

Dear Mr. Sherratt:

Mr. Smith, our Town Manager, has asked me to respond to your January 2, 1985 letter. While we share your concern over similar project names causing confusion and problems for emergency reporting, the present DSO does not give the Town authority to regulate name selection other than for streets. We have in past cases and will in this instance point out the problem to the developers involved in the hope they will reconsider their name selection.

For the future, we intend to propose an amendment of the DSO to the Town Council so that the Town will be able to regulate development names as well.

Sincerely,



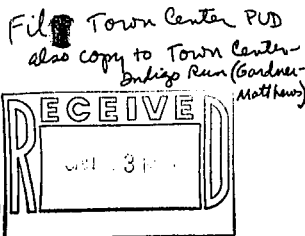
William E. Issel, AICP
Director, Planning & Inspection

WEI/mlw

cc: Karen Popek
Carey Smith

ATTACHMENT G

Interland Incorporated
Post Office Box 6809
Hilton Head Island, SC 29938-0809
(803) 842-5686



January 2, 1985

Cary Smith
Town Manager
Town of Hilton
P.O. Box 6659
Hilton Head Island, SC 29938

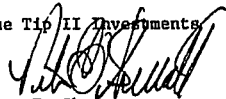
Dear Mr. Smith:

As developer of the original "Towne Centre" commercial complex located at Pope Avenue Mall and near Pope Avenue, I wish to request that the Town of Hilton Head request the developers of the two new projects, reportedly each being called Town Center, to change the name of these projects. Having more than one area of the same name creates a potential life/safety hazard just as if there were more than one street with the same name.

I look forward to your response. Thank you for your time and consideration.

Very truly yours,

Blue Tip II Investments


Peter E. Sherratt

cc: William Issel,
Chief - Planning & Inspections Departments

Karen Popok,
Senior Planner

ATTACHMENT G

TOWN OF
HILTON HEAD ISLAND

P.O. BOX 6659, HILTON HEAD ISLAND, S.C. 29938
(803) 681-9440

December 28, 1984

Barry L. Johnson
Attorney At Law
Suite 106, Sapelo Building
P.O. Drawer 5219
Hilton Head Island, SC 29938

RE: Portion of Parcel 5-B
Pope Avenue

Dear Barry:

Regarding your letter of November 26, 1984 to Mr. Hack, now that the Town Center Project of Pope Avenue Assoc. on the subject parcel has been given preliminary approval by the Planning Commission on December 12, 1984, I assume that your request for a vested rights extension is now moot. Accordingly, we will close the file on this matter.

With best wishes for the New Year, I am,

Sincerely,



William E. Issel, AICP
Director of Planning & Inspections

WEI/dw

cc: Orion Hack

ATTACHMENT G

TOWN OF
HILTON HEAD ISLAND
P.O. BOX 6659, HILTON HEAD ISLAND, S.C. 29938
(803) 785-2329

TOWN
PRELIMINARY
DRAWER

NOTICE OF ACTION TAKEN ON DEVELOPMENT PERMIT APPLICATION

PROJECT NAME: Town Center P.U.D. Master Plan NOTICE DATE: December 15, 1984
NAME OF APPLICANT: Edward Pinckney Assoc./ Ltd.
ADDRESS OF APPLICANT: P.O. Box 5339
Hilton Head Island, SC 29938

TYPE OF REVIEW REQUESTED:

- STAFF PRELIMINARY FINAL
- FINAL FOR CONSTRUCTION ONLY COMBINED PRELIMINARY/FINAL

The Town of Hilton Head Planning Commission/Staff took the following action on your project at its meeting on December 12, 1984 :

- RECOGNIZED VESTED RIGHTS*
- APPROVED AS SUBMITTED*
- APPROVED WITH THE FOLLOWING CONDITIONS/VARIANCES/ EXCEPTIONS :*
 - 1) That there be coordination with adjacent property owners (in addressing appropriate concerns and producing solutions).
 - 2) The Town Center Master Plan shall cause no change in the approved Shipyard Master Plan (with reference to the proposed relocation of the Shipyard security gate on Cordillo Parkway - the Applicant shall document that this does not in fact require a Shipyard Master Plan change - the Planning Staff is obtaining the Town Attorney's opinion on this matter).
 - 3) That there be a 10% reduction in proposed commercial sq. footage (results in approval for approx. 88,000 sq. ft. of space).
- DISAPPROVED FOR THE FOLLOWING REASONS: _____
- TOOK NO ACTION
- TABLED UNTIL _____ FOR THE FOLLOWING REASONS: _____

*Any Preliminary/Final permit issued pursuant to the provisions & conditions of Title 16 of the Municipal Code of the Town of Hilton Head Island includes, but is not limited to, rights of parties to appeal the granting of such permit.

By: William E. Issel FOR
William E. Issel, AICP
Director of Planning and
Inspections

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PROJECT PROFILE

MEETING DATE 12/12/84

1. Project Name: TOWN CENTER (P.U.D. Master Plan)
2. Type of Approval Requested and Previous Approvals Received (if Applicable):
PRELIMINARY
3. Location: CENTRAL FOREST BEACH DISTRICT
North side of Pope Avenue, just of Cordillo Pkwy.
4. Name of Applicant and Name of Owner:
APPLICANT - Edward Pinckney Assoc. OWNER - POPE AVENUE ASSOCIATES
P.O. Box 6339
Hilton Head Island, SC 29938
5. Project Description:
 - a. Type of Development (use) MIXED USE P.U.D.
MULTI-FAMILY RESIDENTIAL/ HOTEL/ COMMERCIAL
 - b. No. of units, and Proposed Density (if applicable) vs. allowable density. 222 UNITS & 50 ROOM HOTEL (TTL EQUIVALENT TO 242 UNITS) @ 16.02 UNITS/ACRE (GROSS) 28.47 UNITS/ACRE (NET)
 - c. Square Footage (if not residential)
APPROX 98,000 # COMMERCIAL
 - d. Acreage of Site
15.11
 - e. % Open Space vs. Required
APPROX. 50% / 48.2%
 - f. % Impervious Coverage vs. Maximum
APPROX 67.2% / 67.5%
 - g. No. Parking Spaces Proposed vs. Required
N/A (prelim. estimate indicates need for approx. 910 spaces)
 - h. Affected Agency Comments & Approvals
 - engineer Approve w/ conditions
 - coastal council N/A
 - DHEC N/A
 - Fire Preliminary approval w/ conditions
 - PSD Forest Beach PSD will serve, capacity available
 - ARB N/A
 - other Applicant has solicited comments of approp. utilities
6. Variances or Exceptions Requested and/or needed
APPLICANT REQUESTS 16 d.u./acre & has submitted required Development Impact analysis
7. Considerations, Pros & Cons or Questions to be answered.
Pro - well integrated design functionally
Cons - extremely intensive use for this site, extensive tree removal, negative traffic impact
8. Staff Recommendation
STAFF DISAPPROVES OF REQUEST FOR 16du/acre and commercial s.f.
IF APPLICANT IS WILLING TO REDUCE INTENSITY & meet certain conditions, Staff could recommend approval

ATTACHMENT G

RECOMMENDATION SHEET

DATE 11-29-84

PROJECT NAME Town Center

LOCATION Pope Avenue and Cordillo Parkway

RECOMMENDATION Approval
 Approval with Conditions
 Disapproval

Conditions of Approval / ~~Reasons for Disapproval~~:

1. FIA Zone A-16 applies

2. Curb cut variance required for Pope Avenue
3. Tract "C" access easement verification
4. Name conflict with "Towne Centre" in Pope Avenue Executive Park
- 5.

7/23/84

Russell W. Byrd, P.E.
Town Engineer

ATTACHMENT G

DRAFT - NOT APPROVED

PLANNING COMMISSION MEETING OF DECEMBER 12, 1984

Town Center P.U.D. - Preliminary

Bill Noll: You all have a copy of the plan, the most recent plan with some minor things adjusted. It's located at the southeast corner of Cordillo and Pope Avenue, a 15 acre tract. Banker's Trust would be located here. Western Sizzlin Steakhouse here, Saltaire Plaza and Heritage Plaza. The proposal involves a total of 242 equivalent dwelling units. There would be 222 multi-family units which would be approximately three stories in height, elevated, with parking at grade below the structures. This is a fifty room hotel site, 20 equivalent units. 222 + 20 is 242 total, which is 16 units to the acre. This is 15.1 acre site. There is also proposed approximately 50,000 sq. ft. of commercial office space located here which is accessed only off Cordillo Parkway and two commercial retail tracts, B and C, located here - again, approximately 50,000 sq. ft. total combined in this area. The retail portion is 60,000 sq. ft. and this is only 40,000. The intent is to open Avocet as a right-of-way existing along the back side of Shipyard Plantation. Of course, that's Lagoon Road. The road has never been put in. The applicant is proposing to extend Avocet through this right-of-way and have it penetrate the interior of the tract and make a connection with Pope Avenue at an existing median cut, which is directly east of the entrance to Banker's Trust. This, of course, is a traffic signalized intersection here. This is, of course, not signalized at this time. This will have some benefit in that it will take off of Pope Avenue some of the traffic now on the low end of Pope Avenue. It also will help to reduce, to some degree, the amount of traffic on Coligny Circle, and will provide an alternate route for persons from the North Forest Beach Area, The Sea Crest Motel Area, the Coligny Plaza and so forth to use to get to Cordillo Parkway or to the upper end of Pope Avenue without having to go through the circle or through some of the more congested areas of Pope Avenue further down. By the same token, it will provide better dispersal of the traffic generated by this project, some of which will be only the east end of the Island down toward Coligny Circle, and they may choose to use this as an alternate route rather than Pope Avenue. The new connection is the access to the bulk of the traffic, all the residential units will access off of Avocet and so will the hotel and commercial tract. Tract C is to be accessed not through the balance of the PUD. It is a somewhat unrelated parcel, somewhat required because of this configuration. The proposal is to access this through the Western Sizzlin parking lot and the Heritage Plaza parking lot. But as you can see, there is in concept the possibility for some connection off of Avocet through Tract B commercial and that would extend as a connection. This is a good design concept but would require an awful lot of cooperation among all property owners in this area. We would really have to look at all circulation in this entire block in order to really make this work.

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The staff unfortunately has been hardpressed to come up with a formal recommendation. There is 100,000 sq. ft. of commercial space proposed here; 242 units. It's a substantial development of 15 acres. To give you some balance or perspective on a scale, the number of units proposed is roughly 60% of those that were approved at the Singleton Beach Club which is a 57 acre tract. This is only 15. It is tremendously more dense. The amount of commercial space approved at Singleton Beach Club is exactly equivalent to what we have here. Again, that was on 57 acres and this is only on 15. So the intensity of scale here is very high, it's a very urban area. It's a very inward looking environment which I think is something that is very desirable. They have good pedestrian connections. There's a second level walkway system being proposed so there's a good separation of grade vehicle circulation from second level pedestrian circulation which is very desirable. And I think it will be, if approved, the type of environment where it will be almost a self functioning community. Perhaps some of the people living in these units would work in the office space here. By the same token, I'm sure many of them would shop in the commercial environment. So the off-site impact is probably less than normal because of it being such an intense, inward looking environment. Of course, you can see the lagoons wrapped around the area. There are buffers per the DSO. The intent is to meet the buffers, pretty good drop length provided. The scale of the project, even at the intensity we see here has apparently been worked up quite well. These structures only being three stories are not out of scale. They are not extremely tall, they are not much different than some of the things we see as far as the Cottages and so forth in Shipyard Plantation or the degree intensity we see over here, an adjacent residential development. [Cordillo Villita]

But the staff does have concerns with the fact that-not to put a negative term on the project-because I think there are many, many positive aspects of it and I think it's well designed, but there is a double counting of the land. There is allowed under the DSO 16 units per gross acre. But on that portion of the site allocated to residential portion, we see the density approaching 20 to 30 units per acre, which is extremely high. Even in the Central Forest Beach District where we have some very high density projects, most of them are single residential projects and they may be 15 to 20 units to the acre but they don't have the commercial space on there so it's not a double counting of the land as we see here.

On the flip side of the coin, of course, as I already brought out, because of the varying commercial space on the site it's an integrated mixed use kind of development which is something that is desirable. There will be less need for people to get out on Pope Avenue with their cars and go all over the place to shop. It will probably be a very pedestrian-related environment. So I don't want to overemphasize the double counting, but I think it does need to be mentioned.

ATTACHMENT G

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You have heard a discussion of office size and concerns that other people have brought to us. There's been a tremendous amount of public input on this project. This project speaks well of the fact that the applicant has notified people quite well. We've had probably 30 to 35 inquiries in our office about this project and we've also received 3 or 4 letters which I gave to you, Mr. Hack, in reference to this project. There's much concern on the part of the Shipyard Plantation residents as to what will happen, especially with regards to where the security gate will be, how it will affect their property. There's been some discussion, some concern on the part of the residents here, in Cordillo Villita who are concerned with the buffers and the drainage situation back here. Unfortunately, a portion of this residential development's existing circulation system's parking area overlaps the property boundary. So what we in effect have, on this side of the property is a buffer which technically meets the DSO as far as property line to property line but because we have this asphalt intruding into the buffer which is, to some degree, beyond the control of the developer and this applicant, the effect of buffer width here is lessened. In effect the separation of the two projects is lessened. Just how much they concern us, probably we need to address that now. But we need to, probably at the final stage, if the project is approved, give a good hard look at the scale of these buildings to make sure that it's a good match in scale between here and here because there will probably be somewhat less of a buffer than in a normal situation.

We also received a traffic impact analysis and a general development impact analysis which the developer was required to submit, in that he is asking for 16 dwelling units per acre. 8 units are allowed in the Central Forest Beach District. He must petition for special Commission approval for the added density and he must submit the development impact analysis. You have that supplied to you by the developer, I believe.

As far as the development impact analysis goes, the staff generally concurs with the findings; our numbers differ somewhat from the impact analysis. I think the main impact of course, is traffic. The number generated by the Ed Pinckney Associates are correct. Of course, you must make many, many assumptions when you're doing something like this as to where the traffic will actually go. It's hard to determine just what will be; how much of the traffic will use Cordillo, how much will continue only to Pope Avenue. It's difficult to make that determination. I think that we feel, in general, there will be a little more orientation to Pope Avenue than the consultant felt. But that's up in the air and it's hard to say. It could be that the new road will work so well that it will draw more traffic than anyone could have imagined over here. That's beneficial to the lower end of Pope Avenue. It will take off some of the existing traffic, not only draw off some of the traffic generated by this project, but some of the existing Pope Avenue traffic. By the same token, if this works so well that many, many people choose this as an alternate route, it could be that the intersection of Lagoon or North Forest Beach and Avocet could become a major problem. It dumps a lot of traffic

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out on those two lane roads, unsignalized, a lot of pedestrian activity down there now and that could create an unsafe situation. The volumes that will be along this road would easily be handled by the road in theory, but of course, the main concern is the amount of pedestrian traffic we have.

The developer, to some degree to alleviate that, has provided or is proposing that a walkway system/bikeway system would be an integral part of the road connection. It would proceed all the way down to Lagoon Road or even North Forest Beach Drive and possibly connect into some proposals down at that end of the Island for bikeway systems.

Additionally, at the staff's suggestion, he has gone ahead and shown further connections to tie into the bikeways the state will be putting in along Pope Avenue. So this will serve as an alternate route for bicyclists and pedestrians and get some of the bicycles and pedestrians off Pope Avenue which is of course very desirable.

Our feeling on the traffic impact analysis, we have not had a great deal of time to do an intense study on it, but the general numbers generated by this project roughly 3,500 to 4,000 vehicles will be entering and exiting at this point here. The difficulty is to determine what the split will be, whether 50% will go this way, go west and 50% east or if it will be 60-40 or 70-30. It's hard to say. No matter what the case, Pope Avenue in theory can handle this project easily.

Our concern is that, as we made clear in the last formal presentation today, we need to start looking at things in a more integrated way. It's not only this project, of course. As the Planning Commission we need to look at a new plan for the Island. This specific impact is substantial but it can be handled. But we also have the recently-approved Sea Crest on a preliminary level which will have a substantial transportation impact and add to Pope Avenue traffic. We have the Coligny Hotel which has received final approval and will have a significant traffic impact. Of course, there are other restaurants and commercial developments at the lower end of Pope Avenue, near Coligny Circle. All these developments are going to increase traffic on Pope Avenue. It is likely that if Pope Avenue can still operate at a good level of service, it has a lot of median cuts, left turn lanes, deceleration lanes, two lane sections and so forth, as long as curb cuts and new development are minimized, it can continue to work but there's no doubt that with all the new development, the level of service on Pope Avenue is going to be fair to good at best as opposed to good to very good today. So when you take all the projects jointly the impacts add up and although the specific impact of this project can be handled, when we look at everything together, we feel, because of the double counting on the land, that the Commission should not approve the full 16 units to the acre. We should consider some slight reduction such as a 10% reduction. This project should have a major

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beneficial impact on Pope Avenue because of the offsite projects. By the same token, in reality, the commercial uses are going to generate the most traffic and it is preferable that the commercial can be reduced. However, under the DSO, the most defensible and logical way to approach it and the Commission has discretion to do this is to address the density issue. It is at the Commission's discretion whether to grant 16 units per acre. Under the DSO, this is probably the most proper issue to address. But again, from a traffic standpoint, it is really the commercial square footage that is desirable to be reduced.

I have not gone over all the concerns we have. I've gone over the major ones. I spelled them out in a write up we gave you earlier this morning. If you wish, I can go through them one by one. Otherwise, I think I'd like to open it up to questions or to have the applicant make their presentation.

Present: Bill, are there any variances requested in this project, any variances required in the DSO.

Noll: Technically not, John, because of course, the 500 foot curb cut separation cannot be met and they are entitled to access to their property. This does not really require a variance, access to a lot. The only thing that would require a variance would be this buffer. As it appears now, all the buffers are being provided, the open space is being achieved, and drainage improvements. The applicant has agreed to work on the bikeway/pedestrian system which is a requirement of the CFBD amendments. Technically, there are no variance requests involved in this project. We feel that as far as technical requirements goes, it meets the DSO.

Did we ever receive a traffic impact statement on the Sea Crest?

Noll: Yes, we did.

And what did that say as far as traffic onto...?

Noll: I can't remember the exact number.

About 12 or 1300.

Noll: Between 1 and 2 thousand vehicles a day added, in addition to what they generate now.

This is what?

Noll: This, on Pope Avenue, will probably give us somewhere between, well at this point of interchange, 3500 to 4000 vehicles. But you've got to remember that some will go this way and some will go that way. I would say somewhere on Pope Avenue, because of this project, there will be a net effect of 2,000 to 2,500 more cars.

ATTACHMENT G

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Was the issue of the incoming traffic into that project in that area addressed? Coming down Pope Avenue and making a left turn to get into the project itself.

Noll: No, they did not address configuration. They're really not required to. This is something that would normally be addressed at the final stage. That will be a very, very key thing as to how this ends up being designed. There needs to be more restriction. One thing we talked, and the applicant has gone ahead and shown us, is that eliminating, they originally proposed an acceleration lane which would require weaving. People coming out here, going west, people coming in to Banker's Trust would create an interstate-type situation where you get weaving. They have gone back at our suggestion and at the State Highway Department's suggestion to a more normal thing where there would still be a lane that is designated as right turns only but there would probably be a stop sign there and there's no acceleration lane.

Going to the top of the chart, what amount of traffic will be coming out of there in that estimate, do you know? (Avocet)

I can't remember the exact numbers.

I believe the projection was for around 1000. That's by this. Remember that it's obvious that this will draw traffic off Pope Avenue. I'm sure this will have much more than 1000 but still well within a two lane road. But it goes without saying that there will be parcels abutting a right-of-way that will be * because it will be closed going along there where there aren't vehicles now.

The right-of-way is provided and existing. The intent was to eventually put that extension in, I believe.

Philips: I'm a little bit confused. First of all, you talk about what a good plan it was. You talked about your concerns, then you talked about this agreement with the traffic count, but not really. My basic question, is there anything with this project right here that is in violation of the DSO?

Noll: No, there's not.

<question that I couldn't hear about 10% reduction>

Noll: If we get a 10% reduction in commercial that would be wonderful. It's the commercial space that generates ...

It's the commercial you're concerned about?

Noll: Yes, it is. And the reason for that is because of the fact I keep making clear. If we were looking at this project alone on Pope Avenue, if there was no other development going on, Pope Avenue can handle this right-of-way. But we have other projects.

ATTACHMENT G

DRAFT - NOT APPROVED

The combined net effect starts to put Pope Avenue at the low end of still acceptable level of service, still being able to operate without lots of accidents, without extremely low speeds of 20 to 25 mph. You want Pope Avenue to still be able to operate at 30 to 35 mph. Somewhere there's a break point. But the other two projects have already been approved. This project we have to look at a little harder, I think, because it's this project approval that will start to put Pope Avenue at the lower end of the desirable level of service. Unfortunately, it requires an awful lot of analysis which we don't have time to get at. Our feeling is that if we can get a minimum of 10% reduction here in land use, especially commercial square footage, that would be...

Land use?

By 10% land use, I meant both residential and commercial, that's our recommendation.

<question that I couldn't hear>

It's a very urban thing and it's to be encouraged.

Popek: I think what Bill tried to explain was that this is one of those projects that puts us in a gray area where the general character seems to be very much in keeping with the type of development in Central Forest Beach District, except for the fact that the amount of commercial square footage and commercial coupled with the residential development is technically, at the absolute maximum density that you could have and that, in terms of residential density, is even higher in relation to the commercial square footage than other developments in the Central Forest Beach District. That's not necessarily bad, except in context of other developments and as you know, in reading the Ordinance, that the amount of density from 8 to 16 is really a negotiable factor in a development but there are no real standards that say what is an appropriate breakpoint. We tried to show the good and bad parts of, the positive and somewhat negative aspects you need to consider. Your ultimate decision will be based on has the applicant shown that he is entitled to the maximum density allowed. That is your decision to make. There are not a lot of numbers you can look other than basic impact. I think that certainly has to be what makes it up.

<unheard>

I think what it really comes down to, Joe is probably correct in saying that while it doesn't violate the DSO, what we're faced with, if we were just talking 16 units per acre and no commercial, I don't think there'd be any question from the standpoint of traffic impact. But whether you like it or not our present DSO does not prohibit applying gross acreage to residential when you have a large amount of commercial. What I personally would like to see is to see the developer voluntarily begin a reduction in his commercial.

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DRAFT - NOT APPROVED

One correction, Joe Harden did not say that this plan meets the DSO requirements.

One point we didn't discuss and I think is less important, is in terms of tree requirements in the Central Forest Beach District. This is a pretty well treed site and the staff had some concern.

**
If those trees are there you try to leave those to meet those requirements. If you can't you replace what you have to replace. And that's certainly a minimum to be achieved. We're concerned with the amount of square footage, the number of units that at the final stage, given the nature of the parking requirements that it may be difficult to preserve natural vegetation on the site to the extent that could be preserved given somewhat less dense development, but still along the lines with what's being proposed.

<unheard question>

I think that's negotiable whether that's saving existing trees or replacing them so that you meet that requirement. We would like to encourage the developer to preserve the existing trees as much as possible. We're concerned that in vesting land use and density that that may be difficult for him to achieve. We just throw that out for your consideration.

<unheard question>

There's one other point that I'd like to raise. When the Sea Crest Motel project was presented to us for expansion Barry Johnson got up and talked eloquently on behalf of Mr. Graves. He made a flat statement that you needed a minimum of 200 rooms for a hotel to survive. And here we have a proposal for a 50 room hotel and I'm just a little puzzled how a 50 room hotel is going to survive.

<unheard statement>

Any more questions.

I want to ask a question about the Shipyard entrance. They say it's necessary to move the security gate. Is that an option or is that a requirement? That's a requirement? Can that be done?

Noll: I am getting conflicting information from the Hilton Head Company other than what the applicant says. They will have to have it approved by the Hilton Head Company, I'm sure. It's HHCo's entrance. The exact placement of that would have to be negotiated with the company. The applicant told me that they have an agreement of several years back to do this.

<unheard question>

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Some one from the Hilton Head Company told me otherwise. I don't know which is right or wrong. I don't think that as the staff we address that, unfortunately. I think that is something that would have to be negotiated with the Hilton Head Company.

That is a requirement for the project?

<unheard question>

Don [Hook] has a statement.

Yes, I've waited until this point in the proceedings so that we could have a discussion of the project from the staff point of view. This statement is submitted in accordance with the South Carolina State Law 813-460.

As proposed, the Town Center P.U.D. would 1) effectively diminish the common properties of Shipyard Plantation by relocating the Pope Avenue security gate. That's to the best of my belief; 2) it would burden the Pope Avenue entrance to Shipyard Plantation with the traffic volume above and beyond that which is entailed by the present design; and 3) it would add more traffic than that which would be generated by the normally allowable that is minimum development density to a roadway, i.e. Pope Avenue, which abuts Shipyard Plantation, especially at the entrance of Cordillo Parkway and Pope Avenue. This intersection is particularly hazardous because of the offset of Cordillo Parkway from one side of Pope Avenue to the other. I think we need to minimize the hazards at that intersection. I think that I have a potential conflict of interest in this matter because, first of all, I own property in Shipyard Plantation and secondly, I believe that for the reasons listed just now, the Town Center P.U.D. would render Shipyard Plantation a less desirable place in which to reside. And it would therefore tend to diminish Shipyard property value. Because this is the first time that a written statement of potential conflict of interest has been submitted to this Commission, I would call the Commission's attention to a portion of South Carolina 813-460c which requires that "the presiding officer and the members of that governing body [the Commission] shall cause such statement [which I have just read] to be printed in the minutes and shall require that the member be excused from any votes, deliberations and other actions on the matter in which the potential conflict of interest exists and shall cause such disqualification and the reasons therefore to be noted in the minutes." And still in accordance with that provision of State law, I distribute to you this statement.

First time I've ever heard anybody have a conflict of interest
<unheard>

If you have a conflict of interest, you use the Commission as a forum for expressing that conflict.

This is in accordance with the laws.

ATTACHMENT G

DRAFT - NOT APPROVED

It's been recorded.

Now we shall move to the performance.

Applicant: (Doug Church) The Town Center P.U.D. is an urban development and it was always intended to be such. The density question of 16 units to the acre, we feel is fair because it's the average density of the existing Central Forest Beach District. There are some extremely dense developments in the Central Forest Beach District far in excess of what we're proposing. Even taking into account the commercial ground, if you equate it into residential density factors, we still are below several developments existing within the CFBD. What we tried to do, in creating this urbanesque environment, was do it in an environment in as sensitive a manner as possible in accommodating all existing surrounding land uses. We have residential use in Shipyard Plantation, intense residential use in Cordillo Villita, and commercial use along Pope Avenue and we have purposely located those functions next to the uses. The commercial tract next to the Banker's Trust, and this widened right-of-way of Cordillo Parkway, the retail uses again next to the existing retail/commercial office use and the residential use adjacent to the existing residential use. Again, we're trying to maintain compatibility. Also, we've exceeded the buffering requirements. Consider buffering between units, we are way in far of excess of what's required. We stacked the units in a diagonal manner rather than a parallel manner instead of just laying. We tried to do that as much as possible, again, to help eliminate this slab sided look which is very tough to buffer. We allow up to 270 feet of buffer at a point of penetration of this type. We are allowed by the CFBD a 50% reduction of open space. We have not asked for that. We have not used that in our calculations. We are using the standard CFBD open space requirement and we have exceeded that. So I think we have gone and tried to do and exceed all the standards of the CFBD, not just meet them but exceed them. We have taken special pains to separate the pedestrian and vehicular traffic as much as possible. We took the suggestion of the Town Planning staff to extend our pedestrian system to Pope Avenue. We have no problem with that; we feel it was a very good idea. The whole concept here is to create the urban environment and we're not ashamed of that or bashful about it. We are creating an urban area. As Bill pointed out, we are trying to create it as a somewhat self-contained community. We recognize that it isn't large enough to satisfy all the community aspects but it does have bits and pieces of a self contained community.

To address the hotel, that's really a misnomer; it's a bed and breakfast inn. That's all it is, it's not a full service hotel. So I think that 200 bed factor really doesn't involve itself here. That is really serving as a focal point or magnet point in a little village complex, which is what is being proposed here. It's to serve as an anchor point at one end and it is to be, again, we're not talking a multi-story, large structure. It's tentatively proposed as a two story structure, small scale,

ATTACHMENT G

DRAFT - NOT APPROVED

personalized, human scale inn - not really a hotel. Again, we've tried to accommodate the area in terms of building height. The design basically represents a building height not to exceed four stories, including the raised aspect of the parking, having the buildings raised above the ground level parking. So from grade, we're talking a total of four stories. We've improved the drainage situation by interconnecting right now, independent, this is an existing lagoon, there's a small wet spot there and there's an existing lagoon here as well as this existing lagoon and this existing lagoon. We have taken special pains to try and maintain them and improve them and connect them so they can function as a stormwater detention system. We recognize the need for that. That's been accommodated; we are accommodating all existing drainage easements that exist on the property. There's an existing one off the Roller property here which we are maintaining; there's an existing pipe off of Cordillo that drains into this existing lagoon and that will be maintained.

Concerning traffic circulation, we've limited, we've tried to disperse the traffic rather than concentrate it in any one location. Because of the density we feel that dispersion is a key factor and that's one reason we have the three main dispersion points. We realize that Tract C is dependent upon the cooperation of our adjoining neighbors. We recognize that fact and we hope that they will work with us on that. We feel that providing this corridor to all these businesses is going to improve the total circulation which could be termed somewhat pitiful right now in there. We feel that would be an improvement in the overall commercial district. The design of this entrance obviously is going to have to meet with state regulations and there is an existing left turn, deceleration lane already off of Pope Avenue and we are picking that up and we have a deceleration lane on our side of Pope Avenue. Again, it gets traffic off of Pope Avenue to not impede the through flow of traffic.

Basically the whole concept is try to work within the many design parameters, the irregularity of the site, the large area of lagoon that surround or are within the site, plus the existing uses around the site. We felt we studied this for several months. We did numerous studies before we came up with this plan. We're not saying that it can't be improved upon but then again, it's a concept. It's the best concept of all the ones we've been able to come up with and we feel we've done and exceeded the Town Ordinance in requesting the 16 units to the acre. I'd be happy to answer any questions.

Have you gotten in touch with each of the adjacent property owners, including Western Sizzlin, Heritage Plaza, Saltaire Plaza, Hilton Head Company, Banker's Trust? Have you made contact with them and have you gotten responses from them?

Each one directly, no. We've talked to Bruce Black of the HH Co. We acknowledge that we have to work with them and they acknowledge that they will work with us and they have no

ATTACHMENT G

DRAFT - NOT APPROVED

particular objections to what we're doing at this point. That is an on-going negotiation. As far as working with the remainder of the property owners, we haven't specifically done that other than contacting them as required by Town Ordinance through certified mail. We went even beyond the 200 feet just to make sure that we didn't forget or miss anybody by trying to declare a 200 foot line. All those negotiations are going to happen before the final plans can be submitted.

<unheard question>

It's been planned through on a preliminary basis. It is our understanding that Avocet Avenue right-of-way is "right-of-way". We have rights to use and we are planning to use it. We have tried to do it in as effective a manner without adversely affecting either our property or our neighbor's property. Again, we have not contacted or sat down with them and said this is what we propose to do. That's an independent process that we will be going through.

The plans here show a lot more open space than what you have up there. This has a lot more open space.

If you account for what's happening, you're right.

<unheard>

This is to show the interrelationship of vehicular-pedestrian space. That's really what the colors represent. The dark narrow line is pedestrian; the next dark line is the main traffic arteries; the light tan represents parking pads and how they actually get divvied up or laid out is yet to be fully explored. But those pads will accommodate the required amount of parking.

<unheard>

Who did the traffic analysis for you?

I did.

It's based on estimated figures.

The traffic counts - you're working with averages - national and local. I think we have made a very honest attempt to give you some idea as to the impact; we have not tried to shape the figures in any way.

Any further questions from the Commission? If not we'll move on to...

Don Billet: I have one Engineer comment to the Town that hasn't been brought up yet. It's a small ... the name is Town Center.

ATTACHMENT G

DRAFT - NOT APPROVED

There is a conflict of names. We will certainly request that they change that. I will now take any opposition from the floor.

My name is ^{Robert Christian} *. I am an architect by profession and I manage many condominiums in the NFB area, one of which is Cordillo Villita properties. It was developed after this plan of some years ago by the same developer who is now doing this. The Cordillo Villita project was part of the project that encompassed all of this. It was their choice at that time, our first concern is that the property line for Cordillo Villita runs down the middle of the Cordillo Villita driveway. Should they exercise any control or stoppage of this which is now an easement, the Cordillo Villita property owners in these two buildings could not get into their property. Their property line runs through the center of this driveway. Again, our concern is that we would not have access into this development if they so choose to do something to those easements. We do have, Cordillo Villita Property Owners' Association does have easements over its property. I was a little amused that in this gentleman's statement he said that the blacktop of Cordillo Villita encroaches upon their buffer. If anything, their buffer eases out beyond our blacktop. We're not encroaching upon their buffer at all and I don't think it was ever intended to be that way by the developer.

Our second point of concern is that there is a very critical culvert that drains all of Cordillo Villita property into this lagoon. I looked at the various plans the other day in the office. I couldn't see that this was officially recognized. That lagoon is critical because this entire thing will flood if the lagoon level is not maintained below the level of these catch basins as it was for the first five years of existence here. Every time there was a slight rain, this was full of water to the depth of about a foot and a half. So we would like to have some formal easement or positive statement that no matter whoever owns this property, they must always have this culvert open and that the lagoon level will always be maintained so that Cordillo Villita property is not inundated.

Our third concern is that the culvert at the entrance of Lagoon Road, of * Road to Lagoon Road which is about over here, there are two large storm sewers that come in on an angle and dump right into the corner if you will of that intersection and there's a very deep ditch and hole there that no one seems responsible to improve. It's a hazard. The other concern would be that presently they would allow no construction traffic although it is half of their easement. There would be no construction traffic for this project to come through Cordillo Villita property and I do believe that they have agreed that they would make some commitment on that basis. Those are our concerns.

Thank you for your input.

ATTACHMENT G

DRAFT - NOT APPROVED

I think we would have no problem in providing for that storm drain. As far as the easement, I think that's a perpetual easement regardless of who we sell it to or whoever takes over on it. We would doubly assure that. That is their only access and we cannot deny that or will not deny that. Construction traffic, Pope Avenue associates agree that they will not use that as a construction entrance at all. So we will address all those concerns to their pavement.

<unheard comment>

They have to get permits.

You can change your date whenever you want to?

We have no law.

<concern expressed about the excess traffic and lack of ease of access to Shipyard Plantation. Also discussion re the gate. But much of it was garbled>

<The flow of traffic was discussed including left turns onto Pope Avenue from Cordillo.>

We are having a transportation study made right now. It's an ongoing thing.

Could you show me on the site plan where the fire station is?

The fire station would be at or in front of the gate if moved.

I'm Austin Parker, a newcomer and terribly ignorant about the process here. What are my rights as an owner and who will help me safeguard my rights as a property owner?

Where are you located?

I'm in 21 Town House Tennis in Shipyard. I'm adjacent to this. I can just hear all the construction noise, etc.

We have to abide by the DSO. We do try hard to do the best we can.

You as an individual have a right to appeal any decision we make to the Board of Adjustments. You must do it within a prescribed time period. I believe it's within 20 days of the decision that's made here. That's your legal right. Whether you choose to pursue it or not, that's your decision.

Any other?

I'm Grace Piper. I live at 701 Sail Master in Shipyard. Did I understand you to say that it would be a change of the Master Plan if they moved the gate at Pope Avenue in Shipyard?

ATTACHMENT G

DRAFT - NOT APPROVED

It looks to me that it would be a change in the Master Plan. We don't know the answer to that question for sure.

That needs a legal answer. You are just moving the guard house within the ownership of the Plantation.

All Shipyard owners have a very strong concern regarding this.

The move is mandated by the HH Co. We are required by the HH Co. to relocate the gatehouse. That is in an official agreement between HH Co and Pope Avenue Associates. Several years ago that was decided that if this property should ever be developed in this manner, commercial tract and commercial development, we would be required to relocate the gatehouse at our expense.

You said this has to be negotiated. With whom would this have to be negotiated?

I didn't think I mentioned negotiation.

I think from what we've heard, there's already an agreement in existence which stipulates a change in the location of the gatehouse at Pope Avenue Associates' expense.

But do the Shipyard people have the right to question the change in the Master Plan?

The lady has a very valid point. The HH Co should be here to give some sort of testimony.

We have already suffered considerable devaluation of our property from the decision to allow commercial use within a residential area which did change the Master Plan. We are now facing the same situation. If the Master Plans are being changed and we are being hurt, we have the right to appeal this project.

If it is a Master Plan change it has to be advertised as such. We're not in a position to rule it as being one or not being one. But it's a separate thing when you change the Master Plan.

I think you have a very valid point. But I'm not qualified to answer whether it constitutes a change in the Master Plan.

If you change the size of the plantation, it is quite obvious that you are changing the Master plan. If you delete it as much as 1 square foot, you are changing it.

We are not affecting the size of Shipyard Plantation.

What she's arguing though is the change on the Road. She has a legitimate argument.

<unheard>

ATTACHMENT G

DRAFT - NOT APPROVED

We purposely tried to limit the amount of traffic to Cordillo. We can tie Avocet to Cordillo which has been suggested. But we felt again that that was not in the best interest of everybody concerned and we specifically eliminated a cross tie so that the whole development could *. I just want to make the point that the property line definition of Shipyard Plantation is the Cordillo Parkway property line which we are not part of Shipyard Plantation. The shifting of the gatehouse within that property line does take place but the property lines are not being modified in any way, shape, or form.

My name is *. I think there's a misunderstanding about the road. The gatehouse is located...The Cordillo extension road is a public right-of-way and the gatehouse was put right in the public right-of-way and our property line goes out to the middle of that public right-of-way. Hilton Head Company recognized that and said that when we did want to build they would allow us to move it. The gatehouse as it exists at the moment is right on the property line between our property and Shipyard.

I don't know the answer to this question but it's a legal question; it's not a Planning question.

But it has to be defined before the final decision is made.

He has proposed that he can have access to that road and I think if we want to vote on this project and that road is there, then he has to have that road to have approval for this project. Now if he does not have the right to make that road there, then he cannot have approval.

Are you talking * or the road in from Cordillo?

The road in from Cordillo.

We have contacted the Hilton He Company and they are very well aware that we are doing this and what we are proposing. They have said time and time again that they will work with us and we do have an agreement that allows us to do that. The agreement is with the Hilton Head Company. I could show it to you if you'd like to see it. The Hilton Head Company, if they were in objection to us doing that, I think they'd be very well represented here.

What we are concerned about is if it is changing the Master Plan we don't have the right to do it unless it's advertised as such and then come before us.

Why can't it be tabled until that question has been answered - is it a change in the Master Plan? The other comment I have to make is I don't care if the Hilton Head Company or not agrees to it. They agree to a lot of things that the people who are living within that plantation and bought under the understanding that

ATTACHMENT G

DRAFT - NOT APPROVED

this is the Master Plan, it's not going to be changed and we know we're being sold down the river.

What's the Commission feel...should we call for a legal opinion?

I think we have a problem. First of all we have a project before us that is adjacent to Master Planned area that has certainly an impact on a lot of different areas. Second of all we have a project before us that meets the DSO. For consideration, I'll say that we throw the responsibility upon the applicant instead of upon ourselves to work out this little problem of definition and consideration by first of all recognizing that he does meet the DSO coordination of adjacent property owners to address concerns, impacts such as drainage, etc. to put a condition that no change be made to the Shipyard Master Plan to limit commercial usage to the maximum of 98,000 square feet and to hold the dwelling units as stated on this plan. Let him work out his own problem instead of letting the Town work it out for him.

Would you say this meets the DSO if he has to take this out of here?

The staff has said it meets the DSO.

If he has to take that out of here, then he's in a landlocked parcel which means he can't do that. Then it doesn't meet the DSO.

But we have an alternative. Extend Avocet over to that parcel.

Noll: It would not landlock the parcel. There is an existing isthmus between the two lagoons. There would be a connection provided. He could eliminate that and provide a connection right here.

You're not going to solve Cordillo Villita.

<discussion regarding shrinking Shipyard Plantation size>

The boundary line of the plantation is not determined by the location of the gate. They are two independent factors. The plantation does not start at the gate location. A lot of gates are located well within plantation boundaries.

Robert [Graves], I'm going to ask you a question. Are you going to be willing to make any kind of a reduction in your commercial square footage?

<unheard>

We've worked very hard with the land planner to do this.

I understand, but do you understand the concern of the commission on the traffic impact?

ATTACHMENT G

DRAFT - NOT APPROVED

What concern of the Commission?

There is a concern on the traffic impact on Pope Avenue. We can't quantify, we can't say that your project alone is going to create insolvable problems. But there is an accumulative effect. If you look at this project, two thirds of the traffic is coming from the commercial and one third is from the residential units. So I'm asking you, I'm not saying you have to, I'm asking you, will you reduce to some extent, the commercial square footage?

And leave the residential as stated? Are you saying you are ready to approve with that? I don't understand why we did all this work and now we have to give it up.

I don't see that much has been given up.

We went through that ten months ago. I think we made a lot of progress in design. We want to continue doing that.

With a voluntary reduction in square footage of commercial, I'd personally be willing to vote for it.

What amount are you talking about?

The staff suggested 10% reduction.

I'd be glad to discuss it with my partner. If you say everything's o.k.

I'm concerned when I look at the cumulative effect of the traffic. My other problem is the legal question. I would like a legal opinion on the [access]. You may have to consider the possibility of moving that access in the event the legal opinion rules against this question of the gatehouse. Then it's o.k. with me.

We have the capability of another way in -- two other ways. So that's not our sole source. We just felt that was the best way to split and disperse the traffic.

And it may be as far as I'm concerned. It looks like the best way. But on the other hand, I think this woman does have a valid point and I think that point should be resolved.

I'm sure the HH Co will see to it that it is resolved.

I think your plan is good.

If we got things ironed out.

MOTION: Approve this project with the following conditions: 1) first of all there will be coordination with the adjacent property owners to address the concerns and impact; 2) to have no change in the Shipyard Master Plan; 3) to have a 10% reduction of commercial area.

ATTACHMENT G

DRAFT - NOT APPROVED

Moved: Philips
Second: Malanick.

Vote: 6-0-1 (Hook)

Who is to resolve the question of the Master Plan before the Planning Commission staff decides the issue?

By the way it is stated, it is the applicant's responsibility to resolve that question.

Question was made of Mr. Hook's abstaining.

ATTACHMENT G

CASH RECEIPT Date 12/7 1984 000078

Received From Dep. of Soc. Sec.

Address _____

For filing of Social Security Form Dollars \$ 125.00

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT		CASH	
AMT. PAID	<u>125.00</u>	CHECK	<u>3214</u>
BALANCE DUE		MONEY ORDER	

By lu

CRB-1113
TOWN OF HILTON HEAD
Development Permit

ATTACHMENT G

↑ BBPN. - FYI

2 Grey Beech Lane
Pomona, New York 10970
December 6, 1984

Town of Hilton Head Planning Commission
Town Hall
Matthews Drive
Hilton Head, South Carolina 29938

Gentlemen:

Re: Town Center

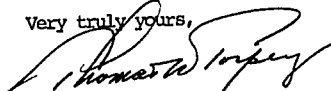
Attached is photo of correspondence and envelope received from my Post Office on Wednesday, December 5, 1984.

The envelope is postmarked November 27 at Hilton Head, November 28 at Savannah, and was received in Pomona, New York on December 4.

Apparently, Pinkney Associates has complied with the letter of the law in this mailing, but obviously evaded the spirit and intent of the law. I hope that the Planning Commission reviews this submission (or by this time has reviewed) most carefully and conscientiously, since the timing of the notice to property owners certainly makes the project suspect.

Thank you for your interest and consideration.

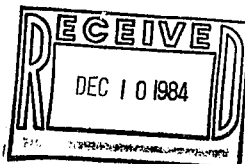
Very truly yours,



Thomas W. Torpey, Owner
Town House Tennis III #23
Shipyard Plantation

TWT:BAC
Enclosure

cc: Douglas B. Church
ASLA



ATTACHMENT G



Edward Pinckney/Associates Ltd.

AFFIDAVIT

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

THE UNDERSIGNED STATES THAT HE IS AN AUTHORIZED AGENT FOR POPE AVENUE ASSOCIATES, THAT SECTION 16-7-841 1) OF THE DEVELOPMENT STANDARDS ORDINANCE WAS COMPLIED WITH ON NOVEMBER 20, 1984, 2) SECTION 16-7-841 (2) WAS COMPLIED WITH ON NOVEMBER 30, 1984, AND 3) WAS COMPLIED WITH ON NOVEMBER 28, 1984.

DOUGLAS B. CHURCH, ASLA
EDWARD PINCKNEY/ASSOC., LTD.
FOR POPE AVENUE ASSOCIATES

SWORN TO, BEFORE ME, THIS DAY OF DECEMBER 5, 1984

NOTARY PUBLIC

My Commission Expires October 7, 1991

SEAL

RECEIVED
12/15/84
WEN

Landscape Architecture · Planning
Hilton Head Island · South Carolina 29938 · Box 5339 · One Fox Grape Road · Telephone 803-785-4265
Charleston · South Carolina 29401 · 247 Meeting Street · Suite 200 · 803-723-9596

ATTACHMENT G

Karen Bill N
 Filo

P.O.B. 4724
Hilton Head, S.C. 29939
December 3, 1984

Mr. William Issel
Director of Planning and Inspections
Town of Hilton Head
P.O.B. 6659
Hilton Head, S.C. 29928

Dear Mr. Issel,

Re: The Town Center

This is to inform you that the three of us at 21 Cordillo Villita are totally against the Town Center project that comes within 200 feet of our property.

This island has more than enough dwelling units, hotel and commercial space already.

Please register our total protest against this venture.

Very truly yours,

Sandra Dermer
Sandra Dermer for

Lynn, Sandra and Estelle Dermer

*Received
12/5/84*

ATTACHMENT G

File

Telephone (803) 681-5922
or 842-4702

WHALLEY CONSTRUCTION COMPANY, INC. General Contractors — Engineers — Construction Managers

Mailing Address
507-B Pineland Mall
Office Bldg.
29928



Street Address
507-B Pineland Mall
Office Bldg.

Hilton Head Island, S.C.

December 3, 1984

William Issell
Director of Planning & Inspection
Town of Hilton Head
P. O. Box 6659
Hilton Head Island, S. C. 29938

RE: POPE AVE. ASSOCIATES
PLANNED DEVELOPMENT

Dear Sir:

In regards to the Pope Avenue Associates proposed development plan, my concerns are as follows:

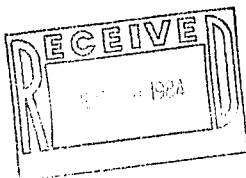
- 1) Along the SE property line bounded by Cordillo Villita, the proposed buffer zone of 22½' is presently being occupied by the access road to the west side of Cordillo Villita; so in fact, there is no buffer zone. Perhaps the developers of Cordillo Villita can explain just how Cordillo Villita was located with the road on the adjoining property.
- 2) During prolonged heavy rains the side of Cordillo Villita floods and as I understand it, the Hilton Head Company lagoon system is at such a level there is no way to prevent this. With the proposed expansion, just how will the run-off be taken care of to prevent further aggravation of this flooding.
- 3) My other concern is the removal of a large 36" oak tree and several other large trees around the boundary to provide rear access to the proposed expansion.

Very truly yours,

WHALLEY CONSTRUCTION COMPANY, INC.

William B. Whalley

William B. Whalley
Owner, 28 Cordillo Villita



WBW:lmf

ATTACHMENT G

TOWN CENTER P.U.D.

The Planning Staff feels the project is in basic conformance with the Development Standards Ordinance, but there are potentially adverse impacts associated with it. It is difficult to make a formal recommendation; instead, we will address the primary concerns & positive/negative aspects of the project. This will hopefully lead to informed decision-making.

- ① DENSITY- Applicant proposes 242 units (incl. 20 equivalent units for a 50 rm. hotel) on 15 acres, which is a gross density of 16 d.u./acre, the absolute maximum allowable in the Central Forest Beach District. Net densities per acre are in the range of 20-30 units per acre. This results from the fact that approx. 100,000 s.f. of commercial space is also proposed in the development, which will have to occupy a portion of the acreage. The result is a definitely urban character development.

Considerations-

- Central Forest Beach District Densities generally are in the range of 10-15 units/acre, although there are substantially higher densities. Net density of Town Center is exceedingly high, even for the CFBD.
- most CFBD developments are not mixed ^{use} (or very limited mixed use), so even net densities are much lower than

ATTACHMENT G

Town Center

- The intense, mixed-use concept of Town Center allows for a very pedestrian-oriented, almost self-functioning environment to occur, which is desirable.
- If the developer can achieve such a uniquely intense plan within the parameters of the DSO, such is commendable because it proves high density can be achieved without sacrificing good design, buffering, and provision of required open space. The general massing and scale of structure proposed on the tract is generally consistent with that seen elsewhere on the Island.

- ② CIRCULATION - An excellent pedestrian circulation system is proposed at 2nd level. Pedestrian/vehicle systems are segregated, with little conflict.

Considerations -

- A public bikeway system could be an integral part of this plan, making connection from N. Forest Beach Pr. to Pope Ave. & Cordillo Pkwy.
- Tract "C" is shown to be accessed from the adjacent Western Sizzlin & Heritage Plaza Properties. There is no direct access proposed from the balance of the P.U.D. This proposal is fine in concept but will require much cooperation with off-site owners and

ATTACHMENT G

quite probably require off-site improvements. Such variables are unknown factors. Generally, an integrated & unified P.U.D. wide circulation system is preferable and to be encouraged.

- Provision should be made for an Avocet-Cordillo connector street. This is suggested by both the staff & Mr. Sonny Timmermann of the State Highway Dept.

③ TRANSPORTATION - the project obviously will generate a substantial amount of traffic, and impact on Pope Avenue is a given. However there are considerations:

- the plan provides dispersal of trips by the extension of Avocet and site connections with Cordillo Parkway.
- the Avocet extension provides an alternate path and may reduce congestion on lower Pope Ave. and Coligny Circle. On the other hand, Avocet may become "too-well" used and dump excessive traffic onto Lagoon Rd. & N. Forest Beach Dr.
- Preliminary staff review indicates Pope Avenue can readily handle the additional traffic based on existing counts. However, additional development on the lower end of Pope Ave. (Seacrest, Coligny Hotel, restaurants, etc.) will also increase traffic. It is likely Pope Avenue will still operate at a fair to good

ATTACHMENT G

level of service, but the traffic situation will be markedly more congested than now, with lower operating speeds.

- The Pope/Avocet intersection design is extremely important and requires good cooperation among all parties.

- ④ PARKING - the developer has maximized land use by utilizing at-grade parking with structures constructed above.

Considerations-

- by placing parking underneath buildings, open space and trees are preserved elsewhere on the site.
- it is likely that areas of parking and building construction will require clear-cutting in order to achieve the design presented.
- attention should be given in final design as to ways to mitigate the appearance of the project as a parking lot/garage with buildings above. Extensive interior landscaping and buffering will be needed.

- ⑤ DRAINAGE - special attention should be directed towards improving drainage in the area. If approved, the developer should present a plan for improving drainage in the area.

ATTACHMENT G

OVERVIEW

The Staff would encourage that the density of the project be reduced, whether in terms of dwelling units or commercial sq. footage. Unfortunately, the DSO does not set forth clear criteria nor are there any quantitative guidelines the Staff can set forth. Density in this case is a subjective matter. "Too dense" can not be identified.

Reduction in commercial square footage is perhaps the most desirable, because it will reduce traffic impact more directly. However, reduction in dwelling unit density is more defensible under the DSO, as the Commission is given the power to approve or disapprove the petition for up to 16 units/acre.

There are positive elements to the project, so outright disapproval is discouraged. Staff would suggest the Commission consider at least a 10% reduction in the uses requested.

Application filed - 11/5/84

Rejected as incomplete - 11/19/84

Application complete - 11/19/84

Commission must act by - 12/19/84

ATTACHMENT G

- coordination w/ adjacent property owners
- no change in Shipyard Master Plan
- 10% reduction in commercial sh. footage
(9800 #)

ATTACHMENT G

Ⓐ RESIDENTIAL

$222 \times 5.7 = 1265$ trip ends, assume 10% internal \rightarrow 1139 trip ends
 ASSUME 75% \rightarrow POPE AVE. \rightarrow 854
 25% \rightarrow AVOCET \rightarrow 285

Ⓑ HOTEL

$50 \times 10.1 = 505$ trip ends
 ASSUME 90% \rightarrow POPE AVE. \rightarrow 455
 10% \rightarrow AVOCET \rightarrow 50

Ⓒ OFFICE

$40 \times 12.3 = 492$ trip ends
 ASSUME 85% \rightarrow POPE AVE. \rightarrow 418
 15% \rightarrow ~~AVOCET~~ ^{SHIPYARD} \rightarrow 74

Ⓓ SPECIALTY RETAIL

$41 \times 40.7 = 1669$ trip ends, assume 10% internal \rightarrow 1502 trip ends
 ASSUME 80% \rightarrow POPE AVE. \rightarrow 1202
 20% \rightarrow AVOCET \rightarrow 300

Ⓔ GENERAL RETAIL

$17 \times 117.9 = 2004$ trip ends, assume 10% internal \rightarrow 1804 trip ends
 ASSUME 80% \rightarrow POPE AVE. \rightarrow 1443
 20% \rightarrow AVOCET \rightarrow 361

20% EAST
 80% WEST

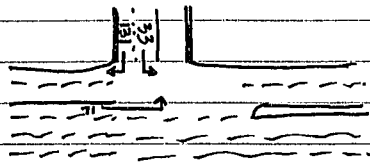
TOTAL AVOCET BOUND \rightarrow 1070 - 74 = 996

TOTAL POPE AVE. BOUND \rightarrow 4372 \rightarrow 418 \rightarrow 3954 ^{AVOCET Cordillo} _{at main entry} 791 3163

ATTACHMENT G

TRACT "C" IS ACCESSED THRU WESTERN SIZZLIN & HERITAGE PLAZA
THERE IS AN ALTERNATE SCHEME

ATTACHMENT G

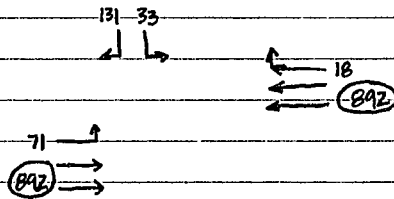


PEAK HOUR OUT

Assume 8% pt. hr. = 253 ~~cars~~

Assume 65% out / 35% in = ~~164~~ ¹⁶⁴ out of ~~253~~ ²⁵³ ins

22,300 ADT ON POPE AVE. 6/84 → 8% is 1784 (assume 50/50 split)



NB	892	0.55	491
EB	892	0.55	491
SB	131	1.00	131

	NB	SB	EB	
THROUGH	491	131	491	562 + 131 = 693
OPPOSE	71	0	0	
TOTAL	562	131	491	

ATTACHMENT G

TOWN CENTER P.U.D.

- *1) FILING FEE - TOTAL 25.00 FINANCE 125
120.00 P.D. 11/21 SHOW ON PLAN (AVOCET) - 1/4 IF PUBLIC R.O.W.
- 2) STREET WIDTHS - WILL THEY BE 50' R.O.W.? PUBLIC DEDICATION?
- 3) LAGOON - STORM DRAINAGE EASEMENT POSSIBLY OTHER AREAS AS WELL - CHECK W/ HILTON HEAD CO.
- 4) EXPLAIN PARKING ARRANGEMENT/CIRCULATION
- *5) PROFESSIONAL SEAL - REGISTERED LAND SURVEY OR PLAT W/ ACERAGE
- 6) HIGHWAY DEPT. COMMENTS - IMPORTANT, CHECK W/ STATE ON THIS MAIN ACCESS
- 7) PGD COMMENTS - PRELIM. APPROVAL
- *8) STATUS OF CONTACT W/ DHEL
- *9) VERIFY CORRECT FLOOD DISTRICTS - FLOOD DISCLOSURE STAT.
- *10) HILTON HEAD CO. APPROVAL (GEC. GATE RELOCATION)
- *11) PHASING? - SHOW LINES OR APPROX. TRACT LINES
- *12) SWORN AFFIDAVIT
- 13) HAS NOT SIGNED WAIVER FORM - SHOULDN'T BE ON AGENDA
CHECK ON CORDILLA VILLITA PARKING AREA WHICH INTRUDES ON THIS P.U.D. (need for easement?)

COORDINATE W/ UTILITIES

FIRE - access to pool complex should be shown

~~find out if fire hydrants should be shown location is ok~~
revise plan to show approved hydrant location

MAKE SURE NO LOCK OUT UNITS PLANNED

DOUBLE-COUNTING!

IMPERVIOUS SURFACE ALLOWABLE - must include lagoon surface
 - commercial/hotel $\rightarrow 7.6 \text{ acres} \times 0.60\% = 4.56 \text{ acres}$
 - 16 d.u./acre residential $\rightarrow 7.5 \text{ acres} \times 0.75\% = 5.63 \text{ acres}$
 Total P.U.D.-wide allowable impervious surface = ~~10.19 acres~~ 10.19 acres (67.44%)
 APPROXES O.K. but enter correct info on

DISCREPANCY in lagoon surface calcs. - is it 2.25 acres or 2.9 acres?
 TRAFFIC IMPACT - review & verify, also contact Hwy. Dept. to make aware, ask about bikeways

ATTACHMENT G



Edward Pinckney / Associates Ltd

November 27, 1984

Thomas & Lenore Torpey
42 Grey Beech Lane
Pamona, NY 10970

To Whom It May Concern:

Please be advised that Pope Avenue Associates has applied for a preliminary development permit to the Town of Hilton Head Island, S.C. to develop The Town Center on land located on Pope Avenue behind Western Sizzlin which is within 200 feet of your property. The project consists of approximately 242 dwelling units, 50 hotel rooms, and 98,000 square feet of commercial area.

The Town of Hilton Head Island Planning Commission will meet to consider this project on December 5th, 1984 at 9:00 A.M. at The Town Hall. If you wish to review plans of the project at the Department of Planning and Inspections at Town Hall, Northridge Business Park, Matthews Drive, call 681-9440 for an appointment.

Sincerely,

Douglas B Church,

Douglas B. Church, ASLA
for Pope Avenue Associates

DC/af

Landscape Architecture • Planning
Hilton Head Island • South Carolina 29938 • Box 5339 • One Fox Grape Road • Telephone 803-785-4766

CLAIM CHECK
NO. 324379

HOLD

DATE

11-1

1ST NOTICE

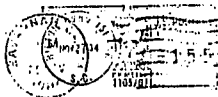
2ND NOTICE

RETURN

Reprinted from
PS Form 3842-A
Oct 1980



Edward Pinckney / Associates Ltd



Thomas & Lenore Torpey
42 Grey Beech Lane
Amona, NY 10970

ATTACHMENT G

LAW OFFICES
OF
BARRY L. JOHNSON
ATTORNEY AT LAW
SUITE 106, SAPELO BUILDING
POST OFFICE DRAWER 8218
HILTON HEAD ISLAND, SOUTH CAROLINA 29938
TELEPHONE (803) 785-9030

November 26, 1984

OFFICE:
S.C. HIGHWAY 48
MARGANTAVILLE
P.O. DRAWER 710
BLUFFTON, S.C. 29910
TELEPHONE (803) 787-3888

Hon. Orion Hack, Chairman
Hilton Head Planning Commission
Town of Hilton Head Island
Post Office Box 6659
Hilton Head Island, S.C. 29938

RE: Portion of Parcel 5-B Central Forest Beach District,
Hilton Head Island

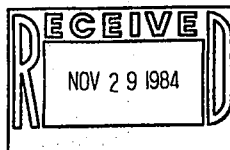
Dear Mr. Hack:

We acknowledge receipt of Mr. Issel's letter to me dated October 9, 1984 and we acknowledge understanding of its contents.

As we have maintained throughout the term of discussion of Vested Rights with the Town of Hilton Head Island, the Town has no right, in our judgment, to impose Vested Rights requirements in derogation of South Carolina law. Further, some months ago, well prior to July 31, 1984, I had written and requested that we have an indefinite, repeating type extension request granted pertaining to the Vested Rights Application of Pope Avenue Associates, owner of the above property, subject to our reservation as to the Town's Vested Rights power, mentioned hereinabove, and repeatedly stated in writing and otherwise to you and other Town officials.

We will continue to comply with your picayune request for further monthly extensions of our Vested Rights Application in this matter in light of the bureaucratically obtuse and rigid position taken in your letter of October 9, 1984 written over Mr. Issel's signature.

In such regard, please accept this letter as our further request for an additional 30-day extension through December 30, 1984. Frankly, I would like you to consider this as an



ATTACHMENT G

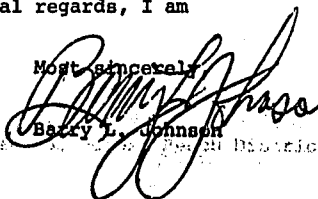
OFFICES
BARRY L. JOHNSON
ATTORNEY AT LAW

November 26, 1984
Page 2

extension request through December 31, 1984 but, given your attitude, it appears that I will need to make some further request as of December 30, 1984, inasmuch as the month of December happens to have 31 days. This is not an issue you have raised with us in the past, and we can only assume from the attitude reflected in Mr. Issel's letter of October 9, 1984 that your adherence to the letter of the law in derogation of its spirit must be anticipated.

Thanking you and with best personal regards, I am

Most sincerely,



Barry L. Johnson

BLJ/lk

cc: Mr. William E. Issel

Mr. Carey Smith
Pope Avenue Associates

ATTACHMENT G

(I file

TOWN OF
HILTON HEAD ISLAND

P.O. BOX 6659, HILTON HEAD ISLAND, S.C. 29938
(803) 785-2329

November 26, 1984

Mr. Douglas B. Church
Edward Pinckney/Associates, Ltd.
Box 5339 One Fox Grape Road
Hilton Head Island, S. Carolina 29928

Re: Town Center P.U.D. Development Permit Filing Fee

Dear Doug:

Please find below the correct filing fee calculation for the Town Center P.U.D. development permit application submitted on November 5, 1984. The minimum base fee of \$125.00 was not included with the other additional charges.

Your fee is calculated as follows:

- 1) Minimum base fee -----\$125.00
- 2) Planned unit development ----- \$8.00/Acre
 \$8.00 x 15.1 = \$120.80
- 3) Subtotal - \$125.00 + \$120.80 = \$245.80
- 4) \$120.80 filing fee paid 11/21/84
- 5) \$245.80 - \$120.80 = \$125.00
- 6) \$125.00 filing fee balance due

Please contact me at Town Hall if you have any questions.

Sincerely,

Michael E. Orr
Michael E. Orr
Planner Technician

MEO:mlw

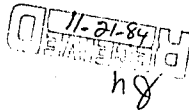
ATTACHMENT G



Edward Pinckney / Associates Ltd.

November 21, 1984

Mr. R. J. Weeks
District Administrator
South Carolina Highway Department
P. O. Box 70159
Charleston, SC 29415



RE: TOWN CENTER P.U.D. HILTON HEAD ISLAND; SOUTH CAROLINA

Dear Mr. Weeks:

We would appreciate your review and comments on the entrance we are proposing at the existing median cut on Pope Avenue. I have included a copy of our letter to the Hilton Head Island Planning Department describing the proposed scope of the design.

If you have any questions, please call me.

With kindest regards, I am

Sincerely,

A handwritten signature in cursive that reads 'Douglas B. Church'.

Douglas B. Church, ASLA

encl. Preliminary Master Plan
Narrative Letter

DB/af

ATTACHMENT G



Edward Pinckney / Associates Ltd.

November 19, 1984

Ms. Karen Popek
Chief Planner
Town of Hilton Head
P. O. Box 6659
Hilton Head Island, SC 29938

RE: TOWN CENTER PUD

Dear Karen:

This letter is in response to the planning staff letter of review, received by our office on November 16, 1984, and is enumerated accordingly. I believe this letter accurately recounts what Michael Orr of your staff and I discussed on this date.

1. The flood district disclosure statement was on the plan.
2. Finish grade elevations will be provided when final plans are prepared of the various sections of the development in accordance with accepted prior procedure.
3. Tree removal is dependent on final location of improvements, which are not specifically known at this preliminary stage. This information shall be provided when firm improvements locations are known and submitted for review.
4. Proposed widths of the street is twenty-four feet.
5. Recorded drainage easement and covenant shall be provided.
6. The drawings will be sealed as appropriate per state law and liability questions.
7. As you know, DHEC does not provide comments on any preliminary designs.
8. We will contact the South Carolina Highway Department to inform them of our proposed sole access to our property from Pope Avenue across from an existing median out, and request their review and comment. A copy of this letter will be forwarded to you.

RECEIVED
NOV 24 1984
WEN

ATTACHMENT G



Ms. Karen Popek

-2-

Nov., 19, 1984

9. We will be able to comply when you provide us with the notice.

The filing fee of \$120.80 will be provided prior to the hearing on December 4, 1984.

Please call me if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Church', written over a horizontal line.

Douglas B. Church, ASLA

cc: Orion Hack
Charles Pigg
Ed Pinckney
Don Hook
John Present
Joe Harden
Debra Phillips
Michael Malanick

Pope Avenue Associates
Robert Graves
Richard McGinity
Robert Crum

encl. Drainage easement
Sealed prints

ATTACHMENT G

PROJECT NAME: TOWH CENTER NOTICE DATE NOV. 14TH, 1984

NOTICE OF COMPLETENESS
OF APPLICATION FOR DEVELOPMENT PERMIT

TOWN OF HILTON HEAD ISLAND
P. O. BOX 6659, HILTON HEAD ISLAND, S.C. 29938
(803) 785-2329

Dear MR FINCHET:

We have received your application for the following type of development permit approval:

- Preliminary
- Final For Construction Only
- Final
- Combined Preliminary/Final

Your application is:

complete and will be scheduled for review by the _____
_____ on _____ at _____ A.M/P.M.
at _____

_____, Hilton Head Island, South Carolina.

A filing fee of _____ must be paid before any further action will be taken on your application. Checks should be made payable to the Town of Hilton Head Island and should show the project name on the face of the check. Please pick up your notice sign at Town Hall to post your property.

rejected for review by the PLANNING COMMISSION at this time. See enclosure for details.

You have until MONDAY, NOVEMBER 19TH, 1984 to complete your application to be reviewed at the next meeting. Complete applications submitted after that time will be reviewed at the next eligible meeting. Please pay a filing fee of \$_____. Checks should be made payable to the Town of Hilton Head Island and show the project name on the face of the check.

Please contact the Department of Planning and Inspections at 803/785-2329 for information.

By: William E. Issel FOR
William E. Issel
Director of Planning & Inspections

ATTACHMENT G

TOWN CENTER

NOTICE OF INCOMPLETE APPLICATION FOR DEVELOPMENT PERMIT
NOVEMBER 14, 1984

YOUR APPLICATION IS MISSING THE FOLLOWING ITEMS:

- 1.) FLOOD DISTRICT DISCLOSURE STATEMENT.
- PRELIM. WA2.) PROVIDE FINISH GRADE ELEVATIONS OF ASPHALT AREAS
- PRELIM. 3.) PROVIDE TREE SURVEYING PLAN IDENTIFYING TREES TO BE REMOVED
- 4.) PROPOSED WIDTHS OF STREET SYSTEM.
- 5.) RECORDED STORM DRAINAGE EASEMENT PLAN AND COVENANT FOR CATCHMENT NO. 2 AREA.
- ? 6.) PROVIDE APPROPRIATE PROFESSIONAL SEALED DRAWINGS FOR ALL PLANS SUBMITTED.
- PRELIM. 7.) COMMENTS FROM DHEC FOR WATER AND SEWER SYSTEMS.
- 8.) SOUTH CAROLINA HIGHWAY DEPARTMENT COMMENTS FOR CURBS AND MEDIAN CUTS.
- 9.) SWORN AFFIDAVIT OF COMPLIANCE WITH PUBLIC NOTICE REQUIREMENTS (SUBMIT WHEN PUBLIC NOTICE COMPLETE.)

KILLING FEE

YOUR FEE IS CALCULATED AS FOLLOWS:

- 1.) MINIMUM BASE FEE → \$125.00
- 2.) PLANNED UNIT DEVELOPMENT → \$800/ACRE - \$800 x 15.1 = \$12080
- 11/21 3.) ~~\$120.80~~ TOTAL FEE \$245.80

* NOTE: IF YOU PREVIOUSLY SUBMITTED ANY OF THE ABOVE INFORMATION, PLEASE DISREGARD THOSE ITEMS.

ATTACHMENT G

APPLICATION FOR DEVELOPMENT PERMIT
 TOWN OF HILTON HEAD ISLAND, P.O. BOX 6659, HILTON HEAD ISLAND, SC 29938 - (803) 785-2329

RECEIVED
 11/15/84

COMPLETE ALL PARTS OF THIS APPLICATION - SEE ATTACHED INFORMATION

1) I am applying for the following type of Development Approval (Check one only):

* Preliminary Final Combined Preliminary/Final Final for Construction of Improvements Only

2) Check any of the below which apply to this project. If none apply, place a check here . This application is for:

- | | |
|--|--|
| a) <input type="checkbox"/> A Planned Development (PD) Plan | j) <input type="checkbox"/> Demolition |
| b) <input type="checkbox"/> A site within a PD | k) <input type="checkbox"/> Project needing a variance; application for variance is attached |
| c) <input type="checkbox"/> The <input type="checkbox"/> Phase of a PD | l) <input type="checkbox"/> Alteration/Addition to a structure only |
| d) <input checked="" type="checkbox"/> A Planned Unit Development (PUD) Plan | m) <input type="checkbox"/> Subdivision Plat Recording only |
| e) <input type="checkbox"/> A site with a PUD | n) <input type="checkbox"/> Temporary Use only |
| f) <input type="checkbox"/> The <input type="checkbox"/> Phase of a PUD | o) <input type="checkbox"/> Earthwork/Mining only |
| g) <input type="checkbox"/> Change in the use of an existing structure | p) <input type="checkbox"/> Tree removal only |
| h) <input type="checkbox"/> Re-establishment of an abandoned use | q) <input type="checkbox"/> Curb Cut only |
| i) <input type="checkbox"/> Alteration of a natural waterbody (or edge) | r) <input type="checkbox"/> Utility Construction only |

3) Name of Project: TOWN CENTER

Location of Project: Northeast side of Pope Ave., adjacent to Banker's Trust Ship-

ard Plantation.
 This site is located on Tax Map Number(s) 1B, Parcel(s) 5B, Lot(s) _____
 and includes a total acreage of 15.109 Acres.

4) Name, Address, Telephone Nos. of: (Attach separate sheet if necessary)

<u>Owner(s) of Record</u>	<u>Applicant(s)</u>	<u>Agent (if applicable)</u>
<u>Pope Avenue Associates</u>	<u>Edward Pinckney/Assoc., Ltd.</u>	<u>_____</u>
<u>11 Lagoon Road</u>	<u>P. O. Box 5339</u>	<u>_____</u>
<u>Hilton Head Island, SC</u>	<u>One Fox Grape Road</u>	<u>_____</u>
<u>29928</u>	<u>Hilton Head Island, SC 29938</u>	<u>_____</u>

5) Check all the uses proposed for this development and supply (if known) the number of units, acres or square footages where indicated.

<input type="checkbox"/> Commercial-Office, Sq. Ft. +/- <u>40,000</u>	<input type="checkbox"/> Industrial, Sq. Ft. <u>_____</u>
<input type="checkbox"/> Commercial-Retail, Sq. Ft. +/- <u>48,000</u>	<input type="checkbox"/> Institutional, Sq. Ft. <u>50</u>
<input type="checkbox"/> Commercial-Wholesale, Sq. Ft. <u>_____</u>	<input type="checkbox"/> Hotel/Motel, Ttl. Units <u>100 RMS</u>
<input type="checkbox"/> Transportation Facil., Sq. Ft. <u>_____</u>	<input type="checkbox"/> Warehousing, Sq. Ft. <u>_____</u>
<input type="checkbox"/> Utility Facility, Sq. Ft. <u>_____</u>	<input type="checkbox"/> Temporary Use, Sq. Ft. <u>_____</u>
<input type="checkbox"/> Residential-Single Family Structure(s), Total Units <u>_____</u>	<input type="checkbox"/> Ttl. Sq. Ft. <u>_____</u>
<input type="checkbox"/> Residential-Multi-Family Unit(s), Total Units <u>272</u>	<input type="checkbox"/> Ttl. Acres <u>_____</u>
<input type="checkbox"/> Residential-Mobile Home(s), Total Units <u>_____</u>	<input type="checkbox"/> Ttl. Sq. Ft. <u>_____</u>
<input type="checkbox"/> Other Use (explain) <u>_____</u>	<u>_____</u>

6) Read and sign the following:

To the best of my knowledge, all information submitted on this Application and accompanying plans, drawings, specifications or written documents is true, factual and complete. I understand the Application will not be reviewed and/or acted on until I have submitted all the information required by Title 16 of the Town of Hilton Head Island Code. I also have read and clearly understand the Public Notice requirements of Sections 16-7-841 and 16-7-842 of Title 16, Town of Hilton Head Island Code, and agree to comply with these requirements.

[Signature]
 Signature of Applicant (or agent)

11/15/84
 Date

NOTE: THIS APPLICATION IS INCOMPLETE UNTIL SIGNED AND DATED ABOVE

ATTACHMENT G

TOWN OF HILTON HEAD ISLAND

P.O. BOX 6659, HILTON HEAD ISLAND, S.C. 29938
(803) 785-2329

Dear Applicant:

We are requesting that you supply the following additional information in your Application. Please fill in all blanks. If a particular piece of information does not apply to the project, write "N/A" in the blank. Thank you.

1. The site now has 0 of buildings.
(no.)
2. Number of new buildings or structures proposed 9 +.
3. Total no. of units in buildings: 212 residential.
Unknown commercial
50 ~~300~~ other Hotel Rooms
4. Units per building Varies
5. Type of building use is Mixed
6. a) Is there commercial use? * yes
no
b) How many sq. ft. of commercial space? +/- 98,000
-115,000
7. a) Height of tallest structure in feet 50.
b) Height of tallest structure in stories 3.

ATTACHMENT G



Edward Pinckney / Associates Ltd.

November 5, 1984

Mr. William Issel
Director of Planning and Inspection
Town of Hilton Head Island
P.O. Box 6659
Hilton Head Island, SC 29938

RECEIVED
11/5/84
4:00 PM

Re: Town Center P.U.D. - Application for Preliminary Approval of Master Plan

Dear Mr. Issel:

On behalf of Pope Avenue Associates, we are submitting this application for approval.

The Town Center PUD is located on approximately 15.1 acres on the east side of Pope Avenue, south of Cordillo Parkway/Shipyard entrance, north of Cordillo Villita and west of Shipyard Plantation. It is in the Population Distribution District known as the Central Forest Beach District which permits up to sixteen (16) dwelling units per gross acre. The PUD has access to sewer, water and storm systems.

Tracts 'A', 'B', and 'C' comprise approximately six and six tenths (6.6) acres of mixed commercial use. Tract 'A' is planned as 40,000 SF of office area with 200 parking spaces. Tract 'B' is expected to be a specialty retail village of 41,000 SF with 226 parking spaces. Tract 'C' is anticipated to be 17,000 SF of general retail area with 93 parking spaces.

Tract 'D' is a one (1) acre area for a "Bed and Breakfast" inn with 55 parking spaces. This hotel is incorporated into the village as an anchor use.

Tract 'E' is a seven and one half (7.5) acre area with two hundred twenty-two (222) dwelling units located in four (4) clusters of three (3) story buildings. The units will most probably be sold as condominiums. The possibility also exists that the units may be rented out and managed by the inn as an extension of its hotel operation.

The intent of this PUD is to provide a relatively self contained community for 1) the young professional/career oriented individual who can live, work and recreate in one location, 2) businesses that want convenient visitor/client accommodations and entertainment facilities, 3) investors desirous of quality and convenient living accommodations in addition to a good rate of return on their investment, 4) retailers who appreciate the built-in sales advantages inherent in this kind of managed concept.

Vehicles and pedestrians are generally separated, especially within the interior, high activity areas of the PUD. This has been accomplished by raising all buildings, over on-grade parking, and interconnecting them, on the raised level, with plazas, boardwalks and courtyards.

ATTACHMENT G



Issel Page 2

A Property Owner's Association(s) and Management Contractor are the intended vehicles anticipated to handle ownership, maintenance, and operation of this community. Streets, drives, and parking lots shall be the fire lanes for emergency vehicles.

The schedule for development is dependent on TPC approvals and market absorption. We understand the application fee will be computed by your staff and reported to us in time for the December 4, 1984 Planning Commission meeting. Additional detailed information concerning this PUD can be found in the accompanying Development Impact Analysis.

Please let me know if you need any additional information or have any questions.

With kindest regards, I am

Sincerely

A handwritten signature in black ink, appearing to read 'Douglas B. Church', is written over a horizontal line.

Douglas B. Church, ASLA
EDWARD PINCKNEY/ASSOCIATES, LTD.

cc: Pope Avenue Associates
Robert L. Graves
Richard A. McGinty
Robert S. Crum

Hilton Head Island TPC Members
Orion Hack
Edward Pinckney
Charles Pigg
John Present
Don Hook
Joe Harden
Debra Phillips
Michael J. Malanick

Enclosures:

- .Two (2) each
 - Town Application
 - Development Impact Analysis
 - Contiguous property owners list
 - Letters to/from Forest Beach Public Service District
 - Letters to/from Hargray Telephone Company
 - Letters to/from Palmetto Electric Cooperative
 - Letters to/from Plantation Cablevision TV
 - Letters to/from Pargas of Hilton Head, Inc.
 - Legal Description
- . Five (5) each
 - Conceptual Master Plan
 - Topo/Boundary/Tree Survey
 - Wastewater collection system &
 - Water distribution system
 - Stormwater management system

ATTACHMENT G

TO: DIRECTOR OF PLANNING
TOWN OF HILTON HEAD ISLAND

FROM: ASSISTANT CHIEF JAMES D. PADGETT

DATE: NOVEMBER 5, 1984

REF.: SITE PLAN REVIEW

PROJECT: TOWN CENTER - Preliminary

The above reference project has been reviewed in accordance with the Standard Fire Prevention Code and the Town of Hilton Head Island Title 16 (Land Use Planning and Zoning) with comments on the following:

STANDARD FIRE PREVENTION CODE

Section 18.105 Approved Disapproved N/A
Comments: _____

Section 18.106 Approved Disapproved N/A
Comments: Per conversation with Doug Church, additional access to be provided to back side of buildings next to bridge leading to Pool complex.

TITLE 16

Section 16-7-442(F) Approved Disapproved N/A
Comments: _____

Section 16-7-427 Approved Disapproved N/A
Comments: _____

Section 16-7-428 Approved Disapproved N/A
Comments: Not designated at this time

Section 16-7-432 (1) (F) Approved Disapproved N/A
Comments: _____

Section 16-7-451 (1) (a) Approved Disapproved N/A
Comments: _____

Section 16-7-451 (1) (b) Approved Disapproved N/A
Comments: _____

Section 16-7-451 (2) (j) Approved Disapproved N/A
Comments: _____

RECEIVED
12/5/84
WEN

ATTACHMENT G

Section 16-7-451 (2) (k) Comments:	Approved <input type="checkbox"/>	Disapproved <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Section 16-7-471 Comments:	Approved <input checked="" type="checkbox"/>	Disapproved <input type="checkbox"/>	N/A <input type="checkbox"/>
Section 16-7-472 (1) Comments: Hydrants to be located per conversation with Doug Church	Approved <input checked="" type="checkbox"/>	Disapproved <input type="checkbox"/>	N/A <input type="checkbox"/>
Section 16-7-472 (2) Comments:	Approved <input checked="" type="checkbox"/>	Disapproved <input type="checkbox"/>	N/A <input type="checkbox"/>
Sections 16-7-472 (3) Comments: Fire Lanes to be designated in field	Approved <input type="checkbox"/>	Disapproved <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Section 16-7-475 Comments:	Approved <input checked="" type="checkbox"/>	Disapproved <input type="checkbox"/>	N/A <input type="checkbox"/>
Section 16-7-476 Comments:	Approved <input checked="" type="checkbox"/>	Disapproved <input type="checkbox"/>	N/A <input type="checkbox"/>
Section 16-7-835 (3) Comments:	Approved <input checked="" type="checkbox"/>	Disapproved <input type="checkbox"/>	N/A <input type="checkbox"/>
Section 16-7-835 (6) (b) Comments:	Approved <input type="checkbox"/>	Disapproved <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>


 Reviewing Officer -Asst. Chief James D. Padgett

ATTACHMENT G

PRELIM

CHECKLIST - ENGINEERING REVIEW OF DSO PROJECTS

PROJECT NAME: TOWN CENTER
 LOCATION: N. FOREST BEACH DRIVE
 DATE: 11-29-84 REVIEWED BY: SIE INC.
 ENGINEER/FIRM THOMAS & HUTTON Phone _____
 ACREAGE OF SITE 15.1 # of DU's 242 Sq.ft. _____
 Commercial _____
 (INCLUDES 20 EQUIV DU'S FOR 50AM HOTEL)

I. Parking & Roadways

A. Parking - # spaces Provided NOT how derived _____
 Required SHOWN /
 - # handicap spaces _____ marked on plan? _____
 - # compact spaces _____ marked on plan? _____
 - Properly sized? _____

B. Roadways - Public _____ Private /
 - is typical section(s) shown on plan? NO
 - if public, do they meet SC Highway Spec.? _____
 - Layout width(s) _____ Radii _____
 - Right-of-way width(s) _____

Comments ⁽¹⁾ ACCESS TO TRACT "C" ONLY THRU WESTERN SIZZLIN
& HERITAGE PLAZA (EASEMENTS REQ'D)
(2) VARIANCE FOR CURB CUT ON POPP AVE REQ'D.

II. Percent Impervious

Impervious - rooftops _____	WEIGHTED ALLOWABLE
- lagoons _____	IMP. %
- parking/roadways _____	2.3 @ 60%
- Other _____	4.3 @ 60
	1.0 @ 75
	7.6 @ 75
Total Area <u>15.1</u>	COMPOSITE = 68.4%
Total Imp. <u>10.15 AC</u>	ALLOWABLE
% Imp. <u>67.2</u>	

Comments: _____

ATTACHMENT G

III. Drainage Method of Calculation - Rational Method
 25 yr. design storm used? - SCS Method

Assumptions

Predevelopment Runoff 73 1) Rational-runoff coefficient 0.7
 Post development Runoff 10.4 -time of concentration VARIES
 Calculation of Req'd Storage -Intensity 5.0 & 4.6
 Detention on site YES offsite YES 2) SCS Method
 - curve number _____
 Method of Storage LAGOONS - soil classification _____
 - DUPE _____
 Method of Restriction FLASHBOARD RISER - adjustment factors _____

Comments: DRAINAGE SYSTEM CONNECTED TO
SHIPYARD LAGOON SYS.

IV. Miscellaneous Checks

- A. Erosion Control? _____
- B. Is project near a wetland? NO Is critical line shown? N/A
 (EXISTING POND) Signed by Coastal Council? _____
- C. Is stormwater filtered? YES How? SHEET FLOW TO INLETS
- D. Tree Removal/Replacement UMK No. removed _____ marked? _____
 No. replaced _____ shown? _____
- E. Are Plans sealed? NO
- F. Other _____

General Engineering Comments on Project:

NOTE 2 ON MASTER PLAN STATES A-15 FLOOD ZONE. EFFECTIVE 12/1/84
FIA ZONE A-16 (MIN FF ELEVS 13.0 & 14.0) (TWO ZONES ON SITE)

ATTACHMENT G

TOWN CENTER - TRACT 6-B
STORM WATER DESIGN

THOMAS & HUTTON ENGINEERING COMPANY

Catchment 1 - $264.9 \times 50^2 \div 43,560 = 15.2$ Acres
Lagoon 1 = $20.94 \times 50^2 \div 43,560 = 1.20$ Acres

Catchment 2 - $275.8 \times 50^2 \div 43,560 = 15.8$ Acres
Lagoon 2 = $40.35 \times 50^2 \div 43,560 = 2.32$ Acres

Use "C" Factor = 0.7 (From Town of Hilton Head Guidelines)

Catchment 1

Area 15.2 Acres

C = 0.7

$t_c = 24$ min I = 5.0

$Q_p = 0.7 \times 15.2 \times 5.0 = 53$ CFS

Catchment 2

Area = 15.8 Acres

C = 0.7

$T_c = 28$ min I = 4.6

$Q_p = 0.7 \times 15.8 \times 4.6 = 51$ CFS

Lagoon Routing - Elevation of both lagoon should be equal

Surface Area = 3.52 Ac

Try 18", 24", 30" & 48" pipe with standard weir

Stage (ft)	Storage (Ac-ft)	Discharge (cfs)				
		18"	24"	30"	48"	54"
0	0	0	0	0	0	0
0.5	1.76	2.7	3.5	4.1	7.1	8.2
1.0	3.52	5.1	10.0	11.7	20.0	23.3
1.5	5.28	6.3	12.9	21.4	36.7	42.8
2.0	7.04	7.2	14.9	25.9	56.5	65.9
2.5	8.80	8.1	16.7	28.9	79.0	92.1

18" Pipe with 27" Flashboards
24" Pipe with 36" Flashboards
30" Pipe with 42" Flashboards
48" Pipe with 72" Flashboards
54" Pipe with 84" Flashboards

Route using storage-indication method computer program

ATTACHMENT G

ATTACHMENT "A"

DRAINAGE CALCULATIONS FOR PRE & POST DEVELOPMENT RUNOFF
- THE RATIONAL METHOD -

I. Pre-development Runoff

$$Q = C i A$$

- C = Runoff coefficient
- i = Intensity-inches/hour
- A = Total area of project in acres
- Q = Maximum discharge in cubic feet per second (cfs)

A. Calculation of runoff coefficient

- Grass or trees etc.	_____ ac x 0.3 = _____
- Forrest	<u>12.8</u> ac x 0.2 = <u>2.6</u>
- Roof tops, walkways, pavement, lagoons, etc. impervious	<u>2.3</u> ac x 1.0 = <u>2.3</u>
- Other	<u>15.9</u> ac x 0.7* = <u>11.1</u>

$$\text{TOTAL } A \times C = \underline{16.0}$$

*Based on Engineer's judgement and back up data - Subject to Town Engineers approval.

$$\text{Composite } C = \text{Total } A \times C / \text{Total Area (Acres)} = \underline{16.0 / 31.0} = \underline{0.52}$$

B. Intensity - This is based on the Savannah Rainfall intensity curve and the overland flow time based on Chart 2.

C. Total Acreage of Site 31.0 as determined by calculations or by surveyed plat.

$$\text{Pre-development Runoff} = Q = C i A = \underline{0.52} \times \underline{31.0} \times \underline{4.5} = \underline{73} \text{ cfs}$$

II. Post-development Runoff

Calculated similarly to Pre-development

- Composite C forrest	_____ ac x 0.2 = _____
- Proposed (grass & trees)	_____ ac x 0.3 = _____
- Rooftops, pavement & walkway	_____ ac x 1.0 = _____
- Other	_____ ac x ____* = _____

$$\text{TOTAL } A \times C = \underline{\hspace{2cm}}$$

*See * under I A above.

$$\text{Composite } C = \text{Total } A \times C / \text{Total Area (Acres)} = \underline{\hspace{1cm}} / \underline{\hspace{1cm}} = \underline{\hspace{1cm}}$$

i = based on Savannah Intensity Curve and revised (proposed) travel time as determined by Chart 2.

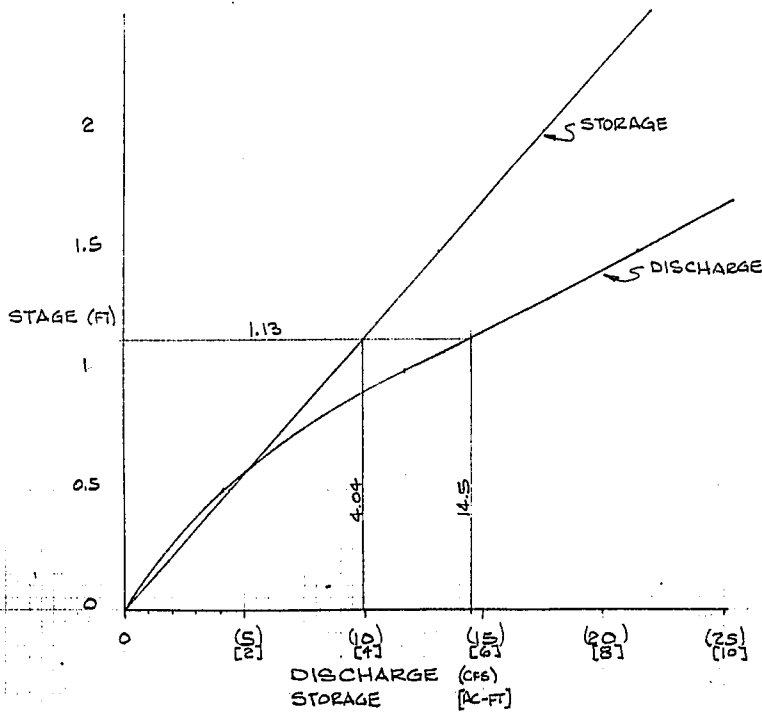
A = 31.0 Acre(s) (same as Pre-development unless site is subdivided for detention or retention purpose. If so subdivided, provide post-development calculations for each retention or detention area.)

$$\text{Post-development Runoff} = Q = C i A = \underline{0.7} \times \underline{4.8} \times \underline{31} = \underline{104} \text{ cfs}$$

NOTE: For PUD Master Planned Areas, Post-development shall be similarly calculated but based on Chart 1 attached.

ATTACHMENT G

BY _____ DATE _____ SUBJECT TRACT 5-3 SHEET 7 OF _____
 CHKD. BY _____ DATE _____ STAGE DISCHARGE STORAGE CURVE JOB NO. _____



ATTACHMENT G

S-R LAGOON

DISCHARGE (cfs) STORAGE (acft)

DISCHARGE (cfs)	STORAGE (acft)
0	0
4.1	1.76
11.7	3.52
21.4	5.28
25.9	7.04
28.9	8.8

DISCHARGE (cfs) S/T+Q/2

DISCHARGE (cfs)	S/T+Q/2
0	0
4.1	257.602
11.7	516.954
21.4	777.356
25.9	1035.158
28.9	1292.21

T (hrs.) INFLOW (cfs) OUTFLOW (cfs)

T (hrs.)	INFLOW (cfs)	OUTFLOW (cfs)
0.000	0.000	0.000
.003	9.380	.070
.167	34.080	.420
.250	65.000	1.200
.333	90.850	2.420
.417	102.340	3.920
.500	95.600	6.560
.583	79.420	8.930
.667	62.710	10.750
.750	47.810	12.150
.833	36.460	13.270
.917	27.820	13.970
1.000	21.240	14.360
1.083	16.220	14.530
1.167	12.390	14.520
1.250	9.470	14.380
1.333	7.240	14.160
1.417	5.540	13.870
1.500	4.240	13.540
1.583	3.240	13.170
1.667	2.480	12.790
1.750	1.900	12.390
1.833	1.460	11.990
1.917	1.120	11.620
2.000	.860	11.310
2.083	.660	11.000
2.167	.510	10.690
2.250	.390	10.390
2.333	.300	10.100
2.417	.230	9.810
2.500	.180	9.530
2.583	.140	9.250
2.667	.100	8.980
2.750	.080	8.720
2.833	.060	8.470
2.917	.040	8.220

ATTACHMENT G

3.083	0.020	2.750
3.167	0.020	7.520
3.250	0.010	7.300
3.333	0.010	7.090
3.417	0.000	6.880
3.500	0.000	6.680
3.583	0.000	6.490
3.667	0.000	6.300
3.750	0.000	6.110
3.833	0.000	5.930
3.917	0.000	5.760
4.000	0.000	5.590
4.083	0.000	5.430
4.167	0.000	5.270

VOLUME STORED = 4.04 (ac. ft.)

#1732

SPECIAL EXCEPTION REVIEW

SER 3-87

TOWN CENTER PUD

1732

ATTACHMENT H



July 8, 1987

Mr. Richard A. McGinty
11 Lagoon Road
Hilton Head Island, SC 29928

RE: Town Center PUD - Conditional Use and Special Exception Approvals

Dear Mr. McGinty:

At their May 6, 1987 regular meeting, the Planning Commission approved the conditional use and special exception requests for the above referenced project.

The changes approved under conditional use review included the following:

1. Land exchange which changes the boundary of the PUD (behind Western Sizzlin) but will include no change in site acreage. A revised master plan is required showing the new boundary line and indicating no change in total PUD acreage. In addition, plans for the change in the parking area for Western Sizzlin providing all details required by the LMO and showing how the steakhouse site will not become more non-conforming with the changes are required.
2. Increase in the number of approved hotel/motel rooms from 50 to 94 with corresponding reduction of residential dwelling units and retail space. (See attached tables reviewed and approved by Planning Commission.) The master plan needs to be revised showing the revised area and density calculations.

The special exception approval included the following:

1. Approval for a motel use in the RD-1 Zoning District with a density of 24 rooms/acre.
2. At the approved density, the site necessary for a 94 room motel would be 3.9 acres. The motel would have to be developed on a 3.9 acre site or as shown in the attached table. That portion of the 3.9 acres not utilized for the motel site shall be set aside as common open space not to be used for any other development or open space requirements within the PUD.

ATTACHMENT H

RE: Town Center PUD - Conditional Use & Special Exception
Approvals
July 8, 1987
Page 2

I apologize for the delay in sending out this notice. If you have any questions concerning the above please call me at 681-8396. Please note that the master plan must be revised prior to any development approvals being granted for the PUD.

Respectfully,

Thomas Brechko

Thomas Brechko
Current Planning Manager

TB/nd

Attachments

ATTACHMENT H

TOWN OF HILTON HEAD ISLAND

PLANNING COMMISSION
MAY 6, 1987 MEETING

MINUTES

- I. CALL TO ORDER: Chairman Hack called the meeting to order at 9:08 a.m.
- II. ROLL CALL:
- PRESENT: Chairman Hack, Pigg (9:14 a.m.), Donnelly, Qualey, Carota, Haley & Wiley
- ABSENT & EXCUSED: Present UNEXCUSED: Pinckney
- STAFF: Issel, Popok-Hart, Brechko, Wood, Ellington, Parise & Holder
- III. APPROVAL OF AGENDA: Agenda was approved as written.
- IV. APPROVAL OF MINUTES OF APRIL 1, 1987:
- MOTION: Haley moved the April 1, 1987 Minutes be approved as amended. Amendments below:
- page 3: 5th paragraph, first word - change to "Lengthy"
- page 7: VII.(A.) change "Town Bank" to "Town Talent Bank"
- Chairman Hack stated the following for the record in reply to Appearances by Citizens -Robert W. Gutheil's remarks): "This involves the appointment of the various committees to work with the staff ... I would like to state that ... John Present has been on the Water Task Force for at least three years, Fred Donnelly has been on traffic study programs ever since he has been with the Commission, and the only new appointments were given to the new Commissioners who are quite qualified. ... We have qualified people and they will be able to do their jobs, I'm quite sure, with honor."
- Wiley seconded. VOTE: 6/0/0 (Pigg not in attendance)
- V. STAFF REPORT
- A. Planning Commission Rules and Regulations as amended

ATTACHMENT H

Motion: Carota moved the Planning Commission agrees with the applicants argument and recommends to Town Council that they approve the zoning map amendment. The zoning map amendment being the change of five (5) acres on Mathews Drive (currently R-8, bordered on two sides by Woodlake Villas, adjacent to Pineland Mall, Port Royal Plaza) to a C-5 Zoning District.

Wiley seconded.

VOTE: 6/0/1 (Qualey abstained.)

- E. A request for conditional use review for a master plan change to Town Center PUD. Proposed changes include a boundary change associated with a land exchange and an increase in the number of hotel/motel rooms permitted from 50 to 94 rooms with a corresponding reduction of residential dwelling units and retail space. The property is located on the east side of Pope Avenue just south of Cordillo Parkway and is identified as parcel 202 on Beaufort County Tax Map #18. Property owner: Pope Avenue Associates. Applicant: Richard A. McGinty.

Staff Presentation: Brechko briefed the Commission on the project and combined the presentation with item F's presentation's.

- *F. A request to permit by special exception a 94 room motel in the RD-1 Central Forest Beach Zoning District. This application is being made in conjunction with the above referenced conditional use review request for Town Center PUD.

Staff felt the project was generally an improvement over what had originally been approved. Therefore, Staff recommended approval of the requests.

No public comments were made.

Motion: Donnelly moved the Planning Commission approve the proposed conditional use for a master plan change to Town Center PUD. Proposed changes included a boundary change associated with a land exchange and an increase in the number of hotel/motel rooms permitted from 50 to 94 rooms with a corresponding reduction of residential dwelling units and retail space.

Wiley seconded.

VOTE: 7/0/0

ATTACHMENT H

ATTACHMENT H

* Motion: Qualey moved the Planning Commission approve the special exception requested as submitted by the applicant and in accordance with the Staff's analysis presented by Tom Brechko.

Haley seconded.

VOTE: 7/0/0

- G. A request to permit by special exception for an auto repair and sales business in an M-2 Community Mixed Use Zoning District. The .508 acre parcel is located on the west side of Gumtrec Road just north of Katie Miller Drive. Identified as a portion of parcel 150 on Beaufort County Tax Map #7. Property owner: Jerilyn and James Glynn. Applicant: East Coast Architects, P.A. (enclosure to the agenda packet)

Staff Presentation: Ellington briefed the Commission on the history of the project and the special exception request.

Ellington summarized by stating that Staff found the project not consistent with the character and purpose of a M-2 Zoning District and that Staff recommended denial of the special exception.

Applicant Presentation: James Glynn, owner, stated that his auto service was for vintage and antique automobiles with sales by appointment only from all over the world. He stressed that there would not be any adverse impact on the neighborhood and that he was willing to reach a compromise with the Commission and the neighborhood to have his request approved. He pointed out, on a site plan, that no cars would be visible from the street and because he dealt with expensive automobiles they would not be left outside.

After some discussion, Wiley asked that the applicant meet with the residents of the area and come back to the Commission with the results.

No public comments were made.

Issel stated that the Staff stood behind their earlier recommendation of denial.

Motion: Qualey moved the Planning Commission grant the special exception as requested by the applicant "because the proposed use is not heavy commercial or

TOWN CENTER PUD
ANALYSIS OF PUD USES
APPROVED AND PROPOSED

Uses	PUD AS APPROVED		Approved 5/16/87 PROPOSED		Density	S.F. or (Acres) Units	Area (Acres)	S.F. or (Acres) Units	Density	S.F. or (Acres) Units	CHANGE
	Area (Acres)	S.F. or Units	Area (Acres)	S.F. or Units							
Commercial/ Office	2.3	36,000	1.4	21,913	15652 sf/A	15652 sf/A	14087 sf reduction				
Commercial/ Retail	4.3	52,000	3.0	36,279	12093 sf/A	12093 sf/A	15721 sf reduction				
Hotel/Motel	1.0	50 rms.	2.6	94 rms.	50rm/A	24 rm/A	44 room increase				
Common Open Space	—	—	1.3	—	—	—	—				
Residential	7.5	222 u.	6.8	200 u.	29.6 u/A	29.4 u/A	22 unit reduction				
TOTALS	15.1	88,000 sf 242 u.	15.1	58,192 sf 238 u.	5828 sf/A 16 du/A	3854 sf/A 15.67 du/A	29808 sf reduction 4 unit reduction				

* The total area required for the proposed 54 room motel as a special exception within the RD-1 Zoning District (at 24 rooms/acre) is 3.9 acres. The motel would have to be developed on a 3.9 acre site or as shown in the table. The acreage not utilized for the motel would be set aside as common open space not to be used for any other development or open space requirements.

May 5, 1987

ATTACHMENT H

TOWN CENTER PUD
TRAFFIC IMPACT ANALYSIS
BASED ON LMO ARTICLE VII, TABLE A

USES	TRIPS/DAYS as per 1000 sf or units	AS APPROVED sf or units T/D	PROPOSED sf or units T/D
Commercial/ Office	1000(s) x 17.7	36000	21913
Commercial/ Specialty Retail	1000(s) x 40.7	(52000)	(36279)
General Retail	1000(s) x 82.0	37000	25000
		15000	11279
Motel	# rooms x 10.1	50 rms.	94 rms.
Residential/ Multi-family	# units x 5.8	222 uts.	200 uts.
<u>TOTALS</u>		5166	4442

724 trip/day reduction

May 5, 1987

ATTACHMENT H

McGinty Associates / Architects

May 1, 1987

Mr. Thomas Breahko
Current Planning Manager
Town of Hilton Head Island
40 Palmetto Parkway
Hilton Head Island, SC 29928

Re: Supplemental Information
Application for Special Exception Review
Application for Conditional Use Review
Phase I, Town Center PUD
Motel Site
Pope Avenue Associates

Dear Tom:

In accordance with our meeting last Thursday, April 23, I am enclosing our revised Development Summary and Traffic Impact Analysis for Special Exception Review and Conditional Use Review.

We understand from that meeting that the Staff will support this revision and will also recommend that the Planning Commission grant Development Plan Approval to Pope Avenue Associates for the motel site (Phase I).

In addition the motel site and land exchange drawings are being revised to make an even exchange and maintain the total PUD acreage at the approved 15.1 acres.

If any additional information is required please let me know.

Sincerely,


Richard A. McGinty, FAIA
for Pope Avenue Associates

RAM/ps

Enclosures: Revised Traffic Impact Analysis, 5/1/87
Revised Development Summary, 5/1/87

A:Breahkol.1

ATTACHMENT H

May 1, 1987

DEVELOPMENT SUMMARY

Use	Tract	Area Acres	GMA/ Units	Density DU's / Sf/As	Open Space		Imp Area		Pkg	
					Req'd	Prov	Req'd	Prov	Prov	(LHO)
Commercial Office	A	1.4	21,913	15,652 sf/ao					21.9 x 4.4 = 96	
Commercial Retail	B & C	3.0	36,279	12,093 sf/ao					36.2 x 4.8 = 174	
Hotel/ Hotel	D	2.6	94 Rooms	94/3.9 = 24 rm/ao					94 x 9 = 85 + 12 = 97	
Common Area	F	1.3	-						200 x 1.7 = 340	
Residential	E	6.8	200	29.4					707	
TOTALS		15.1	58,192 238 DU's	15.7*						

*238 DU's = 200 Residential DU's +
38 Equivalent DU's (94 ÷ 2.5 = 38)

ATTACHMENT H

May 1, 1987
 TRAFFIC IMPACT ANALYSIS
 (based on Trips/Day - LMO Table A)

Use	Tract	Area	Density	Bldg Area	Traffic	T/D	Orig Approved T/D
Commercial Office	A	1.4 Ac	15,652 SF/Ac	21,913	21.9 x 17.7	388	605
Commercial Spec Ret Gen Ret	B & C	3.0 Ac	12,093 SF/Ac	(36,279) 25,000 11,279	25.0 x 40.7 11.2 x 82.0	1018 927	1402 1180
Hotel Common Area	D F	2.6 Ac 1.3 Ac	94 Room	-	94.0 x 10.1	949	394
Residential	E	6.8 Ac 15.1 Ac	200 DU's 238 DU's	- 58,192	200.0 x 5.8	1160 185 T/Hr	1239 4820 T/Day 201 T/Hr

ATTACHMENT H

MEMORANDUM

TO: Planning Commission
FROM: Planning Staff
RE: Applications for Conditional Use and Special Exception
Review for Town Center PUD.
DATE: April 28, 1987

The applicant, Pope Avenue Associates, is requesting to amend Town Center PUD, which received preliminary approval on December 12, 1984, as follows:

1. Land exchange which changes the boundary of the PUD but will include no change in site acreage.
2. Increase in the number of approved hotel/motel rooms from 50 to 94.

Staff is currently working with the applicant on an appropriate reduction of uses in order to insure that the proposed changes would not increase traffic and to insure that all conditional use and special exception requirements are met. Due to the fact that a final solution has not been met at this time, a report is not available for the packet. If time allows a report will be sent under separate cover prior to the May 6, 1987 meeting.

TB/eb

ATTACHMENT H

Application No: SER-3-87

TOWN OF HILTON HEAD ISLAND
40 PALMETTO PARKWAY
HILTON HEAD ISLAND, S.C. 29928
PHONE (803) 681-8396

APPLICATION FOR SPECIAL EXCEPTION REVIEW

Instructions: Please TYPE or PRINT legibly. Attach additional sheets, if needed.

Owner(s) of Record	Applicant(s), if different*
Name: <u>Pope Avenue Associates</u>	<u>Richard A. McGinty</u>
Mailing <u>11 Lagoon Road</u>	<u>11 Lagoon Road</u>
Address: <u>Hilton Head Island,</u>	<u>Hilton Head Island,</u>
<u>South Carolina 29928</u>	<u>South Carolina 29928</u>
Phone: <u>785-2444</u>	<u>785-2444</u>

* LMO Section 16-7-603 requires the applicant or the designated agent to have a local mailing address and telephone number.

Tax Map Number(s) 018 Parcel(s) 000-0202 and gross acreage 15.1 of property.
net acreage 2.6 of property.

Property Location Pope Avenue/Town Center P. U. D. Phase I

Base Zoning District(s) of Property: Central Forest Beach Zoning District

Applicable Overlay Zoning Districts: Road Corridor

Specific Special Exception use being requested: Change Approved 50 Room Hotel/Motel to 94 Room Motel

Residential units _____/net acres _____/density _____

Hotel units _____/net acres _____/density _____

Motel units 94 /net acres 2.6 /density 36.0

Non-Residential s.f. _____/net acres _____/density _____

Attach the following items:

- A sketch plan showing the preliminary proposed siting of structures or use and traffic entrances on the property.
- Any relevant information regarding the impact of the proposed use consistent with Part C of Article VII of the Land Management Ordinance.
- Filing Fee: \$200.00 payable to the Town of Hilton Head Island (Show name of project on face of check).

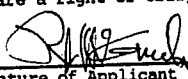
ATTACHMENT H

ATTACHMENT H

D. A narrative and other demonstrates the following:

1. The use is in accordance with the Comprehensive Plan for the Town of Hilton Head Island; and
2. the use conforms to all applicable town, state and federal regulations; and
3. the use is not detrimental to the public health, safety or general welfare; and
4. the use is appropriately located with respect to adequate transportation facilities, water and sewer supply, fire and police protection, waste disposal and similar applicable services; and
5. the use shall not result in any undue adverse impact on any existing water quality and shellfish beds as measured by official state standards and enforced by the state; and
6. the use shall be compatible with the existing neighborhood character and consistent with the "character and purpose" provision for the applicable zoning district and shall not adversely affect surrounding land uses.

To the best of my knowledge all information submitted on this application and accompanying documentation is true, factual and complete. I hereby agree to abide by all conditions imposed by the Town of Hilton Head Island if this special exception is granted; I understand that such conditions shall apply to the subject property only, and are a right or obligation transferable by sale.



Signature of Applicant

Date

4/6/87

LMO 021087 ASER

ATTACHMENT H

4/6/87

Special Exception Review Narrative

1. The use is in accordance with the Comprehensive Plan for the Town of Hilton Head in connection with the DSO and LMO definitions of PUD and the Purpose and Intent of the Central Forest Beach Zone being a tourist oriented development.
2. The use conforms to all applicable Town, State and Federal Regulations.
3. The use is not detrimental to the Public Health, Safety or General Welfare
4. The use is appropriately located with respect to adequate transportation facilities - water and sewer supply, fire and police protection, waste disposal and similar applicable services. Please note that long time existing water and sewage supply surround this property. It's adjacent to fire station and main public transportation routes pass right by on Pope Avenue.
5. The use shall not result in any undue adverse impact on any existing water quality, shellfish beds, etc. This is not applicable in this location.
6. The use shall be compatible with the existing neighborhood character and consistent with the character and purpose provision for that applicable zoning district and shall not adversely affect surrounding land uses. The project has had preliminary approval for 2 years and it is consistent with all the uses envisioned in the original Central Forest Beach District planned in the late 1950's.

Check #300 in the amount of \$200.00 is enclosed

ATTACHMENT H

McGinty Associates / Architects

April 6, 1987

Mr. Thomas Brechko
Current Planning Manager
Town of Hilton Head Island
40 Palmetto Parkway
Hilton Head Island, SC 29928

Re: Application for Special Exception Review
Application for Conditional Use Review
Phase I Town Center, PUD
Pope Avenue Associates

Dear Tom:

In accordance with the Planning Commission meeting of 4/1/87 and on behalf of Pope Avenue Associates I am submitting applications for Special Exception Review and Conditional Use Review for Phase I Town Center PUD on Pope Avenue with the understanding that with Special Exception Approval Pope Avenue Associates may submit for Building Permit Reservation and Development Plan Review. Pope Avenue Associates further understands that with Conditional Use Approval they have 180 days from such approval to file for building permit.

Please understand that Pope Avenue Associates feels that its current preliminary approval allows us to proceed without these two (2) additional processes, but we are submitting these in good faith at the request of the Planning Commission in hopes of clarifying and expediting our basic goal of obtaining Development Plan Approval and building permit. We use the term "amendment" in the following paragraphs only to comply with the requirements of the application forms.

Therefore our purpose in submitting for these reviews is to amend the previous Preliminary Approval granted Pope Avenue Associates by the Planning Commission December 1984 and extended by court order until September 1987. This amendment consists of:

- A Land Exchange
- A change in Hotel/Motel Rooms with a corresponding reduction in residential units and decrease in the number of Hotel/Motel Rooms/acre

ATTACHMENT H

Mr. Thomas Breahko, April 6, 1987

Page 2

Land Exchange

This involves exchange of adjacent parcels of approximately .4 acres each

Involves no change in PUD acreage

Makes a more workable motel site

Allows motel to be off highway and have extensive frontage on lagoon. Motel parking area is hidden behind Western Sizzlin building and Saltaire Plaza

Property exchange allows close relationship between motel and Western Sizzlin restaurant and restaurants in Heritage Plaza and Coligny Plaza.

If the Land Exchange is the only factor requiring Conditional Use Review this can be accomplished without changing the approved PUD boundary.

Hotel/Motel

Change from 50 room motel/hotel allocated for a 1 acre site at 50 rms/acre to a 94 room motel on 2.6 acres at 36 rms/acre

Motel will be 3 story building.

The Development Summary has been revised to adjust hotel/motel rooms from 50 to 94 and at the same time reducing the number of residential DU's approved in the preliminary PUD under the DSO. Pope Avenue Associates further proposes to reduce the amount of approved retail space to equalize and reduce the approved Traffic Impact Analysis for the number of trips. See Scheme "A" Traffic Impact Analysis.

ATTACHMENT H

Mr. Thomas Breahko, April 6, 1987

Page 3

In considering these requests please note the following:

Town Center PUD was approved under the DSO in 1984. Approval is valid until September 1987. LMO Section 16-7-356 states that prior preliminary approval is valid under conditions or ordinance in effect at the time.

In DSO no distinction between hotel and motel

Forty (40) rooms per acre were approved under the DSO

DSO provides for flexibility and equivalency in mix of hotel/motel rooms and residential units

I believe the previous information submitted addresses most of the basic requirements for Special Exception Review and Conditional Use Review. We will resubmit this information if necessary.

Additional Information

Pope Avenue Associates has received approval from The Hilton Head Company Architectural Review Board for Phase I and similar information is being filed with the Corridor Review Committee for their review.

Current letters indicating available services are on file from:

Hargray Telephone Company
Palmetto Electric Cooperative
Forest Beach Public Service District - Water & Sewage
Sea Pines/Forest Beach Fire Department

ATTACHMENT H

Mr. Thomas Breahko, April 6, 1987

Page 4

Conclusion

In conclusion the purpose of our requested amendment to the approved PUD is to:

Utilize PUD acreage more effectively.

Give motel site better relationship to lagoon and the rest of the PUD while removing it from Pope Avenue frontage

Maintain total acreage of approved PUD

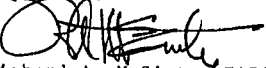
Reduce number of DU's approved for residential use appropriate to the 44 room increase in hotel/motel rooms.

Reduce retail space 7,000 s. f. to 81,000 s. f. instead of the approved 88,000 s. f. This has the effect of reducing traffic flow to less than that approved.

We were pleased that the Planning Commission felt that these modifications enhance the original approved plan. We urge that the Commission consider these amendments to the approved PUD and grant Pope Avenue Associates the approvals necessary to receive Development Plan Approval so that they may apply for Phase I building permit.

If any additional information is required please let me know.

Sincerely,


Richard A. McGinty, FAIA
for Pope Avenue Associates

Enclosures: Application for Special Exception Review
 Check #300 for \$200.00
 Site Plan dated April 3, 1987
 Narrative

 Application for Conditional Use Review
 Check #301 for \$200.00
 Original Traffic Impact Analysis which received
 Preliminary Approval
 Scheme "A" Revised Traffic Impact Analysis

ATTACHMENT H

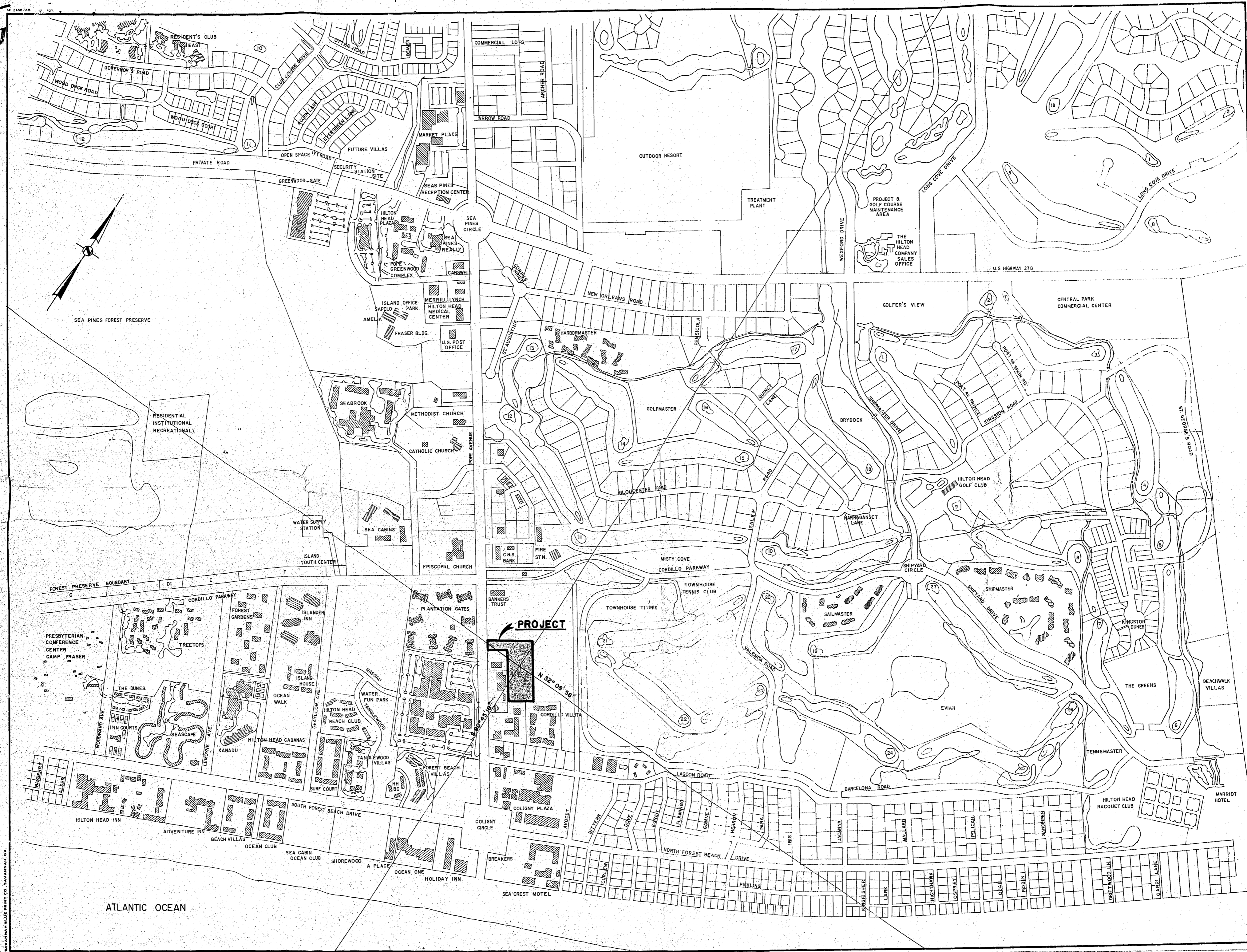
RECEIPT NUMBER	DATE	NAME	CASH	CHECK	DESCRIPTION - CODE
10980	4-6-87	Pope Ave. Assoc.		200.00	File Fee - Special Inspection

10980

TOWN OF HILTON HEAD
P.O. BOX 6869
HILTON HEAD ISLAND, SC 29938

ATTACHMENT I

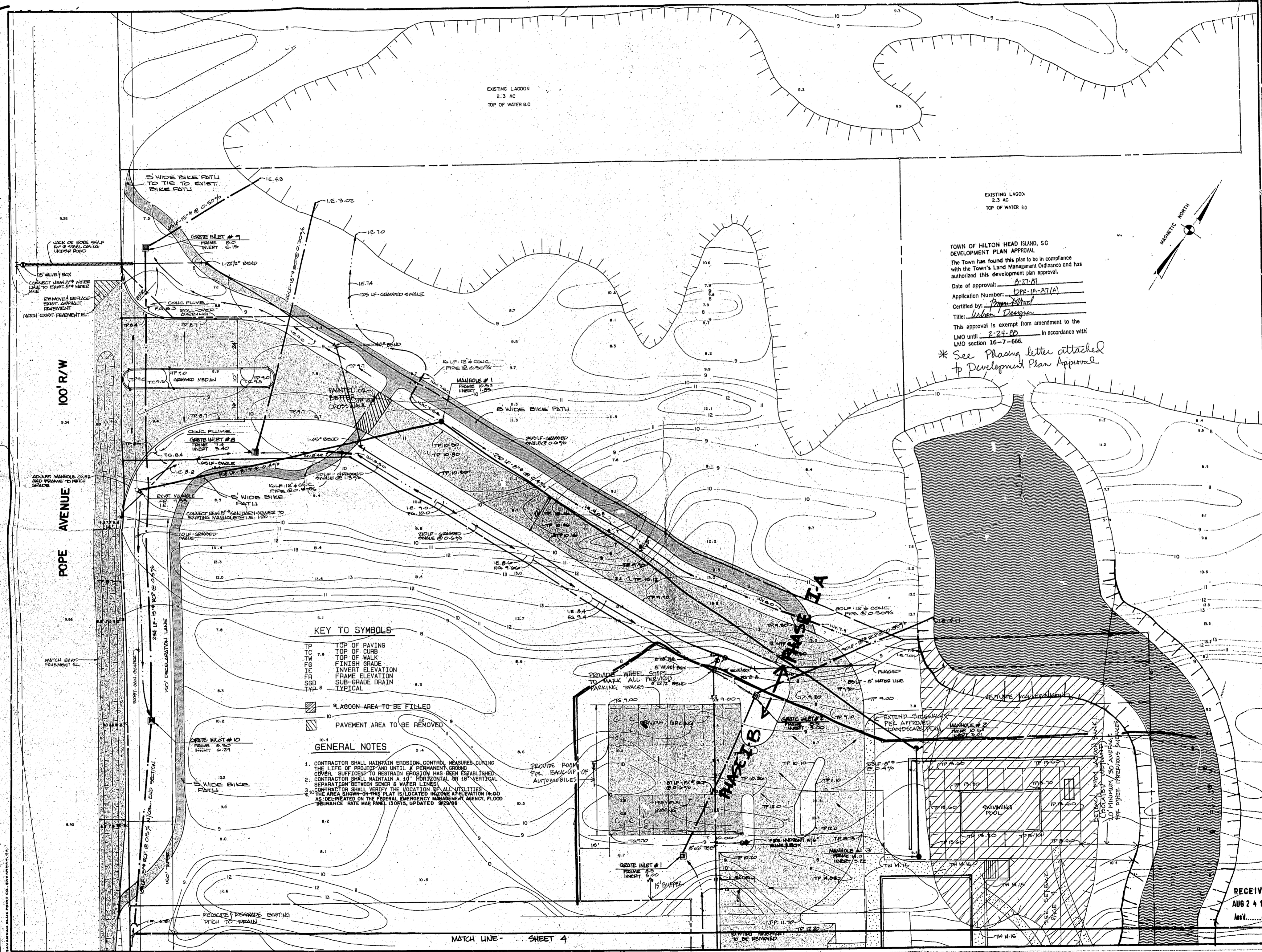
1127



REVISION	DATE
THOMAS & HUTTON ENGINEERING CO. 3 COLLETTORRE PROFESSIONAL BOULEVARD SAVANNAH, GEORGIA 31406	
SUPER 8 MOTEL FOREST BEACH PUBLIC SERVICE DISTRICT HILTON HEAD ISLAND SOUTH CAROLINA	
PROJECT MAP	
JOB NO:	J-5120
DATE:	2/5/87
DRAWN:	JS
CHECKED:	DES
SCALE:	1"=400'
SHEET	2
RECEIVED	FEB 24 1987
NO. OF SHEETS	7

ATTACHMENT I

1128



TOWN OF HILTON HEAD ISLAND, SC
DEVELOPMENT PLAN APPROVAL

The Town has found this plan to be in compliance with the Town's Land Management Ordinance and has authorized this development plan approval.

Date of approval: 8-21-87
Application Number: DPE-19-87(A)
Certified by: [Signature]
Title: Urban Designer

This approval is exempt from amendment to the LMO until 8-24-88 in accordance with LMO section 15-7-666.

* See Planning letter attached to Development Plan Approval



NO.	REVISION	DATE
1	REVISED LAGOON BANKS	8/21/87
2	ADDED FLOOD NOTE	8/21/87

THOMAS & HUTTON
ENGINEERING CO.
3 COLLETHORPE
PROFESSIONAL BOULEVARD
SAVANNAH, GEORGIA 31400

SUPER 8 MOTEL
FOREST BEACH PUBLIC SERVICE DISTRICT
HILTON HEAD ISLAND
SOUTH CAROLINA

SITE DEVELOPMENT.

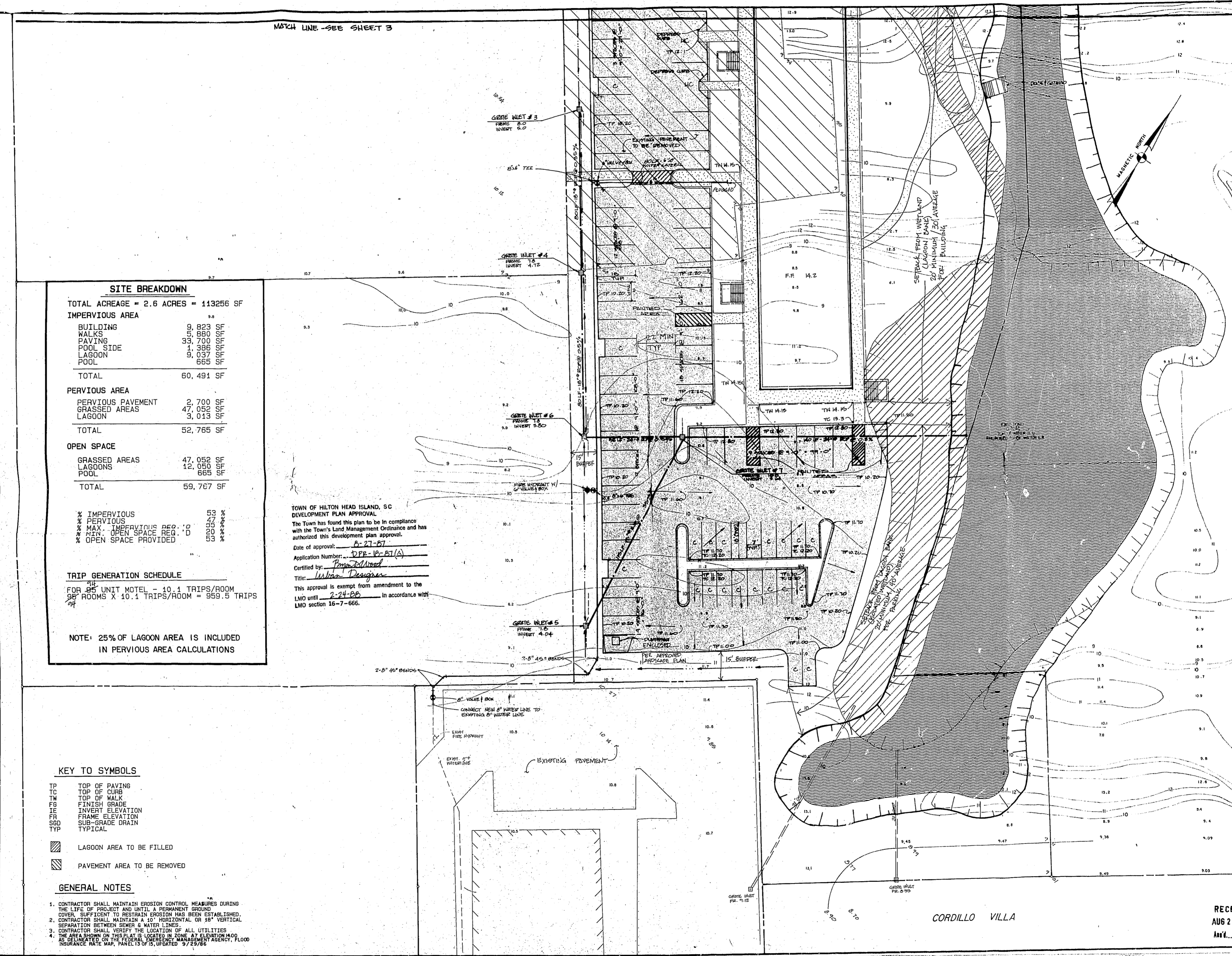
JOB NO: J-5120
DATE: JULY 1987
DRAWN: B.D.
CHECKED: B.S.
SCALE: 1" = 20'

RECEIVED
AUG 24 1987
SHEET
3
of 7

MATCH LINE - SHEET 4

ATTACHMENT I

1129



SITE BREAKDOWN

TOTAL ACREAGE = 2.6 ACRES = 113256 SF

IMPERVIOUS AREA	
BUILDING	9,823 SF
WALKS	5,880 SF
PAVING	33,700 SF
POOL SIDE	1,386 SF
LAGOON	9,037 SF
POOL	665 SF
TOTAL	60,491 SF
PERVIOUS AREA	
PERVIOUS PAVEMENT	2,700 SF
GRASSED AREAS	47,052 SF
LAGOON	3,013 SF
TOTAL	52,765 SF
OPEN SPACE	
GRASSED AREAS	47,052 SF
LAGOONS	12,050 SF
POOL	665 SF
TOTAL	59,767 SF

% IMPERVIOUS	53
% PERVIOUS	47
% MAX. IMPERVIOUS REQ. 'D	50
% MIN. OPEN SPACE REQ. 'D	20
% OPEN SPACE PROVIDED	53

TRIP GENERATION SCHEDULE

FOR 95 UNIT MOTEL - 10.1 TRIPS/ROOM
 95 ROOMS X 10.1 TRIPS/ROOM = 959.5 TRIPS

NOTE: 25% OF LAGOON AREA IS INCLUDED IN PERVIOUS AREA CALCULATIONS

TOWN OF HILTON HEAD ISLAND, SC
 DEVELOPMENT PLAN APPROVAL

The Town has found this plan to be in compliance with the Town's Land Management Ordinance and has authorized this development plan approval.

Date of approval: 5-27-87
 Application Number: DPE-10-27(A)
 Certified by: [Signature]
 Title: [Signature]

This approval is exempt from amendment to the LMO until 2-24-88. In accordance with LMO section 16-7-666.

- KEY TO SYMBOLS**
- TP TOP OF PAVING
 - TC TOP OF CURB
 - TW TOP OF WALK
 - FG FINISH GRADE
 - IE INVERT ELEVATION
 - FR FRAME ELEVATION
 - S&D SUB-GRADE DRAIN
 - TYP TYPICAL
- [Hatched Box] LAGOON AREA TO BE FILLED
 - [Dotted Box] PAVEMENT AREA TO BE REMOVED

- GENERAL NOTES**
- CONTRACTOR SHALL MAINTAIN EROSION CONTROL MEASURES DURING THE LIFE OF PROJECT AND UNTIL A PERMANENT GROUND COVER SUFFICIENT TO RESTRAIN EROSION HAS BEEN ESTABLISHED.
 - CONTRACTOR SHALL MAINTAIN A 10' HORIZONTAL OR 18' VERTICAL SEPARATION BETWEEN SEWER & WATER LINES.
 - CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES.
 - THE AREA SHOWN ON THIS PLAN IS LOCATED IN ZONE 47 ELEVATION 1400 AS DELINEATED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, PANEL 13 OF 15, UPDATED 9/29/86

NO.	REVISED LAGOON BANKS	BY: [Signature]	DATE: 8/2/87
	CHANGED & RELOCATED 2" WATER LATERAL TO 16" WATER LATERAL	TC: [Signature]	DATE: 7/28/87
	ADDED FLOOD NOTE	TC: [Signature]	DATE: 7/28/87

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

SUPER 8 MOTEL
 FOREST BEACH PUBLIC SERVICE DISTRICT
 SOUTH CAROLINA
 HILTON HEAD ISLAND

SITE DEVELOPMENT

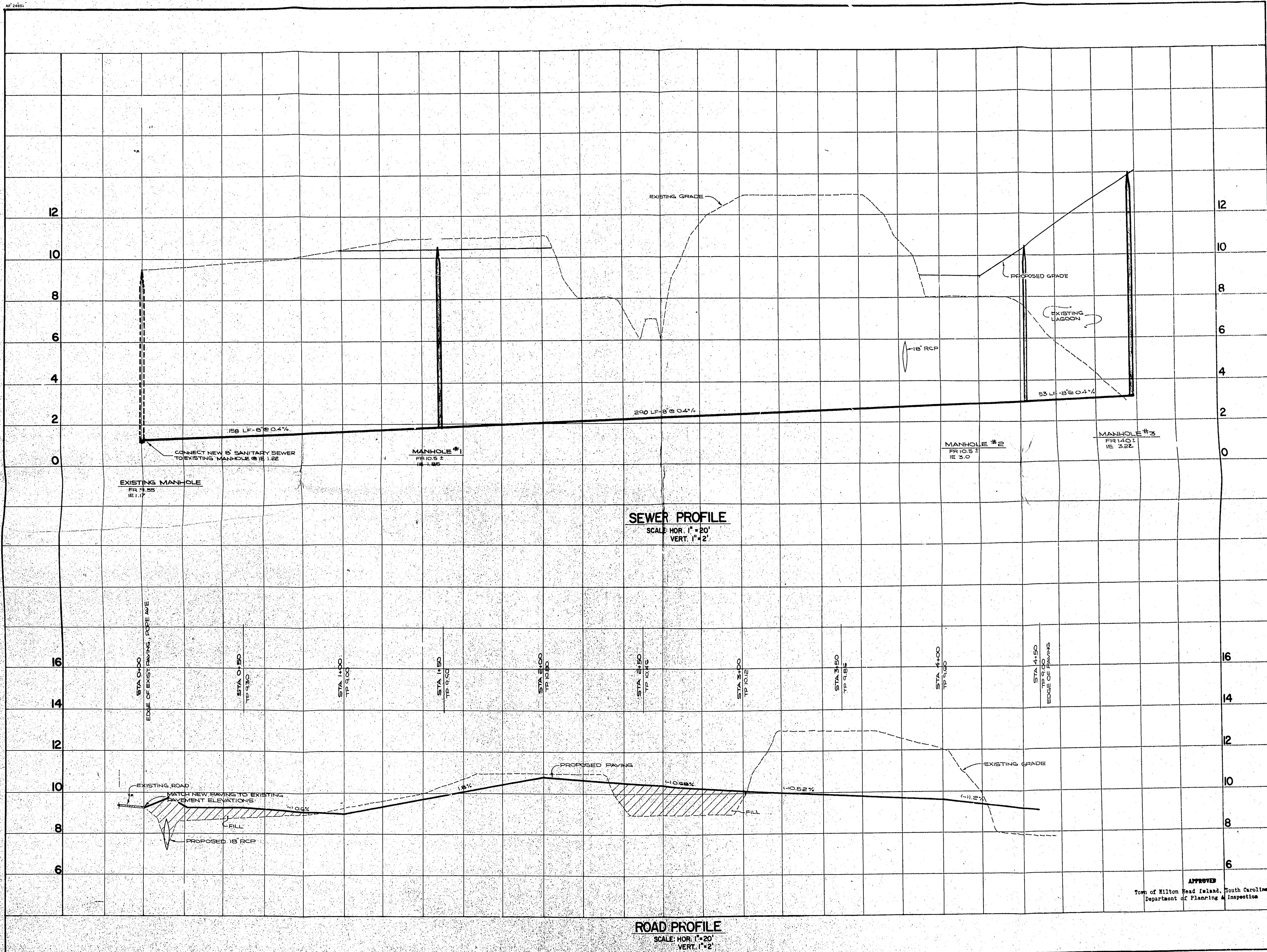
JOB NO: J-5120
 DATE: JULY 1987
 DRAWN: B.D.
 CHECKED: B.S.
 SCALE: 1" = 20'

SHEET
4
 OF 7

RECEIVED
 AUG 24 1987
 AM 11:00

ATTACHMENT I

1130



Signature: *James C. Gandy*

NO.	REVISION	BY	DATE

THOMAS & HUTTON
ENGINEERING CO.
3 OGLETTHORPE
PROFESSIONAL BLDG.
SAVANNAH, GEORGIA 31406

SUPER 8 MOTEL
FOREST BEACH PUBLIC SERVICE DISTRICT
HILTON HEAD ISLAND
SOUTH CAROLINA

PROFILES

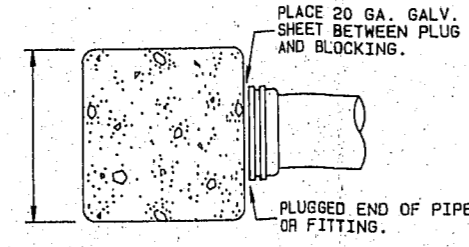
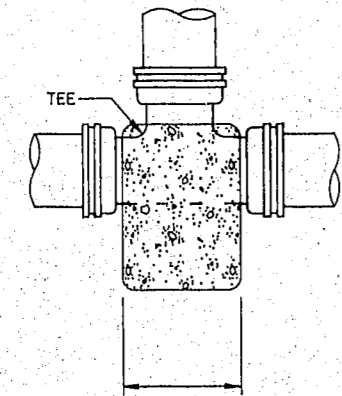
JOB NO: J-5120
DATE: 2/20/87
DRAWN: JS
CHECKED: MB
SCALE: AS SHOWN

APPROVED
Town of Hilton Head Island, South Carolina
Department of Planning & Inspection

SHEET
5
RECEIVED
AUG 24 1987
OF 7

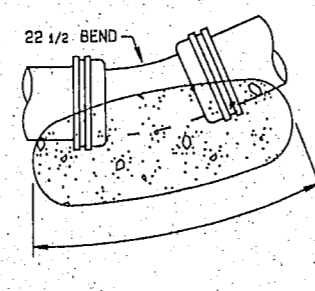
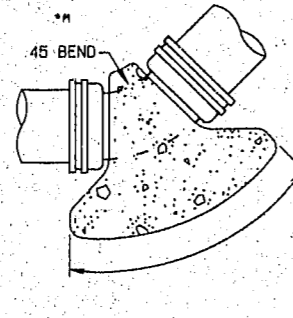
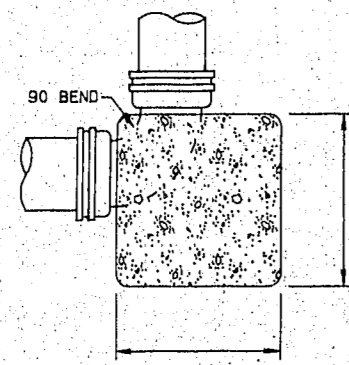
ATTACHMENT I

1131



PIPE	AREA AGAINST UNDISTURBED SOIL
2"	1'-0" x 1'-0"
4"	1'-2" x 1'-2"
6"	1'-4" x 1'-4"
8"	1'-6" x 1'-6"
10"	1'-8" x 1'-8"
12"	2'-0" x 2'-0"

PIPE	AREA AGAINST UNDISTURBED SOIL
2"	1'-0" x 1'-0"
4"	1'-2" x 1'-2"
6"	1'-4" x 1'-4"
8"	1'-6" x 1'-6"
10"	1'-8" x 1'-8"
12"	2'-0" x 2'-0"

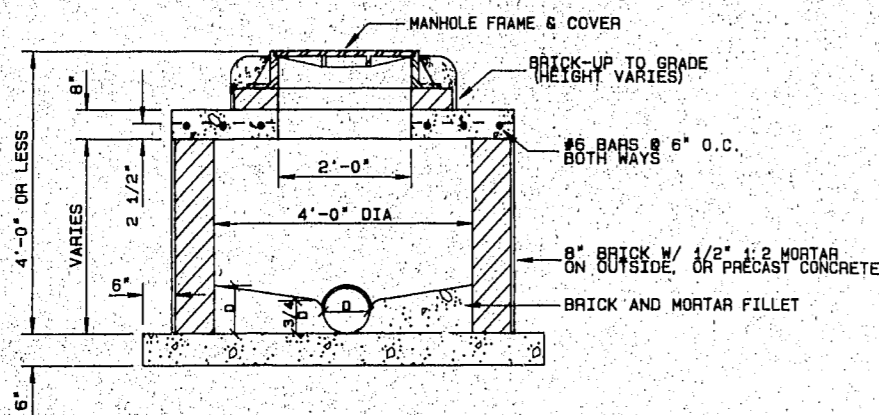
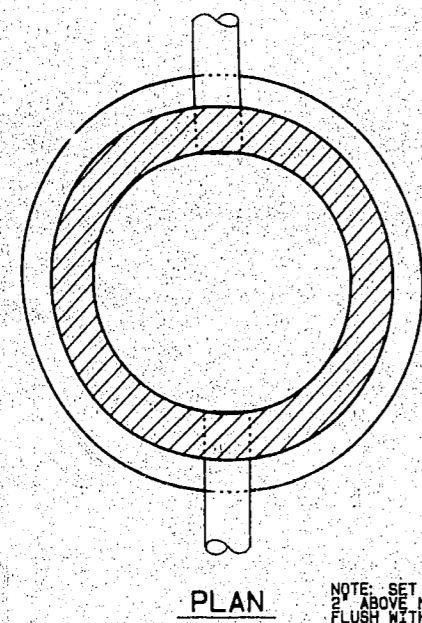


PIPE	AREA AGAINST UNDISTURBED SOIL
2"	1'-0" x 1'-0"
4"	1'-2" x 1'-2"
6"	1'-4" x 1'-4"
8"	1'-6" x 1'-6"
10"	1'-8" x 1'-8"
12"	2'-0" x 2'-0"

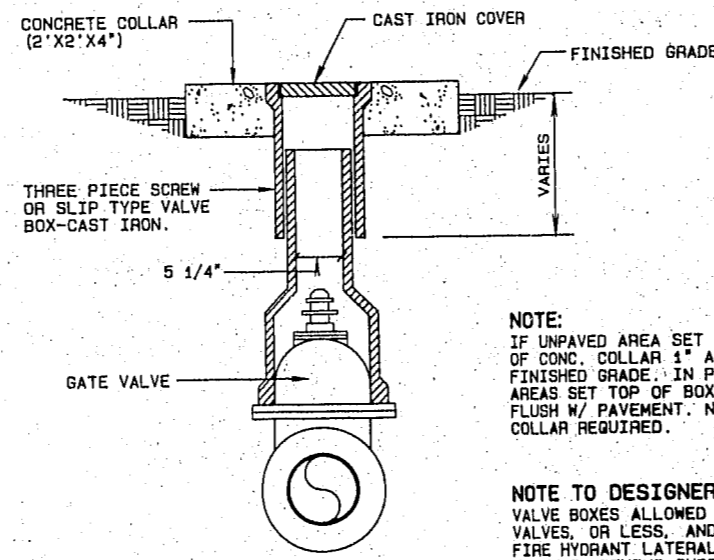
PIPE	AREA AGAINST UNDISTURBED SOIL
2"	1'-0" x 1'-0"
4"	1'-2" x 1'-2"
6"	1'-4" x 1'-4"
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12"	2'-0" x 2'-0"

PIPE	AREA AGAINST UNDISTURBED SOIL
2"	1'-0" x 1'-0"
4"	1'-2" x 1'-2"
6"	1'-4" x 1'-4"
8"	1'-6" x 1'-6"
10"	1'-8" x 1'-8"
12"	2'-0" x 2'-0"

NOTE: PIPING LESS THAN 2" IN DIAMETER SHALL HAVE THE SAME REQUIREMENTS AS 2" DIAMETER PIPE.
REACTION BLOCK DETAILS
NOT TO SCALE

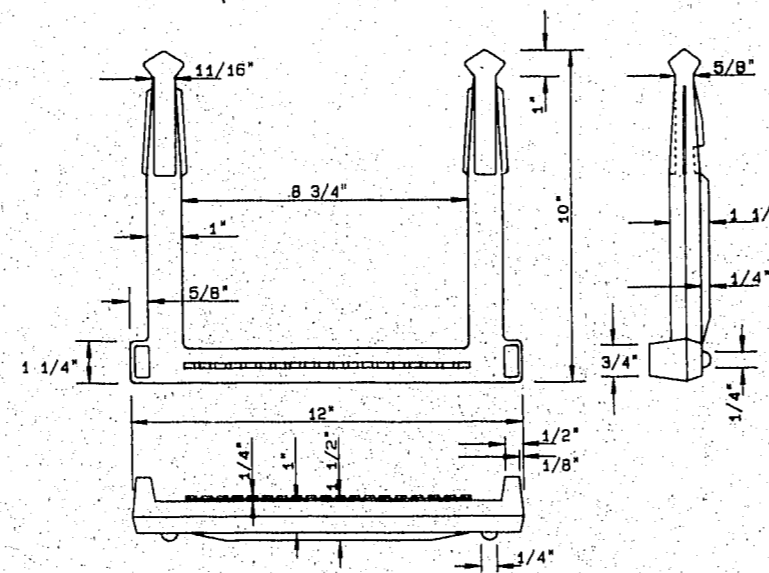


0-4 TYPE MANHOLE
NOT TO SCALE

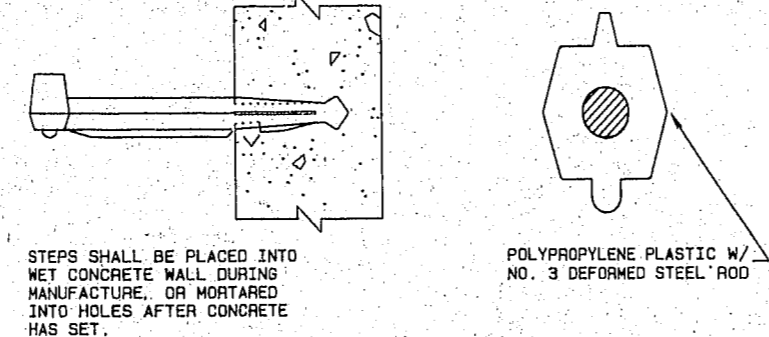


NOTE: IF UNPAVED AREA SET TOP OF CONC. COLLAR 1" ABOVE FINISHED GRADE. IN PAVED AREAS SET TOP OF BOX FLUSH W/ PAVEMENT. NO CONC. COLLAR REQUIRED.
NOTE TO DESIGNER: VALVE BOXES ALLOWED ON 2" VALVES, OR LESS, AND ON FIRE HYDRANT LATERALS WHEN VALVE IS BEHIND CURB.

VALVE BOX DETAIL
NOT TO SCALE

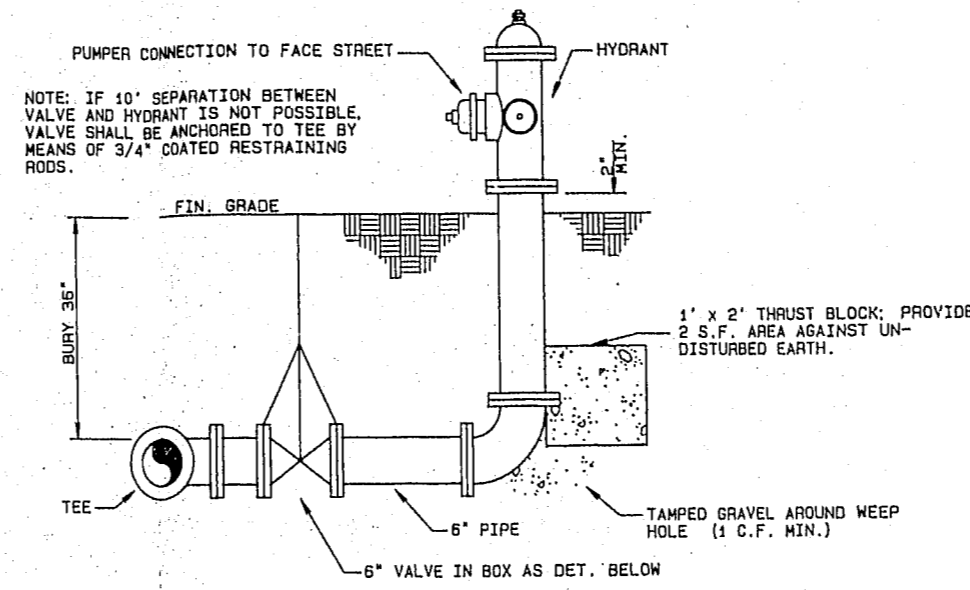


MANHOLE STEPS SHALL BE M.A. IND., INC. MODEL NO. PS1 OR AN APPROVED EQUAL.

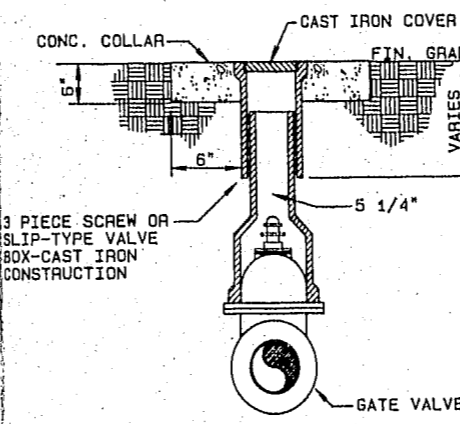


STEPS SHALL BE PLACED INTO WET CONCRETE WALL DURING MANUFACTURE, OR MORTARED INTO HOLES AFTER CONCRETE HAS SET.

MANHOLE STEP DETAIL
NOT TO SCALE

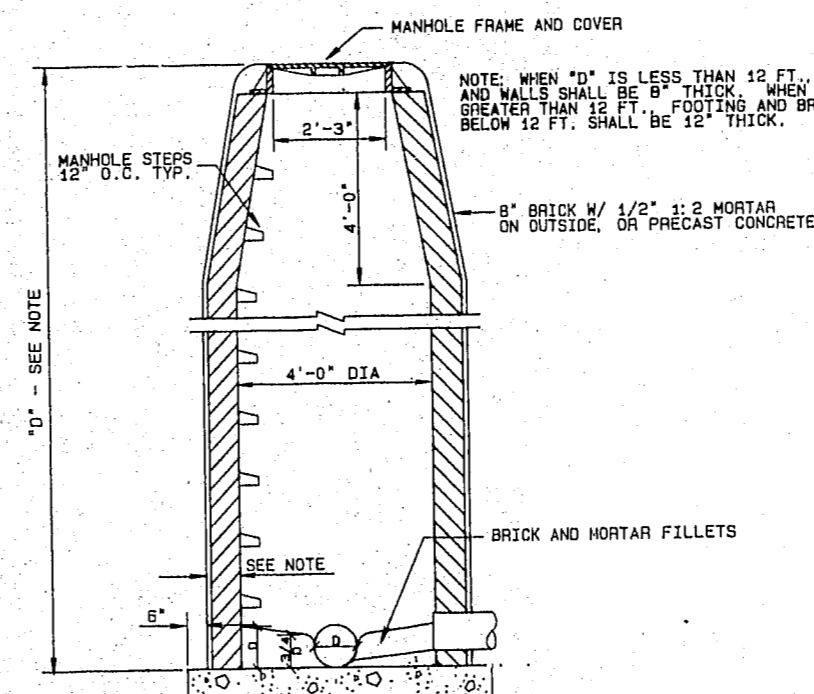
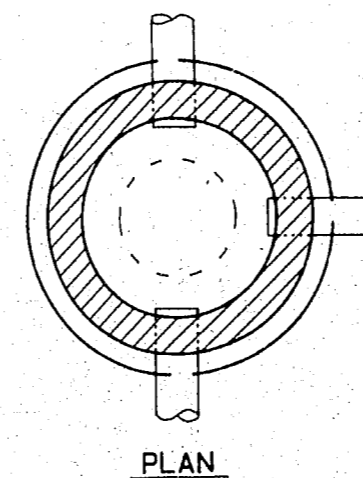


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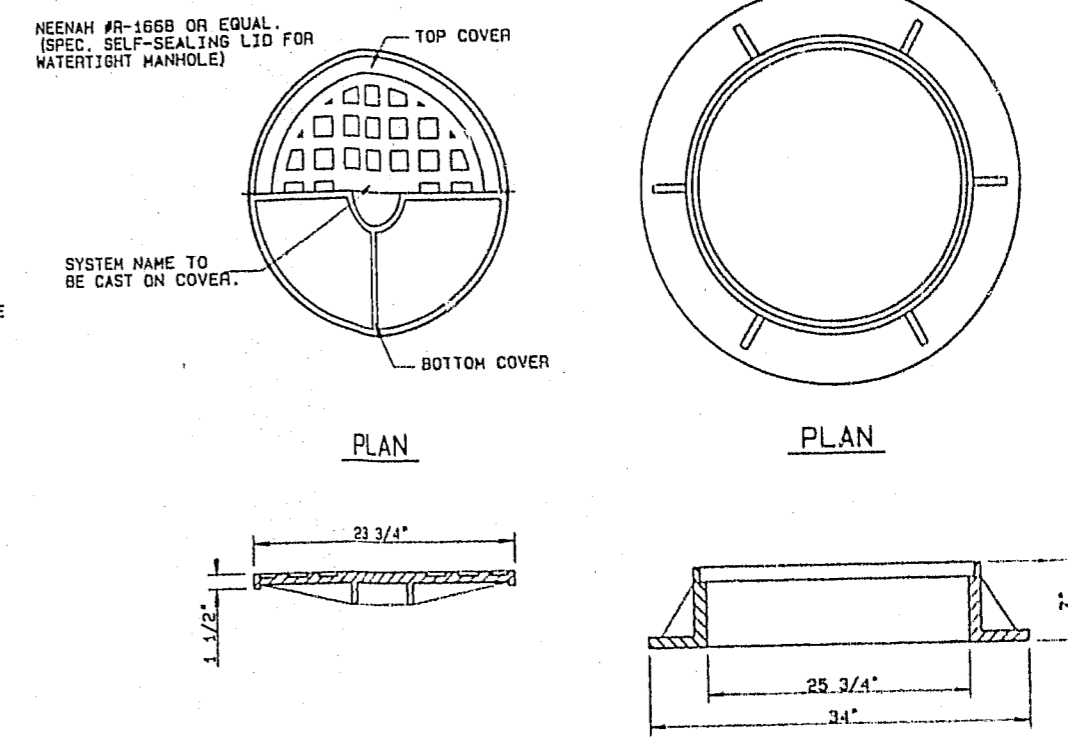


VALVE SECTION

FIRE HYDRANT DETAIL
NOT TO SCALE



STANDARD MANHOLE
NOT TO SCALE



COVER SECTION

FRAME SECTION

TOTAL WT. 310#

NOTE: CASTINGS SHALL BE OF UNIFORM QUALITY, FREE FROM BLOWHOLES, POROSITY, HARD SPOTS, SHRINKAGE, DISTORTION OR OTHER DEFECTS. THEY SHALL BE SMOOTH AND WELL CLEANED BY SHOTBLASTING OR BY SOME OTHER APPROVED METHOD. UNLESS AN ALTERNATIVE SPECIFICATION IS MADE THEY SHALL BE COATED W/ ASPHALT PAINT WHICH SHALL RESULT IN A SMOOTH COATING, TOUGH AND TENACIOUS WHEN COLD, NOT TACKY AND NOT BRITTLE.
MATERIALS USED IN THE MANUFACTURE OF CASTINGS SHALL CONFORM TO ASTM A480, ASA, MIL, AMS OR FEDERAL SPECIFICATIONS FOR GRAY IRON OR DUCTILE IRON, AS FOLLOWS: GRAY IRON-ASTM CLASS 30, DUCTILE IRON-GRADE 60-40-18.
ALL CASTINGS SHALL BE MANUFACTURED TRUE TO PATTERN. COMPONENT PARTS SHALL FIT TOGETHER IN A SATISFACTORY MANNER. ROUND FRAMES AND C/WERS SHALL BE OF HIGH-ROCKING DESIGN, OR SHALL HAVE MACHINED BEARING SURFACES TO PREVENT ROCKING AND RATTLING UNDER TRAFFIC.
ALL HEIGHTS GIVEN ARE AVERAGE (AND APPROXIMATE) VALUES. DEVIATIONS SHALL NOT EXCEED TOLERANCES PERMITTED BY ASIM STANDARDS.

MANHOLE COVER AND FRAME DETAIL
NOT TO SCALE

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

SUPER 8 MOTEL
FOREST BEACH PUBLIC SERVICE DISTRICT
HILTON HEAD ISLAND
SOUTH CAROLINA

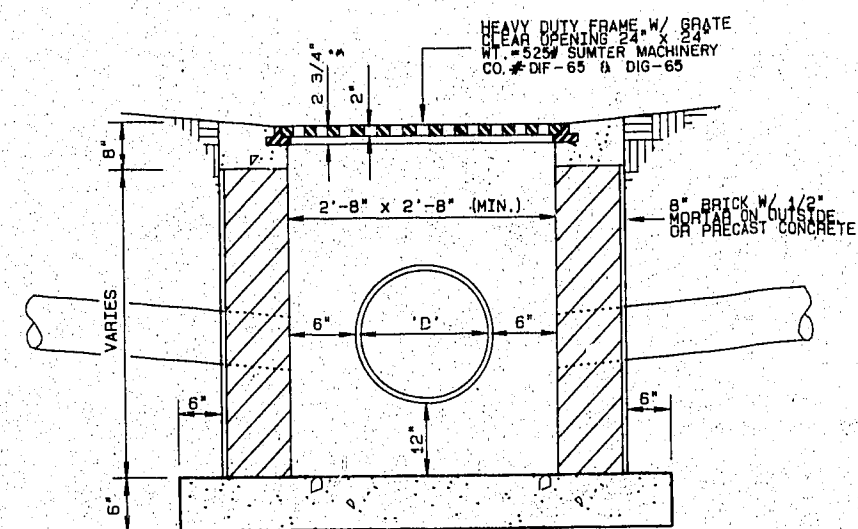
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DATE: 2/25/87
DRAWN: CAD
CHECKED: DES
SCALE: AS SHOWN

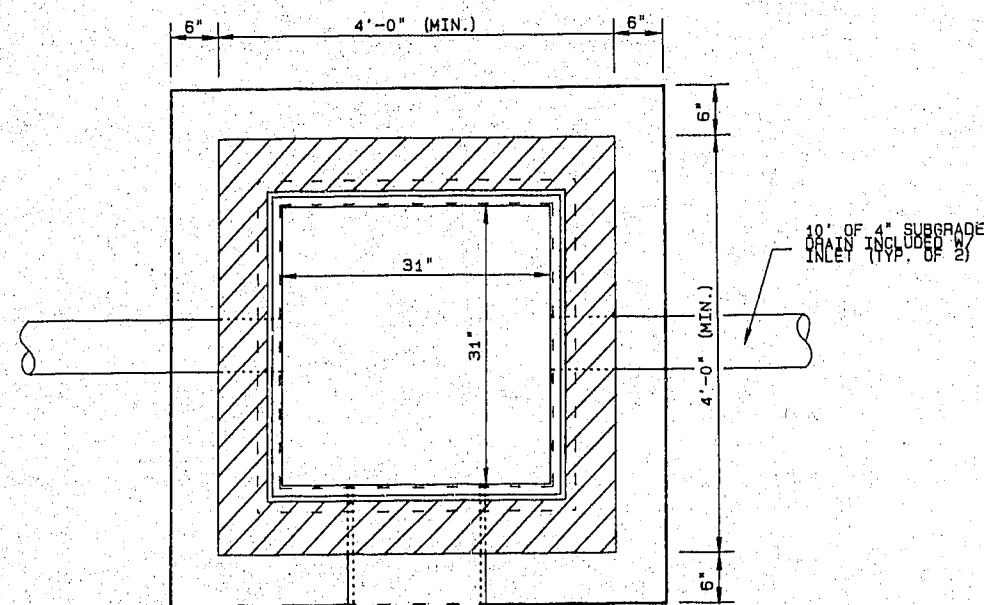
APPROVED
Town of Hilton Head Island, South Carolina
Department of Planning & Inspection

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AUG 24 1987
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1132

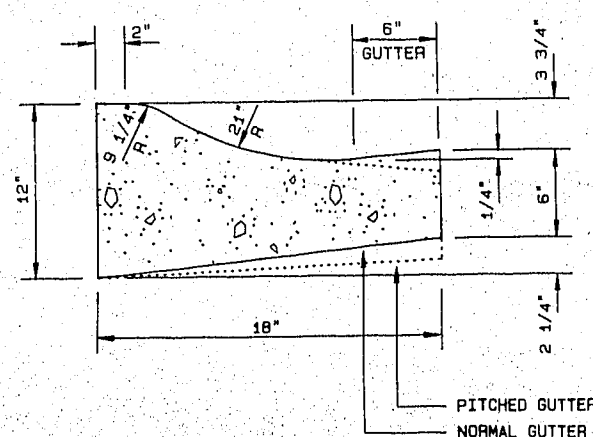


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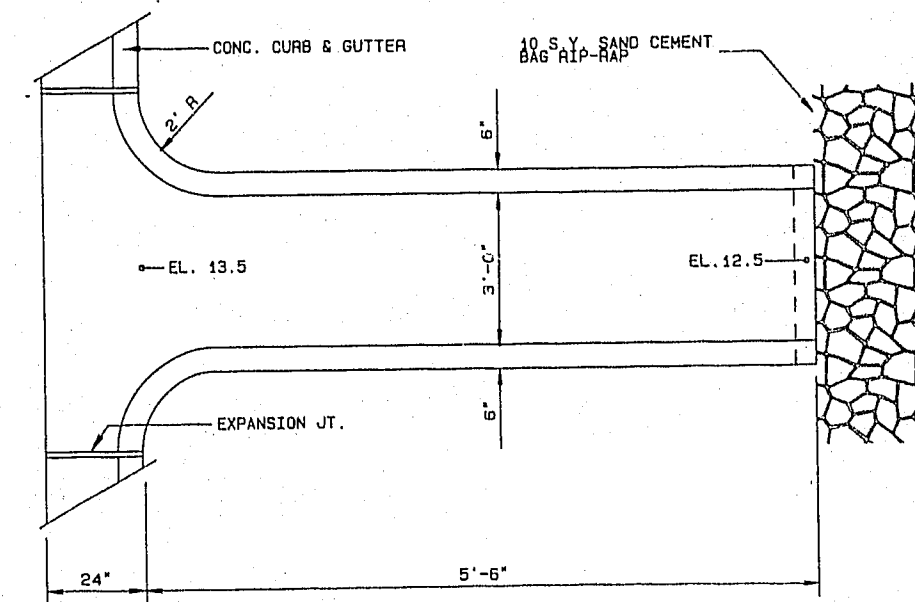


PLAN

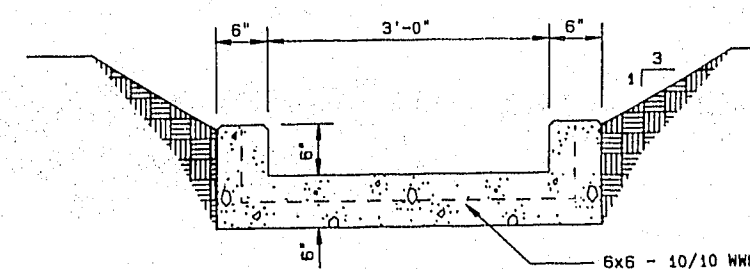
STANDARD INLET - GRATE TYPE
NOT TO SCALE



ROLL-OVER CURB & GUTTER DETAIL
NOT TO SCALE

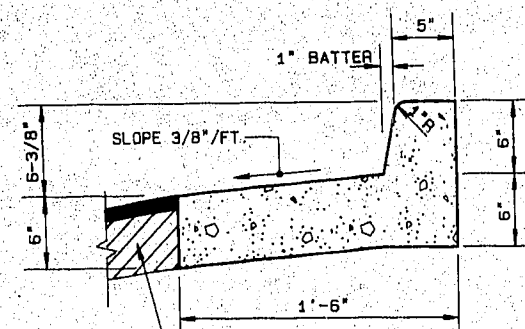


PLAN

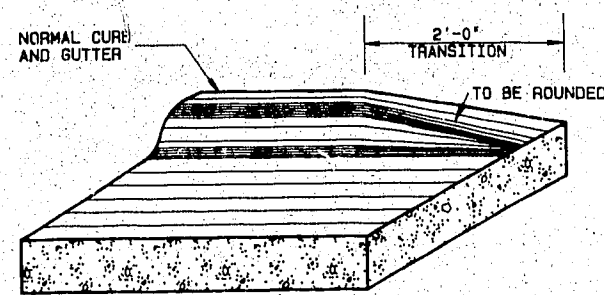


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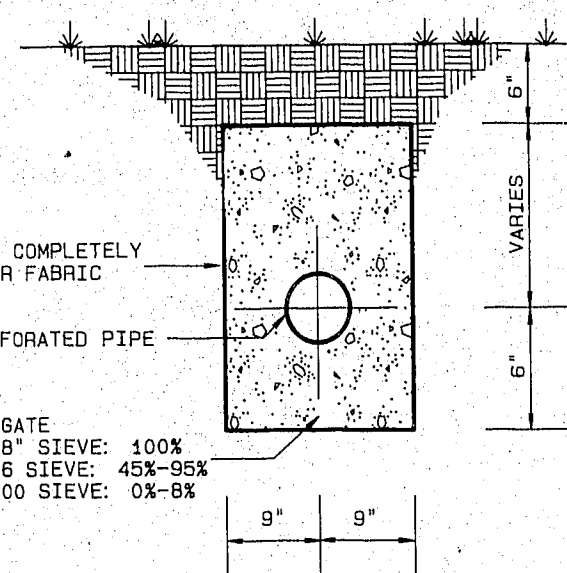
CONCRETE FLUME
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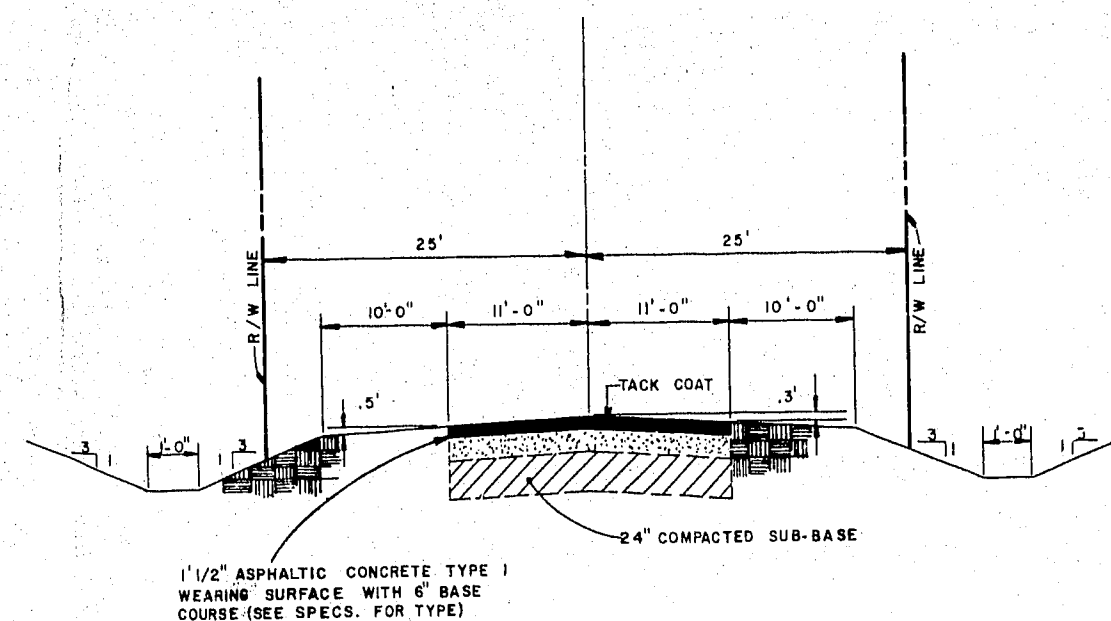
PITCHED GUTTER
NOT TO SCALE



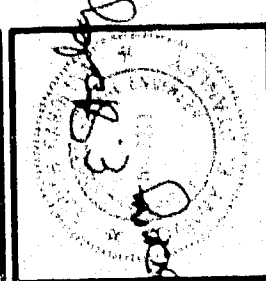
FEATHERING OF CURB AND GUTTER DETAIL
NOT TO SCALE



FRENCH DRAIN DETAIL
NOT TO SCALE



TYPICAL ROAD SECTION
NOT TO SCALE



NO.	BY	DATE

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

SUPER 8 MOTEL
FOREST BEACH PUBLIC SERVICE DISTRICT
HILTON HEAD ISLAND
SOUTH CAROLINA

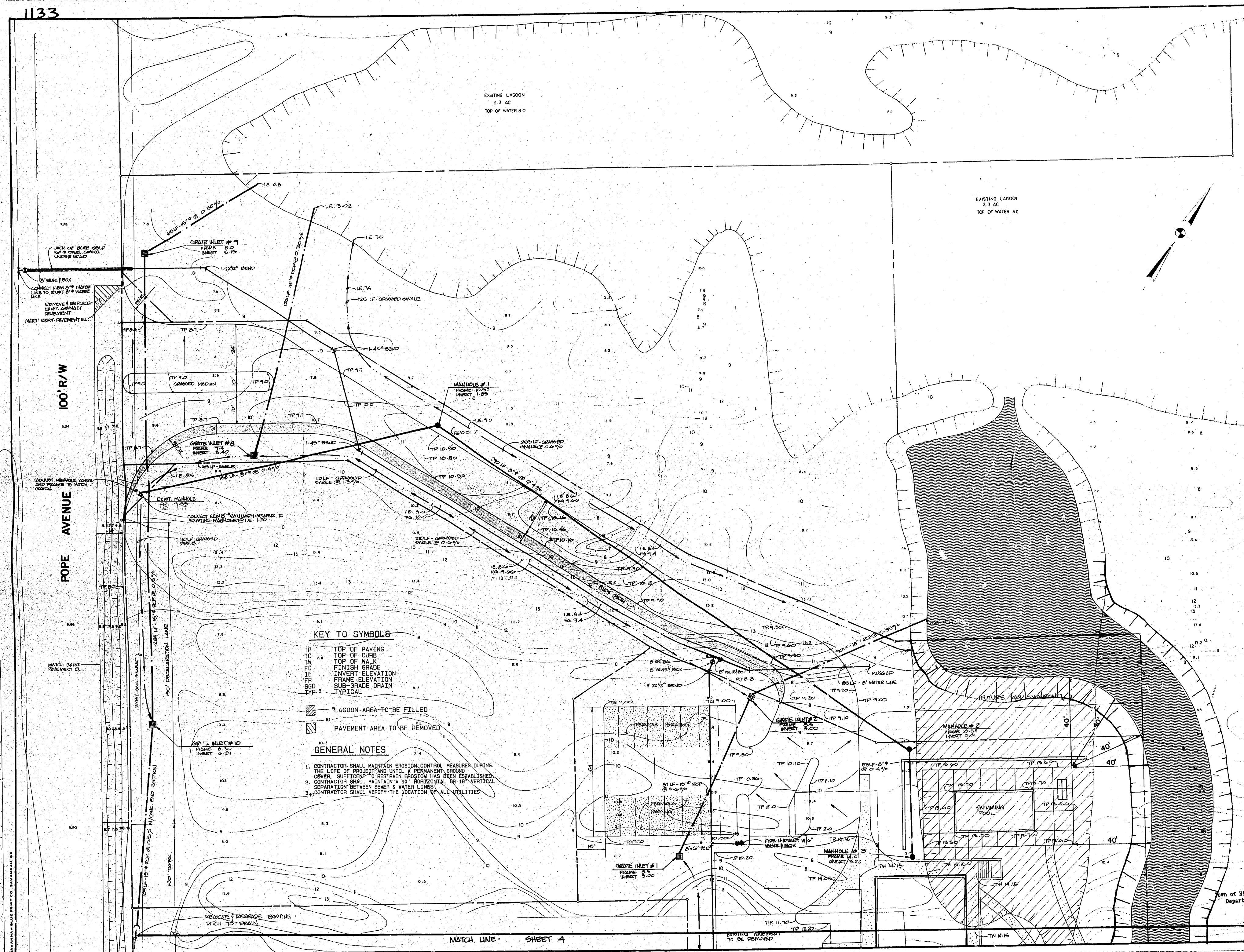
DETAILS

JOB NO:	J-5120
DATE:	2/25/87
DRAWN:	CAD
CHECKED:	DES
SCALE:	AS SHOWN

APPROVED
Town of Hilton Head Island, South Carolina
Department of Planning & Inspection

SHEET
7
RECEIVED
AUG 24 1987
AUG 24 1987

ATTACHMENT I



1133

100' R/W
POPE AVENUE

EXISTING LAGOON
2.3 AC
TOP OF WATER 8.0

EXISTING LAGOON
2.3 AC
TOP OF WATER 8.0

KEY TO SYMBOLS

TP TOP OF PAVING
T.O.C. TOP OF CURB
T.O.W. TOP OF WALK
F.G. FINISH GRADE
I.E. INVERT ELEVATION
F.E. FRAME ELEVATION
S.G.D. SUB-GRADE DRAIN
TYP. TYPICAL

LAGOON AREA TO BE FILLED
PAVEMENT AREA TO BE REMOVED

GENERAL NOTES

1. CONTRACTOR SHALL MAINTAIN EROSION CONTROL MEASURES DURING THE LIFE OF PROJECT AND UNTIL A PERMANENT GROUND COVER SUFFICIENT TO RESTRAIN EROSION HAS BEEN ESTABLISHED.
2. CONTRACTOR SHALL MAINTAIN A 12" HORIZONTAL OR 18" VERTICAL SEPARATION BETWEEN SEWER & WATER LINES.
3. CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES.

MATCH LINE - SHEET 4

Handwritten notes: *3/20/87*

NO.	REVISION	DATE
1	REVISED LAGOON BANKS	8.17.72

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

SUPER 8 MOTEL
FOREST BEACH PUBLIC SERVICE DISTRICT
SOUTH CAROLINA
HILTON HEAD ISLAND
LAGOON LOCATION PLAN

JOB NO: J-5120
DATE: JULY 1987
DRAWN BY: B.D.
CHECKED BY: B.S.
SCALE: 1" = 20'

APPROVED SHEET
Hilton Head Island, South Carolina
Department of Planning & Inspection
RECEIVED
AUG 24 1987
Sheet 4 of 4

ATTACHMENT I

1134

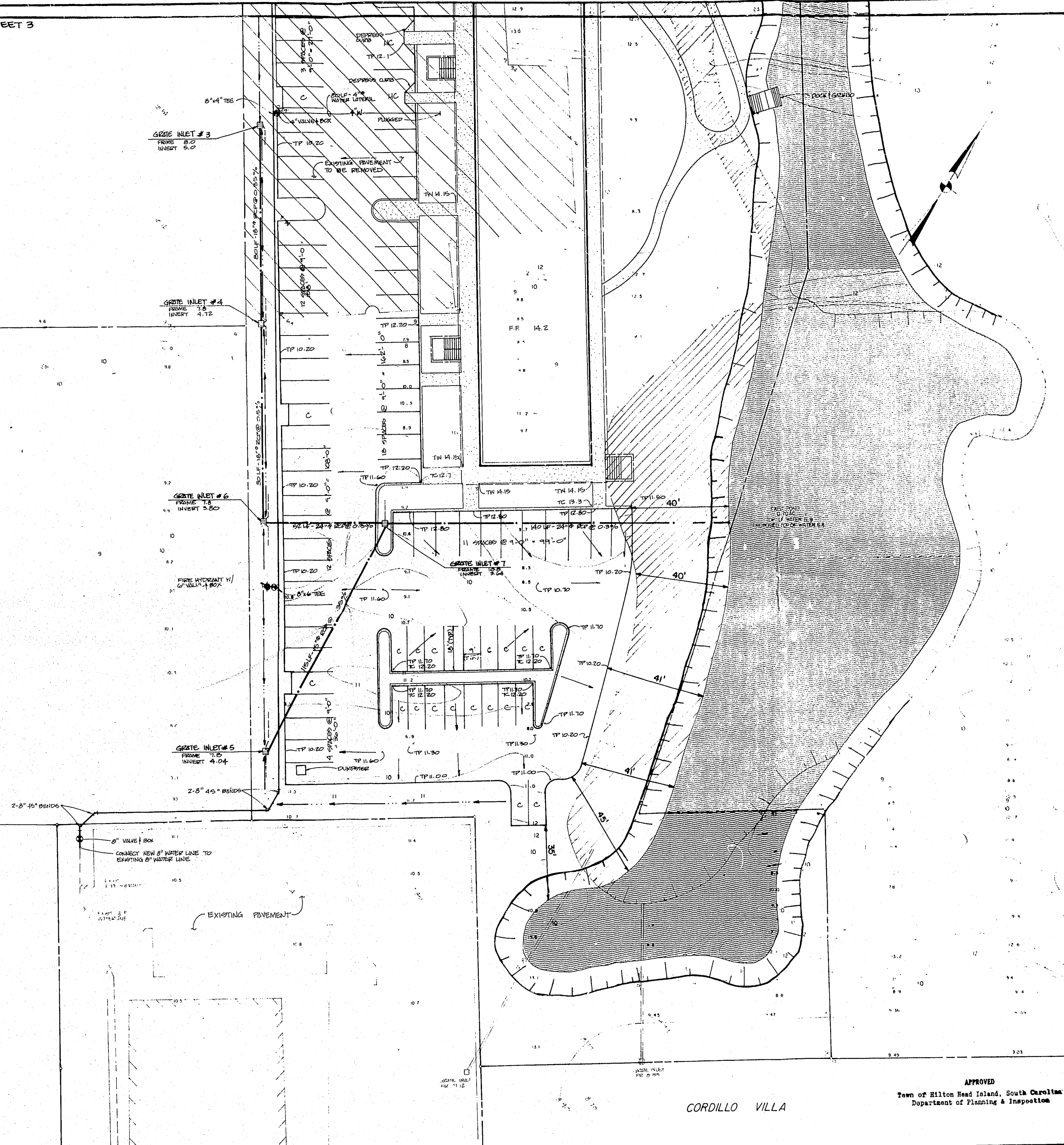
MATCH LINE - SEE SHEET 3

SITE BREAKDOWN	
TOTAL ACREAGE = 2.6 ACRES = 113256 SF	
IMPERVIOUS AREA	
BUILDING	9,823 SF
WALKS	5,880 SF
PAVING	33,700 SF
POOL SIDE	4,386 SF
LAGOON	9,037 SF
POOL	665 SF
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PERVIOUS AREA	
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OPEN SPACE	
GRASSED AREAS	47,052 SF
LAGOONS	12,050 SF
POOL	665 SF
TOTAL	59,767 SF
% IMPERVIOUS 53 % % PERVIOUS 47 % % MAX. IMPERVIOUS REQ. 'D 55 % % MIN. OPEN SPACE REQ. 'D 20 % % OPEN SPACE PROVIDED 53 %	
TRIP GENERATION SCHEDULE FOR 95 UNIT MOTEL - 10.1 TRIPS/ROOM 95 ROOMS X 10.1 TRIPS/ROOM = 959.5 TRIPS NOTE: 25% OF LAGOON AREA IS INCLUDED IN PERVIOUS AREA CALCULATIONS	

KEY TO SYMBOLS	
TP	TOP OF PAVING
TC	TOP OF CURB
TW	TOP OF WALK
FG	FINISH GRADE
IE	INVERT ELEVATION
FE	FRAME ELEVATION
SD	SUB-GRADE DRAIN
TYP	TYPICAL
[Hatched Box]	LAGOON AREA TO BE FILLED
[Diagonal Lines]	PAVEMENT AREA TO BE REMOVED

GENERAL NOTES

- CONTRACTOR SHALL MAINTAIN EROSION CONTROL MEASURES DURING THE LIFE OF PROJECT AND UNTIL A PERMANENT GROUND COVER, SUFFICIENT TO RESTRAIN EROSION HAS BEEN ESTABLISHED.
- CONTRACTOR SHALL MAINTAIN A 10' HORIZONTAL OR 18' VERTICAL SEPARATION BETWEEN SEWER & WATER LINES.
- CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES.



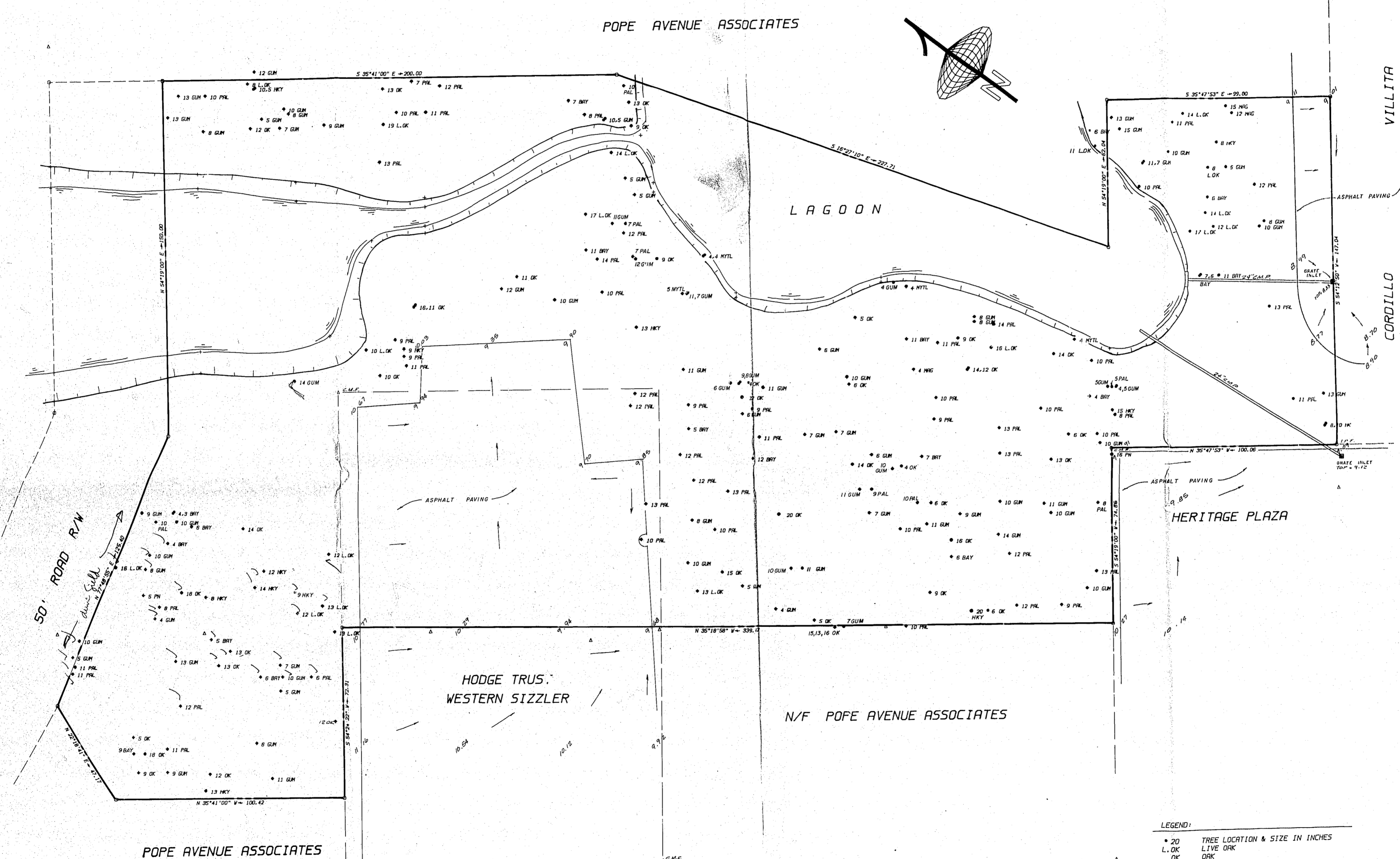
THOMAS & HUTTON ENGINEERING CO. 3 OGLETHORPE PROFESSIONAL BOULEVARD SAVANNAH GEORGIA 31406	
SUPER 8 MOTEL FOREST BEACH PUBLIC SERVICE DISTRICT SOUTH CAROLINA HILTON HEAD ISLAND LAGOON LOCATION PLAN	
JOB NO J-5120	DATE JULY 1987
DRAWN B.D.	CHECKED B.S.
SCALE 1" = 20'	
SHEET	
RECEIVED AUG 24 1987 OF	

APPROVED
 Town of Hilton Head Island, South Carolina
 Department of Planning & Inspection

CORDILLO VILLA

ATTACHMENT I

1135



A
TREE SURVEY
OF

2.600 ACRES

A SECTION OF
THE

15 +/- ACRE
TOWN CENTER
P. U. D.

HILTON HEAD ISLAND
BERUFORT COUNTY
SOUTH CAROLINA

RECORDED IN
THE OFFICE OF THE
CLERK OF COURT
BERUFORT CO., S.C.
BOOK PAGE
DATE: / /

REPLACES PLATS IN
BOOK PAGE

PREPARED FOR:

**POPE AVENUE
ASSOCIATES**

Jerry G. Hatcher
JERRY G. HATCHELL
S.C. R.L.S. NO. 11059

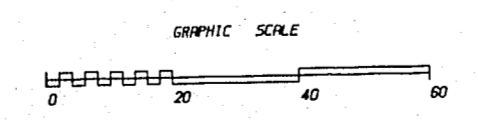
**SOUTH CAROLINA
REGISTERED
LAND
SURVEYOR
11089
JERRY G. HATCHELL**

COPYRIGHT © 1987
SURVEYING CONSULTANTS
OF HILTON HEAD IS., INC.
29-A Bay Circle
Hilton Head Island
South Carolina
(803) 642-3304

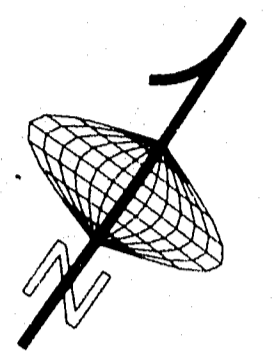
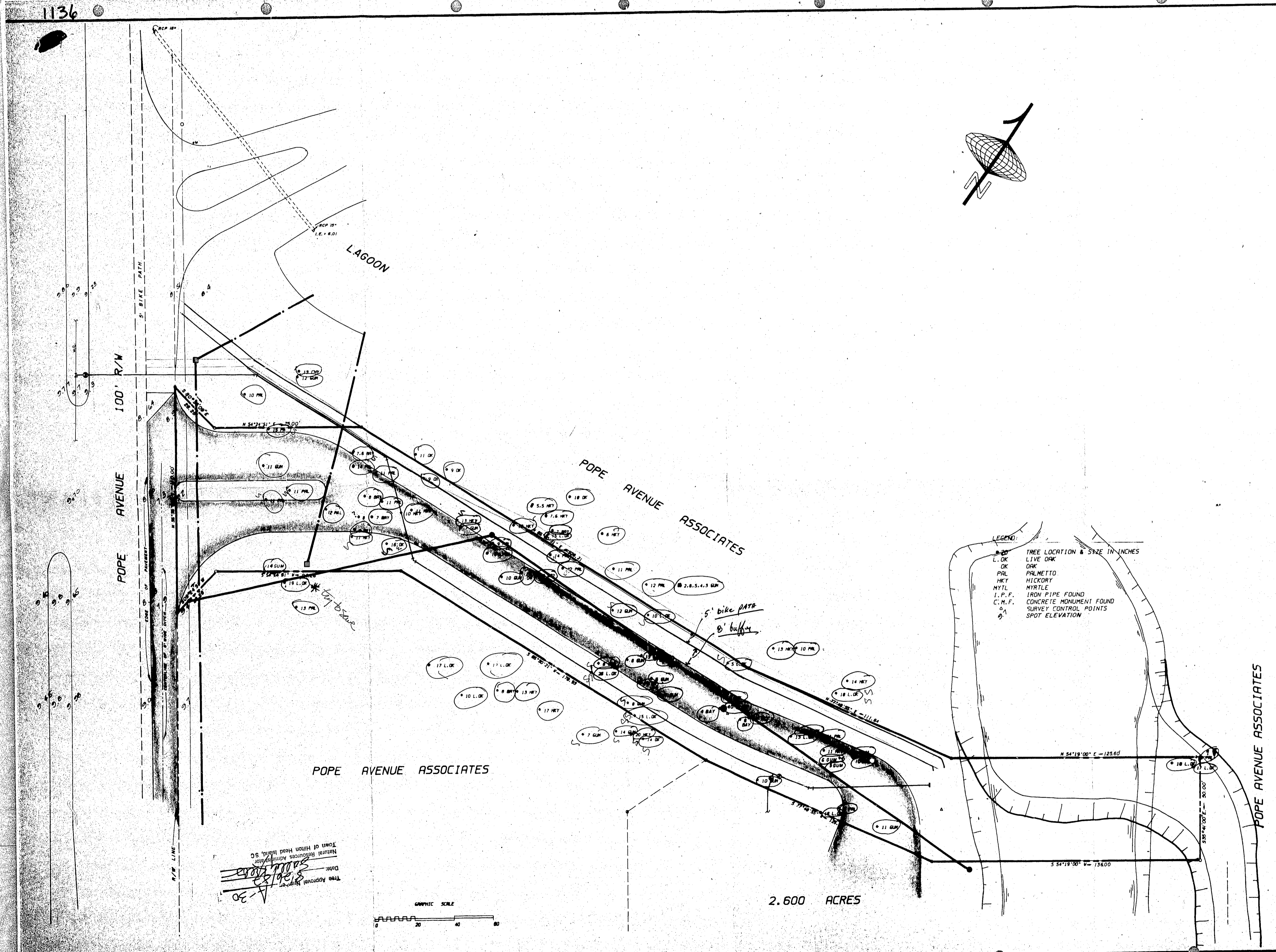
SCALE: 1" = 20'
DATE: 2/23/87
FIELD CK:
OFFICE CK:
JOB NO: 5-87
REVISIONS:

LEGEND:

- 20 TREE LOCATION & SIZE IN INCHES
- L. OK LIVE OAK
- OK OAK
- PAL PALMETTO
- HY HICKORY
- MYTL MYRTLE
- I. P. F. IRON PIPE FOUND
- C. H. F. CONCRETE MONUMENT FOUND
- △ SURVEY CONTROL POINTS
- DRAINAGE FLOW ARROW



Town of Hilton Head Island, SC
Natural Resources Administrator
Date: 2/23/87
Tree Approval Number: A-30

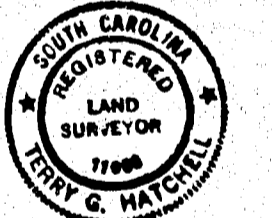


A
TREE SURVEY
OF
0.697 ACRE
ROAD R/W
A SECTION OF
THE
15 +/- ACRE
TOWN CENTER
P.U.D.

HILTON HEAD ISLAND
BEAUFORT COUNTY
SOUTH CAROLINA

RECORDED IN
THE OFFICE OF THE
CLERK OF COURT
BEAUFORT CO., S.C.
BOOK PAGE
DATE / /
REPLACES PLATS IN
BOOK PAGE

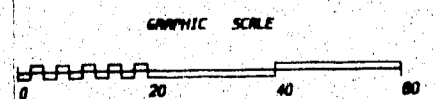
PREPARED FOR:
POPE AVENUE
ASSOCIATES

Terry G. Hatchell
TERRY G. HATCHELL
S.C. R.L.S. NO. 11059


SURVEYING CONSULTANTS
OF HILTON HEAD ISLAND, INC.
25-A Bow Circle
Hilton Head Island
South Carolina
(803) 842-3304

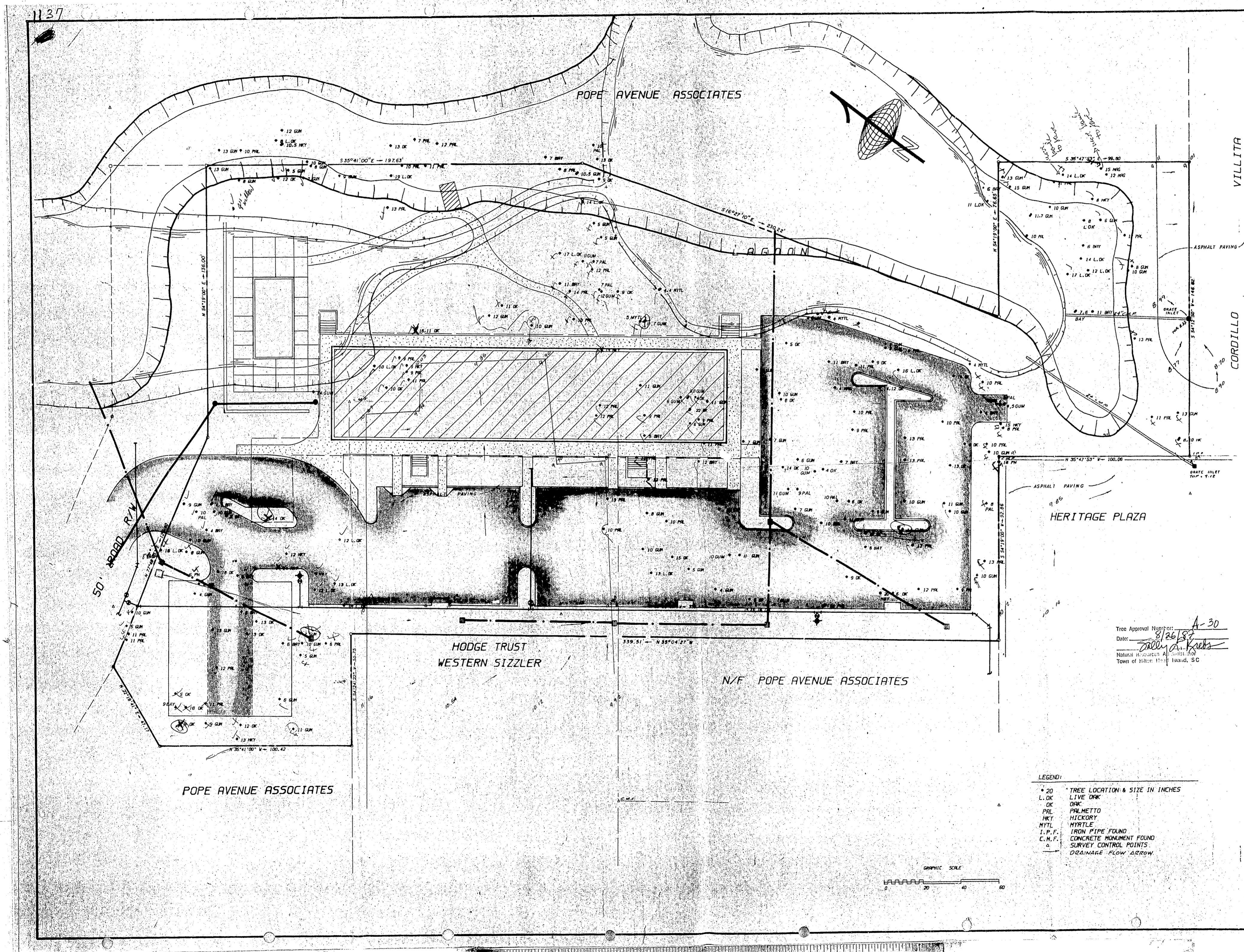
SCALE: 1" = 20'
DATE: 2/23/87
FIELD CK:
OFFICE CK:
JOB NO: 5-87
REVISIONS:
2/26/87: ADDED STREET
INTERSECTION
7/06/87: BOUNDARY CHANGES

Town of Hilton Head Island, SC
Natural Resources Authority
Date: *3/20/87*
Twp Approval Number: *A-30*



2.600 ACRES

ATTACHMENT I



A
TREE SURVEY
OF

2.600 ACRES

A SECTION OF
THE

**15 +/- ACRE
TOWN CENTER**

P.U.D.

HILTON HEAD ISLAND
BEAUFORT COUNTY
SOUTH CAROLINA

RECORDED IN
THE OFFICE OF THE
CLERK OF COURT
BEAUFORT CO., S.C.


BOOK PAGE
DATE: / /

REPLACES PLATS IN
BOOK PAGE

PREPARED FOR:

**POPE AVENUE
ASSOCIATES**

Larry G. Mitchell
LARRY G. MITCHELL
S.C. R.L.S. NO. 11059



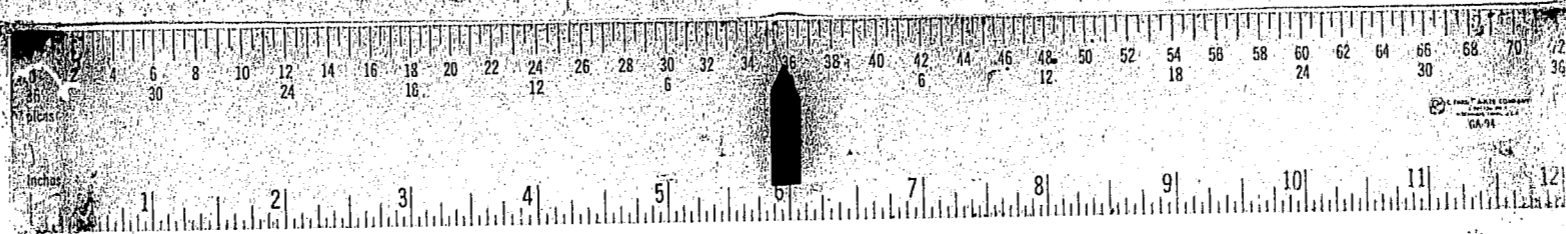
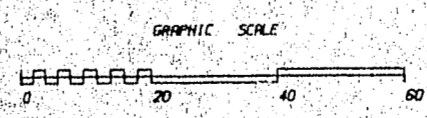
COPYRIGHT © BY
SURVEYING CONSULTANTS
OF HILTON HEAD IS., INC.
29-B Bay Circle
Hilton Head Island
South Carolina
(803) 842-3304

SCALE: 1" = 20'
DATE: 2/23/87
FIELD CK:
OFFICE CK:
JOB NO: 5-87
REVISIONS:
6/17/87: REVISED BOUNDARY
7/06/87: REVISED BOUNDARY

Tree Approval Number: A-30
Date: 8/26/87
Larry G. Mitchell
Natural Resources Department
Town of Hilton Head Island, SC

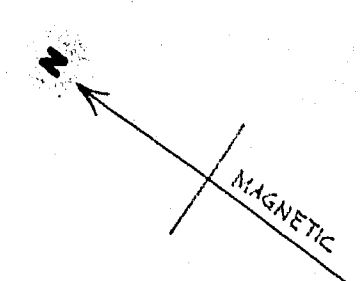
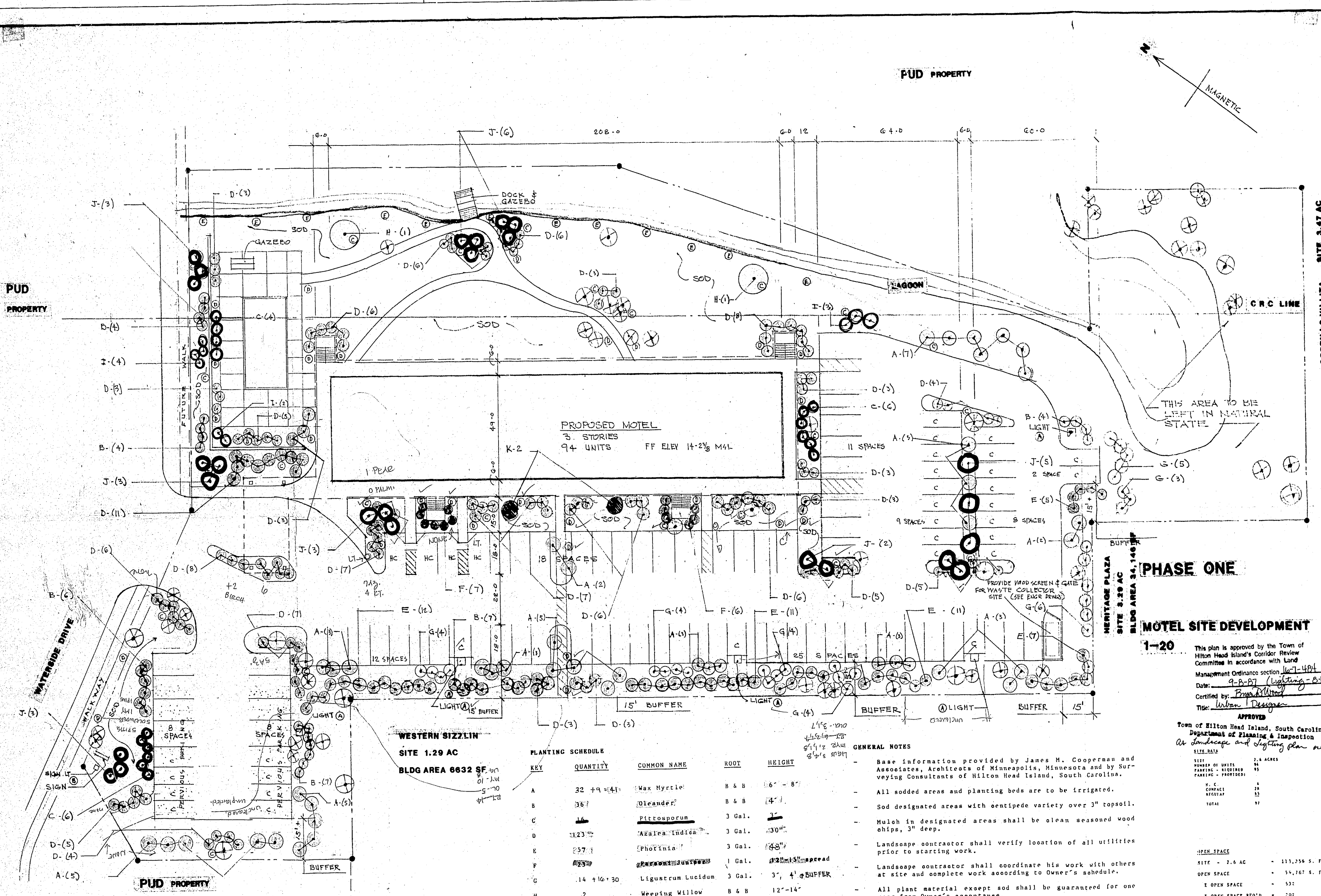
LEGEND:

- 20 TREE LOCATION & SIZE IN INCHES
- L. OK LIVE OAK
- OK OAK
- PAL PALMETTO
- MYL HICKORY
- MYL MYRTLE
- I.P.F. IRON PIPE FOUND
- C.M.F. CONCRETE MONUMENT FOUND
- o SURVEY CONTROL POINTS
- DRAINAGE FLOW ARROW



ATTACHMENT I

1138



PHASE ONE
MOTEL SITE DEVELOPMENT
 1-20

This plan is approved by the Town of Hilton Head Island's Corridor Review Committee in accordance with Land Management Ordinance section 16C-7.404.
 Date: 9-2-87 (Lighting - 8-11-87)
 Certified by: *[Signature]*
 Title: *[Signature]*
APPROVED
 Town of Hilton Head Island, South Carolina
 Department of Planning & Inspection
As landscape and lighting plan only

SITE	2.6 ACRES
NUMBER OF SHEETS	84
PARKING - REQUIRED	93
PARKING - PROVIDED	93
N. E. CORNER	4
REGULATORY	22
TOTAL	97

OPEN SPACE
 SITE - 2.6 AC - 111,756 S. F.
 OPEN SPACE - 54,767 S. F.
 I OPEN SPACE - 532
 I OPEN SPACE REQ'D - 202
 REFER TO THOMAS AND HUTTON SITE DEVELOPMENT DRAWING SHEET 4, JULY, 1987

LIGHT FIXTURE
 (C) ETC.
 SEE LIGHT FIXTURE SCHEDULE SHEET

PLANTING SCHEDULE

KEY	QUANTITY	COMMON NAME	ROOT	HEIGHT
A	32 + 9 = 41	Wax Myrtle	B & B	6' - 8'
B	367	Eleander	B & B	4'
C	16	Pittosporum	3 Gal.	3'
D	123	Azalea Indica	3 Gal.	30"
E	237	Photinia	3 Gal.	48"
F	237	Ligustrum lucidum	3 Gal.	3' - 4' BUFFER
G	14 + 16 = 30	Ligustrum lucidum	3 Gal.	3' - 4' BUFFER
H	2	Weeping Willow	B & B	12' - 14'
I	9	Pampas Cortaderia	3 Gal.	3'
J	25	Palmetto	-	- Transplant from site as directed
K	2	RIVER BIRCH	B & B	10' - 12'

GENERAL NOTES

- Base information provided by James M. Cooperman and Associates, Architects of Minneapolis, Minnesota and by Surveying Consultants of Hilton Head Island, South Carolina.
- All sodded areas and planting beds are to be irrigated.
- Sod designated areas with centipede variety over 3" topsoil.
- Mulch in designated areas shall be clean seasoned wood chips, 3" deep.
- Landscape contractor shall verify location of all utilities prior to starting work.
- Landscape contractor shall coordinate his work with others at site and complete work according to Owner's schedule.
- All plant material except sod shall be guaranteed for one year from Owner's acceptance.
- Verify all quantities.
- Drainage shall have a positive flow away from structure toward the lagoon or toward catch basins in the paved areas.
- Transplanted Palmettos - move from areas shown - prune roots and top. Tie fronds at top to protect oxbag. Plant at original depth and provide water continuously for 4 days.

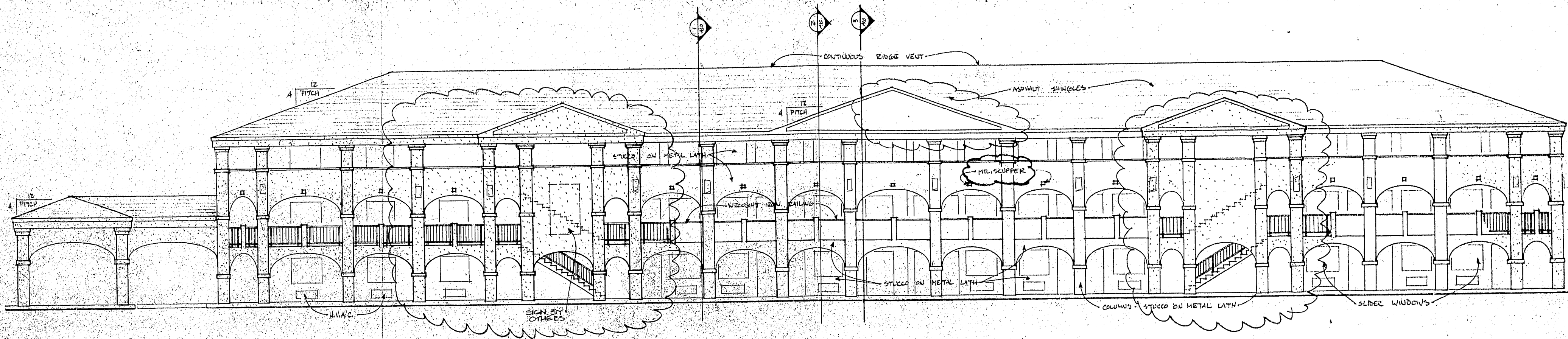
THIS LOT IS LOCATED IN ZONE A-7, A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY H.D.D., PANEL 1, COMMUNITY NO. 450250, MAP DATED 5/27/86, BASE ELEVATION 14.0.

REFER TO ENGINEERING DRAWINGS BY SURVEYING CONSULTANTS AND THOMAS & HUTTON FOR DETAILS OF BUILDING LOCATION, SITE PARKING, PAVING, DRAINAGE AND OTHERS & SITE UTILITIES.

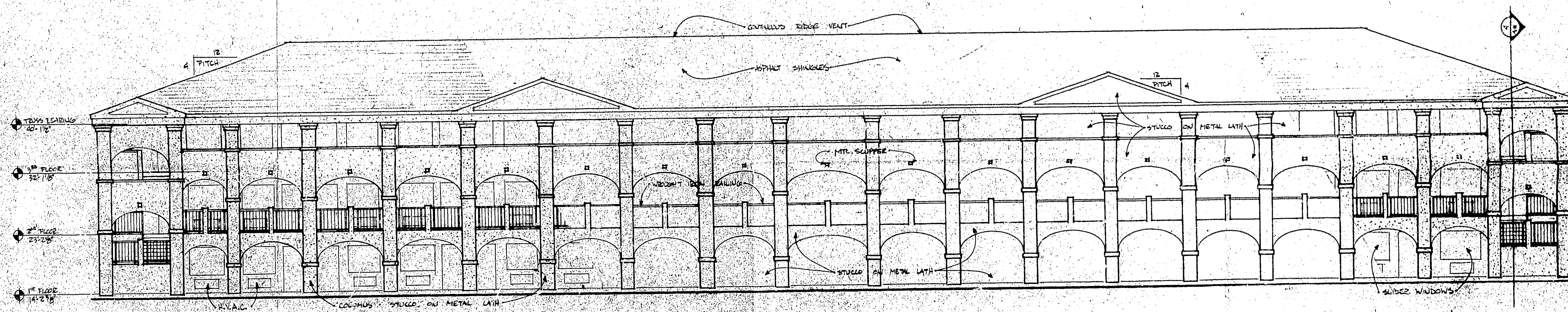
CORNELL VILLITA SITE 3.47 AC BLDG AREA 61,433 SF	REVISIONS 7-14-87 6-21-87 7-27-87 8-3-87 8-14-87
	FOR NO. SET NO. DATE D.W.N. CAD.
TOWN CENTER PUD POPE AVENUE ASSOCIATES BLOCK 5B POPE AVENUE HILTON HEAD ISLAND, SOUTH CAROLINA	This drawing and the design shown are the property of McGinty Associates Architects. The reproduction, copying, or use of the drawings without the written consent of McGinty Associates Architects is prohibited and any infringement will be subject to legal action.
McGinty Associates ARCHITECTS Hilton Head Island, S.C.	

ATTACHMENT I

1139



SOUTH ELEVATION
1/8" = 1'-0"



NORTH ELEVATION
1/8" = 1'-0"

EXTERIOR FINISH SCHEDULE

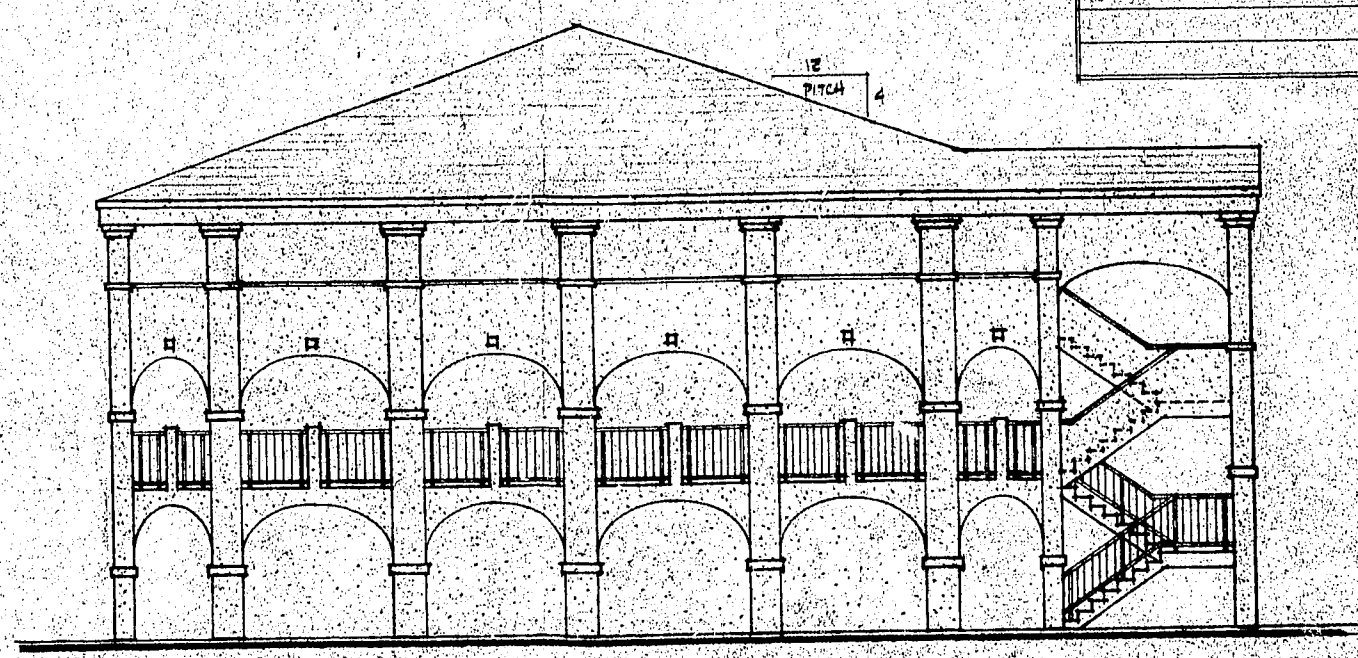
STUCCO - ALL STUCCO TO BE FLORIDA STUCCO, 2 1/2" SAND LIGHT # 17.

DOORS - ALL WOOD DOORS TO BE SOLID WOOD, FLORET FINISH, METAL FRAME.

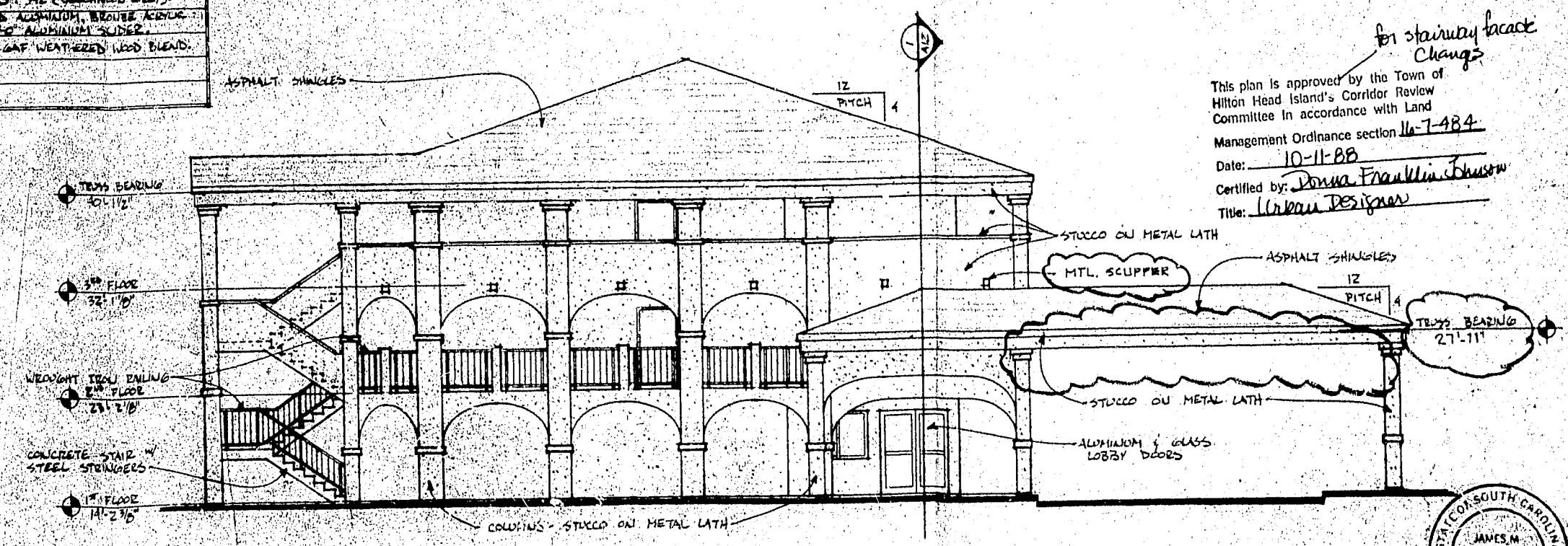
WINDOYS - ALL WINDOYS TO BE BRASS, ALUMINUM, BRASS ACROSS FINISH (ALSO WOOD DOORS) - SEE ALSO ANNOTATIONS.

ROOF - ALL ROOFS TO BE 1/2" ASPHALT SHINGLES, GAF WENTWORTH WOOD BLOCK.

TRIM - ALL TRIM TO BE SPYRES, O.E.T.E. CARBOL (OR BUSHING WOOD).



EAST ELEVATION
1/8" = 1'-0"



WEST ELEVATION
1/8" = 1'-0"

for stairway brace
Change

This plan is approved by the Town of
Hilton Head Island's Corridor Review
Committee in accordance with Land
Management Ordinance section 14-7-4B.4
Date: 10-11-88
Certified by: *Dorcas Franklin*
Title: *Urban Designer*

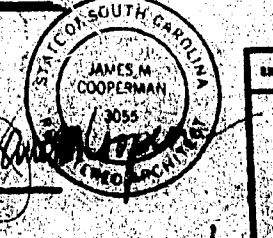
DATE	9-11-87
BY	J.M.C.
CHECKED	J.M.C.
SCALE	AS SHOWN
PROJECT	1139

NO.	DATE	DESCRIPTION
1	10-11-88	REVISED
2	10-11-88	REVISED
3	10-11-88	REVISED
4	10-11-88	REVISED
5	10-11-88	REVISED
6	10-11-88	REVISED
7	10-11-88	REVISED
8	10-11-88	REVISED
9	10-11-88	REVISED
10	10-11-88	REVISED

NO.	DATE	DESCRIPTION
1	10-11-88	REVISED
2	10-11-88	REVISED
3	10-11-88	REVISED
4	10-11-88	REVISED
5	10-11-88	REVISED
6	10-11-88	REVISED
7	10-11-88	REVISED
8	10-11-88	REVISED
9	10-11-88	REVISED
10	10-11-88	REVISED

JAMES M. COOPERMAN AND ASSOCIATES ARCHITECTS INC.
SHELDER TOWER MINNEAPOLIS, MINNESOTA 55428

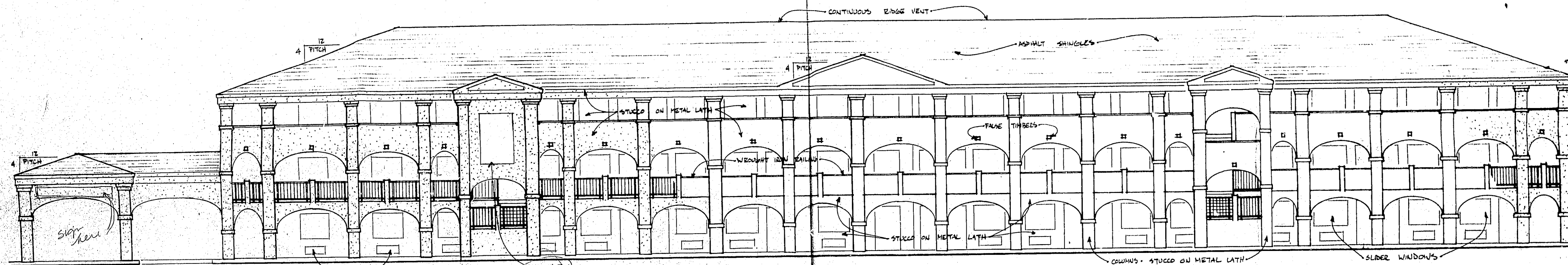
1 HOTEL
SHELDER TOWER
SHELDER TOWER
SHELDER TOWER



NO.	DATE
1	10-11-88
2	10-11-88
3	10-11-88
4	10-11-88
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10	10-11-88

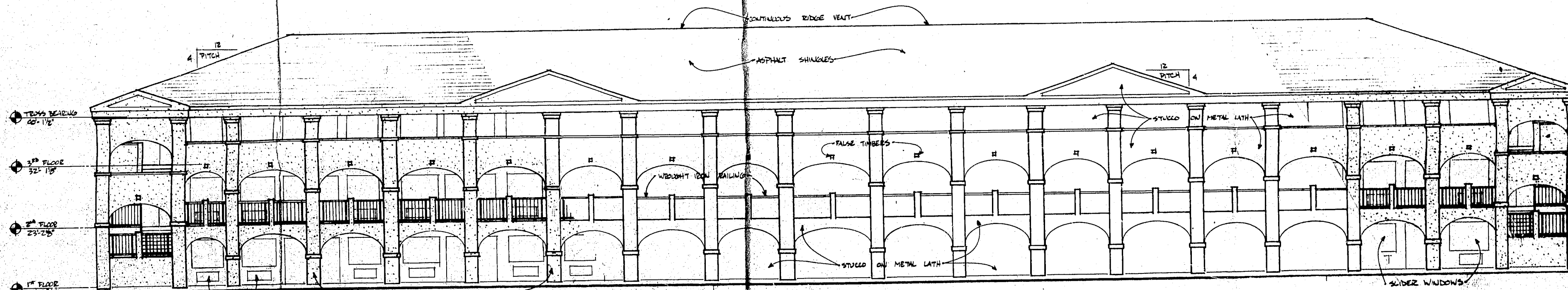
ATTACHMENT I

1140



SOUTH ELEVATION

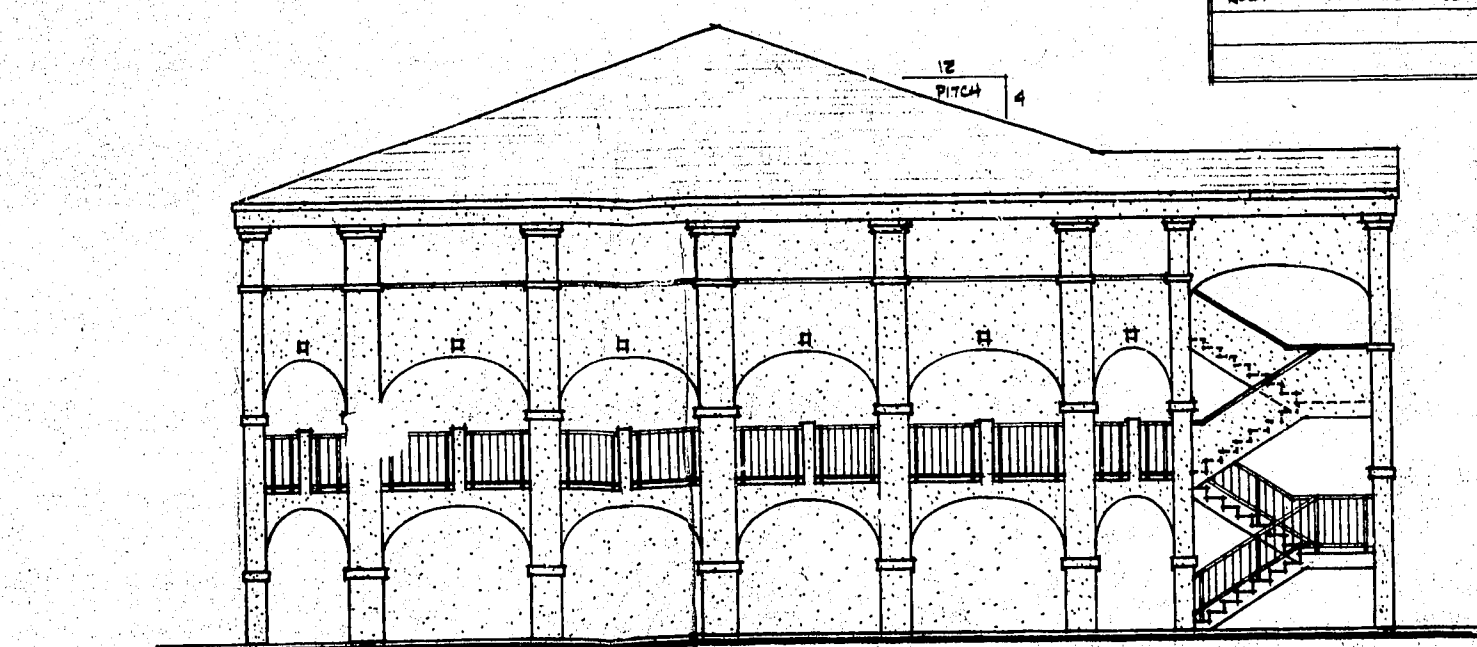
1/8" = 1'-0"



NORTH ELEVATION

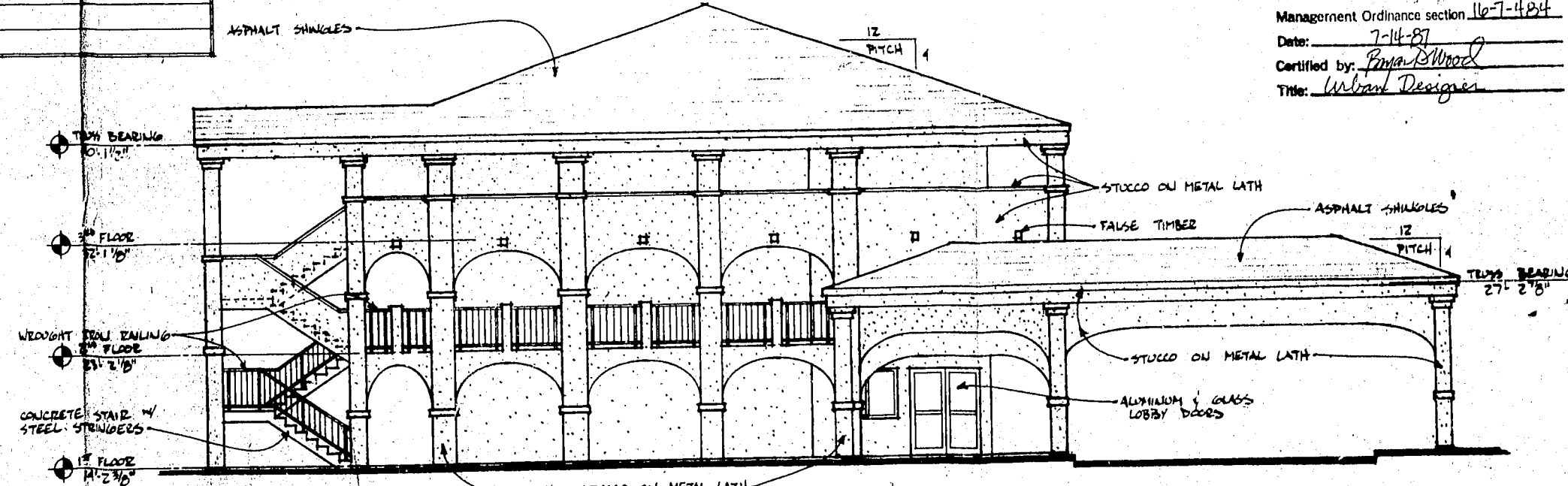
1/8" = 1'-0"

EXTERIOR FINISH SCHEDULE	
STUCCO	- ALL STUCCO TO BE FLORIDA STUCCO, 2 1/2" THICK, SANDLIGHT # 417.
DOORS	- ALL WOOD DOORS TO BE SOLID WOOD, FINISH PAINTED BY METAL FRAME, MOOREWOOD BUCKLEFIN TRIM/ACCENT (LIGHT BROWN).
TRIM	- ALL TRIM TO BE EXPRESS OAK PIE, CARBON STAIN (DARK BROWN GREY).
WINDOWS	- ALL WINDOWS TO BE BROWN TINTED ALUMINUM, HEAVY ACETIC FINISH (ALSO WOOD DOORS) 5/8" x 1/2" ALUMINUM SLIDER.
ROOF	- ALL ROOFS TO BE 1/2" ASPHALT SHINGLES, GAF WEATHERSHIELD WOOD BLEND.



EAST ELEVATION

1/8" = 1'-0"



WEST ELEVATION

1/8" = 1'-0"

This plan is approved by the Town of Hilton Head Island's Corridor Review Committee in accordance with Land Management Ordinance section 110-7-14.04.
 Date: 7-14-87
 Certified by: *John Wood*
 Title: *Urban Designer*

DATE	2-18-87
BY	SC, GCH
FOR	SC, GCH
PROJECT	

NO.	1	2	3
DATE			
BY			
FOR			

NO.	
DATE	
BY	
FOR	

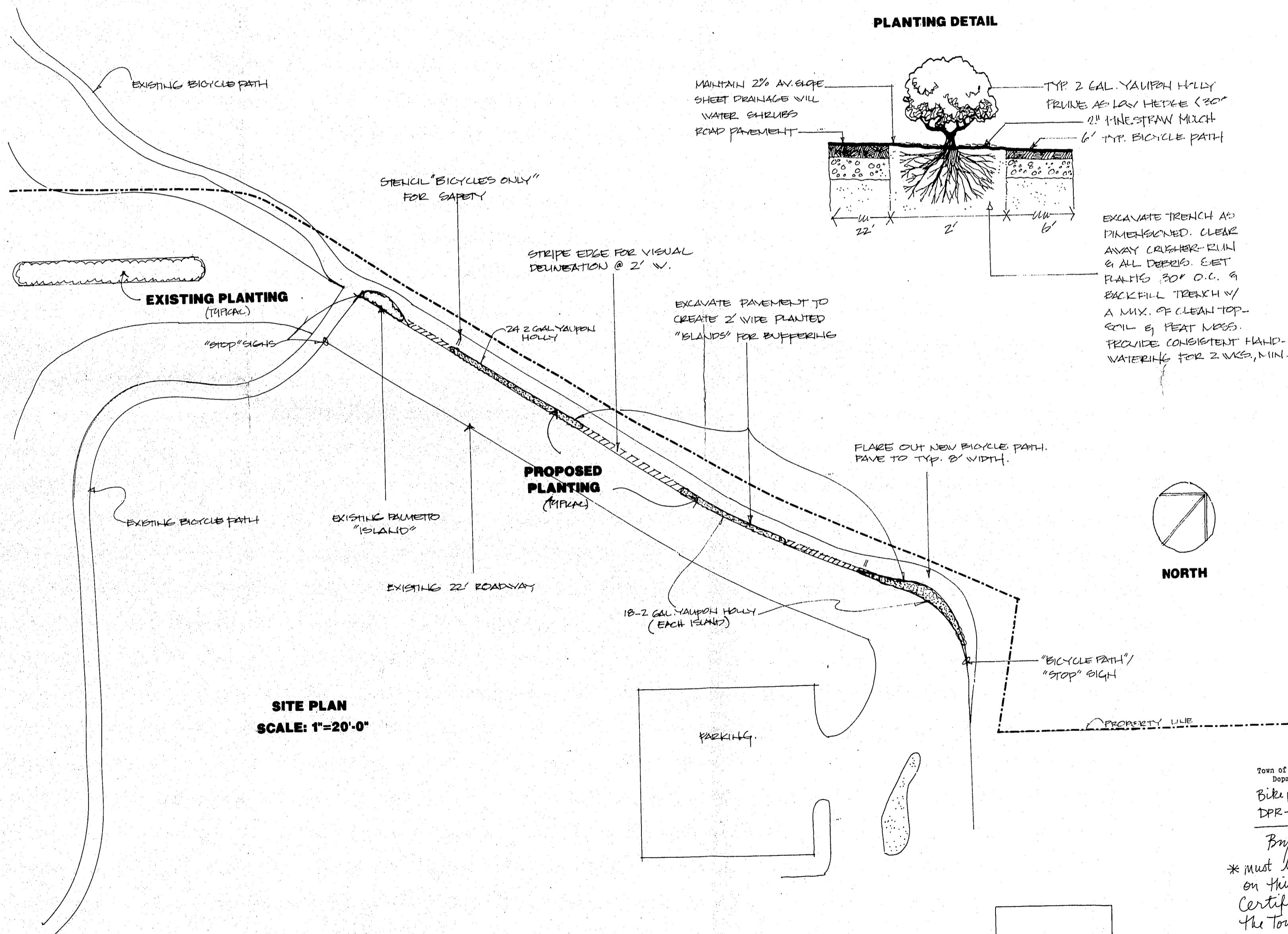
NO.	
DATE	
BY	
FOR	

JAMES M. COOPERMAN
 AND ASSOCIATES ARCHITECTS INC.
 55402
 MINNEAPOLIS, MINNESOTA

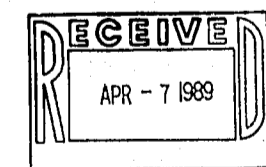
SHELARD TOWER
 SUPER HOTEL
 HILTON HEAD ISLAND, SOUTH CAROLINA

NO.	1
DATE	
BY	
FOR	

1141



SITE PLAN
SCALE: 1"=20'-0"



APPROVED
 Town of Hilton Head Island, South Carolina
 Department of Planning & Inspection
 Bike path layout revision to
 DPR-18687(A)

Bynard Wood 4/7/89
 * must be completed as indicated on this plan prior to Final Certificate of Compliance by the town planning staff
Engineering
 *This plan does not require tree removal

DATE: APRIL 7, 1989

ENTRY ROAD BIKEPATH REVISION FOR:

SUPER 8 MOTEL
 POPE AVENUE
 HILTON HEAD ISLAND, SC

THE VENABLE GROUP

PREPARED FOR:
GRAVES COMMERCIAL BUILDERS

ATTACHMENT I

1142

AVOCET STREET - 50' R/W
(UNOPENED)

SURVEY OF

15.100 ACRES
WATERSIDE
P.U.D.

A SECTION OF

PARCEL 5B
FOREST BEACH
SUBDIVISION

HILTON HEAD ISLAND
BEAUFORT COUNTY
SOUTH CAROLINA

RECORDED IN
THE OFFICE OF THE
CLERK OF COURT
BEAUFORT CO., S.C.
BOOK _____ PAGE _____
DATE: _____
REPLACES PLATS IN
BOOK _____ PAGE _____

PREPARED FOR:

POPE AVENUE
ASSOCIATES

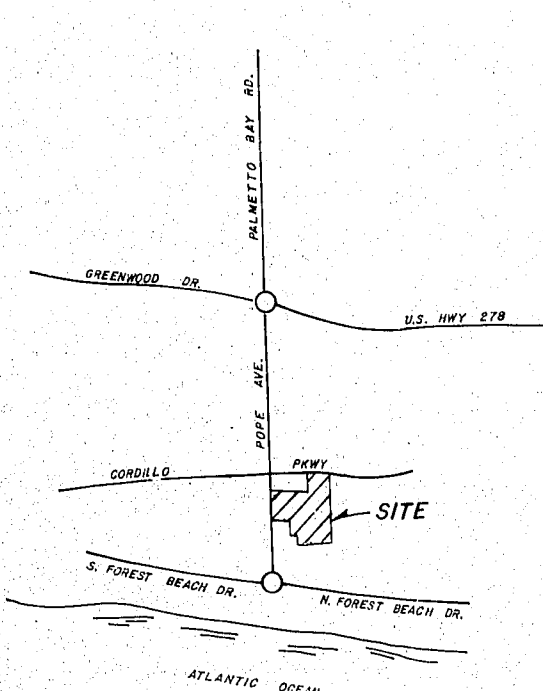
Terry G. Hatchell
TERRY G. HATCHELL
S.C.R.L.S. NO. 11059



CONTRACT NO. 11
SURVEYING CONSULTANTS
OF HILTON HEAD IS., INC.
25-A 16th Circle
Hilton Head Island
South Carolina
(803) 842-3304

SCALE: 1" = 50'
DATE: 12/09/87
FIELD CR:
OFFICE CR:
JOB NO: 5-87
REV'S/IONS:

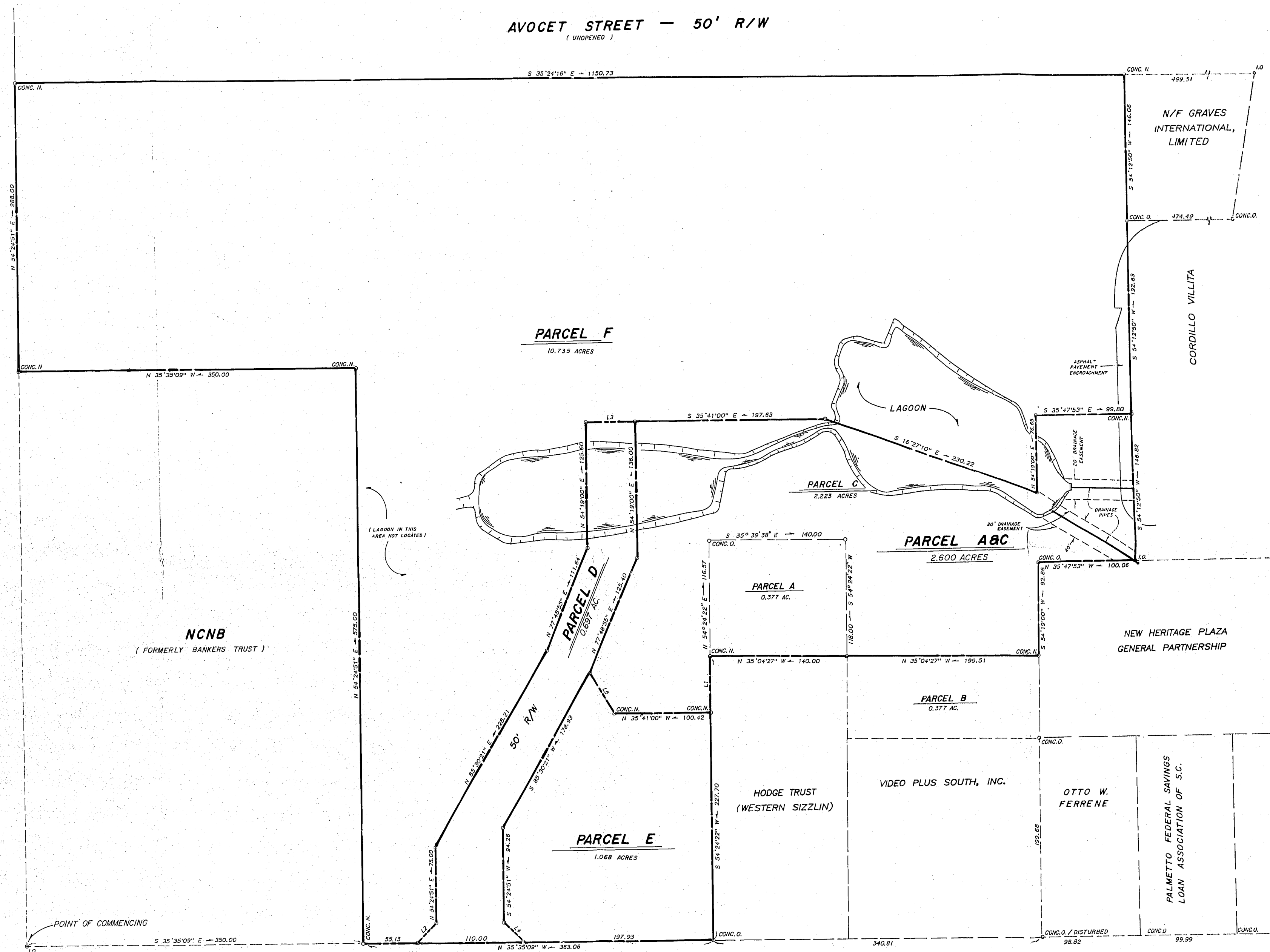
This Plan/Plat/Project
DOES NOT CONSTITUTE DEVELOPMENT
according to the Town of Hilton Head Island's
Land Management Ordinance Section 11-1-2074
Certified by: *Terry G. Hatchell*
Title: *Surveyor*
Date: *12-28-87*



LINE	BEARING	DISTANCE
L1	S 54°24'22" W	55.75
L2	S 80°35'09" E	28.28
L3	S 35°41'00" E	50.00
L4	S 8°24'51" W	28.28
L5	N 22°18'41" E	47.17

- REFERENCE PLATS:
- RESURVEY - LOTS 154, 155, 156, 158, FOREST BEACH SUBDIVISION, A SUBDIVISION OF SEA PINES PLANTATION, BY TOM V. WILDER, S.C.R.L.S. NO. 4577, DATED: 5/21/84, RECORDED: P.B. 32, PG. 72, 6/7/84.
 - PLAT OF 22.61 ACRES, PORTION OF BLOCK 5B, FOREST BEACH SUBDIVISION, BY W. G. FOSTER, R.L.S. NO. 2753, DATED: 5/29/74, RECORDED: P.B. 22, PG. 186.
 - ASBUILT PLAT OF HERITAGE PLAZA, POPE AVENUE, BY E. H. FRIEDLUND, R.L.S. 4824, DATED: 8/29/76, REVISED: 10/3/76, RECORDED: P.B. 21, PG. 59, 10/3/76.
 - CORDILLO VILLITA - PHASE 1, CONDOMINIUM ASSOCIATES, INC., DATED: 11/27/73, RECORDED: PB. 21, PG. 181.
 - 2.600 ACRES AND FUTURE 50' R/W, BY TERRY G. HATCHELL, SURVEYING CONSULTANTS, R.L.S. 11059, DATED: 1/09/86, LAST REVISED: 7/06/87.

CORDILLO PARKWAY - 100' R/W



ACREAGE

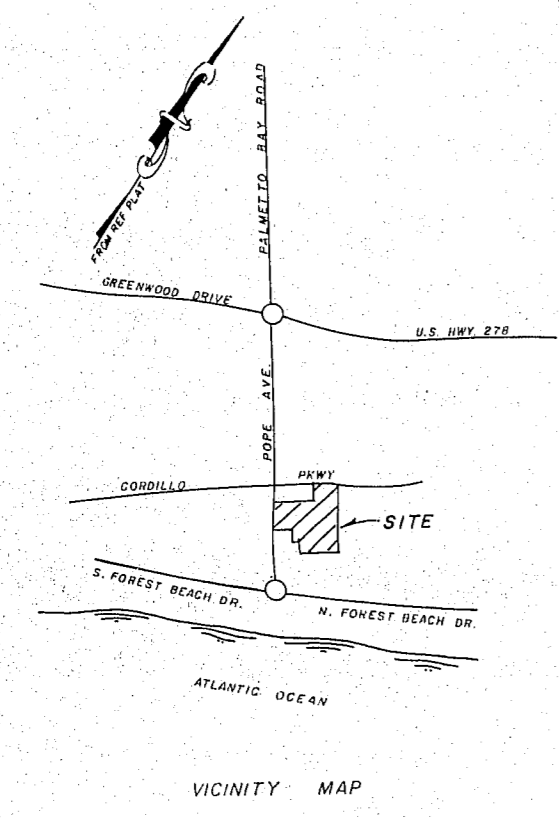
ABC	2.600 AC.
D	0.697 AC.
E	1.068 AC.
F	10.735 AC.
TOTAL	15.100 ACRES

POPE AVENUE - 100' R/W

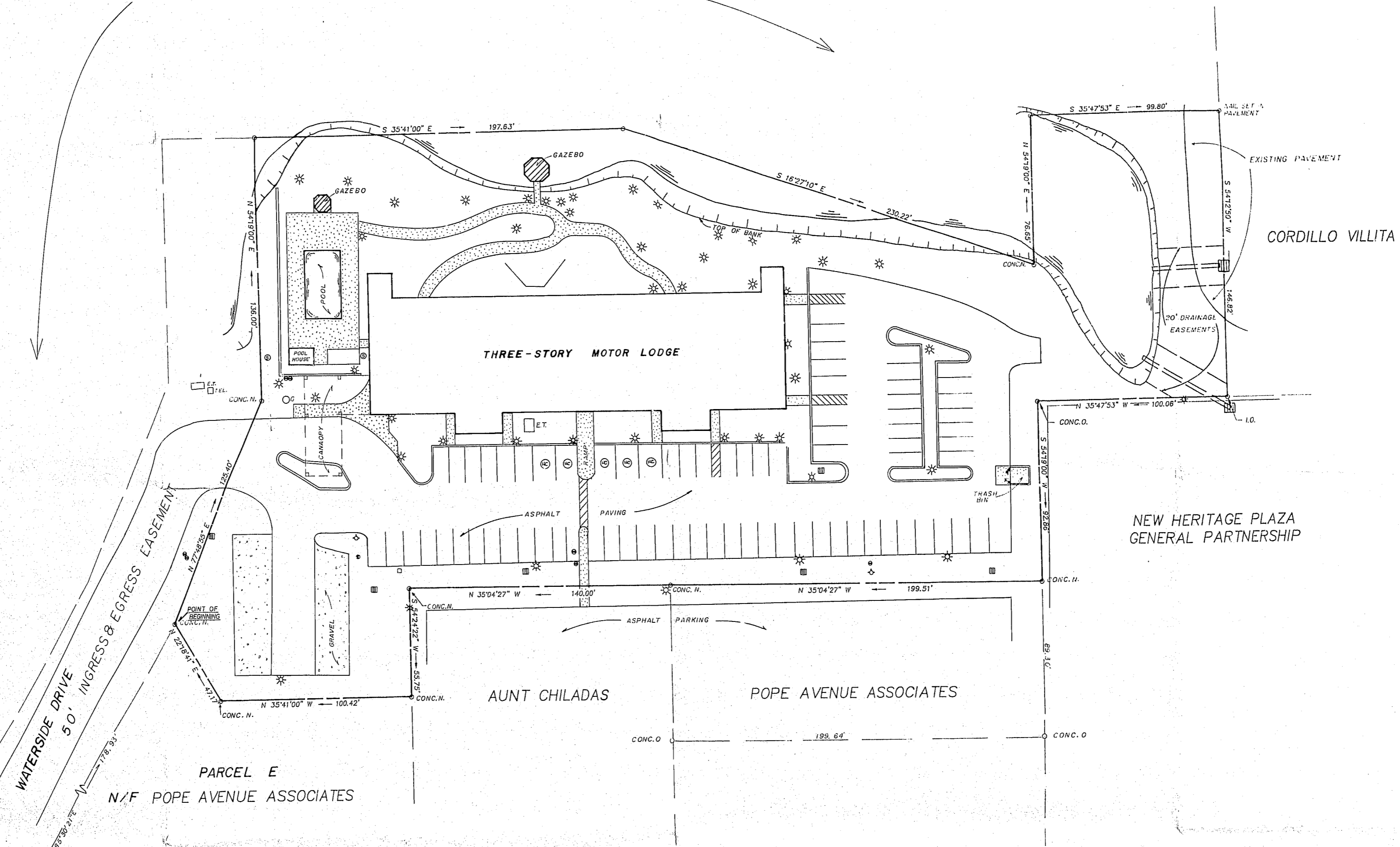
- NOTES:
- I HEREBY CERTIFY THAT THE RATIO OF PRECISION OF THE UNADJUSTED FIELD SURVEY IS 1/100,000 AS SHOWN HEREON; THE AREA WAS DETERMINED BY THE D.M.G. METHOD OF AREA DETERMINATION; AND MONUMENTS HAVE BEEN PLACED AS SHOWN HEREON.
 - THIS LOT IS LOCATED IN ZONE A-7, A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY H.L.D., PANEL 1, COMMUNITY NO. 420000, MAP DATED 5/29/86, BASE ELEVATION 14.0.
 - SEE RESTRICTIVE COVENANTS, RECORDED AT D.B. 78, PAGE 306, ARTICLE III, PARAGRAPH 13, DECLARATION OF RIGHTS, BY THE HILTON HEAD COMPANY, FOR GENERAL USE AND CONVEYANCE EASEMENT FOR ELECTRICAL, TELEPHONE, SEWER, WATER, ETC.

ATTACHMENT I

1143



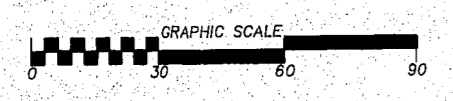
PARCEL F
N/F POPE AVENUE ASSOCIATES



- LEGEND:
- ✱ FIRE HYDRANT
 - LIGHT
 - ⊕ GRATE INLET
 - WATER VALVE
 - G GAS VALVE & TANK
 - ▭ CONCRETE CURB & GUTTER
 - ▭ CONCRETE SIDE WALK
 - E.T. ELECTRICAL TRANSFORMER
 - TEL. TELEPHONE BOX
 - CONC. O. CONCRETE MONUMENT, OLD (FOUND)
 - I.D. IRON PIPE, OLD (FOUND)
 - CONC. N. CONCRETE MONUMENT, NEW (SET)
 - I.N. IRON PIPE, NEW (SET)
 - SANITARY MANHOLE

- REFERENCE PLATS:
1. 15,100 ACRES, WATERSIDE P.U.D., PARCEL 53, FOREST BEACH SUBDIVISION, BY: TERRY G. HATCHELL, S.C.P.L.S. NO. 11059, SURVEYING CONSULTANTS OF HILTON HEAD, INC., DATED: DECEMBER 9, 1987.

- NOTES
1. I CERTIFY THAT THE RATIO OF PRECISION OF THE UNADJUSTED FIELD SURVEY IS 1/18,500 AS SHOWN HEREON; THE AREA WAS DETERMINED BY D.M.D. METHOD OF AREA DETERMINATION; AND MONUMENTS HAVE BEEN PLACED AS SHOWN HEREON.
 2. THIS LOT IS LOCATED IN ZONE A-7, A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY H.U.D. PANEL 1-D, COMMUNITY NO. 450250, MAP DATED 9/29/66, BASE ELEVATION 14.0.
 3. UNDERGROUND UTILITIES HAVE NOT BEEN LOCATED.



AN
ARBITRARY
SURVEY OF

**2,600 ACRES
SUPER 8
LODGE
PARCELS A & C**

A SECTION OF
**WATERSIDE
P.U.D.**

HILTON HEAD ISLAND
BEAUFORT COUNTY
SOUTH CAROLINA

RECORDED IN
THE OFFICE OF THE
CLERK OF COURT
BEAUFORT COUNTY, S.C.
P.B. PAGE
DATE
REPLACES PLAT IN
P.B. PAGE
PREPARED FOR

**HILTON HEAD SUPER 8
& CHARTER FEDERAL
SAVINGS & LOAN**

Terry G. Hatchell
TERRY G. HATCHELL
S.C.P.L.S. NO. 11059

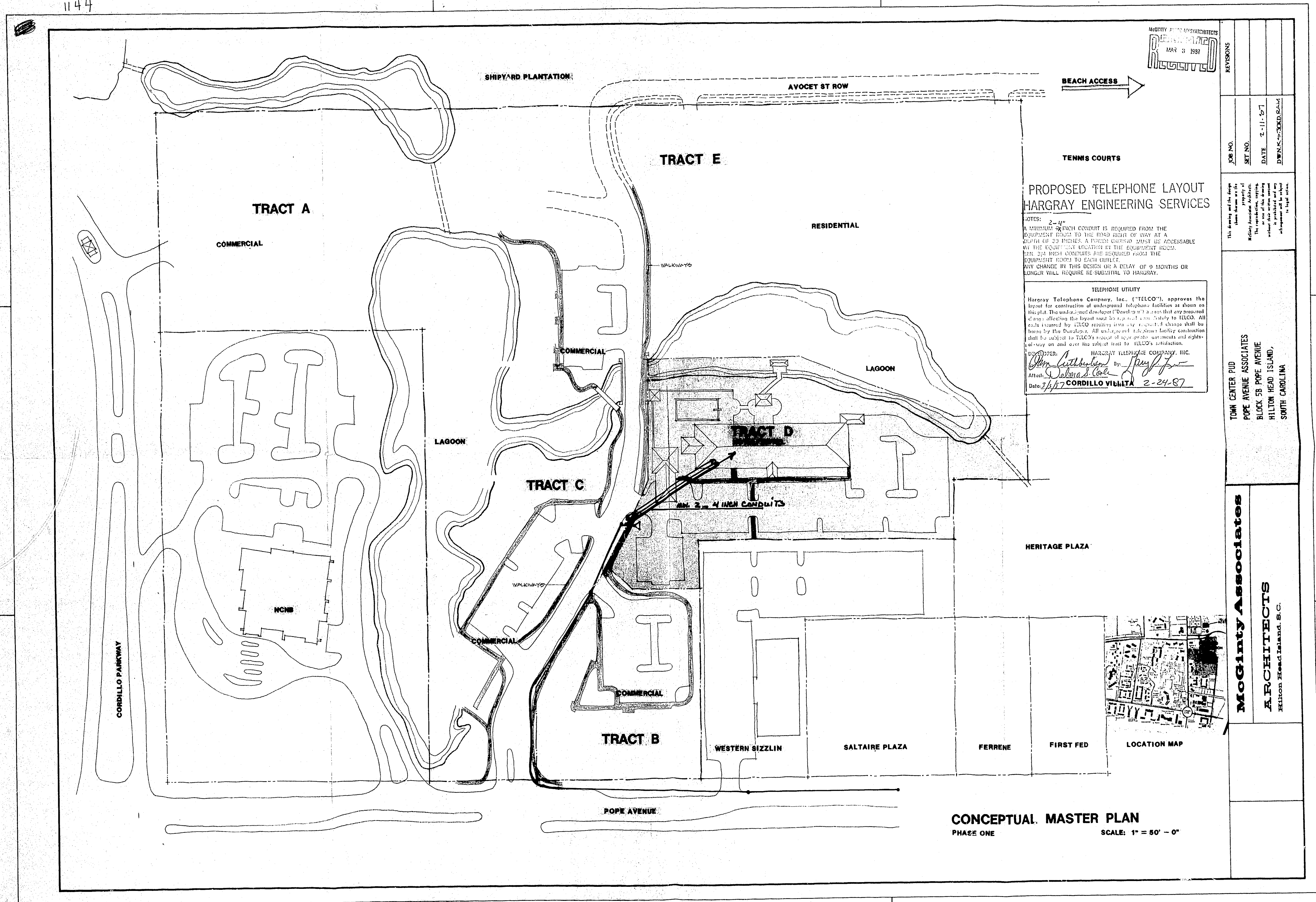


SURVEYING CONSULTANTS OF
HILTON HEAD ISLAND, INC.
20-A Bow Circle
Hilton Head Island
South Carolina
(803) 842-3304

SCALE: 1" = 30'
DATE: 3/14/89
JOB NO: 113-RBC
REVISIONS:

ATTACHMENT I

1144



McGINTY ASSOCIATES ARCHITECTS
REGISTERED
 1987 3 1987

REVISIONS			
JOB NO.	SET NO.	DATE	BY
		2-11-87	DWN/S/XXX/SLM

PROPOSED TELEPHONE LAYOUT
HARGRAY ENGINEERING SERVICES

NOTES:
 2-4"
 A MINIMUM 24 INCH CONDUIT IS REQUIRED FROM THE EQUIPMENT ROOM TO THE ROAD RIGHT OF WAY AT A DEPTH OF 24 INCHES. A POWER EQUIPMENT MUST BE ACCESSIBLE AT THE EQUIPMENT LOCATION IN THE EQUIPMENT ROOM. MIN. 24 INCH CONDUITS ARE REQUIRED FROM THE EQUIPMENT ROOM TO EACH UTILITY.
 ANY CHANGE IN THIS DESIGN OR A DELAY OF 9 MONTHS OR LONGER WILL REQUIRE RE-SUBMITTAL TO HARGRAY.

TELEPHONE UTILITY

Hargray Telephone Company, Inc. ("TELCO"), approves the layout for construction of underground telephone facilities as shown on this plan. The undersigned developer ("Developer") agrees that any proposed change affecting the layout must be approved in writing by TELCO. All calls incurred by TELCO resulting from any proposed change shall be borne by the Developer. All underground telephone facility construction shall be subject to TELCO's receipt of separate work orders and right-of-way on and over the subject land to TELCO's satisfaction.

DEVELOPER: HARGRAY TELEPHONE COMPANY, INC.
John L. Lathrop by *John L. Lathrop*
 Attach: *Debra S. Cole*
 Date: 2/11/87 CORDILLO VILLITA 2-24-87

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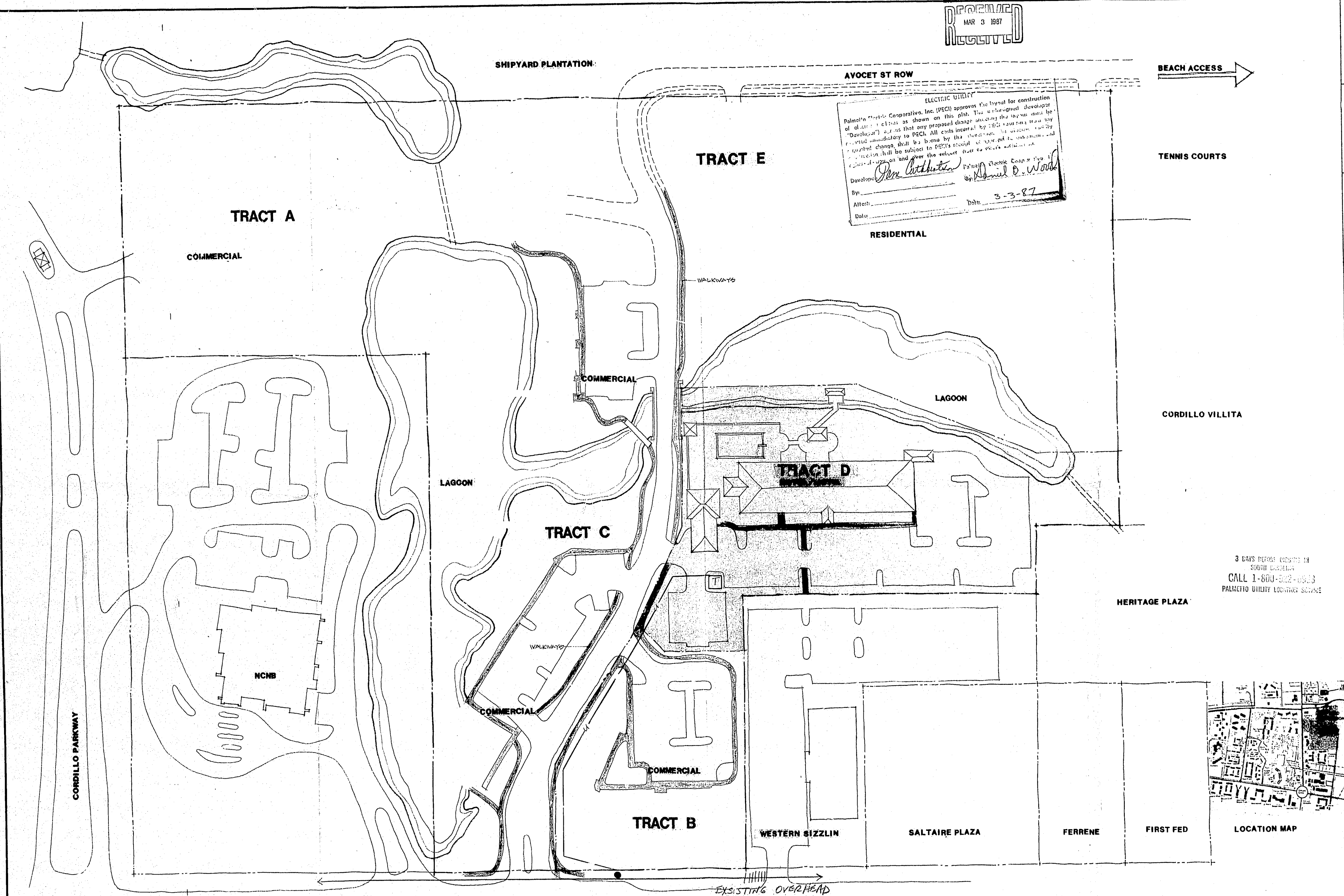
TOWN CENTER PUD
 POPE AVENUE ASSOCIATES
 BLOCK 5B POPE AVENUE
 HILTON HEAD ISLAND,
 SOUTH CAROLINA

McGinty Associates
ARCHITECTS
 Hilton Head Island, S.C.

CONCEPTUAL MASTER PLAN
 PHASE ONE
 SCALE: 1" = 50' - 0"

1145

McGINTY ASSOCIATES/ARCHITECTS
PRELIM
MAR 3 1987



ELECTRIC UTILITY
Palmetto Electric Cooperative, Inc. (PECH) approves the layout for construction of all electrical services as shown on this plan. The work required to develop the "Developer" and all other proposed changes affecting the system shall be the responsibility of the Developer. All costs incurred by PECH in connection with the construction of the system shall be borne by the Developer. In addition, any proposed change shall be subject to PECH's review and approval. PECH's decision shall be final and given the authority over to the Developer.

By: *John L. Williams* PECH Electric Cooperative, Inc.
Date: 3-3-87

REVISIONS			
JOB NO.	SET NO.	DATE	DESCRIPTION
		2-11-87	DWY/K/S/TKD/CAW

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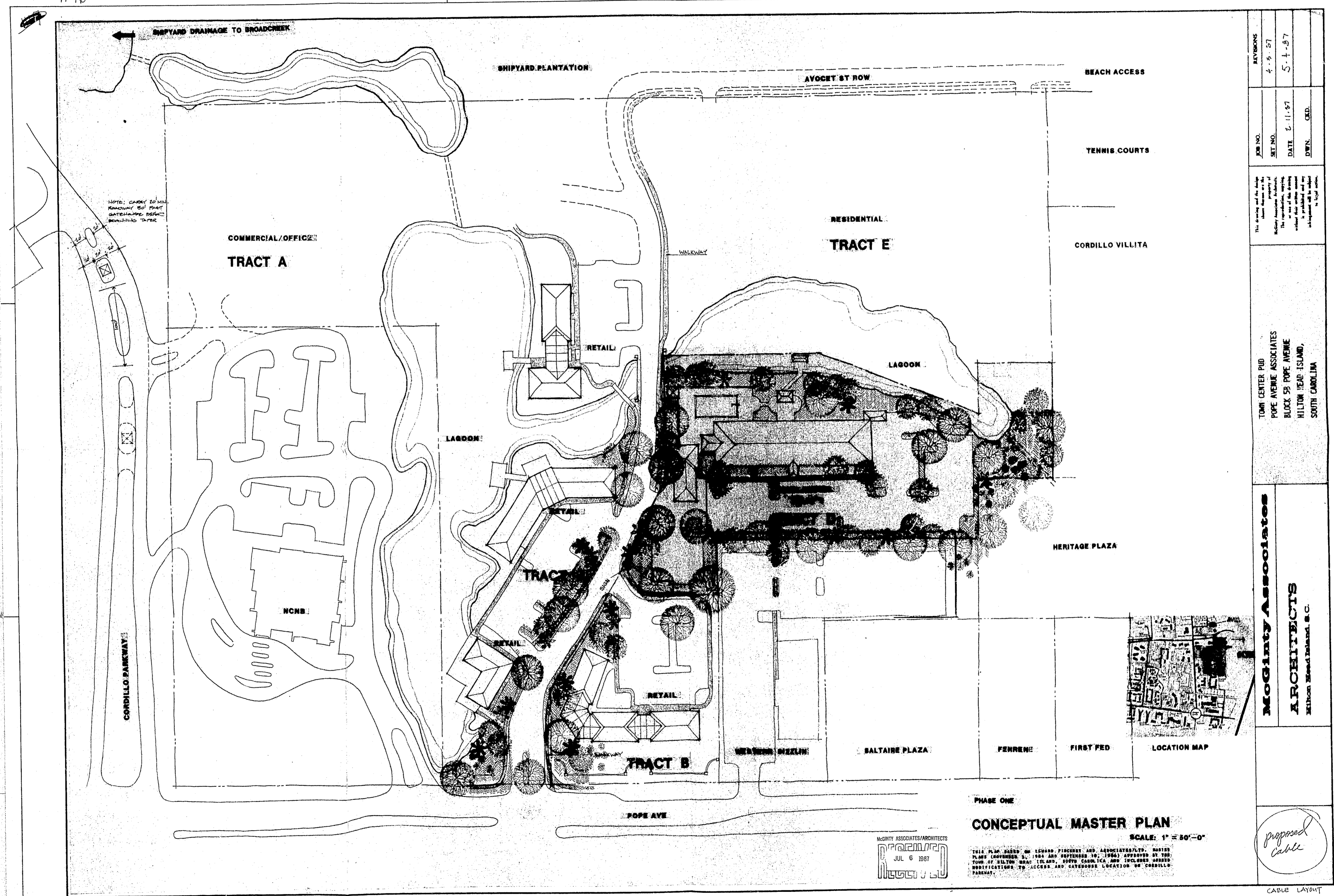
TOWN CENTER PID
POPE AVENUE ASSOCIATES
BLOCK 5B POPE AVENUE
HILTON HEAD ISLAND,
SOUTH CAROLINA

3 DAYS BEFORE OPENING IN
SOUTH CAROLINA
CALL 1-800-522-0923
PALMETTO UTILITY LOCATING SERVICE

McGinty Associates
ARCHITECTS
Hilton Head Island, S.C.

CONCEPTUAL MASTER PLAN
PHASE ONE
SCALE: 1" = 50' - 0"

1146



NOTE: CARRY TO MILL
 RAILROAD 50' FIRST
 BATHING BEACH
 BOUNDARY LINE

REVISED	4-9-87
DATE	5-4-87

JOB NO.	DATE	DWN.	CRD.
SET NO.	2-11-87		

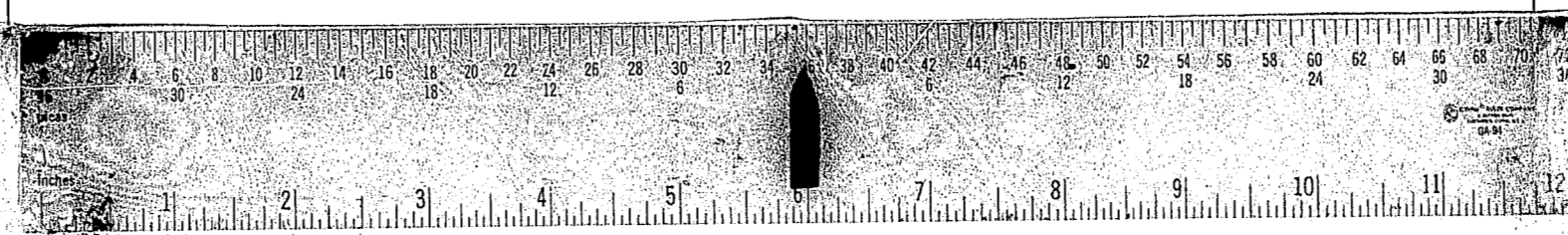
This drawing is the property of McGinty Associates, Inc. The reuse of this drawing without the written consent of McGinty Associates, Inc. is prohibited and any attempt will be subject to legal action.

TOWN CENTER PUD
 POPE AVENUE ASSOCIATES
 BLOCK 58 POPE AVENUE
 HILTON HEAD ISLAND,
 SOUTH CAROLINA

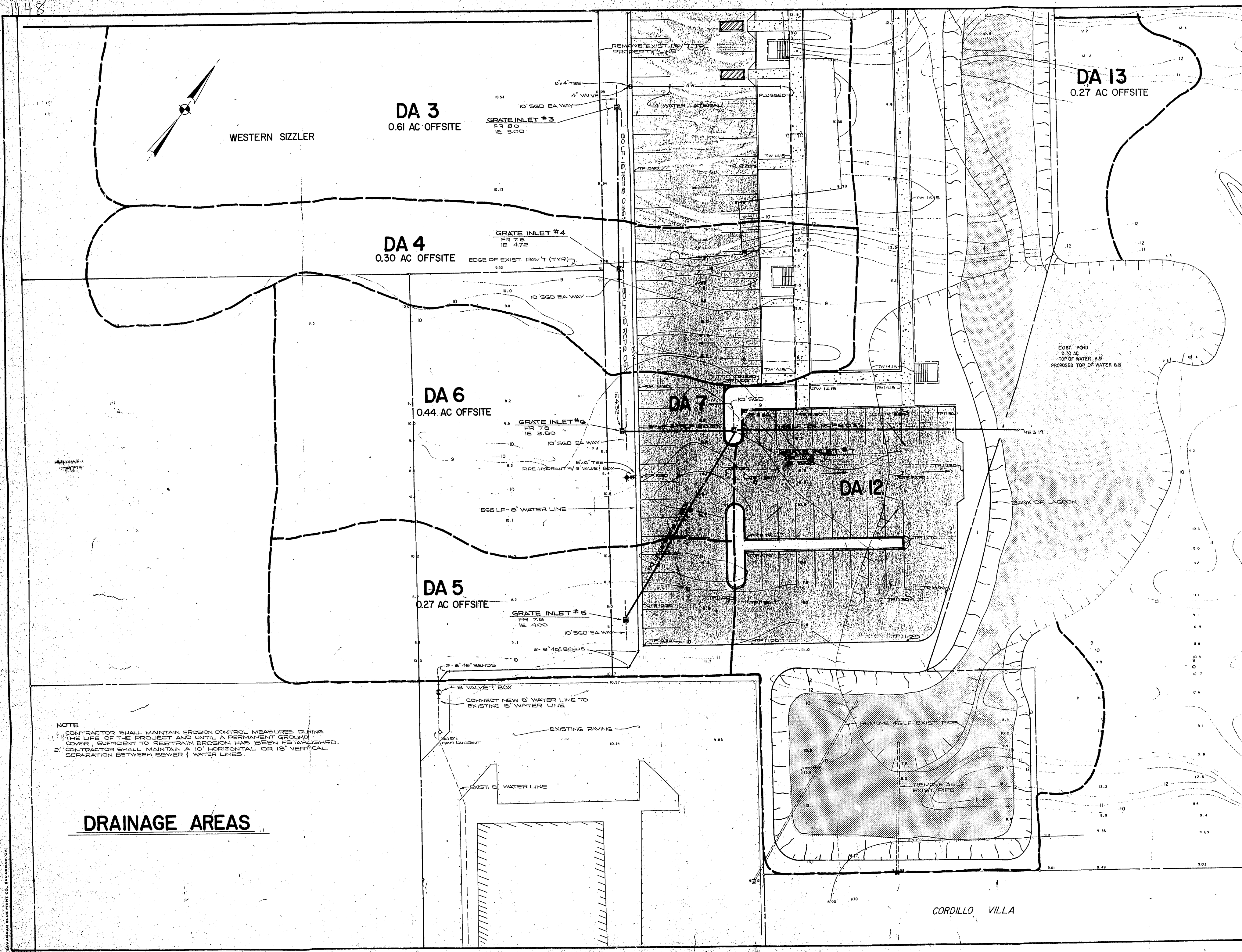
McGinty Associates
ARCHITECTS
 1111000 Hilton Head Island, S.C.

Proposed Cable

CABLE LAYOUT



ATTACHMENT I



NOTE
 1. CONTRACTOR SHALL MAINTAIN EROSION CONTROL MEASURES DURING THE LIFE OF THE PROJECT AND UNTIL A PERMANENT GROUND COVER SUFFICIENT TO RESTRAIN EROSION HAS BEEN ESTABLISHED.
 2. CONTRACTOR SHALL MAINTAIN A 10' HORIZONTAL OR 18" VERTICAL SEPARATION BETWEEN SEWER & WATER LINES.

DRAINAGE AREAS

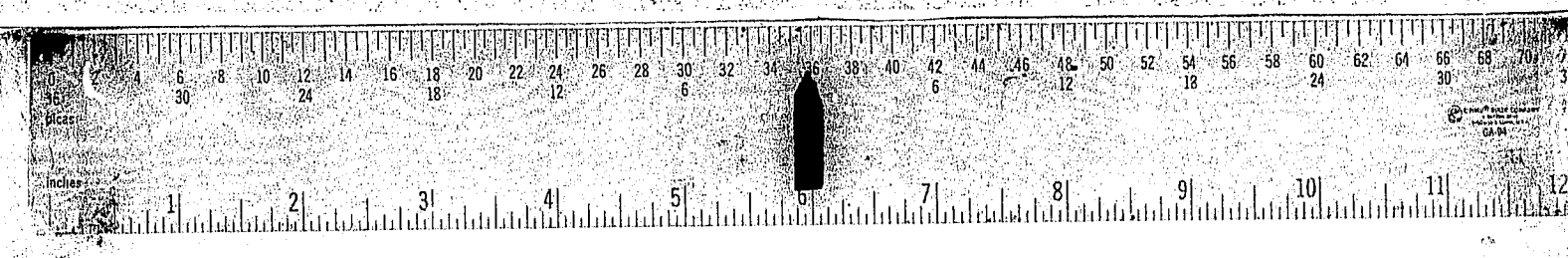
NO.	DATE	REVISION

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

SUPER 8 MOTEL
 FOREST BEACH PUBLIC SERVICE DISTRICT
 SOUTH CAROLINA
 HILTON HEAD ISLAND
 SITE DEVELOPMENT

JOB NO. J-5120
 DATE 2/25/87
 DRAWN JS
 CHECKED MB
 SCALE 1" = 20'

SHEET
 RECEIVED
 JUL 2 1987
 14 OF



1149

Series 70

Technical drawing of a lighting fixture, Series 70. It includes a perspective view of a rectangular fixture and a cross-section diagram showing internal components and mounting details. The drawing is labeled with 'Series 70' and includes various technical annotations and dimensions.

Series 1030-1032-1034

Technical drawing of a lighting fixture, Series 1030-1032-1034. It includes a perspective view of a cylindrical fixture and a cross-section diagram. The drawing is labeled with 'Series 1030-1032-1034' and includes various technical annotations and dimensions.

ORDERING GUIDE SERIES 1030

Quantity	Series	1030
1	1030	
2	1030	
3	1030	
4	1030	
5	1030	
6	1030	
7	1030	
8	1030	
9	1030	
10	1030	
11	1030	
12	1030	
13	1030	
14	1030	
15	1030	
16	1030	
17	1030	
18	1030	
19	1030	
20	1030	

ORDERING GUIDE SERIES R-1032 R-1034

Quantity	Series	R-1032	R-1034
1	R-1032		
2	R-1032		
3	R-1032		
4	R-1032		
5	R-1032		
6	R-1032		
7	R-1032		
8	R-1032		
9	R-1032		
10	R-1032		
11	R-1032		
12	R-1032		
13	R-1032		
14	R-1032		
15	R-1032		
16	R-1032		
17	R-1032		
18	R-1032		
19	R-1032		
20	R-1032		

Series PF-1020

Technical drawing of a lighting fixture, Series PF-1020. It includes a perspective view of a cylindrical fixture and a cross-section diagram. The drawing is labeled with 'Series PF-1020' and includes various technical annotations and dimensions.

ORDERING GUIDE PF-1020

Quantity	Series	PF-1020
1	PF-1020	
2	PF-1020	
3	PF-1020	
4	PF-1020	
5	PF-1020	
6	PF-1020	
7	PF-1020	
8	PF-1020	
9	PF-1020	
10	PF-1020	
11	PF-1020	
12	PF-1020	
13	PF-1020	
14	PF-1020	
15	PF-1020	
16	PF-1020	
17	PF-1020	
18	PF-1020	
19	PF-1020	
20	PF-1020	

Series 1010-1011

Technical drawing of a lighting fixture, Series 1010-1011. It includes a perspective view of a cylindrical fixture and a cross-section diagram. The drawing is labeled with 'Series 1010-1011' and includes various technical annotations and dimensions.

ORDERING GUIDE SERIES 1010-1011

Quantity	Series	1010	1011
1	1010		
2	1010		
3	1010		
4	1010		
5	1010		
6	1010		
7	1010		
8	1010		
9	1010		
10	1010		
11	1010		
12	1010		
13	1010		
14	1010		
15	1010		
16	1010		
17	1010		
18	1010		
19	1010		
20	1010		

Series 1010-1011

Technical drawing of a lighting fixture, Series 1010-1011. It includes a perspective view of a cylindrical fixture and a cross-section diagram. The drawing is labeled with 'Series 1010-1011' and includes various technical annotations and dimensions.

ORDERING GUIDE SERIES 1010-1011

Quantity	Series	1010	1011
1	1010		
2	1010		
3	1010		
4	1010		
5	1010		
6	1010		
7	1010		
8	1010		
9	1010		
10	1010		
11	1010		
12	1010		
13	1010		
14	1010		
15	1010		
16	1010		
17	1010		
18	1010		
19	1010		
20	1010		

FIXTS EQUAL TO THESE WILL BE USED

LIGHTING

- Post top mounted fixture on 20' pole.
- In addition to the covered walk lighting, selected trees, plant beds and walls will be highlighted with ground lights.
- Ground lighting along the lagoon will be provided at approximately 20' intervals.

12 Bldg. mounted lights
+ 4 m. cast

McGinty Associates
ARCHITECTS
Hilton Head Island, S.C.

TOWN CENTER PUD
POPE AVENUE ASSOCIATES
BLOCK 5B POPE AVENUE
HILTON HEAD ISLAND,
SOUTH CAROLINA

KEYNOTES

DWG NO. _____
SET NO. _____
DATE 8-11-57
DWN. O.C.D.

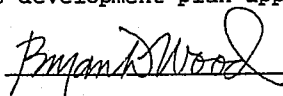
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ATTACHMENT I

Notice of Action Taken,
Development Plan Name: Super 8 Lodge
Application No.: DPR-18-87(A)
Page 2

The Town of Hilton Head Island has found this development to be in accordance with the Town's Land Management Ordinance and has authorized this development plan approval.

By:



Title: Urban Designer

This approval is subject to the following condition(s):

1. This approval incorporates conditions of
 - a. SCDHPT Encroachment permit;
 - b. SC DHEC water & sewer construction permits;
 - c. SC Coastal Council certification;
 - d. US Army Corps of Engineers 404 Permit;
 - e. Hilton Head Company Plans Approval Board.
2. Subject also to conditions of Town Corridor Review Committee, and Tree Approval #A-30.
3. Subject to notes/comments made on approved site development plans.
4. A building permit will not be issued for the Super 8 Motel until the development plan approval is obtained for parking lot revisions to Western Sizzlin site.

NOTE:

This development is exempt from amendments to the LMO until February 24, 1988 in accordance with LMO Section 16-7-666.

cc: Long Range Planning Section
Inspections Division

* Approved plans updated January 12, 1988 to include phasing plan. See attached letter from Allen Cauble dated January 5, 1988 and approved development plans.

ATTACHMENT I

DEVELOPMENT SUMMARY

DEVELOPMENT NAME: Super 8 Motel

LOCATION: Paper Avenue

NAME & ADDRESS OF DEVELOPER/APPLICANT:	NAME & ADDRESS OF OWNER:
<u>Richard A. Mc Ginty</u>	<u>Dope Inc. Associated</u>
<u>same as</u>	<u>c/o R.A. Mc Ginty</u>
	<u>11 Lagoon Rd</u>
	<u>Hilton Head, SC 29928</u>

TYPE OF DEVELOPMENT: 94 room motel

NUMBER OF UNITS:	NON-RESIDENTIAL
_____	SQUARE FOOTAGE: _____

SITE ACREAGE: <u>3.9</u>	NO. OF STORIES: _____
--------------------------	-----------------------

REVIEWED BY: _____ PLANNING COMMISSION Planning STAFF

TYPE OF REQUEST: _____ ACTION TAKEN: _____

DATE OF ACTION: 8-27-87 DATE OF EXPIRATION: _____

TYPE OF PRIOR ACTION: _____ DATE: _____

ANY VARIANCES REQUIRED: _____

ANY SPECIAL EXCEPTIONS: granted 5-6-87

TRANSPORTATION DIST. #: 0312 TAX MAP #: 18 PARCEL: 202 202B
(Portina)

TAX DISTRICT #: _____ APPLICATION FEE: 1,208.00

DEVELOPMENT PERMIT #: _____ DATE ISSUED: _____

DATE OF CERTIFICATE OF COMPLIANCE: April 14, 1989

TOTAL NUMBER OF PAGES 237

ATTACHMENT I

TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA
CERTIFICATE OF COMPLIANCE — SITE WORK

DATE 14 APR 89

DEVELOPMENT/BUILDING PERMIT NO. BP 7580

INSP/
FILE NO 89.4-10

PROJECT AND PHASE NAME SUPER 8 MOTEL

PROJECT LOCATION POPE AVE

FINAL

TEMPORARY*

PARTIAL*

TOTAL PROJECT/PHASE COMPLETE

TOTAL PROJECT/PHASE INCOMPLETE — SURETY REQUIRED

PORTION OF PROJECT/PHASE COMPLETE — NO SURETY REQUIRED

PORTION OF PROJECT/PHASE COMPLETE — SURETY REQUIRED

*NOTE: (a) IF NEW ITEMS COME INTO NON-COMPLIANCE DURING THE LIFE OF A TEMPORARY OR PARTIAL CERTIFICATE OF COMPLIANCE, THOSE ITEMS SHALL BE CORRECTED BEFORE THE ISSUANCE OF A FINAL CERTIFICATE OF COMPLIANCE.
(b) TEMPORARY/PARTIAL EXPIRATION DATE _____

ITEMS TO BE BONDED

<input type="checkbox"/>	ITEMS TO BE BONDED	AMOUNT	COMMENTS OR SPECIFICATIONS
<input type="checkbox"/>	ROADWAY, PAVING OR PARKING	\$ _____	
<input type="checkbox"/>	SIDEWALKS, WALKWAYS, OR BIKE PATHS	\$ _____	
<input type="checkbox"/>	DRAINAGE OR EROSION	\$ _____	
<input type="checkbox"/>	TREE PLANTING OR REPLACEMENT	\$ _____	
<input type="checkbox"/>	PUBLIC AMENITIES, POOLS, TENNIS COURTS, ETC.	\$ _____	
<input type="checkbox"/>	UTILITIES — WATER, SEWER, POWER, STORM DRAIN, ETC.	\$ _____	
<input type="checkbox"/>	LANDSCAPING — PLANT/GROUND COVER, SEEDING	\$ _____	
<input type="checkbox"/>	OTHER — SIGNAGE, CLEAN-UP, MISCELLANEOUS	\$ _____	
	(SUB TOTAL)	\$ _____	

DATE SURETY PAID _____ \$ _____ + 15% (10% CONTINGEN FEE & 5% ADMINISTRATION FEE)

DATE FILING FEE PAID _____ \$ _____ TOTAL AMOUNT OF SURETY

FORM OF SURETY: CASH CHECK LETTER OF CREDIT BOND

FORM OF SUPPORT DATA: CONTRACTOR'S PROPOSAL ENGINEER'S ESTIMATE

COMMENTS: _____

CC: DIR. PLAN & INSP
CHIEF OF INSP
PLANNING FILE
ENG FILE
SURETY FILE

APPROVED BY [Signature]
TOWN ENGINEER OR DESIGNER

ATTACHMENT I

TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA
 CERTIFICATE OF COMPLIANCE — SITE WORK

INSP/
 FILE NO. 89.2-10

DATE 28 FEB 1989 DEVELOPMENT/BUILDING PERMIT NO. BP 1580

PROJECT AND PHASE NAME SUPER 8 MOTEL

PROJECT LOCATION POPE AVE

- FINAL () TOTAL PROJECT/PHASE COMPLETE
 TEMPORARY* () TOTAL PROJECT/PHASE INCOMPLETE — SURETY REQUIRED
 PARTIAL* (X) PORTION OF PROJECT/PHASE COMPLETE — NO SURETY REQUIRED
 () PORTION OF PROJECT/PHASE COMPLETE — SURETY REQUIRED

*NOTE: (a) IF NEW ITEMS COME INTO NON-COMPLIANCE DURING THE LIFE OF A TEMPORARY OR PARTIAL CERTIFICATE OF COMPLIANCE, THOSE ITEMS SHALL BE CORRECTED BEFORE THE ISSUANCE OF A FINAL CERTIFICATE OF COMPLIANCE.
 (b) TEMPORARY/PARTIAL EXPIRATION DATE 28 AUG 89

ITEMS TO BE BONDED	AMOUNT	COMMENTS OR SPECIFICATIONS
() ROADWAY, PAVING OR PARKING	\$ <u>1,000.00</u>	<u>STRIPING & WHEEL STOPS</u>
() SIDEWALKS, WALKWAYS, OR BIKE PATHS	\$ _____	_____
(X) DRAINAGE OR EROSION	\$ <u>2,000.00</u>	_____
() TREE PLANTING OR REPLACEMENT	\$ _____	_____
() PUBLIC AMENITIES, POOLS, TENNIS COURTS, ETC.	\$ _____	_____
() UTILITIES — WATER, SEWFP, POWER, STORM DRAIN, ETC.	\$ _____	_____
(X) LANDSCAPING — PLANT/ GROUND COVER, SEEDING	\$ <u>15,000.00</u>	_____
(X) OTHER — SIGNAGE, CLEAN UP, MISCELLANEOUS	\$ <u>2,300.00</u>	<u>LANDSCAPING SIGNS</u>

(SUB TOTAL) \$ 15,000.00
 \$ N/A + 15% (10% CONTINGEN FEE & 5% ADMINISTRATION FEE)

DATE SURETY PAID N/A \$ N/A TOTAL AMOUNT OF SURETY
 DATE FILING FEE PAID N/A \$ N/A AMOUNT OF FILING FEE

FORM OF SURETY: () CASH () CHECK () LETTER OF CREDIT () BOND
 FORM OF SUPPORT DATA: (X) CONTRACTOR'S PROPOSAL () ENGINEER'S ESTIMATE

COMMENTS: _____

CC: DIR. PLAN & INSP
 CHIEF OF INSP
 PLANNING FILE
 ENG FILE
 SURETY FILE

APPROVED BY Bud Cullberts
 TOWN ENGINEER OR DESIGNER

ATTACHMENT I

WATERFRONT & ROADWAY CORRIDOR OVERLAY ZONING DISTRICTS

NOTICE OF ACTION TAKEN BY CORRIDOR REVIEW COMMITTEE

R.A. McGinty
11 Lagoon Road
Hilton Head Island, SC 29928

Dear Applicant:

At its September 8, 1987 meeting the Town of
Hilton Head Island Corridor Review Committee recommended the following
action on your project, Super 8 Lodge (sign and landscape plan).

- () TOOK NO ACTION
- () TABLED UNTIL _____ FOR THE FOLLOWING
REASONS _____
- () DISAPPROVED FOR THE FOLLOWING REASONS: _____

- () APPROVED AS SUBMITTED
- () APPROVED WITH THE FOLLOWING CONDITIONS:

Note: Sign subject to permit from Sign Administrator

NOTICE DATE: Sept. 15, 1987 BY: *Bryan D Wood*
Town of Hilton Head Island, 40 Palmetto Pkwy., Hilton Head, SC 29928
(803) 681-8396

CRC 5-23-86

ATTACHMENT I

WATERFRONT & ROADWAY CORRIDOR OVERLAY ZONING DISTRICTS

NOTICE OF ACTION TAKEN BY CORRIDOR REVIEW COMMITTEE

Dear Applicant:

At its July 14, 1987 meeting the Town of
Hilton Head Island Corridor Review Committee recommended the following
action on your project, Super 8 Lodge.

- TOOK NO ACTION
- TABLED UNTIL _____ FOR THE FOLLOWING
REASONS _____
- DISAPPROVED FOR THE FOLLOWING REASONS: _____
- APPROVED AS SUBMITTED
- APPROVED WITH THE FOLLOWING CONDITIONS:

Approve the building elevations and colors, and building site
as submitted.

Resubmit plans for landscaping, lighting and graphic package
for signs for P.U.D.

NOTICE DATE: 7/17/87 BY: Bayan D. Wood / jps
Town of Hilton Head Island, 40 Palmetto Pkwy., Hilton Head, SC 29928
(803) 681-8396

CRC 5-23-86

ATTACHMENT I

WATERFRONT & ROADWAY CORRIDOR OVERLAY ZONING DISTRICTS

NOTICE OF ACTION TAKEN BY CORRIDOR REVIEW COMMITTEE

Mr. R. A. McGinty
11 Lagoon Road
Hilton Head, SC 29928

Dear Applicant:

At its June 9, 1987 meeting the Town of
Hilton Head Island Corridor Review Committee recommended the following
action on your project, Super 8 Motel.

- TOOK NO ACTION
- TABLED UNTIL 7-14-87 FOR THE FOLLOWING
REASONS Until project receives ARB approval.
- DISAPPROVED FOR THE FOLLOWING REASONS: _____
- APPROVED AS SUBMITTED
- APPROVED WITH THE FOLLOWING CONDITIONS:

NOTICE DATE: 6-17-87

BY: *Byrd Wood*

Town of Hilton Head Island, 40 Palmetto Pkwy., Hilton Head, SC 29928
(803) 681-8396

CRC 5-23-86

ATTACHMENT I

Application No. CUR-1-87

TOWN OF HILTON HEAD ISLAND
40 Palmetto Parkway
Hilton Head Island, SC 29928
(803) 681-8396

APPLICATION FOR CONDITIONAL USE REVIEW

Instructions: Please TYPE or PRINT legibly. Attach additional sheets if needed.

Owner(s) of Record
Name: Pope Avenue Associates
Mailing 11 Lagoon Road
Address: Hilton Head Island,
South Carolina 29928
Phone: 785-2444

Applicant(s), if different*
Richard A. McGinty
11 Lagoon Road
Hilton Head Island,
South Carolina 29928
785-2444

* LMO Section 16-7-603 requires the applicant or the designated agent to have a local mailing address and telephone number.

Tax map number(s) 018 and Parcel(s) 000-0202 and acreage 2.6 net of Property.
Property Location: Pope Avenue
Base Zoning District(s) of Property: Central Forest Beach Zoning District
Applicable Overlay Zoning Districts: Road Corridor (See Part B of Article VIII)
Type of Conditional Use: PUD X Non-Contiguous PUD X Town Center P.U.D. Phase I
This is a new PUD or an amendment to an existing PUD X.

Attach the following items:

1. A vicinity map
2. A narrative addressing the proposed development explaining and tabulating the land uses by net acre, number of dwelling units by housing type, residential density and/or square footage of non-residential uses per net acre, open space acreage, potential traffic generation (see Part C of Article VII), overall character and architectural style, the relationship of the proposed development to existing development in the area and other related development features.
3. A master plan schematically showing major streets, major utilities, land uses, entrance locations on existing streets, major open space and buffers and a conceptual drainage plan.
4. A statement of how the proposed development is consistent with the Comprehensive Plan.
5. Filing Fee: \$200.00 payable to the Town of Hilton Head Island. (Show name of project on the face of check.)

NOTE: The Planning Commission may request other relevant information.

To the best of my knowledge, the information on this application and accompanying documentation is true, factual and complete. I hereby agree to abide by all conditions imposed by the Town of Hilton Head Island if this conditional use is granted; I understand that such conditions shall apply to the subject property only, and are a right or obligation transferable by sale.

[Signature] _____ Date 4/6/87
Signature of Applicant (or Duly Authorized Agent)

LMO 022087 ACUR

ATTACHMENT I

Application No: _____

RECEIVED
MAY 26 1987

Ans'd.....

TOWN OF HILTON HEAD ISLAND
40 PALMETTO PARKWAY
HILTON HEAD ISLAND, S.C. 29928
PHONE (803) 681-8396

APPLICATION FOR CORRIDOR REVIEW
(Road and Waterfront Corridor Overlay Zoning Districts,
all Conservation, C-6, and RD-2 Districts)

Instructions: Please TYPE or PRINT legibly. Attach additional sheets if necessary.

This application is for: New Development
 Alteration or Addition
 Minor External Changes only
 Sign only
 Delegated ARB review

Project Name: Super 8 Motel
Tax Map Number(s) 018 and Parcel(s) 000-0202 of property. RD-1
Zoning District(s) under which CRC approval is required: _____
Use(s) and Density of Project: Motel; 24 rooms/acre

Name of private architectural review board with jurisdiction over property, if applicable: Hilton Head Co. ARB

Applicant(s)* R. A. McGinty All Duly Authorized Agents*
Name: Herb King
Mailing Address: 11 Lagoon Road P. O. Box 8062
Hilton Head, SC 29928 Hilton Head, SC 29938
Phone: 785-2444 785-6666

* LMO Section 16-7-603 requires the applicant or the authorized agent have a local mailing address and telephone number.

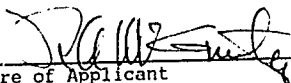
Attach the following items:

1. Plans, Drawings, Photographs and/or Narratives showing:
 - ✓(a) Surveyed property lines. *in DPR file*
 - ✓(b) Survey of existing topography and the location of trees meeting the Tree Protection regulations of Article IX.
 - (c) Site plans showing all buildings (including roof lines) and all site improvements with distances and dimensions required by this chapter clearly labeled.
 - ✓(d) Photographs or drawings of neighboring uses and architectural styles.
 - ✓(e) Location of bordering streets and existing and approved access points.
 - ✓(f) Sign location, materials, colors, size, shape, and lighting if known at development plan approval stage. *needs more info*
 - (g) Parking lot design and materials, final site lighting plans and final landscaping plans as may be required by Section 16-7-856.
 - ✓(h) Floor plans and elevation drawings including exterior building materials and colors.

ATTACHMENT I

- (i) If applicable, location of bordering marshes, beaches and existing and approved beach access points.
 - (j) If applicable, recreation and open space improvements.
2. Filing Fee: Payable to Town of Hilton Head Island. Show name of project on face of check.
- (a) Application for new project review: \$175.00.
 - (b) Application for alterations or additions: \$100.00
 - (c) Application for sign only or minor external changes: \$50.00
 - (d) Application for delegated Architectural Review Board review: \$50.00

To the best of my knowledge, the information on this application and accompanying documentation is true, factual and complete. I hereby agree to abide by all conditions imposed by the Town of Hilton Head Island if this request is granted; I understand that such conditions shall apply to the subject property only, and are a right or obligation transferable by sale.



Signature of Applicant
(or Duly Authorized Agent)

5-11-87

Date

LMO 022087 ACR

ATTACHMENT I

Application No: _____

TOWN OF HILTON HEAD ISLAND
 40 PALMETTO PARKWAY
 HILTON HEAD ISLAND, S.C. 29928
 PHONE (803) 681-8396

APPLICATION FOR VARIANCE

Instructions: Please TYPE or PRINT legibly. Attach additional sheets if needed.
 Note: Variances will not be granted for use or density.

Project Name: Super 8 Motel
 Tax Map Number(s) 008 and Parcel(s) 000-0202 of project.
 Location of Project: Town Center P.U.D., Pope Avenue
 Base Zoning District(s) of Property: RD-1
 Applicable Overlay Zoning District(s): n/a

Owner(s) of Record	Applicant(s)*	All Duly Authorized Agents*
Name: <u>Pope Avenue Associates*</u>	<u>R. A. McGinty</u>	<u>Herb King</u>
Address: <u>11 Lagoon Road</u>	<u>11 Lagoon Road</u>	<u>c/o Diversified Properties Group, Ltd.</u>
<u>Hilton Head, SC</u>	<u>Hilton Head, SC</u>	<u>P. O. Box 8062</u>
Phone: <u>785-2444</u>	<u>785-2444</u>	<u>Hilton Head, SC 785-6666</u>

*LMO Section 16-7-603 requires applicants or the authorized agent to have a local mailing address and telephone number.

Section Number(s) of the Ordinance from which a variance(s) is requested: 16-7-827(g)

Describe completely and specifically the requested variance: Relief from the prohibition on curb cuts nearer than 1000' apart

Explain briefly why the variance is requested: in order to provide the major entrance from Pope Avenue into this mixed use P.U.D.

Attach the following items (See LMO Section 16-7-672):

1. Written narrative sufficient to answer all of the following questions (criteria for granting the variance):
 - A. What extraordinary and exceptional conditions pertain to this property (size, shape, topography)?
 - B. How would the application of the ordinance to this property cause an unnecessary hardship?
 - C. How are these conditions peculiar to this property and not shared by neighboring properties?
 - D. How would the variance not cause detriment to the public good or to the purposes and intent of the ordinance?

* Robert L. Graves, Robert S. Cum & Richard A. McGinty

ATTACHMENT I

TOWN OF HILTON HEAD ISLAND
 40 PALMETTO PARKWAY
 HILTON HEAD ISLAND, S.C. 29928
 PHONE (803) 681- 8396

Instructions: Please TYPE or PRINT legibly. Attach additional sheets if needed.

Water and Sewer Impact Documentation
 (for all development applications; LMO Section 16-7-765)

Project Name: Super 8 Motel
 Location: Forest Beach Service District, Hilton Head Island, S.C.
 Water Service District: Forest Beach Public Service District
 Sewer Service District: Forest Beach Public Service District

Number of Dwelling Units of Project: N/A
 Number of Hotel/Motel Rooms of Project: 95 Rooms
 Total Non-Residential Square Footage of Project: 113,256

Estimated Average Daily Water Usage at Full Occupancy:
 Potable Usage 547,200 gpd*/Irrigation Usage 6,830 gpd*
 Estimated Average Daily Sewage Flow: 7411 gpd*
 Location: Sea Pines P.S.D. and size: N/A of spray field, if applicable
Wastewater Treatment Facility
 Total Service District Sewage Plant Capacity: 3.25 Million
 Capacity that has been allocated (including applicant's allocation):
7411

Will the proposed irrigation system be designed to utilize treated effluent? Yes

*gallons per day

School Impact Documentation
 (for residential development applications only; LMO Section 16-7-770)

Provide reasonable estimates of school age and pre-school children likely to reside in this development:

If known, provide estimate of the percentage of such school age children likely to attend private schools:

DANNY E. STANLEY
 Name of Applicant (or Agent)
Danny E. Stanley - Agent
 Signature of Applicant
 (or Duly Authorized Agent)

JUNE 29, 1987
 Date

LMO 022387 ID

ATTACHMENT I

SOUTH CAROLINA
STATE HIGHWAY DEPARTMENT
COLUMBIA
S. FORM 722

Application for Encroachment Permit

Date May 15, 1987

Name of Applicant Brown, Brosche Financial Inc. 411 Borel Avenue, Suite 620 San Mateo, CA 94402	County Beaufort Route S-07-80 Road Pope Avenue, Hilton Head Is.
--	---

The undersigned applicant hereby applies to the South Carolina State Highway Department for permit for encroachment on State Highway Right-of-Way as shown by sketch plan below.

OBJECTIVES

1. Applicant wishes to construct a deceleration lane and entrance along S. C. Hwy. 80. (Pope Ave.)
2. Where construction of driveways is near edge of existing roadway; that lane will be temporarily closed to provide safety to the public and to the workmen. (Except for the hours from 4 PM to 6 PM.)
3. All construction will be in accordance with South Carolina Department of Highway Specifications.
4. Applicant will repair all damage to roadside and re-seed with permanent grass.
5. Traffic controls for this installation shall be in accordance with S.C.M.U.T.C.D.
6. A one year maintenance certificate will be required for all work.
7. Pavement thickness:

Base Course	8"
Binder Course	2-1/2"
Surface Course	1-1/2"

WES

Date received by Res. Maint. Engr. or Maint. Supt.	5/20/87
Date forwarded by Res. Maint. Engr. or Maint. Supt.	5/20/87
Date received by Dist. Engr.	June 1 1987
Date forwarded by Dist. Engr.	

Signed: <i>[Signature]</i>	
Applicant	Date
Recommended:	
Dist. Engr.	Date

ATTACHMENT I

STATE HIGHWAY DEPARTMENT
COLUMBIA
FORM 748

Application for Encroachment Permit

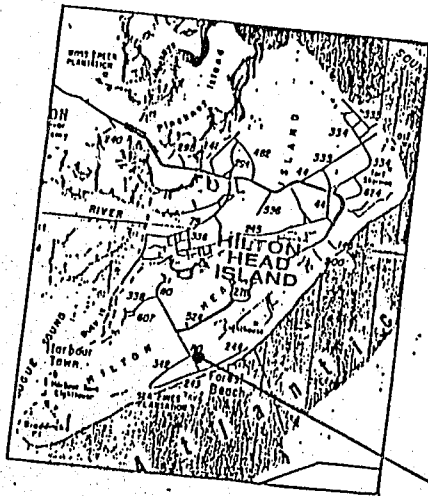
Name of Applicant:
 Brown, Brosche Financial Inc.
 411 Borel Avenue, Suite 620
 San Mateo, CA 94402

Date May 15, 1987

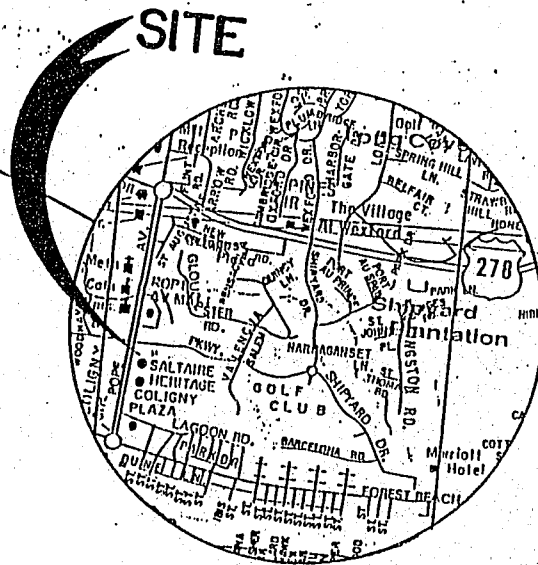
County Beaufort
 Route S-07-80
 Road Pope Avenue, Hilton Head Is.

The undersigned applicant hereby applies to the South Carolina State Highway Department for permit for encroachment on State Highway Right-of-Way as shown by sketch plan below.

SKETCH PLAN



LOCATION MAP



Date received by Res. Maint. Engr. or Maint. Supt.
 Date forwarded by Res. Maint. Engr. or Maint. Supt.
 Date received by Dist. Engr.
 Date forwarded by Dist. Engr.

Signed: *[Signature]*
 Applicant _____ Date _____
 Recommended: _____
 Dist. Engr. _____ Date _____

ATTACHMENT I

SOUTH CAROLINA
STATE HIGHWAY DEPARTMENT
COLUMBIA
FORM 742

Application for Encroachment Permit

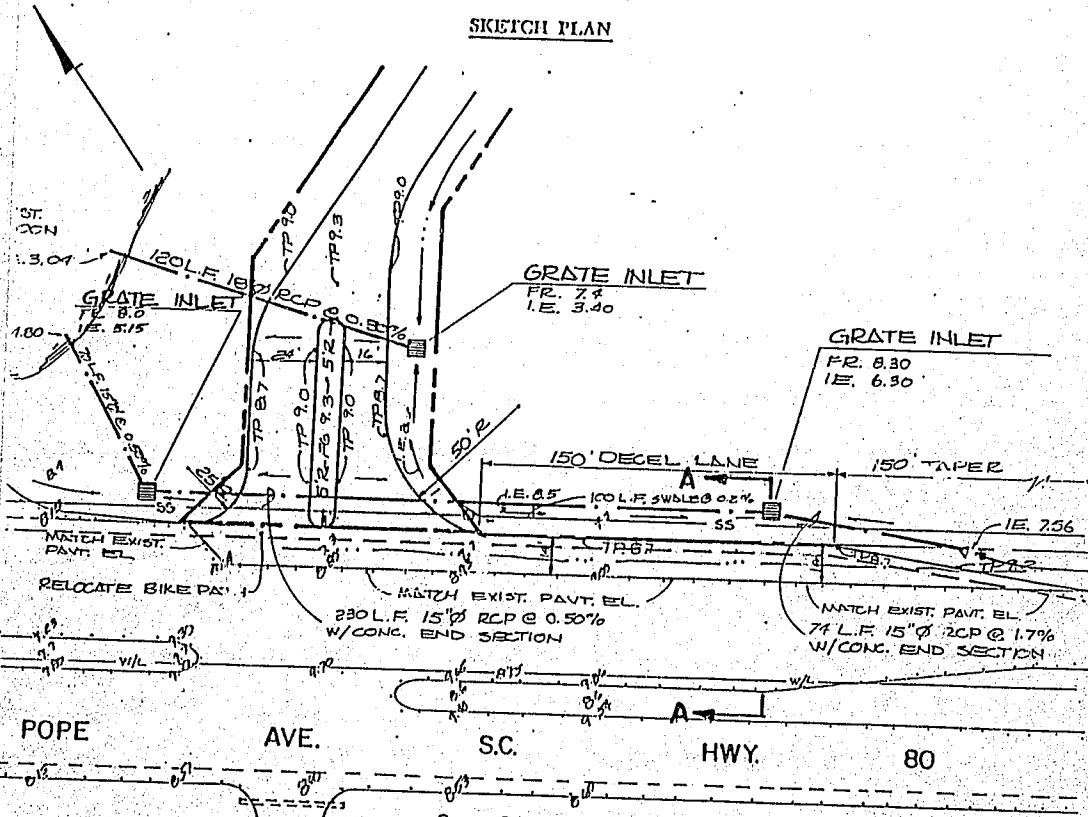
Date

Name of Applicant:
Brown, Brosche Financial, Inc.
411 Borel Avenue, Suite 620
San Mateo, CA 94402

County Beaufort
Route S-07-80
Road Pope Avenue, Hilton Head Is.

The undersigned applicant hereby applies to the South Carolina State Highway Department for permit for encroachment on State Highway Right-of-Way as shown by sketch plan below.

SKETCH PLAN



PLAN
SCALE: 1" = 50'

Date received by Res. Maint. Engr. or Maint. Supt. _____
Date forwarded by Res. Maint. Engr. or Maint. Supt. _____
Date received by Dist. Engr. _____
Date forwarded by Dist. Engr. _____

Signed:

Applicant	Date
Recommended:	
Dist. Engr.	Date

ATTACHMENT I

SOUTH CAROLINA
STATE HIGHWAY DEPARTMENT
COLUMBIA
FORM 748

Application for Encroachment Permit

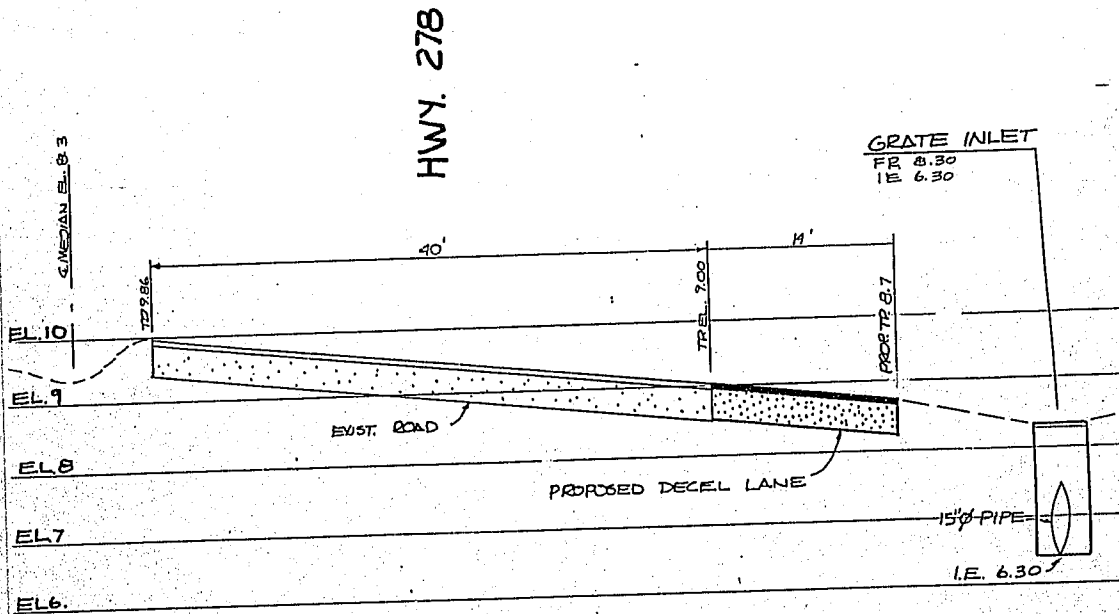
Date

Name of Applicant:
Brown, Brosche Financial, Inc.
411 Borel Avenue, Suite 620
Sam Mateo, CA 94402

County Beaufort
Route S-07-80
Road Pope Avenue, Hilton Head Is.

The undersigned applicant hereby applies to the South Carolina State Highway Department for permit for encroachment on State Highway Right-of-Way as shown by sketch plan below.

SKETCH PLAN



CROSS SECTION A-A

SCALE: VERT. 1" = 2'
HORZ. 1" = 10'

Date received by Res. Maint. Engr. or Maint. Supt. _____
Date forwarded by Res. Maint. Engr. or Maint. Supt. _____
Date received by Dist. Engr. _____
Date forwarded by Dist. Engr. _____

Signed:

Applicant	Date
Recommended:	
Dist. Engr.	Date

ATTACHMENT I

(a) (1)

pg VI-16

Application No. DPR-18-87

TOWN OF HILTON HEAD ISLAND
40 Palmetto Parkway
Hilton Head Island, SC 29928
(803) 681-8396

APPLICATION FOR DEVELOPMENT PLAN REVIEW

This application is for: Development Plan Review (See Section 16-7-661)
 Subdivision Review (See Section 16-7-629)
 Public Project Review (See Section 16-7-637)
Town Center PUD, Pope Avenue, Central Forest

Proposed Development Name: Beach Zoning District, Phase I
Base Zoning District(s) of Development: RD-1
All Applicable Overlay Zoning Districts: 540 PC
Tax Map Number(s) 018 and Parcel(s) 000-0202 of development site
Gross Acreage 15.1 and net acreage 2.6 * of site

Owner(s) of Record	Applicant(s)*	All Duly Authorized Agents*
Name: <u>Pope Ave. Assocs.</u>	<u>R. A. McGinty</u>	<u>Herb King</u>
Mailing: <u>11 Lagoon Rd.</u>	<u>11 Lagoon Rd</u>	<u>P. O. Box 8062</u>
Address: <u>Hilton Head.</u>	<u>Hilton Head.</u>	<u>Hilton Head.</u>
<u>S. C. 29928</u>	<u>S. C. 29928</u>	<u>S. C. 29938</u>
Phone: <u>785-2444</u>	<u>785-2444</u>	<u>785-6666</u>

* LMO Section 16-7-603 requires applicant or the designated agent to have a local mailing address and telephone number. (SEE ABOVE)

Check all proposed uses for this development and provide requested information for each use checked: 1178

- Residential - Single-Family, Total Units _____ /net acres _____ /density _____
(# Attached units _____ and/or # Detached units _____)
- Multi-Family, Total Units _____ /net acres _____ /density _____
- Divisible Dwelling Units _____ /net acres _____ /density _____
- (# of Lock-Off Rooms Per DDU: _____)
- Recreational --- Gross Square Footage: _____ /net acres _____ /density _____
- Agricultural --- Gross Square Footage: _____ /net acres _____ /density _____
- Institutional --- Gross Square Footage: _____ /net acres _____ /density _____
- Industrial --- Gross Square Footage: _____ /net acres _____ /density _____
- Warehouse Square Footage: _____ /net acres _____ /density _____
- Utility ----- Gross Square Footage: _____ /net acres _____ /density _____
- Commercial ----- Gross Square Footage: _____ /net acres _____ /density _____
- Retail Square Footage: _____ /net acres _____ /density _____
- Office Square Footage: _____ /net acres _____ /density _____
- Wholesale Square Footage: _____ /net acres _____ /density _____
- Warehouse Square Footage: _____ /net acres _____ /density _____
- Hotel, Total Units: _____ /net acres _____ /density _____
- X Hotel, Total Units: 94 /net acres 2.6 /density 24
+ 1.3*

To the best of my knowledge, the information on this application and all additional documentation is true, factual and complete. I hereby agree to abide by all conditions on the development plan as approved by the Town of Hilton Head Island; I understand that such conditions shall apply to the subject property only, and are a right or obligation transferable by sale.

[Signature] _____ 5-11-87 _____
Signature of Applicant (or duly Authorized Agent) Date

LMO 022087 ADPR

17

ATTACHMENT J

APPLICATION FOR APPROVAL OF CONSTRUCTION
THE HILTON HEAD COMPANY

ATTACHMENT I

FOR PAB USE ONLY
PAB SUB # _____
DATE _____

PROPERTY OWNER: Pope Avenue Associates

ADDRESS: 11 Lagoon Road, Hilton Head Island, SC 29928

TELEPHONE NUMBER: 785-2444

PLANTATION/SUB-DIVISION Town Center PUD, Central Forest Beach Zoning District

SECTION NUMBER: Block 5 B District 540; Map 018; Parcel 000
LOT NUMBER: 0202 0000

ARCHITECT/DESIGNER: James M. Cooperman and Associates

ADDRESS: Shelard Tower, Minneapolis, Minnesota 55426

TELEPHONE NUMBER: 1/612/545-0409

CONTRACTOR: Not Selected

ADDRESS: _____

TELEPHONE NUMBER: _____

TYPE OF SUBMISSION:

- 1. NEW CONSTRUCTION ADDITION OR REMODELING _____
- 2. CONCEPTUAL _____ PRELIMINARY FINAL _____
- 3. PRIVATE RESIDENTIAL _____ COMMERCIAL

WILL OWNER OF PROPERTY RESIDE IN THIS HOUSE? YES _____ NO

SUBMISSION FEE PAID (IF APPLICABLE):
YES NO _____ DATE 2/27/87 AMOUNT \$500.00

ARE ANY VARIANCES REQUESTED? YES _____ NO IF YES, EXPLAIN _____

ATTACHMENT I

1. 2-SITE PLANS (TO SCALE): YES NO (2 SITE PLANS ARE REQUIRED)
 SERVICE YARD - SHOWN ON SITE PLAN: YES NO
2. BOUNDARY SURVEY: YES NO
3. LANDSCAPE PLAN: YES NO
 OR INDICATION OF LANDSCAPING YES NO (CONCEPTUAL)
4. TREE SURVEY (INDICATING TREES TO BE REMOVED/SAVED, SIZE AND SPECIES OF ALL TREES):
 ON SITE PLAN: YES NO (SEE ENGINEERING DRAWINGS)
 ON LANDSCAPE PLAN: YES NO
5. DRAINAGE PLAN, FILL PLAN: (INCLUDE CULVERTS WHERE REQUIRED)
 ON SITE PLAN: YES NO NOTE: SITE DRAINS DIRECTLY TO LAGOON
 ON LANDSCAPE PLAN: YES NO
6. FOUNDATION PLAN (IF OTHER THAN SLAB ON GRADE): YES NO
7. ELEVATIONS: YES NO (TWO (2) SETS OF ELEVATIONS ARE REQUIRED)
8. WALL SECTIONS: YES NO
9. FLOOR PLANS: YES NO (INCLUDING ALL DIMENSIONS AND LOCATION OF SERVICE COURT)
 - A. EXACT COMPUTATION OF SQUARE FOOTAGE FOR EACH FLOOR SHOWN ON FLOOR PLAN:
 YES NO
 - B. SQUARE FEET OF LIVING (HEATED/AIR CONDITIONED) SPACE: (CONSULT COVENANTS FOR MINIMUM REQUIREMENTS) FIRST FLOOR 19,400 SQUARE FT.
 SECOND FLOOR 19,400 SQUARE FT.
 OTHER (SPECIFY) 258 SQUARE FT. (PORTE COCHERE)
 TOTAL 39,058 SQUARE FT.
10. STRUCTURE HEIGHT:
 STATE MINIMUM FINISHED FIRST FLOOR ELEVATION AS REQUIRED IN THIS AREA BY FEDERAL FLOOD REGULATIONS: 14 ABOVE MSL.
 FINISHED GROUND FLOOR ABOVE MSL FOR THIS STRUCTURE: 14' ABOVE MSL.
 STRUCTURE HEIGHT ABOVE FIRST FINISHED FLOOR: 42'
 OVERALL STRUCTURE HEIGHT ABOVE MSL: 42' + 4' +/- = 46'
 FINISHED GRADE (HIGHEST POINT) 12' +/- ABOVE MSL
11. SET-BACKS: TO ROOF OVERHANGS AND/OR ALL VERTICAL CONSTRUCTION OVER 18" ABOVE GRADE
 FRONT 80' +/- REAR 80' +/- LEFTSIDE 70' +/- RIGHTSIDE 70' - 140' +/-
- 11-A REQUIRED SET-BACK (AS PER APPLICABLE COVENANTS OR GUIDELINES):
 FRONT Exceeds REAR Exceeds LEFTSIDE Exceeds RIGHTSIDE Exceeds
12. EXTERIOR FINISHES: (PRELIMINARY-COLOR NAMES & NUMBERS)
 (FINAL-SAMPLES REQUIRED FOR ALL)

A.	WALL SIDE	FINISH	MANUF, COLOR NAME & NUMBER
	FRONT	STUCCO	FLORIDA STUCCO - INDIAN SAND LT 917
	REAR	STUCCO	FLORIDA STUCCO - INDIAN SAND LT 917
	LEFT SIDE	STUCCO	FLORIDA STUCCO - INDIAN SAND LT 917
	RIGHTSIDE	STUCCO	FLORIDA STUCCO - INDIAN SAND LT 917

ATTACHMENT I

B. DOORS:

DOOR MATERIALS: Solid Wood Flush Panel FRAME Metal COLOR MANUFACTURER, COLOR NAME & NUMBER Paint one (1) shade darker than Stucco

C. TRIM & FASCIA:

TRIM MATERIAL: Cypress or Fir COLOR MANUFACTURER, COLOR NAME & NUMBER Cabot's Stain 0241 Bleaching Oil with one (1) Part 0247 Brown (Cabot's)

D. WINDOWS:

TYPE: Bronze Aluminum COLOR MANUFACTURER, COLOR NAME & NUMBER Manufacturer not determined yet

E. SHUTTERS:

COLOR MANUFACTURER, COLOR NAME & NUMBER N/A

F. ROOF:

TYPE: Shingle PITCH: 6/12 MATERIAL: Asphalt
 COLOR MANUFACTURER, COLOR NAME & NUMBER: Elk Prestique - Antique Slate or Weathered Wood; GAF Weathered Wood Blend; Bird 80 - Beechwood
 Will use one of above

13. DO PLANS INCLUDE OUTBUILDINGS SUCH AS: PORTE COCHERE
~~CARPORT~~: YES NO
 GARAGE: YES NO
 POOL HOUSE: YES NO

14. APPROXIMATE COST OF IMPROVEMENTS: \$ 1,750,000.00

15. PARKING:

NUMBER OF OFF-STREET PARKING SPACES: 106
 DRIVEWAY PAVING MATERIAL & COLOR: Asphalt (Grey)
 DRIVEWAY SET-BACK FROM PROPERTY LINE: 5'
 DRIVEWAY WIDTH AT ENTRANCE: 45' +/-

15. OTHER FEATURES: _____

COMMENTS/SPECIAL CONSIDERATIONS, ETC.: _____
 NOTE: This is Phase I of Town Center PUD previously approved by _____

 Town.

ATTACHMENT I

I HEREBY CERTIFY THAT ALL DETAILS NOT SPECIFICALLY SHOWN ON THIS PLAN DO NOW AND WILL, AT AND THROUGH THE TIME OF CONSTRUCTION, CONFORM TO THE APPLICABLE RESTRICTIVE COVENANTS AND RESTRICTIONS, AND I FURTHER CERTIFY THAT THE PRECEEDING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HAVE READ THE POLICIES AND PROCEDURES OF THE PLANS APPROVAL BOARD AND AGREE TO ABIDE BY THEM.

February 27, 1987

DATE

APPLICANT'S SIGNATURE

Richard A. McGinty
for Pope Avenue Associates

DATE ACCEPTED BY PLANS APPROVAL BOARD

RECEIVER'S INITIALS: _____

ATTACHMENT I

RECEIPT NUMBER	DATE	NAME	CASH	CHECK	DESCRIPTION - CODE
13355	7/15	Mr. Dink Asprich		30 00	Dw. Permit - Day Center PUD <i>remains due</i>

13355

TOWN OF HILTON HEAD
P.O. BOX 6659
HILTON HEAD ISLAND, SC 29938

22
additional filing
fee

ATTACHMENT I

RECEIPT NUMBER	DATE	NAME	CASH	CHECK	DESCRIPTION - CODE
12453	5-14-87	Pop. and Assoc.		117800	Deer Run Pond - Sugar Hill

12453

TOWN OF HILTON HEAD
P.O. BOX 6659
HILTON HEAD ISLAND, SC 29938

filings fee

ATTACHMENT I

RECEIPT NUMBER	DATE	NAME	CASH	CHECK	DESCRIPTION - CODE
10981	4/6/87	Hopel Ave Assoc		200.00	Fil Fee-Cond. Use Res 10981

10981

TOWN OF HILTON HEAD
P.O. BOX 6659
HILTON HEAD ISLAND, SC 29938

ATTACHMENT I

BROWN, BROSCHE FINANCIAL, INC.
411 BONEI AVENUE, SUITE 620
SAN MATEO, CA. 94402

903

PAY TO THE ORDER OF

The Mc Nair Law Firm Trust Account

December 3, 1986

90-78
1211

Ten Thousand and No/100ths

\$ +10,000.00*

DOLLARS

FIDELITY INVESTMENT
EAST BAY CREDIT DIVISION
177 CALMONT STREET
OAKLAND, CALIFORNIA 94612

FOR Hilton Head Earnest Money Deposit
#000903# *12110078.2#

051001128#

W. A. S. B.

25

ATTACHMENT I

Town of Hilton Head Island
40 Palmetto Parkway
Hilton Head Island, SC 29928

TREE INSPECTION CERTIFICATE OF COMPLIANCE

Date 3-20-89

Project Super 8 Motel Phase _____

Development Approval No.: _____

Tax Map Pg. _____ Parcel No. _____ Lot No. _____

Developer Graves

Surety Posted? _____ Yes _____ No

Inspection with Ling Graves Phone _____

Do SITE and TREE SURVEY agree? _____

If not, indicate discrepancies: No -- a few large trees missing, but many small ones left on site. For replanting requirements, they are short 7" in category II. Also saw hollies for Aunt Chilodas must be a min. of 8' in height.

Discrepancies discussed with applicant? Yes

Replacement to be done? Yes _____ No

General Condition of trees on site: Satisfactory
 Unsatisfactory

If unsatisfactory, state why: _____

Signature of Inspector: Sally L. Krebs

Date and Time: 3-20-89 10 AM

ATTACHMENT I

Town of Hilton Head Island
40 Palmetto Parkway
Hilton Head Island, SC 29928

TREE INSPECTION CERTIFICATE OF COMPLIANCE

Date 3-27-89

Project Super 8 Phase _____

Development Approval No. _____

Tax Map Pg. _____ Parcel No. _____ Lot No. _____

Developer _____

Surety Posted? _____ Yes _____ No

Inspection with _____ Phone _____

Do SITE and TREE SURVEY agree? _____

If not, indicate discrepancies: _____

Discrepancies discussed with applicant? _____

Replacement to be done? _____ Yes _____ No

General Condition of trees on site: Satisfactory
 Unsatisfactory

If unsatisfactory, state why: Have planted 3 red maples;
also, 2 Savannah Hollies at Aunt Chilodas.

Signature of Inspector: Sally Krebs

Date and Time: 3-27-89 3:30pm

OK for Final C of C.

ATTACHMENT I

SITE INSPECTION FOR TREES

PROJECT NAME:

Super 8 Motel

LOCATION:

Pope Avenue

DATE VISITED:

INSPECTOR

COMMENTS

- 3/11/88 SK & King Graves, surveyors. Had out of date site plan - made them reschedule + get me correct plan. Road checked out OK.
- 3/17/88 SK & King Graves. Stakeout correct.
- 7/1/88 SK & King, owner, Mr. Howes. Concerned about landscaping budget. I told them to show all small trees on plan not picked up by survey and we could apply some of these to replanting requirement.
- 3/9/89 SK & King. Pre-final C of C inspection. Lots of small trees left -- only 2 missing. Replanting not as required. They need 40" more in Cat. II (or 20 in II, 15 in I). They will also replace trees needed in Aunt Chladas parking lot.

ATTACHMENT I



willow 6, 6, 6

Amendment number 2 to tree approval # A-30 to Super 8

Replacement conditions will now read:

- Category I - 13 inches
- Category II - 70 inches
- Category III - 2 inches
- Category IV - 16 inches

Pinus 1101
 W.M. # 2 + 10 + 2 + 4 + 4 + = 22"
 R.B. 1111 = 8"
 Hollis 1111
 w
 AUX
 Palms 11
 B Pear 11

30"
need 40"

$$\begin{array}{r} 20 \\ .75 \\ \hline 15'' \end{array}$$

~~Aunt Chelada~~
~~677-8435~~

ATTACHMENT I



August 3, 1988

Mr. R. Ling Graves, Jr.
Graves Development Group, Inc.
P.O. Box 5460
Hilton Head Island, SC 29938

Re: Super 8 Motel tree replacement

Dear Ling:

Pursuant to your letter of 20 July 1988 and our recent phone conversation, enclosed please find a revised tree approval for the Super 8 site, reflecting credit given for small trees left on the site.

Should you have any questions, please feel free to call.

Sincerely,

Sally L. Krebs
Natural Resources Administrator

SLK:cf

ATTACHMENT I

GRAVES

Development Group, Inc.

July 20, 1988

Sally Krebs, Natural Resource Adm.
Town of Hilton Head
40 Palmetto Parkway
Hilton Head, S.C. 29928

Re: Super 8 Motel, Tree Approval #A-30

Dear Sally:

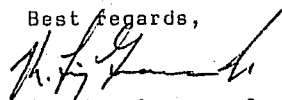
Per our conversation on Thursday, July 21, I have enclosed the tree information on the Super 8 Motel site. The landscape plan shows approximate location and size of trees. Wax Myrtle areas are shown with total inches of trees shown. We did not consider any wax myrtles below 8' in height.

The tree summary is as follows:

<u>Credit</u>				
Cat. I = 20"	Wax Myrtles	180"	= 90"	= 90"
Cat. II = 94"	Bay	6- 2" ea	= 12"	14 = 5"
Cat. IV = 5"	Palmetto	2- 10" ea	= 20"	(1/2) = 2"
	Sweet Gum	2- 2" ea	= 4"	= 2"
	Willow	1- 3" ea	= 3"	
	Live Oak	2- 2" ea	= 4"	
		1- 4"	= 4"	

Should you have any questions, please feel free to call. Please let me know the outcome as soon as possible so I may forward the information to the property owner.

Best regards,


R. Ling Graves, Jr.

RLG/mhg

cc: Richard Brown

ATTACHMENT I



AMENDMENT TO TREE APPROVAL # A-30

Conditions will now read:

Replant:

- 33 caliper inches Category I
- 164 caliper inches Category II
- 2 caliper inches Category III
- 21 caliper inches Category IV

ATTACHMENT I

Town of Hilton Head Island
40 Palmetto Parkway
Hilton Head Island, SC 29928
(803) 681-8396

TREE APPROVAL RECOMMENDATION SHEET

DATE 26 August 1987

PROJECT NAME Town Center PUD, Phase I

LOCATION Pope Avenue

RECOMMENDATION

Approval

Approval with Conditions #A-30

Disapproval

CONDITIONS OF APPROVAL/REASONS FOR DISAPPROVAL:

1. Stakeout inspection prior to clearing. Building, parking lot, and road perimeters must be staked with string, and trees to be removed must be flagged red. Decisions on which trees to barricade will be made at this time.

Done 3/17/88 SLK E Ling Graves

Sally L. Krebs
Sally L. Krebs
Natural Resources Administrator

LMO 022387 TARS

ATTACHMENT I

1 PROJECT NAME: Super 8 Examp.Site DATE: 3-25-88
 2 LOCATION: Pope Avenue APPLICANT: Graves
 3 TYPE USE: comm
 4 TOTAL ACRES: 2.6
 5 IMPERVIOUS SURFACE MAXIMUM: % 0.55
 6
 7 SITE REQUIREMENTS
 8 *****
 9 Total On-site Pervious surface 1.17
 10 (In acres)
 11 Multiply by 900 (Adj. Cal. In.) 900
 12 Total Adj. Caliper Inches Req. 1053
 13 Max. allowed in Buffer (80%) 842.4
 14 Balance req. in non-buffer area 210.6

Correct

16 TOTAL SITE PRE-DEVELOPMENT	Category I	Category II		Category III		Category IV	
17 *****	No. Trees	Total D.B.H.	No. Trees	Total D.B.H.	No. Trees	Total D.B.H.	No. Trees Total D.B.H.
18		Inches		Inches		Inches	Inches
19 Buffer Area	0	0	0	0	0	0	0 0
20 Non-buffer Area	19	256	144	1320	2	22	55 576
21							
22 Total Site	19	256	144	1320	2	22	55 576
23							

24 TOTAL SITE POST DEVELOPMENT	Category I	Category II		Category III		Category IV	
25 *****	No. Trees	Total D.B.H.	No. Trees	Total D.B.H.	No. Trees	Total D.B.H.	No. Trees Total D.B.H.
26		Inches		Inches		Inches	Inches
27 Buffer Area	0	0	0	0	0	0	0 0
28 Non-buffer Area	6	94	26	247	1	6	16 162
29							
30 Total Site	6	94	26	247	1	6	16 162
31							

32 TOTAL SITE TREES REMOVED	Category I	Category II		Category III		Category IV	
33 *****	No. Trees	Total D.B.H.	No. Trees	Total D.B.H.	No. Trees	Total D.B.H.	No. Trees Total D.B.H.
34		Inches		Inches		Inches	Inches
35 Buffer Area	0	0	0	0	0	0	0 0
36 Non-buffer Area	13	162	118	1073	1	16	39 414
37							
38 Total Removed from Site	13	162	118	1073	1	16	39 414
39							

40 Percentages Removed	68.42%	63.28%	81.94%	81.29%	50.00%	72.73%	70.91%	71.88%
41								

42 TOTAL SITE PRE-DEVELOPMENT CALCULATIONS						
43 *****	Category	No. Trees	Total D.B.H.	Value	Total Adjusted	Percentage
44			Inches	Factor	Caliper Inches	Coverage
45						
46 I. Broad Leaf Evergreens		19	256	1	256	11.8%
47 II. Deciduous Hardwoods		144	1320	0.75	990	60.7%
48 III. Conifers		2	22	0.5	11	1.0%
49 IV. Ornamentals & Palms		55	576	0.25	144	26.5%
50						
51 Totals		220	2174		1401	100.0%
52						

53 TOTAL SITE POST-DEVELOPMENT CALCULATIONS						
54 *****	Category	No. Trees	Total D.B.H.	Value	Total Adjusted	Percentage
55			Inches	Factor	Caliper Inches	Removed
56						Removed

ATTACHMENT I

57 I. Broad Leaf Evergreens	6	94	1	94	162	15.0%
58 II. Deciduous Hardwoods	26	247	0.75	185	885	74.5%
59 III. Conifers	1	6	0.5	3	8	0.7%
60 IV. Ornamentals & Palms	16	162	0.25	41	184	9.6%
61						
62 Totals	49	509		323	1078.25	100.0%
63						
64 Pre-Dev less Post Dev	171	1665		1078		

65
66 NON-BUFFER PRE-DEVELOPMENT CALCULATIONS

67 *****						
68 Category	No. Trees	Total D.B.H. Inches	Value Factor	Total Adjusted Caliper Inches		
69						
70 I. Broad Leaf Evergreen	19	256	1	256		
71 II. Deciduous Hardwoods	144	1320	0.75	930		
72 III. Conifers	2	22	0.5	11		
73 IV. Ornamentals & Palms	55	576	0.25	144		
74						
75 Totals	220	2174		1401		
76						

77 NON-BUFFER POST-DEVELOPMENT CALCULATIONS

78 *****						
79 Category	No. Trees	Total D.B.H. Inches	Value Factor	Total Adjusted Caliper Inches		
80						
81 I. Broad Leaf Evergreens	6	94	1	94		
82 II. Deciduous Hardwoods	26	247	0.75	185		
83 III. Conifers	1	6	0.5	3		
84 IV. Ornamentals & Palms	16	162	0.25	41		
85						
86 Totals	49	509		323		
87						
88 Pre-Dev less Post Dev	171	1665		1078.25		

89
90
91 TOTAL SITE TEST

92 *****					
93 Total Site area requirement	1053				
94 Pre-Development Quantity	1401				
95 Amount to be Supplemented	0	0.15	0		
96					
97 Post Development Quantity	323				
98 Amount to be Replaced	730.25	0.30	219		
99					
100 Total Site Replantings			219		

101
102 NON-BUFFER TEST

103 *****					
104 Non-Buffer area requirement	210.6				
105 Pre-Dev Non-buffer Quantity	1401				
106 Amount to be Supplemented	0	0.15	0		
107					
108 Post Dev Non-buffer Quantity	323				
109 Amount to be Replaced	-112	0.30	0		
110					
111 Subtotal Non-buffer Replantings			0		
112					

ATTACHMENT I

113 REPLANTING SCHEDULE	TOTAL CAL. INCHES		
114 *****			
115 Total Site Replanting	219		
116 Non-buffer Replanting	0		
117 =====			
118 Other On-Site Replanting(cal in)	219 (if line 115 is less than line 116, enter 0, otherwise subtract line 116 from line 115)		
119			
120 CATEGORY REPLACEMENT	Percentage	Total Site	Non Buffer
121 *****			
122 I. Broad Leaf Evergreens	15.02%	33	0
123 II. Deciduous Hardwoods	74.63%	164	0
124 III. Conifers	0.74%	2	0
125 IV. Ornamentals & Palms	9.60%	21	0
126 =====			
127 TOTALS	100.00%	219	0

ATTACHMENT I

Revised

One

1
 $19/256 \times 1 = 256.0$

2

$$144/1320 \times 0.75 = 990.0$$

3

$$2/22 \times 0.5 = 11.0$$

4

$$55/576 \times 0.25 = \frac{144.0}{1401}$$

2174

ATTACHMENT I

TREE TALLY SHEET

PROJECT NAME Super 8
 DATE 3/16/88
 PREPARED BY _____

PRE-DEVELOPMENT
 POST DEVELOPMENT

BUFFER
 NON BUFFER

I	II	III	IV
Magnolia	Gum		
15	13	6	9
12	15	10	8
4	11	7	7
	7	11	8
	10	7	5
	6	4	13
	8	10	10
	10	11	9
	12	5	10
	4	8	8
	5	10	4
	5	11	7
	10	6	10
	10	9	5
	10	8	13
	11	11	6
	10	14	11
	14	12	9
	11	10	6
	9	11	8
	12	8	11
	4	7	6
	5	10	5
	7	10	7
	5		
3	31	73	636

ATTACHMENT I

Revised

Post

1
6/94 x 1.00 = 94

2
26/247 x 0.75 = 185.25

3
1/6 x 0.50 = 3.0

4
16/162 x 0.25 = 40.5
900.00
322.75
577.25 x 0.30 = 173.18
322.75
509

ATTACHMENT I

Application No. 22

Town of Hilton Head Island
40 Palmetto Parkway
Hilton Head Island, SC 29928

TREE APPROVAL APPLICATION

(PLEASE read Tree Approval Information Sheet before filling out this application.)

Date of Application June 30, 1987

APPLICANT'S NAME: Richard A. McGinty

APPLICANT'S COMPANY: Pope Avenue Associates

APPLICANT'S ADDRESS: 11 Lagoon Road

Hilton Head Island, South Carolina 29928

APPLICANT'S PHONE NUMBER: 803/785-2444

NAME OF DEVELOPMENT: Town Center PUD, Phase I
(if applicable)

LOCATION OF DEVELOPMENT: Pope Avenue, Central Forest Beach Zoning District

TAX MAP NC: 0018 PARCEL NO: 0202 TOTAL SITE ACREAGE IS: 2.6 + 1.3 = 3.9 total
acreage breakdown:

NAME OF PERSON TO CONTACT ON SITE: Richard A. McGinty

TELEPHONE NUMBER OF SITE CONTACT: 803/785-2444

- CHECK ITEMS ENCLOSED:
- X Tree Survey Date of Survey 2/23/87
 - X Site Plan or Building Overlay Date of Site Plan 6/29/87
 - X Building Elevations
 - X Completed Tree Tally Sheet
 - X Tree Replanting Plan with schedule 6/29/87
 - X Utility Lines Plan (Palmetto Electric & Hargray Telephone)
 - X Written Narrative See General Notes on Motel Site Development
(OVER) Plan dated 6/29/87

To the best of my knowledge, the information herein stated is correct. I understand that incorrect or incomplete information may be grounds for the disapproval of this application.

Signature of Applicant [Signature] Date 6/30/87

OFFICE USE ONLY

Approval Granted 8/26/87 Denied on _____

Conditions: See approval #A-30

ATTACHMENT I

Tree Replanting schedule date will be 3 months after issuance of building permit.

Cable TV lines location will be included after we have received it from McCaw Cablevision.

ATTACHMENT I



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

REPLY TO
ATTENTION OF

July 13, 1987

Regulatory Branch

Mr. John Benso
Post Office Box 8062
Hilton Head Island, South Carolina 29938

Dear Mr. Benso:

This is in response to our telephone conversation on July 10, 1987, wherein you requested that the wetland areas under the regulatory authority of this office be annotated on the permit drawings of the permit issued to Brown-Brosche Financial, Inc., (SAC-26-87-227B) for the placement of fill material in isolated wetlands at the site of the proposed Super 8 Motel located off of Pope Avenue behind the Western Sizzler Restaurant on Hilton Head Island, Beaufort County, South Carolina.

Based on an onsite inspection and aerial photographic interpretation, the extent of the jurisdictional wetlands has been cross-hatched in black on the attached plan view of the permit drawings.

Your cooperation in the protection and preservation of our navigable waters and natural resources will be greatly appreciated.

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

Sincerely,

Ken Burghardt
Ken Burghardt
Project Manager
Regulatory Branch

Enclosure

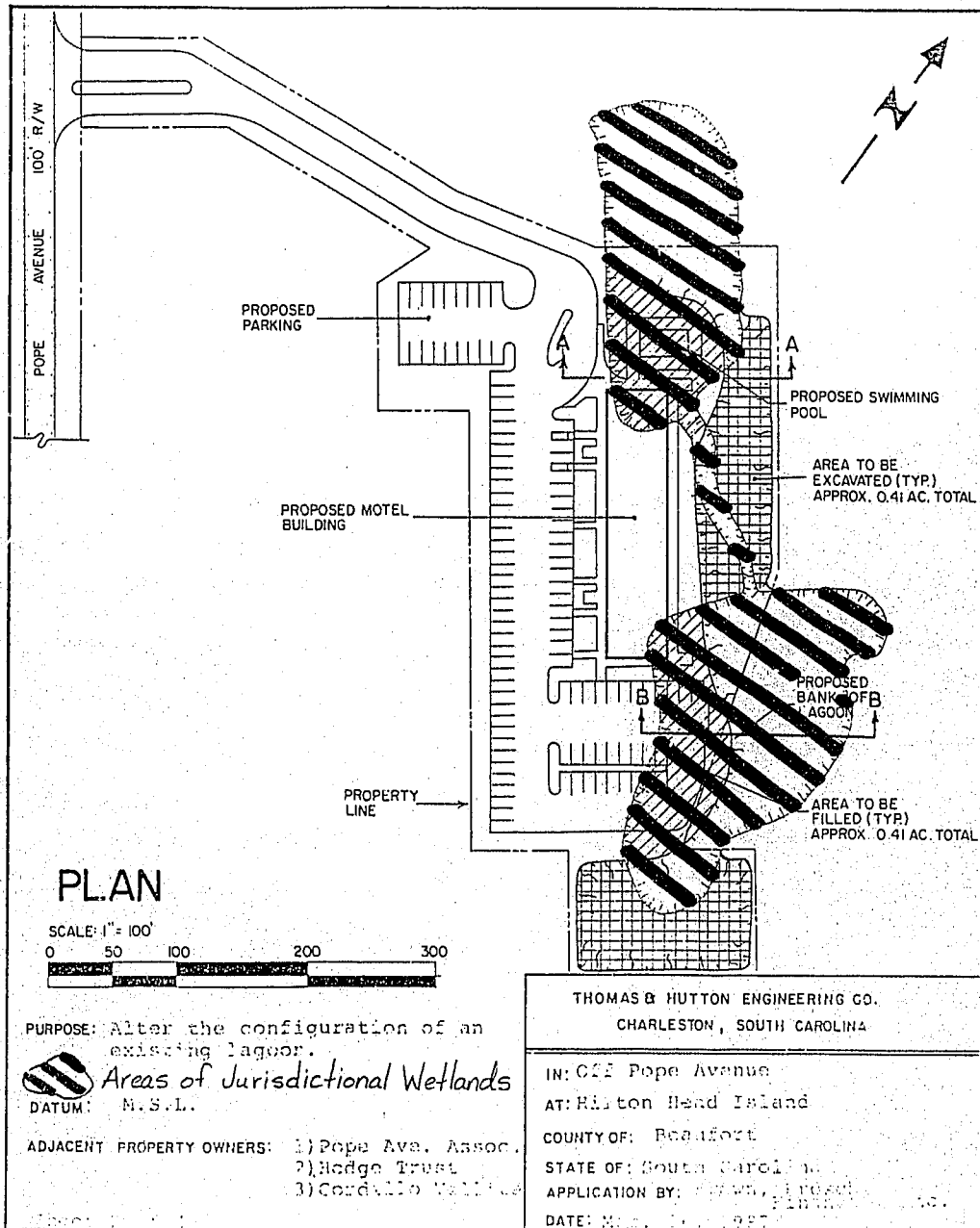
RECEIVED

JUL 15 1987

Ans'd. *SLK*

45

ATTACHMENT I



PLAN



PURPOSE: Alter the configuration of an existing lagoon.

Areas of Jurisdictional Wetlands

DATUM: M.S.L.

ADJACENT PROPERTY OWNERS: 1) Pope Ave. Assoc.
 2) Hodge Trust
 3) Cordelia Wallace

THOMAS & HUTTON ENGINEERING CO.
 CHARLESTON, SOUTH CAROLINA

IN: Off Pope Avenue
 AT: Hilton Head Island

COUNTY OF: Beaufort

STATE OF: South Carolina

APPLICATION BY: [Name], [Address], [City], [State]

DATE: [Date]

ATTACHMENT I

P E 1 OF 1

TREE TALLY SHEET

PROJECT NAME Town Center PUD, Phase I PRE-DEVELOPMENT BUFFER
 DATE June 30, 1987 POST DEVELOPMENT NO BUFFER
 PREPARED BY Richard A. McGinty

I	II		III	IV			
191	6	5	11	8	11	12	
17	17	5	13	8	11		
18	12	5	15	15	14		
15	14	11	6	8	14		
10	12	12	13	8	11		
26	9	12	9	7	12		
15	5	11	9	8	11		
40	7	7	11	4	5		
5	5	14	11	6	11		
17	14	9	18	9	12		
18	2	10	13	4	8		
16	3	13	12	5	7		
18	5	10	12	12	7		
17	6	5	9	7	14		
8	9	7	18	6	13		
19	18	11	5	11	11		
14	13	11	15	6	11		
17	14	6	16	6	6		
10	9	11	16	16	9		
12	13	8	6		9		
12	5	10	12		11		
16	8	11	13		9		
13	12	10			9		
13	14	6			12		
16	8	7			9		
11	13	7			11		
14	13	11			10		
14	5	10			8		
17	10	7			13		
12	7	9			13		
15	12	4			13		
12	10	10			11		
32	2696	86	858	19	154	33	348

ATTACHMENT I

RD. 1

550% improvement

PAGE OF 1

TREE TALLY SHEET

PROJECT NAME Town Center PUD, Phase I PRE-DEVELOPMENT BUFFER
 DATE June 30, 1987 POST DEVELOPMENT NO BUFFER
 PREPARED BY Richard A. McGinty

I	II	III	IV
13	13	16	8
13	10		10
	10		8
	7		13
	4		9
	8		12
	10		10
	20		6
	6		
	9		
	5		
	12		
	15		
	13		
	16		
<i>get revised sheet</i>			
2	15	1	8
26	158	16	76

ATTACHMENT I

TREE TALLY SHEET

PROJECT NAME Town Center PUD, Phase I
 DATE June 30, 1987
 PREPARED BY Richard A. McGinty

- PRE-DEVELOPMENT BUFFER
 POST DEVELOPMENT NON-BUFFER

I		II		III		IV			
19	14	11	6	13	8	5	10	12	13
17	17	11	5	13	7	16	11	7	8
12	12	10	10	13	8		11	14	10
10	8	13	14	8	7		12	10	11
18	4	10	11	5	15		11	9	14
15	15	5	12	8	6		11	9	10
10	12	5	2	10	8		13	11	5
13		7	3	7	8		14	12	10
26		6	4	9	7		13	12	10
15		6	5	12	8		14	13	8
40		9	6	10	4		12	10	13
5		13	16	5	6		11	10	13
17		18	9	5	9		9	8	13
13		11	9	5	6		12	11	11
18		14	11	11	5		10	11	12
16		13	10	12	4		11	12	10
18		17	18	12	4		9	11	11
17		12	13	10	3		9	6	
8		11	14	11	6		4	9	
19		14	10	7	11		4	9	
14		7	9	14	7		5	11	
17		7	13	9	5		4	12	
10		10	20	10	12		4	12	
12		12	15	10	11		10	13	
12		6	8	8	7		13	10	
13		6	5	4	6		10	10	
16		9	8	10	4		11	9	
13		5	10	5	7		7	9	
13		8	9	13	6		12	10	
16		7	12	10	11		8	10	
11		11	14	5	6		10	12	
14		10	8	7	6		7	9	
29		569		34		81		827	

50

ATTACHMENT I

TREE TALLY SHEET

PROJECT NAME Town Center PUD, Phase I PRE-DEVELOPMENT BUFFER
 DATE June 30, 1987 POST DEVELOPMENT NON-BUFFER
 PREPARED BY Richard A. McGinty

I	II	III	IV
	11	10	5
	6	11	15
	9	5	20
	11	4	6
	6	5	5
	9	10	5
	8	13	15
	11	15	13
	6	11	16
	8	7	9
	10	10	6
	5	6	16
	10	8	6
	11	10	4
	4	13	14
	7	12	22
	10	13	4
	6	13	12
	7	9	14
	7	9	9
	11	11	13
	10	16	16
	6	11	14
	7	10	
	11	14	
	9	18	
	10	13	
	14	13	
	4	12	
	8	12	
	8	9	
	10	18	
29	183	34	81
569	1804	349	827

ATTACHMENT I

Town Center PUD, Phase I
 June 30, 1987
 Richard A. McGinty

ACI CALCULATIONS

Pre-Development, Non-Buffer

1. 3,449 inches
2. see #3
3.

Category I	1.0 x 569	=	569
Category II	0.75 x 1,804	=	1,353
Category III	0.5 x 249	=	125
Category IV	0.25 x 827	=	207
		=	<u>2,254</u>
4. Total ACI for Entire Site = 2,254
5. N/A
6. N/A

Post-Development, Non-Buffer

1. 1,856 inches
2. See #3
3.

Category I	1.0 x 496	=	496
Category II	0.75 x 858	=	644
Category III	0.5 x 154	=	77
Category IV	0.25 x 348	=	87
		=	<u>1,304</u>
4. Total ACI for Entire Site = 1,304
5. N/A
6. N/A

NOTE: 43 Palmettos to be removed are to be replanted.

ATTACHMENT I

Town Center PUD, Phase I
 June 30, 1987
 Richard A. McGinty

ACI CALCULATIONS

Pre-Development, Buffer

1.	276 inches		
2.	see #3		
3.	Category I	1.0 x 26	= 26
	Category II	0.75 x 158	= 119
	Category III	0.5 x 16	= 8
	Category IV	0.25 x 76	= <u>19</u>
4.	Total ACI for Entire Site		= 172
5.	N/A		
6.	N/A		

Post-Development, Buffer

1.	276 inches		
2.	See #3		
3.	Category I	1.0 x 26	= 26
	Category II	0.75 x 158	= 119
	Category III	0.5 x 16	= 8
	Category IV	0.25 x 76	= <u>19</u>
4.	Total ACI for Entire Site		= 172
5.	N/A		
6.	N/A		

NOTE: 43 Palmettos to be removed are to be replanted.
 See Landscape Plan for supplemental planting.

ATTACHMENT I

TOWN OF
HILTON HEAD ISLAND

40 PALMETTO PARKWAY, HILTON HEAD ISLAND, S.C. 29928
(803) 681-9440

Memo to BUD

Date 4-13-89

From SHANNON

Subject SUPER B - Final C of C

Bike path complete as per approved plan!
Sidewalk extension complete.
Parking and site clean-up in order.
O.K. for C of C.

- FOR YOUR INFORMATION
- RESPONDING TO YOUR REQUEST
- REGARDING OUR RECENT CONVERSATION
- PLEASE TAKE APPROPRIATE ACTION
- FOR YOUR FILES
- FOR YOUR SIGNATURE
- NOTE AND RETURN
- NOTE AND SEND COMMENTS TO THIS OFFICE BY

ATTACHMENT I



March 31, 1989

Mr. Gene Chervenak
Thomas and Hutton
P.O. Box 14609
Savannah, GA 31416

Re: Bikepath at Super 8

Dear Mr. Chervenak:

Enclosed is documentation from the Super 8 file concerning the requirement for bikepaths at the site. The bikepaths were designed as an integral feature of the Town Center Planned Unit Development. The Planning Commission approved the Master Plan based on these paths being included in the development.

As you know, Land Management Ordinance (LMO) section 16-7-828(a) states the Administrator can require bikepaths based on probable bike traffic and in consideration of location in relation to overall bikepaths. It is the interpretation of the Planning Staff that bikepaths would be required at Super 8 for conformance with this section of the LMO.

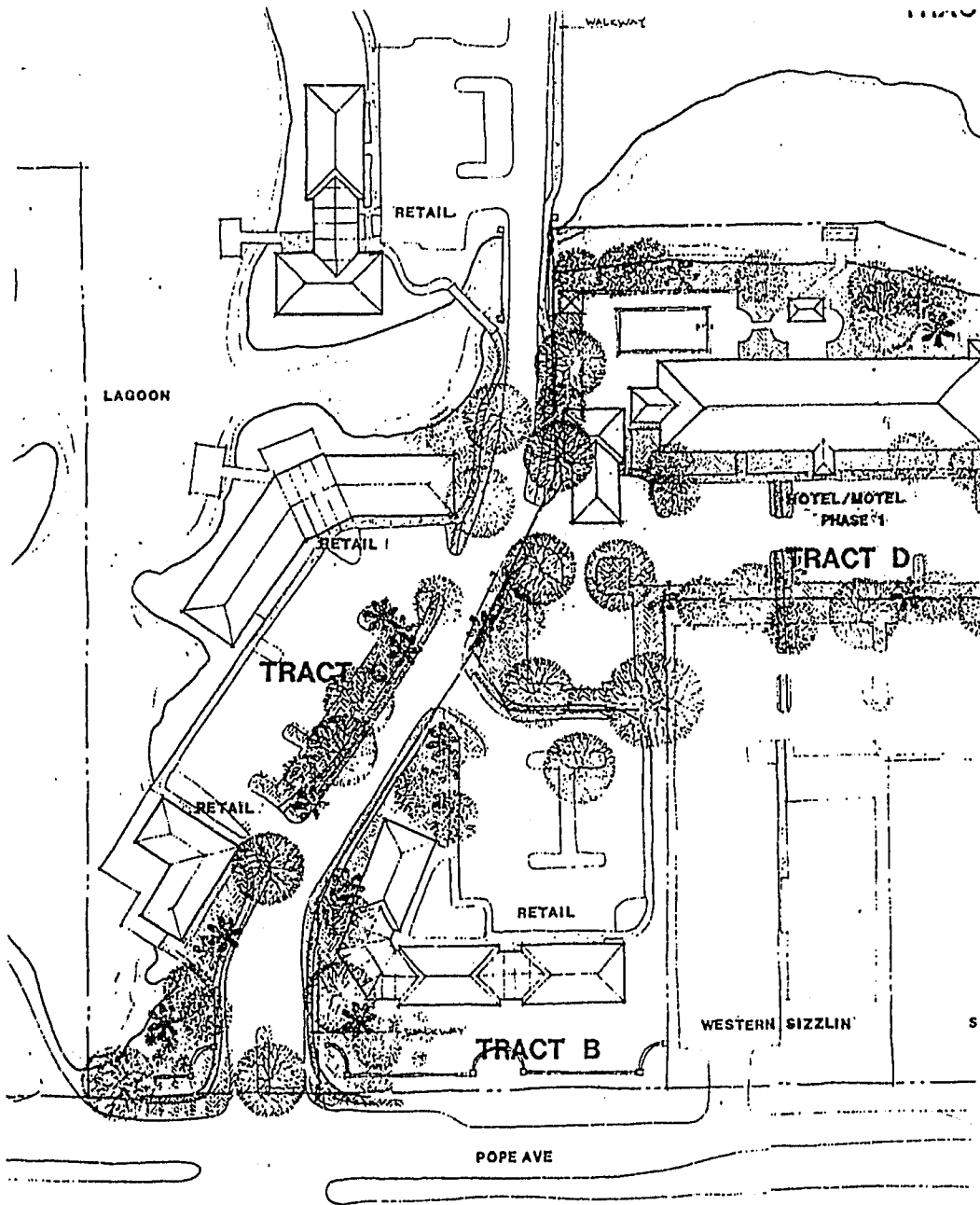
If you have questions or require additional information, please feel free to call 681-8396.

Sincerely,

Shannon C. Stone
Current Planner

SS/

ATTACHMENT I



Copy of Approved Master Plan
for Town Center PUD.

ATTACHMENT I

4/6/87

Conditional Use Review Narrative

1. A vicinity map is included on Master Plan.
2. Revised Development Summary and Original Summaries included.
Original Traffic Impact Analysis and Revised Analysis included.
3. Master Plan included.
Land Exchange drawing included
4. Plan has DSO approval and is consistent with the Comprehensive Plan goals of PUD's and in particular the stated goal of satisfying the Central Forest Beach neighborhood's role as "The Primary Off-Plantation Tourist-Oriented Neighborhood". It encourages pedestrian and bike activities.
5. Check #301 in the amount of \$200.00 is enclosed.

Provided in application packet by: Richard A. McGinty

ATTACHMENT I

TOWN OF
HILTON HEAD ISLAND40 PALMETTO PARKWAY, HILTON HEAD ISLAND, S.C. 29928
(803) 681-9440

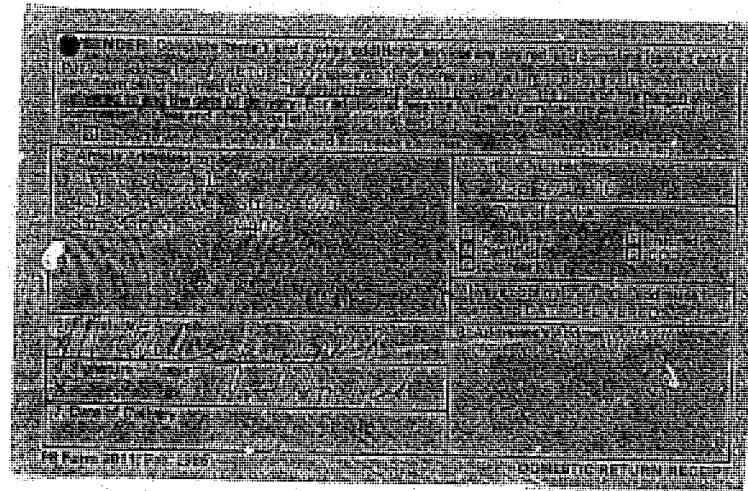
Memo to Bud Date 3-17-89
 From Shannen
 Subject Super B Bike Path

I spoke with Gene Chervenak at Thomas and Hutton this morning and told him the bike path adjacent to the access drive would have to be relocated. They must separate the bike path from the access drive as shown on the approved plan. They must also remove the ^{sketch of} existing bike path ^{placed next to the access drive.} These things must be done before they get a C of C.

- FOR YOUR INFORMATION
- RESPONDING TO YOUR REQUEST
- REGARDING OUR RECENT CONVERSATION
- PLEASE TAKE APPROPRIATE ACTION
- FOR YOUR FILES
- FOR YOUR SIGNATURE
- NOTE AND RETURN
- NOTE AND SEND COMMENTS TO THIS OFFICE BY

ATTACHMENT I

59



ATTACHMENT I

TOWN OF
HILTON HEAD ISLAND40 PALMETTO PARKWAY, HILTON HEAD ISLAND, S.C. 29928
(803) 681-9440Memo to BUDDate 3-28-89From DOUNASubject SUPER 8 Cof C.

RE: LIGHTING - SAME STATUS AS BEFORE. HAVE RECEIVED SEVERAL PHONE CALLS, INQUIRIES. EITHER TAKE THEM DOWN OR APPLY FOR CRC APPROVAL.

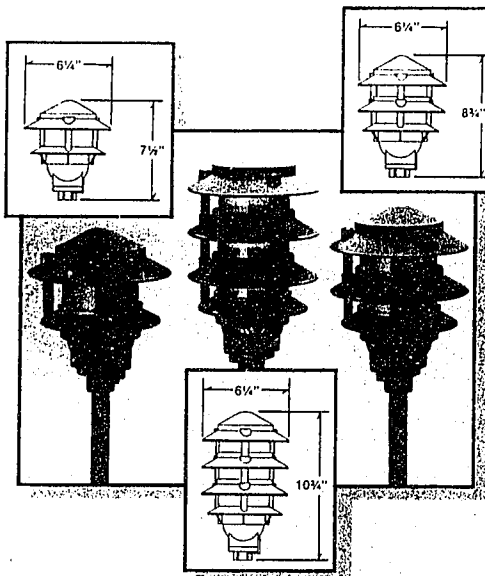
RE: LANDSCAPING. PHOTINIA, LIGUSTRUM & OLEANDER WERE SUB-SIZED (4' ON CRC APPROVED PLAN, LMO REQUIRES "SHALL BE OF SUFFICIENT SIZE AND QUANTITY SUCH THAT MINIMUM HEIGHT AND VISUAL SCREENING BETWEEN PLANTS SHALL BE ACHIEVED WITHIN ONE (1) YEAR OF INSTALLATION (16-7-843 (d))". THEY HAVE ADDED TALL, LEGGY PLANTS BESIDE THE SUB-SIZED ONES BUT THE 4' HT. NOR THE INTENT OF THE LMO IS MET. THE OPTIONS WOULD BE TO INSTALL THE FULL SIZED PLANTS OR ADD A CRC-APPROVED SCREENING FENCE OR WALL. I CAN COUNT THE NEW HOLLIES FOR THE OLEANDER SIZES BUT THE PHOTINIA & LIGUSTRUM MUST BE FULL SIZED. FURTHER, SEVERAL OF THE PLANTS HAVE NOT BEEN PLANTED PROPERLY, THEY HAVEN'T BEEN WATERING ENOUGH AND IF THEY DIE, THEY'LL HAVE TO BE REPLACED.

- FOR YOUR INFORMATION
- RESPONDING TO YOUR REQUEST
- REGARDING OUR RECENT CONVERSATION
- PLEASE TAKE APPROPRIATE ACTION
- FOR YOUR FILES
- FOR YOUR SIGNATURE
- NOTE AND RETURN
- NOTE AND SEND COMMENTS TO THIS OFFICE BY

ATTACHMENT I

PAGODA STYLE

ELECTRO-ELF'S PAGODA STYLE LANDSCAPE FIXTURES* Are the first to be designed with true longevity in mind. An extremely low loss ballast coupled with the inherently long life parallel tube fluorescent lamp insure our product to be beautiful and lit for years without any maintenance. The high impact injection molded plastics used in our fixtures are rust proof, impervious to salt spray and resistant to ultraviolet rays. Our special seal makes the fixture **COMPLETELY WATERPROOF** thereby protecting the socket and ballast from water damage or corrosion. These exceptional fixtures are available in 5, 7, 9 or 13 W in Forest Green, Desert Tan, Architectural Bronze or Black.



ORDERING INFORMATION

MODEL	LAMP WATTAGE	LENS COLOR	BODY COLOR
P-PAGODA	05=5W	C= CLEAR	W= WHITE
	07=7W	A= AMBER	FG= FOREST GREEN
	09=9W		DT= DESERT TAN
	13=13W		AB= BRONZE
			BL= BLACK
EXAMPLE			
P	07	C	FG

P07CFG= 2 TIER, 7 WATT PAGODA WITH LAMP CLEAR LENS IN FOREST GREEN

ACCESSORIES

1/2" NPT STEMS PAINTED TO MATCH PAGODA BODY

STANDARD LENGTHS
6", 12", 18", 24", 30"

MODEL	MATERIAL	LENGTH	COLOR
PS-PAGODA STEM	3= PVC	1= 6"	FG= FOREST GREEN
	5= GALVANIZED STEEL	2= 12"	DT= DESERT TAN
		3= 18"	AB= BRONZE
		4= 24"	BL= BLACK
		5= 30"	
EXAMPLE			
PS	5	2	DT

PS 52 DT= 12" STEEL IN DESERT TAN

Sizes are single tier, two tier or three tier. Sizes are dictated by lamp size. 5 watt lamps require single tier, 7 watt require two tier and 9-13 watt need a three tier configuration. All Pagoda Fixtures provided with lamps of 2700K color temperature.

*PATENT APPLIED FOR

COMPLETE WITH LAMP

FROM THE ENERGY ELVES AT

ELECTRO-ELF DFJ

4935 Encinita Ave. Temple City, CA 91780

(818) 286-5002

Received 4-18-89 DFJ 61 pool area only

ATTACHMENT I

SECTION

1" = 1'-0"

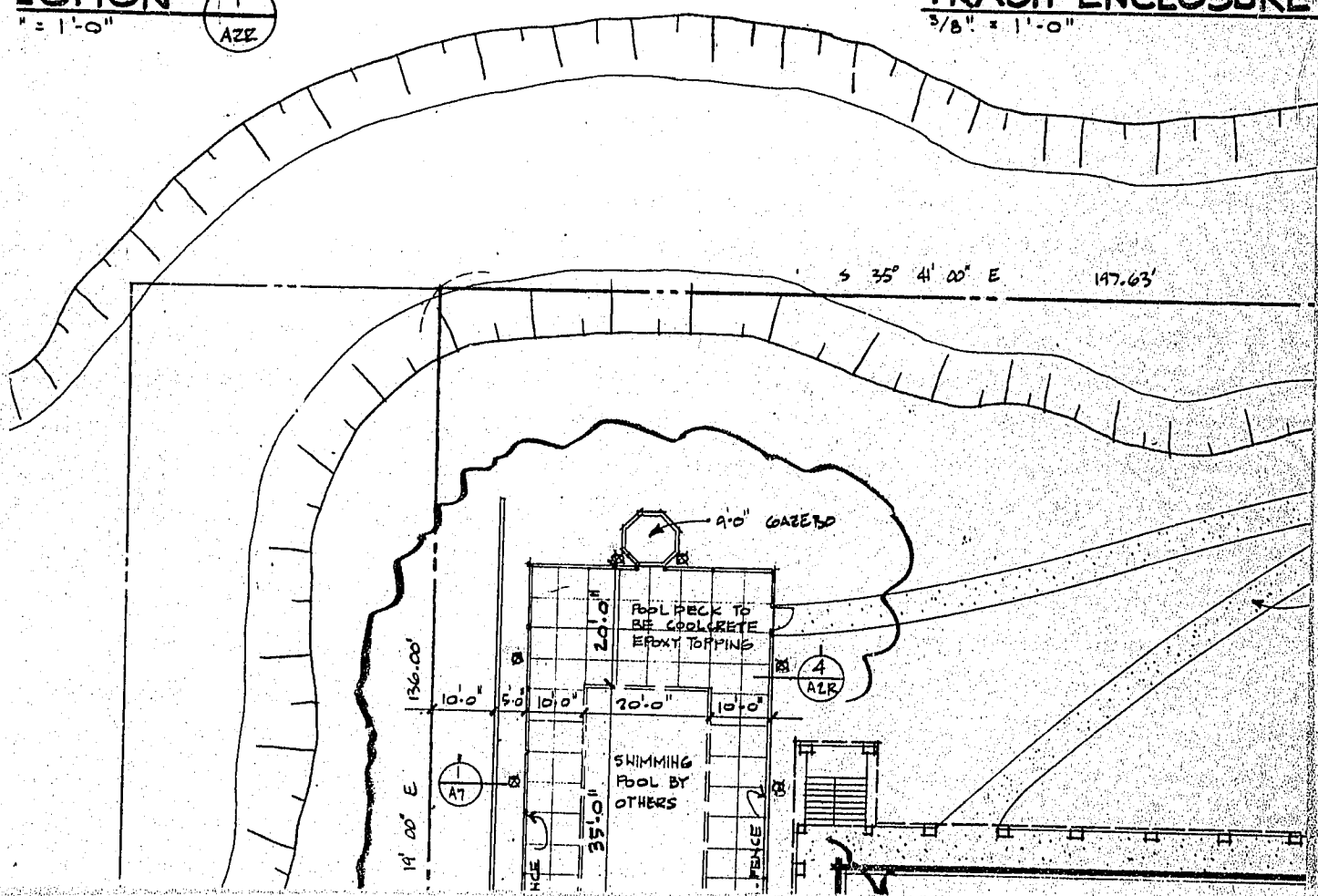
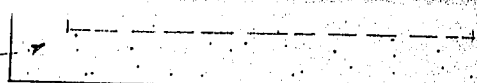


TRASH ENCLOSURE

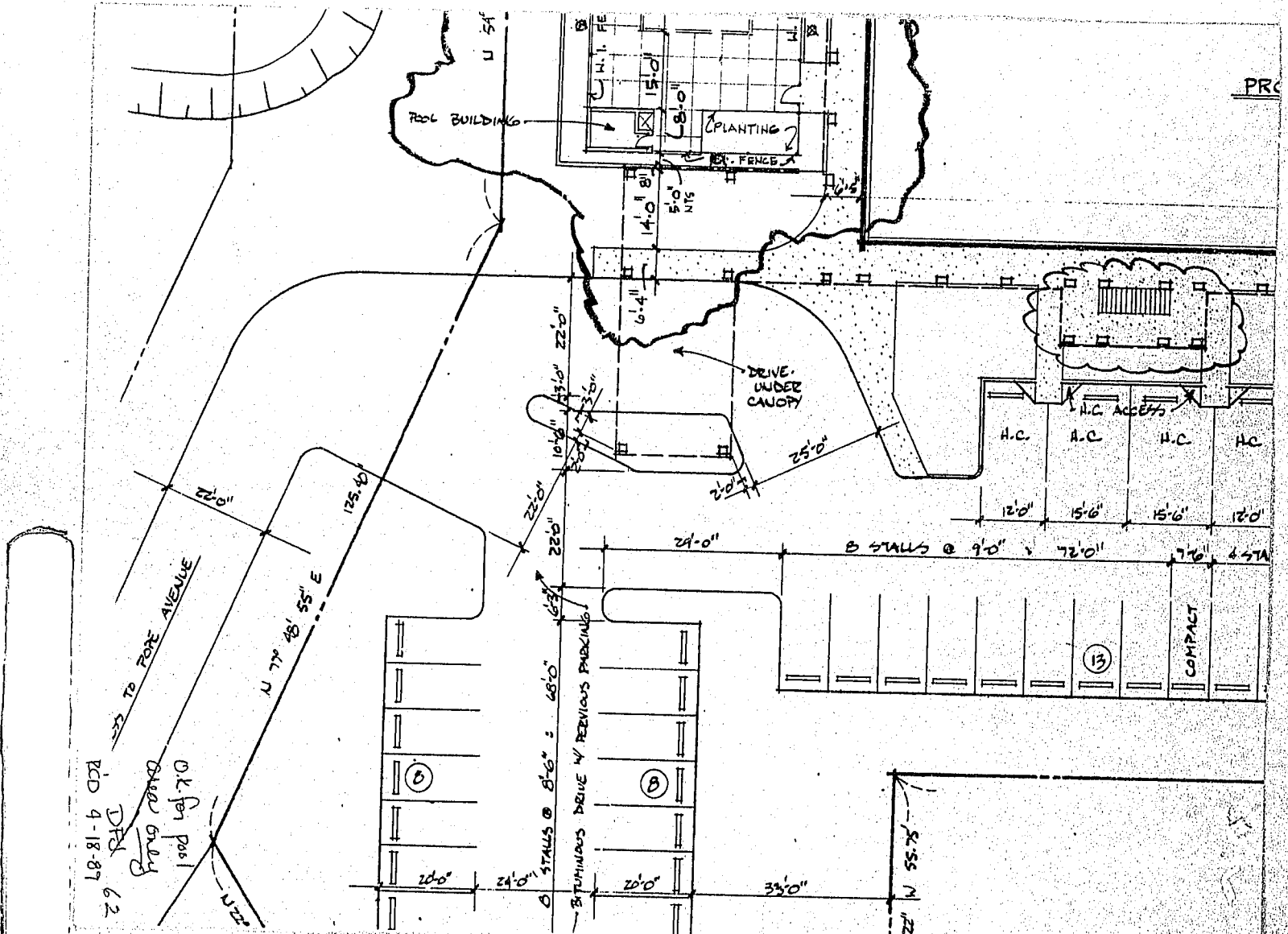
3/8" = 1'-0"

FLOOR PULLS

CONC. PAD



ATTACHMENT I



ATTACHMENT I



December 11, 1987

Mr. John Benso, Esquire
Diversified Properties Group, Inc.
2 Park Lane - Central Park
Hilton Head Island, SC 29938

RE: Super Eight Lodge Parcel

Dear Mr. Benso:

This letter is the requested follow-up to our discussion on December 7, 1987 concerning the parking lot encroachment of Cordillo Villita into the 2.6 acre parcel referenced above.

As I informed you at that time, this encroachment would not affect the density and total room count of 94 that was assigned to this project. In support of this staff position, is the fact that this project has already received Town approvals in the form of special exception approval from the Planning Commission and development plan approval and a building permit from Town staff.

As a reminder, associated with this approval of 94 rooms on 2.6 acres was the condition that Pope Avenue Associates provide 1.3 acres of open space area (separate from any other development) elsewhere within the PUD.

I trust this letter will satisfy your needs.

Respectfully,

Thomas Brechko
Chief of Planning

TB:gt

cc: Bill Issel
Bryan Wood
Project File✓

ATTACHMENT I

CANNON & BLAIR, P. A.
ATTORNEYS AT LAW
221 SOUTH TRYON STREET
CHARLOTTE, NORTH CAROLINA 28202-3247

WILLIAM M. CANNON
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BENTFORD F. MARTIN
PATRICIA A. TRACEY
NANCY L. OLAR
GLENN J. REIG
TODD J. HAYNES

OF COUNSEL
JOSEPH G. PIEMONT
TELEPHONE
(704) 376-9111

December 3, 1987

BY FEDERAL EXPRESS

John Benso, Esquire
Diversified Properties Group, Inc.
2 Park Lane - Central Park
Hilton Head Island, South Carolina 29938

Re: Pope Avenue Associates ("PAA"); Sale of 2.600 Acre
Parcel to Brown, Brosche Financial, Inc.

Dear John:

Further to our telephone conversations this morning, this shall confirm that our title examination has revealed the following objections to title:

1. Easement Agreement dated December 30, 1977, recorded in Deed Book 260 at Page 689 in the Office of the Register of Mesne Conveyance, Beaufort County ("Beaufort RMC Office")- This drainage easement given by PAA to Margaret V. Roller is twenty (20) feet in width and appears to extend from the southeast corner of the 2.600 acre tract, North 2-20-00 West "... to the beginning of the existing drainage lagoon on the property of PAA". I understand that PAA has recently done some work on reconfiguring the lagoons on the Waterside PUD; we will need to have this drainage easement physically located on the survey in order to be able to evaluate its impact on the property being acquired by our client.
2. Plat of Survey of Cordillo Villita recorded in Plat Book 21 at Page 181, Beaufort RMC Office - This plat reveals what appears to be a paved parking lot encroachment which extends along the eastern boundary of the 2.600 acre tract. Our client may prefer to have that eastern boundary line re-drawn and moved to the west so that the paved encroachment will not affect the tract being

VLV\HILTONHD\BENSO.LTR

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ATTACHMENT I

John Benso, Esquire
 December 3, 1987
 Page 2

acquired. Bill Cannon and I plan to discuss this matter with Richard Brown later today or tomorrow. The recorded plat also shows a 24 inch culvert which would appear to extend into the 2.600 acre tract. As we discussed on the telephone, it is extremely important for Terry Hatchell to locate all easements and encroachments on the survey he has prepared of the 2.600 acre tract for title insurance purposes. Since his survey did not state that it was a boundary survey, our assumption was that he had prepared a physical survey which would show all easements and encroachments.

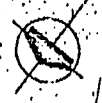
3. Deed from PAA to Hodge Trust, dated January 5, 1977 and recorded January 5, 1977 in Deed Book 243 at Page 1614, Beaufort RMC Office- This deed contains certain restrictions, one of which is of immediate concern: "Grantor and Grantee do agree that their tenants, licensees and their business invitees, licensees and employees shall have the right to use free of charge any of the parking areas provided by either of them." Since a 0.377 acre portion of the 2.600 acre tract which our client is acquiring is currently titled in the name of Hodge Trust, we would need to obtain a release or quit-claim of any restrictions arising from this deed to Hodge Trust as to the portion of the property being conveyed to our client.
4. Declaration of Rights, Restrictions, Conditions dated December 31, 1980 and recorded in Deed Book 315 at Page 1172, Beaufort RMC Office - Under these covenants, PAA, Bankers Trust and The Hilton Head Company, Inc. ("HHC") agreed to impose certain covenants and restrictions on property owned by PAA and Bankers Trust as to drainage and the quality of the water entering the Shipyard lagoon system. As we discussed, we will need to determine whether an "Owners Council" as provided by the covenants was ever formed, or in the absence of the formation of such Owners Council, whether HHC has historically exercised its

VLV\HILTONHD\BENSO.LTR

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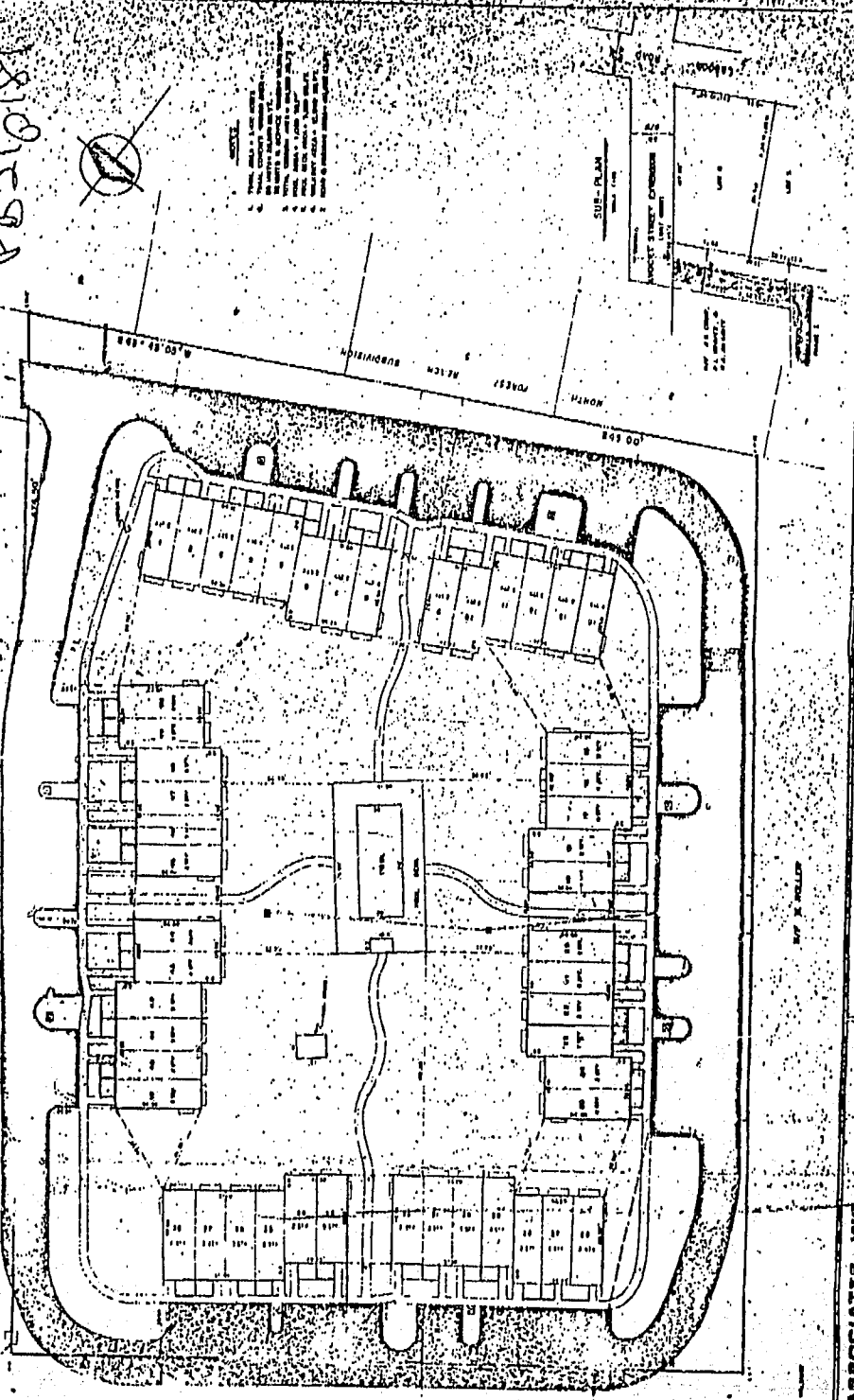
ATTACHMENT I

PB210181



NOTES:

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DISTANCES ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
3. ALL CORNERS ARE TO BE ROUNDED OFF TO A MINIMUM RADIUS OF 10 FEET.
4. ALL UTILITIES TO BE DELETED UNLESS OTHERWISE NOTED.
5. ALL UTILITIES TO BE RELOCATED UNLESS OTHERWISE NOTED.
6. ALL UTILITIES TO BE PROTECTED UNLESS OTHERWISE NOTED.
7. ALL UTILITIES TO BE DELETED UNLESS OTHERWISE NOTED.
8. ALL UTILITIES TO BE RELOCATED UNLESS OTHERWISE NOTED.
9. ALL UTILITIES TO BE PROTECTED UNLESS OTHERWISE NOTED.
10. ALL UTILITIES TO BE DELETED UNLESS OTHERWISE NOTED.
11. ALL UTILITIES TO BE RELOCATED UNLESS OTHERWISE NOTED.
12. ALL UTILITIES TO BE PROTECTED UNLESS OTHERWISE NOTED.



YERKES ASSOCIATES, INC.
 1501 N.W. 24th Street, Fort Lauderdale, Florida 33309
 Phone: (305) 441-1111

PLAN OF SITE:
 CONCHILLO VILLAGE - PHASE 2
 CONCEPTUAL LAYOUT OF BUILDING FOOTPRINTS, DRIVEWAYS, AND PARKING SPACES
 PREPARED BY YERKES ASSOCIATES, INC. FOR THE DEVELOPER

DATE: 10/15/81

SCALE: 1" = 40'

PROJECT NO.: Y-81-01

DATE OF PREPARATION: 10/15/81

DATE OF REVISION:

REVISIONS:

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITTING	10/15/81

66

ATTACHMENT I



November 10, 1987

Mr. John Benso
Diversified Properties Group
P.O. Box 8062
Hilton Head Island, SC 29938

Re: Super 8 Lodge approval

Dear John:

Per your request, two points concerning the above referenced approval need clarification. First, the administrator granted two waivers on this project. The first waiver was granted from the requirements of LMO Section 16-7-827(g), Access to Major Arterial. This allowed a curb-cut on Pope Avenue which does not meet the 1000 foot separation requirement. The second waiver was granted from the requirements of LMO Section 16-7-915(a), Wetland Protection Standards.

Secondly, let me also clarify that the approval for the motel also included approval for the entrance road, known as Waterside Drive.

If you have any questions, please call.

Sincerely,

Bryan Wood
Urban Designer

BW:cf

ATTACHMENT I



September 10, 1987

John C. Benso, Esquire
Diversified Properties Group, LTD
P.O. Box 8062
Hilton Head Island, S.C. 29938

Re: Town Center PUD - Preliminary Approval

Dear Mr. Benso:

This letter is in response to your letter of September 1, 1987 concerning vested rights associated with Town Center PUD on Pope Avenue.

The preliminary approval granted for this project by Court Order is valid through September 30, 1987 (23 months from date of trial, October 30, 1985). Under the Development Standard Ordinance, a preliminary approval could only be vested by filing a properly completed application for a final development permit (DSO Section 16-7-743). Since a complete final development application has been filed and approved for the first phase of the PUD (Super 8 Lodge, approved August 27, 1987 with conditions) the PUD is now vested. This vesting is for the PUD as amended by the Planning Commission on May 6, 1987 through conditional use and special exception approval.

If you have any questions please call.

Respectfully,

Thomas Brechko
Current Planning Manager

cc: Karen Popek Hart

TB:cdf

ATTACHMENT I



August 18, 1987

R. A. McGinty
11 Lagoon Road
Hilton Head Island, SC 29928

RE: Super 8 Motel.

Dear Pete:

Sally Krebs and I have been dealing with you and John Benso for several weeks now on the above captioned project. The site plan has been revised several times to meet required buffer, wetland setbacks, etc. Sally and I have both mentioned to John that a tree survey with an overlay of the revised site plan be provided. This has been mentioned on several occasions. John's response is that the Town has that information. We have reviewed all of our plans and have only the originally submitted "Tree Utilization Plan." Because of the changes that have been made to the site, we feel this plan is no longer valid. In addition, the tree tally sheet may be inaccurate.

Because the tree removal/protection plans are an important integral part of the Development Plan Review process, and the information we have is no longer accurate, the Town Planning Staff can not continue review of the Super 8 Motel application until this information is updated.

Additionally, there are several items listed on the June 12, 1987 notice of incompleteness that have not been submitted. John and I have had at least two meetings concerning this list. The latest plans from Thomas and Hutton received July 28 still lack all of the required information.

I would like to meet with you and John Benso soon to review these items, in addition to other minor site alterations. I would suggest that you invite a representative from Thomas and Hutton to join us.

We are eager, as I know you are, to get this application resolved. If you have questions, please call.

Sincerely,

Bryan D. Wood
Bryan D. Wood
Urban Designer

cc: John Benso
Sally Krebs
Tom Brechko
Karen Popek Hart
Bill Issel

ATTACHMENT I



August 4, 1987

Mr. Richard A. McGinty
McGinty Associates/Architects
11 Lagoon Road
Hilton Head Island, SC 29928

RE: Super 8 Motel/Western Sizzlin Parking Area

Dear Mr. McGinty:

This letter is a follow-up to discussions I have had with Mr. John Benso concerning development plan approval for both the Super 8 Motel and the Western Sizzlin parking lot revision.

In earlier discussions concerning the Town Center PUD Master Plan boundary change you had indicated that Pope Avenue Associates would be responsible for making the necessary changes to the parking lot for the Western Sizzlin property. We have informed Mr. Benso that this change would require development plan approval from the Town.

Understanding your concerns on holding up the approval of the Super 8 Motel until Western Sizzlin approval can be obtained, the following approach was agreed upon:

Upon completion of all requirements for development plan review for the Super 8 Motel, approval can be granted with one of the following two conditions relating to the Western Sizzlin parking lot revision:

1. A building permit will not be issued for the motel until the development plan approval is obtained for the parking lot revision; or
2. A performance bond, surety or letter of credit is issued to and approved by the Town in an amount sufficient to cover all required improvements for the parking lot revision. Under this condition, once all Building Inspection requirements were met, a building permit could be obtained. However, you would need to proceed in obtaining the development plan approval for the parking lot revision.

Please let us know in writing which condition you would prefer. If condition #2 is selected you will need to have the bond approved prior to receiving development plan approval for the motel.

ATTACHMENT I

Re: Super 8 Motel/Western Sizzlin Parking Area
August 4, 1987
Page 2

In review of the sketch plan submitted for the Western Sizzlin parking lot revision, it appears that sufficient parking would be available. However, the total number of parking spaces indicated on the sketch plan may not be realized in order to meet LMO requirements including tree permit requirements. As I had indicated to Mr. Benso, the shared buffer requirements of LMO Section 16-7-843(i) may be applied between the Western Sizzlin property and the motel property if the provisions of that section are met.

If you have any questions concerning this letter, please call me at 681-8396.

Respectfully,

Thomas Brechko

Thomas Brechko,
Current Planning Manager

cc: John Benso
Karen Popek Hart
Frank Hodge
Bryan Wood ✓

TB/nd

ATTACHMENT I

*has been submitted
by 7-28*

RECOMMENDATION SHEET

DATE 7-21-87

PROJECT NAME SUPER 8 Motel

LOCATION POPE AVENUE

RECOMMENDATION

Approval

Approval with Conditions

Disapproval

TOWN OF HILTON HEAD IS
ENGINEERING DIVISION
REVIEWED S.P.

CONDITIONS OF APPROVAL / REASONS FOR DISAPPROVAL:

1. Calculations do not indicate ~~sewer~~, Drainage Pre & Post, 1st Inlet, Detention/Retention
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

Steve P. Sumner
Town Engineer

1/3/85

ATTACHMENT I

TECHNICAL SERVICES DIVISION IS.
ENGINEERING DIVISION
REVIEWED SAD
7-21-87

DSO ENGINEERING COMPLETENESS
CHECKLIST

Project Name SUMMER 8 MOBILE Date 7-21-87
 Location POPE AVENUE Checked By Stave
 Type of Application Preliminary Final Pre/Final
 Name of Applicant _____ Phone # _____
 Name of Architect/Engineer THOMAS E HUTTON Phone # 912-365-5600

- | <u>A.</u> | <u>Calculations</u> | <u>Comments</u> |
|-----------|--|-----------------|
| <u> </u> | 1. Acreage - | |
| <u> </u> | 2. Density (if residential) | |
| <u> </u> | 3. Building | |
| <u> </u> | 4. Impervious Coverage - | |
| <u>X</u> | 5. Drainage runoff pre & Post - | |
| <u>X</u> | 6. Drainage 1st. inch - | |
| <u>X</u> | 7. Drainage Detention/Retention - | |
| <u> </u> | <u>B.</u> | |
| <u> </u> | 1. Location Map, Scale & North Arrow - | |
| <u> </u> | 2. Project Boundary - | |
| <u> </u> | 3. Identification of adjacent property | |
| <u> </u> | 4. Building Footprint - | |
| <u> </u> | 5. Parking & roadway, bike path and sidewalk layout (including widths) | |
| <u> </u> | 6. Topographic survey (existing site) - | |
| <u> </u> | 7. Precipitation (existing site) | |
| <u> </u> | 8. Pipe, basin, manhole layout - | |
| <u> </u> | 9. Finished elevations - | |
| <u> </u> | 10. Typical cross sections & details - | |
| <u> </u> | 11. Marked up plan showing max. flooding /flow pattern - | |

Note: - Complete
X - Incomplete

ATTACHMENT I

RECOMMENDATION SHEET

DATE 8-4-87

PROJECT NAME Super 8 Motel

LOCATION POPE AVE.

RECOMMENDATION Approval

Approval with Conditions

Disapproval

CONDITIONS OF APPROVAL / REASONS FOR DISAPPROVAL:

1.

2.

3.

4.

5.

6.

7.

8.

Steve DeLima
Town Engineer

1/3/85

ATTACHMENT I

RECOMMENDATION SHEET

DATE 8-4-87

PROJECT NAME Super 8 Motel

LOCATION POPE AVE.

RECOMMENDATION Approval
 Approval with Conditions
 Disapproval

CONDITIONS OF APPROVAL / REASONS FOR DISAPPROVAL:

1.

2.

3.

4.

5.

6.

7.

8.

Steve DeSimone
Town Engineer

1/3/85

ATTACHMENT I

ATTACHMENT "A"

DRAINAGE CALCULATIONS FOR PRE & POST DEVELOPMENT RUNOFF
- THE RATIONAL METHOD -I. Pre-development Runoff

$$Q = C i A$$

C = Runoff coefficient
 i = Intensity-inches/hour
 A = Total area of project in acres
 Q = Maximum discharge in cubic feet per second (cfs)

A. Calculation of runoff coefficient

- Grass or trees, etc.	<u>1.74</u>	AC x 0.3	=	<u>0.53</u>
- Forest		AC x 0.2	=	
- Roof tops, walkways, pavement, lagoons, etc. impervious	<u>0.86</u>	AC x 1.0	=	<u>0.86</u>
- Other		AC x _____*	=	
		Total A x C	=	<u>1.39</u> ✓

* Based on Engineer's judgement and back up data -
 Subject to Town Engineer's approval.

Composite C =

$$\text{Total A x C / Total Area (Acres)} = \frac{1.4}{2.6} = 0.54$$

- B. Intensity - This is based on the Savannah Rainfall intensity curve and the overland flow time based on Chart 2.
- C. Total Acreage of Site 2.6 AC as determined by calculations or by surveyed plat.

$$\text{Pre-development Runoff} = Q = C i A =$$

$$0.54 \times 5.1 \times 2.6 = 7.16 \text{ CFS}$$

II. Post-Development Runoff

Calculated similarly to Pre-Development

- Composite C forest		AC x 0.2	=	
- Proposed (grass & trees)	<u>1.08</u>	AC x 0.3	=	<u>0.32</u>
- Rooftops, pavement & walkway	<u>1.45</u>	AC x 1.0	=	<u>1.45</u>
- Other Pervious Pavement	<u>0.06</u>	AC x _____*	=	<u>0.03</u>
		Total A x C	=	<u>1.8</u>

ATTACHMENT I

* See * under I A above.

$$\text{Composite } C = \frac{\text{Total } A \times C}{\text{Total Area (Acres)}} = \frac{1.8}{2.6} = 0.69$$

i = based on Savannah Intensity Curve and revised (proposed) travel time as determined by Chart 2.

A = 2.6 Acre(s) (same as Pre-development unless site subdivided for detention or retention purpose. If so subdivided, provide post-development calculations for each retention or detention area.)

$$\text{Post-development Runoff} = Q = C i A = .69 \times 5.5 \times 2.6 = 9.9 \text{ cfs}$$

NOTE: For PUD Master Planned Areas, Post-development shall be similarly calculated but based on Chart 1 attached.

ATTACHMENT I

SUPER 8 Motel
LAGOON SIZING

7-21-87
C.G.

8-4-87
DIVISION

Pre-development run-off = 7.2 CFS
Post-development run-off = 9.9 " 3 3 10

Storage for Lagoon

Post - Pre = 10 - 7.2 = 2.8 CFS Storage Required

$2.8 \times \frac{60 \text{ Sec.}}{1 \text{ min.}} \times 60 \text{ min.} = 10,000 \text{ CF}$

for 1' storage , 10,000 SF required

12,050 SF Available

Lagoon size is sufficient to store 1st inch and
can rise 1 ft. in elevation.

ATTACHMENT I

SUPER 8 MOTEL
 HILTON HEAD ISLAND, SC
 STORM DRAINAGE DESIGN
 DESIGN CONSIDERATIONS
 THOMAS & HUTTON ENGINEERING CO.

FILE: J-5120
 BY: MARK YODICE
 DATE: 3-10-87
 SHEET: 1 OF 7

Storm DrainageGeneral:

This design is for the Super 8 Motel located off Pope Avenue, behind the Western Sizzlin on Hilton Head Island, South Carolina.

The project consists of a 3 story, 95 unit motel with a swimming pool. Rearranging an existing lagoon will be done to offset areas of the lagoon that are to be filled.

The runoff for the Super 8 Motel will be directed to an existing lagoon which borders and which is also located on the property. The first inch of runoff and the required storage will be contained within this lagoon. The lagoon has previously been sized to handle the increased runoff due to development for this area.

Parts of the existing lagoon need to be filled to accommodate the new motel. However, new lagoon areas will be excavated to match the areas that are to be filled (the same surface area and volume will be maintained).

Method:

The rational method will be used to determine peak discharges.

$Q_p = CIA$

A = Drainage Area in Acres

C = Runoff Coefficient

I = Rainfall Intensity in Inches per hour

$T_c = \frac{\text{Overland Flow Length}}{\text{Velocity}}$ - use 10 minute minimum T_c

Use 25 year storm to determine I

Since the maximum impervious coverage on the site is 55%, the following will be used to calculate a composite C for the site:

RECEIVED
 JUL 12 1987
 Ans'd.....

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ATTACHMENT I

SUPER 8 MOTEL
 HILTON HEAD ISLAND, SC
 STORM DRAINAGE DESIGN
 DESIGN CONSIDERATIONS
 THOMAS & HUTTON ENGINEERING CO.

FILE: J-5120
 BY: MARK YODICE
 DATE: 3-10-87
 SHEET: 2 OF 7

Impervious Areas C = 0.95 55%

Grassed & Landscaped Areas C = 0.30 45%

Composite C = $(0.55 \times 0.95) + (0.45 \times 0.30) = 0.66$

For areas that have been previously developed (existing areas) use C = 0.80.

For areas that will have future development use a composite C of 0.66 as determined above.

Use Mannings Equation to determine preliminary pipe size + slopes, then check using Bernoulli's Equation.

Drainage Area #1:

Drains to Grate Inlet #1

Area = 0.54 ac (includes future development)

Overland Flow Length = 260 ft

Slope = 1.5% , velocity = 2.5 FPS

$T_c = \frac{260 \text{ ft}}{2.5 \text{ FPS}} = 1.7 \text{ min.}$ use 10 min.

I = 6.7 in/hr

$Q_p = (0.66)(6.7)(0.54) = 2.4 \text{ CFS}$

Use 15 Inch \emptyset Concrete Pipe at 0.35%

Drainage Area #2:

Drains to Grate Inlet #2 (includes future development)

Area = 0.89 ac

Overload Flow Length = 300 ft

Slope = 1.5% , velocity = 2.5 FPS

ATTACHMENT I

SUPER 8 MOTEL
 HILTON HEAD ISLAND, SC
 STORM DRAINAGE DESIGN
 DESIGN CONSIDERATIONS
 THOMAS & HUTTON ENGINEERING CO.

FILE: J-5120
 BY: MARK YODICE
 DATE: 3-10-87
 SHEET: 3 OF 7

$$T_c = \frac{300 \text{ ft}}{2.5 \text{ FPS}} = 2.0 \text{ min} \quad \text{use } 10 \text{ min} + \frac{87 \text{ ft}}{1.5 \text{ FPS}} = 11 \text{ min}$$

$$I = 6.8 \text{ in/hr}$$

$$Q_p = (0.66)(6.8)(0.89 + 0.54) = 6.4 \text{ CFS}$$

Use 18 Inch \emptyset Concrete Pipe at 0.35%

Drainage Area #3:

Drains to Grate Inlet #3

Area = 0.97 ac 0.64 ac offsite

Overland Flow Length Over Existing Pavement = 260 ft

Slope = 0.7% , velocity = 1.7 FPS

$$T_c = \frac{260 \text{ ft}}{1.7 \text{ FPS}} = 2.5 \text{ min} \quad \text{use } 10 \text{ min}$$

$$I = 6.7 \text{ in/hr}$$

$$C = \frac{(0.66)(0.36) + (0.80)(0.61)}{0.97} = 0.75$$

$$Q_p = (0.75)(6.7)(0.97) = 4.9 \text{ CFS}$$

Use 18 Inch \emptyset Concrete Pipe at 0.35%

Drainage Area #4:

Drains to Grate Inlet #4

Area = 0.52 ac 0.30 ac offsite

Overland Flow Length = 260 ft

Slope = 0.7% , velocity = 1.7 FPS

$$T_c = \frac{260 \text{ ft}}{1.7 \text{ FPS}} = 2.5 \text{ min} \quad \text{use } 10 \text{ min} + \frac{80 \text{ ft}}{1.5 \text{ FPS}} = 11 \text{ min}$$

$$I = 6.8 \text{ in/hr}$$

ATTACHMENT I

SUPER 8 MOTEL
 HILTON HEAD ISLAND, SC
 STORM DRAINAGE DESIGN
 DESIGN CONSIDERATIONS
 THOMAS & HUTTON ENGINEERING CO.

FILE: J-5120
 BY: MARK YODICE
 DATE: 3-10-87
 SHEET: 4 OF 7

$$C = \frac{(0.30)(0.80) + (0.22)(0.66)}{0.52} = 0.74$$

$$Q_p = (0.75)(6.8)(0.52 + 0.97) = 7.6 \text{ CFS}$$

Use 18 Inch \emptyset Concrete Pipe at 0.5%

Drainage Area #5:

Drains to Grate Inlet #5

Area = 0.38 ac 0.27 ac offsite

Overland Flow Length = 180 ft

Slope = 1.0% , velocity = 2.0 FPS

$$T_c = \frac{180 \text{ ft}}{2.0 \text{ FPS}} = 1.5 \text{ min} \quad \text{use 10 min}$$

I = 6.7 in/hr

$$C = \frac{(0.13)(0.8) + (0.25)(0.66)}{0.38} = 0.70$$

$$Q_p = (0.70)(6.7)(0.38) = 1.8 \text{ CFS}$$

Use 15 Inch \emptyset Concrete Pipe at 0.35%

Drainage Area #6:

Drains to Grate Inlet #6

Area = 0.57 ac 0.44 ac offsite

Overland Flow Length = 200 ft

Slope = 0.5% , velocity = 1.5 FPS

$$T_c = \frac{200 \text{ ft}}{1.5 \text{ FPS}} = 2.0 \text{ min} \quad \text{use 10 min} + \frac{160 \text{ ft}}{1.5 \text{ FPS}} = 12 \text{ min}$$

ATTACHMENT I

SUPER 8 MOTEL
 HILTON HEAD ISLAND, SC
 STORM DRAINAGE DESIGN
 DESIGN CONSIDERATIONS
 THOMAS & HUTTON ENGINEERING CO.

FILE: J-5120
 BY: MARK YODICE
 DATE: 3-10-87
 SHEET: 5 OF 7

$$I = 6.4 \text{ in/hr}$$

$$Q_p = (0.72)(6.4)(0.57 + 0.97 + 0.52 + 0.38) = 11.2 \text{ CFS}$$

Use 24 Inch \emptyset Concrete Pipe at 0.30%

Drainage Area #7:

Drains to Grate Inlet #7

Area = 0.02 ac

$$\text{Use } T_c = 10 \text{ min} + \frac{217 \text{ ft}}{1.5 \text{ FPS}} = 13 \text{ min}$$

$$I = 6.3 \text{ in/hr}$$

$$Q_p = (0.73)(6.3)(2.44 + 0.02) = 11.3 \text{ CFS}$$

Use 24 Inch \emptyset Concrete Pipe at 0.30%

Drainage Area #8:

Drains to Grate Inlet #8

Area = 0.26 ac 0.15 ac offsite

Overland Flow Length = 140 ft

Slope = 0.5% , velocity = 1.5 FPS

$$T_c = \frac{140 \text{ ft}}{1.5 \text{ FPS}} = 1.5 \text{ min} \quad \text{use } 10 \text{ min}$$

$$I = 6.7 \text{ in/hr}$$

$$Q_p = (0.66)(6.7)(0.26) = 1.2 \text{ CFS}$$

Use 18 Inch \emptyset Concrete Pipe at 0.30%

ATTACHMENT I

SUPER 8 MOTEL
 HILTON HEAD ISLAND, SC
 STORM DRAINAGE DESIGN
 DESIGN CONSIDERATIONS
 THOMAS & HUTTON ENGINEERING CO.

FILE: J-5120
 BY: MARK YODICE
 DATE: 3-10-87
 SHEET: 6 OF 7

Drainage Area #9:

Drains to Existing Lagoon

Area = 0.16 ac 0.02 ac offsite

Tc = 10 min

I = 6.7 in/hr

Qp = (0.66)(6.7)(0.16) = 0.7 CFS

Sheet Flow to Existing Lagoon

Drainage Area #10:

Drains to Existing Lagoon

Area = 0.24 ac 0.1 ac offsite

Overland Flow Length = 250 ft

Slope = 0.6% , velocity = 0.55 FPS

Tc = $\frac{250 \text{ ft}}{0.55 \text{ FPS}} = 7.6 \text{ min}$ use 10 min

I = 6.8 in/hr

Qp = (0.66)(6.8)(0.24) = 1.1 CFS

Sheet Flow to Existing Lagoon

Drainage Area #11:

Drains to Existing Lagoon

Area = 0.15 ac

Overland Flow Length = 130 ft

Slope = 1.0% , velocity = 2.0 FPS

Tc = $\frac{130 \text{ ft}}{2.0 \text{ FPS}} = 2 \text{ min}$ use 10 min

ATTACHMENT I

SUPER 8 MOTEL
 HILTON HEAD ISLAND, SC
 STORM DRAINAGE DESIGN
 DESIGN CONSIDERATIONS
 THOMAS & HUTTON ENGINEERING CO.

FILE: J-5120
 BY: MARK YODICE
 DATE: 3-10-87
 SHEET: 7 OF 7

$$I = 6.8 \text{ in/hr}$$

$$Q_p = (0.66)(6.8)(0.15) = 0.67 \text{ CFS}$$

Sheet Flows to Existing Lagoon

Drainage Area #12:

Drains to Proposed Additional Lagoon

Area = 1.0 ac 0.06 ac offsite

Overland Flow Length = 120 ft

Slope = 0.35% , velocity = 1.4 FPS

$$T_c = \frac{120 \text{ ft}}{1.4 \text{ FPS}} = 1.5 \text{ min} \quad \text{use 10 min}$$

$$I = 6.8 \text{ in/hr}$$

$$Q_p = (0.66)(6.8)(1.0) = 4.5 \text{ CFS}$$

Sheet Flows to Lagoon

Drainage Area #13:

Drains to Lagoon

Area = 0.37 ac 0.27 ac offsite

Overland Flow Length = 100 ft

Slope = 0.5% , velocity = 0.5 FPS

$$T_c = \frac{100 \text{ ft}}{0.5 \text{ FPS}} = 3.5 \text{ min} \quad \text{use 10 min}$$

$$I = 6.8 \text{ in/hr}$$

$$Q_p = (0.66)(6.8)(0.37) = 1.7 \text{ CFS}$$

Sheet Flows to Lagoon

80

ATTACHMENT I

TOWN OF HILTON HEAD IS.
ENGINEERING DIVISIONREVIEWED 8-4-87CHECKLIST - ENGINEERING REVIEW OF DSO PROJECTS

PROJECT NAME: SUPER 8
 LOCATION: POPE AVE
 DATE: 8-4-87 REVIEWED BY: Steve
 ENGINEER/FIRM _____ Phone _____
 Sq. ft. _____
 ACREAGE OF SITE _____ # of DU's _____ Commercial _____

I. Parking & Roadways

A. Parking - # spaces Provided Required 1 how derived _____
 - # handicap spaces _____ marked on plan? _____
 - # compact spaces _____ marked on plan? _____
 - Properly sized? OK
 B. Roadways - Public _____ Private _____
 - is typical section(s) shown on plan? _____
 - if public, do they meet SC Highway Spec.? _____
 - Layout width(s) _____ Radii _____
 - Right-of-way width(s) _____

Comments _____
 _____II. Percent Impervious

Impervious - rooftops _____
 - lagoons _____
 - parking/roadways _____
 - Other _____
 Total Area _____ Total Imp. _____
 % Imp. 55%

Comments: _____

ATTACHMENT I

July 27, 1987

DEVELOPMENT SUMMARY

<u>Use</u>	<u>Tract</u>	<u>Area Acres</u>	<u>GLA/ Units</u>	<u>Density DU's & S.F./Ac</u>
Commercial Office	A	1.4	21,913	15,652
Commercial Retail	B & C	3.0	36,279	12,093
Hotel/ Motel	D	2.6	94 Rooms	94/3.9 24 rm/a
Common Area	F	1.3	-	
Residential	E	<u>6.8</u>	<u>200</u>	<u>29.4</u>
TOTALS		15.1	58,192 238 DU's	15.7

ATTACHMENT I

	<u>Open Space</u>			<u>Imp Area</u>			<u>Pkg</u>
	<u>Z</u>	<u>AC</u>	<u>Z</u>	<u>Z</u>	<u>AC</u>	<u>Z</u>	<u>Prov</u>
	<u>Req'd</u>	<u>Prov</u>	<u>Prov</u>	<u>Allwd</u>	<u>Prov</u>	<u>Prov</u>	<u>(LMO)</u>
sf/ac	20			55			As required
sf/ac	20			55			As required
c	20	1.37	53	55	1.39	53	-100-97
	0	1.3	100	55	1.3	100	-
	<u>40</u>			<u>55</u>			As required
				55			

LMO Requirements

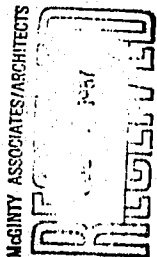
LMO Requirements

ATTACHMENT I

TOWN CENTER PUD
 TRAFFIC IMPACT ANALYSIS
 BASED ON LMO ARTICLE VII, TABLE A

<u>USES</u>	<u>TRIPS/DAYS per 1000 sf or units</u>	<u>AS APPROVED</u> sf or units T/D		<u>PROPOSED</u> sf or units T/D	
Commercial/ Office	1000(s) x 17.7	36000	637	21913	388
Commercial/ Specialty Retail	1000(s) x 40.7	(52000)		(36279)	
General Retail	1000(s) x 82.0	37000	1506	25000	1018
		15000	1230	11279	927
Hotel	# rooms x 10.1	50 rms.	505	94 rms.	949
Residential/ Multi-family	# units x 5.6	222 uts.	1288	200 uts.	1160
<u>TOTALS</u>			5166		4442

724 trip/day reduction



May 5, 1987

ATTACHMENT I

May 1, 1987

TRAFFIC IMPACT ANALYSIS

(Based on Trips/Day - LMO Table A)

Use	Traat	Area	Density	Bldg Area	Traffic	T/D	<u>Orig Approved T/D</u>
Commercial Office	A	1.4 Aa	15,652 SF/Aa	21,913	21.9 x 17.7	388	605
Commercial Spec Ret Gen Ret	B & C	3.0 Aa	12,093 SF/Aa	(36,279) 25,000 11,279	25.0 x 40.7 11.2 x 82.0	1018 927	1402 1180
Motel Common Area	D F	2.6 Aa 1.3 Aa	94 Room	-	94.0 x 10.1	949	394
Residential	E	<u>6.8 Aa</u>	<u>200 DU's</u>	-	<u>200.0 x 5.8</u>	<u>1160</u>	<u>1239</u>
		15.1 Aa	238 DU's	58,192		4442 T/D 185 T/Hr	4820 T/Day 201 T/Hr

ATTACHMENT I



7-13- need new
Engineering Plans

June 12, 1987

Mr. R. A. McGinty
11 Lagoon Road
Hilton Head Island, SC 29928

RE: Application for Development Plan Review for Supeer 8 Motel
DPR-18-87

Dear Pete:

I have reviewed the above referenced project and have found that the following items are needed to complete the application:

- 7/15 1. Additional filing fee in the amount of \$12.00/1000 s.f. building area not used for rooms (16-7-612,3).
- 8/24 2. Reference meridian on site plan (Section 16-7-661,a7b).
3. Drainage plan and specifications (include details of off-site drainage proposals per special exception approval). Town Engineer may require additional information (16-7-661,a7h).
- 7/13 4. Plans/specs for waste disposal systems (16-7-661,a7j).
- 8/24 5. Plans/specs for parking areas: dimensions (16-7-661,a7k).
- 7/13 6. Proposed site layout of electrical and telephone service lines. Include cable TV if to be provided (16-7-661,a7L).
- 7/13 7. Verify impervious surface coverage. Lagoons are considered impervious and open space. There is a discrepancy on how lagoons were counted in impervious/pervious/open space calculations. Impervious surfaces map needed.
- 7-28 8. Designate open space on plans. Indicate how the 1.3 acre open space required under special exception approval will be provided (16-7-661,a7n).
- 7/28 9. Delineate extent of Road Corridor Overlay Zoning District (16-7-661,a7o).
- 7/28 10. Surveyed line of extent of SC Coastal Council/US Army Corp of Engineers protection area. This line should also be certified by the appropriate agency.

ATTACHMENT I

RE: Super 8 Motel
Page 2

- 8/24 *b. be given*
11. Note FEMA/FIRM flood zone of the site and proposed first floor elevation (16-7-661,a7q).

Additional application requirements of LMO Section 16-7-661(b) needed to complete the application are:

- 7/13 12. Impact evaluation of (traffic) water, sewer, and emergency preparedness (16-7-661b2).
- 7/13 13. South Carolina DHEC construction permit for sewer system (16-7-661,b5a1).
- 7/13 14. Approval of Cable TV, if to be provided (16-7-661,b5a7).
- 7/13 15. US Army Corp of Engineers permit as referenced in SC Coastal Council letter (16-7-661,b5a8).
- 7/13 16. SC Department of Highway and Public Transportation encroachment permit for curb cut on Pope Avenue (16-7-661,b5a13).
- 8-4 17. Town Engineer approval (16-7-661,b5a14). *Documents to Dan 7-2*
- 8/26 18. Tree approval or permit (16-7-661,b5a15). *conditional Sally 6-30*
- 8/26 19. Hilton Head Company approval and Corridor Review Committee approval (16-7-661,b5b1).
- 7/28 20. Comments on emergency preparedness plans by Beaufort County Emergency Preparedness Director (16-7-661,b5b2).
21. This project will be subject to Section 16-7-661,b5b7).

The following is a list of comments or additional information needed to complete the application for Super 8 Motel:

- 7/13 22. Provide proposed Average Daily Trips for the PUD so that the road design standards can be verified (16-7-827,a6b).
- 7/13 23. Provide site triangle easements at intersection at Pope Ave. (16-7-827,f4).
24. Curbing is required at intersections unless waived by the administrator. (16-7-827,f5).
25. This plan does not meet the required 1000 foot distance between curb-cuts on major thoroughfares. Relief must be requested per Section 16-7-827(g).
- 7/13 26. Provide proposed street name for Staff approval (16-7-639,1).

ATTACHMENT I

RE: Super 8 Motel
Page 3

- Landscaping 7/13
OK
27. Show extent of bike and pedestrian pathways on plans. This was a requirement of the Special Exception approval. (16-7-826)
 28. Indicate intensity of surrounding land uses so that setbacks and buffers can be verified (16-7-841, 16-7-843).
 29. Indicate landscaping in parking lot (16-7-850,g5).
 - 7/13 30. Sidewalks should be designed to provide for ease of access and safety for pedestrians and vehicles (16-7-850,g2).
 - 7/13 31. Provide information to verify number of required parking spaces. (16-7-851)
 - 7/13 32. Indicate location of median cut on Pope Avenue as it relates to proposed curb-cut.

As per your special exception and conditional use approvals by the Planning Commission, the following information is needed:

- 7/13 33. Provide plans for new parking area for Western Sizzlin providing all details required by the ordinance and showing how the steak-house site will not become more non-conforming with the new parking plan.
- 7/13 34. Submit a revised masterplan showing new boundary line and indicating no change in total PUD acreage.

These items must be submitted satisfactory to the Planning Staff before further action can be taken on the project.

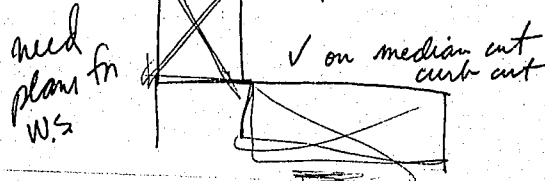
If you have questions, please call.

Sincerely,

Bryan
Bryan D. Wood
Current Planner

ATTACHMENT I

have to overall acreage not to
change
submit new masterplan showing
metel and boundary change



What is proposed adt for PUD - is road
: ROW wide enough?

Indicate right Δ easements on plans.

16-7-827 (F5) requires curbing at intersections
does not meet 1000' curb cut requirement \leftarrow
Provide street name

(Bike & ped.) asked for? pathway for boums

verify setback / buffer perimeter PUD (show
intensity of surrounding uses.

review landscape in park lot

Provide parking data

Western Hill

ATTACHMENT I

Any applicant aggrieved by the Committee's determination may appeal such determination to the Town Board of Adjustment consistent with the procedures outlined in Part F of this Article.

PART E - STAFF DEVELOPMENT PLAN REVIEW

Section 16-7-660. Applicability.

All proposed development as defined by this Chapter, unless expressly exempted in Section 16-7-235, shall be subject to Development Plan review by the Administrator of this Chapter. No building permit application shall be reviewed by the building official until a development plan approval has been granted.

Section 16-7-661. Staff Development Plan Application.

(a) Application submission by appointment is preferred for the applicant's benefit so that a submission review may be made to determine substantial completeness of the application. A log of all development plan applications received shall be kept and available for public inspection during regular business hours. A Development Plan Application shall contain the following minimum items before being accepted for review by the Administrator of this Chapter.

- ✓(1) Development Plan Application Form. A signed Development Plan Application Form as published by the Administrator of this Chapter, which shall contain the following minimum items:
- a. Proposed name of the development.
 - b. The base zoning district in which the development is located, as well as any overlay zoning district(s).
 - c. Proposed development schedule of uses, specifying all development types as defined by this Chapter and specifying the proposed number of dwelling units, number of hotel rooms, number of divisible dwelling units, non-residential building gross square footage by category of use, or other applicable unit(s) of measure of use.
 - d. Names, mailing addresses and telephone numbers of the development site owner(s) of record, applicant(s) if other than the owner(s), and all agents duly authorized to act on behalf of the owner(s) and/or applicant(s).
 - e. Beaufort County tax map and parcel number(s) of all lots constituting the development site,

ATTACHMENT I

whether in whole or part.

- ✓(2) Certification of Owner(s) Consent. Certification, written and signed by the development site owner(s) of record, that such owner(s) formally consent(s) to the Development Plan proposed.
- ✓(3) Property deed(s). Copy of property deed(s) to the lot(s) of record or portions thereof which constitute the proposed development site.
- (4) Boundary survey plat(s). Two (2) copies of the boundary survey plat(s) of the lot(s) of record or portions thereof which constitute the proposed development site. Upon such plat(s) shall appear:
- ✓a. Location of primary control points used in the survey, with ties to such control points to which all dimensions, angles, bearings, distances, block numbers and similar data shall be referred. The Planning Commission may specify the control system to which all such surveys shall adhere.
 - ✓b. Computed acreage of the surveyed tract. Where only a portion of any tract is proposed for development, there shall appear on the plat the acreage to be developed (except in the case of subdivisions, where precise acreages shall be shown) in addition to the overall tract acreage.
 - ✓c. Seal and signature of a South Carolina registered land surveyor.
 - ✓d. Date of survey and date(s) of any revisions.
 - ✓e. Notation of specific reference plats, if applicable.
 - ✓f. Graphic scale, at a minimum of 1"=50' or an appropriate scale acceptable to the Administrator, and reference meridian.
- ✓(5) Written narrative. A written narrative outlining:
- a. The nature of the proposed development, including documentation of the applicant's purpose in development, and any basic facts about the enterprise if the business nature is known (the latter is applicable only to non-residential development).
 - b. If the proposed development plan is a phase of a previously approved (preliminary) plan or a

ATTACHMENT I

multi-phase plan, a description of how such phase relates to such plan, in whole or in part. Additionally, if the proposed development plan is a phase of a previously approved PUD master plan, a description of such phase's consistency with the master plan.

- c. Other governmental agency or Town approvals, specifying date and nature of such and how this plan addresses any prior conditions required by such agencies.
- d. The specifically contemplated form of ownership of the development (e.g. fee simple, horizontal property regime, property owner association, interval ownership, etc.) and detailed provisions for maintenance responsibility for all improvements, including, but not limited to, streets, parking areas, bikeways, pedestrian ways, storm drainage facilities, water and sewer systems, open spaces areas, and the like.
- e. Any proposed dedication of improvements to any public agency, specifying such improvements and the affected agencies.
- f. If the property is located within the Road or Waterfront Corridor Overlay District and subject to Corridor Review Committee review, a summary of the Corridor Review application contents. (Reference Section 16-7-652(i) of this Article.)
- g. Any other information deemed necessary by the applicant to further clarify the proposed development.

→ (6) Filing Fee. Applicable filing fee as specified in Part B of this article. *1170 + any non-res SF other than rooms*

(7) Site Development Plan(s) or Plat (in case of subdivision). Three (3) black or blue line prints of a final site plan, set of plans, subdivision plat or other required map, of minimum scale of 1"=30' or an appropriate scale acceptable to the Administrator, showing:

- /a. Name of development.
- /b. Graphical scale and reference meridian.
- /c. Date of drawing and date(s) of any revisions.

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- ✓ d. Vicinity sketch showing the general site location and depicting vehicular access routes accurately referenced to the nearest public road (vicinity sketch not required at scale of 1"=30' or an appropriate scale acceptable to the Administrator, but must be accurate and legible).
- ✓ e. Topographic survey at 2 foot contour intervals, or other topographic information acceptable to the Town Engineer, unless waived by the Town Engineer.
- ✓ f. All permanent structures and facilities within approximately 100' of the proposed development tract.
- g. Proposed site development, including land uses and plans, profiles and outline specifications for any building or other structure locations, street, driveway, bike and pedestrian way, and parking area layouts, and interconnections with off-site facilities, if applicable. The plan view of buildings shall show limits of roofed areas, and indicate the exterior wall line as well. ✓
- ✓ h. Plans and outline specifications of proposed drainage system layouts, including off-site areas of interconnection. (Reference Article VIII for drainage standards and documentation requirements.)
- ✓ i. Profiles and outline specifications of proposed water and sewer system layouts, including off-site areas of interconnection.
- ⊗ j. Plans and outline specifications of other proposed waste disposal systems, including solid waste collection areas.
- ⊗ k. Plans and outline specifications (including dimensioning) for parking, loading and unloading areas, where applicable.
- ⊗ l. Proposed site layout of other utilities such as electrical, telephone, gas line service and cable ? TV to the development. Such design may be submitted by the developer subject to approval by the respective utility companies or submitted as designed by the respective utility companies.
- ⊗ m. Plan of impervious surface coverage as required by Article VIII, and consistent with the format stated in said section.

not designated ⊗ p. Plan of proposed open space areas, including

ATTACHMENT I

off-site areas of interconnection. The map shall show, at a minimum scale of 1"=30' or an appropriate scale acceptable to the Administrator, all areas of the site to be designated as open space and the designation of each area according to its proposed use (differentiating between natural and man-made), and the specified type, size and general location of plantings or other screening techniques to be used in designated buffer areas. (See Article VIII, Part I) The map shall also denote the size of each designated area in acres and the total open space area in acres and as a percentage of the site, in conformance with the open space standards specified under Article VIII. Buffer areas should be diminished at the point of minimum width.

(Xo.) Delineation of any zoning district boundary which traverses or is contiguous to the development site, (including overlay zones)

(MA. b.) Where applicable, surveyed delineation of any wetland area (certified by S.C. Coastal Council or U.S. Army Corps of Engineers), beach dune system or other delineation of a natural feature on the site which is protected or defined under provisions of this Chapter.

(Xg.) Notation as to FEMA/FIRM flood zone(s) covering the site, and proposed first floor elevation of all buildings.

(U/A r.) Where applicable, surveyed delineation of any known cultural resource feature, as defined by this Chapter, located on or contiguous with the proposed development tract.

✓ s. general proposed exterior lighting, showing approximate location and size of fixtures.

(b) Additional Application Requirements. In addition to the items required by (a) above, the following additional items shall be supplied to and documented by the Administrator of this Chapter to complete the Development Plan Application.

✓ (1) Exterior Elevations. Final building and other structural exterior elevations and site development plans accurately showing the height, width and length of all proposed structures, as applicable.

(X12) Impact Evaluation Requirements. The Applicant shall submit all documentation on impact evaluation for

ATTACHMENT I

traffic, sewer, water, schools, and emergency preparedness as required by Article VII of this Chapter. In the case of applications which received preliminary or master plan approval prior to the adoption of this Chapter, the impact review will be carried out before development plan approval.

*N/A for
Motel
Project -
PUD will
phase*

(3) Development Phasing Plan. (Required only if the plan will be phased over a period of more than one (1) calendar year.) A plan indicating the contemplated phasing of the proposed development, if the development is proposed to extend over more than one (1) calendar year. Such plan shall contain:

- a. A schedule map, at a minimum scale of one (1) inch = one hundred (100) feet or an appropriate scale acceptable to the Administrator (preferably at site development plan scale), graphically showing the proposed phasing areas.
- b. A schedule report, listing by each proposed phase (as applicable) the number of residential units by type, number of hotel rooms, amount of gross building square footage for all non-residential uses by type, expected type of open space improvements, and public improvements by the applicant for dedication to any governmental or other public agency.

N/A (4) Open space report. An open space report outlining the form of organization proposed to own and maintain the open space in conformance with the requirements for Property Owner Associations, or the equivalent, specified under Article VIII, Part D, of this Chapter, and identifying how the open space and facilities relate to existing and proposed open space areas, bikeways, and recreational facilities on Hilton Head Island, as shown in the Hilton Head Island Comprehensive Plan, or more detailed plans adopted by the Planning Commission, such as neighborhood plans.

(5) Approvals, Certifications and Recommendations. Copy of approvals, certifications and recommendations required by all appropriate town, county, state and federal regulations for the proposed development, and documentation of compliance with such, as applicable. Failure of the Administrator to request an approval or certification required does not relieve the applicant of responsibility for compliance.

(a) Approvals and Certifications. As applicable, includes but is not limited to:

- (1) South Carolina Department of Health and

ATTACHMENT I

- water only -
need septic*
- need also
pool permit*
- Environmental Control approval of water system design and sewer system design (or installation, where applicable).
- (2) South Carolina Department of Health and Environmental Control air, water quality, or solid waste permit.
- ✓ (3) Public Service District or other agency approvals related to the provision of sewer and/or water, including service agreements.
- (4) Beaufort County Health Department or other appropriate agency approval of septic system or temporary sanitary waste disposal system.
- ✓ (5) Fire department review only.
- ✓ (6) South Carolina Coastal Council permits, approvals or certifications related to fresh water or salt water wetlands, beaches and dunes, cultural critical areas and the like.
- needs revised
Corp permit*
- ← *conditional*
- (7) Electric, gas, telephone or cable TV provided approval of the appropriate utility service and layout.
- ⊗ (8) U.S. Army Corps of Engineers permits related to dredging, filling, wetlands, or other elements of the development.
- (9) Federal Aviation Administration, especially of development within the Airport Hazard Overlay District.
- (10) Federal Communications Commission
- (11) S.C. Water Resources Commission
- (12) S.C. Department of Wildlife
- ⊗ (13) S.C. Department of Highways and Public Transportation or other public transportation agency, if such agency is to be involved in the ownership or maintenance of any road improvements. In all cases a SCDHPT encroachment permit shall be obtained, if necessary for the proposed or required work, prior to granting of a development approval.
- ⊗ (14) Town Engineer approval of storm drainage system design or installation, or of other engineering elements.

ATTACHMENT I

X(15) Tree approval or permit from the Town Natural Resources Administrator.

(16) Any other special Town approval specific to the elements of the development, unless otherwise provided for.

(b) Recommendations and comments of the following, as applicable, including, but not limited to:

X (1) Any private architectural review board, if applicable, and the Corridor Review Committee, with jurisdiction over the development.

X(2) Beaufort County Emergency Preparedness Director for hurricane evacuation/emergency preparedness plans (see Article VII for applicability).

(3) Beaufort County Aviation Board.

(4) Any other recommendation applicable to the development.

review (5) Legal guarantees. Legal guarantees for the installation and maintenance of required and other improvements; applicable only to those developments involving the sale or other transfer of lots, building sites, individual dwelling units, commercial units, or structures either attached or detached, where the alternate procedure of posting such guarantees is chosen in lieu of actual construction of such improvements prior to final approval.

(6) Offers of Dedication to Public Ownership. Any offers of dedication to public ownership and permanent public maintenance of improvements, such as streets, and drainage systems, parks, pathways, etc. The Applicant shall propose the manner for such dedication.

subject to → (7) Service agreements. Agreements by public or other agencies to service the proposed development with certain required improvements or services, such as water, sewer, fire protection, and the like. In the case of water or sewer service, an executed agreement or performance bond shall be filed with the Town prior to issuance of a subdivision approval or building permit.

ATTACHMENT I

- (8) Legal documents. Draft deed restrictions, articles of incorporation, bylaws of a homeowners' association, easements, and other legal documents pertaining to the operation and management of the proposed development, or, if required, by any other section of this Chapter.
- (9) Other Code Requirements. Any other items specifically required of a development plan application by any other provisions of this Code.

Section 16-7-665 Development Plan Review

If all submission requirements pursuant to this article are met and the proposed development plan is consistent with all applicable provisions of this chapter, the Administrator shall approve the development plan and so advise the applicant in writing within five (5) working days. A determination by the Administrator that all such requirements and provisions have not been satisfied shall result in disapproval of the development plan and notice of such disapproval shall be given to the applicant in writing within five (5) working days of such determination.

Section 16-7-666 Exemption from Amendments

The notice of development plan approval shall state the date of such approval and such approved plan shall not be subject to any otherwise applicable amendments to this chapter for a period of one hundred and eighty (180) days from such approval date. If a complete building permit application is not submitted consistent with the approved development plan within such period, any applicable amendments to this chapter shall apply to the development plan.

ATTACHMENT I

PROJECT: Super 8 Motel
LOCATION: Pope Avenue, behind Western Sizzlin'
REQUEST: New Development - Delegated ARB review
APPLICANT: R.A. McGinty
11 Lagoon Road
HHI, SC 29928

This request is being reviewed by the Hilton Head Company Plans Approval Board as a delegated ARE. In addition to review of covenant requirements, the delegated ARB makes recommendations to the CRC as to the consistency of a project with respect to CRC guidelines.

This project was denied by the Hilton Head Company at its June 2nd meeting, citing inadequate landscaping and lighting plans and considerable changes in the architecture had occurred since their preliminary review.

Staff recommends denial of this project based on the delegated ARB's findings. The Committee may wish to table this project if the applicant formally waives his right to an action by June 25, 1987.

6/4/87

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ATTACHMENT I

PROJECT: SUPER 8 LODGE (LANDSCAPE & SIGNS)
LOCATION: POPE AVENUE (BEHIND WESTERN SIZZLIN)
APPLICANT: R.A. MCGINTY
11 LAGOON ROAD
HILTON HEAD ISLAND, SC 29928
REQUEST: MINOR EXTERNAL CHANGE - ROAD CORRIDOR

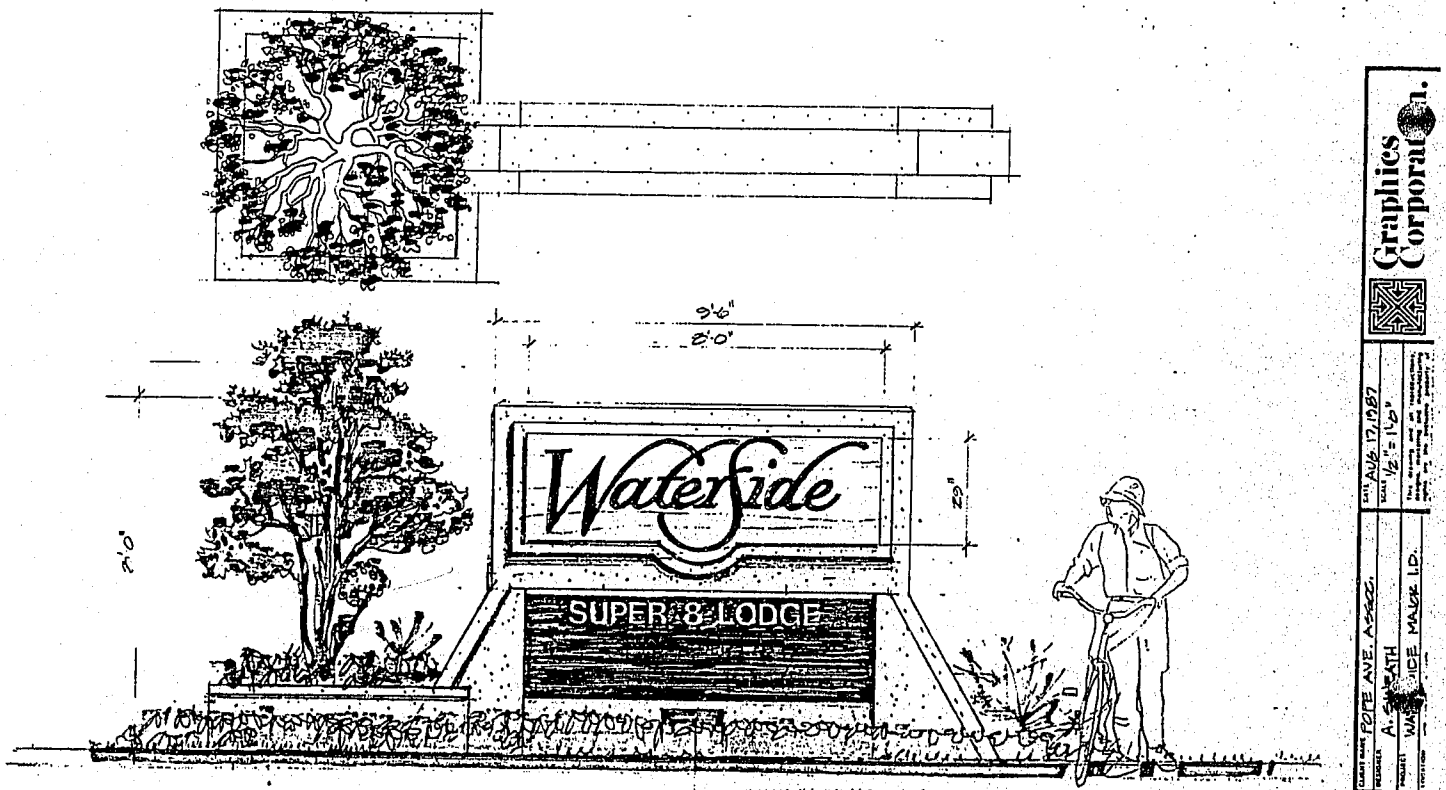
This project was denied at the August meeting. The Committee felt that landscape plan needed to provide relief to the numerous photinias proposed, increase plant size in buffer to 48", and provide additional trees in parking area and between the building. The Waterside directory sign was felt to be too massive and lettering size needed to be reduced.

The revised landscape plan addresses the concerns of the Committee and staff. Additional plants have been provided to break up the lines of photinia. Buffer plants have been increased to 48" installed height. And trees have been provided between the parking and building.

The Waterside sign has been reduced from 12'-3" long to 9'-6". The overall height remains 8'-0". A planter has been added to the sign base which will help reduce the mass of the sign.

Staff recommends approval of landscape plan and signs (Waterside and Super 8 Lodge) as resubmitted.

ATTACHMENT I



ELEVATION @ PROPOSED PRIMARY I.D. SIGN
S.T.O. A.L.E. 1/2" = 1'-0"

SIGN ILLUMINATED BY
300W QUARTZ FIXTURE

(TYPE AVE. SIDE)

REVISED PLAN - BASED ON
AUGUST DENIAL

Graphics Corporation
 1775 AVE. A, SUITE 100
 WASHINGTON, D.C. 20004
 TEL: (202) 462-1100
 FAX: (202) 462-1101
 PROJECT: WATERLOO I.D.
 DATE: AUG. 17, 1987
 DRAWN: J.E. 1/2" = 1'-0"
 CHECKED: A. SMITH
 APPROVED: W. J. MURPHY I.D.

001

ATTACHMENT I

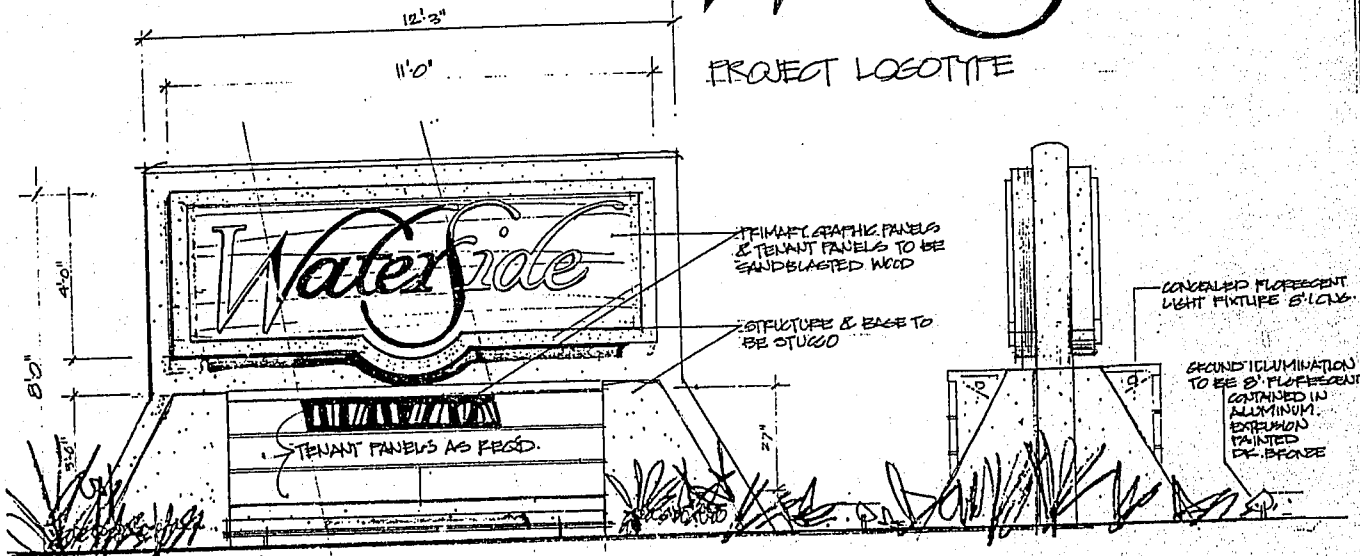
STUCCO - SANDSTONE BROWN K-31
PERMACFETE

BACKGROUND & TENANT COPY
P&L Y352 W (STAIN)

PRIMARY PANEL COPY & TENANT PANEL
BACKGROUND P&L B747A ANTIQUE BLUE.

WaterSide

PROJECT LOGOTYPE



Graphic Communications

DATE: JULY 22/1987

SCALE: 1/2" = 1'-0"

PROJECT: WATER SIDE

CLIENT: FIVE AVENUE ASSOCIATES

DESIGNER: [Signature]

DATE: [Signature]

PROJECT: WATER SIDE

CLIENT: FIVE AVENUE ASSOCIATES

DESIGNER: [Signature]

DATE: [Signature]

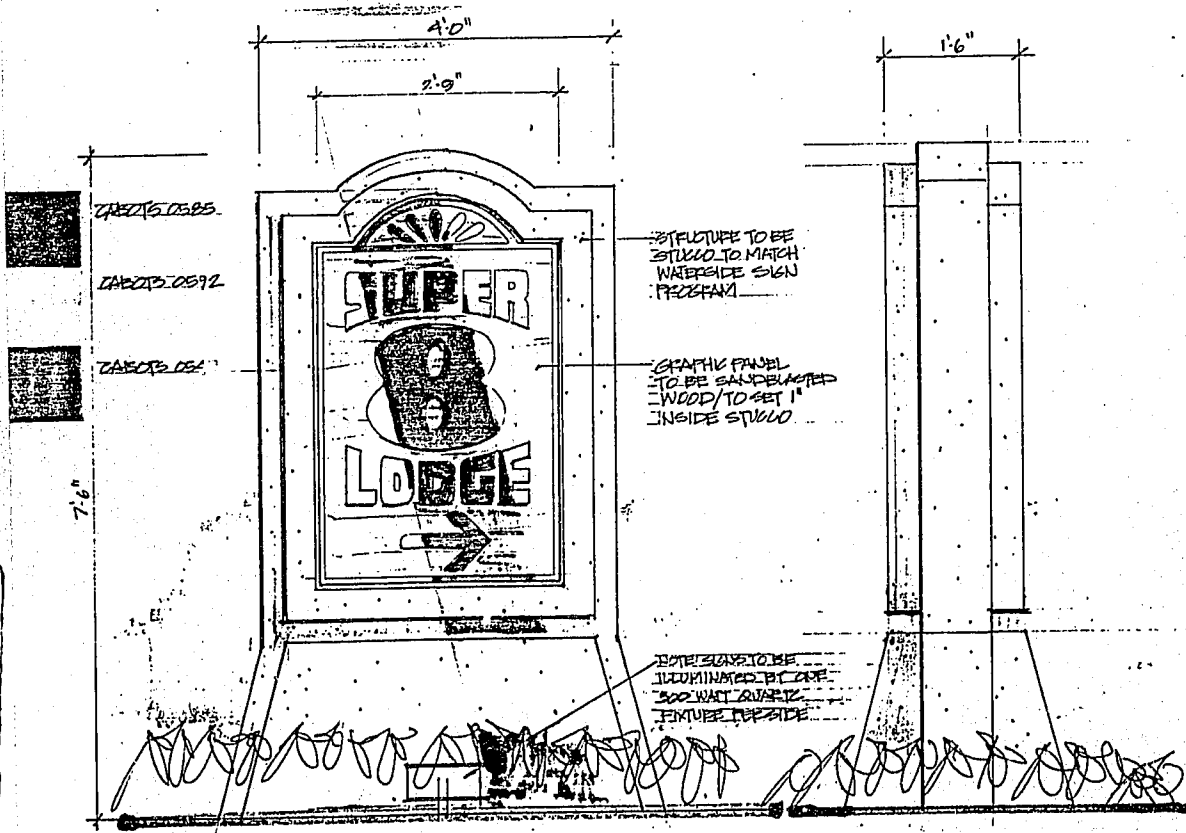
PROPOSED ELEVATION @ PRIMARY I.D. SIGN / DOUBLE FACED END VIEW

SCALE: 1/2" = 1'-0"

PLAN DENIED IN AUGUST

101

ATTACHMENT I



PROPOSED FREESTANDING I.D. SIGN END VIEW

OVERALL SIZE 11'-0"

102

Graphics Corporation
MULTIMEDIA DESIGNERS

DATE: JULY 20, 1987
BY: [Signature]

PROJECT: WATERSIDE/SUPER EIGHT
DRAWN BY: [Signature]

ATTACHMENT I

WATERFRONT & ROADWAY CORRIDOR OVERLAY ZONING DISTRICTS

NOTICE OF ACTION TAKEN BY CORRIDOR REVIEW COMMITTEE

R. A. McGinty
11 Lagoon Road
Hilton Head Island, SC 29928

Dear Applicant:

At its August 11, 1987 meeting the Town of
Hilton Head Island Corridor Review Committee recommended the following
action on your project, Super 8 Lodge (Lighting Plan)

- TOOK NO ACTION
- TABLED UNTIL _____ FOR THE FOLLOWING
REASONS _____
- DISAPPROVED FOR THE FOLLOWING REASONS: _____
- APPROVED AS SUBMITTED
- APPROVED WITH THE FOLLOWING CONDITIONS: _____

*Building lights
will be ceiling mounted
shielded from view by
arch (no wall lights)
except possibly for wall
sign*

NOTICE DATE: August 18, 1987 BY: Thomas Wood

Town of Hilton Head Island, 40 Palmetto Pkwy., Hilton Head, SC 29928
(803) 681-3395

CRC 5-23-86

ATTACHMENT I

WATERFRONT & ROADWAY
CORRIDOR OVERLAY ZONING DISTRICTSNOTICE OF ACTION TAKEN
BY
CORRIDOR REVIEW COMMITTEE

R. A. McGinty
11 Lagoon Road
Hilton Head Island, SC 29928

Dear Applicant:

At its August 11, 1987 meeting the Town of
Hilton Head Island Corridor Review Committee recommended the following
action on your project, Super 8 Lodge (Landscape and Signs)

- () TOOK NO ACTION
- () TABLED UNTIL _____ FOR THE FOLLOWING
REASONS _____
- (*) DISAPPROVED FOR THE FOLLOWING REASONS: _____
- () APPROVED AS SUBMITTED
- () APPROVED WITH THE FOLLOWING CONDITIONS:
1. Too many potinias in front of the building, too monotonous.
Relief could be given using other plants.
 2. Increase plants in size to a minimum of 48" for buffer between motel
and restaurant.
 3. Add deciduous shade trees in the plant bed between the parking
and the building - LMO 16-7-484(a4) Additional shade trees in
parking areas.
- Sign:
1. Waterside sign lettering needs to be reduced. The mass of the sign
is too high.
 2. Resubmit sign package. LMO 16-7-484(a6)

NOTICE DATE: August 18, 1987

BY: *Bryan D. Wood*

Town of Hilton Head Island, 40 Palmetto Pkwy., Hilton Head, SC 29928
(803) 681-3396

CRC 5-23-86

ATTACHMENT I

PROJECT NAME: Super 8 Lodge
 LOCATION: Pope Avenue behind Western Sizzlin
 REQUEST: Minor External Changes
 APPLICANT: R.A. McGinty
 11 Lagoon Road
 Hilton Head Island, SC 29928

This request includes a landscape and lighting plan and a PUD wide graphics package. The landscape plan was not approved last month because of concerns about pedestrian circulation and buffer landscaping.

These concerns have been addressed since last month. The pedestrian access has been improved by connecting sidewalks with the adjacent restaurant and proposed PUD bikepath. In addition, pedestrian access points have been provided into parking areas.

Under LMO Section 16-7-483 a plant material buffer is required between the motel and the Western Sizzlin property. This plant material must be of sufficient size and quantity to create a 6' high visual screen within one year of planting. Although the quantity of plants appears to be acceptable, the size appears to be inadequate. The photinia should be increased to at least 48" in height.

The 3' oleander is questionable on its screening ability after one year. Staff suggests that the oleander in this buffer area be added to or substituted with ligustrum, which is already used on the plan. These plants should also be at least 48" high at planting.

Except for the ends of the building where palmettos are being saved or transplanted, the center of the structure has no tall landscaping. On the side facing Pope Avenue, Staff suggest planting 2 River Birch trees in the landscape area between to stairwells. This height would help break up the mass of the building and soften the appearance from the corridor. Additional shade trees in the parking lot are strongly encouraged.

Site lights remains the same as previously submitted:

5 overhead parking lot lights, 175 watt Mercury Vapor
 1 Fluorescent 40 watt sign light
 23 up/down lights
 28 "mushroom" lights
 12 semi-recessed ground lamps, 100 watt max
 incandescent

ATTACHMENT I

The graphics package includes a specific sign for the PUD and one for the motel. The PUD sign will be designed as a directory sign. It will have a cream color stucco and wood background and base with blue lettering. It will be 12'3" wide x 8' high overall. The sign will be lit with 4-8' fluorescent lamps.

The Super 8 sign will be 4' wide x 7.5' height. The colors have been softened from the last submission. The sign will be cabot stained wood on a stucco base.

The request also includes a general design for other free-standing signs in the development. These signs will reflect the structure design of the two specific signs in this request.

Staff recommends approval of the graphics package as submitted. Approval of the landscape and lighting plan with the following conditions:

1. Increase photina to 48" minimum height in buffer between motel and restaurant. Replace or add to oleander with suitable screening plants. To be approved by staff.
2. Add two River Birch to plant bed between stairwells facing Pope Avenue. Strongly encourage additional shade trees in parking areas.

ATTACHMENT I

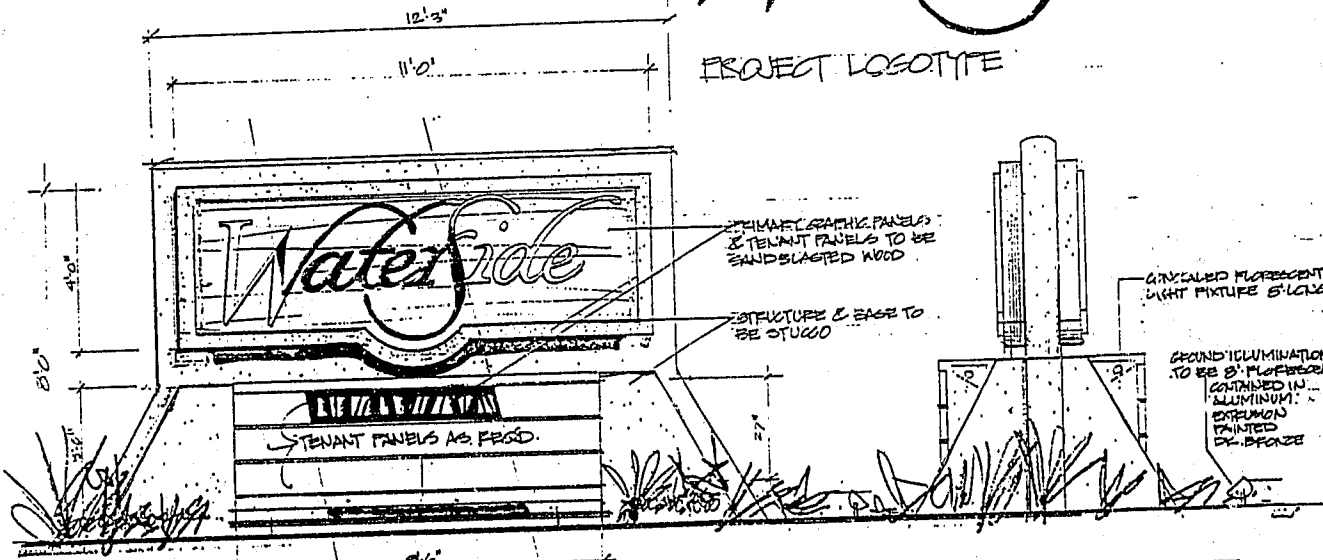
STUCCO - SANDSTONE BROWN K-31
PERMACFETE

BACKGROUND & TENANT COPY
P&L 532 W (STAIN)

PRIMARY PANEL COPY & TENANT PANEL
BACKGROUND: P&L 5747A ANTIQUE BLUE

WaterSide

PROJECT LOGOTYPE



Graphics Corporation
MULTIMEDIA DESIGNERS AND FABRICATORS

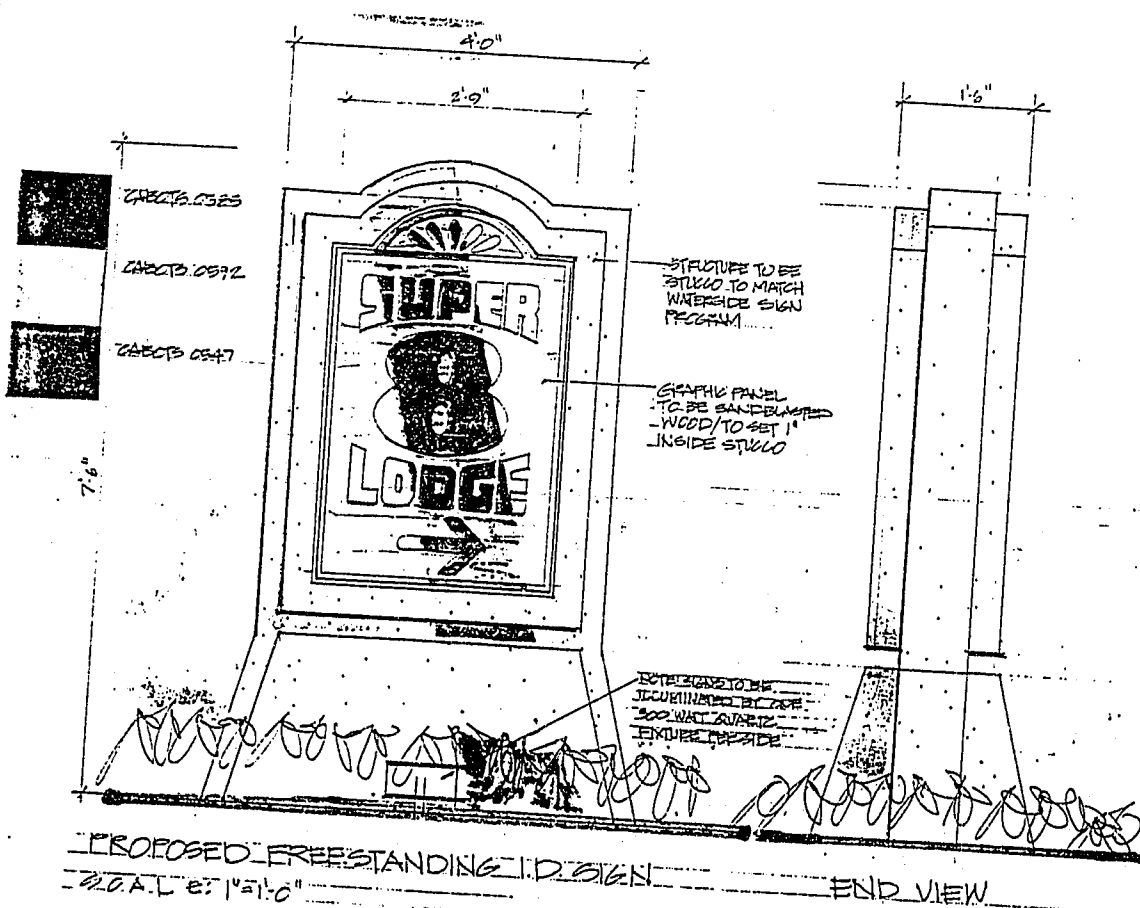
DATE: JULY 23, 1987
PROJECT: P&L 532 W (STAIN)

CLIENT NAME: PETE AVENUE ASSOCIATES
ADDRESS: A. CHURCH
CITY: PRIMEY RID. I.D.
STATE: PETE AVENUE

PROPOSED ELEVATION @ PRIMARY I.D. SIGN / DOUBLE FACED END VIEW
SCALE: 1/4" = 1'-0"

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ATTACHMENT I



PROPOSED FREESTANDING I.D. SIGN END VIEW

- OBJECT 0325
- OBJECT 0392
- OBJECT 0347

Graphics Corporation
MULTIMEDIA DESIGNERS AND FABRICATORS

DATE: JULY 28, 1987
SCALE: 1" = 1'-0"

PROJECT: A. SHARATH
WATERSIDE/SUPER EIGHT
FIELD OFFICE AVE.

801

ATTACHMENT I

WATERFRONT & ROADWAY CORRIDOR OVERLAY ZONING DISTRICTS

NOTICE OF ACTION TAKEN BY CORRIDOR REVIEW COMMITTEE

Dear Applicant:

At its July 14, 1987 meeting the Town of
Hilton Head Island Corridor Review Committee recommended the following
action on your project, Super 8 Lodge

- () TOOK NO ACTION
- () TABLED UNTIL _____ FOR THE FOLLOWING
REASONS _____
- () DISAPPROVED FOR THE FOLLOWING REASONS: _____

- () APPROVED AS SUBMITTED
- (x) APPROVED WITH THE FOLLOWING CONDITIONS:

Approve the building elevations and colors, and building site
as submitted.

Resubmit plans for landscaping, lighting and graphic package
for signs for P.U.D.

NOTICE DATE: 7/14/87 BY: Bryan D. Wood/igs
Town of Hilton Head Island, 40 Palmetto Pkwy., Hilton Head, SC 29928
(803) 681-8396

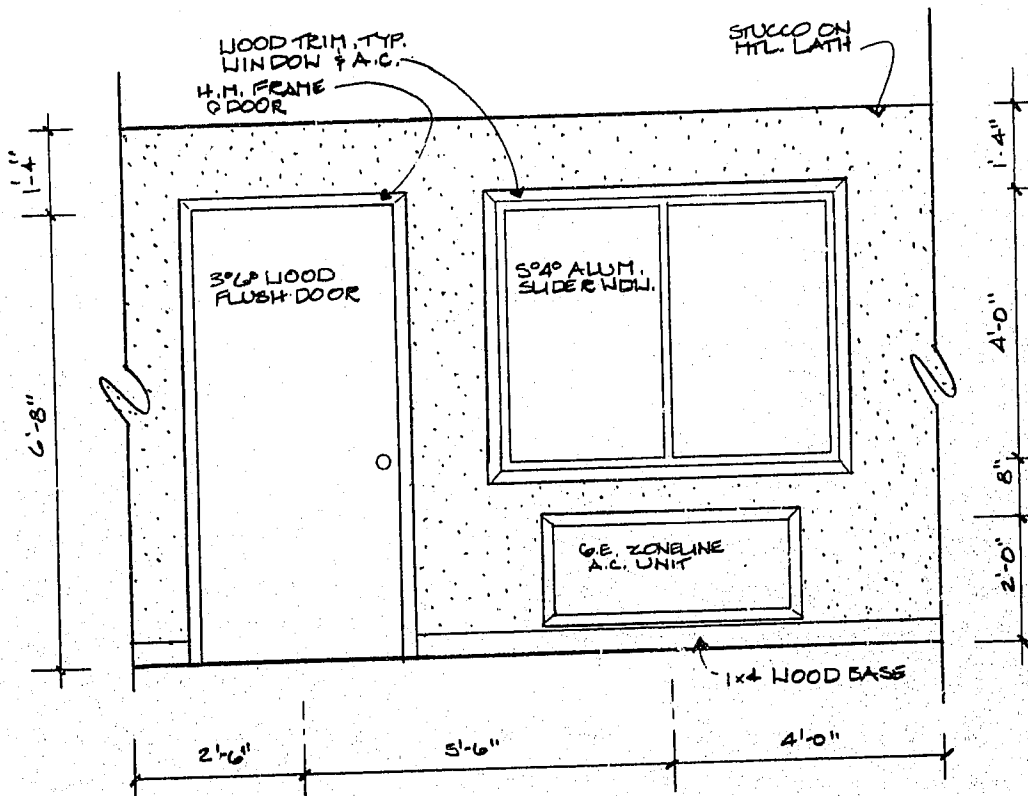
CRC 5-23-86

ATTACHMENT I

RECEIVED

JUN 29 1987

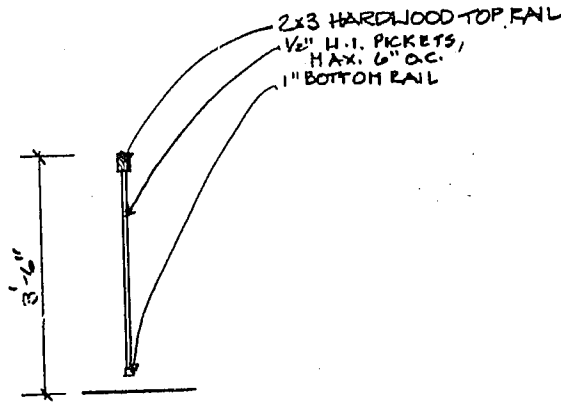
Ans'd.....



	JAMES M COOPERMAN		
	AND ASSOCIATES	ARCHITECTS	INC
	SHELARD TOWER	MINNEAPOLIS	MINNESOTA 55426
SUPER 8 MOTEL		# 0635	
HILTON HEAD, SC.			

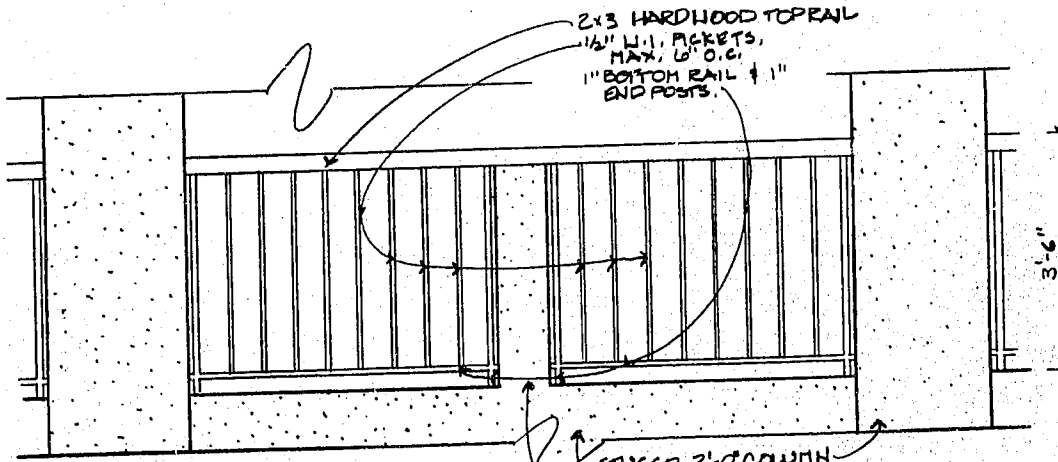
110

ATTACHMENT I



RAILING SECTION
SCALE 1/2" = 1'-0"

RECEIVED
JUN 29 1987
Ans'd.....



RAILING ELEVATION
SCALE 1/2" = 1'-0"

STUCCO 2'-0" DOWN
EDGE OF CORRIDOR FLOOR
9" STUCCO POST @ 2ND ONLY

	JAMES M COOPERMAN			
	AND ASSOCIATES	ARCHITECTS	INC	
SHELARD TOWER	MINNEAPOLIS	MINNESOTA	55426	
SUPER 8 HOTEL				
HILTON HEAD, S.C.				F8633

///

ATTACHMENT I

South Carolina Department of Health and Environmental Control

2600 Bull Street
Columbia, S.C. 29201

Commissioner
Michael D. Jarrett

Low Country District
Environmental Quality Control
149 Ribaut Square
Beaufort, S.C. 29902
(803) 524-9760



Board
Moses H. Clarkson, Jr., Chairman
Gerald A. Kaynard, Vice-Chairman
Oren L. Brady, Jr., Secretary
Barbara P. Nuessle
James A. Spruill, Jr.
William H. Hester, M.D.
Euta M. Colvin, M.D.

P E R M I T T O O P E R A T E

March 10, 1989

ISSUED TO:

Brown, Brosche Financial Inc.
411 Borel Avenue, Suite 620
San Mateo, Calif. 94402

RE: PROJECT Super 8 Motel

CONST. PERMIT #: 13148

COUNTY: Beaufort

Based on a final construction inspection conducted by John Massey
on 7-20-88 and the engineer's letter of compliance signed
by Danny Stanley, PE, this office hereby authorizes the above
referenced project to be placed into operation.

DESCRIPTION OF SYSTEM: 500 L.F. of 8" diameter gravity sewer, manholes
and one 6" diameter, service connection. Effluent to be discharged
to Sea Pines WWTP at a daily rate not to exceed 7411 gpd.
Operation and maintenance to be provided by Forest Beach PSD.

MAXIMUM NUMBER OF SERVICES: _____

SPECIAL CONDITIONS: _____

Name of operator in charge: N/A
Grade: _____ Certification Number: _____

cc: Domestic Wastewater
Danny E. Stanley, PE
Kent Langley, Forest Beach PSD
B. Pearson, Sea Pines PSD
Bft. Co. Health Dept.
George Nelson, PE

ISSUED BY:

Penny Cornett
District Engineer
Low Country District EQC Office

ATTACHMENT I

South Carolina Department of Health and Environmental Control

Commissioner
Michael D. Jarrett

Low Country District
Environmental Quality Control
149 Ribaut Square
Beaufort, S.C. 29902
(803) 524-9760



Board
Moses H. Clarkson, Jr., Chairman
Oren L. Brady, Jr., Vice-Chairman
Euta M. Colvin, M.D., Secretary
Harry M. Hallman, Jr.
Henry S. Jordan, M.D.
Toney Graham, Jr. M.D.

P E R M I T T O O P E R A T E

ISSUED TO:

March 10, 1989

Brown, Brosche Financial, Inc.
411 Borel Avenue, Suite 620
San Mateo, CA 94402

for the operation of a water supply, treatment, or distribution system
identified as follows:

Approximately 980 L.F. of 8" water line and one fire hydrant to
serve the SUPER 8 MOTEL, Beaufort County. Water to be provided
by the Forest Beach PSD (System number 0720008).

SPECIAL CONDITIONS:

Maximum number of services: _____

This facility was constructed under permit # 410717 issued 4-16-87

Based on the engineer's letter of certification signed by Danny Stanley
P.E., satisfactory bacteriological results, and final inspection by
John Massey, you may consider this facility approved by
South Carolina Department of Health and Environmental Control and ready to
be placed in service.

ISSUED BY:

Penny Cornett

Penny Cornett
District Engineer
Low Country District EQC
Environmental Quality Control

cc: Water Supply
Danny Stanley, PE
Kent Langley, Forest Beach PSD
Low Country Health District
George Nelson, PE

ATTACHMENT I

FOREST BEACH PUBLIC SERVICE DISTRICT

March 7, 1989

Ms. Penny Cornett
SC Department of Health & Environmental Control
149 Ribaut Square
Beaufort, SC 29902

Re: Super 8 Motel

Dear Ms. Cornett:

We have inspected the water and sewer lines on the referenced project and will accept them for operation and maintenance.

Sincerely,

T. Kent Langley (see)

T. Kent Langley
District Manager

TKL/ajw

17 New Orleans Road
Business Center

P.O. Box 5085
Hilton Head Island, SC 29938

803-785-4327

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ATTACHMENT I



April 19, 1989

Tom Crews
Doug Corkern Architects
P.O. Box 5340
Hilton Head Island, SC 29938

RE: Pool Lighting, Super 8 Motel

Dear Tom:

The nine "electro-elf pagoda" style lights, 5 watts each, clear lens, 18" height, and color to match existing landscape lighting, as located on a diagram submitted 4-18-89, will be acceptable for pool area lighting at the Motel. I have stamped this submittal and added it to the Super 8 file.

Let me know if you have any questions.

Sincerely,

Donna

Donna Franklin Johnson, ASLA
Urban Designer

DFJ:bb

ATTACHMENT I

04/14/7989 09:16

FROM PICHHAPE INHS. INC.

TO 18036864404

P.02



SUPER 8 MOTELS

411 BOREL AVE., SUITE 620
SAN MATEO, CALIFORNIA 94402
415-572-9033

April 13, 1989

Mr. Dan Larkin
Town of Hilton Head Island
Post Office Box 6659
Hilton Head Island, South Carolina 29938

Dear Mr. Larkin:

We hereby accept both ownership and maintenance responsibility of the Super 8 Lodge property located at 40 Waterside Drive, Hilton Head Island, South Carolina.

We acknowledge that to the best of our knowledge the project was completed in accordance with the development plan and building plans as previously approved by the Town of Hilton Head Island.

Sincerely,

HILTON HEAD ISLAND SUPER 8 LODGE VENTURE GROUP

By Richard M. Brown
Richard M. Brown

RMB:bhk

America's Finest Economy Lodging

ATTACHMENT I

THOMAS & HUTTON ENGINEERING CO.

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

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

MITCHELL BOHANNON
OCTAVIO ARANGÓ
STEPHEN ROACH

April 10, 1989

Mr. Dan Larkin
Town of Hilton Head
Post Office Box 6659
Hilton Head Island, S.C. 29938

Dear Mr. Larkin:

The paving, grading, and drainage for Super 8 Motel has been completed. Thomas & Hutton has completed its observations of the project and to the best of our knowledge, information, and belief, installation has been made according to approved plans and specifications, with exception of the location on part of the bike path, which has been revised by the Venable Group and accepted by the Town's Planning Department.

Record drawings will be forwarded to your office when completed. We would appreciate your written approval of the project at your earliest convenience.

Sincerely,

THOMAS & HUTTON ENGINEERING CO.



Gene Chervenak

GC:dsc

en:losure

cc: Mr. Richard Brown
Mr. Ling Graves
Mr. Pete McGinty

RECEIVED

APR 11 1989

Ans'd.....

ATTACHMENT I

REQ.	Planted.	
PHONNIA - 41	30	11 short
MYRTLE - 20	22	2 over
Ligues - 16	23	7 over
alcander - 4	16	14 over
Azaleas - 6	0	6 over short
<u>85</u>	<u>91</u>	

Super 8

14 - 2 YAUPONS

to Myrtle

more

alcander to

front of

del-

thicker up

in the

back (w)

Western Sizzlin

15" Cat #1

20" " #2

3-30-89

met w/ Ling Graus
Jerry Hall

ATTACHMENT I

GRAVES
Development Group, Inc.

January 5, 1988

Mr. Thomas Brechko
Chief of Planning
Town of Hilton Head Island
40 Palmetto Parkway
Hilton Head Island, SC

Re: DPR-18-87A Phase I, Town Center PUD Including Entrance

Dear Tom,

It was a pleasure to meet with you yesterday regarding the captioned approval. Pursuant to your direction, we are submitting this letter to serve as our formal request to divide Phase I into two further sub-phases, which are to be defined as follows:

Phase I-A: That portion of the captioned approval which relates to the common areas of the PUD such as the entrance, bike paths, entry signage, water, sewer, storm water drainage and main entry road, which are located between Pope Avenue and the property line of the Super 8 Motel, as previously submitted in the Phase I approval.

Phase I-B: That portion of the captioned approval which is located within the property lines of the actual Super 8 Motel site.

The line of division between Phases I-A and I-B is therefore the actual Super 8 Motel property line as shown on the project site plan previously submitted. It is our understanding that this designation of sub-phases will allow us to obtain all necessary certificates of completion on Phase I-A, prior to completion of Phase I-B.

We appreciate your prompt attention to this matter and look forward to your written approval of this request.

Sincerely,


Allen L. Cauble

ATTACHMENT I

McGinty Associates / Architects

August 27, 1987

Mr. Thomas Brechko
Current Planning Manager
Town of Hilton Head Island
20 Palmetto Parkway
Hilton Head Island, S. C. 29928

Re: Western Sizzlin Parking Area; Super 8

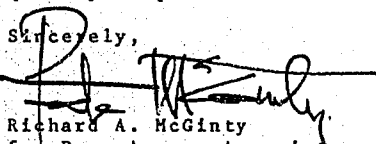
Dear Tom:

Pursuant to your letter of August 4, 1987 Pope Avenue Associates elects Condition #1 as stated herein:

"A building permit will not be issued for the motel until the development plan approval is obtained for the parking lot revision."

Under Condition #1 Pope Avenue Associates will proceed with obtaining Development Plan Approval for the parking lot revision as quickly as possible.

Sincerely,


Richard A. McGinty
for Pope Avenue Associates

RAM/pc

ATTACHMENT I

DIVERSIFIED PROPERTIES GROUP, LTD.
POST OFFICE BOX 8062
HILTON HEAD ISLAND, SOUTH CAROLINA 29928-8062 • (803) 785-6666

August 27, 1987

Mr. Bryan Wood
Current Planner
Town of Hilton Head Island
40 Palmetto Parkway
Hilton Head, South Carolina 29928

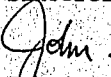
Re: Development Approval, Super 8

Dear Bryan:

With the delivery of the enclosed letter to Tom Brechko, we have completed all requirements for the above-referenced approval, as you and other members of the Planning Staff outlined in our meeting Thursday, August 20.

I trust that your estimate of Friday, August 28 as the probable date of issuance of our Development Approval is accurate.

Sincerely,


John C. Benso
General Counsel

:af
Enclosure

ATTACHMENT I

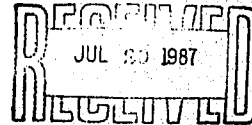


BEAUFORT COUNTY EMERGENCY PREPAREDNESS

1411 KING STREET
BEAUFORT, SOUTH CAROLINA 29902 (803) 525-7353

WILLIAM M. WINN, JR.
DIRECTOR

McGINTY ASSOCIATES/ARCHITECTS



July 17, 1987

Mr. Richard A. McGinty
Pope Avenue Associates
11 Lagoon Road
Hilton Head, SC 29928

Dear Mr. McGinty:

Per your request of July 8, 1987, I have reviewed your draft evacuation plan for the new Super 8 Motel on Hilton Head and have made the necessary changes in the margins of that plan. Other than the minor changes made, I have no problem with the proposed new Super 8 Motel.

If I may be of any further assistance, please feel free to call me at 525-7353.

Sincerely,

William Winn, Jr., Director
Emergency Preparedness

WW:br

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ATTACHMENT I

Revised
7/20/87

EMERGENCY PREPAREDNESS PLAN 94 ROOM SUPER 8 MOTEL

I. BACKGROUND

The most likely disaster to Hilton Head Island and the motel is a hurricane. Therefore, this plan stresses procedures to be followed during an increased readiness period before a hurricane landfall.

II. DEFINITIONS

- A. Hotel Emergency. A condition affecting only those areas and people within or immediately adjacent to motel property lines. Such emergencies might include fires, flooding, storm or tornado damage, or other natural or man-made disaster conditions beyond normal day-to-day emergencies.
- B. Island Emergency. A condition generally affecting all areas and populations on Hilton Head Island - permanent residents, resort guests, and commuters. Emergencies might include major forest fires, hurricanes, island-wide flooding, storm or tornado damage, or other natural or man-made disaster conditions.
- C. Disaster Control Team. In the event of a pending or existing emergency, a Disaster Control Team (DCT) will be established and manned by the personnel prescribed in Annex / hereto. The DCT will direct and coordinate the use of motel employees and resources in an announced emergency. It will have complete authority to set priorities and schedules for motel operations. When the Municipal Operations Center (MOC) is activated, the DCT will be the point of contact and represent the motel at the MOC. The DCT will be headed by the General Manager, or in his absence, the Assistant Manager in charge, or their designee.
- D. Municipal Operations Center (MOC). The MOC is located in the Hilton Head Fire Department Station #6 at Palmetto Dunes. The MOC is activated to coordinate island emergency operations and to provide liaison with the various county, state and federal agencies which may become involved in such emergencies. The mayor is in charge at the MOC. Activities of the MOC are coordinated with the County Emergency Operations (EOC) headed by the Chairman, County Council.

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ATTACHMENT I

III. EMERGENCY AND DISASTER OPERATIONS POLICY.

A. Objectives. Since it is impossible to forecast the nature, extent and duration of possible emergencies, the following objectives of the motel's emergency operations can be stated only in general terms. They are subject to modification as may be required at the time an emergency occurs:

1. To take all necessary action to save lives, property and the environment, with priority given to those persons and areas within the motel's management responsibility.
2. To sustain motel operations and services to the extent permitted by the emergency; priority will be given to the comfort and well-being of motel guests and employees. Administrative priority will be the security of funds, records, and accounting operations.

B. Establishment and Operations of the DCT.

1. When an emergency is announced or evident, all department heads should report to the DCT (located in the office of the General Manager or such other location as is then specified) for instructions.
2. If necessary, the DCT will be organized to operate on a 24-hour basis, with appropriate clerical and telephone assistance provided by motel staff.

C. Responsibilities of Department Heads and Employees.

1. When an emergency occurs, each company department head or representative will submit an oral Department Status Report, Annex B, to the DCT head as soon as possible. After the initial report, daily written reports will be furnished to the DCT office by 10:00 a.m. or as directed by the DCT. These reports will be used by the DCT as the basis for allocating tasks and assignments to departments.
2. Department heads will ensure that a telephone is manned during normal business hours and after hours as directed by the DCT. The number manned should be listed in their status report.
3. Department heads assigned to emergency leadership will designate a member of their department to act as department executive in their absence and will notify the DCT accordingly.

ATTACHMENT I

4. All motel employees on the island should report to their normal place of work on learning of an emergency. Emergency announcements will initially be made over the alert monitor, on the County Civil Defense Warning Radio System, over radio stations WHHR/WHHQ and over local television stations. Monitor these sources for instructions concerning reporting for work, transportation arrangements, etc.
5. After an emergency has been declared, motel facilities have been prepared, and all employees released, each employee must contact his supervisor between 8:00 a.m. and 5:00 p.m. to determine work scheduling information for eventual return to the motel.

D. Public Information and Press Contacts. Pending assumption of operations by the MOC, all public information and press contacts will be made through the DCT office.

E. Incidents or Accidents. Any motel employee engaged in emergency operations will immediately report any incidents or accidents involving guests or personnel to the DCT office.

F. Utilization Plans. The below indicated departments will prepare a utilization plan for departmental implementation of this policy in the event of either a motel or island emergency. Key personnel of the department should be familiar with the plan and know its location in the department. All personnel should be aware of the plan.

1. Engineering and Maintenance Department.

- a. Plan for the sequential shutdown of nonessential water, sewer and electrical services as operations are curtailed due to the intensifying disaster. Plan for the eventual shutdown of possible systems if full evacuation occurs.
- b. Maintain essential vehicles and equipment in sustained operation until told to evacuate or the emergency ceases.
- c. Provide a minimum of two persons with chain saws, spare parts (with fuel), axes, tow chains/cable, shovels and other emergency equipment.
- d. Secure all items of equipment inside storage areas to prevent their being blown about.

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ATTACHMENT I

- e. Predetermine requirements for boarding and blocking necessary to treat all motel buildings, to include:
 - 1. Plywood, number of sheets.
 - 2. 2" x 4"s
 - 3. Nails, double-headed type, sizes and amount.
 - 4. Hammers.
 - 5. Saws.
 - 6. Rope.
 - 7. Masking or similar tape for windows.
 - f. Provide for supervision of boarding, taping and blocking of buildings and windows.
 - g. Place outdoor furniture and items likely to be blown, inside; or if not subject to damage by water, in pools.
2. Administration
- a. Safeguard administrative, legal, personnel and motel records to include boxing, loading, transportation and removal of key documents to a safe location off-island.
 - b. Arrange contingency storage facilities at an off-island, inland location for critical records, files, documents and equipment designated to be removed in a disaster situation.
 - c. Solicit material removal requirements from the manager, accounting, personnel, engineering and maintenance, food and beverage and other departments which have confidential or non-replaceable materials.
 - d. Determine number, and name, of essential personnel required to occupy off-island accommodations at motel's expense.

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ATTACHMENT I

- e. Arrange for a housekeeping or maintenance van for covered transport of materials off-island to contingency storage if necessary. (Shuttle vans to be reserved for removal of guests or personnel not having other transportation.)
3. Food Service and Beverage.
- a. Provide for food, lodging, operating supplies and drinking water for those essential personnel directed to continue off-island operations.
 - b. Provide for contingency purchase of food materials and equipment necessary to provision the requirements for pre-evacuation and return to the island and cleanup operations.
 - c. Police area for unsecured objects.
 - d. Fill large receptacles with fresh water and cover.
 - e. Move as much food as possible to freezers.
 - f. Store glass and tableware.
4. Reception and Concierge
- a. Activate message lights in all rooms for simple notification and alert guests that more data will be delivered per below.
 - b. Activate current status reports of storm situation on motel's reserved TV channels and/or radio bands.
 - c. Arrange for personal visits to each guest room to (i) alert guests re status, (ii) distribute evacuation map and prepared evacuation procedure sheets, (iii) notify guests to monitor motel's TV channels and/or radio banks, (iv) determine and collate number, names and room numbers of all guests requiring transportation to safe areas. Provide to Solicit name and room number of guests willing to provide emergency transport to other guests or employees, and number of persons each can transport. Provide to Transportation (see below) and DCT.

ATTACHMENT I

- d. Notify incoming guests of status and issue appropriate directions.
- e. Have available list of inland motels and telephone numbers and evacuation maps.

5. Transportation

- a. Determine number of motel vehicles available for transport of guests and personnel not having individual transportation; insure availability of drivers, assign drivers to specific vehicles and assemble at specific assembly point on motel grounds.
- b. Determine number of additional vehicles required above those specified in (a) and personally notify and confirm with guests having volunteered transportation of others that they will be required at specified time and place. Plan for 20% excess capacity in case of unannounced departure of some having volunteered transport.
- c. Insure all vehicles are in working order and full of gas.

6. Cashier

- a. Make sure front desk has adequate cash to cash guest checks and traveler's checks.
- b. Secure all deposited valuables not picked up by guests and all excess cash, traveler's checks, checks, etc.

7. Security

- a. Man entries to provide directions to arriving/departing guests.
- b. Secure all unnecessary spaces.
- c. Assemble keys for removal to safe area.

ATTACHMENT I

- d. Recheck emergency closet to insure availability of items below:

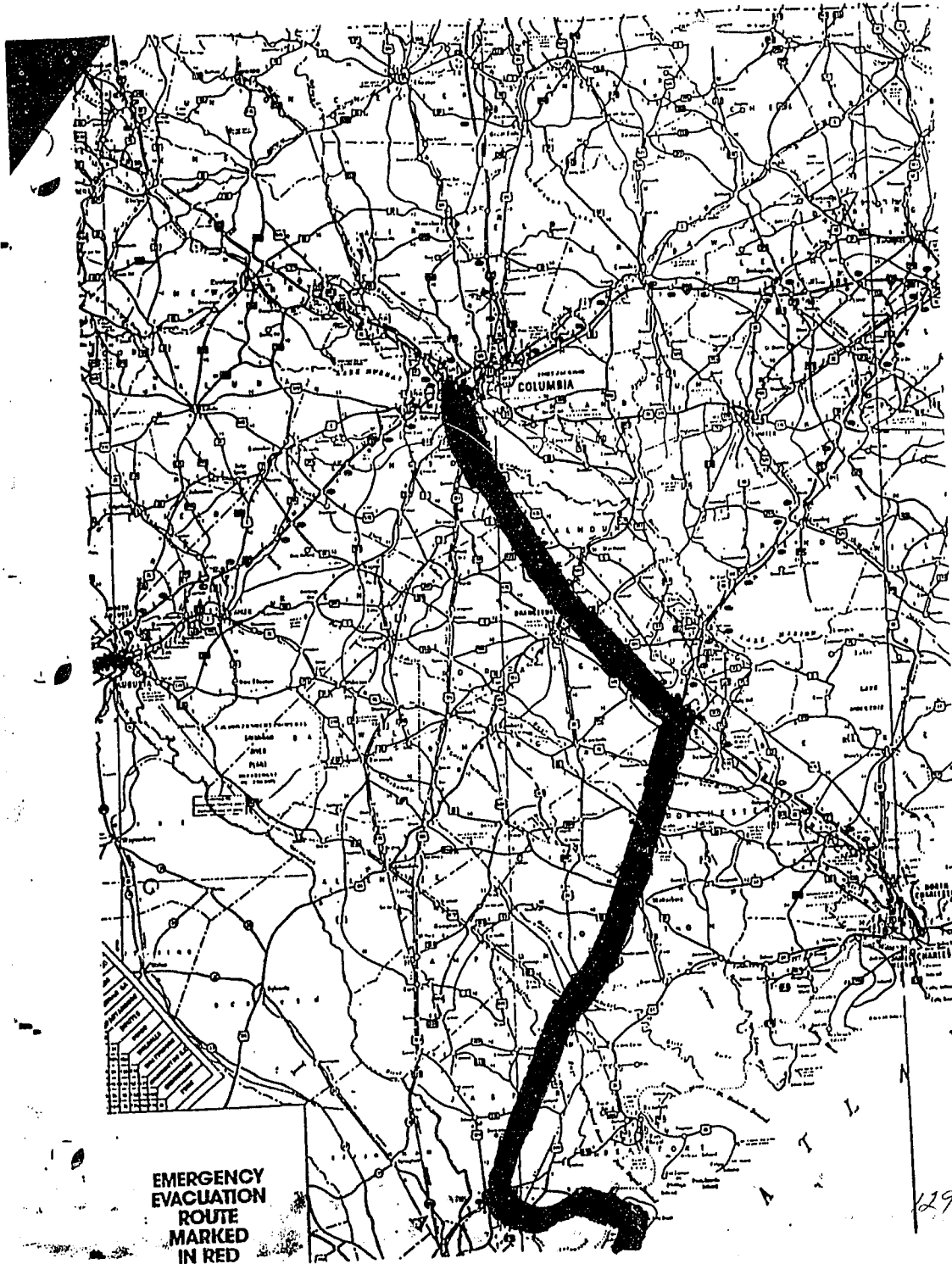
Emergency Closet

Flashlights	Candles
Portable Radios	Matches
First Aid Kits	Jerry Jugs
Tool Kits	Megaphones
Masking Tape	Ponchos
Colored Tape	Emergency Space
Memorandums outlining the situation	Blanket
	Utility Maps (Out- lining Shut Off Areas)
	Evacuation Maps

8. All Department Heads

- a. Determine non-essential staff and release as soon as practical. Give priority to those having families requiring evacuation and those who transport others in such category.
- b. Determine employees needing transportation and those available to provide transportation. Provide list to Transportation and DCT and direct persons needing or providing emergency transportation to defined assembly point.
- c. Check with General Manager's office or DCT to determine whether briefing is scheduled.

ATTACHMENT I



EMERGENCY
EVACUATION
ROUTE
MARKED
IN RED

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ATTACHMENT I

MOTEL LISTINGS FOR EVACUATIONQUALITY INN

1029 Briargate Circle
I-25 and Broadriver Road
(803) 772-0270
CONTACT: Doug Jewell

QUALITY INN

1539 Horseshoe Drive
I-20 off US #1 Downtown 7 miles
(803) 736-1600
CONTACT: Tim Brown

DAYS INN

7128 Parklane Road
I-20 and US #1
(803) 736-0000
CONTACT: John Forstead

DAYS INN - Airport

I-26 and 215 Edmonds Road
(803) 796-9900

HOLIDAY INN - Orangeburg, SC

415 John C. Calhoun Drive
Highway 301 S. and I-26
(803) 531-4600
CONTACT: Elizabeth Glancy

HOLIDAY INN - City Center

630 Assembly Street - across from Carolina Coliseum
(803) 799-7800
CONTACT: Deborah Jacob

HOLIDAY INN - Columbia - Northeast

7510 Two Notch Road
I-20 and US #1
(803) 736-1150

HOLIDAY INN - Northwest

US #1 Junction I-26 Wet Columbia
(803) 794-9440

ATTACHMENT I

McGinty Associates / Architects

July 13, 1987

Mr. Bryan Wood
Current Planner
Town of Hilton Head Island
20 Palmetto Parkway
Hilton Head Island, South Carolina 29928

Re: Super 8 Motel; Phase I, Town Center P.U.D.

Dear Bryan:

In answer to Item #8 in your "Letter of Incompleteness" and the similar item in Tom Brechko's letter to me dated July 8, 1987 regarding the Special Exception Approval of this project the following is the manner in which we intend to account for the 1.3 acres of "Common Open Space" required under the terms of the approval.

The 1.3 acre tract, as you know, was required by the Planning Commission to add to the 2.6 motel tract acreage to make the rooms per acre figure comply with the provisions of the LMO. In all discussions with Tom Brechko and Bill Issel prior to the Planning Commission's approval of the PUD it was agreed that this common open space could be distributed throughout the remaining PUD.

Both the Development Summary submitted to the Planning Commission by Pope Avenue Associates dated 5/1/87 and the approved version prepared by Tom Brechko and marked "Approved 5/6/87" included in his letter with enclosures dated July 8, 1987, show the 1.3 acre tract as a separate line item. Both documents also show the balance of the acreage approved for the subsequent phases of the approved PUD. Pope Avenue Associates intends to submit future requests for building permits based on this approved Development Summary and the approved Master Plan. In this way the 1.3 acre open space item will show as a continuing line item in future applications until the PUD development is complete.

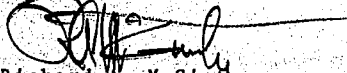
ATTACHMENT I

Bryan Wood, July 13, 1987

Page 2

This, I believe, is the most effective method of accounting for this 1.3 acre open space area.

Sincerely,



Richard A. McGinty
for Pope Avenue Associates

RAM/pc

ATTACHMENT I

THOMAS & HUTTON ENGINEERING CO.

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

HUE THOMAS, JR.
W. G. FOSTER
F. V. GEORGE, JR.

OCTAVIO ARANGI
STEPHEN ROACH
DANNY E. STANLEY

July 10, 1987

Mr. Bryan Woods
Town of Hilton Head
Hilton Head Island, S.C. 29938


Re: Super 8 Motel
Forest Beach District

To Whom It May Concern:

In response to Item No. 10 of your list of application incompleteness, the Corps of Engineers states that the protection area becomes the proposed water surface area. There is no permanent protection area line to be shown. The Corps of Engineers and South Carolina Coastal Council have certified our project; however, I understand that Coastal Council has no jurisdiction of man made wetlands. If there are any questions concerning the protection area, please contact Mr. Ken Burghardt with the U.S. Army Corps of Engineers, 803-724-4551.

Sincerely,

THOMAS & HUTTON ENGINEERING CO.


Brad Proudfoot

BP/nss

cc: Mr. John Benso

ATTACHMENT I

South Carolina Department of Health
and Environmental Control2600 Bull Street
Columbia, S.C. 29201Commissioner
Michael D. Jarrett

CONSTRUCTION PERMIT

Board
 Moses H. Clarkson, Jr., Chairman
 Gerald A. Kaynard, Vice-Chairman
 Oren L. Brady, Jr., Secretary
 Barbara P. Nuesse
 James A. Spruill, Jr.
 William H. Hester, M.D.
 Euta M. Colvin, M.D.

Permission is hereby granted to: **Brown, Brosche Financial, Inc.**
 411 Borel Ave., Suite 620
 San Mateo, CA 94402

for the construction of a waste treatment and/or collection system in accordance with construction plans, specifications, engineering report and Construction Permit Application signed by Danny E. Stanley, Registered Professional Engineer, S. C. Registration No: 8211.

Project Description:

Construct a 500 LF, 8" dia. gravity sewer extension to the Forest Beach Public Service District to include manholes and one 6" dia. service connection for proposed Super 8 Motel project.

Effluent to be discharged to Sea Pines PSD WWTP in the
 (Stream or Existing System)

03-09-26 basin at a daily rate not to exceed 7,411 gallons per
 day. County in which project is located: Beaufort

Effluent concentrations of those constituents the system is designed to remove or reduce will be as follows: n/a

Coordinates of the discharge point: n/a
 (to nearest 5 seconds)

Special Conditions:

- A minimum of 3 feet cover is required or cast iron pipe must be used.
- The top elevation of all manholes must be above the 50 year flood plain or have watertight manhole covers.
- Sewer lines in relation to water lines must conform to 'Ten States Standards', Section 29.3, at a minimum.

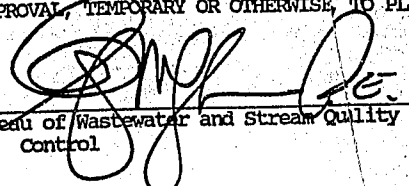
Permit No. 13,148Date of Issue: April 20, 1987

Expiration Date: Unless construction is initiated prior to April 20, 1988
 it will be necessary to reapply since this permit will no longer
 be valid.

Treatment Plant Classification: n/a

In accepting this permit, the owner agrees to the admission of properly authorized persons at all reasonable hours for the purpose of sampling and inspection.

THIS IS A PERMIT FOR CONSTRUCTION ONLY AND DOES NOT CONSTITUTE STATE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL APPROVAL, TEMPORARY OR OTHERWISE, TO PLACE THIS SYSTEM IN SERVICE.


 Bureau of Wastewater and Stream Quality
 Control

RIG/fyw


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ATTACHMENT I



THE HILTON HEAD COMPANY

Post Office Box 7000
Hilton Head Island, SC 29938
Telephone: (803) 785-4211

July 9, 1987

Pope Avenue Associates
11 Lagoon Road
Hilton Head Island, S.C. 29928

RE: PAB-2090

Gentlemen:

The resubmission of final plans for the construction of the Super 8 Motel, Phase I, Town Center PUD, Block 5-B of the Forest Beach Subdivision, was reviewed by The Hilton Head Company Plans Approval Board on Tuesday, July 7, 1987. Final construction approval was granted on that date. Additionally, the Board granted final approval for the construction of the free-standing identification sign, as shown in this submission. This approval does not include any building mounted or other identification or directional signs, for which separate, detailed information must be submitted.

This Board judges neither the efficiency nor acceptability of drainage. It is the responsibility of the applicant to insure that storm water run off is handled properly in order to prevent drainage problems on his own or adjacent properties.

These plans and specifications will be kept on file and should there be any alterations thereto or if construction has not commenced within ninety (90) days, they must be resubmitted for reconsideration by the Board.

A preliminary string stake out of the proposed construction must be made before the property is cleared and this office notified so that inspections can be conducted to determine compliance with the approved plan. After approval of the preliminary string stake out, this office must again be notified for a final inspection when batter boards are in place. Following all inspections, a permit to proceed will be issued. It is important that this permit be displayed in a prominent location on the site. Please call Karen Dill at 785-3334, Ext. 333, to make arrangements for inspections.

The Plans Approval Board requires that your contractor maintain an enclosure on the site to contain all trash and construction debris. Please make every effort to keep the site in a clean and orderly fashion during construction.

THE PLANTATIONS OF THE HILTON HEAD COMPANY

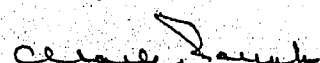
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ATTACHMENT I

Pope Avenue Associates
July 9, 1987
Page Two

If you have any questions regarding the Board's action or the procedures contained herein, please don't hesitate to call us.

Sincerely,


Charles Rousek, Chairman
Plans Approval Board

CR/KJD

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ATTACHMENT I

To: Bill Issel
From: John C. Benso
Re: Waiver Requests
Date: July 8, 1987

Received
7/8/87
WZ1

The attached are two Requests for Waivers from (1) the curbing requirement, (2) the minimum distance between curb cut requirement. The curb cut request is in the form of a "Request for Variance" because the LMO states that such a request needs to be made in this format. It is our understanding, based upon my conversation with Bryan Wood, that both requests are to be directed to you and that neither will require an actual Variance Hearing before the Board of Adjustors.

As you may understand, we are looking forward to receiving our development approval from your Staff as soon as possible. I believe that all of the items on Bryan's Letter of Incompleteness" will have been satisfied by the time the Corridor Review Committee reviews the project on the 14th of this month.

We would appreciate your prompt response to these requests. In fact, the curb cut, etc. has been part of all the plans the Staff and the various committees have reviewed, and each time we have secured the necessary approvals.

ATTACHMENT I

McGinty Associates / Architects

July 8, 1987

Mr. Bill Issel
Director, Planning and Inspections
Town of Hilton Head Island
40 Palmetto Parkway
Hilton Head Island, S. C. 29928

Received
7/8/87
WEI

Re: Waiver Request; LMO Section 16-7-827(f)(5)

Dear Bill:

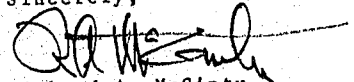
Pursuant to the above referenced Section of the LMO, "[c]urbing shall be required at the radials of intersections involving two non-residential streets of subcollector or higher order, unless the Administrator determines that it is undesirable".

This letter shall serve as our formal request for a waiver from the above requirement. Our request is based upon the following considerations:

1. The intersection involved (Phase I, Town Center P.U.D. entrance onto Pope Avenue) does not involve "two non-residential streets of subcollector or higher order...". It is our belief that the roadway entering Pope Avenue is an "Access Street" as defined in LMO Section 16-7-827 (f), Table VIII-A. As such the curbing requirement would not apply.
2. As a general rule, there are no other curbs along Pope Avenue, thus, installing same would be incongruous and unaesthetic.
3. The existence of the bike path system along Pope Avenue dictates the absence of curbing, in the name of safety, for both bikes and pedestrians.

We look forward to your decision in this matter, and respectfully request you grant a waiver pursuant to the terms hereof.

Sincerely,


Richard A. McGinty
for Pope Avenue Associates

RAM/pc

ATTACHMENT I

McGinty Associates / Architects

APPLICATION FOR VARIANCE: NARRATIVE

- A. Phase I of Town Center P.U.D. is entirely landlocked by either neighboring property owners, or other, to date undeveloped P.U.D. property. As such, access is not available through any other means, or access points. Phase I of the project is comprised of 2 sub-parcels: a 2.6 acre tract to be deeded to the Super 8 Motel owners, and a smaller tract retained by the applicant over which the access street will be constructed. This access street is designed to serve not only the Super 8 Motel, but will eventually become the interior traffic lane for the entire P.U.D. Without the variance as herein requested, the P.U.D. property is inaccessible by any vehicular traffic.
- B. As stated above the property is inaccessible by any means save the access street included in Phase I. No neighboring property owner is willing to permanently deed a portion of its property, or an easement for access. And, as a practical matter, such an arrangement would not be in the best interests of either the conveying entity or the owners and users of the P.U.D. property. There is in fact no reasonable alternative to the access point proposed herein. This point will be the main entrance to the P.U.D. and as such will be the "signature" point for the P.U.D. as well as the commercial users within it. Additionally, the applicant has been involved in extended negotiations, etc. with the Town of Hilton Head Island concerning this project. The proposed access point has from the beginning been part of all plans, etc. submitted to the Town, which plans, etc. have gained all approvals necessary to this Phase I of the P.U.D.
- C. The access point proposed is the only frontage on Pope Avenue within the P.U.D. No reasonable alternative exists for access from Pope Avenue.
- D. No danger or dangerous condition peculiar to the development or to Pope Avenue in particular will be created or enhanced by the granting of this variance. The South Carolina Department of Highways has seen fit to grant all the necessary permits for the plan as shown on the accompanying plats and plans. All due consideration was given to safety, health, and welfare concerns by that Department in its approval and permitting process.

11 Lagoon Road, Hilton Head Island, S. C. 29928 / Telephone (803) 785-2444

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ATTACHMENT I

McGinty Associates / Architects

Accompanying Material as suggested by
LMO Section 16-7-827(g)(1)-(5)

1. Ownership:

Robert L. Graves
Robert S. Crum
Richard A. McGinty
("Pope Avenue Associates, A Partnership")

Recording Data:

Deed Book 223 Page 1953
Beaufort County Clerk of Court

2. There are no feasible alternatives to this primary access point to the P.U.D. off of Pope Avenue.
3. See above "Narrative".
4. See attached.
5. See attached.

ATTACHMENT 1

McGinty Associates / Architects

M E M O

TO: Bryan Wood
 FROM: Pope Avenue Associates
 RE: Town Center P.U.D., Phase I
 Super 8 Motel
 Required Parking Spaces
 DATE: July 8, 1987

Pursuant to LMO Section 16-7-851 the Minimum Off Street Parking required for the Super 8 Motel project is calculated as follows:

.9 spaces/room = .9 x 94	=	84.6
+ 1 space/each 3 employees = 1 x 10	=	10.0
+ (no other uses associated)	=	<u>.0</u>
		94.6

rounded, equals 95 parking spaces, based on an employee role of 30.

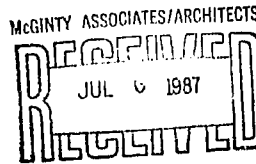
The plan as submitted provides for 100 parking spaces, and is in compliance with Section 16-7-851.

RAM/pc

ATTACHMENT I

July 1, 1987

Mr. Richard A. McGinty
Pope Avenue Associates
11 Lagoon Road
Hilton Head Is., S.C. 29928



RE: Proposed cable television service for
phase I (motel site) Town Center PUD

Dear Richard,

This will confirm the availability of cable television services to the captioned property for building areas as indicated on the attached project map.

Cablevision facilities will be brought to the property site(s) and extended to the pre-wired building(s) at the time specified by the project director or property owner. We do require a 6 months notice to facilitate the procurement of materials and approvals that we may need to obtain before the project starts.

Cablevision services will be available to the property under terms specified in the franchise agreement in effect between this company and the Town of Hilton Head Island. Please note that on projects which do not meet the requirement of 40 dwelling units per mile of cable, as specified in the franchise agreement, there may be some cost that will need to be paid by the property owner or project developer. Should this be the case we will be happy to provide you with a cost estimate for the project.

Although we do not at this time offer pre-wire services, we will be glad to provide free consultation to ensure material and procedural compatibility with the area's existing cable system.

We look forward to welcoming the owners and/or guests of the motel site, phase I, Town Center PUD to the growing family of Cablevision subscribers.

Very truly yours,
McCaw Cablevision

Donna Tuggle
General Manager

ATTACHMENT I



THE HILTON HEAD COMPANY

Post Office Box 7000
Hilton Head Island, SC 29938
Telephone: (803) 785-4211

July 9, 1987

Pope Avenue Associates
11 Lagoon Road
Hilton Head Island, S.C. 29928

RE: PAB-2090

Gentlemen:

The resubmission of final plans for the construction of the Super 8 Motel, Phase I, Town Center PUD, Block 5-B of the Forest Beach Subdivision, was reviewed by The Hilton Head Company Plans Approval Board on Tuesday, July 7, 1987. Final construction approval was granted on that date. Additionally, the Board granted final approval for the construction of the free-standing identification sign, as shown in this submission. This approval does not include any building mounted or other identification or directional signs, for which separate, detailed information must be submitted.

This Board judges neither the efficiency nor acceptability of drainage. It is the responsibility of the applicant to insure that storm water runoff is handled properly in order to prevent drainage problems on his own or adjacent properties.

These plans and specifications will be kept on file and should there be any alterations thereto or if construction has not commenced within ninety (90) days, they must be resubmitted for reconsideration by the Board.

A preliminary string stake out of the proposed construction must be made before the property is cleared and this office notified so that inspections can be conducted to determine compliance with the approved plan. After approval of the preliminary string stake out, this office must again be notified for a final inspection when batter boards are in place. Following all inspections, a permit to proceed will be issued. It is important that this permit be displayed in a prominent location on the site. Please call Karen Dill at 785-3334, Ext. 333, to make arrangements for inspections.

The Plans Approval Board requires that your contractor maintain an enclosure on the site to contain all trash and construction debris. Please make every effort to keep the site in a clean and orderly fashion during construction.

THE PLANTATIONS OF THE HILTON HEAD CO.

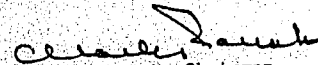
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ATTACHMENT I

Pope Avenue Associates
July 9, 1987
Page Two

If you have any questions regarding the Board's action or the procedures contained herein, please don't hesitate to call us.

Sincerely,



Charles Rousek, Chairman
Plans Approval Board

CR/KJD

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ATTACHMENT I

McGinty Associates / Architects

RECEIVED
JUN 9 1987
Ans'd.....

June 9, 1987

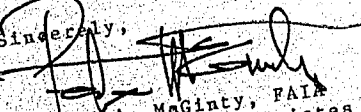
Bryan D. Wood
Current Planner
Town of Hilton Head Island
40 Palmetto Parkway
Hilton Head Island, S. C. 29928

Re: Town Center PUD, Phase I
Super 8 Motel

Dear Bryan:

In order for Pope Avenue Associates to make a more complete presentation regarding the above project I would like to request that the Corridor Review Committee table any action on the Super 8 Motel until the July meeting.

Sincerely,



Richard A. McGinty, FAIA
for Pope Avenue Associates

RAM/pa

11 Lagoon Road, Hilton Head Island, S. C. 29928 / Telephone (803) 785-2444

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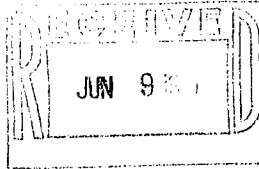
ATTACHMENT I



THE HILTON HEAD COMPANY

Post Office Box 7000
Hilton Head Island, SC 29928
Telephone: (803) 785-4211

June 3, 1987



Pope Avenue Associates
11 Lagoon Road
Hilton Head Island, S.C. 29928

RE: PAB-2075

Gentlemen:

Final plans for the proposed construction of the Super 8 Motel, Phase I, Town Center PUD, Block 5-B of the Forest Beach Subdivision, was reviewed by The Hilton Head Company Plans Approval Board on Tuesday, June 2, 1987. The plans were disapproved, with the following comments:

1. The Board prefers the architecture as shown on the original facade of the preliminary submission. (Submitted materials and colors are acceptable.)
2. The landscape plan is inadequate in height and quantities. The overall planting plan is considered minimal.
3. The sign proposed is too bold in design and color. Color and material samples are requested.
4. More detail is required for the exterior lighting plan, and parking lot light fixtures should conceal the direct light source. Building lighting must also be shown.

If you have any questions regarding the Board's action or comments, please feel free to call us.

Sincerely,

Charles Rousek, Chairman
Plans Approval Board

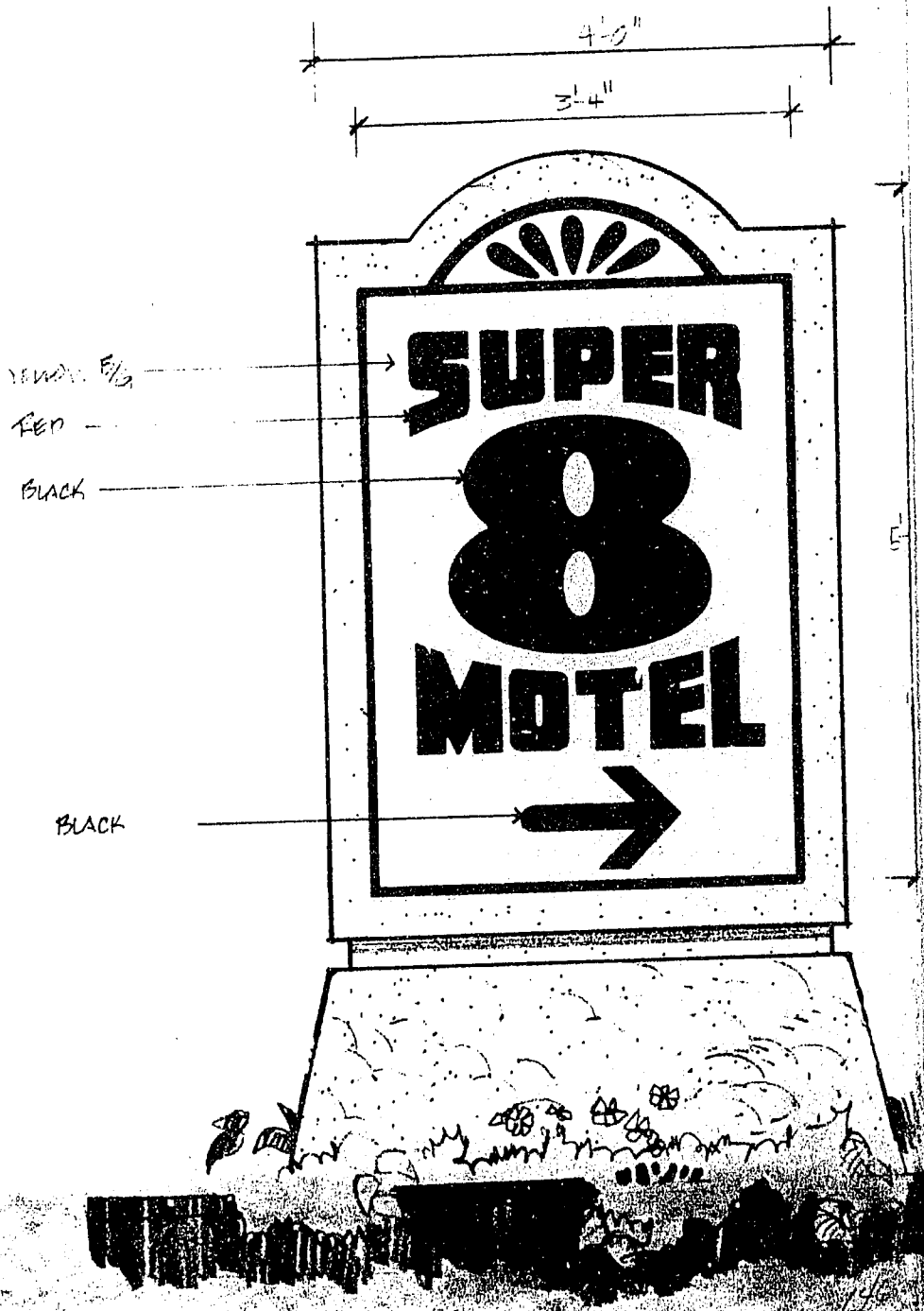
CR:KJD

cc: James M. Cooperman & Assoc.

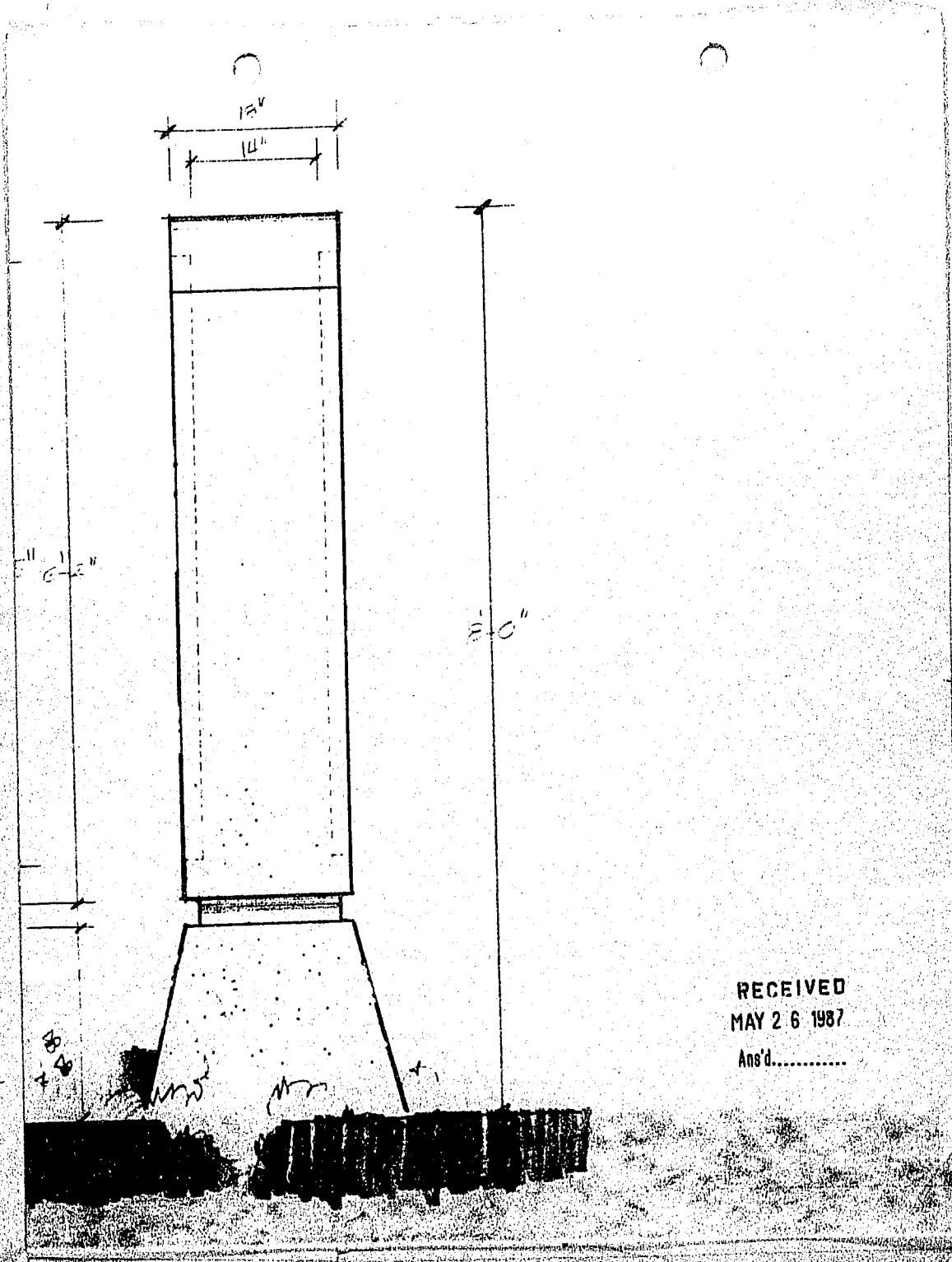
THE PLANTATIONS OF THE HILTON HEAD COMPANY

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ATTACHMENT I



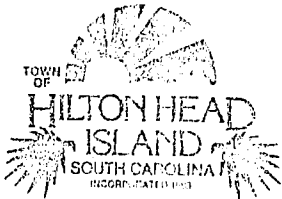
ATTACHMENT I



RECEIVED
MAY 26 1987

Ans'd.....

ATTACHMENT I



July 8, 1987

Mr. Richard A. McGinty
11 Lagoon Road
Hilton Head Island, SC 29928

RE: Town Center PUD - Conditional Use and Special Exception Approvals

Dear Mr. McGinty:

At their May 6, 1987 regular meeting, the Planning Commission approved the conditional use and special exception requests for the above referenced project.

The changes approved under conditional use review included the following:

1. Land exchange which changes the boundary of the PUD (behind Western Sizzlin) but will include no change in site acreage. A revised master plan is required showing the new boundary line and indicating no change in total PUD acreage. In addition, plans for the change in the parking area for Western Sizzlin providing all details required by the LMO and showing how the steakhouse site will not become more non-conforming with the changes are required.
2. Increase in the number of approved hotel/motel rooms from 50 to 94 with corresponding reduction of residential dwelling units and retail space. (See attached tables reviewed and approved by Planning Commission.) The master plan needs to be revised showing the revised area and density calculations.

The special exception approval included the following:

1. Approval for a motel use in the RD-1 Zoning District with a density of 24 rooms/acre.
2. At the approved density, the site necessary for a 94 room motel would be 3.9 acres. The motel would have to be developed on a 3.9 acre site or as shown in the attached table. That portion of the 3.9 acres not utilized for the motel site shall be set aside as common open space not to be used for any other development or open space requirements within the PUD.

ATTACHMENT I

RE: Town Center PUD - Conditional Use & Special Exception
Approvals
July 8, 1987
Page 2

I apologize for the delay in sending out this notice. If you have any questions concerning the above please call me at 681-8396. Please note that the master plan must be revised prior to any development approvals being granted for the PUD.

Respectfully,

Thomas Brechko

Thomas Brechko
Current Planning Manager

TB/nd

Attachments

ATTACHMENT I

SOUTH CAROLINA
DEPARTMENT OF HIGHWAYS
AND PUBLIC TRANSPORTATION
COLUMBIA
FORM 638 Rev. 11-77

June 29, 1987

ENCROACHMENT PERMIT

No. 07-B2(244)-87

To
Brown, Brosche Financial Inc...
411 Boral Avenue, Suite 620
San Mateo, Ca. 94402

County Beaufort
Route S-7-80
Road

In compliance with your request and pursuant to statutory authority and subject to all the provisions, terms, conditions, and restrictions written herein, including General Provisions contained on the other side of this sheet, YOU ARE HEREBY AUTHORIZED AND PERMITTED TO:

Construct a deceleration lane and driveway ingress/egress on Pope Avenue (S-7-80) to serve The Super 8 Motel.

SPECIAL PROVISIONS

(In case of conflict between Special Provisions and General Provisions, Special Provisions shall govern.)

There shall be no excavation of soil nearer than two feet of any public utility line or appurtenant facility except with the consent of the owner thereof, or except upon special permission of this Department after an opportunity to be heard is given the owner of such line or appurtenant facility.

Application dated May 15, 1987 attached hereto and made a part of this permit.

Applicant shall provide two (2) year guarantee on compaction.

The permittee shall make the installation under the supervision of the Department, shall not block traffic at any time, and shall provide proper warning signs and lights.

Applicant shall notify the Department 24 hours prior to beginning construction, telephone Resident Maintenance Engineer, Mr. W.E. Stanley at (803) 726-3431.

This permit shall not become operative until a written acceptance of same by permittee shall have been received by this Department and further shall become null and void unless the work contemplated herein shall have been completed prior to December 31, 1987

SOUTH CAROLINA DEPARTMENT
OF HIGHWAYS AND PUBLIC TRANSPORTATION

By *W.E. Stanley*
Resident Maintenance Engineer

State Highway Engineer
 District Engineer

I (We) accept the permit herein granted and agree to comply with all the provisions, terms, conditions, and restrictions set out herein. I (We) do hereby agree, and bind my (our) heirs, successors and assigns, to assume any and all liability this Department might otherwise have in connection with accidents or injuries to persons, or damage to property, including the highway, that may be caused by the construction, maintenance, use moving or removing of the encroachment contemplated herein and agree to indemnify this Department for any liability incurred or injury or damage sustained by reason of the past, present, or future existence of said encroachment.

Date June 30, 1987

Signed *Bob Paulport*

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ATTACHMENT I

TOWN CENTER PUD
ANALYSIS OF PUD USES
APPROVED AND PROPOSED

Uses	PUD AS APPROVED		PROPOSED		Area (Acres)	S.F. or (Acres) Units	Density	S.F. or Density (Acres) Units	CHANGE
	Area (Acres)	S.F. or Units	Area (Acres)	S.F. or Units					
Commercial/Office	2.3	36,000	1.4	21,913	1.4	21,913	15652 sf/A	14087 sf reduction	
Commercial/Retail	4.3	52,000	3.0	36,279	3.0	36,279	12093 sf/A	15721 sf reduction	
Hotel/Motel	1.0	50 rms.	2.6	94 rms.	2.6	94 rms.	—	44 room increase	
Common-Open Space	—	—	1.3	—	1.3	—	24 m/A	—	
Residential	7.5	222 u.	6.8	200 u.	6.8	200 u.	29.4 u/A	22 unit reduction	
TOTALS	15.1	138,000 sf 242 u.	15.1	58,192 sf 238 u.	15.1	58,192 sf 238 u.	3854 sf/A 15.67 du/A	28808 sf reduction 4 unit reduction	

Approved 5/6/87

* The total area required for the proposed 94 room motel as a special exception within the ED-1 Zoning District (at 24 rooms/acre) is 3.9 acres. The motel would have to be developed on a 3.9 acre site or as shown in the table. The acreage not utilized for the motel would be set aside as common open space not to be used for any other development or open space requirements.

May 5, 1987

ATTACHMENT I

TOWN CENTER PUD
ANALYSIS OF PUD USES
APPROVED AND PROPOSED

Uses	PUD AS APPROVED			PROPOSED			CHANGE
	Area (Acres)	S.F. or Units	Density	Area (Acres)	S.F. or Units	Density	
Commercial/ Office	2.3	36,000	15652 sf/A	1.4	21,913	15652 sf/A	14087 sf reduction
Commercial/ Retail	4.3	52,000	12093 sf/A	3.0	36,279	12093 sf/A	15721 sf reduction
Hotel/Motel	1.0	50 rms.	50rm/A	2.6	94 rms.		44 room increase
Common Open Space	--	--	--	1.3	--	24 rm/A	--
Residential	7.5	222 u.	29.6 u/A	6.8	200 u.	29.4 u/A	22 unit reduction
TOTALS	15.1	<u>88,000 sf</u> 242 u.	<u>5828 sf/A</u> 16 du/A	15.1	<u>58,192 sf</u> 238 u.	<u>3854 sf/A</u> 15.67 du/A	<u>29808 sf</u> reduction 4 unit reduction

* The total area required for the proposed 94 room motel as a special exception within the PD-J Zoning District (at 24 rooms/acre) is 3.9 acres. The motel would have to be developed on a 3.9 acre site or as shown in the table. The acreage not utilized for the motel would be set aside as common open space not to be used for any other development or open space requirements.

May 5, 1987

ATTACHMENT I

TOWN CENTER PUD
 TRAFFIC IMPACT ANALYSIS
 BASED ON LMO ARTICLE VII, TABLE A

<u>USES</u>	<u>TRIPS/DAYS as per</u> 1000 sf or units	<u>AS APPROVED</u> sf or units T/D		<u>PROPOSED</u> sf or units T/D	
Commercial/ Office	1000(s) x 17.7	36000	637	21913	388
Commercial/ Specialty Retail	1000(s) x 40.7	(52000) 37000	1506	(36279) 25000	1018
General Retail	1000(s) x 82.0	15000	1230	11279	927
Motel	# rooms x 10.1	50 rms.	505	94 rms.	949
Residential/ Multi-family	# units x 5.8	222 uts.	1288	200 uts.	1160
<u>TOTALS</u>			5166		4442

724 trip/day reduction

May 5, 1987

ATTACHMENT I

MEMORANDUM

TC: Planning Commission
FROM: Planning Staff
RE: Applications for Conditional Use and Special Exception
Review for Town Center PUD.
DATE: April 28, 1987

The applicant, Pope Avenue Associates, is requesting to amend Town Center PUD, which received preliminary approval on December 12, 1984, as follows:

1. Land exchange which changes the boundary of the PUD but will include no change in site acreage.
2. Increase in the number of approved hotel/motel rooms from 50 to 94.

Staff is currently working with the applicant on an appropriate reduction of uses in order to insure that the proposed changes would not increase traffic and to insure that all conditional use and special exception requirements are met. Due to the fact that a final solution has not been met at this time, a report is not available for the packet. If time allows a report will be sent under separate cover prior to the May 6, 1987 meeting.

TB/eb

ATTACHMENT I

TOWN CENTER PUD
ANALYSIS OF PUD USES
APPROVED AND PROPOSED

Uses	PUD AS APPROVED			PROPOSED			CHANGE
	Area (Acres)	S.F. or Units	Density	Area (Acres)	S.F. or Units	Density	
Commercial/ Office	2.3	36,000	15652 sf/A	1.4	21,913	15652 sf/A	14087 sf reduction
Commercial/ Retail	4.3	52,000	12093 sf/A	3.0	36,279	12093 sf/A	15721 sf reduction
Hotel/Motel	1.0	50 rms.	50rm/A	2.6	94 rms.		44 room increase
Common-Open Space	—	—	—	1.3	—	24 rm/A	
Residential	7.5	222 u.	29.6 u/A	6.8	200 u.	29.4 u/A	22 unit reduction
TOTALS	15.1	<u>88,000 sf</u> 242 u.	<u>5828 sf/A</u> 16 du/A	15.1	<u>58,192 sf</u> 238 u.	<u>3854 sf/A</u> 15.67 du/A	<u>29808 sf</u> reduction 4 unit reduction

* The total area required for the proposed 94 room motel as a special exception within the RD-1 Zoning District (at 24 rooms/acre) is 3.9 acres. The motel would have to be developed on a 3.9 acre site or as shown in the table. The acreage not utilized for the motel would be set aside as common open space not to be used for any other development or open space requirements.

May 5, 1987

ATTACHMENT I

TOWN CENTER PUD
 TRAFFIC IMPACT ANALYSIS
 BASED ON LMO ARTICLE VII, TABLE A

<u>USES</u>	<u>TRIPS/DAYS as per</u> 1000 sf or units	<u>AS APPROVED</u> sf or units T/D		<u>PROPOSED</u> sf or units T/D	
Commercial/ Office	1000(s) x 17.7	36000	637	21913	388
Commercial/ Specialty Retail	1000(s) x 40.7	(52000) 37000	1506	(36279) 25000	1018
General Retail	1000(s) x 82.0	15000	1230	11279	927
Motel	# rooms x 10.1	50 rms.	505	94 rms.	949
Residential/ Multi-family	# units x 5.8	222 uts.	1288	200 uts.	1160
<u>TOTALS</u>			5166		4442

724 trip/day reduction

May 5, 1987

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ATTACHMENT I

TOWN OF HILTON HEAD ISLAND

PLANNING COMMISSION
MAY 6, 1987 MEETING

MINUTES

I. CALL TO ORDER: Chairman Hack called the meeting to order at 9:08 a.m.

II. ROLL CALL:

PRESENT: Chairman Hack, Pigg (9:14 a.m.), Donnelly, Qualey, Carota, Haley & Wiley

ABSENT & EXCUSED: Present

UNEXCUSED: Pinckney

STAFF: Issel, Popek-Hart, Brechko, Wood, Ellington, Parise & Holder

III. APPROVAL OF AGENDA: Agenda was approved as written.

IV. APPROVAL OF MINUTES OF APRIL 1, 1987:

MOTION: Haley moved the April 1, 1987 Minutes be approved as amended. Amendments below:

page 3: 5th paragraph, first word - change to "Lengthy"

page 7: VII.(A.) change "Town Bank" to "Town Talent Bank"

Chairman Hack stated the following for the record in reply to Appearances by Citizens -Robert W. Gutheil's remarks): "This involves the appointment of the various committees to work with the staff ... I would like to state that ... John Present has been on the Water Task Force for at least three years, Fred Donnelly has been on traffic study programs ever since he has been with the Commission, and the only new appointments were given to the new Commissioners who are quite qualified. ... We have qualified people and they will be able to do their jobs, I'm quite sure, with honor."

Wiley seconded. VOTE: 6/0/0 (Pigg not in attendance)

V. STAFF REPORT

A. Planning Commission Rules and Regulations as amended

ATTACHMENT I

Motion: Carota moved the Planning Commission agrees with the applicants argument and recommends to Town Council that they approve the zoning map amendment. The zoning map amendment being the change of five (5) acres on Mathews Drive (currently R-8, bordered on two sides by Woodlake Villas, adjacent to Pineland Mall, Port Royal Plaza) to a C-5 Zoning District.

Wiley seconded.

VOTE: 6/0/1 (Qualey abstained.)

- * E. A request for conditional use review for a master plan change to Town Center PUD. Proposed changes include a boundary change associated with a land exchange and an increase in the number of hotel/motel rooms permitted from 50 to 94 rooms with a corresponding reduction of residential dwelling units and retail space. The property is located on the east side of Pope Avenue just south of Cordillo Parkway and is identified as parcel 202 on Beaufort County Tax Map #18. Property owner: Pope Avenue Associates. Applicant: Richard A. McGinty.

Staff Presentation: Brechko briefed the Commission on the project and combined the presentation with item F's presentation's.

- F. A request to permit by special exception a 94 room motel in the RD-1 Central Forest Beach Zoning District. This application is being made in conjunction with the above referenced conditional use review request for Town Center PUD.

Staff felt the project was generally an improvement over what had originally been approved. Therefore, Staff recommended approval of the requests.

No public comments were made.

- * Motion: Donnelly moved the Planning Commission approve the proposed conditional use for a master plan change to Town Center PUD. Proposed changes included a boundary change associated with a land exchange and an increase in the number of hotel/motel rooms permitted from 50 to 94 rooms with a corresponding reduction of residential dwelling units and retail space.

Wiley seconded.

VOTE: 7/0/0

ATTACHMENT I

Motion: Qualey moved the Planning Commission approve the special exception requested as submitted by the applicant and in accordance with the Staff's analysis presented by Tom Brechko.

Haley seconded.

VOTE: 7/0/0

- G. A request to permit by special exception for an auto repair and sales business in an M-2 Community Mixed Use Zoning District. The .508 acre parcel is located on the west side of Gumtree Road just north of Katie Miller Drive. Identified as a portion of parcel 150 on Beaufort County Tax Map #7. Property owner: Jerilyn and James Glynn. Applicant: East Coast Architects, P.A. (enclosure to the agenda packet)

Staff Presentation: Ellington briefed the Commission on the history of the project and the special exception request.

Ellington summarized by stating that Staff found the project not consistent with the character and purpose of a M-2 Zoning District and that Staff recommended denial of the special exception.

Applicant Presentation: James Glynn, owner, stated that his auto service was for vintage and antique automobiles with sales by appointment only from all over the world. He stressed that there would not be any adverse impact on the neighborhood and that he was willing to reach a compromise with the Commission and the neighborhood to have his request approved. He pointed out, on a site plan, that no cars would be visible from the street and because he dealt with expensive automobiles they would not be left outside.

After some discussion, Wiley asked that the applicant meet with the residents of the area and come back to the Commission with the results.

No public comments were made.

Issel stated that the Staff stood behind their earlier recommendation of denial.

Motion: Qualey moved the Planning Commission grant the special exception as requested by the applicant "because the proposed use is not heavy commercial or

ATTACHMENT I

McGinty Associates / Architects

May 1, 1987

Mr. Thomas Breahko
Current Planning Manager
Town of Hilton Head Island
40 Palmetto Parkway
Hilton Head Island, SC 29928

Re: Supplemental Information
Application for Special Exception Review
Application for Conditional Use Review
Phase I, Town Center PUD
Motel Site
Pope Avenue Associates

Dear Tom:

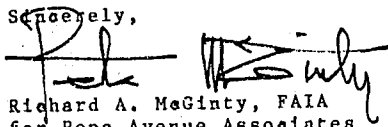
In accordance with our meeting last Thursday, April 23, I am enclosing our revised Development Summary and Traffic Impact Analysis for Special Exception Review and Conditional Use Review.

We understand from that meeting that the Staff will support this revision and will also recommend that the Planning Commission grant Development Plan Approval to Pope Avenue Associates for the motel site (Phase I).

In addition the motel site and land exchange drawings are being revised to make an even exchange and maintain the total PUD acreage at the approved 15.1 acres.

If any additional information is required please let me know.

Sincerely,


Richard A. McGinty, FAIA
for Pope Avenue Associates

RAM/pa

Enclosures: Revised Traffic Impact Analysis, 5/1/87
Revised Development Summary, 5/1/87

A:Breahkol.1

ATTACHMENT I

May 1, 1987

DEVELOPMENT SUMMARY

Use	Tract	Area Acres	GLA/ Units	Density DU's & S.F./Ac	Open Space			Imp Area			Pkg Prov (LMO)
					Req'd	AC Prov	Prov	Req'd	AC Prov	Prov	
Commercial Office	A	1.4	21,913	15,652 sf/ac							21.9 x 4.4 = 96
Commercial Retail	B & C	3.0	36,279	12,093 sf/ac							36.2 x 4.8 = 174
Hotel/ Hotel	D	2.6	94 Rooms	94/3.9 = 24 rm/ac							94 x .9 = 85 + 12 = 97
Common Area	F	1.3	-								
Residential	E	6.8	200	29.4							200 x 1.7 = 340
TOTALS		15.1	58,192 238 DU's	15.7*							707

*238 DU's = 200 Residential DU's +
38 Equivalent DU's (94 ÷ 2.5 = 38)

159

ATTACHMENT I

May 1, 1987

TRAFFIC IMPACT ANALYSIS

(Based on Trips/Day - LMO Table A)

Use	Tract	Area	Density	Bldg Area	Traffic	T/D	Orig Approved T/D
Commercial Office	A	1.4 Ac	15,652 SF/Ac	21,913	21.9 x 17.7	388	605
Commercial Spec Ret Gen Ret	B & C	3.0 Ac	12,093 SF/Ac	(36,279) 25,000 11,279	25.0 x 40.7 11.2 x 82.0	1018 927	1402 1180
Hotel Common Area	D F	2.6 Ac 1.3 Ac	94 Room	-	94.0 x 10.1	949	394
Residential	E	6.8 Ac	200 DU's	-	200.0 x 5.8	1160	1239
		15.1 Ac	238 DU's	58,192		4442 T/D 185 T/Hr	4820 T/Day 201 T/Hr

ATTACHMENT I

South Carolina Department of Health
and Environmental Control

5(a)(1)
page VI. 21/22

2600 Bull Street
Columbia, S.C. 29201

Commissioner
Robert S. Jackson, M.D.

Low Country District
Environmental Quality Control
149 Ribaut Square
Beaufort, S.C. 29902
(803) 524-9760



Board
Moses H. Clarkson, Jr., Chairman
Gerald A. Kaynard, Vice-Chairman
Gren L. Brady, Jr., Secretary
Barbara P. Nuesle
James A. Sprull, Jr.
William H. Hester, M.D.
Eula M. Colvin, M.D.

APRIL 29, 1987

Brown, Brosche Financial, Inc.
411 Borel Ave., Suite 620
San Mateo, CA. 94402

RE: SUPER 8 MOTEL PROJECT
WASTEWATER PERMIT # 13148
HILTON HEAD

Dear Sir:

This office has received a copy of your permit to construct on the above referenced project. We will require that you adhere to the following procedures when the project is begun:

1. Notify this office in writing when construction begins so we can make routine inspections.
2. A request for a final inspection should be made by the design engineer in writing and state that construction is complete and that all work has been performed in accordance with approval plans and specification and good engineering practice.
3. The engineer or his representative and the contractor should always be present during final inspection.
4. In addition to the above, it is strongly recommended that you furnish your contractor with a copy of this letter to insure that all parties are aware of these requirements. Please be advised that operation of this project without prior approval to operate from this office is a violation of the South Carolina Pollution Control Act.

Should you have any questions, please call me at 524-9760.

Sincerely,

Penny Cornett

Penny Cornett
District Engineer
Low Country District EQC Office 161

CC: Danny Stanley
Thomas & Hutton Eng.
P.O. Box 14609, Savannah, Ga.

ATTACHMENT I

5(a)(1)
page 1 of 2

South Carolina Department of Health and Environmental Control

2600 Bull Street
Columbia, S.C. 29201

Commissioner
Robert S. Jackson, M.D.

Low Country District
Environmental Quality Control
149 Ribaut Square
Beaufort, S.C. 29902
(803) 524-9760



Board
Moses H. Clarkson, Jr., Chairman
Gerald A. Kaynard, Vice-Chairman
Oren L. Brady, Jr., Secretary
Barbara P. Nussale
James A. Spruill, Jr.
William H. Hesser, M.D.
Eust M. Colvin, M.D.

April 29, 1987

Brown, Brosche Financial, Inc.
411 Borel Avenue
Suite 620
San Mateo, CA. 94402

RE: SUPER 8 MOTEL PROJECT
WATER PERMIT # 410717
HILTON HEAD

Dear Sir:

This office has received a copy of your permit to construct the above referenced project. We require you to adhere to the following procedures when this project is begun:

1. Notify this office in writing when construction begins.
2. After proper sterilization and flushing, two consecutive satisfactory bacteriological samples must be taken at least 24 hours apart.
3. For new well installations, a complete chemical analysis must be submitted prior to final approval.
4. An acceptable pressure/leakage test must be performed by or in the presence of the engineer or his representative. The results of the pressure test must be submitted to this office in writing by the engineer.
5. Once the project is complete and all defects noted by the engineer have been corrected, notify this office in writing that the project is complete and has been installed accordance with the approved plans and specifications. The engineer should then request a final inspection.
6. In addition to the above, it is strongly recommended that you furnish your contractor with a copy of this letter to insure that all parties are aware of these requirements. Please be advised that operation of this project without prior approval to operate from this office is a violation of the State Safe Drinking Water Act.

Should you have any questions, please call me at 524-9760.

Sincerely,

Penny Cornett
Penny Cornett
District Engineer
Low Country District EQC Office

cc: Danny Stanley
Thomas & Hutton Eng.
P.O.Box 14609
Savannah, Ga. 31406

ATTACHMENT I

McGinty Associates / Architects

April 27, 1987

Mr. Thomas Breahko
Current Planning Manager
Town of Hilton Head Island
40 Palmetto Parkway
Hilton Head Island, SC 29928

Re: Supplemental Information
Application for Special Exception Review
Application for Conditional Use Review
Phase I, Town Center PUD
Pope Avenue Associates

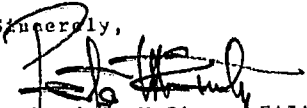
Dear Tom:

Enclosed is our revised Development Summary and Traffic Impact Analysis which we hope is satisfactory for meeting the requirements for Special Exception Review and Conditional Use Review.

In addition the motel site and land exchange drawings are being revised to make an even exchange and maintain the total PUD acreage at the approved 15.1 acres.

If any additional information is required please let me know.

Sincerely,


Richard A. McGinty, FAIA
for Pope Avenue Associates

RAM/pa

Enclosures: Revised Traffic Impact Analysis, 4/24/87
Revised Development Summary, 4/24/87

A:Breahkol.1

ATTACHMENT I

April 24, 1987

TRAFFIC IMPACT ANALYSIS

(Based on Trips/Day - LMO Table A)

Use	Tract	Area	Density	Area	Traffic	T/D
36000 Commercial Office	A	2.0 Ac	15,652 SF/Ac	31,304	31.3 x 17.7	554
51000 Commercial Specialty Retail	B & C	3.5 Ac	12,093 SF/Ac	42,325	42.3 x 40.7	1722
50 Motel	D	2.6 Ac	94 Room (35 Eq. D.U.'s)	-	94.0 x 10.1	949
242 Residential	E	7.0 Ac	171 D.U.'s	-	171.0 x 5.8	992
		15.1 Ac	209 D.U.'s	73,629		

637

2116

505

1288

4546

4,217 T/D
176.0 T/Hr.

167

ATTACHMENT I

April 24, 1987

TRAFFIC IMPACT ANALYSIS

(Based on Trips/Day - LMO Table A)

<u>Use</u>	<u>Tract</u>	<u>Area</u>	<u>Density</u>	<u>Area</u>	<u>Traffic</u>	<u>T/D</u>
Commercial Office	A	1.8 Ac	15,652 SF/Ac	28,174	28.2 x 17.7	499
Commercial Specialty Retail	B & C	3.2 Ac	12,093 SF/Ac	38,698	38.7 x 40.7	1575
Hotel	D	2.6 Ac	94 Room (38 Eq. D.U.'s)	-	94.0 x 10.1	949
Residential	E	<u>7.5 Ac</u>	<u>184 D.U.'s</u>	<u> </u>	<u>184.0 x 5.8</u>	<u>1067</u>
		15.1 Ac	222 D.U.'s	66,872		4,090 T/D 170.0 T/Hr.

4546

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ATTACHMENT I

April 24, 1987

TRAFFIC IMPACT ANALYSIS

(Based on Trips/Day - LMO Table A)

<u>Use</u>	<u>Traat</u>	<u>Area</u>	<u>Density</u>	<u>Area</u>	<u>Traffic</u>	<u>T/D</u>	
Commercial Office	A	1.4 Aa	15,652 SF/Aa	21,913	21.9 x 17.7	388	637
Commercial Specialty Retail	B & C	3.0 Aa	12,093 SF/Aa	36,279	36.3 x 40.7	1477	2116
Motel	D	2.6 Aa	94 Room (38 Eq. D.U.'s)	-	94.0 x 10.1	949	505
Residential	E	<u>8.1 Aa</u>	<u>200 D.U.'s</u>		<u>200.0 x 5.8</u>	<u>1160</u>	<u>1288</u>
		15.1 Aa	238 D.U.'s	58,192		3,974 T/D 166.0 T/Hr.	4546

ATTACHMENT I

April 24, 1987

DEVELOPMENT SUMMARY

Use	Tract	Area Acres	GLA/Units	Density D.U.'s/Ac	Open Space		Imp Area		Pkg. Prov. (LMO)
					I Req'd	I Prov	I Req'd	I Prov	
Commercial Office	A	2.0	31,304	15,652 sf/ao					31.3 x 4.8 = 138
Commercial Retail	B & C	3.5	42,325	12,093 sf/ao					42.3 x 4.8 = 203
Hotel/ Motel	D	2.6	94 Rooms 94/1.9 = 24 Rm/Ac	24 rm/ao					94 x .9 = 85 + 12 = 97
Common Area	F	1.3		29.6					169 x 1.7 = 287
Residential	E	5.7	169						725
TOTALS		15.1	73,629 207 D.U.'s	137					

167

ATTACHMENT I

April 24, 1987

DEVELOPMENT SUMMARY

Use	Tract	Area Acres	GLA/ Units	Density D.U.'s/Ac	Open Space			Imp Area			Pkg. Prov. (LNO)
					X Reqd	AC Prov	X Prov	X Reqd	AC Prov	X Prov	
Commercial Office	A	1.8	28,174	15,652 sf/ac						28.2 x 4.4 = 124	
Commercial Retail	B & C	3.2	38,698	12,093 sf/ac						38.7 x 4.8 = 186	
Hotel/ Hotel	D	2.6	94 Rooms 94/3.9 = 24 Rm/Ac	24 rm/ac						94 x .9 = 85 + 12 = 97	
Common Area	F	1.3								184 x 1.7 = 313	
Residential	E	6.2	184	29.6						720	
TOTALS		15.1	66,872 222 D.U.'s	14.7							

ATTACHMENT I

April 24, 1987

DEVELOPMENT SUMMARY

Use	Tract	Area Acres	CLA/ Units	Density D.U.'s/Ac	Open Space			Imp Area			Pkg. Prov. (LMD)
					X Reqd	AC Prov	X Prov	X Reqd	AC Prov	X Prov	
Commercial Office	A	1.4	21,913	15,652 sf/ac						21.9 x 4.4 = 96	
Commercial Retail	B & C	3.0	36,279	12,093 sf/ac						36.2 x 4.8 = 174	
Hotel/ Hotel	D	2.6	94 Rooms 94/3.9 = 24 Rm/Ac	24 rm/ac						94 x .9 = 85 + 12 = 97	
Croton Area	F	1.3									
Residential	E	6.8	200	29.6						200 x 1.7 = 340	
TOTALS		15.1	58,192 238 D.U.'s	15.76						707	

ATTACHMENT I

* Hotel, Motel

Traffic (Trips per day)

~~Motel~~

$$50 \text{ rooms} \times 10.1 = 505$$

$$94 \text{ rooms} \times 10.1 = 949.4$$

$$- 444.4$$

Multi-Family

$$222 \text{ units} \times 5.8 = 1287.6$$

$$204 \text{ units} \times 5.8 = 1183.2$$

$$+ 104.4$$

Office

$$36(000) \times 17.7 = 637.2$$

$$35(000) \times 17.7 = 619.5$$

$$+ 17.7$$

Specialty
Retail

$$37(000) \times 40.7 = 1505.9$$

$$34(000) \times 40.7 = 1383.8$$

$$+ 122.1$$

General
Retail

$$15(000) \times \cancel{82} (82) = \cancel{1230} (1230)$$

$$12(000) \times \cancel{82} (82) = \cancel{984} (984)$$

$$+ \cancel{135} (1246)$$

52192
4264
46 x 82
3772
(492)

444.4 extra trips for 94 motel rooms (44 increase)
equivalent reduction in DO = 76.6 or 77.00

$$222 \times 5.8 = 1287.6$$

$$145 \times 5.8 = 841.0$$

$$+ 446.6 + pd$$

$$577.5 \quad 472.5$$

ATTACHMENT I



Land Exchange

1. Need a survey for exchange

2. Given 20,000 Φ

Rec'd 14,000 Φ

6000 Φ reduction = .14 acres

15.1 acres - .14 acres = 14.96 ac. PUD

Density existing 16 DU/Ac x 15.1 Ac = 241.6 or 242 units

change 16 DU/Ac x 14.96 Ac = 239.36 or 239 units

ATTACHMENT I

Motel - Special Exception

base rooms 20
bonus density $\frac{4}{24}$

imp of drainage 3
pathways $\frac{1}{4}$

$$94 \div 24 = 3.9 \text{ ac.}$$

$$94 - 2.6 \text{ proposed}$$

$$\underline{-1.3}$$

987
1265
620
1394
984

ATTACHMENT I

Trips per

App.	50 hotel/motel rms	10.1	505
	222 multi-family	5.8	1287.6
	36000 ϕ office	17.7	637.2
	52000 ϕ retail	8.2	4264.0
			<hr/>
			6693.8

Prop.	94 hotel rooms	10.1	949.4
	204 multi-family	5.8	1183.2
	31000 ϕ office	17.7	548.7
	50000 ϕ retail	8.2	4100.0
			<hr/>
			6781.3 (+87.5)

ATTACHMENT I

15.1 ac. = 657756

- 6000

651756 = 14.96 ac.

30000 (230) $239.36 \times 242 \div 14.96 = 16.18$

(242) $241.6 \rightarrow 242 \div 15.1 = 16.03$

	50	7.2	360.0	
	94	10.1	505.0	444.4
		10.1	949.4	
	222	5.8	1287.6	104.4
	204	5.8	1183.2	
	36000	17.7	637.2	4901.2
App	52000	82	4264.0	
	Office	36000	17.7	637.2
				5942.7
	Retail	45000	117.9	5305.5
	31000	17.7	548.7	4648.7
	50000	82.0	4100.0	

ATTACHMENT I

5(a)(6)

pg VI 22

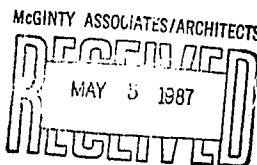


**SOUTH
CAROLINA
COASTAL
COUNCIL**

Summerrall Center
19 Hagood Avenue
Suite 802
Charleston, S.C. 29403
(803) 792-5808

James M. Waddell, Jr.
Chairman

H. Wayne Beam, Ph.D.
Executive Director



April 15, 1987

Mr. Max Batavia
Water Supply Division
S. C. Department of Health
and Environmental Control
2600 Bull Street
Columbia, SC 29201

Re: Super 8 Motel,
Hilton Head Island
Beaufort County

Dear Mr. Batavia:

The staff of the S. C. Coastal Council certifies that the above referenced project is consistent with the Coastal Zone Management Program provided that the project is built in accordance with the drainage plans and calculations submitted by Thomas and Hutton Engineering Company dated February 25, 1987. Furthermore, no construction activity may begin under this certification until the modified 404 permit has been issued by the U. S. Army Corps of Engineers. A final site inspection will be required prior to issuance of the Coastal Council's final certification approval.

Sincerely,

H. Stephen Snyder
Director of Planning
and Certification

RDM:0006DSB

cc: Senator James M. Waddell, Jr.
Dr. H. Wayne Beam
Mr. Christopher L. Brooks
Mr. Brad Proudfoot
Mr. George Nelson
Ms. Ann Adkins
U. S. Army Corps of Engineers

ATTACHMENT I

4/6/87

Conditional Use Review Narrative

1. A vicinity map is included on Master Plan.
2. Revised Development Summary and Original Summaries included.
Original Traffic Impact Analysis and Revised Analysis included.
3. Master Plan included
Land Exchange drawing included
4. Plan has DSO approval and is consistent with the Comprehensive Plan goals of PUD's and in particular, the stated goal of satisfying the Central Forest Beach neighborhood's role as "The Primary Off-Plantation Tourist-Oriented Neighborhood". It encourages pedestrian and bike activities.
5. Check #301 in the amount of \$200.00 is enclosed.

ATTACHMENT I

McGinty Associates / Architects

April 6, 1987

Mr. Thomas Brechko
Current Planning Manager
Town of Hilton Head Island
40 Palmetto Parkway
Hilton Head Island, SC 29928

Re: Application for Special Exception Review
Application for Conditional Use Review
Phase I Town Center, PUD
Pope Avenue Associates

Dear Tom:

In accordance with the Planning Commission meeting of 4/1/87 and on behalf of Pope Avenue Associates I am submitting applications for Special Exception Review and Conditional Use Review for Phase I Town Center PUD on Pope Avenue with the understanding that with Special Exception Approval Pope Avenue Associates may submit for Building Permit Reservation and Development Plan Review. Pope Avenue Associates further understands that with Conditional Use Approval they have 180 days from such approval to file for building permit.

Please understand that Pope Avenue Associates feels that its current preliminary approval allows us to proceed without these two (2) additional processes, but we are submitting these in good faith at the request of the Planning Commission in hopes of clarifying and expediting our basic goal of obtaining Development Plan Approval and building permit. We use the term "amendment" in the following paragraphs only to comply with the requirements of the application forms.

Therefore our purpose in submitting for these reviews is to amend the previous Preliminary Approval granted Pope Avenue Associates by the Planning Commission December 1984 and extended by court order until September 1987. This amendment consists of:

- A Land Exchange
- A change in Hotel/Motel Rooms with a corresponding reduction in residential units and decrease in the number of Hotel/Motel Rooms/acre

ATTACHMENT I

Mr. Thomas Breahko, April 6, 1987

Page 2

Land Exchange

*200' adjacent
acres* This involves exchange of adjacent parcels of approximately
.4 acres each *6000 sq reduction*

Involves no change in PUD acreage

Makes a more workable motel site

Allows motel to be off highway and have extensive frontage on lagoon. Motel parking area is hidden behind Western Sizzlin building and Saltaire Plaza

Property exchange allows close relationship between motel and Western Sizzlin restaurant and restaurants in Heritage Plaza and Coligny Plaza.

If the Land Exchange is the only factor requiring Conditional Use Review this can be accomplished without changing the approved PUD boundary.

Hotel/Motel

Change from 50 room motel/hotel allocated for a 1 acre site at 50 rms/acre to a 94 room motel on 2.6 acres at 36 rms/acre

Motel will be 3 story building.

The Development Summary has been revised to adjust hotel/motel rooms from 50 to 94 and at the same time reducing the number of residential DU's approved in the preliminary PUD under the DSO. Pope Avenue Associates further proposes to reduce the amount of approved retail space to equalize and reduce the approved Traffic Impact Analysis for the number of trips. See Scheme "A" Traffic Impact Analysis.

ATTACHMENT I

Mr. Thomas Breahko, April 6, 1987

Page 3

In considering these requests please note the following:

Town Center PUD was approved under the DSO in 1984. Approval is valid until September 1987. LMO Section 16-7-356 states that prior preliminary approval is valid under conditions or ordinance in effect at the time.

In DSO no distinction between hotel and motel

1 - Forty (40) rooms per acre were approved under the DSO

DSO provides for flexibility and equivalency in mix of hotel/motel rooms and residential units

I believe the previous information submitted addresses most of the basic requirements for Special Exception Review and Conditional Use Review. We will resubmit this information if necessary.

Additional Information

Pope Avenue Associates has received approval from The Hilton Head Company Architectural Review Board for Phase I and similar information is being filed with the Corridor Review Committee for their review.

Current letters indicating available services are on file from:

Hargray Telephone Company
Palmetto Electric Cooperative
Forest Beach Public Service District - Water & Sewage
Sea Pines/Forest Beach Fire Department

ATTACHMENT I

Mr. Thomas Breshko, April 6, 1987

Page 4

Conclusion

In conclusion the purpose of our requested amendment to the approved PUD is to:

Utilize PUD acreage more effectively.

Give motel site better relationship to lagoon and the rest of the PUD while removing it from Pope Avenue frontage

Maintain total acreage of approved PUD

Reduce number of DU's approved for residential use appropriate to the 44 room increase in hotel/motel rooms.

Reduce retail space 7,000 s. f. to 81,000 s. f. instead of the approved 88,000 s. f. This has the effect of reducing traffic flow to less than that approved.

We were pleased that the Planning Commission felt that these modifications enhance the original approved plan. We urge that the Commission consider these amendments to the approved PUD and grant Pope Avenue Associates the approvals necessary to receive Development Plan Approval so that they may apply for Phase I building permit.

If any additional information is required please let me know.

Sincerely,


Richard A. McGinty, FAIA
for Pope Avenue Associates

Enclosures: Application for Special Exception Review
Check #300 for \$200.00
Site Plan dated April 3, 1987
Narrative

Application for Conditional Use Review
Check #301 for \$200.00
Original Traffic Impact Analysis which received
Preliminary Approval
Scheme "A" Revised Traffic Impact Analysis

ATTACHMENT I

AREA + IMPERVIOUS OPEN SPACE AREA.
 ④ EQUALS DENSITY PERMITTED IN THE CENTRAL FOREST BEACH DISTRICT.
 ⑤ FIGURES ARE APPROXIMATE.

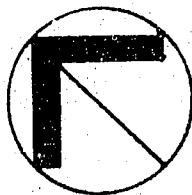
DEVELOPMENT SUMMARY ③

USE	TRACT	AREA (ACRES)	G.L.A. OR UNITS ①	DENSITY DENSITY	OPEN SPACE		IMPERVIOUS AREA ②		PKG. PROV.
					% ACRES Res./Pub./Priv.	% ACRES Res./Pub./Priv.	% ACRES Res./Pub./Priv.	% ACRES Res./Pub./Priv.	
COMMERCIAL (OFFICE)	A	2.3	36,000	—	20/45/19.6	75/1.8/18.3			200
COMMERCIAL (RETAIL)	B+C	4.3	52,000	—	20/1.30/130	75/2.8/68.2			319
HOTEL	D	1.0	50 RMS 20 (EQUV. UNITS)	20.0	10/0/0	75/1.0/100			55
RESIDENTIAL	E	7.5	222	29.6	10/5.80/17.3	75/4.55/58.3			333
TOTALS	—	15.1	88,000 ④ 142	16.00 ⑤	48.15/1.55/50.0	75/10.15/101.2			907

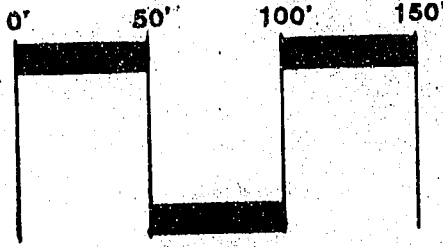
10' STORY SETBACK 10'

BLDG.

18'



NORTH



SCALE: 1" : 50'



Sheet Title:
**CONCEPTUAL
 MASTER
 PLAN**
 Job Number:
 50041
 Date:
 SEPT. 10, 1986
 Drawn:
 Approved:
 Revisions:
 REVISED IN
 ACCORDANCE WITH
 PLANNING COMMISSION APPROVAL

Sheet
1
 of

ATTACHMENT I

March 23, 1987

Revised Traffic Impact Analysis

(Based on trips/day in Approved Preliminary)

ORIGINAL ANALYSIS WHICH RECEIVED PRELIMINARY APPROVAL

			<u>Trip/</u> <u>Day</u>	EPA T/D with Approved <u>Off/Retail</u>
Hotel/Motel	50 rms x 10.5 x .75 = (20) Eq. DU's		394	394
Residential	222 DU's x 6.2 x .90 =		1,239	1,239
Office (35,000)	40,000 40(000) x 17.7 x .95 =		673	588
Specialty Retail (38,000)	41,000 41(000) x 41.0 x .95 =		1,597	1,480
General Retail (15,000)	17,000 17(000) x 82.0 x .90 =		1,255	1,107
(88,000) Approved	98,000 242 DU's 98,000 S.F. Retail/Off.		5,158/Day 215/Hr	4,808 200

Less 15

NOTES:

- EPA = Approved Trips/Day in Ed Pinakney & Associates plan that received Preliminary Approval.
- This information from original submittal by EPA
- 98,000 S. F. Off/Retail submitted
- 88,000 S. F. Off/Retail approved
- 242 DU's approved

ATTACHMENT I

March 23, 1987

Revised Traffic Impact Analysis

(Based on trips/day in Approved Preliminary)

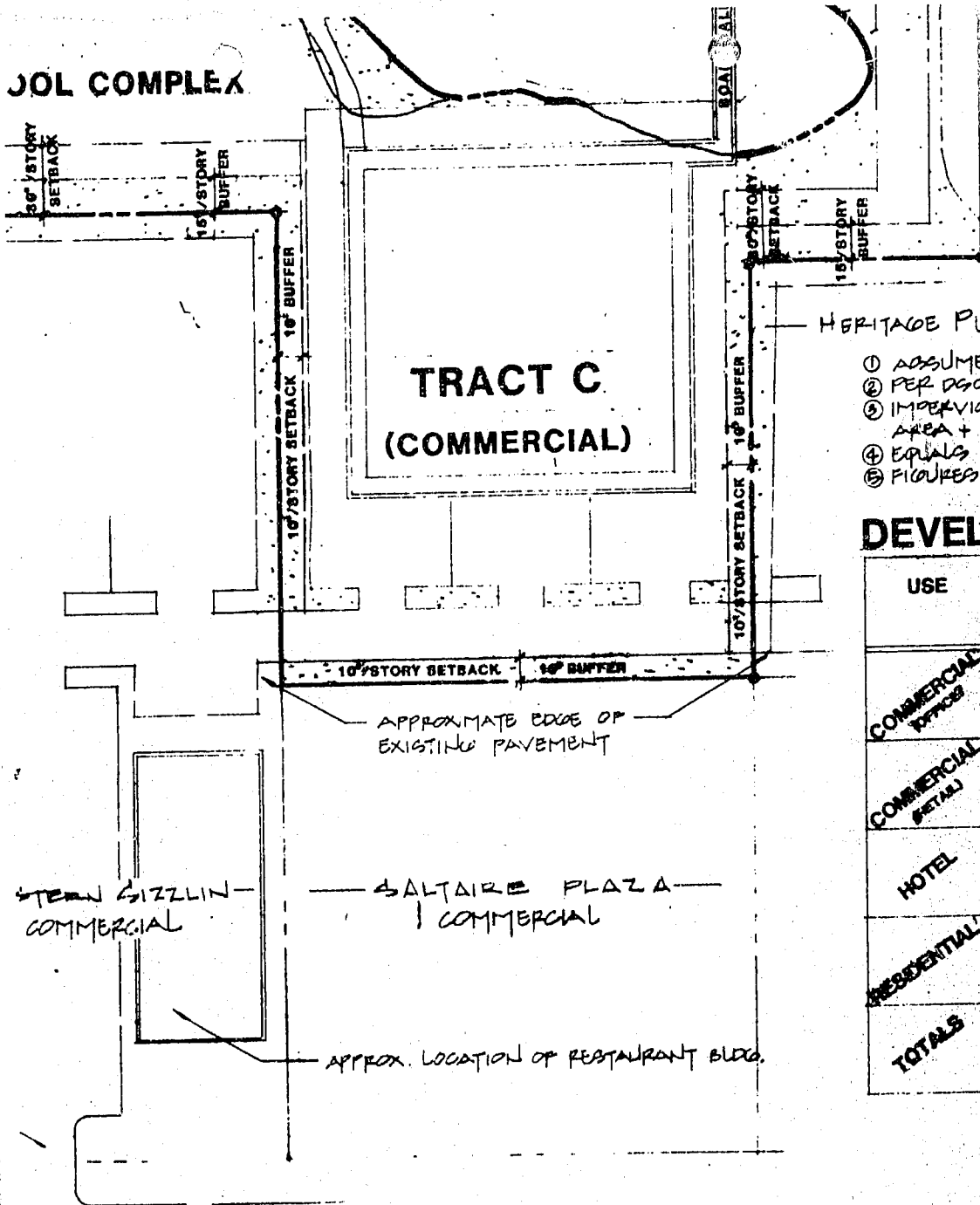
SCHEME "A"	-	<u>Reduce Commercial</u>	Trip/ Day	EPA
Hotel/Motel		94 rms x 10.5 x .75 (38) Eq. DU's	= 740	394
Residential		204 DU's x 6.2 x .90	= 1,138	1,239
Office	(35,000)	35(000) x 17.7 x .95	= 588	588
Specialty Retail	(38,000)	34(000) x 41.0 x .95	= 1,324	1,480
General Retail	(15,000)	<u>12(000)</u> x 82.0 x .90	= <u>855</u>	<u>1,107</u>
	(88,000) Approved	242 DU's 81,000 S.F. Retail/Off.	4,654/Day 194/Hr	4,808 200
			6 Less	

NOTE: Scheme "A" - reduces DU's by 0
Office/Retail by 7,000 S. F.

EPA - Approved Trips/Day in Ed Pinckney
Associates Plan that received
Preliminary Approval

ATTACHMENT I

JOL COMPLEX



- HERITAGE PL
- ① ASSUME
 - ② PER DGC
 - ③ IMPERVIOUS AREA +
 - ④ EQUALS
 - ⑤ FIGURES

DEVEL

USE
COMMERCIAL OFFICE
COMMERCIAL (RETAIL)
HOTEL
RESIDENTIAL
TOTALS

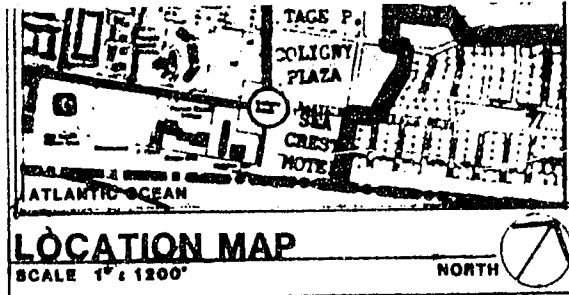
STEIN GIZZLIN
COMMERCIAL

SALTAIRE PLAZA
COMMERCIAL

APPROX. LOCATION OF RESTAURANT BLDG.

PE AVENUE

ATTACHMENT I

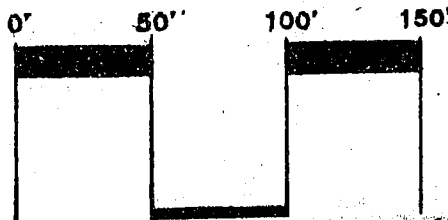
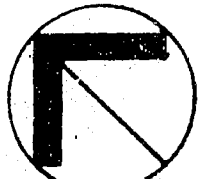


AZA - COMMERCIAL

ALL PAVING IS IMPERVIOUS.
 REQUIREMENTS.
 US AREA EQUALS BLDG. AREA + PARKING AREA + MISC. IMPERVIOUS
 IMPERVIOUS OPEN SPACE AREA.
 DENSITY PERMITTED IN THE CENTRAL FOREST BEACH DISTRICT.
 ARE APPROXIMATE.

OPMENT SUMMARY

TRACT	AREA (ACRES)	G.L.A. OR UNITS (SQ. FT.)	DENSITY (UNITS/AC)	OPEN SPACE		IMPERVIOUS AREA		PKG. PROV.
				% ACRES % (Paved/Grass/Forest)	% ACRES % (Paved/Grass/Forest)			
A	2.3	36,000	—	20/45/19.6	75/1.8/18.3	200		
B+C	4.3	52,000	—	20/1.70/170	75/2.8/68.2	319		
D	1.0	50 RMS (20 EQUIV. UNITS)	20.0	10/0/0	75/1.0/100	55		
E	7.5	222	29.6	10/5.80/17.3	75/4.55/68.3	333		
—	15.1	88,000 242	16.00	48.15/1.55/50.0	75/10.15/107.2	901		



Edward P
Larjasc

Hilton Head Island, SC
803-785-4265



Sheet Title
**CONCEPTUAL
 MASTER
 PLAN**
 Job Number:
 50041
 Date:
 SEPT. 10, 1986
 Drawn:

Approved:

Revisions:

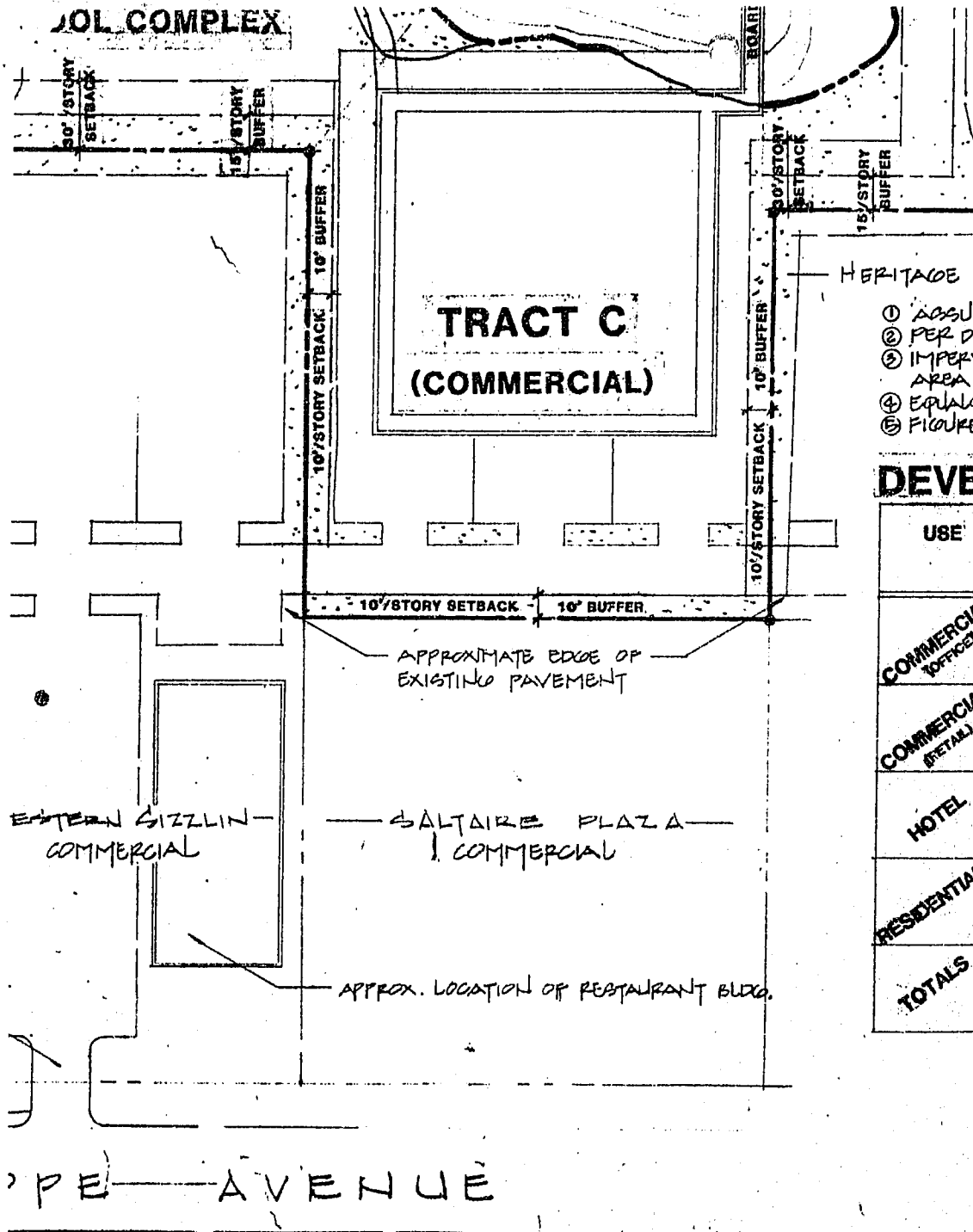
REVISED IN
 ACCORDANCE WITH
 THE ABOVE COMMENTS
 AND APPROVAL

THIS HAS
 UNCONDITIONAL
 APPROVAL

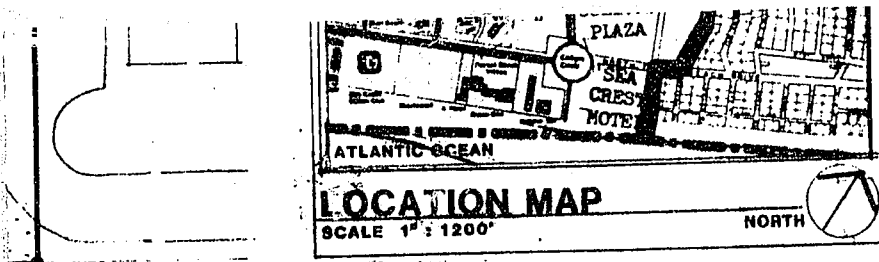
Sheet

1

ATTACHMENT I



ATTACHMENT I

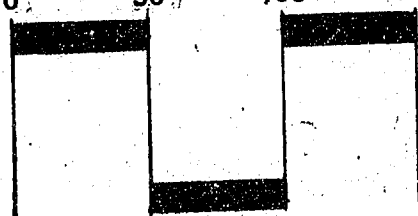
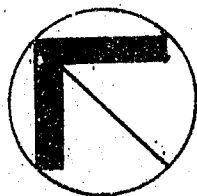


PLAZA - COMMERCIAL —
 MEETS ALL PAVING IS IMPERVIOUS.
 SO REQUIREMENTS.
 VIOLDS AREA EQUALS BLDG. AREA + PARKING AREA + MISC. IMPERVIOUS
 + IMPERVIOUS OPEN SPACE AREA.
 DENSITY PERMITTED IN THE CENTRAL FOREST BEACH DISTRICT.
 IS ARE APPROXIMATE.

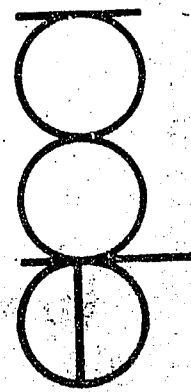
LOPMENT SUMMARY ②

TRACT	AREA (ACRES)	G.L.A. OR UNITS (DU/)	DENSITY (DU/ AQ)	OPEN SPACE		IMPERVIOUS AREA ②		PKG. PROV.
				%	%	%	%	
				Req'd/Prov./Prov.	Req'd/Prov./Prov.	Req'd/Prov./Prov.	Req'd/Prov./Prov.	
A	2.3	40,000	—	20/	45/19.6	15/	1.8/13.3	200
B & C	4.3	58,000	—	20/	1.30/30	15/	2.8/105.2	319
D	1.0	50 RMS (20 EQUIV. UNITS)	20.0	10/	0/0	15/	1.0/100	55
E	7.5	222	29.6	10/	5.80/17.3	15/	4.55/133.3	333
—	15.1	242	16.00 ④	48.15/	1.55/50.0	15/	10.15/107.2	901

0' 50' 100' 150'



Edward
Lan
Hilton Head Isc
803-785-4265



Sheet Title:
**CONCEPTUAL
MASTER PLAN**

Job Number:
50041
Date:
NOV. 5, 1984
Drawn:

Approved:

Revisions:
12-11-84 PER TRC SUGGEST

* THIS IS
PLAN RE-DESIGNED
TO W LETTER
HHC 6/27
1984

Sheet

1

ATTACHMENT I

DEVELOPMENT SUMMARY

USE	TRACT	AREA	GLA/ UNITS	DU
		ACRES	S.F./DUs	
COMM OFF	A	(2.3)	36,000	—
COMM RETAIL	B & C	(4.3)	52,000	—
HOTEL MOTEL	D	2.6	94 RMS 38 EQUIV U.	14
RES	E	(5.9)	204	3
TOTALS		15.1	88,000 242	17

r4

(3)

ATTACHMENT I

ENS	OPEN SP			IMP AREA			PKG	
	% REQ'D	AC PROV	% PROV	% REQ'D	AC PROV	% PROV	DSO	LMO
—	20	45	19.6	75	1.8	78.3	180	152
—	20	1.30	30	75	2.8	65.2	286	239
G	70	1.28	49.2	75	1.43	55	106	97
4.0	70	4.52	76.6	75	4.12	69.8	306	306
0	48.15/ 7.55/ 50			75 / 10.15/ 67.2			878	800

McGinity Associates

ARCHITECTS

Edison Headland, S.C.

2-11-87
4-3-87

4-1-87

ATTACHMENT I

McGinty Associates / Architects

RECEIVED

MAY 4 1987

Ans'd.....

TOWN CENTER P.U.D., PHASE I

NARRATIVE

The purpose of this development is to create a mixed use 15.1 acre P.U.D. appropriate to the Central Forest Beach District. The first phase of such development includes a 94 room motel, together with amenities, and appropriate infrastructure.

It is anticipated the site will be developed in three additional phases after the initial one. Subsequent phases are to include retail, office and multi-family residential uses. These, along with the motel phase, will be developed in accordance with the recently approved P.U.D. master plan.

The project has received all necessary approvals at this date with the exception of CRC approval, sign permits, and tree permit. All such applications are being submitted contemporaneously with this application.

All property sold within the P.U.D., including the motel site, has the provision wherein all owners shall contribute to maintenance of all common elements in the P.U.D. (streets, open space, lagoons, etc.)

5/21/87

ATTACHMENT I

McGinty Associates / Architects

RECEIVED

MAY 21 1987

Ans'd.....

May 21, 1987

Town of Hilton Head
Planning Department
40 Palmetto Parkway
Hilton Head Island, South Carolina 29928

Re: Phase I, Town Center P.U.D.

Dear Sirs:

Pope Avenue Associates, the owner of the real property on which the above-referenced development is to occur, hereby formally consents to the Development Plan proposed herewith.

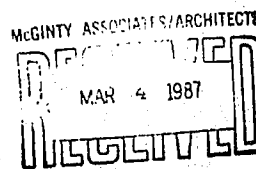
Sincerely,


Richard A. McGinty
General Partner

RAM/pc

ATTACHMENT I

The Forest Beach Public Service District Commission
P. O. Box 5085
Hilton Head Island, South Carolina 29938



March 2, 1987

Mr. Dunbar Delk
Engineering Evaluation Section
South Carolina Department of
Health & Environmental Control
2600 Bull Street
Columbia, SC 29201

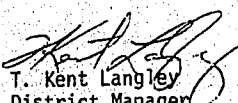
Re: Super 8 Motel

Dear Mr. Delk:

We have reviewed the enclosed plans and recommend that a permit
to construct be issued.

Thank you for your assistance.

Sincerely,


T. Kent Langley
District Manager

TKL/ajw

Enclosure

185

ATTACHMENT I

pg VI - 23 (5) (4) (1)



THE HILTON HEAD COMPANY

Post Office Box 7000
Hilton Head Island, SC 29918
Telephone: (803) 785-4211

March 5, 1987

Pope Avenue Associates
11 Lagoon Road
Hilton Head Island, S.C. 29928

Re: Pope Avenue Associates, Town Center PUD
Block 5-B, Phase I - 94 Room Motel

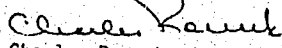
Gentlemen:

The Hilton Head Company Plans Approval Board reviewed preliminary plans for the above referenced project at their meeting of Tuesday, March 3, 1987. Preliminary approval was granted on that date, with such approval confined exclusively to Phase I, Hotel/Motel.

This does not constitute approval to commence construction, which is dependent upon submission and approval of final construction drawings, exterior landscape, lighting, and sign plans, as well as samples of proposed exterior colors and materials.

If you have any questions regarding the Board's actions or comments, or if we can be of assistance as you proceed with plans for resubmission, please feel free to call us.

Sincerely,


Charles Rousek, Chairman
Plans Approval Board

CR:KJD

ATTACHMENT I

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Bima-Aycock Buildings
2800 Bull Street, Columbia, SC 29201

CONSTRUCTION PERMIT

Permission is Hereby Granted to: Brown, Brosche Financial, Inc.
411 Borel Avenue
Suite 620
Sam Mateo, CA 94402

for the construction of a potable water source, treatment and/or distribution system in accordance with plans, specifications and design calculations dated March 2, 1987, by Danny Stanley, P.E., S. C. Registration No.: 8211.

PROJECT DESCRIPTION: Water distribution system consisting of approximately 980 L.F. of 8" water line and one (1) fire hydrant to serve the "Super 8 Motel", Beaufort County. Water to be provided by the Forest Beach Public Service District.

SPECIAL CONDITIONS:

1. Before final approval to place into operation can be granted, this agency must receive written notification from the S. C. Coastal Council that all conditions of their certification have been met.
2. Material and construction specifications shall be "Thomas and Hutton Engineering Company." standard specifications approved by a letter from this office dated May 16, 1984.

Permit Number: 410717 Date: April 16, 1987

EXPIRATION DATE: Unless construction is initiated prior to April 16, 1988, it will be necessary to reapply since this permit will no longer be valid.

This is a permit for construction only and does not constitute State Department of Health and Environmental Control approval, temporary or otherwise, to place this system in operation.

Michael D. Jarrett
Commissioner

M. K. B. Tavares, P. E.
Director, Water Supply Division

MEW/df

cc: Mr. Danny Stanley, P. E.
Mr. George Nelson, Dist. Dir.
Mr. Richard Hatfield, Dist. San. Dir.

Beaufort County Health Department
Forest Beach Public Service District

ATTACHMENT I

*Pg VI 23
35 4(5)*

State of South Carolina)
County of Beaufort)

Real
Property Exchange
Agreement

This Real Property Exchange Agreement entered into this ___ day of _____, 1987 by and between POPE AVENUE ASSOCIATES, A PARTNERSHIP, (hereinafter "PAA") and HODGE TRUST, A SOUTH CAROLINA LIMITED PARTNERSHIP (hereinafter "Hodge").

Whereas, Hodge is the record owner of that certain parcel of real property designated as Parcel A as shown on Exhibit 1 hereof, which Exhibit is attached hereto and made a part hereof by incorporation; and

Whereas, PAA is the record owner of that certain parcel of real property designated as Parcel B, as shown as Exhibit 1; and

Whereas, PAA is party to a contract of purchase and sale whereby it has agreed to sell to Brown, Brosche Financial, Inc., A California Corporation, ("BBF") and BBF has agreed to purchase from PAA certain real property comprising Two and 60/100 (2.60) Acres, which parcel includes Parcel A as shown on Exhibit 1 hereof; and

Whereas, the parties hereto mutually desire to effect an exchange of their respective parcels, one for the other, under the following terms and conditions.

NOW, THEREFORE, for and in consideration of the sum of Ten and no/100 (\$10.00) Dollars, mutually given and received, the receipt and sufficiency of which is hereby mutually acknowledged, the parties agree as follows:

1. The real property exchange as contemplated by this Agreement shall occur only if, and in such case contemporaneously with, the closing of the transaction described above between PAA and BBF involving the 2.60 acre parcel occurs.
2. It is agreed that the primary consideration for the exchange is to create a more acceptable site development plan for a proposed motel to be constructed by BBF on the property referenced in paragraph 1 hereof, including Parcel A, and that Parcel A shall be used only for parking and/or buffer area, for such motel. Further, PAA shall restrict the use of Parcel A, such that Parcel A may not be used as a service, refuse or storage disposal area.
3. It is agreed that after the property exchange direct access from Parcel A to or from the existing, or future, parking area of the "Western Sizzlin'" restaurant, now owned by Hodge shall be limited to a pedestrian walkway, to be constructed at PAA's expense.
4. It is agreed that this property exchange shall take place in the event and only in the event that it is previously determined by the relevant authorities of the Town of Hilton Head that neither the exchange nor the proposed uses of either of Parcels A or B shall have any adverse impact with regard to zoning or use restrictions, upon the continued use by Hodge of its land, then including Parcel B, as a restaurant. Such determination shall be in writing and shall be reasonably acceptable to counsel for Hodge. It is agreed that any expense of securing any such determination by the Town of Hilton Head shall be borne by PAA.

ATTACHMENT I

5. The property exchange contemplated herein is conditioned upon the determination by each party hereto of the acceptability of title to such parcel as each party shall receive in said exchange; i.e., each party shall convey to the other marketable title by general warranty deed in fee simple in recordable form with stamps affixed, subject to normal utility easements, governmental regulations, recorded covenants, and assessments. If an owner's title binder can be issued by an ALTA title insurance company at standard rates with standard exceptions for Hilton Head, South Carolina, title shall be deemed marketable.

6. PAA shall bear all costs associated with effecting the exchange, as well as all costs of preparing, landscaping, paving, and striping parcel B for use as a parking area. PAA shall post a performance bond running to Hodge, or by some other means acceptable to Hodge, provide assurance of completion of such work on Parcel B.

7. In no event shall Hodge lose its right to use, or the use of Parcel A as a parking area until such time as all construction work as outlined in paragraph 6 hereof is complete, and any certificate or permit that is or may be required in order to use Parcel B as a parking area have been issued.

IN WITNESS WHEREOF, the parties have caused these presents to be executed as of the date and year first above-written.

WITNESSES:

Amelia F. Cuthbertson
Robert S. Johnson
Amelia F. Cuthbertson
Robert S. Johnson
Amelia F. Cuthbertson
Robert S. Johnson

POPE AVENUE ASSOCIATES,
A PARTNERSHIP

By: *Robert L. Graves*
its: Partner

By: *Richard A. McGinty*
its: Partner

By: *Robert S. Crum*
its: Partner

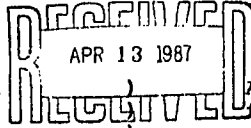
HODGE TRUST, A SOUTH CAROLINA
LIMITED PARTNERSHIP

By: _____
its: Patricia Hodge Croft
General Partner

By: _____
its: W. Miles Hodge, Jr.
General Partner

ATTACHMENT I

McGINTY ASSOCIATES/ARCHITECTS



pg 1/1 23
5 (6) (5)

State of South Carolina
County of Beaufort

Amendment #1, Agreement
for Purchase and Sale of
Real Property

This Amendment #1, Agreement for Purchase and Sale of Real Property (hereinafter, the "Amendment #1") entered into this 5th day of April, 1987 by and between Brown, Brosche Financial, Inc., a California corporation (hereinafter "Purchaser"), and Pope Avenue Associates, a South Carolina Partnership (hereinafter, "Seller").

Whereas, the parties hereto did, on or about December 12, 1986, enter into an Agreement for Purchase and Sale of Real Property (the "Agreement") for certain real property within Town Center P.U.D., Pope Avenue, Hilton Head Island, South Carolina; and

Whereas, due to circumstances beyond the control of both Seller and Purchaser therein it has become necessary to modify and amend certain provisions of the Agreement; and

Whereas, both Seller and Purchaser are desirous of effecting such modifications and amendments through the within presents.

Now, Therefore, for and in consideration of the mutual covenants, conditions and undertakings contained herein, together with other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. With respect to Section 3 "Earnest Money Deposit" of the Agreement, Seller hereby agrees to return to Purchaser the initial \$10,000.00 deposit made by Purchaser at the inception of the Agreement. Purchaser will provide to Seller an irrevocable Letter of Credit, in form and upon an institutional lender acceptable to Seller's counsel, in the amount of Twenty Thousand and no/100 (\$20,000.00) Dollars. Said sum represents the first two Earnest Money deposits as described in Section 3 of the Agreement, and in no other way affects or shall affect the provisions thereof. The exchange and substitution contemplated by this paragraph 1 shall take place within twenty-one (21) calendar days of the execution date hereof.

2. With respect to Section 8(b) of the Agreement, "Seller's Representations and Warranties", the second sentence of said Section 8(b) is hereby amended so as to allow a period of one hundred and twenty (120) days for Sellers to "...apply for an amendment to the existing preliminary approval of the PUD...etc."

3. With respect to Section 9(c) of the Agreement, "Approvals from Planning Commission", said Section is hereby amended so as to allow a period of one hundred eighty (180) days

ATTACHMENT I

from the date of Seller's acceptance of the Agreement to obtain the preliminary approvals called for in Sections 9(c)(i) through 9(c)(iii).

4. With respect to the second paragraph of Section 10 of the Agreement, "Termination of Agreement by Purchaser", said Section paragraph is hereby amended to allow Purchaser one hundred eighty (180) days in which "...to obtain construction and permanent financing acceptable to Purchaser...etc." This amendment shall in no way affect Purchaser's right under Section 10 to extend the Agreement for an additional sixty (60) days in order to secure such financing.

In Witness Whereof, the parties hereto have caused these presents to be executed as of the date first above written.

Witnesses:

[Signature]
[Signature]

PURCHASER:

Brown, Brosche Financial, Inc.
a California Corporation

By: [Signature]
its: [Signature]

Attest:

By: [Signature]
its: [Signature]
Secretary

SELLER:

Pope Avenue Associates, a
South Carolina Partnership

By: [Signature]
Robert Graves,
General Partner

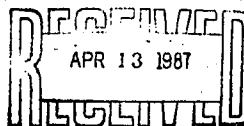
By: [Signature]
Pete McGinty,
General Partner

By: [Signature]
Robert Crum,
General Partner

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

ATTACHMENT I

DIVERSE... McGINTY ASSOCIATES/ARCHITECTS



April 9, 1987

Mr. Richard Brown
Brown-Brosche Financial, Inc.
411 Borel Avenue
Suite 620
San Mateo, CA 94402

Re: Extension Agreement, Super 8

Dear Rich:

Enclosed you will find a copy of the Amendment to the Purchase and Sale Contract for the Super 8 site, as you requested.

We have another meeting with the Planning Commission on the fifteenth of this month at which time we will be discussing the necessity for certain "Review" procedures with respect to this project that, needless to say, we would prefer to avoid.

Please note that the Extension Agreement is being delivered to you in trust, pending our receipt of the Letter of Credit referenced in the Extension Agreement. Immediately upon receipt of the Letter of Credit, we shall return to you the initial Escrow Deposit you have already made.

If you have questions or concerns please call at your convenience.

Sincerely,

John C. Benso
John C. Benso

:af

cc: Robert Crum
Robert Graves
Herb King
Pete McGinty ✓

ATTACHMENT I

*Sign Copy
12/12/86*

**AGREEMENT
FOR
PURCHASE AND SALE OF REAL PROPERTY**

THIS AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY is made and entered into this _____ day of December, 1986, by and between POPE AVENUE ASSOCIATES, a South Carolina Partnership, ("Seller"), and BROWN, BROSCHE FINANCIAL, INC., a California corporation, ("Purchaser").

WHEREAS, Seller desires to sell and Purchaser desires to purchase certain real property presently owned by Seller which consists of a +2 acre tract to be located in the Town Center PUD, Pope Avenue, Hilton Head Island, Beaufort County, South Carolina (the "Property"), as indicated on that certain Concept Plan by Edward Pickney Associates, Ltd., dated June 26, 1986, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS, Purchaser desires to purchase the Property for the sole purpose of constructing a "Super 8 Motel" of no less than eighty (80) rooms and three (3) stories (the "Motel").

For and in consideration of the mutual covenants and conditions contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Survey and Legal Description of the Property. Prior to the execution of this Agreement, the Sellers have caused a survey and legal description to be prepared at Seller's expense of the + 2 acre tract to be conveyed, which survey and legal description are hereto as Exhibits B and C, respectively.

2. Purchase Price. The Purchase Price for the Property is to be calculated on the basis of Nine Thousand Three Hundred (\$9,300.00) Dollars per room and a minimum purchase price of Seven Hundred Forty-Four Thousand (\$744,000.00) Dollars based on an eighty (80) room Motel. In the event that fewer than eighty (80) rooms are permitted by the Planning Commission of the Town of Hilton Head Island ("Planning Commission"), Purchaser may terminate this Agreement in accordance with the terms of Paragraph 1 hereof. Payment shall be paid to Seller by Buyer at Closing in cash or good funds by certified check or wire transfer, reduced by all Earnest Money paid by Purchaser pursuant to Paragraph 3 of this Agreement.

3. Earnest Money Deposit. Purchaser has, simultaneously with the execution of this Agreement, delivered to Seller's Agent or Broker a check in the amount of Ten Thousand (\$10,000.00) Dollars ("Earnest Money"), the receipt and sufficiency of which is acknowledged by Seller, which shall be applied against the Purchase Price at Closing. The Earnest Money shall be increased by an additional deposit of Ten Thousand (\$10,000.00) Dollars upon satisfactory completion of the Engineering Study referred to in Paragraph 9b. The Earnest Money shall be further increased by an additional deposit of Thirty Thousand (\$30,000.00) Dollars within fifteen (15) days of satisfaction of the conditions precedent listed in Paragraphs 9c and 9d of this Agreement. All Earnest Money shall be deposited in an interest bearing escrow account with all interest accruing to the Purchaser.

ATTACHMENT I

4. **Closing.** Closing shall be held within sixty (60) days after final development approval of the Motel site by the Planning Commission, at a time to be designated by the parties at the law offices of the McNair Law Firm, Hilton Head Island, South Carolina. Seller agrees to deliver possession of the Property to Purchaser at Closing in the same condition as it presently exists.
5. **Closing Costs and Prorations.** At the Closing, Seller shall pay Seller's attorneys' fees and the transfer taxes required to be paid prior to recording of the deed. Purchaser shall be responsible for all other closing costs, including any recording fees and Purchaser's attorneys' fees. All ad valorem property taxes shall be prorated as of the date of Closing. Prorations shall be computed by the three hundred sixty (360) day method, with each month representing 1/12 of the annual charge and each day 1/30 of the monthly charge.
6. **Marketable Title.** Seller shall convey good and marketable fee simple title to the Property to Purchaser by general warranty deed at Closing. Marketable fee simple title, for the purposes of this Agreement, shall be defined as title which a title insurance company licensed to do business in the State of South Carolina will insure at its regular rates, subject only to its standard exceptions. If Seller shall be unable to convey title in accordance with the terms of this Agreement, Purchaser shall have the option of terminating this Agreement by written notice to the Seller or of proceeding with the Closing of the sale and accepting such title as Seller is able to convey with no adjustment in the Purchase Price. In the event that Purchaser exercises its option to terminate this Agreement, Seller shall promptly return to Purchaser any and all surveys, engineering, architectural, or conceptual development studies prepared by Purchaser or its agents.
7. **Inspections Prior to Closing.** Prior to Closing, Purchaser may, at Purchaser's cost, directly or through its agents and representatives, enter upon the Property for the purpose of inspection, survey and other study of the Property, or as may be necessary or advisable to obtain any permits or approvals, including zoning and building permits. Purchaser does hereby agree to indemnify and hold Seller harmless from any and all damages or injuries which may be occasioned by reason of any entry onto the Property by Purchaser, its representatives and agents.
8. **Seller's Representations and Warranties.** Seller hereby makes the following representations and warranties to the Purchaser:
- The Property is part of and contained within a +15 acre planned unit development known as the "Town Center PUD" (the "PUD"), which has received preliminary approval as a "master plan" by the Planning Commission, which approval is valid until September 30, 1987.
 - Tract "D" of the PUD has received approval for a fifty (50) room "Bed and Breakfast Inn" on a one (1) acre site with fifty-five (55) parking spaces. Seller shall apply for an amendment to the existing preliminary approval of the PUD within sixty (60) days of Seller's acceptance of this Agreement for (i) relocation of the site for the Motel, and (ii) approved density of at least forty (40) motel rooms per acre on the two (2) acre Motel site (or an appropriate increase in the size of the Property to be conveyed in order to provide the Purchaser with sufficient density to build an eighty (80) unit Motel). Seller further agrees to make any necessary re-allocations of density within the PUD to permit development of the Motel in accordance with the terms of this Agreement.

ATTACHMENT I

c. As indicated in Exhibit E hereto, water and sewer service is currently available to the Property based on combined impact and tap fees not to exceed \$850.00 per room.

d. The Property drains in accordance with the drainage plan approved by the Planning Commission, and Purchaser has the ability to tie into the master lagoon drainage system for the Town Center PUD.

e. There are no covenants, restrictions, easements or encumbrances whether or not of record, which would prohibit the intended use of the Property as a site for the Motel, subject, however, to the Cross Parking Easement which is attached as Exhibit D hereto and the list of permitted encumbrances which is attached as Exhibit G hereto.

f. Seller is a duly organized and validly existing Partnership under the laws of the State of South Carolina, and the general partners thereof have full authority to execute and deliver this Agreement and to perform on behalf of Seller all its obligations hereunder.

g. There are no taxes, charges or assessments of any nature or description which constitute a lien against the Property that will be unpaid at Closing or not paid from Seller's closing proceeds, except the lien of ad valorem property taxes for the year in which the Closing occurs.

h. Seller is not a "foreign person" within the meaning of Section 1445 of the Internal Revenue Code of 1954, as amended.

i. The intended use of the Property does not violate any provision of any applicable land use, zoning, subdivision, development or other governmental regulations or ordinances, if approved by the Planning Commission and if the intended use is in conformance with those approvals.

j. There is no litigation or proceeding of any type pending, or to the knowledge of the Seller, threatened against the Property.

k. All representations and warranties of Seller contained in this Agreement are true and correct as of the date hereof and will be true and correct as of the date of Closing.

Seller acknowledges that Purchaser will be proceeding with extensive engineering, feasibility and other development studies in reliance on the representations and warranties herein made by Seller. In the event that the representations and warranties made by Seller contain material misstatements or misrepresentations, Purchaser has the right to terminate this Agreement by written notice to the Seller and have its entire Earnest Money Deposit refunded. Further, in the event of such termination by Purchaser, Seller agrees to reimburse Purchaser for the actual costs and expenses incurred by Purchaser in reliance thereon, the amount of which reimbursement shall not exceed Fifteen Thousand (\$15,000.00) Dollars.

9. Conditions Precedent. Closing and purchase of the Property is expressly made subject to fulfillment of the following conditions to Purchaser's satisfaction within the indicated time periods:

ATTACHMENT I

a. Site Plan. Within thirty (30) days after Seller's acceptance of this Agreement, Seller shall prepare a Site Plan for the Town Center PUD, acceptable to Purchaser, which shall take into account the following:

- (i) exact site location of the Motel to be constructed on the Property;
- (ii) visibility of the Motel from Pope Avenue; and
- (iii) overall design compatibility among the Motel and the commercial/retail buildings to be constructed on the portion of the PUD which fronts on Pope Avenue.

b. Engineering Study. Within thirty (30) days of Seller's submission to Purchaser of the Site Plan, an engineering study shall be conducted by Purchaser to determine that public water, sewer, telephone, electric power, and other utilities exist or are available which are of sufficient quantity and quality to handle the requirements of the Motel and that the cost of providing such services, along with the cost of designing and constructing an on-site drainage system, can be accomplished without extraordinary cost for lift stations, special pressurized systems, excavation, or elevated water storage tanks.

c. Approvals from Planning Commission. Within one hundred twenty (120) days of Seller's acceptance of this Agreement, preliminary approvals shall be obtained from the Planning Commission for:

- (i) development of the Property as a site for no less than an eighty (80) room Motel of at least three (3) stories;
- (ii) an appropriate curb cut on Pope Avenue for entrance onto the Property; and
- (iii) a sign for the Motel on Pope Avenue which is in conformance with the applicable sign ordinance.

d. Approvals from Architectural Review Board or Plans Approval Board. Within one hundred twenty (120) days of Seller's acceptance of this Agreement, preliminary approvals shall be obtained from any and all Architectural Review Boards or Plans Approval Boards (specifically including Pope Avenue Associates and the Hilton Head Company Plans Approval Boards, and any similar Review Board established by the Town of Hilton Head Island), which have authority to enforce recorded covenants and restrictions and oversee development in accordance with such recorded covenants and restrictions.

e. Additional Governmental Approvals. Any necessary approvals shall also be obtained from (i) the Corridor Review Board, (ii) South Carolina Coastal Council, and (iii) Army Corps of Engineers.

ATTACHMENT I

f. Landscaping Improvements. Seller shall hire a landscape architect to develop attractive landscaping plans for the Pope Avenue entrance road and lagoon areas, with Purchaser sharing in twenty-five (25%) percent of the total cost of the driveway entrance road from Pope Avenue and associated landscaping improvements, with a cap on Purchaser's contribution to such costs of Twenty-Five Thousand (\$25,000.00) Dollars. Seller agrees to submit an estimated budget of such costs of landscaping improvements and entrance road construction for Purchaser's review and approval at least thirty (30) days prior to Closing. At the Closing, the parties will provide for the escrow of their respective shares of the total cost of the road and landscaping improvements, either by a cash deposit to an interest bearing escrow account or by appropriate letters of credit issued by lending institutions and in a form satisfactory to the other party.

g. Common Area Maintenance Agreement. Seller and Purchaser shall (i) execute an Agreement providing for the maintenance of common areas, or (ii) form a property owners' association which shall be responsible for such common area maintenance. In either case, Purchaser's obligation to contribute funds for such common area maintenance shall be prorated based on the relation between the Property and the entire Planned Unit Development, in an amount not to exceed twenty-five (25%) percent of the total funds necessary for such common area maintenance.

10. Termination of Agreement by Purchaser. In the event that Purchaser is not able to obtain approvals under Paragraphs 9c and 9d, including, but not limited to, a building permit for the Motel in accordance with Purchaser's plans, this Agreement may be terminated by Purchaser and, if terminated, shall be deemed to be null and void. In the event of such termination by Purchaser, the entire Earnest Money Deposit previously made by Purchaser shall be returned to Purchaser. In the event this Agreement is terminated, copies of all soil samplings, engineering or architectural studies referenced in this Paragraph 9 will become the property of Purchaser.

If Purchaser is unable to obtain construction and permanent financing acceptable to Purchaser within one hundred twenty (120) days from the date of this Agreement, the Purchaser shall have the option of extending this Agreement for sixty (60) additional days or terminating this Agreement and, in the event of such termination, the entire Earnest Money Deposit previously made by Purchaser shall be forfeited to Seller.

The parties agree that Seller's damages, in the event of Purchaser's default, would be impractical and difficult to determine. They do agree, however, that the Earnest Money deposited hereunder by Purchaser represents a fair estimate of actual damages in the event of Purchaser's default. The parties agree that in the event of Purchaser's

ATTACHMENT I

default, the Earnest Money deposited by Purchaser may, at Seller's option, be forfeited to Seller as liquidated damages, and that in that event, all of Seller's claims and rights against Purchaser shall be fully discharged thereby. Seller agrees that it shall declare no default without giving Purchaser seven (7) days prior written notice, during which time Purchaser may cure default.

11. Condemnation or Destruction. In the event, at any time between the execution of this Agreement and the Closing of the purchase and sale or termination of this Agreement pursuant to its terms, all or any portion of the Property is condemned by any legally constituted authority for any public use or purpose or is destroyed by or for whatever cause, then Purchaser may elect either: (i) to terminate this Agreement, in which event all Earnest Money paid by Purchaser shall be promptly refunded to Purchaser, and the parties hereto shall have no further obligation or liability under this Agreement; or (ii) to receive all proceeds from any condemnation and to have the terms of this Agreement remain in full force and effect and binding on the parties hereto, except that the Property shall then consist of the Property described in Exhibit "C" hereto less and except any portion thereof taken by condemnation or destroyed. The risk of loss prior to Closing shall be upon the Seller.

12. Prohibition on Alienation of Property by Seller. Seller agrees that Seller shall not sell, convey, assign, pledge, encumber or lease, or contract to sell, convey, assign, pledge, encumber, or lease the Property which is the subject of this Agreement. Seller further agrees that Seller shall not sell, convey, assign, pledge, encumber or lease, or contract to sell, convey, assign, pledge, encumber or lease the remaining land within the PUD if such conveyance, assignment, encumbrance, lease or contract would affect Seller's ability to fulfill the conditions precedent in Paragraph 8b of this Agreement; provided, however, that the foregoing limitation shall not prohibit Seller from selling or contracting to sell individual development tracts within the PUD, provided that written notice is given to Purchaser thirty (30) days prior to the date of closing the transfer of such sale(s).

13. Agreement Assignable by Purchaser. This Agreement may be assigned by Purchaser with the prior written consent of Seller, which consent shall not be unreasonably withheld.

14. Entire Agreement. This Agreement constitutes the sole and entire agreement of the parties and shall be binding upon Seller and Purchaser, their successors, legal representatives and permitted assigns. This Agreement may not be changed orally, but only by an instrument in writing signed by the party or parties against whom enforcement of such change is sought.

15. Exhibits. Any Exhibits attached hereto which are signed or initialed by the parties shall be deemed a part of this Agreement.

16. Acceptance. In the event this offer is not accepted by the Seller by December 12, 1986, this offer shall become null and void. The date of this Agreement shall be deemed to the date on which Seller accepts this Agreement and executes counterparts hereof, as evidenced by the date opposite Seller's signature, and this date shall be inserted in the preamble of Page 1 of this Agreement.

17. Broker. Seller acknowledges that Herb King ("Broker") is acting as real estate agent for the Seller in this transaction. In consideration of such services by Broker, Seller shall pay to Broker a commission in cash at Closing in an amount equal to eight (8%) percent of the Purchase Price, which commission shall be due and payable only upon Closing of the transaction in accordance with the terms of this Agreement. No commission shall be paid to Broker if this transaction shall fail to close for any reason.

ATTACHMENT I

17. Evidence of Title. Immediately upon execution of this Agreement, Seller shall deliver to Purchaser copies of all title information in Seller's possession or available to Seller, including but not limited to title insurance policies, attorneys' opinions on title, surveys of all kinds (including any topographical or tree surveys), deeds, deeds of trust, governmental approvals, and permits pertaining to the Property.

18. Notices. Any notice or other communication required or permitted hereunder must be in writing and delivered in person or by certified or registered mail, postage prepa'd, return receipt requested, to the addresses set forth below or to such other addresses which the parties hereto may from time to time specify in writing:

If to Seller:

Pope Avenue Associates
11 Lagoon Road
Hilton Head Island, SC 29928

Attn: Robert Graves

With required copy to:

The McNair Law Firm
NCNB Building - Pope Avenue
PO Box 5914
Hilton Head Island, SC 29928

Attn: Richard S. Woods, Esq.

If to Purchaser:

Brown, Brosche Financial, Inc.
411 Borel Avenue, Suite 620
San Mateo, CA 94402

Attn: Richard M. Brown
Vice President

With required copy to:

Cannon & Blair, P.A.
221 South Tryon Street
Charlotte, NC 28202

Attn: Nancy L. Olah, Esq.

If to Broker:

PO Box 8062
Hilton Head Island, SC 29938-8062

Attn: Herb King

19. Construction of Agreement. This Agreement shall be construed and interpreted under the laws of the State of South Carolina, without regard to its conflicts of laws rules.

20. Headings. The paragraph, section and other headings used in this Agreement are for convenience of reference purposes only and shall not affect the meaning or interpretation of this Agreement.

21. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, and all of which shall constitute one and the same instrument.

ATTACHMENT I

22. Memorandum of Agreement. Upon the execution of this Agreement, the parties shall execute a Memorandum of Agreement, a copy of which is attached hereto as Exhibit F, which Memorandum of Agreement shall be promptly recorded with the Register of Mesne Conveyances, Beaufort County, South Carolina.

IN WITNESS WHEREOF, this Agreement has been executed by the Purchaser as of December, _____, 1986.

WITNESS AS TO PURCHASER:

W. G. [Signature]
Priscilla [Signature]

PURCHASER:

BROWN, BROSCHE FINANCIAL, INC.,
a California corporation

By: [Signature]
President

ATTEST:

[Signature]
Secretary

(CORP

IN WITNESS WHEREOF, this Agreement has been accepted by
December, _____, 1986.

WITNESS AS TO SELLER:

Patricia J. [Signature]

Patricia J. [Signature]

Patricia J. [Signature]

SELLER:

POPE AVENUE ASSOCIATES, a South Carolina
Partnership

By: [Signature] (SEAL)
Robert Graves, General Partner

By: [Signature] (SEAL)
Pete McGinty, General Partner

By: [Signature] (SEAL)
Robert Crum, General Partner

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ATTACHMENT I

STATE OF CALIFORNIA

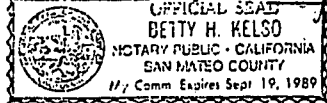
PROBATE

COUNTY OF San Mateo

PERSONALLY appeared before me Marvin K. S. Cheng who, on oath, says that s/he saw the within named BROWN, BROSCHÉ FINANCIAL, INC. by D. Mark Brosche, its President, sign the within Agreement and Richard M. Brown, its V.P. & Secretary, attest the same, and the said Corporation, by said officers, seal said Agreement, and, as its act and deed, deliver the same, and that s/he with Betty Kelso witnessed the execution thereof.

SWORN to before me this 3rd day of December, 1986.

Betty H. Kelso Marvin K. S. Cheng
Notary Public for California
My commission expires: January 19, 1989



STATE OF SOUTH CAROLINA

PROBATE

COUNTY OF BEAUFORT

PERSONALLY appeared before me _____, who, on oath; says that s/he saw the within named POPE AVENUE ASSOCIATES, a South Carolina Partnership, by Robert Graves, General Partner, sign the within Agreement, and the said Partnership, by said General Partner, seal said Agreement, and, as its act and deed, deliver the same, and that s/he with _____ witnessed the execution thereof.

SWORN to before me this _____ day of _____, 1986.

Notary Public for South Carolina _____
My commission expires: _____

ATTACHMENT I

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

PROBATE

PERSONALLY appeared before me _____, who, on oath, says that s/he saw the within named POPE AVENUE ASSOCIATES, a South Carolina Partnership, by Pete McGinty, a General Partner, sign the within Agreement, and the said Partnership, by said General Partner, seal said Agreement, and, as its act and deed, deliver the same, and that s/he with _____ witnessed the execution thereof.

SWORN to before me this _____ day of _____, 1986.

Notary Public for South Carolina
My commission expires: _____

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

PROBATE

PERSONALLY appeared before me _____, who, on oath, says that s/he saw the within named POPE AVENUE ASSOCIATES, a South Carolina Partnership, by Robert Crum, a General Partner, sign the within Agreement, and the said Partnership, by said General Partner, seal said Agreement, and, as its act and deed, deliver the same, and that s/he with _____ witnessed the execution thereof.

SWORN to before me this _____ day of _____, 1986.

Notary Public for South Carolina
My commission expires: _____

202

ATTACHMENT I

EXHIBIT A

Concept Plan by Edward Pickney Associates, Ltd.
Dated June 26, 1986

203

ATTACHMENT I

EXHIBIT B

Survey

20/

ATTACHMENT I

EXHIBIT C

Legal Description of Property to be Conveyed

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ATTACHMENT I

EXHIBIT D

Cross Parking Easement

206

ATTACHMENT I

EXHIBIT E
Utility Letter

247

ATTACHMENT I

Exhibit F

SOUTH CAROLINA)
)
BEAUFORT COUNTY)

MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT is made and entered into this _____ day of December, 1986 by and between Pope Avenue Associates, a South Carolina _____ partnership ("Pope") and Brown, Brosche Financial, Inc., a _____ corporation ("Brown").

Pope and Brown have entered into an Agreement in which Brown has an option to purchase certain real property from Pope, which Agreement is dated _____, 1986, which property is more particularly described in Exhibit A attached hereto and incorporated herein by this reference. Pope and Brown are executing this Memorandum of Agreement for the purpose of providing interested parties with record notice of the existence of such Agreement.

NOW THEREFORE, in consideration of the sum of Five (\$5.00) Dollars, the receipt and sufficiency of which is hereby acknowledged, Pope does hereby grant to Brown the right and option to purchase the property described in the attached Exhibit A. Closing on the purchase is scheduled for February 15, 1987, unless otherwise extended by the parties.

The provisions set forth in the written Agreement for Purchase and Sale of Real Property between the parties dated _____, 1986 are hereby incorporated by reference in this Memorandum of Agreement.

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ATTACHMENT I

IN WITNESS WHEREOF, the parties have caused this Memorandum of Agreement to be duly executed as of the day and year first above written.

WITNESS AS TO PURCHASER:

[Signature]
Betty H. Kelso

(CORPORATE SEAL)

PURCHASER:

BROWN, BROSCHE FINANCIAL, INC.

By: [Signature]
President

ATTEST:

[Signature]
Secretary

WITNESS AS TO SELLER:

[Signature]
Penelope F. Cuthbertson

SELLER:

POPE AVENUE ASSOCIATES, a
Partnership

By: [Signature]
Robert Graves, General Partner

STATE OF CALIFORNIA)
COUNTY OF SAN MATEO)

PERSONALLY appeared before me Marvin K. S. Cheng on oath, says that s/he saw the within named BROWN FINANCIAL, INC. by D. Mark Brosche, its President sign the within Agreement and Richard M. Brown, V.P. & Secretary attest the same, and the said Corporation, by said officers, seal said Agreement, and, as its act and deed, deliver the same, and that s/he with Betty H. Kelso witnessed the execution thereof.

SWORN to before me this 3rd day of December, 1986



[Signature]
Notary Public for California

My Commission Expires:
September 19, 1989

ATTACHMENT I

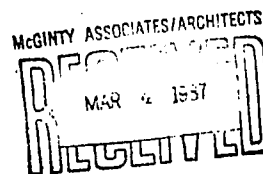
EXHIBIT G

Permitted Encumbrances

ATTACHMENT I

pg VI-22 (5)(a)(2)

The Forest Beach Public Service District Commission
P. O. Box 5085
Hilton Head Island, South Carolina 29928



March 2, 1987

Mr. Marion F. Sadler
South Carolina Department of
Health & Environmental Control
Domestic Wastewater Division
2600 Bull Street
Columbia, SC 29201

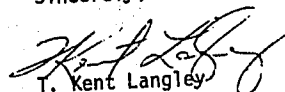
Re: Super 8 Motel

Dear Mr. Sadler:

We have reviewed the enclosed plans and recommend that a permit
to construct be issued.

Thank you for your assistance.

Sincerely,


T. Kent Langley
District Manager

TKL/ajw

Enclosure

ATTACHMENT I

pg. VI - 22 (5) (2/5)



Member
South Carolina
State Firemen's Association
National Fire
Protection Association
Southern Building
Code Congress International

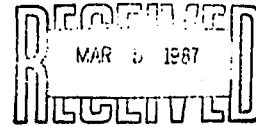
David A. MacLellan, Chief

Sea Pines-Forest Beach
Fire Department
P. O. Box 5198
Hilton Head Island, S. C. 29988-5198
803-785-2306

March 4, 1987

Richard A. McGinty, FAIA
MCGINTY ASSOCIATES, ARCHITECTS
11 Lagoon Road
Hilton Head Island, SC 29928

MCGINTY ASSOCIATES/ARCHITECTS



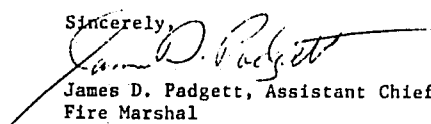
RE: Town Center PUD Phase I

Dear Mr. McGinty,

The Town Center Phase I plans have been reviewed and found to meet all Fire Prevention Code requirements pertaining to access. Therefore, please except this letter as preliminary approval of this project. Before final approval is given we must review water distribution plans and hydrant locations.

If there are any questions, please do not hesitate to call.

Sincerely,


James D. Padgett, Assistant Chief
Fire Marshal
FIRE SAFETY DIVISION

JDP/dhg

ATTACHMENT I

DIVERSIFIED PROPERTIES GROUP LTD.
POST OFFICE BOX 8062
HILTON HEAD ISLAND, SOUTH CAROLINA 29928-8062 • (803) 785-6663

July 31, 1987

Mr. Bill Issel
Director, Planning & Inspections
Town of Hilton Head Island
40 Palmetto Parkway
Hilton Head, South Carolina 29928

Re: Super 8 Motel Project, LMO Section 16-7-915

Dear Bill:

With regard to the impending development of Phase I, Town Center P.U.D., the Staff has required that this narrative be submitted in conjunction with the material already provided concerning the filling of a limited amount of "wetlands" within the project site.

I believe the following reasons fully support our application in this respect.

1. When Pope Avenue Associates originally proposed this project, they were told that both Special Exception and Conditional Use approvals would be necessary. As you may recall, the tract proposed for this project was therefore increased in size from its original 1 acre, to 2.6 acres plus 1.3 acres of "common open space". The new site was reviewed and approved at that time by both the Staff and the Planning Commission. At this time, therefore, it is not feasible to develop the motel on any other site than the one the Staff and Planning Commission have approved.
2. Negotiations with the prospective purchaser of the land (the future owner of the motel) resulted in the site under scrutiny here as the site of choice.
3. At no prior time was the issue of the lagoon brought up. Given the extent to which all of us have cooperated and achieved the compromise upon which this entire transaction is posited, it appears unreasonable to find that a minor reconfiguration of a man-made lagoon should cause the project to fail at this point.
4. The lagoon made the subject of this narrative and inquiry is a "wetland" only in the most legalistic sense of the word. Only the introduction of new laws have tagged this otherwise locally familiar form of landscaping and storm water retention facility a "wetland". At the present time I am corresponding with the Corps of Engineers in order to clarify the issue of jurisdiction regarding our local, man-made lagoons. In any event, this is in no sense a "natural"

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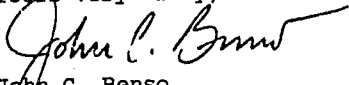
ATTACHMENT I

feature of the site, but is entirely artificial. I do not believe that the LMO intends to assert such broad jurisdiction over these "man-made water bodies" (a defined term under the LMO as distinguished from "wetland").

5. The applicant has already received its Section 404 Permit from the Army Corps of Engineers, together with Coastal Council's Certification.
6. With regard to the minimization of environmental impacts, the banks of the newly configured lagoon will be left in as natural a state as possible. The overall size of the reconfigured lagoon shall not change, indeed, it must remain the same area in order to assist in the approved drainage plan for the site.

For all of the above reasons, we submit that no feasible alternative exists to the development proposal as submitted, and that no adverse environmental impact shall result from such development.

Yours very truly,


John C. Benso
General Counsel

:af

ATTACHMENT I

McGinty Associates / Architects

February 27, 1987

Ms. Karen Dill
The Hilton Head Company
Architectural Review Board
Hilton Head Island, S. C. 29928

HAND DELIVERED

Re: Pope Avenue Associates
Town Center PUD
Central Forest Beach Zoning District
Approval of Phase I Development, 2.6 Acres +/-
94 Room Motel

Dear Karen:

Enclosed is information for the above project.

We are requesting approval for this motel project which is Phase I of the Town Center PUD Conceptual Master Plan approved by the Town December 12, 1984 and subsequently re-approved by the Town, October 15, 1986, and referred to in the letter of September 29, 1986 from Hilton Head Holdings to Robert L. Graves.

In paragraph 1a. of the Hilton Head Holdings letter dated 9/29/86 the three conditions, Exhibit B, have been removed by the Town and in reference to the gatehouse, Condition #2, at the time when it is decided to relocate the gatehouse it will be done in accordance with the Ken Scodacek sketch.

The Phase I motel project represents a modest re-location of the Hotel/Motel area but does not alter the approved Master Plan overall use and intensity of development.

1. Completed application form.
2. Site Plan at 1" = 50' showing location of the Phase I development. (McGinty Associates)
3. Phase I Site Plan, 1" = 20'. (James M. Cooperman & Assocs.)

JMG

ATTACHMENT I

Ms. Karen Dill, February 27, 1987

Page 2

4. Plan - First Floor at 1/8". Second and Third Floors same except rooms will occupy spaces shown for Administration and Utility. (James M. Cooperman & Assocs.)
5. Main Elevation at 1/8". (James M. Cooperman & Assocs.)
6. Site Plan at 1" = 50' showing schematic landscape concept for road corridor to site and motel site. Under sales agreement for Phase I site Pope Avenue Associates is to provide this access. (McGinty Associates)
7. Pope Avenue elevation showing proposed character of future retail buildings. (McGinty Associates)
8. Preliminary prototype retail buildings. (McGinty Associates)

The future retail building shapes, volumes, and heights may vary from those shown but there will be a common theme of stucco walls, possibly metal roofs on low buildings, asphalt on the higher buildings at the rear of the property and a connection of landscaping, walkways, and lighting to tie the PUD together. Pope Avenue Associates will submit plans of the future buildings to the Hilton Head Company for approval as soon as they become more definite.

The following engineering drawings have been prepared by Thomas and Hutton and Surveying Consultants and are available for your review:

- a. Tree location plan for motel site. (Surveying Consultants)
- b. Tree location for access corridor. (Surveying Consultants)
- c. Water and sewage connection site plan. (Thomas & Hutton)

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ATTACHMENT I

Ms. Karen Dill, February 27, 1987

Page 3

A land swap has been agreed to by the owners of The Western Siz-
zlin which is reflected on the site plans, which creates a more
workable site for the Phase I project. The PUD acreage remains
basically the same. A copy of this agreement is available for
your review.

I believe you have on file your copy of the approved Edward
Pinckney and Associates/Ltd. Master Plan. Let me know if you
need an additional copy.

Thank you and the Board for your consideration of this project.

Yours sincerely,

Richard A. McGinty, FAIA
for Pope Avenue Associates

RAM/pc

Enclosures

VI-17

ATTACHMENT I

Form No. 106-Title to Real Estate by a Corporation
WALKER, STONE & CORDELL CO., CHARLESTON, S. C. Rev. 1938

The State of South Carolina,
COUNTY OF BEAUFORT

*Original from
R.A.C.*

KNOW ALL MEN BY THESE PRESENTS, That

THE HILTON HEAD COMPANY, A Georgia Corporation,

in the State aforesaid, ----- for and ----- in consideration of the sum of
FIVE HUNDRED THOUSAND AND NO/100 (\$500,000.00) ----- Dollars

to it in hand paid at and before the sealing of these presents, by ROBERT S. CRUM, ROBERT L. GRAVES, AND RICHARD A. MCGINTY, in the State aforesaid, ----- (the receipt whereof is hereby acknowledged)

have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release, unto the said ROBERT S. CRUM, ROBERT L. GRAVES, AND RICHARD A. MCGINTY, THEIR HEIRS AND ASSIGNS, the following described real estate, to-wit:

ALL that certain piece, parcel or tract of land situate, lying and being on Hilton Head Island in Beaufort County, South Carolina containing approximately twenty-six (26) acres and being a portion of Block 5-B of Forest Beach Subdivision. Said tract hereby conveyed is more particularly described as follows, to-wit: Beginning at a point on the northern side of Pope Avenue at its intersection with the southern margin of an unnamed road having a one hundred foot (100') right of way, and running thence North 54 degrees 20' East for a distance of 863 feet to a point on the southern margin of Avocet Street; thence South 35 degrees 40' East along the southern side of Avocet Street for a distance of 1,651.06 feet to a point; thence South 63 degrees 52' West for a distance of 489.7 feet to a point; thence North 35 degrees, 40' West for a distance of 416.13 feet to a point; thence South 54 degrees 20' West for a distance of 175.43 feet to a point; thence North 35 degrees 40' West for a distance of 300 feet to a point; thence South 54 degrees 20' West for a distance of 200 feet to the northern margin of Pope Avenue; thence North 35 degrees 40' West for a distance of 854.33 feet along Pope Avenue to the point of beginning. All of which will more particularly be shown by reference to a plat duly recorded in the office of the Clerk of Court for Beaufort County, South Carolina in Plat Book _____ at page _____.

82
14.4
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5760
43200
119968

ATTACHMENT I

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

TO HAVE AND TO HOLD, all and singular the said premises before mentioned unto the said Robert S. Crum, Robert L. Graves and Robert A. McGinty, their Heirs and Assigns forever

And the said The Hilton Head Company does hereby bind itself and its successors, to warrant and forever defend all and singular the said premises unto the said Robert S. Crum, Robert L. Graves and Robert A. McGinty, their Heirs and Assigns, against itself and its successors And against any persons / whomsoever lawfully claiming or to claim the same, or any part thereof.

IN WITNESS WHEREOF THE HILTON HEAD COMPANY has caused these presents to be executed in its name by its President and by its Secretary and its corporate seal to be hereto affixed this day of December, and in the one hundred and ninety-fourth year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered in Presence of

THE HILTON HEAD COMPANY (Seal)

Witness lines for the presence of the signatories.

By _____ President _____ Sec. or Treas.

Handwritten initials or mark.

ATTACHMENT I

The State of South Carolina,
COUNTY OF BEAUFORT

PERSONALLY appeared before me
who, on oath, says that he saw the within named *(Insert name of Witness)*
The Hilton Head Company *(Insert name of Corporation)*
by *(Insert name of President or Vice-President)* its
President sign the within Deed, and *(Insert Sec. or Treas.)* its
Secretary attest the same, and the said Corporation, by said officers, seal
said Deed, and, as its act and deed, deliver the same, and that he with *(Insert name of other Witness)*
witnessed the execution thereof.

SWORN to before me, this _____ day of December _____ A. D. 1969.
(Witness)

Notary Public, S. C. *(Seal)*



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ATTACHMENT I

APPLICATION FOR TELEPHONE CONSTRUCTION
HARGRAY TELEPHONE COMPANY, INC.

DATE 2/27/87

PROJECT Town Center PUD, Pope Avenue
Central Forest Beach Zoning District, Phase I

PROJECT OWNER Pope Avenue Associates
11 Lagoon Road
ADDRESS Hilton Head Island, SC 29928 PHONE 785-2444

DEVELOPER Pope Avenue Associates
11 Lagoon Road
ADDRESS Hilton Head Island, SC 29928 PHONE 785-2444

PROJECT MANAGER Not known at this time PHONE _____

TOTAL UNITS ~~CONDO'S~~ 94 LOTS _____ COMMERCIAL _____ SQ.FT. _____

PROPOSED START DATE 6/1/87 PROPOSED COMPLETION DATE February
or March 1988

NUMBER OF PHASES one UNITS PER PHASE 94

HAVE SITE PLANS BEEN ISSUED TO THE TELEPHONE CO. YES NO _____

THE APPLICANT HEREBY UNDERSTANDS THAT THE FOLLOWING INFORMATION IS
REQUIRED BY HARGRAY BEFORE THE PROJECT IS ADDED TO THE CONSTRUCTION
SCHEDULE: WATER, SEWAGE, AND DRAINAGE LAYOUTS; RISER DIAGRAM; ROAD AND
PARKING LAYOUTS; AND A CONSTRUCTION SCHEDULE.

NOTES: A Minimum (2) 4 inch conduit is required from the equipment room to
the road right of way at a depth of 30 inches. A power ground must be
accessible at the equipment location in the equipment room. Minimum 3/4
inch conduits are required from the equipment room to each outlet.
Any change in this design or a delay of 9 months or longer will require
re-submittal to Hargray.

Richard A. McGinty 2/27/87
PROJECT REP. DATE
Richard A. McGinty
TELEPHONE CO. REP. DATE 2/27

ATTACHMENT I



PALMETTO ELECTRIC COOPERATIVE, INC.

MAIN OFFICE
PO DRAWER 820
509 GRAYS ROAD
ROSELAND, SC 29936
803 726-5351

DISTRICT OFFICE
PO BOX 548
HWY. 363 NORTH
HAMPTON, SC 29924
803-943 2211

DISTRICT OFFICE
PO BOX 1218
111 MATTHEWS DRIVE
HILTON HEAD, SC 29925
803-681-5551

February 26, 1987

McGINTY ASSOCIATES/ARCHITECTS
RECEIVED
MAR 3 1987

Mr. Richard A. McGinty
11 Lagoon Road
Hilton Head Island, S. C. 29928

Re: Pope Avenue Associates - Proposed Phase I
Motel Site-Town Center Pud off of Pope Avenue

Dear Mr. McGinty:

Palmetto Electric Cooperative will have ample power to serve the above referenced location. The service voltage and electrical loading information must be provided before any service will be installed.

Sincerely,

PALMETTO ELECTRIC COOPERATIVE, INC.

Daniel O. Wood
Staking/Mapping Supervisor

DOW:kc

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ATTACHMENT I

McGINTY ASSOCIATES/ARCHITECTS

RECEIVED
MAR 3 1987
REGISTERED

AVOCET ST ROW

ELECTRIC UTILITY

Palmco Electric Cooperative, Inc. (PECI) approves the layout for construction of all electric lines as shown on this plan. The undersigned developer ("Developer") certifies that any proposed change affecting the layout must be submitted immediately to PECI. All costs incurred by PECI resulting from any requested change shall be borne by the developer. All electric utility construction shall be subject to PECI's receipt of appropriate permits and construction on and over the subject tract to their satisfaction.

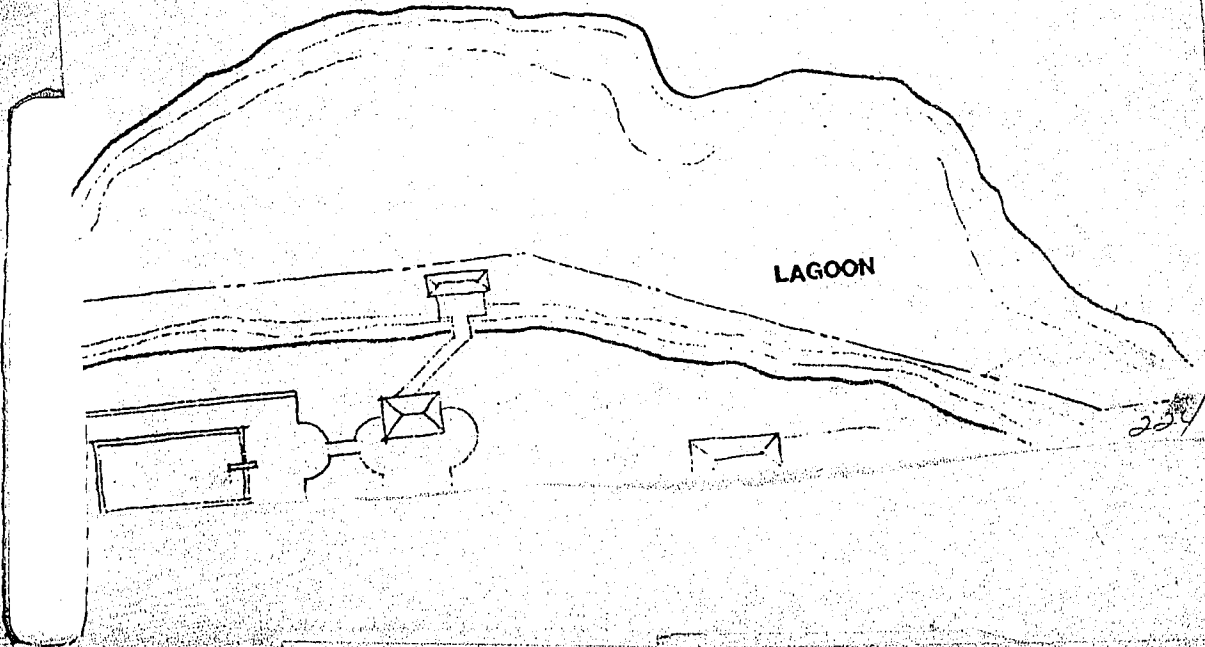
ACT E

Developer: *Jan C. Lathrop*
By: *Daniel E. Wood*
Date: 3-3-87

RESIDENTIAL

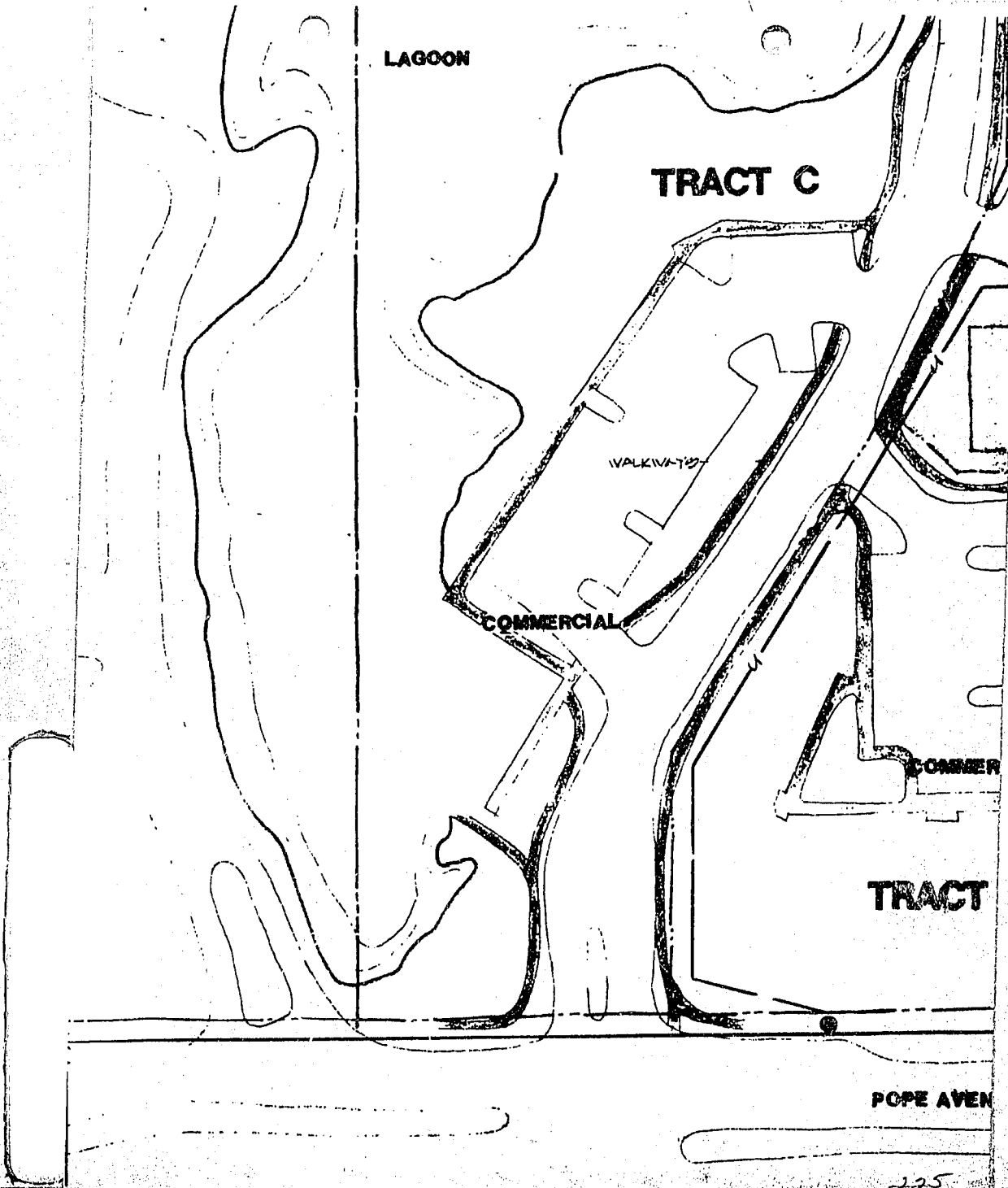
WAYS

LAGOON

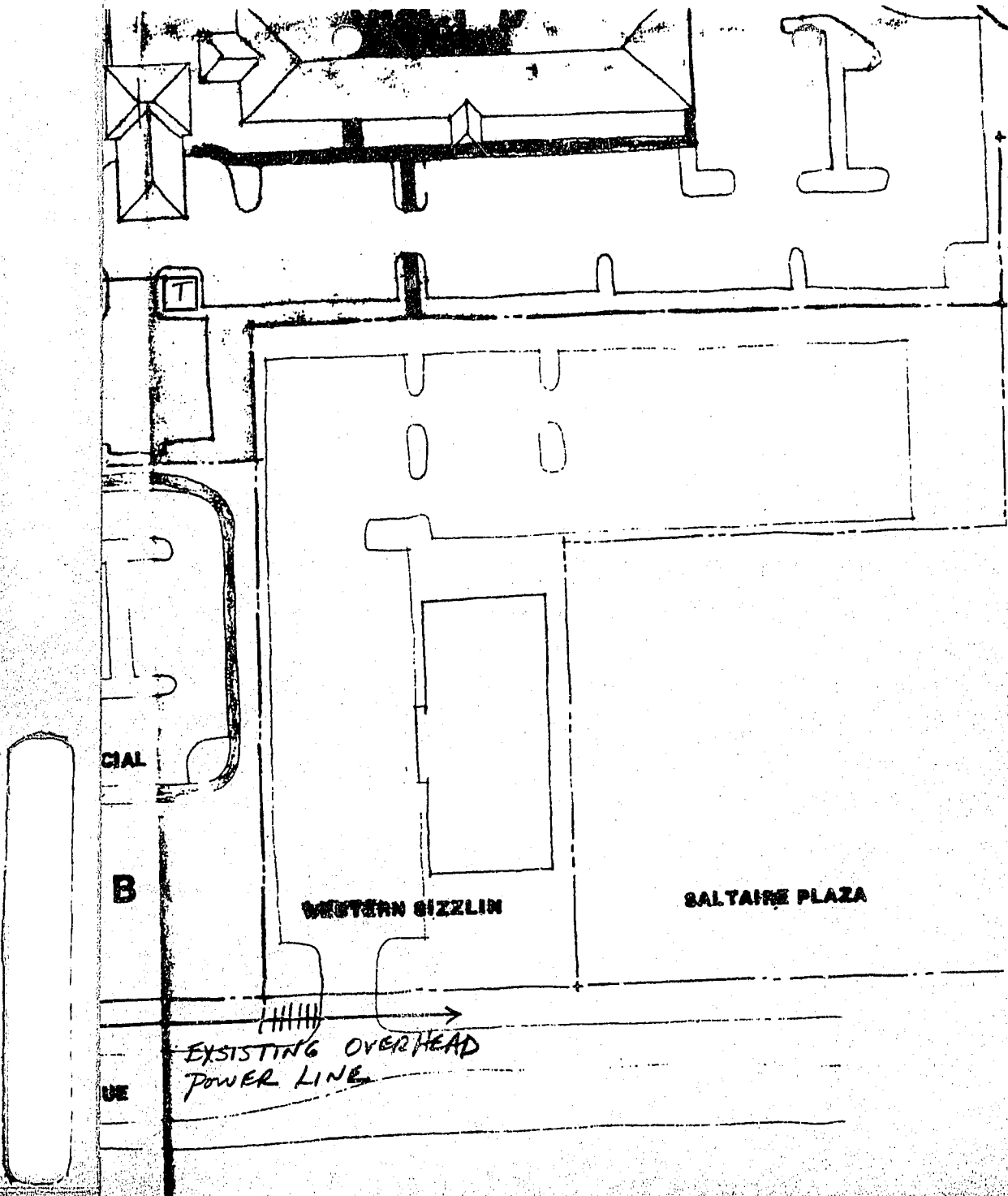


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ATTACHMENT I

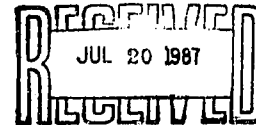


ATTACHMENT I



ATTACHMENT I

McCINTY ASSOCIATES/ARCHITECTS



EMERGENCY PREPAREDNESS PLAN
94 ROOM SUPER 8 HOTEL

I. BACKGROUND

The most likely disaster to Hilton Head Island and the motel is a hurricane. Therefore, this plan stresses procedures to be followed during an increased readiness period before a hurricane landfall.

As established by the Beaufort County Emergency Operations Plan, there are four increased readiness conditions before landfall and one recovery condition. These conditions and meanings are as follows:

- OMIT*
- Condition V Hurricane season; June 1 through November 30 yearly.
- Condition IV Hurricane landfall in Beaufort County is expected in 72 hours - condition set by County Administrator.
- Condition III Hurricane landfall in Beaufort County is expected in 48 hours or less - condition is set when National Weather Service issues a Hurricane Storm Watch for Beaufort County.
- Condition II Hurricane landfall in Beaufort County is expected in 24 hours or less - condition is set when National Weather Service issues a Hurricane Storm Warning for Beaufort County.
- Condition I Hurricane weather conditions no longer exist and County government begins damage assessment and recovery - condition set by County Administrator.

II. DEFINITIONS

- A. Motel Emergency. A condition affecting only those areas and people within or immediately adjacent to motel property lines. Such emergencies might include fires, flooding, storm or tornado damage, or other natural or man-made disaster conditions beyond normal day-to-day emergencies.
- B. Island Emergency. A condition generally affecting all areas and populations on Hilton Head Island - permanent residents, resort guests, and commuters. Emergencies might include major forest fires, hurricanes, island-wide flooding, storm or tornado damage, or other natural or man-made disaster conditions.

Comments made by
Wm. Minn.

2.2.68

ATTACHMENT I

(s)(a) (2) pg VI-22



PALMETTO ELECTRIC COOPERATIVE, INC.

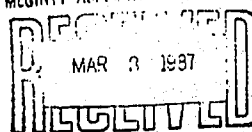
MAIN OFFICE
P.O. BOX 418
HILTON HEAD ISLAND
SOUTH CAROLINA 29928
803-726-5551

DISTRICT OFFICE
P.O. BOX 246
HILTON HEAD ISLAND
SOUTH CAROLINA 29928
803-643-2211

DISTRICT OFFICE
P.O. BOX 1218
111 MATTHEWS DRIVE
HILTON HEAD SC 29925
803-681-5551

February 26, 1987

McGINTY ASSOCIATES/ARCHITECTS



Mr. Richard A. McGinty
11 Lagoon Road
Hilton Head Island, S. C. 29928

Re: Pope Avenue Associates - Proposed Phase I
Motel Site-Town Center Pud off of Pope Avenue

Dear Mr. McGinty:

Palmetto Electric Cooperative will have ample power to serve the above referenced location. The service voltage and electrical loading information must be provided before any service will be installed.

Sincerely,

PALMETTO ELECTRIC COOPERATIVE, INC.

Daniel O. Wood
Staking/Mapping Supervisor

DOW:kc

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ATTACHMENT I

McGinty Associates / Architects

February 25, 1987

Mr. Dan Wood
Palmetto Electric Cooperative
Post Office Box 1218
Hilton Head Island, S. C. 29925

HAND DELIVERED

Re: Pope Avenue Associates
Proposed Electrical Service for
Phase I (Motel Site)
Town Center PUD
Pope Avenue
Central Forest Beach District

Dear Mr. Wood:

We are currently applying for Development Plan Approval for the above referenced project with the Town of Hilton Head. It is requested that a letter of intent to provide electrical service be included in our submission.

Please forward a letter of intent and one signed copy of the site plan enclosed (2 enclosed) to the following:

Mr. Richard A. McGinty
Pope Avenue Associates
11 Lagoon Road
Hilton Head Island, South Carolina 29928

If possible I would like to pick the letter of intent up as soon as possible as we need to submit our application to the Town by Friday 2/27/87. Would you please give me a call when this letter is ready. (785-2444)

If you need any further information please feel free to call us. Thank you for your consideration and quick response.

Sincerely,

Richard A. McGinty, FAIA
for Pope Avenue Associates

RAM/pc

Enclosures: 2 site plans

A:PAALTR4.PE

11 Lagoon Road, Hilton Head Island, S. C. 29928 / Telephone (803) 785-2444

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ATTACHMENT I

McGinty Associates / Architects

February 25, 1987

Mr. Nisky Bevill
Hargray Telephone Company
Engineering Department
Post Office Box 5519
Hilton Head Island, S. C. 29938

Re: Pope Avenue Associates
Proposed Telephone Service for
Phase I (Motel Site)
Town Center PUD
Pope Avenue
Central Forest Beach District

HAND DELIVERED

Dear Mr. Bevill:

We are currently applying for Development Plan Approval of the above referenced project with the Town of Hilton Head. It is requested that we include a letter of intent to provide telephone service in our submission.

Please forward a letter of intent and one signed copy of the site plan enclosed (2 enclosed) to the following:

Mr. Richard A. McGinty
Pope Avenue Associates
11 Lagoon Road
Hilton Head Island, S. C. 29928

If possible I would like to pick the letter of intent up as soon as possible as we need to submit our application to the Town by Friday 2/27/87. Would you please give me a call when this letter is ready. (785-2444)

If you need any further information please feel free to call us. Thank you for your consideration and quick response.

Sincerely,


Richard A. McGinty, FAIA
for Pope Avenue Associates

RAM/pc

Enclosures: 2 site plans

A:PAALTR5.HT

11 Lagoon Road, Hilton Head Island, S. C. 29928 / Telephone (803) 785-2444

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ATTACHMENT I

(5)(a)(7)

pg VI-22

Hargray Telephone Co.
I N C O R P O R A T E D

February 25, 1987

Mr. Richard A. McGinty
Pope Avenue Associates
11 Lagoon Road
Hilton Head Island, S.C. 29928

Re: Phase I (Motel Site) Town Center PUD

Dear Mr. McGinty,

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

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

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

Sincerely,

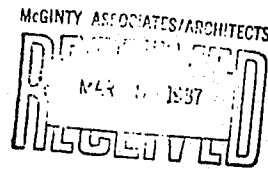
Nickey W. Beville

Nickey W. Beville
Engineering Supervisor

cc: Gary Lee
A.J. Capici
A.C. Altman
Tom Connor

Enclosure: Construction Application
Line Drawing

William Hilton Parkway • P.O. Box 5519 • Hilton Head Island, SC 29938 • (803) 785-2166
P.O. Box 559 • Hardeeville, SC 29927 • (803) 784-2211



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ATTACHMENT I

APPLICATION FOR TELEPHONE CONSTRUCTION
HARGRAY TELEPHONE COMPANY, INC.

DATE 2/27/87

PROJECT Town Center PUD, Pope Avenue
Central Forest Beach Zoning District, Phase I

PROJECT OWNER Pope Avenue Associates
ADDRESS 11 Lagoon Road PHONE 785-2444
Hilton Head Island, SC 29928

DEVELOPER Pope Avenue Associates
ADDRESS 11 Lagoon Road PHONE 785-2444
Hilton Head Island, SC 29928

PROJECT MANAGER Not known at this time PHONE _____

TOTAL UNITS MOTEL UNITS _____ LOTS _____ COMMERCIAL _____ SQ.FT. _____
CONDOS 94

PROPOSED START DATE 6/1/87 PROPOSED COMPLETION DATE February
or March 1988

NUMBER OF PHASES one UNITS PER PHASE 94

HAVE SITE PLANS BEEN ISSUED TO THE TELEPHONE CO. YES NO _____

THE APPLICANT HEREBY UNDERSTANDS THAT THE FOLLOWING INFORMATION IS
REQUIRED BY HARGRAY BEFORE THE PROJECT IS ADDED TO THE CONSTRUCTION
SCHEDULE: WATER, SEWAGE, AND DRAINAGE LAYOUTS; RISER DIAGRAM; ROAD AND
PARKING LAYOUTS; AND A CONSTRUCTION SCHEDULE.

NOTES: A Minimum (2) 4 inch conduit is required from the equipment room to
the road right of way at a depth of 30 inches. A power ground must be
accessible at the equipment location in the equipment room. Minimum 3/4
inch conduits are required from the equipment room to each outlet.
Any change in this design or a delay of 9 months or longer will require
re-submittal to Hargray.

Richard A. McGinty
PROJECT REP. DATE 2/27/87

TELEPHONE CO. REP. DATE 2/31

ATTACHMENT I

McGinty Associates / Architects

February 25, 1987

Mr. Nicky Bevill
Hargray Telephone Company
Engineering Department
Post Office Box 5519
Hilton Head Island, S. C. 29938

Re: Pope Avenue Associates
Proposed Telephone Service for
Phase I (Motel Site)
Town Center PUD
Pope Avenue
Central Forest Beach District

HAND DELIVERED

Dear Mr. Bevill:

We are currently applying for Development Plan Approval of the above referenced project with the Town of Hilton Head. It is requested that we include a letter of intent to provide telephone service in our submission.

Please forward a letter of intent and one signed copy of the site plan enclosed (2 enclosed) to the following:

Mr. Richard A. McGinty
Pope Avenue Associates
11 Lagoon Road
Hilton Head Island, S. C. 29928

If possible I would like to pick the letter of intent up as soon as possible as we need to submit our application to the Town by Friday 2/27/87. Would you please give me a call when this letter is ready. (785-2444)

If you need any further information please feel free to call us. Thank you for your consideration and quick response.

Sincerely,

Richard A. McGinty, FAIA
for Pope Avenue Associates

RAM/pc

Enclosures: 2 site plans

A:PAALTR5.HT

11 Lagoon Road, Hilton Head Island, S. C. 29928 / Telephone (803) 785-2444

13/2

ATTACHMENT I

McGinty Associates / Architects

February 25, 1987

Mr. Dan Wood
Palmetto Electric Cooperative
Post Office Box 1218
Hilton Head Island, S. C. 29925

HAND DELIVERED

Re: Pope Avenue Associates
Proposed Electrical Service for
Phase I (Motel Site)
Town Center PUD
Pope Avenue
Central Forest Beach District

Dear Mr. Wood:

We are currently applying for Development Plan Approval for the above referenced project with the Town of Hilton Head. It is requested that a letter of intent to provide electrical service be included in our submission.

Please forward a letter of intent and one signed copy of the site plan enclosed (2 enclosed) to the following:

Mr. Richard A. McGinty
Pope Avenue Associates
11 Lagoon Road
Hilton Head Island, South Carolina 29928

If possible I would like to pick the letter of intent up as soon as possible as we need to submit our application to the Town by Friday 2/27/87. Would you please give me a call when this letter is ready. (785-2444)

If you need any further information please feel free to call us. Thank you for your consideration and quick response.

Sincerely,

Richard A. McGinty, FAIA
for Pope Avenue Associates

RAM/pa

Enclosures: 2 site plans

A:PAALTR4.PE

11 Lagoon Road, Hilton Head Island, S. C. 29928 / Telephone (803) 785-2444

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ATTACHMENT I

McGINTY ASSOCIATES ARCHITECTS
 MAR 8 1987

BEACH ACCESS →

TENNIS COURTS

PROPOSED TELEPHONE LAYOUT
 HARGRAY ENGINEERING SERVICES

NOTES:

2-4"
 A MINIMUM 2 INCH CONDUIT IS REQUIRED FROM THE EQUIPMENT ROOM TO THE ROAD RIGHT OF WAY AT A DEPTH OF 30 INCHES. A POWER GROUND MUST BE ACCESSIBLE AT THE EQUIPMENT LOCATION IN THE EQUIPMENT ROOM.
 M.M. 3/4 INCH CONDUITS ARE REQUIRED FROM THE EQUIPMENT ROOM TO EACH OUTLET.
 ANY CHANGE IN THIS DESIGN OR A DELAY OF 9 MONTHS OR LONGER WILL REQUIRE RE-SUBMITAL TO HARGRAY.

TELEPHONE UTILITY

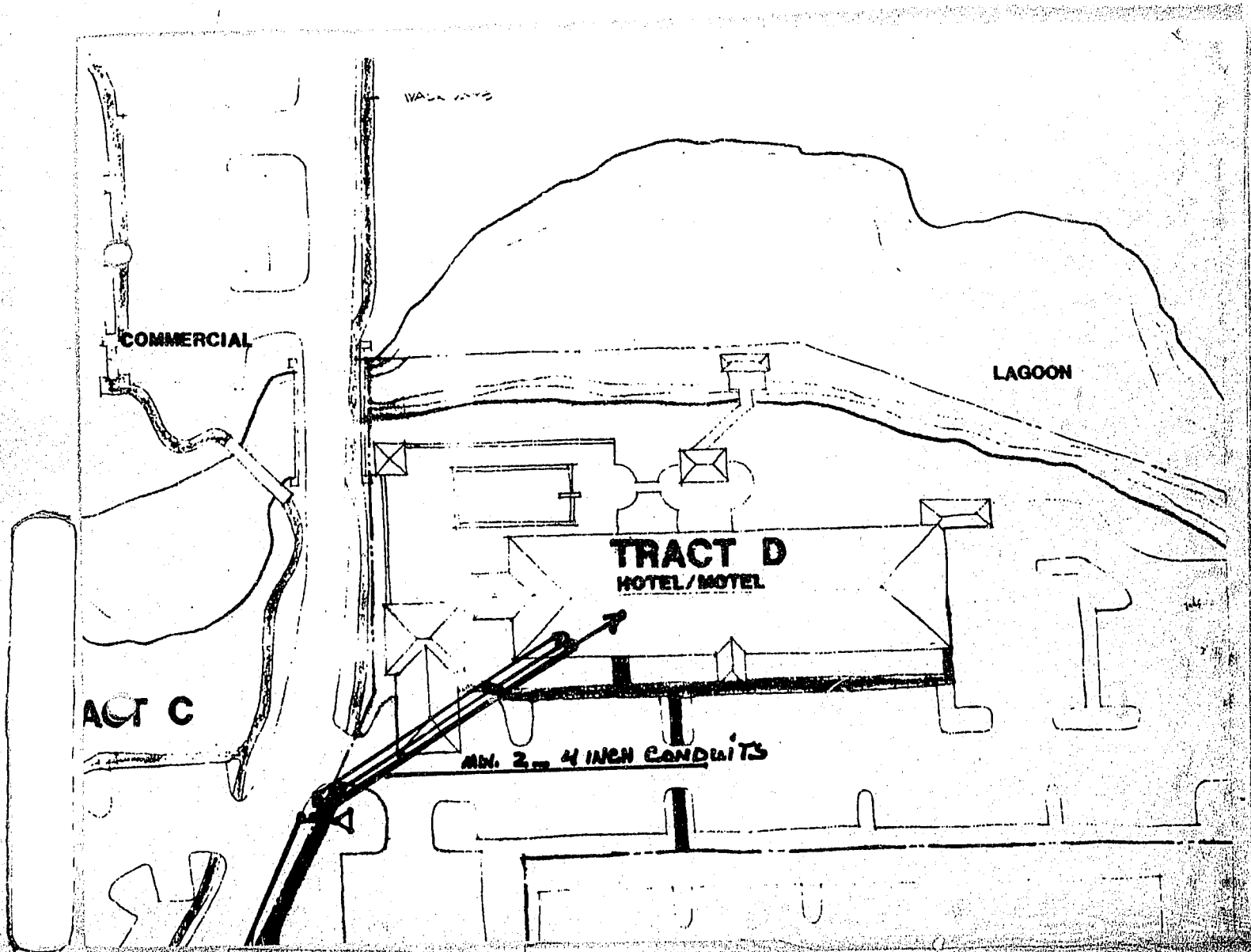
Hargray Telephone Company, Inc., ("TELCO"), approves the layout for construction of underground telephone facilities as shown on this plot. The undersigned developer ("Developer") agrees that any proposed change affecting the layout must be reported immediately to TELCO. All costs incurred by TELCO resulting from any requested change shall be borne by the Developer. All underground telephone facility construction shall be subject to TELCO's receipt of appropriate easements and rights-of-way on and over the subject tract to TELCO's satisfaction.

DEVELOPER: HARGRAY TELEPHONE COMPANY, INC.
 By: *[Signature]*
 Attest: *[Signature]*
 Date: 3/3/87 CORDILLO VIGNITA 2-24-87

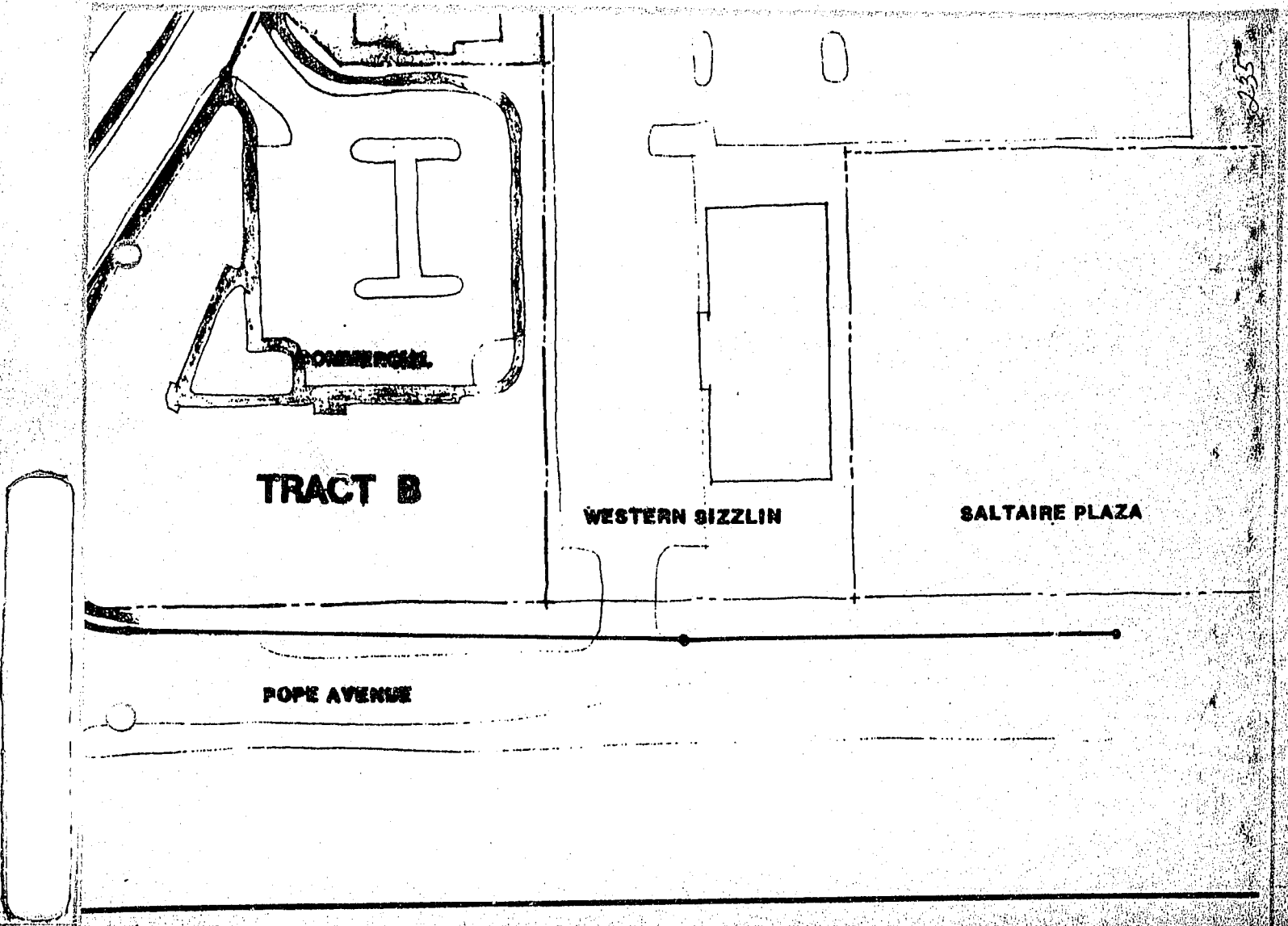
REVISIONS	JOB NO.	SET NO.	DATE	DWNR: SOKD, RAM
			2-11-87	
This drawing and the design shown thereon are the property of McGinly Associates Architects. The reproduction, copying, or use of this drawing without their written consent is prohibited and any infringement will be subject to legal action.				
TOWN CENTER PUD POPE AVENUE ASSOCIATES BLOCK 5B POPE AVENUE HILTON HEAD ISLAND, SOUTH CAROLINA				

234

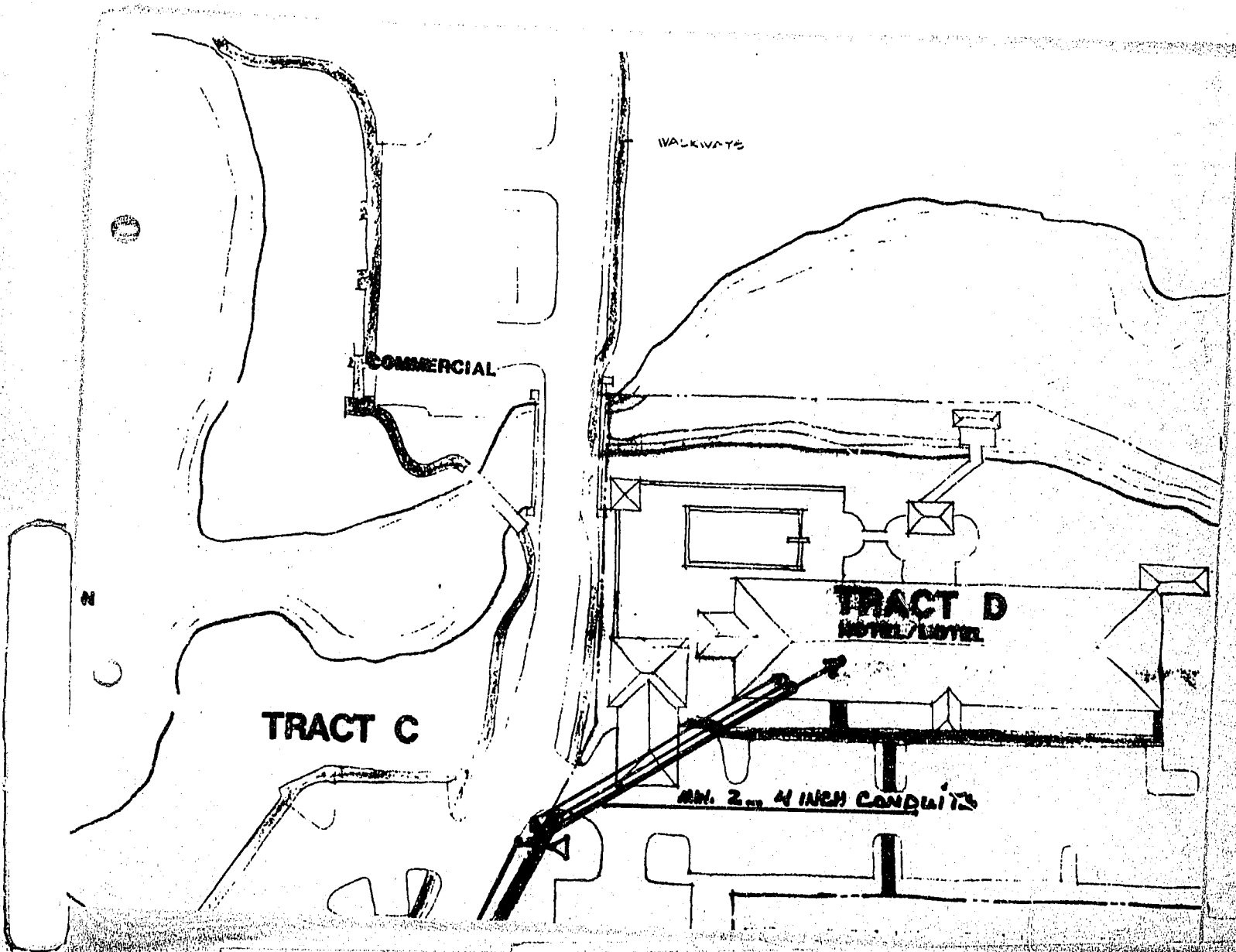
ATTACHMENT I



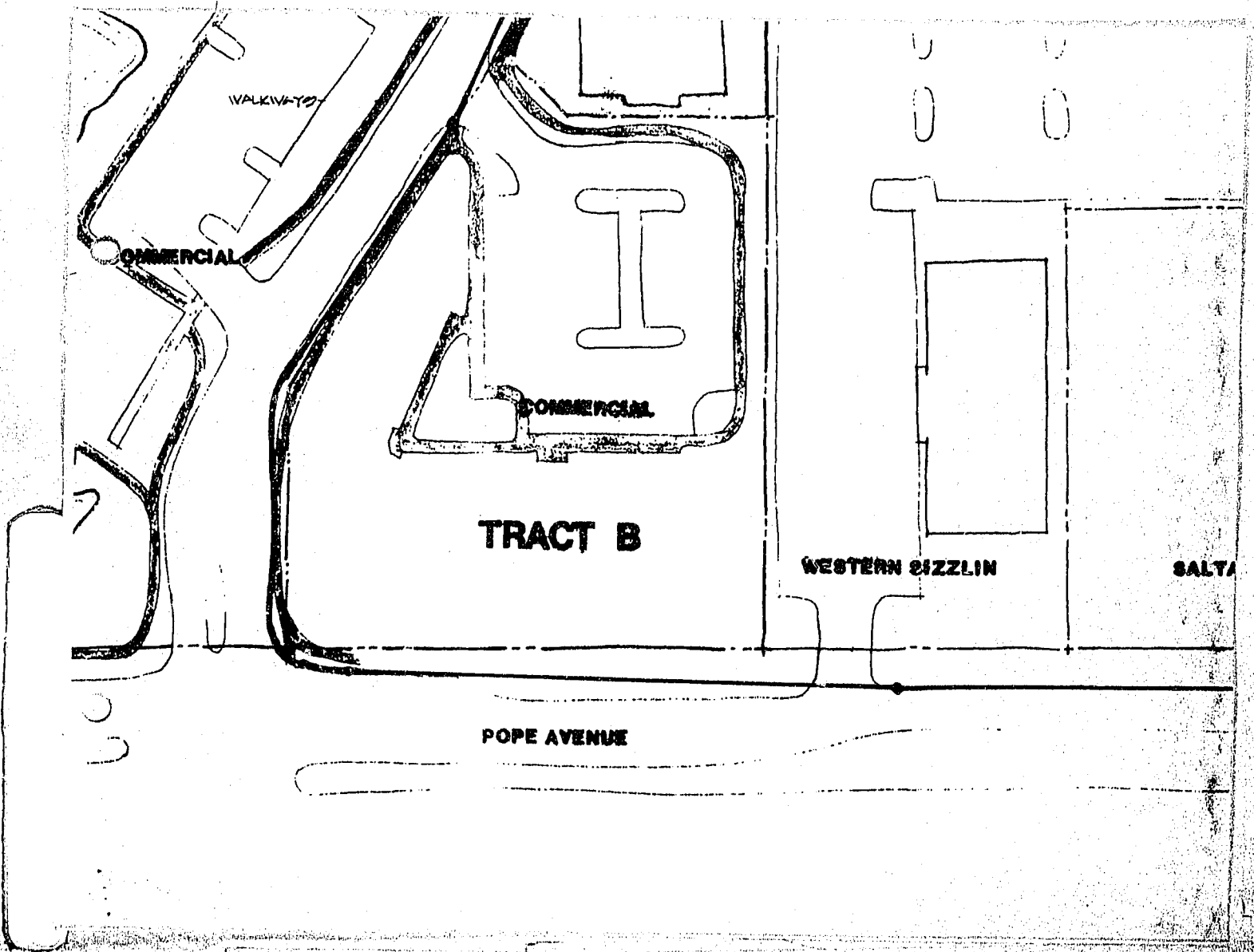
ATTACHMENT I



ATTACHMENT I



ATTACHMENT I



ATTACHMENT I

The Forest Beach Public Service District Commission
P. O. Box 5085
Hilton Head Island, South Carolina 29938

PA#
11-5-86

November 4, 1986

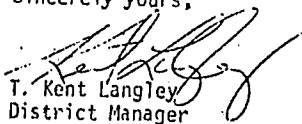
Mr. Robert Graves
44 Spanish Wells Road
Hilton Head Island, SC 29928

Re: 80 - 100 Room Super 8 Motel
Town Center PUD

Dear Robert:

Sanitary sewer service is available to your project and can be purchased as outlined in my commitment letter of August 5, 1986. I understand this project will be reviewed by the Town Planning Commission in the spring, 1987. I do not anticipate any problems with obtaining treatment capacity or any increase in fees during this period.

Sincerely yours,


T. Kent Langley
District Manager

TKL/ajw

↑
See
NEXT PG

236

ATTACHMENT I

The Forest Beach Public Service District Commission
P.O. Box 5085
Hilton Head Island, South Carolina 29938

August 5, 1986

Mr. Robert Graves
44 Spanish Wells Road
Hilton Head Island
SC 29928

Re: Motel Site, Town Center PUD

Dear Mr. Graves:

Water and sewer service can be provided the referenced project by the District. You will be required to install the water and sewer lines necessary to tie into the District's systems and meet the criteria for fire flows.

The current water and sewer tapping rates are \$400.00 per unit plus meter costs. Sewage treatment capacity can only be guaranteed after you pay the District \$6.00 per gallon of expected flow. For your calculations, motels require 7.5 GPD per room and 13 GPD per employee. You can get an application for treatment plant capacity at the District office.

If I can be of further assistance, please contact me.

Sincerely,

T. Kent Langley
District Manager

TKL/ajw

c.c. Mr. Herb King
FCB/6362

29938

231

ATTACHMENT I



3-15-89

Memo to: Bud

From: Donna Johnson

RE: Super 8

Final CofC. this date of above referenced project:

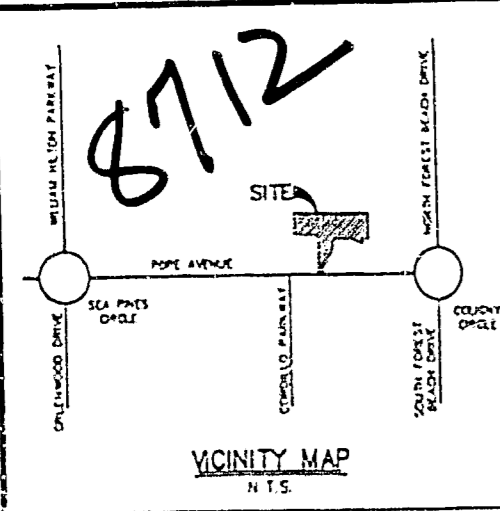
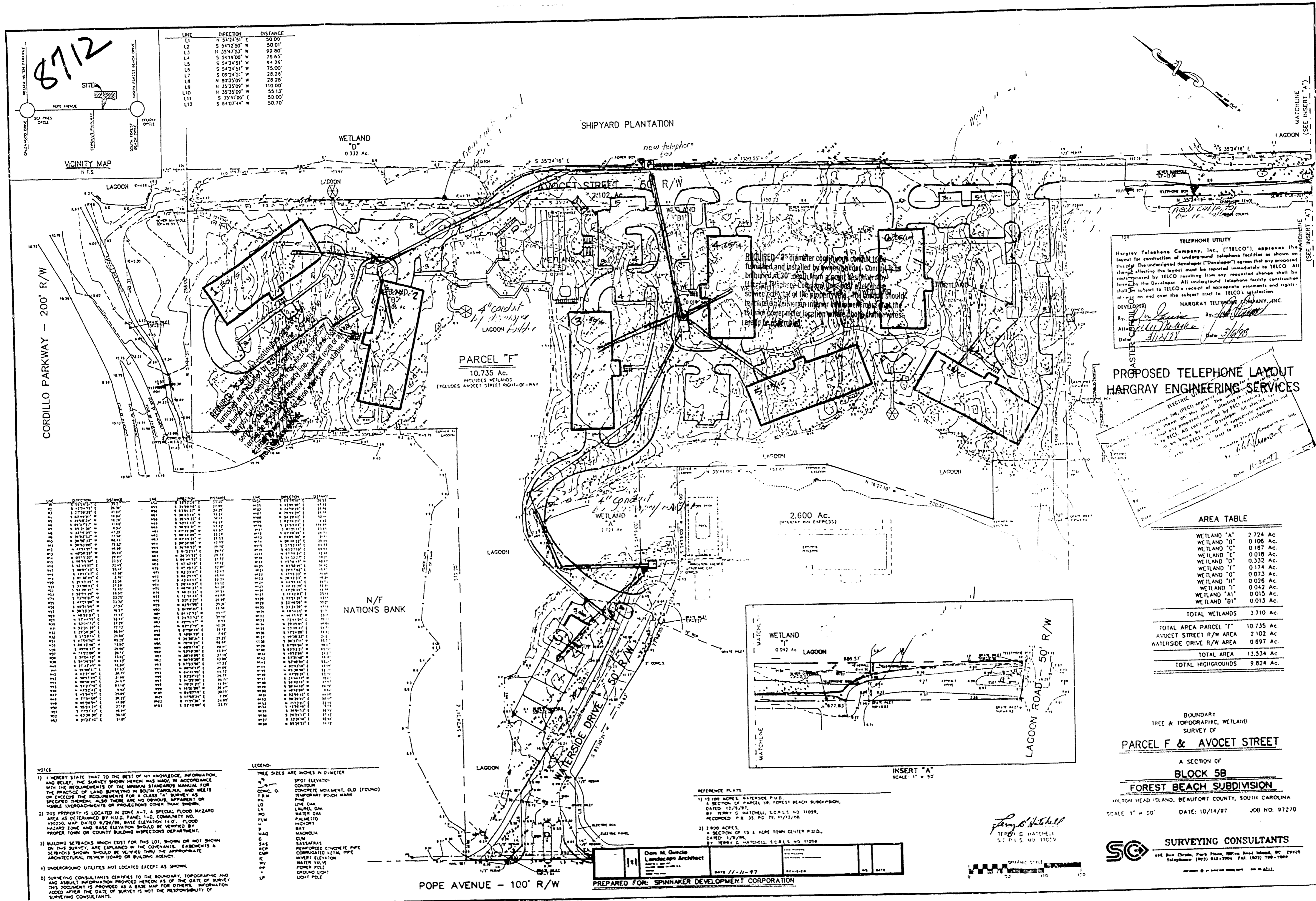
Discrepancies noted:

- 1) Plant sizes for buffer shrubs approved were no less than 4' in the buffer for Ligustrum, Photinia and Oleander. These plants are not of correct size - barely 2 1/2'. Should be replaced [I have discussed this option w/ N.R. Admin. and she agrees with regard to tree planting - It could be coordinated - Planting doesn't jive w/ submitted design] - Quantities O.K.
- 2) 20 large wall-mounted lights on the south, east and west elevation (I didn't ck. The north) were not submitted for CRC review and have not been approved - (over)

ATTACHMENT I

They appear to be over-sized (wattage) for the location and buffer. Either down-size the wattage (apply to CRC) or remove. Other landscape lighting was approved.

3) Colors @ WatterSide sign appear to be more intense than approved colors. I will check and get back to you on this.



LINE	DIRECTION	DISTANCE
L1	N 54°24'51" E	90.00'
L2	S 54°25'00" W	50.01'
L3	N 35°47'53" W	99.80'
L4	S 54°24'50" W	76.65'
L5	S 54°24'51" W	94.26'
L6	S 54°24'51" W	75.00'
L7	S 09°24'51" W	28.28'
L8	N 03°35'09" W	28.28'
L9	N 35°35'09" W	110.00'
L10	N 35°35'09" W	55.13'
L11	S 35°41'00" C	50.00'
L12	S 54°07'44" W	50.70'

TELEPHONE UTILITY

Hargray Telephone Company, Inc. ("TELCO"), approves the layout for construction of underground telephone facilities as shown on this plan. The undersigned developer ("Developer") agrees that any proposed changes affecting the layout must be reported immediately to TELCO. All construction by TELCO resulting from any requested changes shall be at the expense of the Developer. All underground telephone facility construction shall be subject to TELCO's receipt of appropriate assessments and right-of-way and over the subject tract to TELCO's satisfaction.

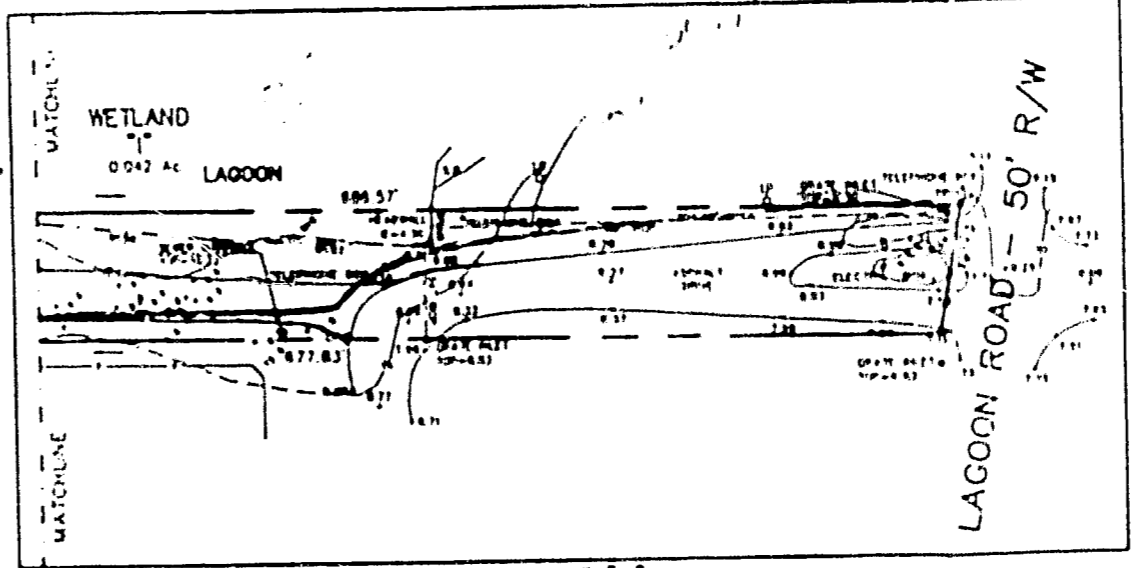
DEVELOPER: HARGRAY TELEPHONE COMPANY, INC.
By: [Signature]
ATTORNEY: [Signature]
Date: 3/16/97

PROPOSED TELEPHONE LAYOUT
HARGRAY ENGINEERING SERVICES

DATE: 3/16/97

AREA TABLE

WETLAND "A"	2.724 Ac.
WETLAND "B"	0.106 Ac.
WETLAND "C"	0.187 Ac.
WETLAND "D"	0.018 Ac.
WETLAND "E"	0.332 Ac.
WETLAND "F"	0.174 Ac.
WETLAND "G"	0.073 Ac.
WETLAND "H"	0.026 Ac.
WETLAND "I"	0.042 Ac.
WETLAND "A1"	0.015 Ac.
WETLAND "B1"	0.013 Ac.
TOTAL WETLANDS	3.710 Ac.
TOTAL AREA PARCEL "F"	10.735 Ac.
AVOCET STREET R/W AREA	2.102 Ac.
WATERSIDE DRIVE R/W AREA	0.697 Ac.
TOTAL AREA	13.534 Ac.
TOTAL HIGHGROUNDS	9.824 Ac.



STATION	ELEVATION	STATION	ELEVATION
1+00	11.52	11+00	11.52
1+10	11.52	11+10	11.52
1+20	11.52	11+20	11.52
1+30	11.52	11+30	11.52
1+40	11.52	11+40	11.52
1+50	11.52	11+50	11.52
1+60	11.52	11+60	11.52
1+70	11.52	11+70	11.52
1+80	11.52	11+80	11.52
1+90	11.52	11+90	11.52
2+00	11.52	12+00	11.52
2+10	11.52	12+10	11.52
2+20	11.52	12+20	11.52
2+30	11.52	12+30	11.52
2+40	11.52	12+40	11.52
2+50	11.52	12+50	11.52
2+60	11.52	12+60	11.52
2+70	11.52	12+70	11.52
2+80	11.52	12+80	11.52
2+90	11.52	12+90	11.52
3+00	11.52	13+00	11.52
3+10	11.52	13+10	11.52
3+20	11.52	13+20	11.52
3+30	11.52	13+30	11.52
3+40	11.52	13+40	11.52
3+50	11.52	13+50	11.52
3+60	11.52	13+60	11.52
3+70	11.52	13+70	11.52
3+80	11.52	13+80	11.52
3+90	11.52	13+90	11.52
4+00	11.52	14+00	11.52
4+10	11.52	14+10	11.52
4+20	11.52	14+20	11.52
4+30	11.52	14+30	11.52
4+40	11.52	14+40	11.52
4+50	11.52	14+50	11.52
4+60	11.52	14+60	11.52
4+70	11.52	14+70	11.52
4+80	11.52	14+80	11.52
4+90	11.52	14+90	11.52
5+00	11.52	15+00	11.52
5+10	11.52	15+10	11.52
5+20	11.52	15+20	11.52
5+30	11.52	15+30	11.52
5+40	11.52	15+40	11.52
5+50	11.52	15+50	11.52
5+60	11.52	15+60	11.52
5+70	11.52	15+70	11.52
5+80	11.52	15+80	11.52
5+90	11.52	15+90	11.52
6+00	11.52	16+00	11.52
6+10	11.52	16+10	11.52
6+20	11.52	16+20	11.52
6+30	11.52	16+30	11.52
6+40	11.52	16+40	11.52
6+50	11.52	16+50	11.52
6+60	11.52	16+60	11.52
6+70	11.52	16+70	11.52
6+80	11.52	16+80	11.52
6+90	11.52	16+90	11.52
7+00	11.52	17+00	11.52
7+10	11.52	17+10	11.52
7+20	11.52	17+20	11.52
7+30	11.52	17+30	11.52
7+40	11.52	17+40	11.52
7+50	11.52	17+50	11.52
7+60	11.52	17+60	11.52
7+70	11.52	17+70	11.52
7+80	11.52	17+80	11.52
7+90	11.52	17+90	11.52
8+00	11.52	18+00	11.52
8+10	11.52	18+10	11.52
8+20	11.52	18+20	11.52
8+30	11.52	18+30	11.52
8+40	11.52	18+40	11.52
8+50	11.52	18+50	11.52
8+60	11.52	18+60	11.52
8+70	11.52	18+70	11.52
8+80	11.52	18+80	11.52
8+90	11.52	18+90	11.52
9+00	11.52	19+00	11.52
9+10	11.52	19+10	11.52
9+20	11.52	19+20	11.52
9+30	11.52	19+30	11.52
9+40	11.52	19+40	11.52
9+50	11.52	19+50	11.52
9+60	11.52	19+60	11.52
9+70	11.52	19+70	11.52
9+80	11.52	19+80	11.52
9+90	11.52	19+90	11.52

NOTES

- I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINERAL 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 DEPOSITS, AGREEMENTS OR VISIBLE ENCUMBRANCES OR PROJECTIONS OTHER THAN SHOWN.
- THIS PROPERTY IS LOCATED IN ZONE A-7, A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY HUD, PANEL 1-0, COMMUNITY HOUSING MAP DATED 8/29/78, BASE ELEVATION 14.0'. FLOOD HAZARD ZONE AND BASE ELEVATION SHOULD BE VERIFIED BY PROPER TOWN OR COUNTY BUILDING INSPECTION DEPARTMENT.
- BUILDING SETBACKS WHICH EXIST FOR THIS LOT, SHOWN OR NOT SHOWN ON THIS SURVEY, ARE CAPTURED IN THE COVENANTS, EASEMENTS & SERVICIES SHOWN. SHOULD BE VERIFIED THRU THE APPROPRIATE ARCHITECTURAL REVIEW BOARD OR BUILDING AGENCY.
- UNDERGROUND UTILITIES NOT LOCATED EXCEPT AS SHOWN.
- SURVEYING CONSULTANTS CERTIFIES TO THE BOUNDARY, TOPOGRAPHIC AND AND ASPECT INFORMATION PROVIDED HEREON AS OF THE DATE OF SURVEY. THIS DOCUMENT IS PROVIDED AS A BASE MAP FOR OTHER INFORMATION ACQUIRED AFTER THE DATE OF SURVEY IS NOT THE RESPONSIBILITY OF SURVEYING CONSULTANTS.

LEGEND

THREE SIZES ARE SHOWN IN DIAMETER

- SPOT ELEVATION
- CONTOUR
- CONCRETE MONUMENT, OLD (FOUND)
- TEMPORARY FLOOD MARK
- IRON PIPE
- LINE BAK
- LAUREL OAK
- WATER OAK
- PALMETTO
- HICKORY
- BAY
- MAGNOLIA
- CUM
- BASSWOOD
- TEMPORARY CONCRETE PIPE
- CONCRETE UTILITY PIPE
- WATER VALVE
- POWER POLE
- GROUND LIGHT
- LIGHT POLE

REFERENCE PLATS

- 15.100 ACRES WATERSIDE PUD, A SECTION OF PARCEL 5B, FOREST BEACH SUBDIVISION, DATED 12/2/93, BY TERRY G. HATCHELL, SCALE: 1"=100', RECORDED P.B. 35, PG. 79, 11/2/96
- 2.900 ACRES, A SECTION OF 13 ACRE TOWN CENTER PUD, DATED 1/9/96, BY TERRY G. HATCHELL, SCALE: 1"=100'

NO.	DATE	DESCRIPTION	BY	CHK	DATE
1	11-27-97	PREPARED FOR: SPINNAKER DEVELOPMENT CORPORATION	Don M. Gortche		

SC SURVEYING CONSULTANTS

1412 Pine Drive, Park Place, Hilton Head Island, SC 29928
Telephone: (803) 942-2904 FAX: (803) 942-2906

8713

REFERENCE PLATS:
 1) 10.100 ACRES, WATERSIDE P.U.D.,
 A SECTION OF PARCEL 58, FOREST BEACH SUBDIVISION,
 DATED: 12/18/97,
 BY: TERRY G. HATCHELL, S.C.P.L.S. NO. 11059,
 RECORDED: P.B. 35, PG. 79, 11/12/98.
 2) 2.800 ACRES,
 A SECTION OF 15 & ACRE TOWN CENTER P.U.D.,
 DATED: 1/27/98,
 BY: TERRY G. HATCHELL, S.C.P.L.S. NO. 11059.
 3) ALTA/ACSM ASBLMT SURVEY OF 2.800 ACRES AND WATERSIDE DRIVE,
 15 & ACRE TOWN CENTER P.U.D., PARCEL 58, FOREST BEACH SUBDIVISION,
 DATED: 8/11/97,
 BY: TERRY G. HATCHELL, S.C.P.L.S. NO. 11059.

NATIONS BANK

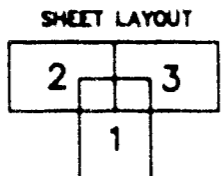
N 54°24'51" E 575.00'

AREA TABLE

WETLAND "A"	2.724 Ac.
WETLAND "B"	0.106 Ac.
WETLAND "C"	0.187 Ac.
WETLAND "D"	0.018 Ac.
WETLAND "E"	0.332 Ac.
WETLAND "F"	0.174 Ac.
WETLAND "G"	0.073 Ac.
WETLAND "H"	0.026 Ac.
WETLAND "I"	0.042 Ac.
WETLAND "AI"	0.015 Ac.
WETLAND "BI"	0.013 Ac.
TOTAL WETLANDS	3.710 Ac.
TOTAL AREA PARCEL "F"	10.735 Ac.
AVOCET STREET R/W AREA	2.102 Ac.
WATERSIDE DRIVE R/W AREA	0.697 Ac.
TOTAL AREA	13.534 Ac.
TOTAL HIGHGROUNDS	9.824 Ac.

POPE AVENUE - 100' R/W

LEGEND
 TREE SIZES ARE INCHES IN DIAMETER
 SPOT ELEVATION
 CONTOUR
 CONCRETE MONUMENT, OLD (FOUND)
 TEMPORARY BENCH MARK
 LIVE OAK
 LAUREL OAK
 WATER OAK
 PALMETTO
 SLOTTED PIPE
 BAY
 MAGNOLIA
 GUM
 SASSAPARILLA
 REINFORCED CONCRETE PIPE
 CORRUGATED METAL PIPE
 SPOT ELEVATION
 WATER VALVE
 POWER POLE
 GROUND LIGHT
 LIGHT POLE
 EDGE OF LAGOON
 EASEMENT (SHOW)



NOTES:
 1) I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SURVEYING STATUTES AND RULES OF THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN. ALSO, THERE ARE NO OBVIOUS APPARENT OR VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.
 2) THIS PROPERTY IS LOCATED IN ZONE A-7, A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY H.L.D. PANEL 11-C, COMMUNITY NO. 450250, MAP DATED 8/29/88, BASE ELEVATION 14'. FLOOD HAZARD ZONE AND BASE ELEVATION SHOULD BE VERIFIED BY PROPER TOWN OR COUNTY BUILDING INSPECTION DEPARTMENT.
 3) BUILDING SETBACKS SHOWN (EES) FOR THIS LOT, SHOWN OR NOT SHOWN ON THIS SURVEY, ARE EXPLAINED IN THE COVENANTS, EASEMENTS & SETBACKS SHOWN SHOULD BE VERIFIED THRU THE APPROPRIATE ARCHITECTURAL REVIEW BOARD OR BUILDING AGENCY.
 4) UNDERGROUND UTILITIES NOT LOCATED EXCEPT AS SHOWN.
 5) SURVEYING CONSULTANTS CERTIFIES TO THE BOUNDARY, TOPOGRAPHIC AND ANCHOR POINT INFORMATION PROVIDED HEREON AS OF THE DATE OF SURVEY. THIS DOCUMENT IS PROVIDED AS A BASE MAP FOR OTHERS. INFORMATION ADDED AFTER THE DATE OF SURVEY IS NOT THE RESPONSIBILITY OF SURVEYING CONSULTANTS.

LINE	DIRECTION	DISTANCE
L1	N 54°24'51" E	575.00'
L2	S 54°17'30" W	50.01'
L3	N 54°17'53" W	88.82'
L4	S 54°18'00" W	78.83'
L5	S 54°24'31" W	84.28'
L6	N 54°24'31" W	78.50'
L7	S 60°24'31" W	28.28'
L8	N 60°24'31" W	28.28'
L9	N 33°33'08" W	110.00'
L10	N 33°33'08" W	55.13'
L11	S 34°14'00" E	50.00'
L12	S 64°07'44" W	50.20'

BOUNDARY
 TREE & TOPOGRAPHIC, WETLAND
 SURVEY OF
 PARCEL F & AVOCET STREET

A SECTION OF
 BLOCK 58
 FOREST BEACH SUBDIVISION
 HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA

SCALE 1" = 20' DATE 12/18/97 JOB NO. 97270C
 REVISED 7/18/98 ADDED EDGE OF LAGOON

TERRY G. HATCHELL
 S.C.P.L.S. NO. 11059

PREPARED FOR: SPINNAKER DEVELOPMENT CORP., INC.
 SURVEYING CONSULTANTS



408 New Church Park Place, Hilton Head Island, SC 29928
 Telephone (803) 842-2804 FAX (803) 799-7404

2-14-98
 NO. DATE
 Land Planning
 Site Planning
 Landscape Architecture
 REVISION
 WATERSIDE PHASE 1
 DRAINAGE PLAN
 FINING REVISION
 DATE 1-30-98
 Don M. Guscio
 Landscape Architect
 ROUTE 2, BOX 117
 HILTON HEAD ISLAND, S.C.
 29926
 (803) 737-3855 FAX (803) 737-3855
 SHEET
 OF
 SHEETS

8714

REFERENCE PLATS:

- 1) 15.100 ACRES, WATERSIDE P.U.D., A SECTION OF PARCEL 58, FOREST BEACH SUBDIVISION, DATED: 12/9/87, BY: TERRY G. HATCHELL S.C.R.L.S. NO. 11059, RECORDED: P.B. 35, PG. 79, 11/12/88
- 2) 2.600 ACRES, A SECTION OF 15 ± ACRE TOWN CENTER P.U.D., DATED: 1/9/84, BY: TERRY G. HATCHELL S.C.R.L.S. NO. 11059
- 3) ALTA/ACSM ASBLUT SURVEY OF 2.600 ACRES AND WATERSIDE DRIVE, 15 ± ACRE TOWN CENTER P.U.D., PARCEL 58, FOREST BEACH SUBDIVISION, DATED: 9/19/97, BY: TERRY G. HATCHELL S.C.R.L.S. NO. 11059

Tree Appraisal Number: A-630
Date: 5-2-98
Surveyor: Sally L. Parks
Title: Appraiser & Tree Photo
Town of Hilton Head Island, SC

AVERAGE BUFFER CALCULATIONS

BUILDING	PERVIOUS PAVING	IMPERVIOUS PAVING
LINE "A" - 52'	LINE #1 56'	LINE "A" - 30'
LINE "B" - 35'	LINE #2 24'	LINE "B" - 53'
LINE "C" - 28'		
$\frac{115}{3} = 38.33' \text{ AVG}$ (35' REQ'D)	$\frac{79}{2} = 39.5' \text{ AVG}$ (35' REQ'D)	$\frac{83}{2} = 41.5' \text{ AVG}$ (40' REQ'D)

AREA TABLE

WETLAND "A"	2.724 Ac.
WETLAND "B"	0.106 Ac.
WETLAND "C"	0.187 Ac.
WETLAND "D"	0.018 Ac.
WETLAND "E"	0.332 Ac.
WETLAND "F"	0.174 Ac.
WETLAND "G"	0.073 Ac.
WETLAND "H"	0.026 Ac.
WETLAND "I"	0.042 Ac.
WETLAND "A1"	0.015 Ac.
WETLAND "B1"	0.013 Ac.
TOTAL WETLANDS	3.710 Ac.
TOTAL AREA PARCEL "F"	10.735 Ac.
AVOCET STREET R/W AREA	2.102 Ac.
WATERSIDE DRIVE R/W AREA	0.697 Ac.
TOTAL AREA	13.534 Ac.
TOTAL HIGHGROUNDS	9.824 Ac.

UTILITY INFO FROM PLANS BY THOMAS & HUTTON
DATED 2-16-98
TEL & ELECTRIC INFO FROM PLANS BY
HARRIS TELEPHONE CO. & PALMETTO ELECTRIC (1-50) # 8
5-11-98

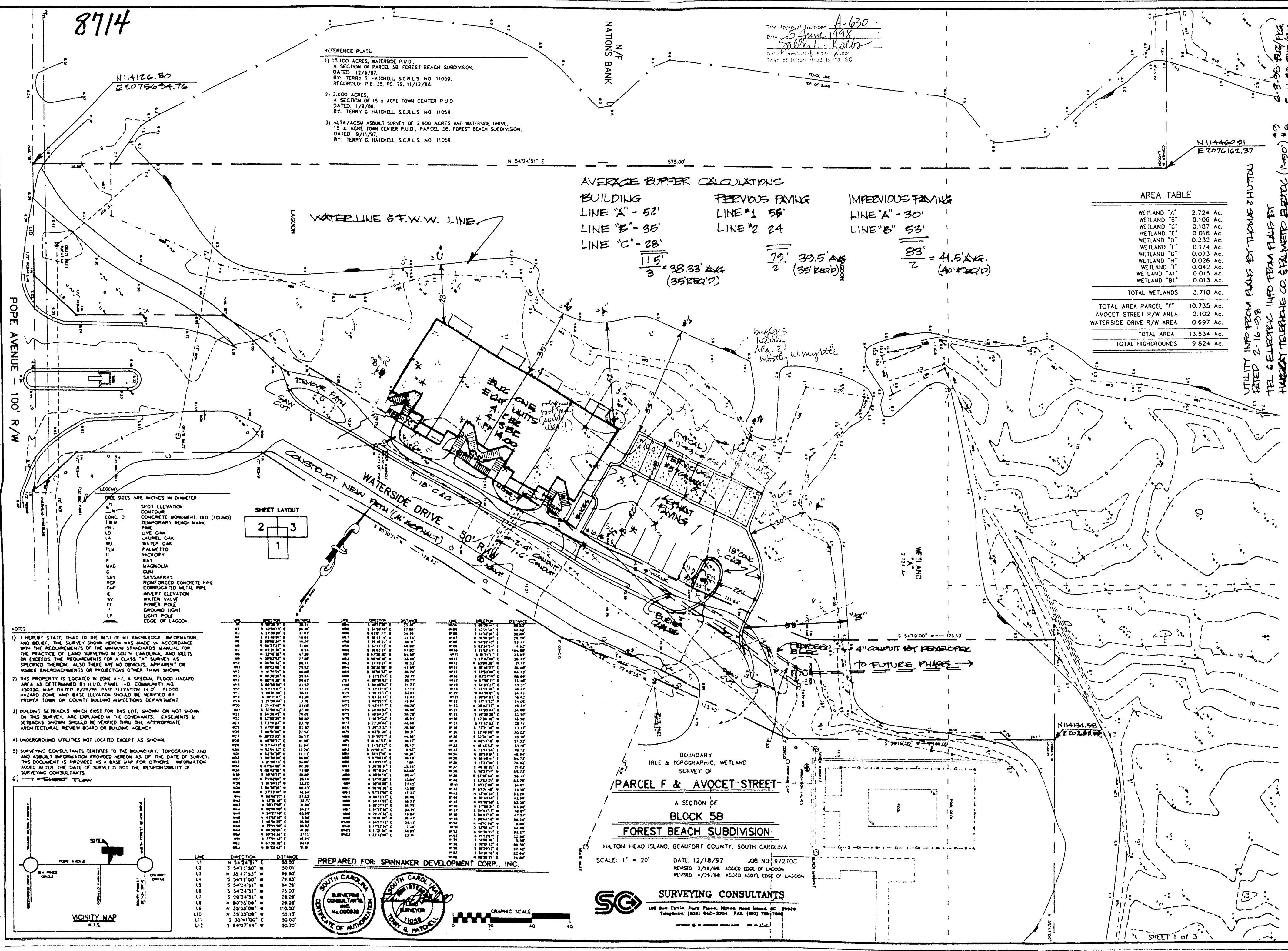
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45	4-20-98
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47	4-20-98
48	4-20-98
49	4-20-98
50	4-20-98

REVISION

WATERSIDE PHASE 1
DATE 1-30-98

Don M. Guscio
Landscape Architect
ROUTE 2, BOX 197
HILTON HEAD ISLAND, S.C.
29924
(803) 787-3885
FAX (803) 787-3885

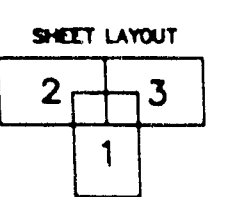
SHEET 1 OF 1 SHEETS



LEGEND

THESE SIZES ARE INCHES IN DIAMETER

SPOT ELEVATION
CONTOUR
CONCRETE MONUMENT, OLD (F.O.M.)
TEMPORARY BENCH MARK
PIPE
LIVE OAK
LAUREL OAK
WATER OAK
PALMETTO
MAGNOLIA
BAY
MADAGASCAR
DUM
SASSAPARILLA
REINFORCED CONCRETE PIPE
CONCRETE METAL PIPE
ADVERT ELEVATION
WATER VALVE
POWER POLE
GROUND LIGHT
LIGHT POLE
EDGE OF LAGOON



- NOTES
- 1) I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SURVEYING 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 OBVIOUS, APPARENT OR VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.
 - 2) THIS PROPERTY IS LOCATED IN ZONE A-1, A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY HUD, PANEL 14-D, COMMUNITY NO. 450250, MAP DATED 9/27/84, ELEVATION 14.0'. FLOOD HAZARD ZONE AND BASE ELEVATION SHOULD BE VERIFIED BY PROPER TOWN OR COUNTY BUILDING INSPECTION DEPARTMENT.
 - 3) BUILDING SETBACKS WHICH EXIST FOR THIS LOT, SHOWN OR NOT SHOWN ON THIS SURVEY, ARE EXPLORED IN THE COMMENTS, CASEMENTS & SETBACKS SHOWN SHOULD BE VERIFIED THRU THE APPROPRIATE ARCHITECTURAL REVIEW BOARD OR BUILDING AGENCY.
 - 4) UNDERGROUND UTILITIES NOT LOCATED EXCEPT AS SHOWN.
 - 5) SURVEYING CONSULTANT CERTIFIES TO THE BOUNDARY, TOPOGRAPHIC AND ASBLUT INFORMATION PROVIDED HEREON AS OF THE DATE OF SURVEY. THIS DOCUMENT IS PROVIDED AS A BASE MAP FOR OTHERS. INFORMATION ADDED AFTER THE DATE OF SURVEY IS NOT THE RESPONSIBILITY OF SURVEYING CONSULTANTS.
 - 6) "AS SHOWN" SHALL APPLY.

LINE	DIRECTION	DISTANCE
L1	N 54°21'51" E	50.01'
L2	S 54°12'50" W	99.80'
L3	S 54°18'00" W	78.63'
L4	S 54°21'51" W	94.28'
L5	S 54°21'51" W	78.63'
L6	N 08°24'31" E	28.28'
L7	N 80°35'08" W	78.28'
L8	N 35°35'08" W	110.00'
L9	N 35°35'08" W	35.13'
L10	N 35°35'08" W	35.00'
L11	S 30°41'00" E	30.00'
L12	S 84°07'44" W	30.70'

PREPARED FOR: SPINNAKER DEVELOPMENT CORP., INC.

STATE OF SOUTH CAROLINA
SURVEYING CONSULTANTS
SOUTH CAROLINA
SURVEYING CONSULTANTS
SOUTH CAROLINA
SURVEYING CONSULTANTS

SCALE: 1" = 20'

DATE: 12/18/97
REVISED: 2/16/98, ADDED EDGE OF LAGOON
REVISED: 4/29/98, ADDED ADOT EDGE OF LAGOON

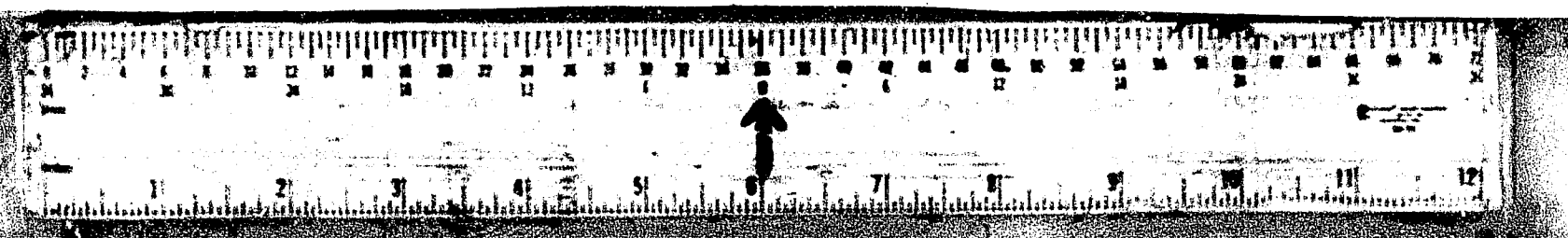
JOB NO. 97270C

486 Don Guscio, Park Place, Hilton Head Island, SC 29928
Telephone: (803) 782-3306 FAX: (803) 782-3306

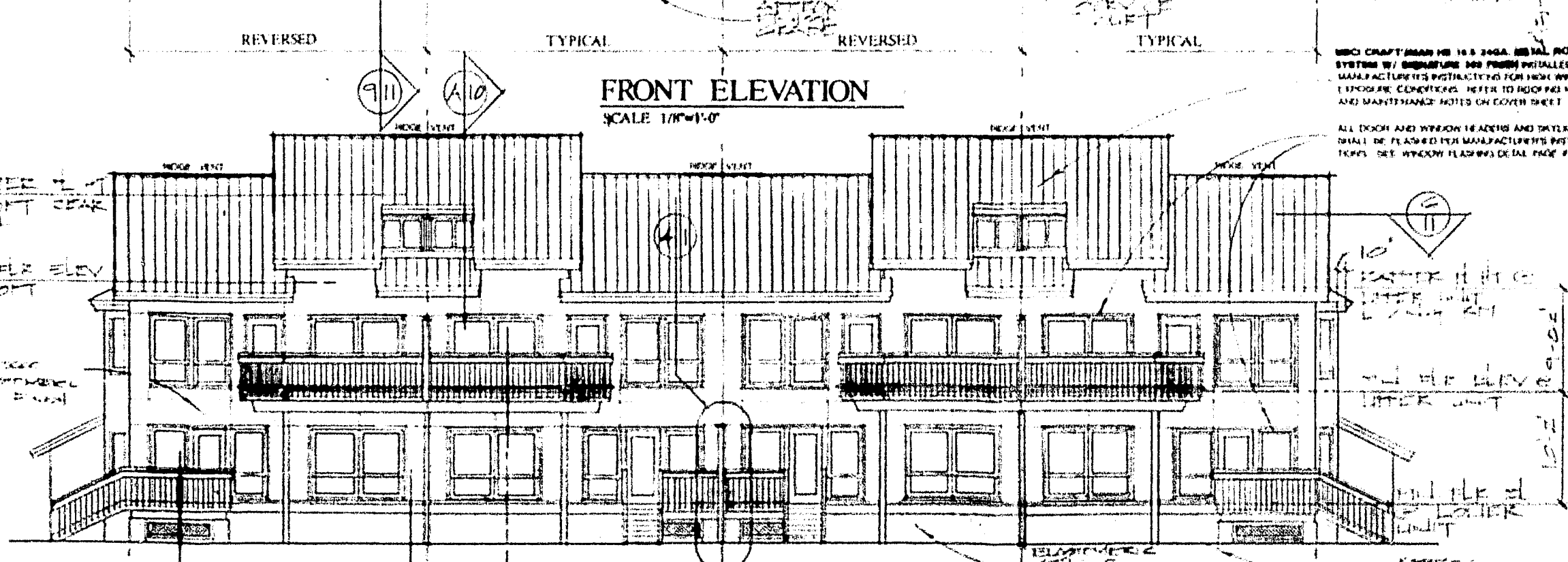
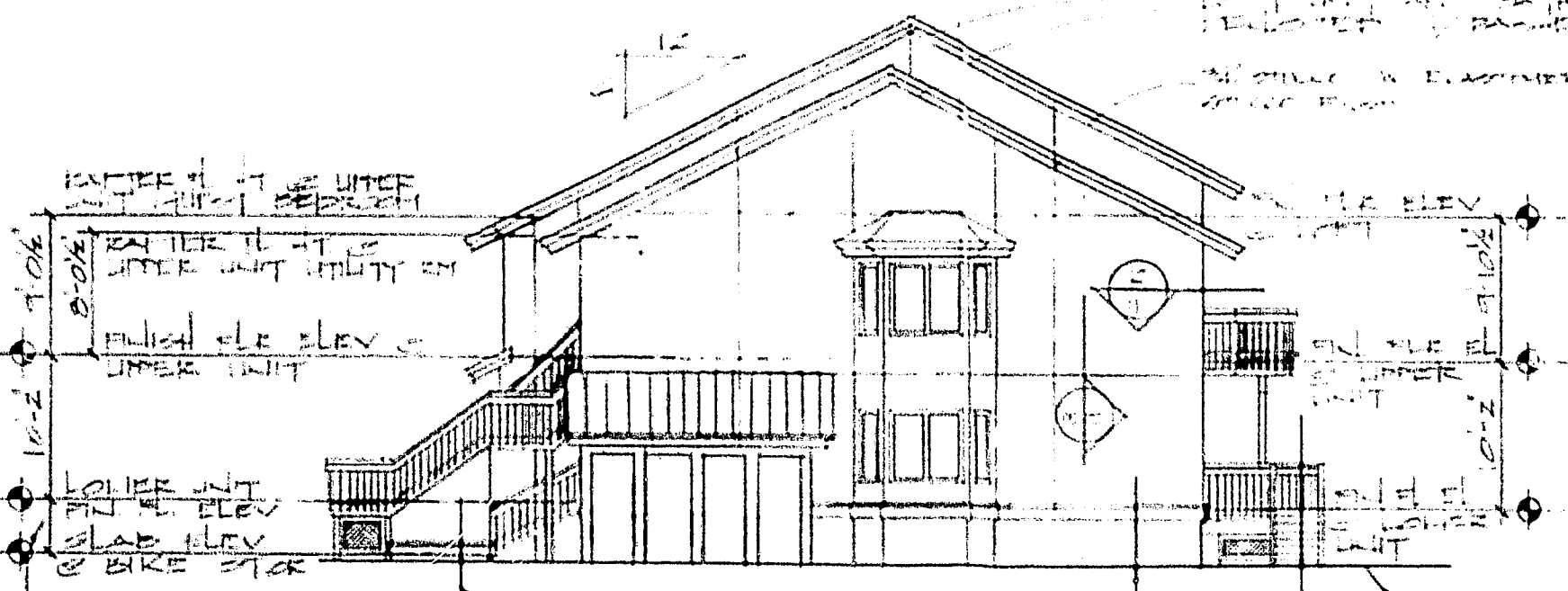
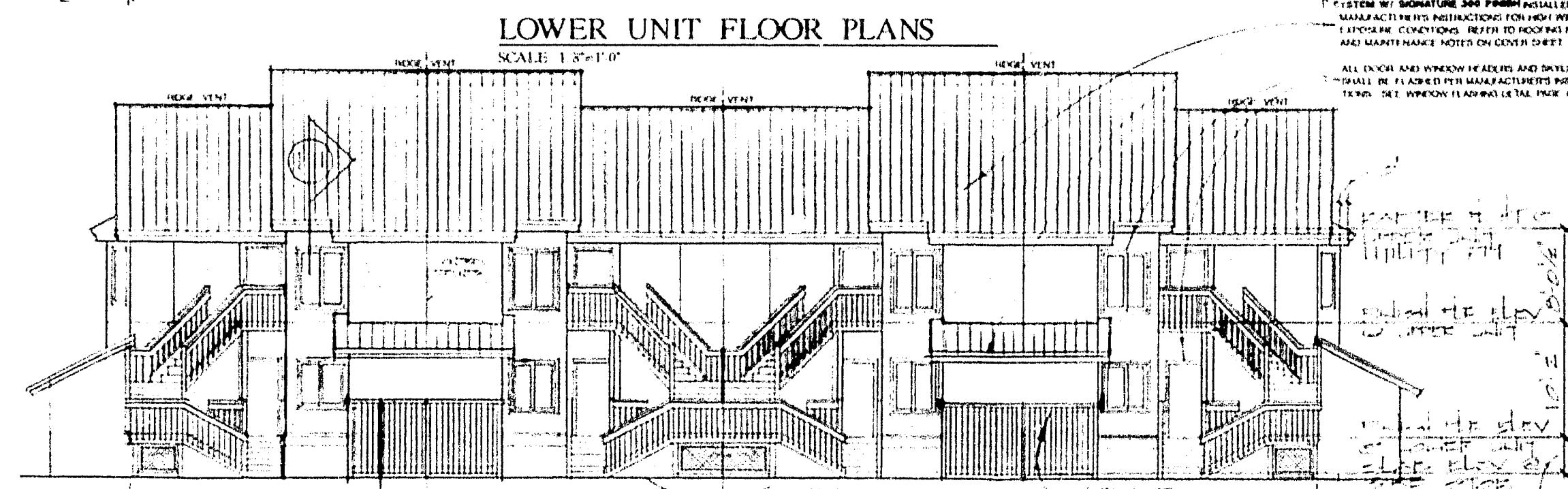
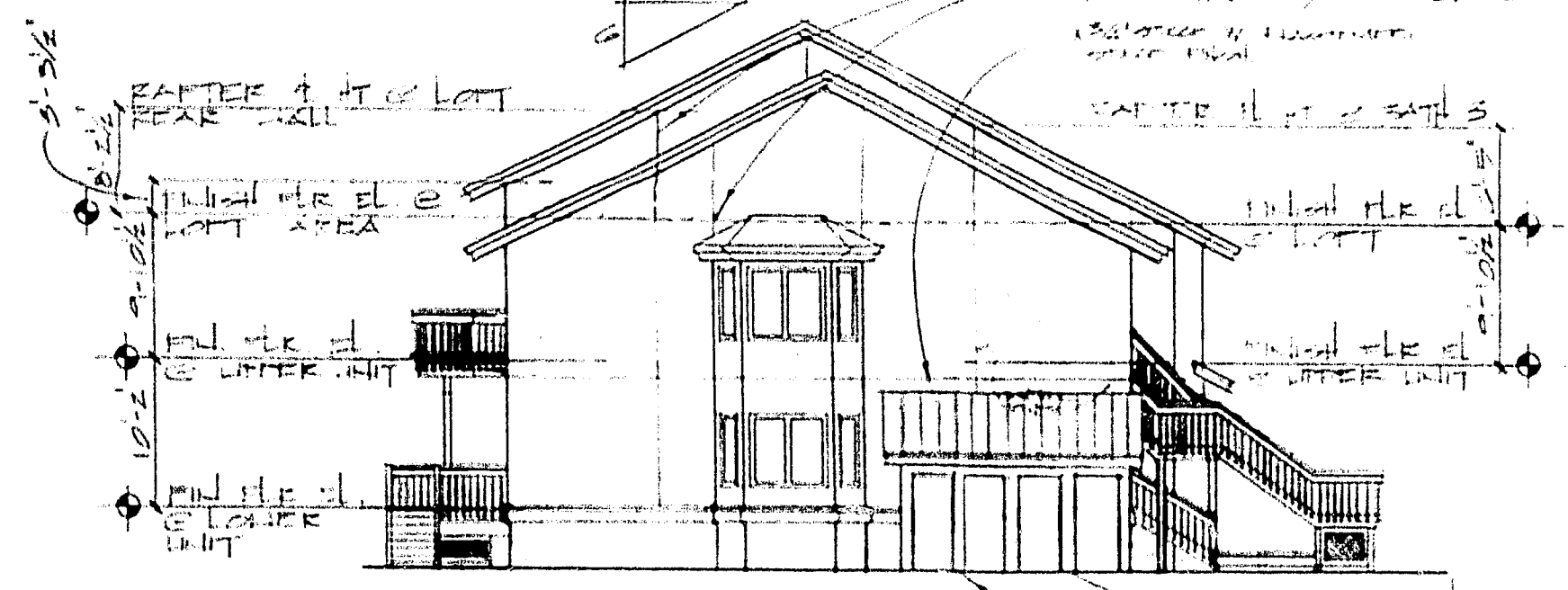
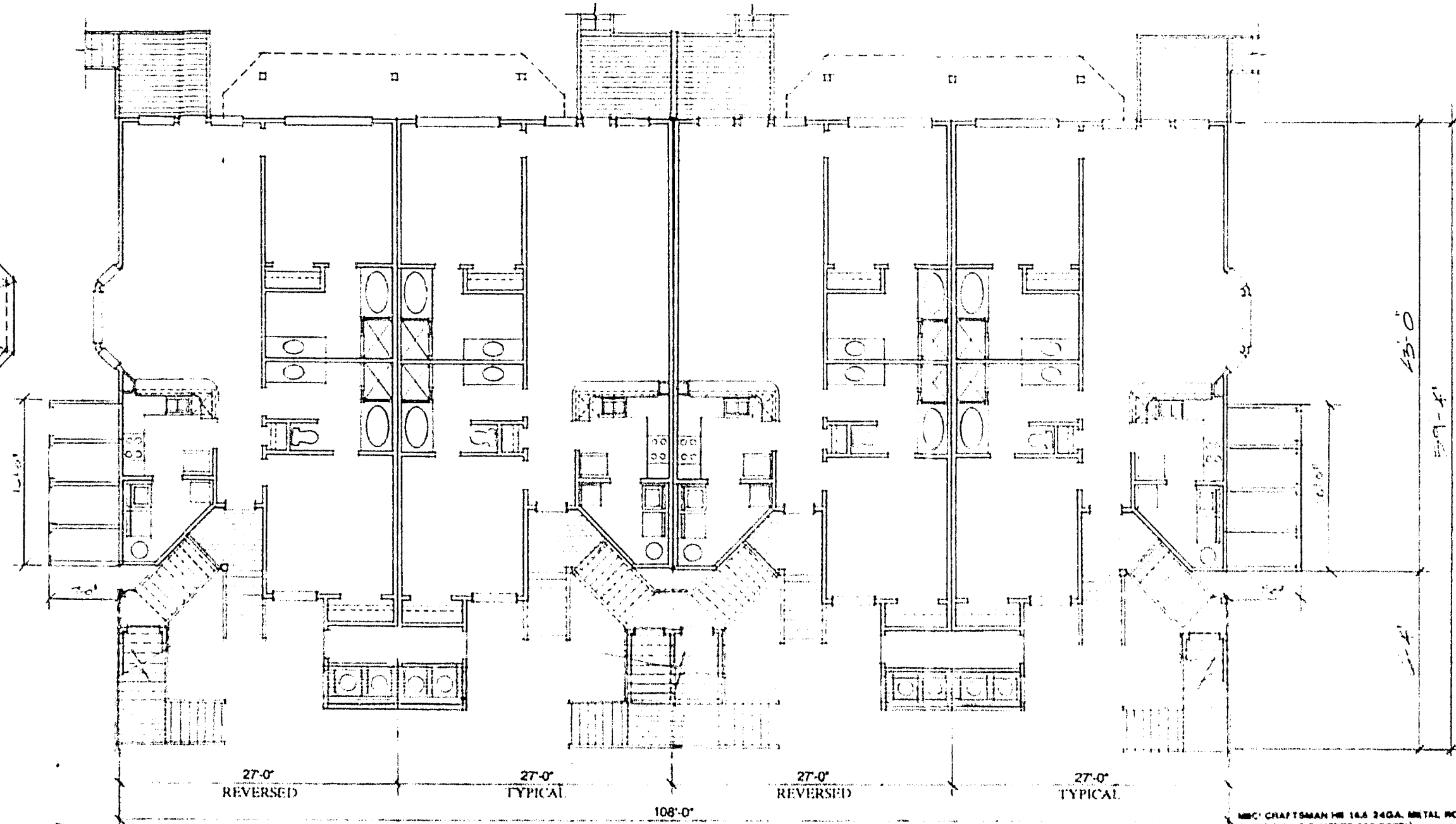
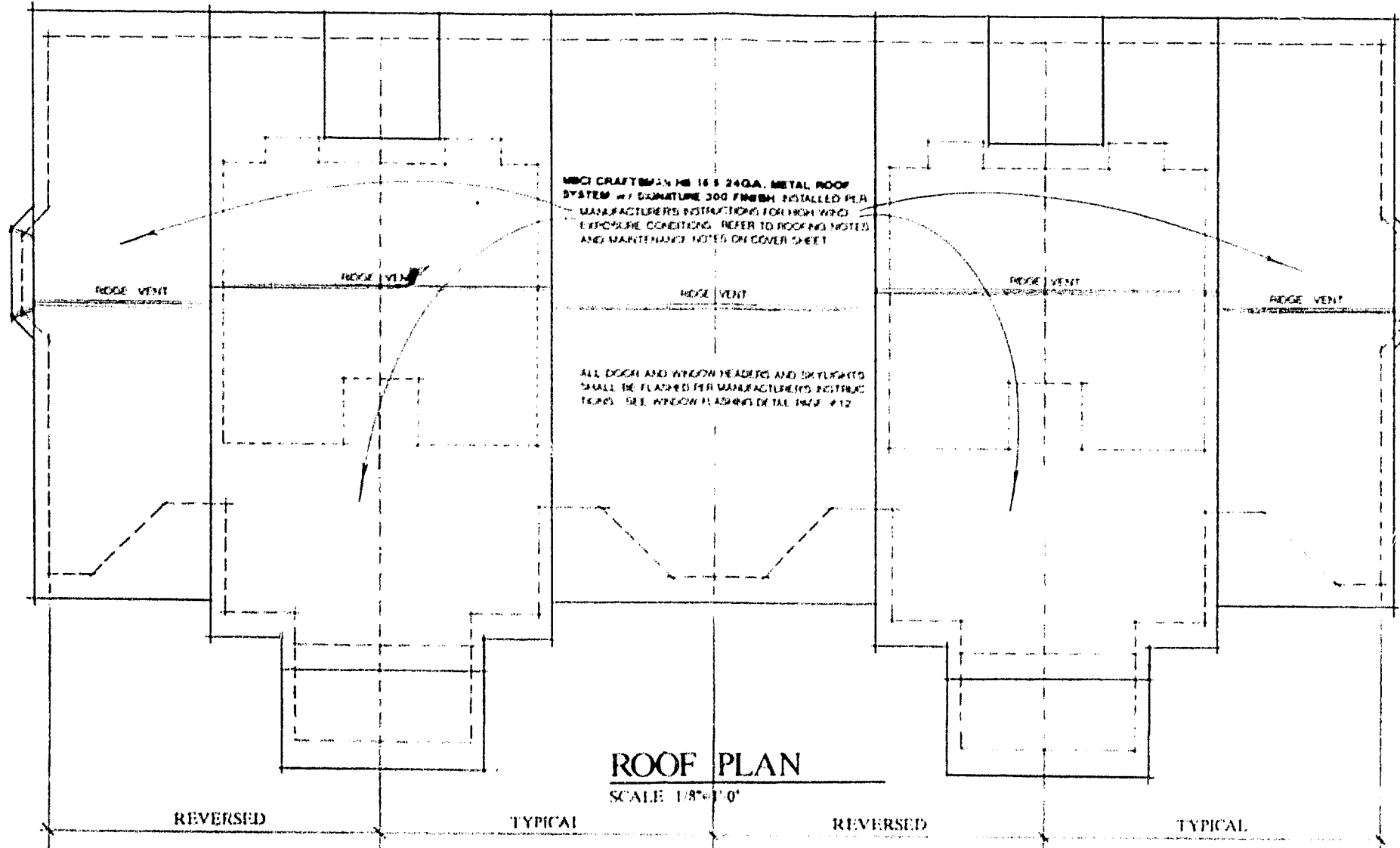
BOUNDARY
TREE & TOPOGRAPHIC, WETLAND
SURVEY OF
PARCEL F & AVOCET STREET
A SECTION OF
BLOCK 5B
FOREST BEACH SUBDIVISION
HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA

SC SURVEYING CONSULTANTS

486 Don Guscio, Park Place, Hilton Head Island, SC 29928
Telephone: (803) 782-3306 FAX: (803) 782-3306



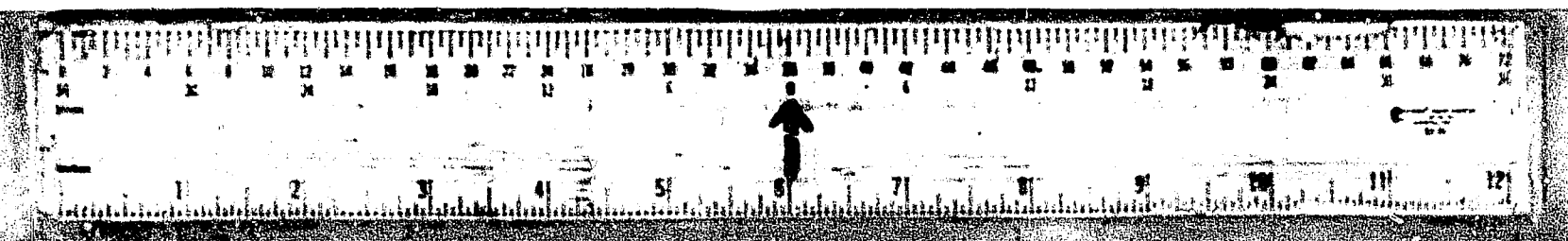
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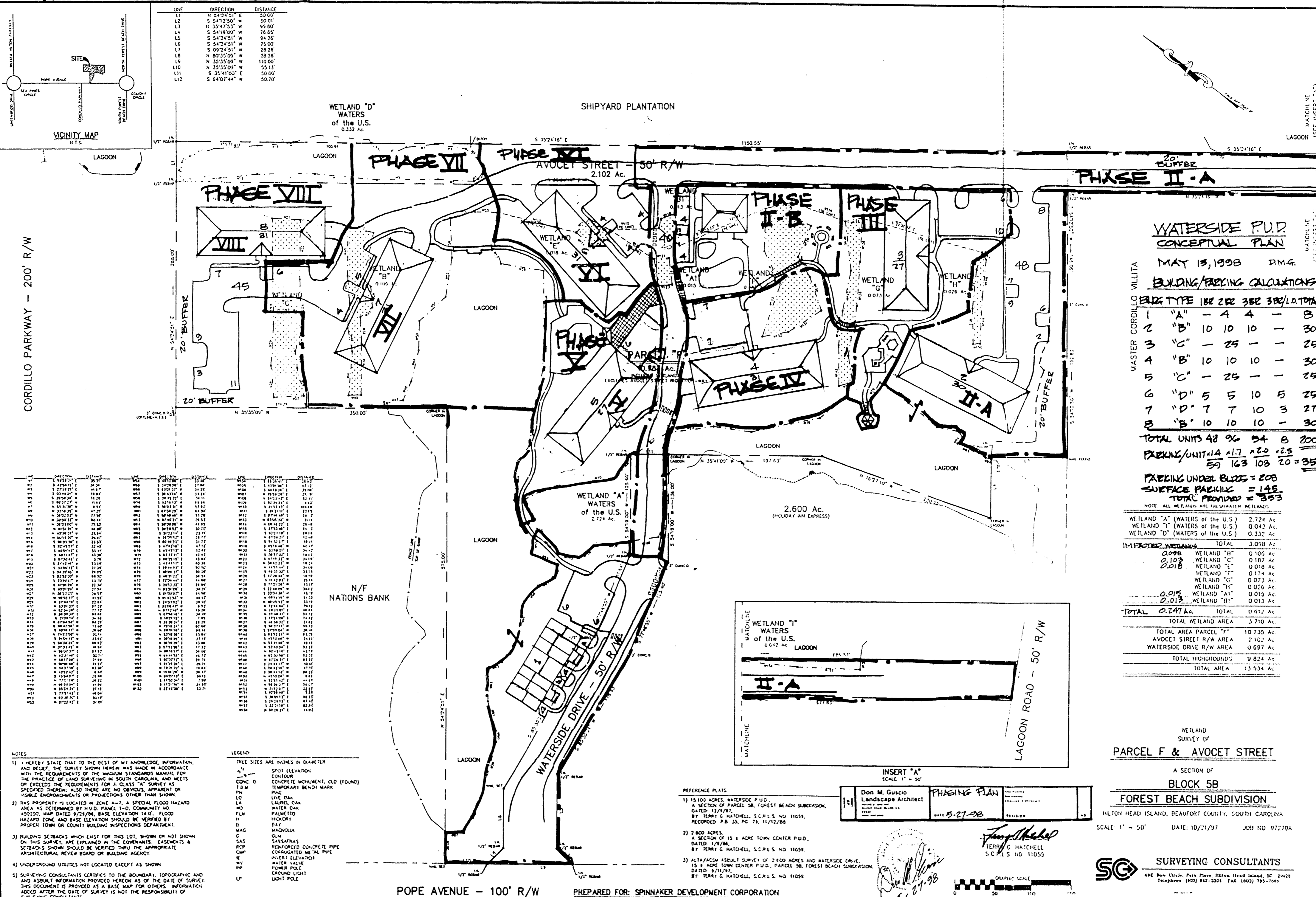
NOTE: THESE PLANS ARE THE EXCLUSIVE PROPERTY OF HERRMAN & GORDON ARCHITECTS, P.A. AND SHALL NOT BE USED OR REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. FOR MORE INFORMATION CONTACT HERRMAN & GORDON ARCHITECTS, P.A., P.O. BOX 5475, HILTON HEAD ISLAND, SC 29928 OR CALL (803) 395-2451.

WATERSIDE PHASE I
6/8/98
REVISED 10/21/98
PAGE 25 OF 25
16

HERRMAN & GORDON ARCHITECTS



8716



LINE	DIRECTION	DISTANCE	LINE	DIRECTION	DISTANCE
L1	N 54°24'51" E	50.00'	L11	N 35°41'00" E	50.00'
L2	S 54°12'50" W	50.00'	L12	S 64°07'44" W	50.70'
L3	N 35°47'53" W	99.80'			
L4	S 54°18'00" W	76.65'			
L5	S 54°24'51" W	64.25'			
L6	S 54°24'51" W	75.00'			
L7	S 09°24'51" W	28.25'			
L8	N 80°35'09" W	18.25'			
L9	N 35°35'09" W	110.00'			
L10	N 35°35'09" W	15.15'			

- NOTES**
- HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE WISCONSIN 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 OBVIOUS APPARENT OR VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.
 - THIS PROPERTY IS LOCATED IN ZONE A-1, A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY H.U.D. PANEL 1-D, COMMUNITY NO. 400220, MAP DATED 9/27/86, BASE ELEVATION 14'0". FLOOD HAZARD ZONE AND BASE ELEVATION SHOULD BE VERIFIED BY PROPER TOWN OR COUNTY BUILDING INSPECTIONS DEPARTMENT.
 - BUILDING SETBACKS WHICH EXIST FOR THIS LOT, SHOWN OR NOT SHOWN ON THIS SURVEY, ARE EXPLAINED IN THE COVENANTS, EASEMENTS & SETBACKS SHOWN SHOULD BE VERIFIED WITH THE APPROPRIATE ARCHITECTURAL REVIEW BOARD OR BUILDING AGENCY.
 - UNDERGROUND UTILITIES NOT LOCATED EXCEPT AS SHOWN.
 - SURVEYING CONSULTANTS CERTIFIES TO THE BOUNDARY, TOPOGRAPHIC AND AS-BUILT INFORMATION PROVIDED HEREON AS OF THE DATE OF SURVEY. THIS DOCUMENT IS PROVIDED AS A BASE MAP FOR OTHERS. INFORMATION ACCORD AFTER THE DATE OF SURVEY IS NOT THE RESPONSIBILITY OF SURVEYING CONSULTANTS.
- LEGEND**
- TREE SIZES ARE INCHES IN DIAMETER
- CONC. SPOUT ELEVATION
 - CONCRETE MONUMENT, OLD (FOUND)
 - TEMPORARY BENCH MARK
 - PIPE
 - LIVE OAK
 - LARGE OAK
 - WATER OAK
 - PALMETTO
 - HICKORY
 - BAY
 - MAGNOLIA
 - CUM
 - SASSAPARA
 - REINFORCED CONCRETE PIPE
 - COMBINED METAL PIPE
 - INVERT ELEVATION
 - WATER VALVE
 - POWER POLE
 - GROUND LIGHT
 - LIGHT POLE

REFERENCE PLATS

- 15.100 ACRES, WATERSIDE P.U.D., A SECTION OF PARCEL 58, FOREST BEACH SUBDIVISION, DATED 12/9/87, BY TERRY G. HATCHELL, S.C.P.L.S. NO. 11058, RECORDED P.B. 33, PG. 79, 11/12/88
- 2.800 ACRES, A SECTION OF 15.8 ACRES TOWN CENTER P.U.D., DATED 1/29/88, BY TERRY G. HATCHELL, S.C.P.L.S. NO. 11058
- ALTA/ACSM AS-BUILT SURVEY OF 2.600 ACRES AND WATERSIDE DRIVE, 15.8 ACRES TOWN CENTER P.U.D., PARCEL 58, FOREST BEACH SUBDIVISION, DATED 9/16/87, BY TERRY G. HATCHELL, S.C.P.L.S. NO. 11058

PHASING PLAN
DATE 5-27-98

Don M. Guasco
Landscape Architect

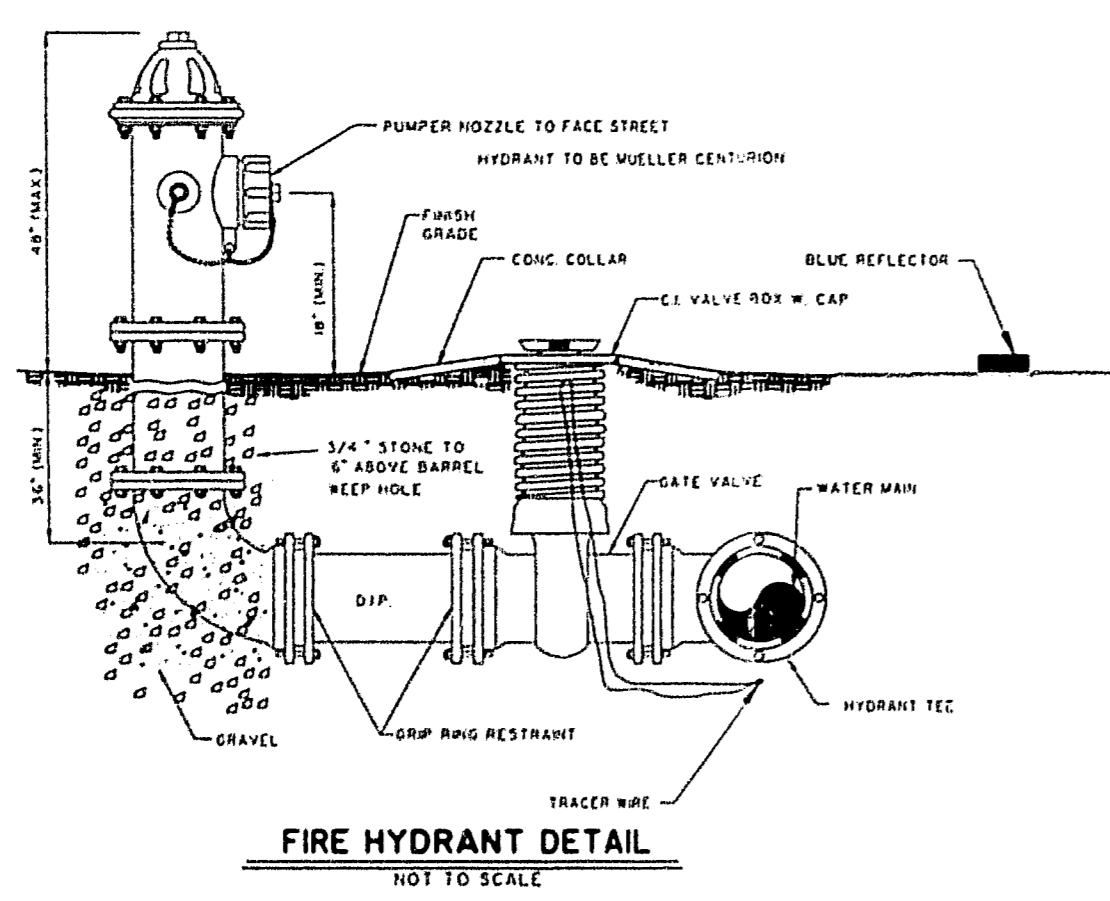
TERRY G. HATCHELL
S.C.P.L.S. NO. 11058

SCALE 1" = 50'
DATE: 10/21/97
JOB NO: 972704

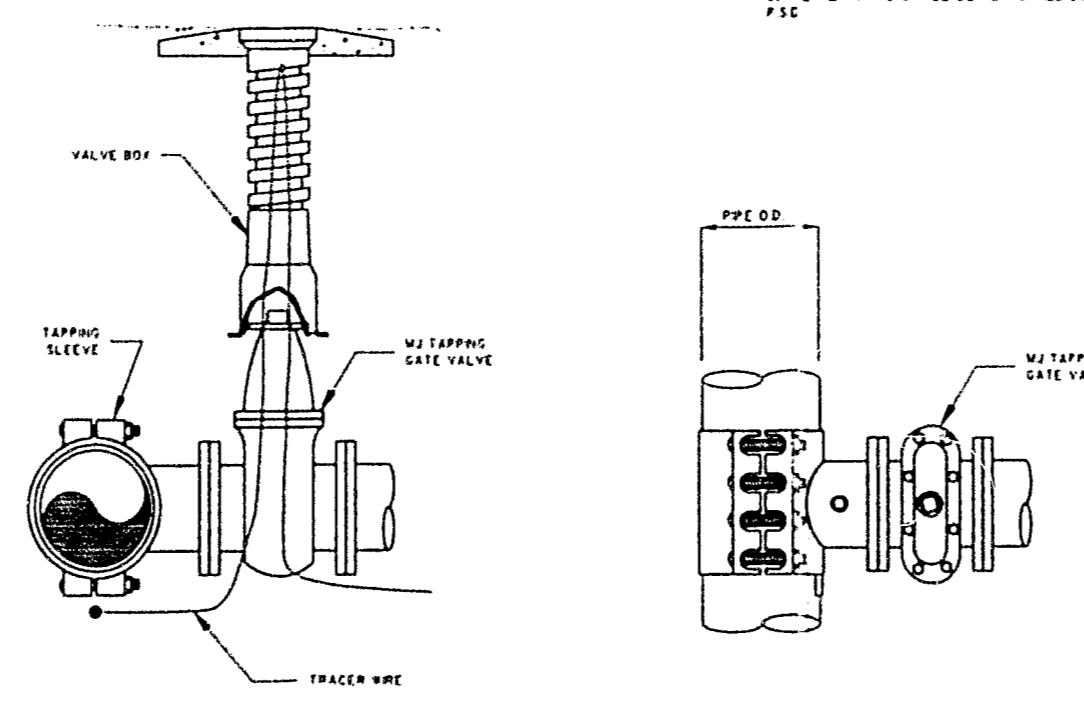
SURVEYING CONSULTANTS
496 New Circle, Park Place, Hilton Head Island, SC 29928
Telephone: (803) 842-3004 FAX: (803) 793-1000



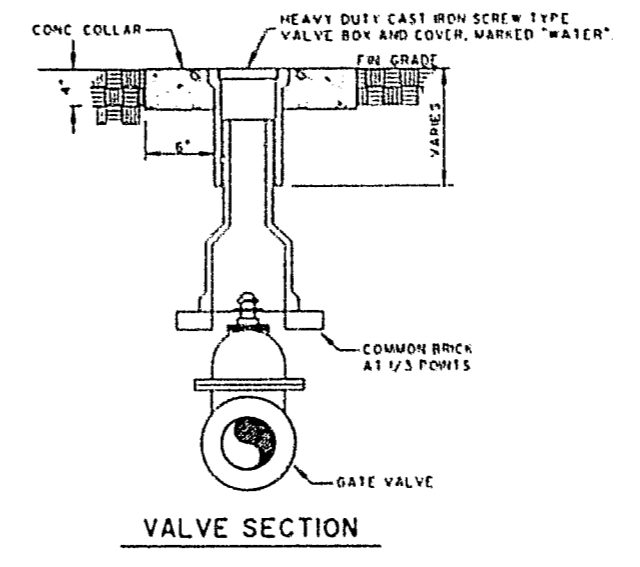
8717



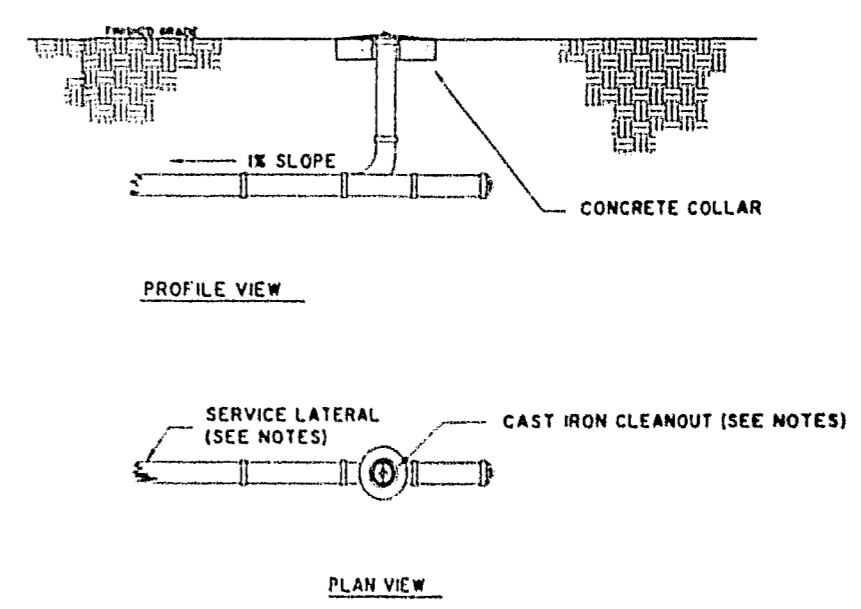
FIRE HYDRANT DETAIL
NOT TO SCALE



TAPPING SLEEVE AND VALVE DETAIL
NOT TO SCALE



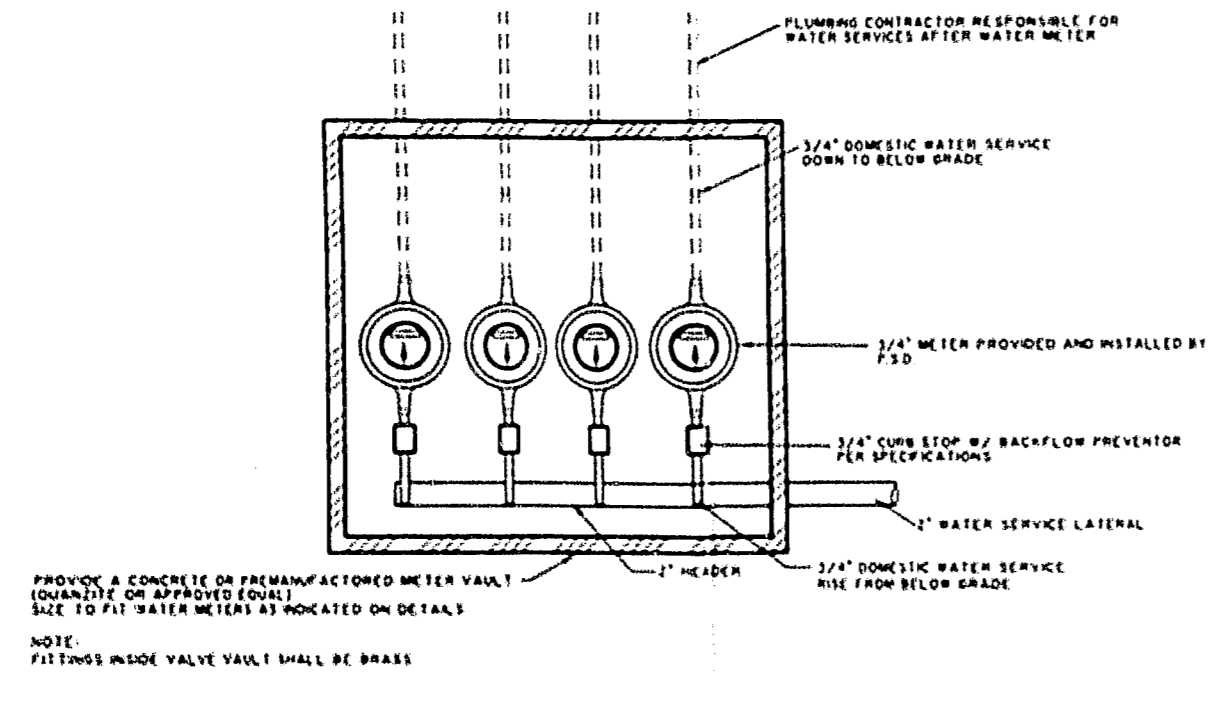
VALVE & BOX DETAIL
NOT TO SCALE



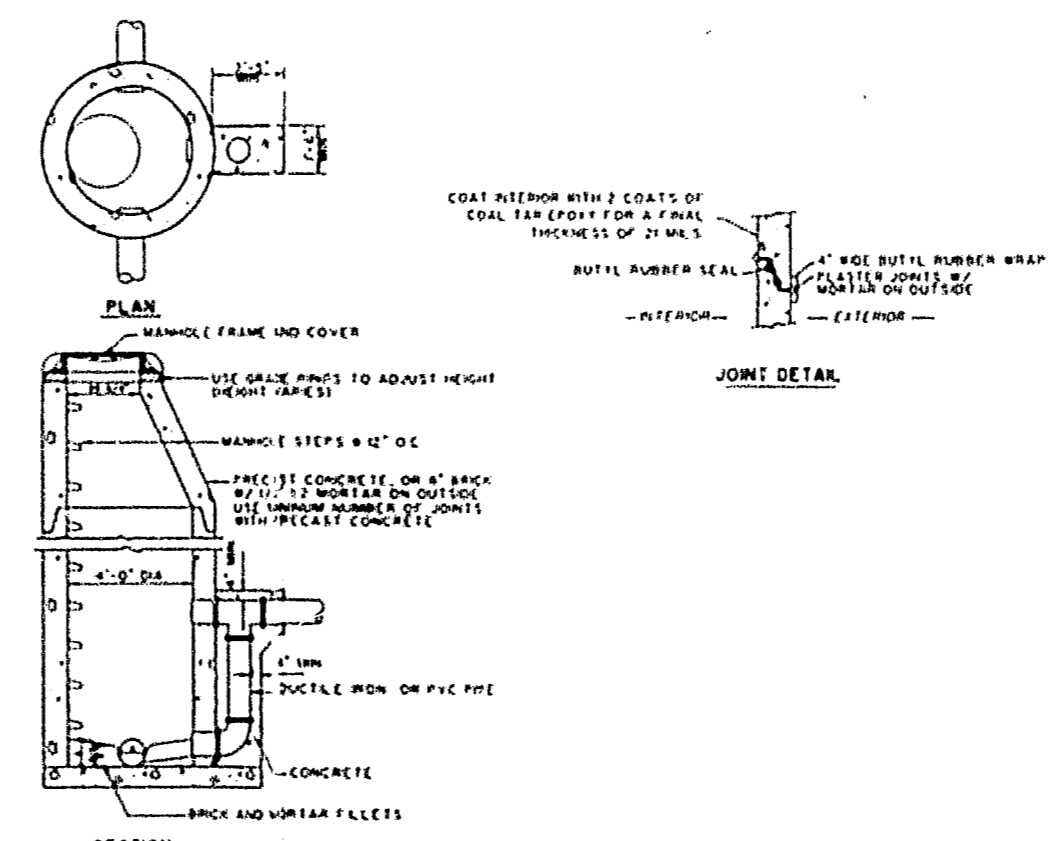
SEWER LATERAL DETAIL
NOT TO SCALE

NOTE:
1) TAPPING SLEEVES SHALL BE HYDROSTATICALLY PRESSURE TESTED TO 400 PSI
2) REFER TO STANDARDS AND SPECIFICATIONS FOR USE OF APPROVED MATERIALS AND MANUFACTURERS.
3) ALL WET TAPS SHALL BE PERFORMED BY P.E.

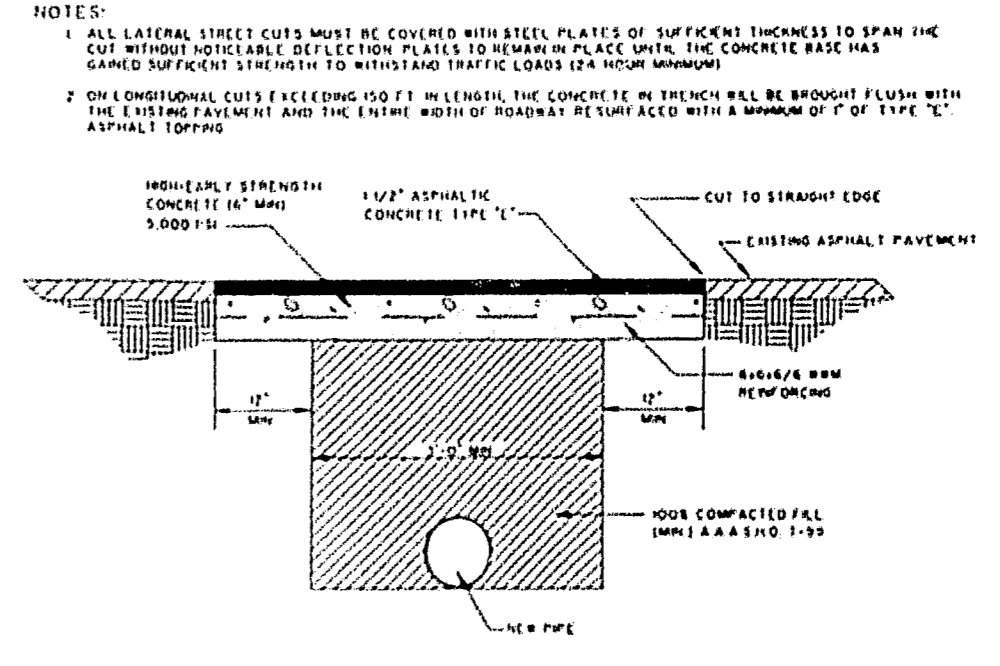
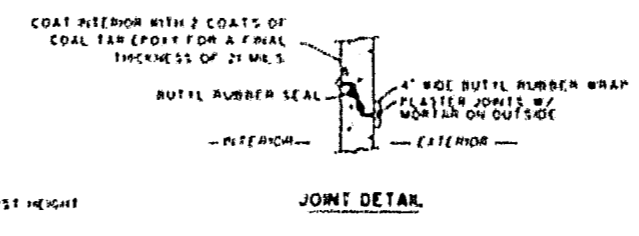
NOTES:
1) SERVICE LATERALS SHALL ONLY BE ALLOWED FOR RESIDENTIAL SERVICE
2) CLEANOUT SHALL CONSIST OF A 4\"/>



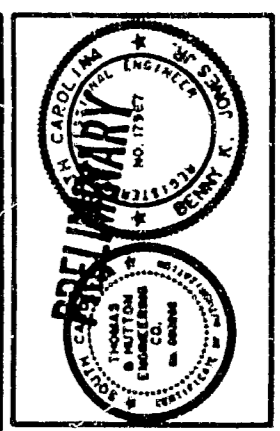
WATER METER VAULT DETAIL
NOT TO SCALE



STANDARD DROP MANHOLE
NOT TO SCALE



BITUMINOUS PAVEMENT REPLACEMENT
NOT TO SCALE



NO.	DATE	REVISIONS

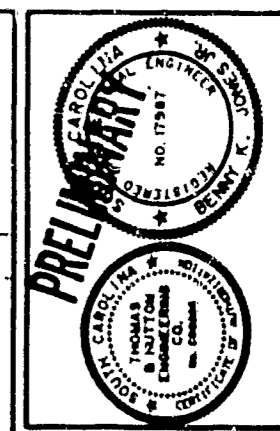
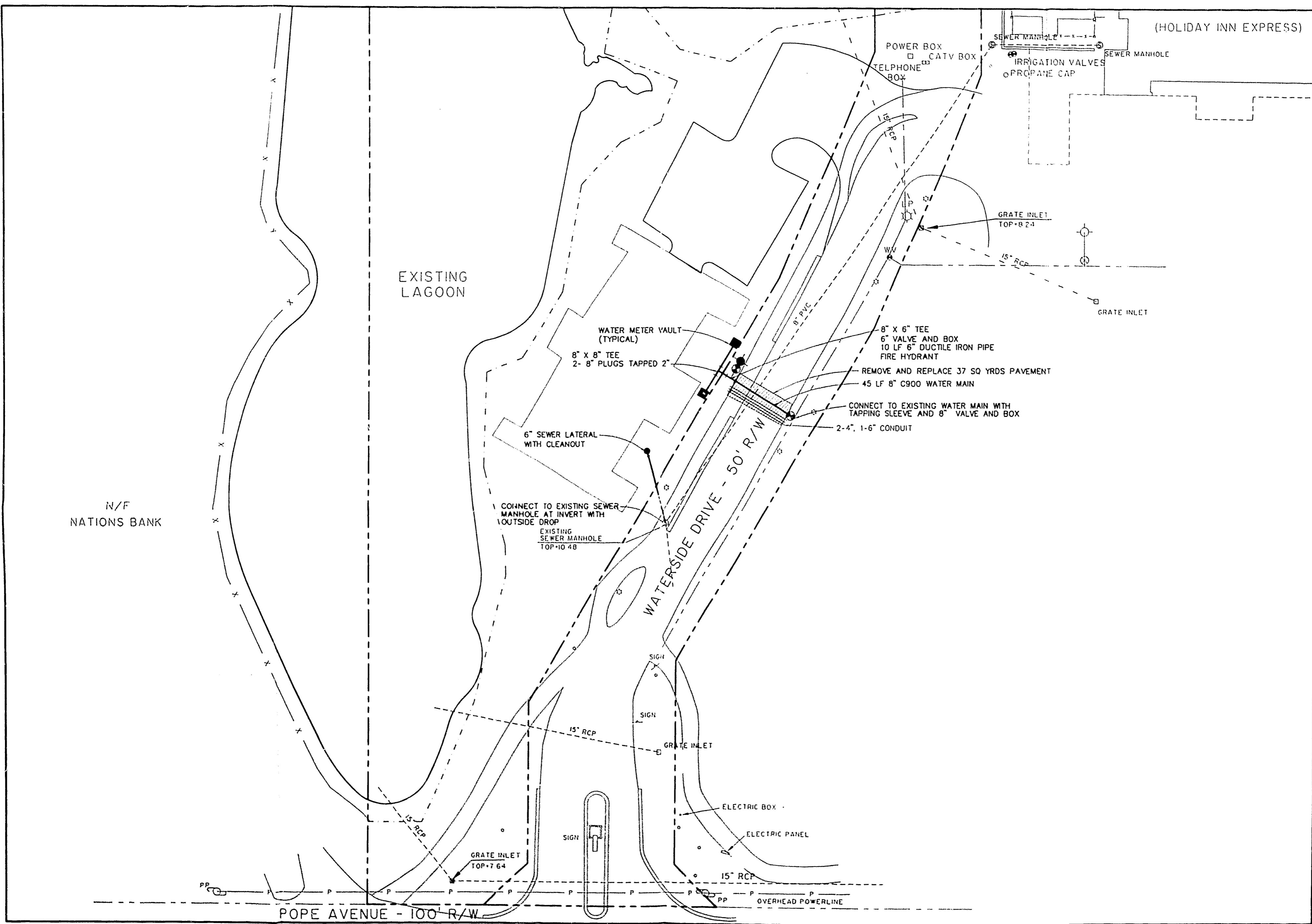
THOMAS B. HUTTON ENGINEERING CO.
3062 THORNTON PROFESSIONAL BLDG
SAVANNAH, GA. 31406 (903)355-5200
9315 HOUSTON NORTHGATE BOX CVARD, SUITE 100
MOUNT PLEASANT, S.C. 29464 (803)849-0200

Waterside
WATER AND SEWER PLAN
SITE DEVELOPMENT

JOB NO: 214379
DATE: 1/8/19
DRAWN: DW
DESIGNED: BAJ
REVIEWED: BAJ
SCALE: NONE

SHEET
4
OF

8718



NO.	REVISIONS	DATE

THOMAS R. HUTTON ENGINEERING CO.
 3 COLLETHORPE PROFESSIONAL BLDG.
 SAVANNAH, GA 31406 (903) 355-5300
 935 HOLLINGSWORTH NORTHGATE BOULEVARD, SUITE 400
 MOUNT PLEASANT, S.C. 29546 (803) 849-0200

Waterside
 ROUTE 100
 SITE DEVELOPMENT
 WATER AND SEWER PLAN

JOB NO. J-11367
 DATE: 1/08/98
 DRAWN BY: DV
 DESIGNED BY: DJJ
 REVIEWED BY: DJJ
 SCALE: 1"=20'

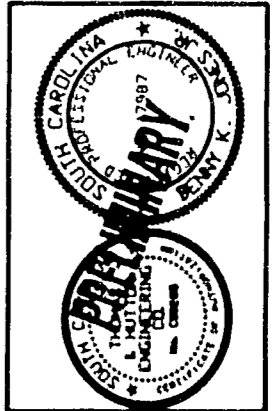
SHEET
3
 OF

8719



GENERAL NOTES:

1. TOPOGRAPHIC INFORMATION TAKEN FROM A SURVEY BY SURVEYING CONSULTANTS TITLED "PARCEL F & ADJACENT STREET A SECTION OF BLOCK 58 FOREST BEACH SUBDIVISION, DATED 10/14/97 (S.C. JOB NO. 97270)
2. CONTRACTOR SHALL VERIFY THE SIZE AND LOCATION OF ALL EXISTING UTILITIES PRIOR TO BEGINNING CONSTRUCTION. CONTACT ENGINEER IMMEDIATELY WITH ANY DISCREPANCIES
3. ALL ELEVATIONS REFER TO FEET ABOVE MEAN SEA LEVEL (MSL)
4. THE CONTRACTOR SHALL GRASS ALL AREAS DISTURBED BY CONSTRUCTION IMMEDIATELY AFTER THE DISTURBANCE
5. THE CONTRACTOR SHALL PROTECT AND SAVE ALL SPECIMEN TREES AND/OR ANY TREE RESULTING BY THE OWNER. CONTRACTOR TO PROTECT AND SAVE TREES BY INSTALLING A FOOT HIGH POLYETHYLENE LAMINAR SAFETY NETTING AROUND THE TREE. FENCE SHALL BE SUBSEQUENT CHANGE OR TIE-IN AND MARKED WITH "SAVE TREE"
6. CONTRACTOR SHALL COORDINATE CONSTRUCTION ACTIVITIES WITH LOCAL UTILITY COMPANIES. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTION AND ANY NECESSARY REPAIRS TO EXISTING UTILITIES.
7. THE CONTRACTOR SHALL ADJUST GRATE INLET & MANHOLE FRAMES TO FINISHED GRADE
8. FORTH BORROW NECESSARY FOR THE CONSTRUCTION OF THIS PROJECT SHALL BE PROVIDED BY THE CONTRACTOR FROM SOURCES DEVELOPED BY THE CONTRACTOR
9. THE CONTRACTOR WILL NOTIFY THE ENGINEER IF UNSUITABLE MATERIAL IS DISCOVERED PRIOR TO BEGINNING ANY REMOVAL OPERATION
10. SUMP PUMP WILL BE PLACED IMMEDIATELY AFTER INSTALLATION OF STEW DRAIN PIPE TO REDUCE SEDIMENTATION AND EROSION DOWN STREAM
11. CONTRACTOR IS RESPONSIBLE FOR ALL NECESSARY BRACING, SHIELDING AND WATERING TO COMPLETE THE PROJECT, AND PROTECT THE CONSTRUCTION WORKERS AND ALL ADJACENT STRUCTURES, TREES, LANDSCAPING AND BE RESPONSIBLE FOR ALL REPAIR AND COST TO RETURN AREA TO ORIGINAL CONDITION
12. CONTRACTOR TO VERIFY LOCATION & DEPTH OF ALL EXISTING UTILITIES BEFORE BEGINNING ANY CONSTRUCTION (1-800-922-0983)
13. NOTIFY PROPERTY OWNER'S ASSOCIATION 48 HOURS BEFORE BEGINNING CONSTRUCTION
14. ALL DITCHES BENCH PIPED ARE TO BE FILLED TO MATCH EXISTING SURROUNDING GROUND ELEVATION AND SHALL BE CONSTRUCTED TO PROVIDE POSITIVE DRAINAGE FLOW TO THE ADJACENT INLET
15. ALL UTILITY POLES ADJACENT TO PROPOSED CONSTRUCTION MUST BE SECURED PRIOR TO ANY ADJACENT DISTURBANCE AND THE CONSTRUCTION PROCEDURE MUST BE APPROVED BY THE UTILITY COMPANY
16. ALL SEDIMENT CONTROL MEASURES SHALL BE INSPECTED AT LEAST ONCE EVERY SEVEN CALENDAR DAYS AND AFTER ANY STORM EVENT OF GREATER THAN 0.5 INCHES OF PRECIPITATION DURING ANY 24 HOUR PERIOD. ALL SEDIMENT CONTROL FEATURES SHALL BE MAINTAINED OVER TIME. STABILIZATION HAS BEEN OBTAINED
17. STABILIZATION MEASURES SHALL BE INITIATED AS SOON AS PRACTICABLE IN PORTIONS OF THE SITE WHERE NO CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED, BUT IN NO CASE MORE THAN 90 DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED. SUCCESSFUL STABILIZATION SHALL BE COMPLETED WITHIN 21 DAYS
18. ALL SCIENTIFIC SUBMISSIONS REQUIRE EROSION CONTROL FEATURES FOR CONSTRUCTION AS WELL AS FOR INDIVIDUAL LOT CONSTRUCTION. INDIVIDUAL PROPERTY OWNERS SHALL FOLLOW THE PLANS DURING LOT CONSTRUCTION OR PROVIDE AN INDIVIDUAL PLAN MEETING SECTION 15-2-107 OF THE STORM WATER MANAGEMENT AND SEDIMENTATION ACT REQUIREMENTS.



NO.	DATE	BY	REVISIONS

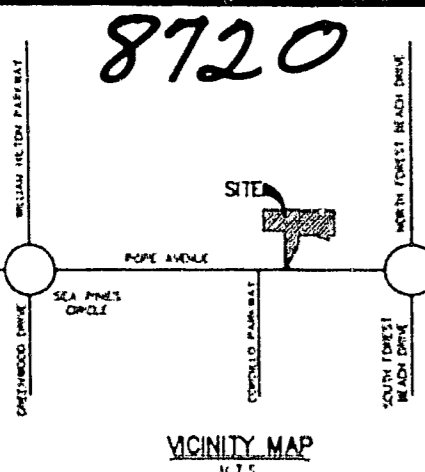
THOMAS & MITTON ENGINEERING CO.
 1 COLLEGE PARKWAY, SUITE 1100
 SAVANNAH, GA 31406-1000
 932 HOUSTON NORTHCOAST BOULEVARD, SUITE 100
 MOUNT PLEASANT, SC 29462 (803) 89-0200

Waterside SOUTH CAROLINA
 HILTON HEAD ISLAND
SITE DEVELOPMENT
 WATER AND SEWER PLAN

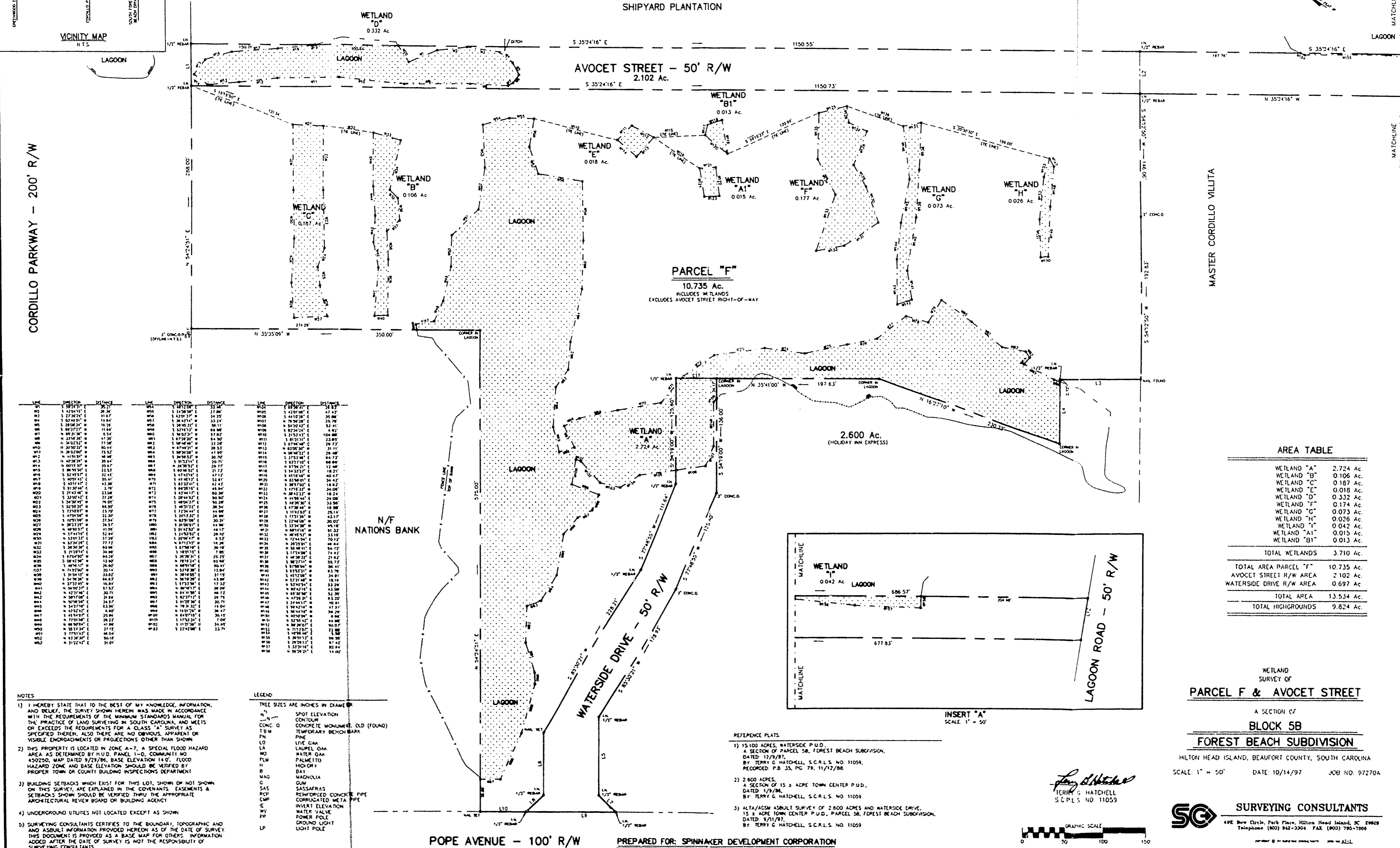
JOB NO. 1-1367
 DATE: 1/8/97
 DRAWN BY:
 DESIGNED BY:
 REVIEWED BY:
 SCALE: 1"=100'

SHEET
2
 OF

8720



LINE	DIRECTION	DISTANCE
L1	N 54°24'51" E	50.00'
L2	S 54°24'50" W	50.01'
L3	N 35°24'16" E	1150.55'
L4	S 54°24'51" W	78.65'
L5	S 54°24'51" W	94.26'
L6	S 54°24'51" W	75.00'
L7	S 09°24'51" W	28.28'
L8	N 80°35'09" W	28.28'
L9	N 35°35'09" W	110.00'
L10	N 35°35'09" W	55.13'
L11	S 35°41'00" E	50.00'
L12	S 64°07'44" W	50.10'



LINE	DIRECTION	DISTANCE	LINE	DIRECTION	DISTANCE
1	N 35°24'16" E	1150.55'	101	S 35°24'16" E	1150.55'
2	S 54°24'51" W	78.65'	102	S 54°24'51" W	78.65'
3	S 54°24'51" W	94.26'	103	S 54°24'51" W	94.26'
4	S 54°24'51" W	75.00'	104	S 54°24'51" W	75.00'
5	S 09°24'51" W	28.28'	105	S 09°24'51" W	28.28'
6	N 80°35'09" W	28.28'	106	N 80°35'09" W	28.28'
7	N 35°35'09" W	110.00'	107	N 35°35'09" W	110.00'
8	N 35°35'09" W	55.13'	108	N 35°35'09" W	55.13'
9	S 35°41'00" E	50.00'	109	S 35°41'00" E	50.00'
10	S 64°07'44" W	50.10'	110	S 64°07'44" W	50.10'

NOTES

- 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 OBVIOUS ADJACENT OR VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.
- THIS PROPERTY IS LOCATED IN ZONE A-7, A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY HUD, PANEL 1-D, COMMUNITY NO. 450250, MAP DATED 9/23/86, BASE ELEVATION 18'0". FLOOD HAZARD ZONE AND BASE ELEVATION SHOULD BE VERIFIED BY PROPER TOWN OR COUNTY BUILDING INSPECTIONS DEPARTMENT.
- BUILDING SETBACKS WHICH EXIST FOR THIS LOT, SHOWN OR NOT SHOWN ON THIS SURVEY, ARE EXPLAINED IN THE COVENANTS, EASEMENTS & SETBACKS SHOWN SHOULD BE VERIFIED THRU THE APPROPRIATE ARCHITECTURAL REVIEW BOARD OR BUILDING AGENCY.
- UNDERGROUND UTILITIES NOT LOCATED EXCEPT AS SHOWN.
- SURVEYING CONSULTANTS CERTIFIES TO THE BOUNDARY, TOPOGRAPHIC AND AND ASBUILT INFORMATION PROVIDED HEREON AS OF THE DATE OF SURVEY. THIS DOCUMENT IS PROVIDED AS A BASE MAP FOR OTHERS. INFORMATION ADDED AFTER THE DATE OF SURVEY IS NOT THE RESPONSIBILITY OF SURVEYING CONSULTANTS.

LEGEND

THREE SIZES ARE INCHES IN DRAWING

- SPOT ELEVATION
- CONTOUR
- CONCRETE MONUMENT, OLD (FOUND)
- TEMPORARY BENCH MARK
- LINE
- LINE OAK
- LAUREL OAK
- WATER OAK
- WALNUT
- HICKORY
- DOGWOOD
- MAQUILUA
- DOGWOOD
- GAS
- REINFORCED CONCRETE PIPE
- CONCRETE METAL PIPE
- INVERT ELEVATION
- WATER VALVE
- POWER POLE
- GROUND LIGHT
- LIGHT POLE

AREA TABLE

WETLAND "A"	2.724 Ac
WETLAND "B"	0.106 Ac
WETLAND "C"	0.187 Ac
WETLAND "D"	0.332 Ac
WETLAND "E"	0.018 Ac
WETLAND "F"	0.174 Ac
WETLAND "G"	0.073 Ac
WETLAND "H"	0.026 Ac
WETLAND "I"	0.042 Ac
WETLAND "J"	0.015 Ac
WETLAND "K"	0.013 Ac
TOTAL WETLANDS	3.710 Ac
TOTAL AREA PARCEL "F"	10.735 Ac
AVOCET STREET R/W AREA	2.102 Ac
WATERSIDE DRIVE R/W AREA	0.697 Ac
TOTAL AREA	13.534 Ac
TOTAL HIGHGROUNDS	9.824 Ac

WETLAND SURVEY OF
PARCEL F & AVOCET STREET

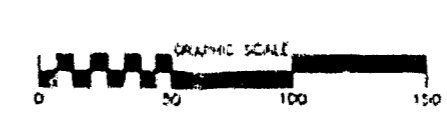
A SECTION OF
BLOCK 5B
FOREST BEACH SUBDIVISION

HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA

SCALE: 1" = 50' DATE: 10/14/97 JOB NO: 97270A

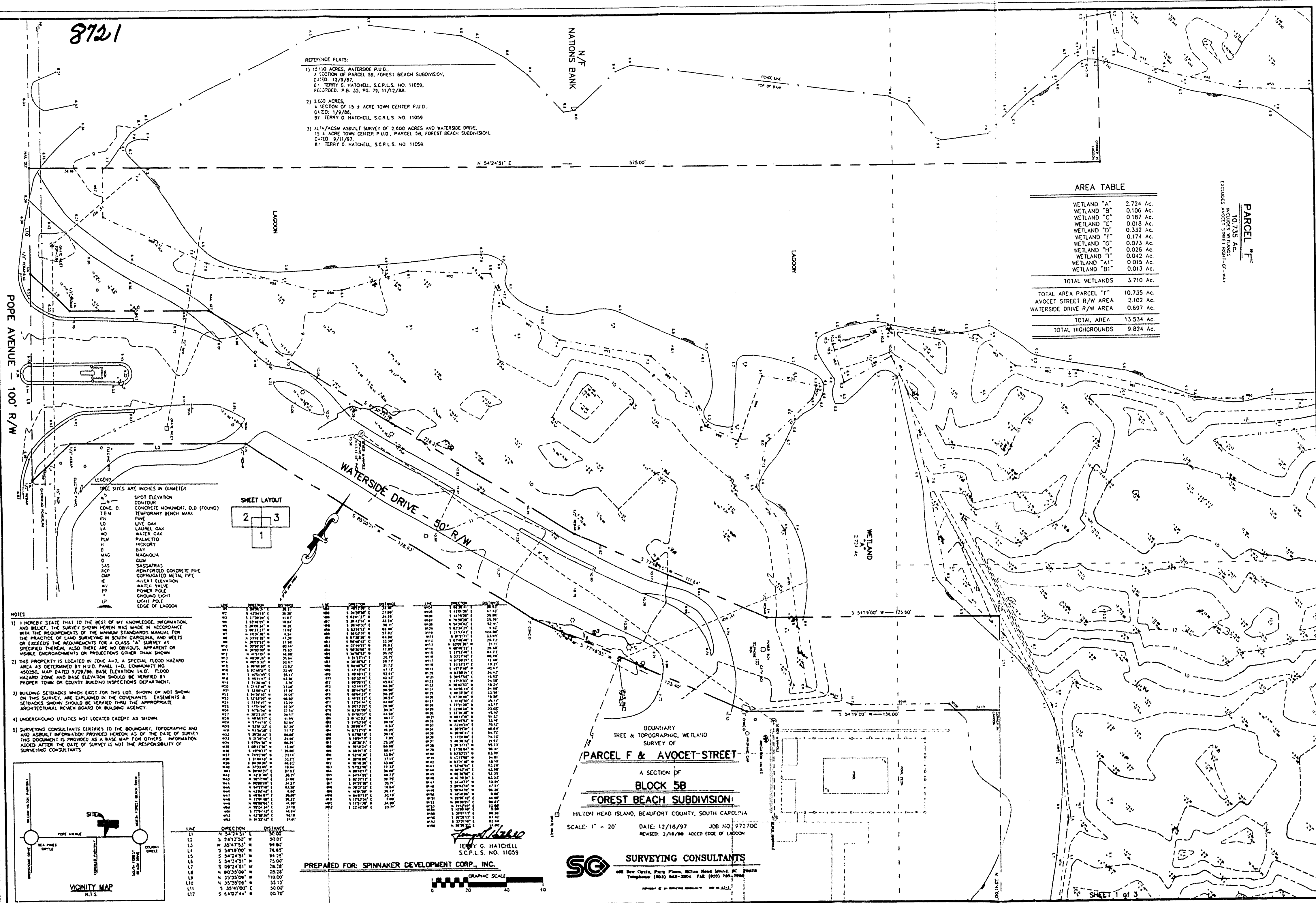
SG SURVEYING CONSULTANTS
496 New Clark, Park Place, Hilton Head Island, SC 29928
Telephone: (803) 842-3304 FAX: (803) 780-7800

- REFERENCE PLATS**
- 13.100 ACRES, WATERSIDE P.U.D.
A SECTION OF PARCEL 2A, FOREST BEACH SUBDIVISION,
DATED 11/9/87,
BY TERRY G. HATCHELL, S.C.R.L.S. NO. 11059,
RECORDED P.B. 33, PG. 78, 11/12/88
 - 2.800 ACRES,
A SECTION OF 15 ± ACRE TOWN CENTER P.U.D.,
DATED 1/9/86,
BY TERRY G. HATCHELL, S.C.R.L.S. NO. 11059
 - ALTA/ACSM ASBUILT SURVEY OF 2.800 ACRES AND WATERSIDE DRIVE,
15 ± ACRE TOWN CENTER P.U.D., PARCEL 2A, FOREST BEACH SUBDIVISION,
DATED 8/7/87,
BY TERRY G. HATCHELL, S.C.R.L.S. NO. 11059



8721

- REFERENCE PLATS:
- 1) 15.100 ACRES, WATERSIDE P.U.D., A SECTION OF PARCEL 5B, FOREST BEACH SUBDIVISION, DATED: 12/9/97, BY TERRY G. HATCHELL, S.C.P.L.S. NO. 11059, RECORDED: P.B. 35, PG. 79, 11/12/98.
 - 2) 2.600 ACRES, A SECTION OF 15 & ACRE TOWN CENTER P.U.D., DATED: 1/9/86, BY TERRY G. HATCHELL, S.C.P.L.S. NO. 11059
 - 3) 1.174 ACRES ASBLT SURVEY OF 2.600 ACRES AND WATERSIDE DRIVE, 15 & ACRE TOWN CENTER P.U.D., PARCEL 5B, FOREST BEACH SUBDIVISION, DATED: 8/11/97, BY TERRY G. HATCHELL, S.C.P.L.S. NO. 11059

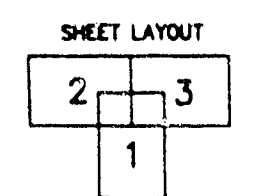


AREA TABLE

WETLAND "A"	2.724 Ac.
WETLAND "B"	0.106 Ac.
WETLAND "C"	0.187 Ac.
WETLAND "D"	0.018 Ac.
WETLAND "E"	0.332 Ac.
WETLAND "F"	0.174 Ac.
WETLAND "G"	0.073 Ac.
WETLAND "H"	0.026 Ac.
WETLAND "I"	0.042 Ac.
WETLAND "J"	0.015 Ac.
WETLAND "K"	0.013 Ac.
TOTAL WETLANDS	3.710 Ac.
TOTAL AREA PARCEL "F"	10.735 Ac.
AVOCET STREET R/W AREA	2.102 Ac.
WATERSIDE DRIVE R/W AREA	0.697 Ac.
TOTAL AREA	13.534 Ac.
TOTAL HIGHGROUNDS	9.824 Ac.

PARCEL "F"
10.735 AC.
WETLANDS
AVOCET STREET SHEET 11-07-98-A

- LEGEND
- SIZE SIZES ARE INCHES IN DIAMETER
- SPOT ELEVATION
 - CONTOUR
 - CONCRETE MONUMENT, OLD (FOUND)
 - TEMPORARY BENCH MARK
 - PIPE
 - LIVE OAK
 - LAUREL OAK
 - WATER OAK
 - PALMETTO
 - HICKORY
 - BAY
 - MAGNOLIA
 - DOGWOOD
 - SASSAPARILLA
 - REINFORCED CONCRETE PIPE
 - CORRUGATED METAL PIPE
 - INVERT ELEVATION
 - WATER VALVE
 - POWER POLE
 - GROUND LIGHT
 - LIGHT POLE
 - EDGE OF LAGOON



- NOTES
- 1) I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE 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 OBVIOUS, APPARENT OR VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.
 - 2) THIS PROPERTY IS LOCATED IN ZONE A-7, A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY HUD, PANEL 1-D, COMMUNITY NO. 490226, MAP DATED 9/29/76, BASE ELEVATION 14.0'. FLOOD HAZARD ZONE AND BASE ELEVATION SHOULD BE VERIFIED BY PROPER TOWN OR COUNTY BUILDING INSPECTION DEPARTMENT.
 - 3) BUILDING SETBACKS WHICH EXIST FOR THIS LOT, SHOWN OR NOT SHOWN ON THIS SURVEY, ARE EXPLAINED IN THE COVENANTS, ASSIGNMENTS & SETBACKS SCHEDULE SHOULD BE VIEWED THRU THE APPROPRIATE ARCHITECTURAL REVIEW BOARD OR BUILDING AGENCY.
 - 4) UNDERGROUND UTILITIES NOT LOCATED EXCEPT AS SHOWN.
 - 5) SURVEYING CONSULTANTS CERTIFIES TO THE BOUNDARY, TOPOGRAPHIC AND AND ASBLT INFORMATION PROVIDED HEREON AS OF THE DATE OF SURVEY. THIS DOCUMENT IS PROVIDED AS A BASE MAP FOR OTHERS. INFORMATION ADDED AFTER THE DATE OF SURVEY IS NOT THE RESPONSIBILITY OF SURVEYING CONSULTANTS.

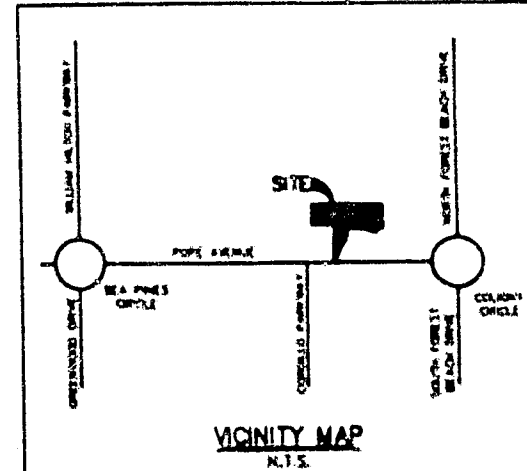
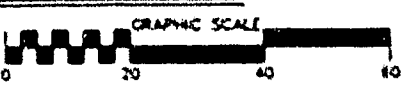
LINE	DIRECTION	DISTANCE	LINE	DIRECTION	DISTANCE
L1	N 54°12'50" W	50.00'	L10	N 33°41'00" E	50.00'
L2	S 24°17'50" W	50.00'	L11	S 64°07'44" E	50.00'
L3	N 35°47'33" E	78.45'	L12		
L4	S 54°18'00" W	78.45'			
L5	S 54°24'51" E	84.25'			
L6	S 54°24'51" E	75.00'			
L7	S 00°14'51" E	28.28'			
L8	N 80°35'08" W	28.28'			
L9	N 33°33'08" W	110.00'			
L10	N 33°33'08" W	55.13'			
L11	S 33°41'00" E	50.00'			
L12	S 64°07'44" E	50.00'			

BOUNDARY
TREE & TOPOGRAPHIC, WETLAND
SURVEY OF
PARCEL F & AVOCET STREET
A SECTION OF
BLOCK 5B
FOREST BEACH SUBDIVISION
HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA
SCALE: 1" = 20' DATE: 12/18/97 JOB NO: 97270C
REVISED: 2/18/98 ADDED EDGE OF LAGOON

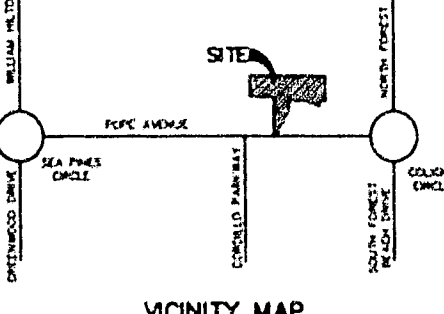
TERRY G. HATCHELL
S.C.P.L.S. NO. 11059

PREPARED FOR: SPINNAKER DEVELOPMENT CORP., INC.

SG SURVEYING CONSULTANTS
406 New Orleans Park Plaza, Hilton Head Island, SC 29929
Telephone: (803) 842-2204 Fax: (803) 795-7988



8722



LINE	DIRECTION	DISTANCE
L1	N 51°24'51" E	50.00'
L2	S 54°12'50" W	50.01'
L3	N 35°47'53" W	99.80'
L4	S 54°19'00" W	76.65'
L5	S 54°24'51" W	94.26'
L6	S 54°24'51" W	75.00'
L7	S 09°24'51" W	28.28'
L8	N 80°35'09" W	28.20'
L9	N 35°25'09" W	110.00'
L10	N 35°35'09" W	55.13'
L11	S 35°41'00" E	50.00'
L12	S 64°07'44" W	50.10'

CORDILLO PARKWAY - 200' R/W

PHASE I

FINISHED FLOOR ELEVATIONS

AVG. GROUND - 10.1'

1st FLOOR - 15.1'

2nd FLOOR - 25.1'

ROOF - 48.6'

UNITS IN BUILDING

1st FLOOR UNITS 5101 - 5107

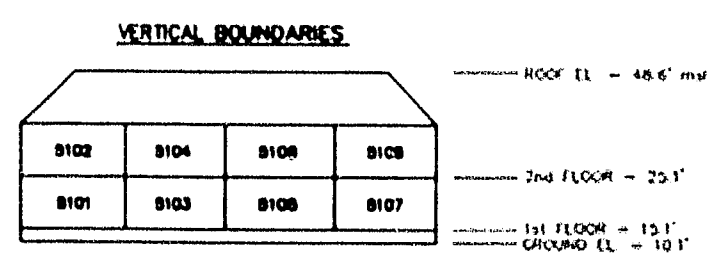
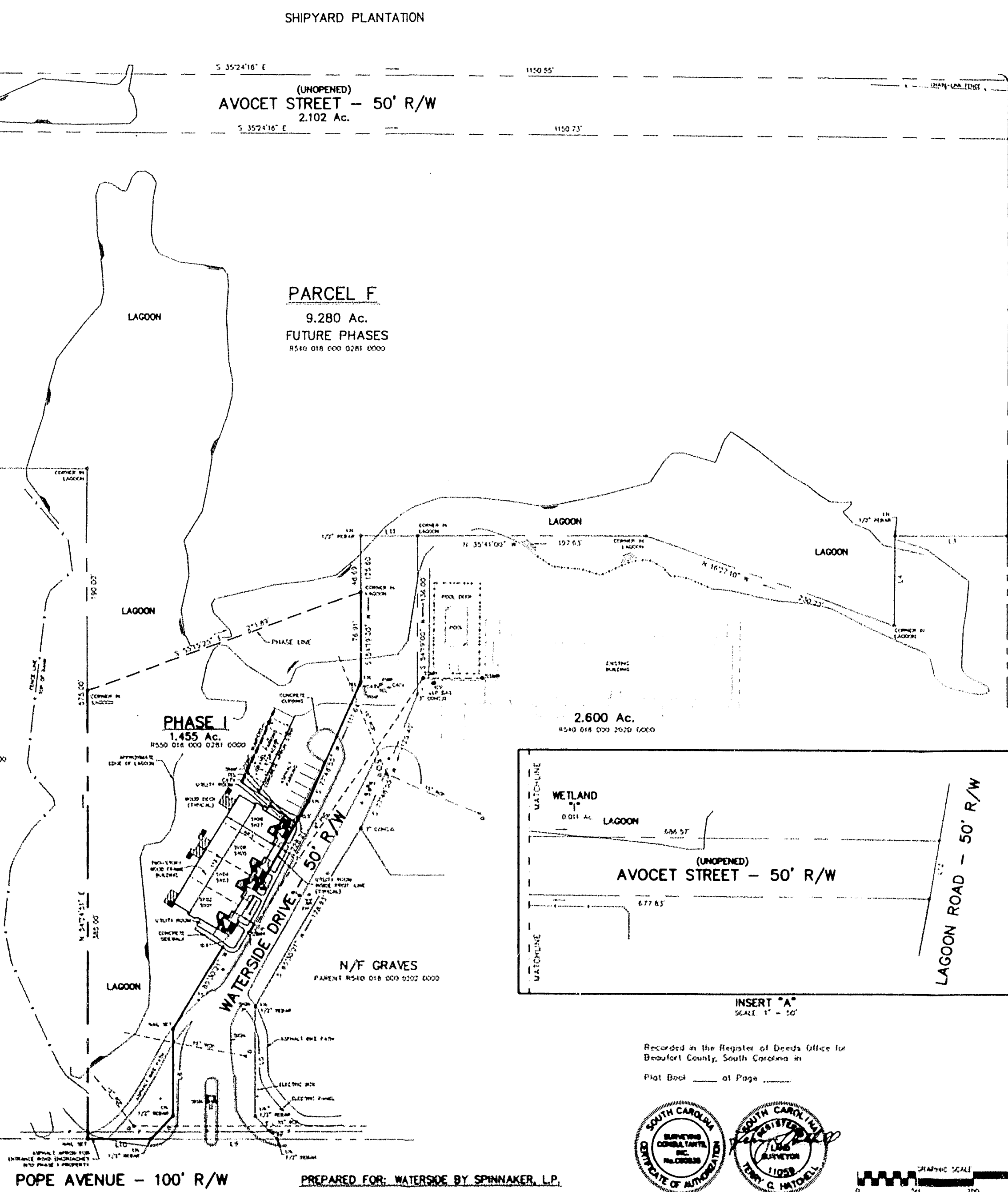
2nd FLOOR UNITS 5102 - 5108

- REFERENCE PLATS**
- 1) 15.107 ACRES, WATERSIDE P.U.D., A SECTION OF PARCEL 50, FOREST BEACH SUBDIVISION, DATED: 12/29/97, BY TERRY C. HATCHELL, S.C.R.L.S. NO. 11059, RECORDED: P.B. 33, PG. 79, 11/13/98.
 - 2) 2.800 ACRES, A SECTION OF 15.4 ACRE TOWN CENTER P.U.D., DATED: 1/9/96, BY TERRY C. HATCHELL, S.C.R.L.S. NO. 11059.
 - 3) ALTA/ACSM SURVEY OF 2.600 ACRES AND WATERSIDE DRIVE, 15.4 ACRE TOWN CENTER P.U.D., PARCEL 50, FOREST BEACH SUBDIVISION, DATED: 9/11/97, BY TERRY C. HATCHELL, S.C.R.L.S. NO. 11059.

- NOTES**
- 1) TO WATERSIDE BY SPINNAKER, L.P., HELLER FINANCIAL, INC., AND CHICAGO TITLE INSURANCE COMPANY. THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE (1) IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS", JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NPSI IN 1992, AND INCLUDES ITEMS 1.2.3.4.8 & 9 OF TABLE THEREOF, AND (2) PURSUANT TO THE ACCURACY STANDARDS (AS ADOPTED BY ALTA, ACSM AND NPSI) IN EFFECT ON THE DATE OF THIS CERTIFICATION OF AN ALTA SURVEY.
 - 2) I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS", JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NPSI IN 1992, AND EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY, AS SPECIFIED THEREIN, ALSO THERE ARE NO OBVIOUS, APPARENT OR VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.
 - 3) THIS PROPERTY IS LOCATED IN ZONE A-2, A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY HUD PANEL 1-0 COMMUNITY NO. 402250, MAP DATED 9/29/86, BASE ELEVATION 14.0' FLOOD HAZARD ZONE AND BASE ELEVATION SHOULD BE VERIFIED BY PROPER TOWN OR COUNTY BUILDING INSPECTION DEPARTMENT.
 - 4) BUILDING SETBACKS WHICH EXIST FOR THIS LOT, SHOWN OR NOT SHOWN ON THIS SURVEY, ARE EXPLAINED IN THE COVENANTS, EASEMENTS & SERVICED SHOWN SHOULD BE VERIFIED THRU THE APPROPRIATE ARCHITECTURAL REVIEW BOARD OR BUILDING AGENCY.
 - 5) UNDERGROUND UTILITIES NOT LOCATED EXCEPT AS SHOWN.
 - 6) REFERENCE IS TO BE MADE TO THE ARCHITECTURAL DRAWINGS OF HENMAN AND GORDON ARCHITECTS, ENTITLED "WATERSIDE PHASE I", DATED 4/18/98, LAST REVISED 10/21/98, AND RECORDED WITH THE REGISTER OF DEEDS FOR BEAUFORT COUNTY, SOUTH CAROLINA IN PLAT BOOK _____ AT PAGE _____, REFERENCE IS TO BE MADE TO THE ARCHITECTURAL DRAWINGS FOR THE DIMENSIONS, AREA AND LOCATION OF EACH UNIT AND THE COMMON ELEMENTS AFFORDING ACCESS TO EACH OF THE UNITS.

LEGEND

1/4"	IRON 1/4" PIPE NEW (EX) 1/2" REBAR w/ CAP
1/4"	CONCRETE MONUMENT (OLD FOUND)
TEL	TELEPHONE BOX
TRNF	TRANSFORMER
CATV	CABLE TELEVISION BOX
PWR	POWER BOX
LP	LIGHT POLE
CD	GRAVE INLET
RCP	REINFORCED CONCRETE PIPE
PVC	POLYVINYL CHLORIDE PIPE
WV	WATER VALVE
ICV	IRIGATION CONTROL VALVE
+	GROUND LIGHT
LP GAS	PROPANE GAS TANK
SMR	SEWER MANHOLE
PP	POWER POLE
-P-	OVERHEAD POWER LINE
---P---	FENCE LINE
EH	FIRE HYDRANT
WB	WATER BOX



This Plan Plan Project is EXEMPT from the requirements of the Town of Hilton Head Island, S.C. Land Management Ordinance according to Section:

16.1.106.A 16.1.106.B

16.1.106.C 16.1.106.D

Certified by: SEB

Title: Surveyor Date: _____

SPECIAL NOTE

THIS SURVEY DOES NOT CONSTITUTE A SUBMISSION THIS SURVEY IS FOR RECORDING PURPOSES WITH THE MASTER DEED FOR THE WATERSIDE BY SPINNAKER FOR

AN ALTA/ACSM LAND TITLE SURVEY OF

PHASE I, WATERSIDE BY SPINNAKER

HORIZONTAL PROPERTY REGIME

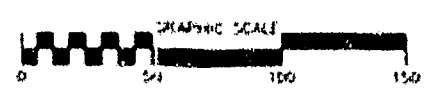
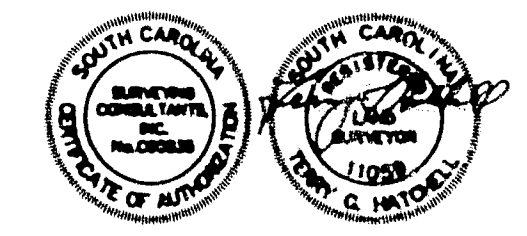
A SECTION OF

PARCEL F, BLOCK 5B

FOREST BEACH SUBDIVISION

HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA

SCALE: 1" = 50' DATE: 1/25/99 JOB NO. 972704



POPE AVENUE - 100' R/W PREPARED FOR: WATERSIDE BY SPINNAKER, L.P.

8723

REFERENCE PLATS:
 1) 15.100 ACRES, WATERSIDE P.U.D., A SECTION OF PARCEL 58, FOREST BEACH SUBDIVISION, DATED 12/8/87, BY: TERRY G. HATCHELL S.C.L.S. NO. 11059, RECORDED: P.B. 35, PG. 79, 11/12/88
 2) 2.600 ACRES, A SECTION OF 15 + ACRE TOWN CENTER P.U.D., DATED 1/8/86, BY: TERRY G. HATCHELL S.C.L.S. NO. 11059
 3) ALTA/ACSM ASBUILT SURVEY OF 2.600 ACRES AND WATERSIDE DRIVE, 15 + ACRE TOWN CENTER P.U.D., PARCEL 58, FOREST BEACH SUBDIVISION, DATED 8/11/87, BY: TERRY G. HATCHELL S.C.L.S. NO. 11059

AVERAGE BUFFER CALCULATIONS

BUILDING	PERVIOUS PAVING	IMPEVIOUS PAVING
LINE "A" - 52'	LINE #1 55'	LINE "A" - 30'
LINE "B" - 35'	LINE #2 24'	LINE "B" - 53'
LINE "C" - 26'		

$\frac{115}{3} = 38.33' \text{ AVG. (35' PERIOD)}$

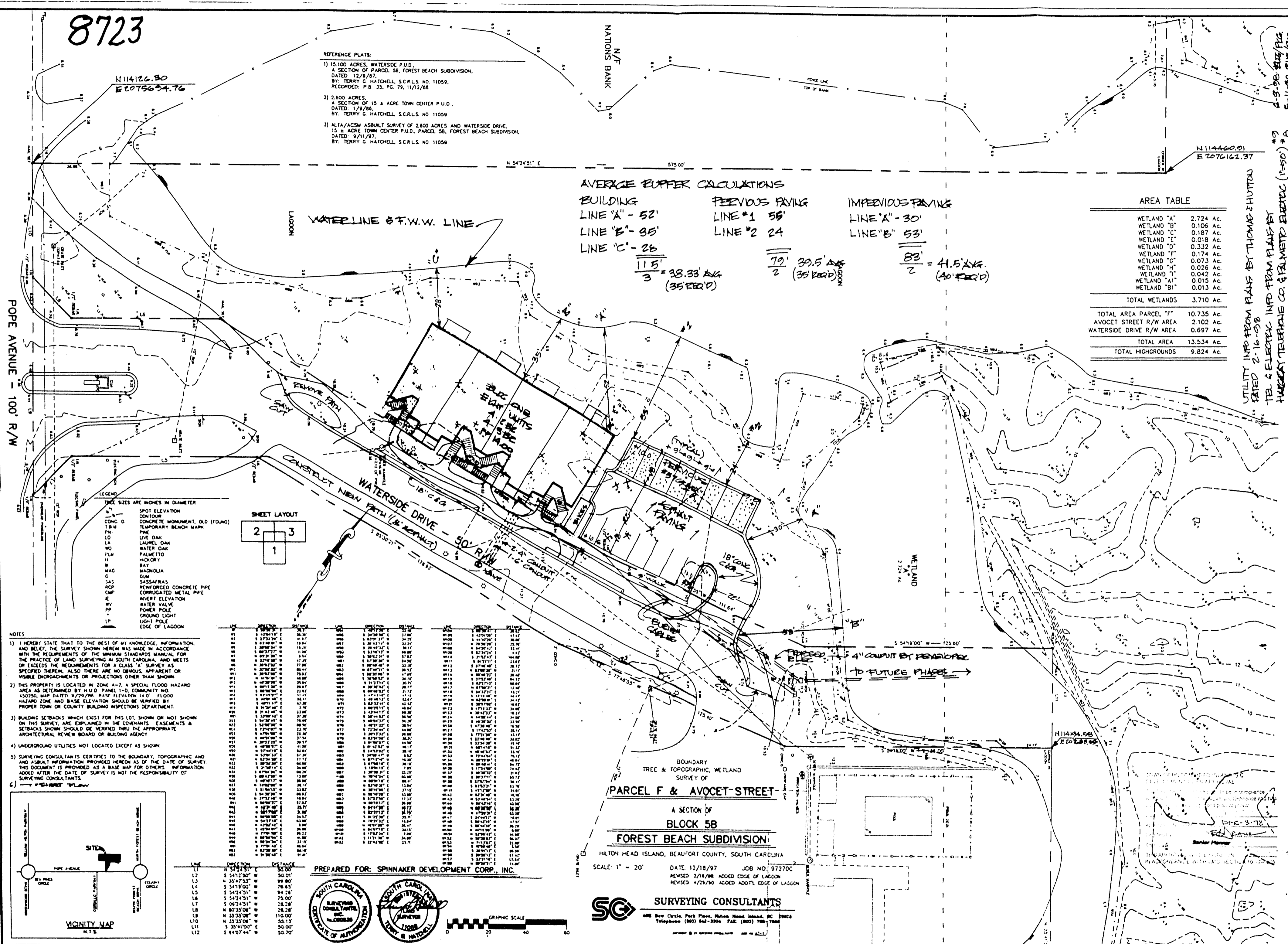
$\frac{79}{2} = 39.5' \text{ AVG. (35' PERIOD)}$

$\frac{83}{2} = 41.5' \text{ AVG. (40' PERIOD)}$

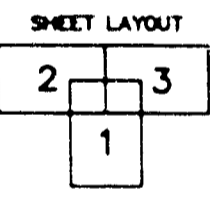
AREA TABLE

WETLAND "A"	2.724 Ac.
WETLAND "B"	0.106 Ac.
WETLAND "C"	0.187 Ac.
WETLAND "D"	0.018 Ac.
WETLAND "E"	0.332 Ac.
WETLAND "F"	0.174 Ac.
WETLAND "G"	0.073 Ac.
WETLAND "H"	0.026 Ac.
WETLAND "I"	0.042 Ac.
WETLAND "J"	0.015 Ac.
WETLAND "K"	0.013 Ac.
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TOTAL AREA PARCEL "F"	10.735 Ac.
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WATERSIDE DRIVE R/W AREA	0.697 Ac.
TOTAL AREA	13.534 Ac.
TOTAL HIGHGROUNDS	9.824 Ac.

UTILITY INFO FROM PLANS BY THOMAS & HUTTON DATED 2-16-98
 TB & ELECTRICAL INFO FROM PLANS BY HUBBARD TELEPHONE CO. & PALMETTO ELECTRIC (1-4-90) #2

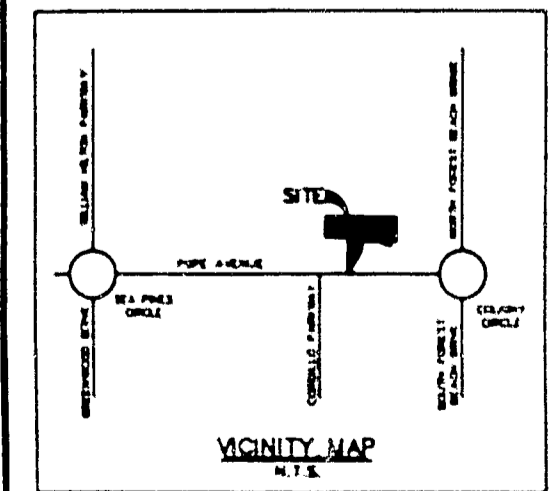


- LEGEND**
- LINE SIZES ARE INCHES IN DIAMETER
- SPOT ELEVATION
 - CONTOUR
 - CONCRETE MONUMENT, OLD (FOUND)
 - TEMPORARY BENCH MARK
 - IRON PIN
 - PIPE
 - PIPE OAK
 - LAVINEL OAK
 - WATER OAK
 - PALMETTO
 - HONOLY
 - BAY
 - MAGNOLIA
 - GUM
 - SASSAFRAS
 - REINFORCED CONCRETE PIPE
 - CORROGATED METAL PIPE
 - INVERT ELEVATION
 - WATER VALVE
 - POWER POLE
 - GROUND LIGHT
 - LIGHT POLE
 - EDGE OF LAAGOON



NOTES

- I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN. ALSO, THERE ARE NO OBVIOUS, APPARENT OR VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.
- THIS PROPERTY IS LOCATED IN ZONE A-1, A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY H.L.D. PANEL 1-D, COUNTY NO. 420750, MAP PART 8, 7/24/86, R/W ELEVATION 14.07', 11.000 HAZARD ZONE AND BASE ELEVATION SHOULD BE VERIFIED BY PROPER TOWN OR COUNTY BUILDING INSPECTION DEPARTMENT.
- BUILDING SETBACKS WHICH EXIST FOR THIS LOT, SHOWN OR NOT SHOWN ON THIS SURVEY, ARE EXPLAINED IN THE COVENANTS, EASEMENTS & SETBACKS WHICH SHOULD BE VERIFIED THRU THE APPROPRIATE ARCHITECTURAL REVIEW BOARD OR BUILDING AGENCY.
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LINE	DEFLECTION	DISTANCE
L1	N 54°24'31"	50.00'
L2	S 54°12'30"	50.01'
L3	N 33°17'33"	89.80'
L4	S 54°19'00"	78.82'
L5	S 54°12'30"	84.24'
L6	S 34°14'31"	73.00'
L7	S 09°24'31"	26.28'
L8	N 80°33'08"	26.28'
L9	N 33°33'08"	110.00'
L10	N 33°33'08"	53.13'
L11	S 33°41'00"	50.00'
L12	S 64°07'54"	50.70'

PREPARED FOR: SPINNAKER DEVELOPMENT CORP., INC.

SOUTH CAROLINA SURVEYORS ASSOCIATION
 STATE OF SOUTH CAROLINA
 TERRY G. HATCHELL
 LICENSE NO. 11059

GRAPHIC SCALE

0 20 40

BOUNDARY TREE & TOPOGRAPHIC, WETLAND SURVEY OF
 PARCEL F & AVOCET STREET
 A SECTION OF
 BLOCK 5B
 FOREST BEACH SUBDIVISION
 HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA

SCALE: 1" = 20'
 DATE: 12/18/97
 JOB NO: 972700
 REVISED 2/14/98 ADDED EDGE OF LAAGOON
 REVISED 4/29/98 ADDED 400FT. EDGE OF LAAGOON

SC SURVEYING CONSULTANTS
 488 New Circle, Park Place, Hilton Head Island, SC 29928
 Telephone: (803) 542-3304 FAX: (803) 788-7888

NO.	DATE	REVISION
1	2-11-98	WETLANDS
2	3-6-98	REVISED
3	4-14-98	REVISED
4	4-17-98	REVISED
5	4-21-98	REVISED
6	4-21-98	REVISED
7	5-11-98	REVISED

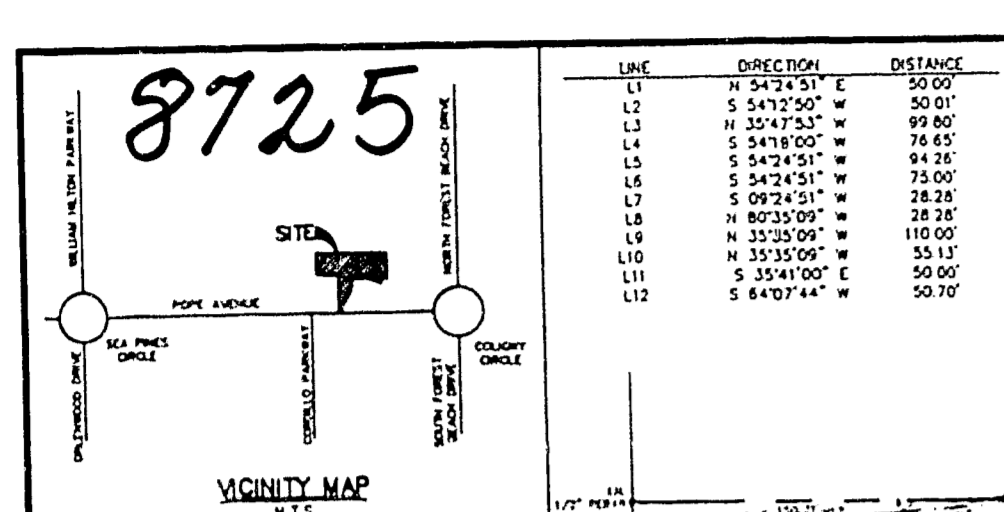
Land Planning
 Site Planning
 Landscape Architecture

Don M. Guscio
Landscape Architect
 ROUTE 2 BOX 197
 HILTON HEAD ISLAND, S.C.
 29928
 (803) 757-3855 FAX (803) 757-3855

WATERSIDE PHASE 1
 DATE 1-30-98

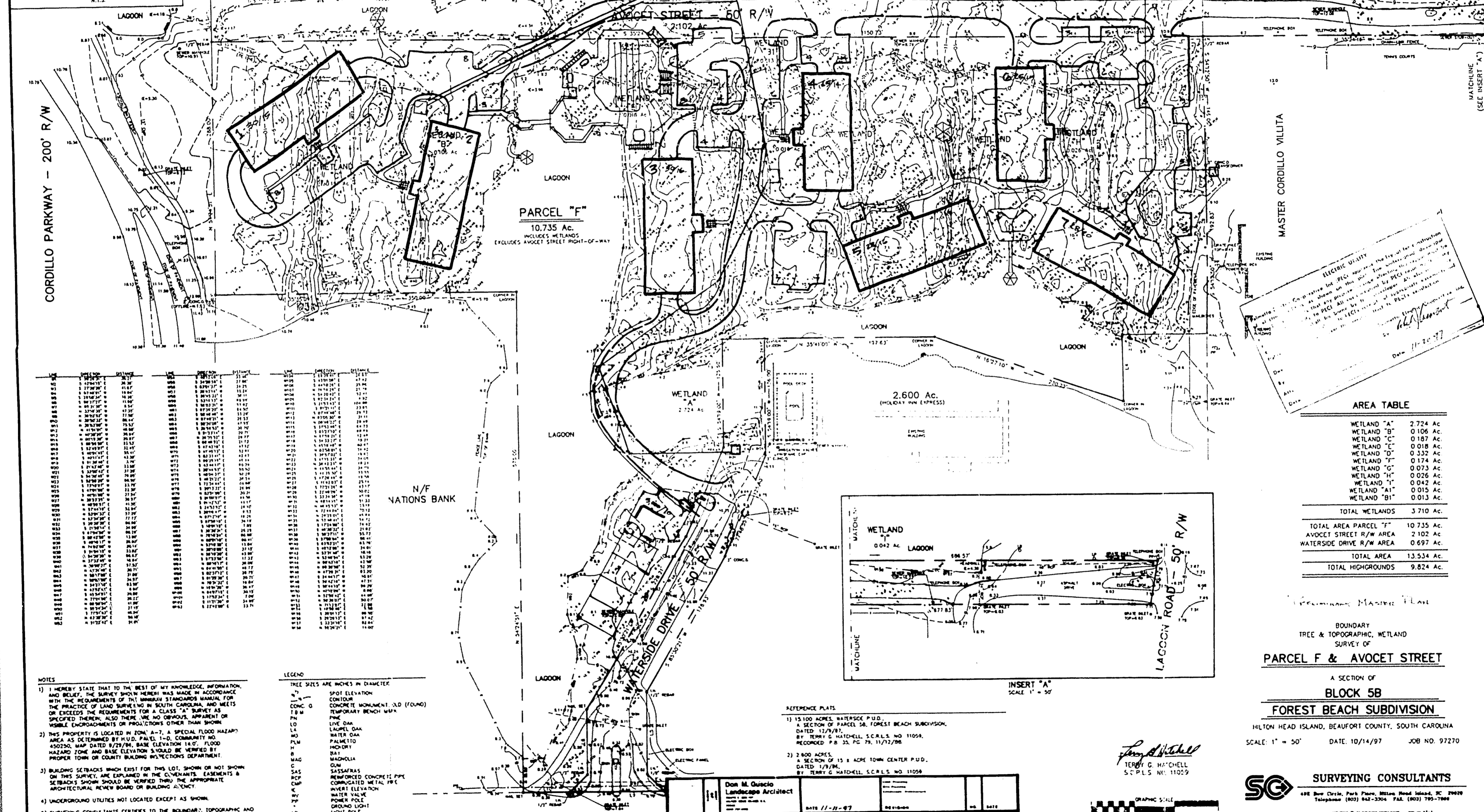
SHEET 1 OF 1 SHEETS

STATE OF SOUTH CAROLINA
 LAND SURVEYORS ASSOCIATION
 NO. 191
 DON M. GUSCIO



8725

LINE	DIRECTION	DISTANCE
L1	N 34°23'51" E	50.00'
L2	S 54°27'50" W	50.01'
L3	N 35°47'53" W	99.00'
L4	S 54°18'00" W	76.45'
L5	S 54°24'51" W	94.28'
L6	S 54°24'51" W	75.00'
L7	S 09°24'51" W	28.28'
L8	N 80°33'09" W	28.28'
L9	N 35°35'09" W	110.00'
L10	N 35°35'09" W	53.13'
L11	S 35°41'00" E	50.00'
L12	S 64°07'44" W	50.70'



LINE	DIRECTION	DISTANCE	LINE	DIRECTION	DISTANCE
L1	N 34°23'51" E	50.00'	L101	N 35°35'09" W	110.00'
L2	S 54°27'50" W	50.01'	L102	N 35°35'09" W	53.13'
L3	N 35°47'53" W	99.00'	L103	S 35°41'00" E	50.00'
L4	S 54°18'00" W	76.45'	L104	S 64°07'44" W	50.70'
L5	S 54°24'51" W	94.28'	L105	N 34°23'51" E	50.00'
L6	S 54°24'51" W	75.00'	L106	S 54°27'50" W	50.01'
L7	S 09°24'51" W	28.28'	L107	N 35°47'53" W	99.00'
L8	N 80°33'09" W	28.28'	L108	S 54°18'00" W	76.45'
L9	N 35°35'09" W	110.00'	L109	S 54°24'51" W	94.28'
L10	N 35°35'09" W	53.13'	L110	S 54°24'51" W	75.00'
L11	S 35°41'00" E	50.00'	L111	S 09°24'51" W	28.28'
L12	S 64°07'44" W	50.70'	L112	N 80°33'09" W	28.28'

LEGEND

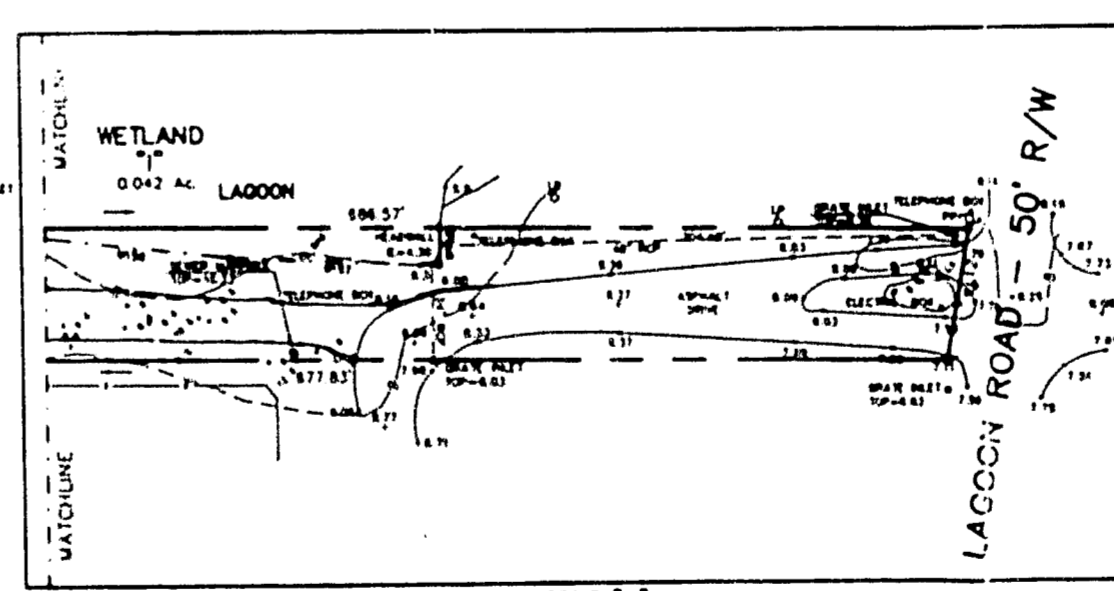
---	SPOT ELEVATION
---	CONTOUR
---	CONCRETE MONUMENT (OLD FOUND)
---	TEMPORARY BENCH MARK
---	PIPE
---	LIVE OAK
---	LARGE OAK
---	WATER OAK
---	PALMETO
---	HICKORY
---	BAY
---	MAGNOLIA
---	DOGWOOD
---	SASSAPARA
---	REINFORCED CONCRETE PIPE
---	COMMUNICATED METAL PIPE
---	WATER VALVE
---	POWER POLE
---	GROUND LIGHT
---	LIGHT POLE

NOTES

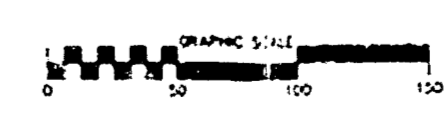
- I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE AMERICAN STANDARD MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO OBVIOUS, APPARENT OR VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.
- THIS PROPERTY IS LOCATED IN ZONE A-7, A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY FLOOD PANEL NO. COMMUNITY NO. 402150, MAP DATED 8/29/86, BASE ELEVATION 14'0". FLOOD HAZARD ZONE AND BASE ELEVATION SHOULD BE VERIFIED BY PROPER TOWN OR COUNTY BUILDING INSPECTIONS DEPARTMENT.
- BUILDING SETBACKS WHICH EXIST FOR THIS LOT, SHOWN OR NOT SHOWN ON THIS SURVEY, ARE EXPLAINED IN THE COVENANTS, EASEMENTS & SETBACKS SHOWN SHOULD BE VERIFIED THRU THE APPROPRIATE ARCHITECTURAL REVIEW BOARD OR BUILDING AGENCY.
- UNDERGROUND UTILITIES NOT LOCATED EXCEPT AS SHOWN.
- SURVEYING CONSULTANTS CERTIFIES TO THE BOUNDARY, TOPOGRAPHIC AND AS-built INFORMATION PROVIDED HEREON AS OF THE DATE OF SURVEY. THIS DOCUMENT IS PROVIDED AS A BASIC MAP FOR OTHER INFORMATION ADDED AFTER THE DATE OF SURVEY IS NOT THE RESPONSIBILITY OF SURVEYING CONSULTANTS.

AREA TABLE

WETLAND "A"	2.724 Ac.
WETLAND "B"	0.106 Ac.
WETLAND "C"	0.187 Ac.
WETLAND "D"	0.018 Ac.
WETLAND "E"	0.332 Ac.
WETLAND "F"	0.174 Ac.
WETLAND "G"	0.073 Ac.
WETLAND "H"	0.026 Ac.
WETLAND "I"	0.042 Ac.
WETLAND "A1"	0.015 Ac.
WETLAND "B1"	0.013 Ac.
TOTAL WETLANDS	3.710 Ac.
TOTAL AREA PARCEL "F"	10.735 Ac.
AVOCET STREET R/W AREA	2.102 Ac.
WATERSIDE DRIVE R/W AREA	0.697 Ac.
TOTAL AREA	13.534 Ac.
TOTAL HIGHGROUNDS	9.824 Ac.



Don M. Guscio
Landscape Architect
DATE 11-11-87
PREPARED FOR: SPINNAKE, DEVELOPMENT CORPORATION



SCALE: 1" = 50' DATE: 10/14/87 JOB NO: 97270

SG SURVEYING CONSULTANTS
492 Bow Circle, Park Place, Hilton Head Island, SC 29929
Telephone (803) 842-3306 FAX (803) 799-7888

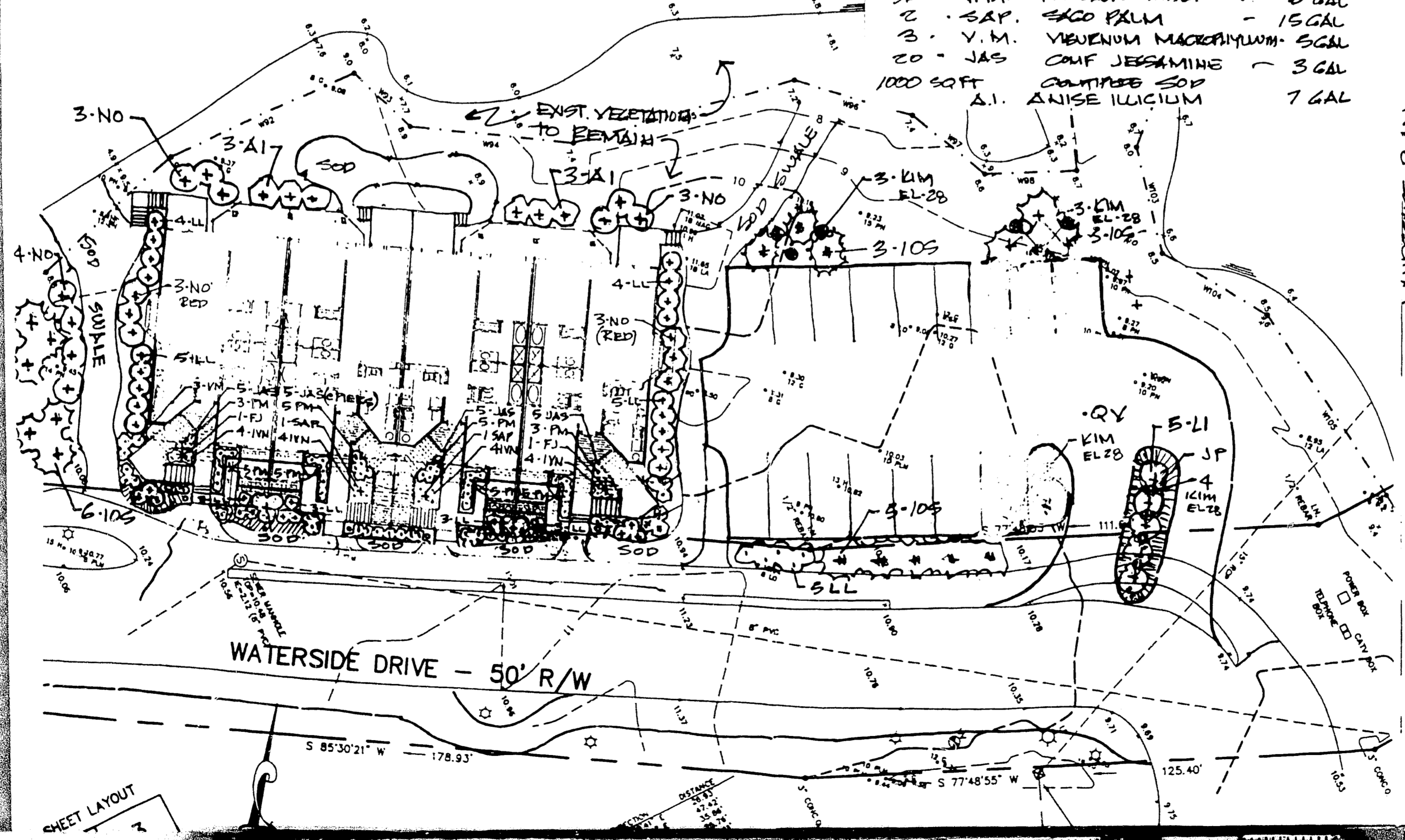
SB. PL. 11059. **8778** N 5'

**PLANT LIST
QUALITY
KEY**

- TREES**
- M - 103 - ILEX OPACA 'SAYANNAH' - 10'-12' HT
 - 5 - L1 - LACINSTRONIA INDECA - 8'-12' HT - M1
 - 1 - QV - QUERCUS VIRGINIANA - 2" CM - 12' HT

SHRUBS

- 2 - F.J. - FATIJA HAUUKA - 7 GAL
- 21 - I.V.N. - ILEX VOMITIVA NANA - 2 GAL
- 2 - I.O."EP" ILEX O."EP" PLANTKA 25 GAL 6" HT
- 76 - J.R. JUNIPERUS PARECHI - 2 GAL
- 39 - L.L. LIQUIDUM LUXIDUM - 2 GAL
- 16 - N.O. NERIUM OLIVACEUM - 5 GAL
- 36 - R.M. ROSEMARY MAKI - 5 GAL
- 2 - S.A.P. SACO PALM - 15 GAL
- 3 - V.M. VEVENUM MACROPHYLLUM - 5 GAL
- 20 - J.A.S. CONF JESSAMINE - 3 GAL
- 1000 SQ FT CONTAINER SOD
- A.I. ANISE ILLICIUM - 7 GAL



LANDSCAPE PLAN

NO.	DATE
1	3-23
10-NO	10-105
12-GR	2-GR
REVISION	
DATE	2-12-28
Don M. Guscio Landscape Architect 1011 N. W. 10th St. Fort Lauderdale, FL 33304 (954) 571-1111	

ATTACHMENT J

ATTACHMENT J

Waterside PUD Phase 1
DPR-03-98

113

ATTACHMENT J

ATTACHMENT J

DPR-03-98

WATERSIDE PUD PHASE I

ATTACHMENT J

TOWN OF HILTON HEAD ISLAND PLANNING DEPARTMENT
NOTICE OF ACTION

ONE TOWN CENTER COURT HILTON HEAD ISLAND, SC 29928 803-686-0904 FAX 803-842-8908

Owner:
Ken Taylor
P.O. Box 6899
Hilton Head Island, SC 29938

Applicant:
same as owner

Agent:
Don M. Guscio
Rt 2, Box 197
Hilton Head Island, SC 29926

The Town of Hilton Head Island Planning Staff has reviewed the following project and has determined that it is in accordance with the provisions of the Land Management Ordinance (LMO) for:

Development Plan Review Subdivision Plan Review Public Project Review

Application No: DPR-03-98

Date: 6/5/98

Development Name: Waterside Phase One

Type of Development: Residential Number of Units/Square Footage: 8 units

Assigned Street Address: 45 Waterside Drive

Site Acre(s): 13.5 Tax District: 550 Map: 18 Parcel(s): 202

Zoning District: RD-1 Transportation District: 12

Street Improvement Fee Category: Multifamily

Date of latest revision of approved site plan: 6/3/98

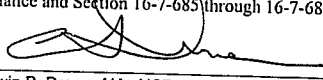
Any variance(s)/special exception/conditional use required and date granted: Categorical Exemption 3/3/95

This approval is subject to the conditions of the following attached items:

Tree Approval: A-630 CRC Approval: CR98-016
 Wetland Alteration Approval Fire Marshal Approval
 Town Engineering Design Approval Other:

Pursuant to LMO Sections 16-7-605 & 16-7-606, this approval expires on 6/5/99 unless a complete building permit application is submitted or, where no building permit is required, a Certificate of Compliance is obtained.

Pursuant to LMO Section 16-7-680, Certificate of Compliance, no final Certificate of Occupancy can be issued by the Building Official until a final Certificate of Compliance has been issued by the Planning/Engineering Divisions for a Certificate of Compliance inspection, contact the Engineering Technician at 686-0903 when the project is complete and ready for inspection. For more information see LMO Section 16-7-680 Certificate of Compliance and Section 16-7-685 through 16-7-688 Development Sureties.

By: 
Edwin B. Drane, AIA, AICP

Title: Senior Planner

pc: Project File
Addressing
Inspections Division
Engineering Division
Manager of Current Planning

ATTACHMENT J

TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928
(803) 341-4600 Fax (803) 842-7728
www.ci.Hilton-Head-Island.sc.us

Thomas D. Peoples
Mayor
James K. Carlin
Mayor ProTem

Council Members

Steven A. DeSimone
Willie (Bill) Ferguson
Kenneth S. Heitzke
Earl W. Mallick
Al Winston, III

Stephen G. Riley
Town Manager

May 8, 1998

John P. Qualey, Jr., P.A.
Post Office Box 10
Hilton Head Island, SC 29938

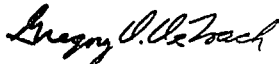
RE: Avocet Street

Dear Jack:

I have reviewed, with Town Planner, Ed Drane, the issue of whether you are required to follow state regulations governing closing or abandoning a right-of-way, in this case, Avocet Street.

It is my understanding that Avocet Street, contrary to your firm's assertion (letter of December 15, 1998), is officially platted as a street. State Code Section 57-9-10 requires that you must petition the court, whether the street has been opened or not, to have the street closed. The Town cannot approve consolidating these two parcels until your petition is approved.

Sincerely,



Gregory D. DeLoach, Esq., Legal Department Director

CC: Charles Cousins, Director of Planning
Ed Drane, Senior Planner
Jaye Jones Elliott, Esq.

ATTACHMENT J

04/30/1998 00:15 8037573855

DON GUSCIO

PAGE 01

4-27-1998 9:42AM

FROM TOWN OF HHI PLANNING 803 842 8908

P. 1

TOWN OF HILTON HEAD ISLAND

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

(803) 341-4600 Fax (803) 842-7728

www.ci.Hilton-Head-Island.sc.us

April 27, 1998

Thomas D. Peoples
Mayor
James K. Carlin
Mayor Pro Tem

Council Members

Sтивен A. DeSuzanne
Willa (Bill) Ferguson
Kenneth S. Heitzke
Earl W. Nallick
Al Winston, III

Stephen G. Riley
Town Manager

Don M. Guscio
Rt. 2, Box 197
Hilton Head Island, SC 29926

RE: Waterside Phase I

Dear Don:

Upon review of your Development Plan Review application for the above project it has been determined that the follow items must be revised in order to approve the application.

- 1) **REVISED PLAN** ✓ 1) Buildings and stairs must be removed from road right of way.
- (A) **INDICATION** → 1) a. Show building and parking average wetland buffers.
- TREE REMOVAL PLAN (REVISED)** ✓ 2) Boundary/Tree survey missing control points and is not stamped by a registered land surveyor.
- 3) **REVISED SWANES ON PARKING/DRAINAGE** ✓ 3) Drainage through wetland buffer must be sheet flow.
- 5) **REVISED TREE REMOVAL PLAN W/ UTILITIES** ✓ 4) Need finished elevations on parking, grading and building. Telephone, electric, cable must be shown on site plan with trees, stamped by utility, for Phase I only (current submittal is impossible to read)
- 6) **ADDED TO TREE REMOVAL PLAN** ✓ 5) Must show storm water, sanitary sewer, and water lines on site plan with trees.
- ✓ 6) Show solid waste dumpster location. — **INDIVIDUAL CANS IN DETING YARDS**

Once these items have been revised and submitted I will process you approval notice. Please do not hesitate to contact me if you have any questions about this request.

Sincerely,



Edwin B. Drane, AICP
Senior Planner

4-29-98



ATTACHMENT J

TOWN OF HILTON HEAD ISLAND

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

(803) 341-4600 Fax (803) 842-7728

www.ci.Hilton-Head-Island.sc.us

April 27, 1998

Thomas D. Peoples
Mayor
James K. Carlin
Mayor Pro Tem

Council Members

Steven A. DeSimone
Willie (Bill) Ferguson
Kenneth S. Heitzke
Earl W. Mallick
Al Winston, III

Stephen G. Riley
Town Manager

Don M. Guscio
Rt. 2, Box 197
Hilton Head Island, SC 29926

RE: Waterside Phase I

Dear Don:

Upon review of your Development Plan Review application for the above project it has been determined that the follow items must be revised in order to approve the application.

- Buildings and stairs must be removed from road right of way.
- Show building and parking average wetland buffers.
- Boundary/Tree survey missing control points and is not stamped by a registered land surveyor.
- Drainage through wetland buffer must be sheet flow.
- Need finished elevations on parking, grading and building.
- Telephone, electric, cable must be shown on site plan with trees, stamped by utility, for Phase I only (current submittal is impossible to read)
- Must show storm water, sanitary sewer, and water lines on site plan with trees.
- Show solid waste dumpster location.

Once these items have been revised and submitted I will process you approval notice. Please do not hesitate to contact me if you have any questions about this request.

Sincerely,



Edwin B. Drane, AICP
Senior Planner

ATTACHMENT J

TOWN OF HILTON HEAD ISLAND
One Town Center Court, Hilton Head Island, S.C. 29928
803/842-8900 Fax 842-7728

July 10, 1997

Certified Mail # P 836 425 889

Mr. Robert L. Graves
Pope Avenue Associates
Post Office Box 6450
Hilton Head Island, SC 29938

RE: Town Center Planned Unit Development (PUD) - Proposal for Hotel
Development

Dear Mr. Graves:

As a follow-up to our meeting regarding your inquiry concerning the development of a hotel on property within the Town Center PUD, I am providing the following analysis and Administrative determination:

- The Categorical Exemption Determination of Vested Rights issued by the Town on March 3, 1995 for the Town Center PUD recognized the following approved uses and densities:
 - Office - 21,913 Square Feet
 - Retail - 36,279 Square Feet
 - Residential - 200 Development Units
- This Vested Rights Determination also recognized that the Hotel/Motel use originally approved for the PUD was not included in the Determination because the rights for that use had been fully executed with the development of the 94 room Super Eight Motel (now the Holiday Inn Express).
- The claim that residential units within the PUD can be converted to hotel/motel rooms at a ratio of 1 unit to 2.5 rooms (based on a provision in the Town's Development Standards Ordinance in affect at the time that the Preliminary Approval was granted for the PUD) is not valid. When the PUD was amended by the Planning Commission on May 6, 1987, the hotel/motel use was re-evaluated pursuant to the provision of the Land Management Ordinance (LMO) and was subject to the use and density restrictions of the LMO. At that time, the increase in hotel/motel rooms was permitted based on an analysis of traffic impact which

ATTACHMENT J

Mr. Robert L. Graves
July 10, 1997
Page 2

resulted in a reduction of both residential units and commercial square footage.
The increase was not based on the 1:2.5 ratio.

- The Vested Rights Determination allows you to continue development of the property for the approved uses and densities identified in the Determination. Those densities far exceed the densities permitted in the LMO. Development of the property with uses not recognized by the Vested Rights Determination (but allowed by the LMO) would void the Determination and any claim to vested rights.
- A hotel use is permitted by right within the RD-1, Central Forest Beach Zoning District (property zoning designation) at a density of up to 25 rooms per net acre, subject to compliance with all applicable provisions and standards of the LMO. I have attached a copy of LMO Section 16-7-440, RD-1, Central Forest Beach Zoning District for your review in case you wish to pursue a hotel use on the property.

If you have any further questions concerning this matter, please call me at 341-4692.

Sincerely,



Charles F. Cousins, AICP
Director of Planning

Attachment

Copy: Stephen G. Riley, AICP, Town Manager
Curtis L. Coltrane, Esquire
Thomas Brechko, AICP

ATTACHMENT J

<p>SENDER:</p> <ul style="list-style-type: none"> ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered. 		<p>I also wish to receive the following services (for an extra fee):</p> <p>1. <input type="checkbox"/> Addressee's Address</p> <p>2. <input type="checkbox"/> Restricted Delivery</p> <p>Consult postmaster for fee.</p>	
<p>3. Article Addressed to:</p> <p>Mr. Robert L. Graves Pope Avenue Associates Post Office Box 7108 Hilton Head Island, SC 29938</p>		<p>4a. Article Number P 836 425 889</p>	
<p>5. Received By: (Print Name)</p> <p><i>X.O. Neely Jr</i></p>		<p>4b. Service Type</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified</p> <p><input type="checkbox"/> Express Mail <input type="checkbox"/> Insured</p> <p><input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD</p>	
<p>6. Signature: (Addressee or Agent)</p> <p><i>X.O. Neely Jr</i></p>		<p>7. Date of Delivery</p> <p>8. Addressee's Address (Only if requested and fee is paid)</p>	

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

ATTACHMENT J

TOWN OF HILTON HEAD ISLAND

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

803/842-8900 Fax 842-7728

March 3, 1995

Frank R. Chapman, Jr.
Mayor
Frank Brafman
Mayor ProTem

Council Members

James K. Carlin
Willie (Bill) Ferguson
Kate Keep
Tom Peoples
Dorothy G. Perkins

Stephen G. Riley
Town Manager

Mr. Robert L. Graves
Pope Avenue Associates
Post Office Box 6450
Hilton Head Island, SC 29938

CERTIFIED MAIL
P 836 425 821

RE: Application for Categorical Exemption/Town Center P.U.D.

Dear Mr. Graves:

We have now reviewed the Application for Categorical Exemption of Pope Avenue Associates, dated December 13, 1994, together with attachments (hereinafter, the "Application"). Previously, on December 23, 1994, the Town of Hilton Head Island, South Carolina (hereinafter, the "Town"), delivered a "Notice of Completeness" with respect to the Application for Categorical Exemption. Thereafter, on January 5, 1995, a public hearing on the Application for Categorical Exemption was held, pursuant to the provisions of Section 4(A)(5) of the Procedure for Determination of Vested Rights adopted under the authority of § 16-7-698, *Code of the Town of Hilton Head Island* (1983) (hereinafter, "Vested Rights Determination Procedures").

This determination set forth herein constitutes the Final Determination of the Administrator, as described in Section 4(A)(6) of the Vested Rights Determination Procedures. This determination is appealable to the Court of Common Pleas for Beaufort County, South Carolina, as set forth in Section 8 of the Vested Rights Determination Procedures.

APPLICATION FOR CATEGORICAL EXEMPTION

The Applicant, pursuant to the December 13, 1994, Application, seeks a determination that the property known as "Tract A," "Tract B," "Tract C," "Tract D" and "Tract E," as shown on the July 27, 1987 "Conceptual Master Plan for the Town Center P.U.D. (hereinafter the "Property") is categorically exempt from all amendments to the Development Standards Ordinance of the Town [§§ 16-7-10, *et seq.*, *Code of the Town of Hilton Head Island* (1983)] (hereinafter "DSO"), and also the Land Management Ordinance of the Town [§§ 16-7-100, *et seq.*, *Code of the Town of Hilton Head Island* (1983)] (hereinafter, "LMO"), regarding permitted uses, densities and design standards, enacted subsequent to the date of Preliminary Approval, to wit: December 12, 1984. (hereinafter, "December 12, 1984 Preliminary Approval"). (See: Narrative in the Application)

The basis for the claim of a Categorical Exemption are the following documents as set forth in the Application of Pope Avenue Associates, (hereinafter, the "Applicant") as follows:

1. November 5, 1984, Application for Development Permit.
2. December 12, 1984, Notice of Action Taken.
3. November 8, 1985, Order of the Hon. John H. Waller, Jr.
4. September 2, 1986, letter from Robert L. Graves to Orion Hack.
5. November 7, 1986, letter from Thomas P. Brechko to Barry L. Johnson.
6. July 8, 1987, letter from Thomas P. Brechko to Richard A. McGinty.
7. September 1, 1987, letter from John C. Benso to Thomas P. Brechko.

ATTACHMENT J

Mr. Robert L. Graves
 March 3, 1995
 Page 2

8. September 10, 1987, letter from Thomas P. Brechko to John C. Benso.

Although not included in the application, the Town's files also contained a "Conceptual Master Plan," dated July 27, 1987, together with minutes from the meeting of the Town of Hilton Head Island Planning Commission, dated May 6, 1987. It appears that certain changes to the December 12, 1984, Preliminary Approval were sought by the Applicant, and were approved by the Town of Hilton Head Island Planning Commission. Although the July 27, 1987, "Conceptual Master Plan," does not bear a Town stamp, the uses and densities as shown in the "Development Summary" on the July 27, 1987, "Conceptual Master Plan" are the same as those sought by the Applicant.

In December of 1994, the DSO was in effect within the Town. § 16-7-741, *Code of the Town of Hilton Head Island, South Carolina* (1983), provided, in relevant part:

Preliminary Approval, in and of itself, does not provide exemption from subsequently enacted amendments to this chapter except as to approvals on use and distribution of population. Approvals as to use and distribution of population shall be deemed vested and therefore exempt from subsequently enacted amendments to this chapter . . .

Further, § 16-7-743, *Code of the Town of Hilton Head Island, South Carolina* (1983), provided, in relevant part:

Any preliminary approval granted under the provisions of this chapter shall become invalid two years from the date of its issue unless the applicant shall file a properly completed application for a final development permit.

In this case, the preliminary approval was issued on December 12, 1984. An appeal from the approval to the Town of Hilton Head Island Board of Adjustment was initiated by adjoining landowners, and the Board of Adjustment reversed the grant of the December 12, 1984 Preliminary Approval. The matter was further appealed to the Court of Common Pleas for Beaufort County, South Carolina. In the case of "Robert L. Graves, *et al.*, v. The Town of Hilton Head Island, *et al.*," Beaufort County, South Carolina, Civil Action Number 85-CP-07-646, the Hon. John H. Waller, Jr., reversed the Board of Adjustment, reinstated the December 12, 1984 Preliminary Approval, and further ruled that the December 12, 1984 Preliminary Approval would not expire until September 30, 1987. No appeal was filed from this Order.

Thereafter, on May 6, 1987, the Town of Hilton Head Island Planning Commission approved certain "conditional use" and "special exception" requests with respect to the Property. In approving the request, the following uses and densities for the Property were approved:

Category of Use	Acres	Square Feet or Development Units	Density per Acre
Office	1.4	21,913	15,652 Square Feet
Retail	3.0	36,279	12,093 Square Feet
Hotel/Motel	2.6	94 Rooms	

ATTACHMENT J

Mr. Robert L. Graves
 March 3, 1995
 Page 3

Open Space	1.3		
Residential	7.6	200 Development Units	29.4 Development units ¹

The Applicant subsequently filed a complete application for a "Final Development Permit for "Tract D" of the Property, which application was approved, with conditions on August 27, 1987. This occurred within the life of the December 12, 1984 Preliminary Approval, as extended by the Order of the Hon. John H. Waller, Jr., on November 8, 1985.

As of August 27, 1987, § 16-7-744, *Code of the Town of Hilton Head Island, South Carolina* (1983), provided, in relevant part:

Any final permit approved under the provisions of this chapter shall become invalid one calendar year from the date of its issue unless:

(1) A building permit is issued and construction is commenced within the life of the building permit;

A building permit for (what was then) the "Super 8" motel was obtained and executed within the life of the final development permit. This action by the applicant was timely and therefore sufficient to prevent the expiration of the December 12, 1984 Preliminary Approval for the Property, pursuant to DSO § 16-7-741, *Code of the Town of Hilton Head Island, South Carolina* (1983).

EXTENT OF VESTED RIGHTS UNDER CATEGORICAL EXEMPTION

In consideration of the above referenced approvals, determinations, orders and agreements, all of which are hereby determined to be "Valid Final Development Permits" as defined in Section 2 (A)(18) of the Vested Rights Determination Procedures, the following rights are hereby determined to be "vested" against amendments to the DSO and LMO regarding permitted uses, densities and design standards enacted subsequent to the issuance of the December 12, 1984 Preliminary Approval:

Category of Use	Acres	Square Feet or Development Units	Density per Acre
Office	1.4	21,913	15,652 Square Feet
Retail	3.0	36,279	12,093 Square Feet
Open Space	1.3		
Residential	7.6	200 Development Units	29.4 Development units

¹ The method used to calculate density under the Development Standards Ordinance allowed for the density for each category of use to be spread over the entire area of the P. U. D. Therefore, the effective densities were: Commercial (office and retail), 3,854 square feet per acre, and Residential (including 94 motel rooms which converts to 38 residential development units), 15.67 units per acre.

ATTACHMENT J

Mr. Robert L. Graves
March 3, 1995
Page 4

The Hotel/Motel use is not included, because a Final Development Permit for "Tract D" was obtained and executed in 1987/1988. The Applicant's rights with respect to "Tract D" have, therefore, been fully executed.

In as much as no Final Development Permit was ever obtained for any part of the Property except "Tract D", any development on the remainder of the Property shall conform to all design standards of the existing LMO, § 16-7-100, *et seq.*, *Code of the Town of Hilton Head Island, South Carolina* (1983), to the greatest degree possible. As used above, "to the greatest degree possible" means that any design standard which can be met without creating a negative impact on the densities set forth above shall be met.

Notwithstanding anything to the contrary set forth above, future development shall also be subject to: (1) the provisions of §§ 16-7-300, *et seq.*, *Code of the Town of Hilton Head Island* (1983), Non-conformities; §§ 16-7-480, *et seq.*, *Code of the Town of Hilton Head Island* (1983), Corridor Review; (2) the provisions of § 16-7-700, *et seq.*, *Code of the Town of Hilton Head Island* (1983), Traffic Congestion and Growth Management; and, § 16-7-876, *et seq.*, *Code of the Town of Hilton Head Island* (1983), Street Improvement Fees. These subsequently enacted amendments to the LMO do not relate to uses or densities, nor do they affect the Applicant's ability to proceed with the development of the Property at the uses and densities set forth herein.

These supplemental land use regulations were not, and could not have been contemplated by the parties either at the time of the issuance of the December 12, 1984, Preliminary Approval, or at the time of the November 8, 1985, Order of the Hon. John H. Waller, Jr., or at the time of the May 6, 1987, Conditional Use/Special Exception Approval, or at the time of the September 10, 1987, confirmation of the status of the December 12, 1984, Preliminary Approval. Therefore, even under any applicable theory of contract law, such unforeseen needs and governmental responses would be outside the scope of permits, approvals and orders relied upon by the Applicant.

Future development of the Property pursuant to the December 12, 1984, Preliminary Approval shall be subject to the provisions of all building and related construction codes (*i. e.*, the plumbing, electrical and mechanical codes, etc.) in effect at the time of construction. Further, this Categorical Exemption Certificate does not purport to exempt the Applicant or any development on the subject property from requirements of the State of South Carolina or the United States of America (if any) which may be applicable to this Applicant or to development of the Property.

While the uses and densities set forth in the December 12, 1984, Preliminary Approval, as amended by the May 6, 1987, Conditional Use / Special Exception Approval, are determined to have been "vested," the existing development (*i. e.*, the "Holiday Express" on "Tract D,") and the remainder of the project, if and when built, may be "non-conforming" under the provisions of the RD-1 Central Forest Beach Zoning District, and the provisions of §§ 16-7-300, *et seq.*, *Code of the Town of Hilton Head Island* (1983). The Applicant claims exemption from the provisions of Article III of the LMO ("Non-Conformities and Prior Approvals"). Had the entire project been built, however, the entire project would be subject to the provisions of Article III of the LMO ("Non-Conformities and Prior Approvals"). The Applicant, through its inaction, cannot have improved its position over what it would have had if the project had been completed.

This Categorical Exemption Certification shall be valid for a period of Five (5) Years from

ATTACHMENT J

Mr. Robert L. Graves

March 3, 1995

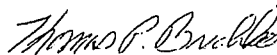
Page 5

the date hereof, unless the Applicant shall have obtained a Development Plan Approval, and then to obtain and act upon a validly issued building permit within the life of the Development Plan Approval.²

After the expiration of this Certificate any future development on the real property which is the subject of the Application shall be subject to all relevant provisions of the then existing LMO, and/or such other land use ordinance or regulations as may be in force. As stated above, the Categorical Exemption Certification shall expire on March 3, 2000. This date is more than fifteen (15) years from the date of the issuance of the December 12, 1984, Preliminary Approval, and more than twelve (12) years from the granting of the Final Development Permit for "Tract D" of the Property.

Governments cannot bargain away their police powers, which are necessary both for promotion of the public health safety and welfare and for the prevention of public harm. The above described limitations on the extent of vested rights granted pursuant to this Categorical Exemption Certificate are designed to honor commitments previously made by the Town in granting development rights to this Applicant while properly balancing such rights with the Town's responsibilities to existing citizens.

**THE TOWN OF HILTON HEAD ISLAND,
SOUTH CAROLINA**



Thomas P. Brechko, AICP
Chief of Planning
Acting Administrator of the Land Management
Ordinance

TFB/

cc: Hon. Frank R. Chapman, Jr.
Frank Brafman
James K. Carlin
Bill Ferguson
Kathryn H. Koep
Thomas D. Peoples
Dorothy G. Perkins
Gregory D. DeLoach, Esq.
Stephen G. Riley, AICP
Curtis L. Coltrane, Esq.
Barry L. Johnson, Esq.

2

Although obtaining a Development Plan Approval or Approvals and a building permit or permits to complete the Development within the five (5) year period will be sufficient to prevent expiration of the Categorical Exemption Certificate, a lapse of the Development Plan Approval or Approvals or the building permit or permits at any point after the expiration of five (5) years from the date hereof will result in the expiration of this Categorical Exemption Certificate.

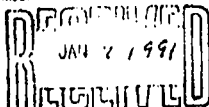
ATTACHMENT J



January 4, 1991

Pope Avenue Associates
11 Lagoon Rd.
Hilton Head Island, SC 29928
Attn. Pam Comfortson

McGINTY ASSOCIATES/ARCHITECTS



Re: Waterside Sign

Dear Pam,

As requested, I have entered the name "Waterside" onto the Reserved Names List For Streets And Developments, where it will be held for your exclusive use.

However, you will need to appear before the Corridor Review Committee to receive permission to change the sign again, even though that sign has already been CRC approved. The problem is, when a sign is removed the permit and CRC approval for that sign are voided (Sec. 16-7-1011. Legal Signs. and Sec. 16-7-1020. Permit Required). You do have the option to appeal to the Board of Adjustment for a variance to these ordinances. Either way I don't foresee any problems.

Always at your service.

Bill Lytle
Bill Lytle
Assistant Curreant Planner

P.O. Box 22770, Hilton Head Island, S.C. 29925 (803) 661-9440

ATTACHMENT J

McGinty Associates / Architects

December 11, 1990

Mr. Bill Lytle
Town of Hilton Head
40 Palmetto Parkway
Hilton Head Island, SC 29926

Re: Waterside Sign

Dear Mr. Lytle:

Pope Avenue Associates wishes to change the identification of our development from Waterside to Super 8 Lodge Center. Pope Avenue Associates however wishes to reserve the name "Waterside" and have the permission to change the sign and name back to the existing "Waterside" sign at some time in the future. The sign size, shape, materials, letter size, etc. will remain the same as the existing approved sign.

We understand from Alex Sineath with Graphics Corporation that the Town has requested this letter before he can change the sign. If there is any other information you need from Pope Avenue Associates please give me a call at 785-2444.

Sincerely,

Richard A. McGinty, FAIA

RAM/pc

cc: Alex Sineath, Graphics Corporation
Robert S. Crum, Pope Avenue Assocs.
Robert L. Graves, Pope Avenue Assocs.
Randy Cavness, Super 8 Lodge

11 Loxoor Road, Hilton Head Island, S. C. 29923 / Telephone (803) 785-2444

ATTACHMENT J

TOWN OF HILTON HEAD ISLAND PLANNING DEPARTMENT STAFF REVIEW CHECKLIST

ONE TOWN CENTER COURT HILTON HEAD ISLAND, SC 29928 803-686-0904 FAX 803-842-8908

PROJECT NAME: WATERSIDE PHASE I CASE # DPR-03-98

CASE MANAGER: ED DRANE

Development Plan Review Subdivision Plan Review Public Project Review

Date of Preliminary Review: _____ Date Application Accepted: _____

Date Received by CM: _____ Date of Review Meeting: _____

Date of Applicant Letter: 4/27 Date of Notice of Action: _____

	Date Distributed	Rev's Distributed	Date Approved
NATURAL RESOURCES			
Tree	_____	_____	_____
Wetland	_____	_____	_____
ENGINEERING	_____	_____	_____
TRAFFIC	<u>N/A</u>	_____	<u>N/A</u>
FIRE MARSHALL	_____	_____	_____
ADDRESSING	_____	_____	_____
CRC	_____	_____	<u>4/14</u>

APPLICATION MINIMUM ITEMS

	Date Recv'd	OK	N/A	Notes
APPLICATION FORM	<u>4/4</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
FILING FEE	<u>3/9</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
OWNER'S CONSENT	_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
PROPERTY DEED	_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
BOUNDARY SURVEY (1"=50')	_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
Computed Acreage		<input checked="" type="checkbox"/> OK	<input type="checkbox"/> N/A	
Control Points		<input type="checkbox"/>	<input type="checkbox"/>	
Seal & Signature		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Date & Revisions		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Reference Plats		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Graphic Scale		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WRITTEN NARRATIVE	<u>2/24</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
Nature of Development		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Phasing Plan		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Other Government Approvals		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Maintenance Responsibility		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Dedicated Improvements		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Additional Information		<input checked="" type="checkbox"/>	<input type="checkbox"/>	

ATTACHMENT J

SITE DEVELOPMENT PLAN OR SUBDIVISION PLAT (1"=30')	Date Recv'd	OK	N/A	Notes
Name of Development	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> OK	<input type="checkbox"/> NA	
Graphic Scale	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Date & Revisions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Vicinity Sketch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Topographic Information	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Structures Within 100'	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Drainage Information	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Impervious Calculations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Open Space Calculations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Water and Sewer Layout	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	PHASE II
Electric Layout	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Telephone Layout	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Cable TV Layout	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Site Lighting	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CRC
Parking Dimensions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Dumpster Location	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Zoning Boundaries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Cultural Resource	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Wetlands Delineation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
FEMA Information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

ADDITIONAL REQUIREMENTS

EXTERIOR ELEVATIONS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
PHASING PLAN	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NEXT PHASE
OPEN SPACE REPORT	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
CORPS				
Welland Determination Letter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Welland Alteration Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
DHEC				
Water	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sewer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Air & Water Quality	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
OCRM				
Beach/Dune Activity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Tidal Wetlands	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Land Disturbance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SCDOT ENCROACHM'T PERMIT	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
UTILITY APPROVAL/AGREEM'T				
Water	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Sewer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Electric	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Telephone	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Cable TV	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
BCHD SEPTIC TANK APPROVAL	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
PRIVATE ARB APPROVAL	4/14	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

ATTACHMENT J

TOWN OF HILTON HEAD ISLAND PLANNING DEPARTMENT

APPLICATION ACCEPTANCE CHECKLIST

ONE TOWN CENTER COURT HILTON HEAD ISLAND, SC 29928 803-686-0904 FAX 803-842-8908

- Development Plan Review Subdivision Plan Review

PROJECT NAME: WATER STOP PHASE II

AGENT SUBMITTING APPLICATION:

Name: MR. DON M. LUSCITO

Address: LANDSCAPE ARCHITECTS
RT 2 BOX 197
HILTON HEAD ISLAND, SC 29926

Telephone: 757-3855

It has been determined that for the above referenced project, the minimum items necessary for acceptance of the application pursuant to LMO Section 16-7-661, Staff Development Plan Application:

- HAVE BEEN SUBMITTED and the staff will begin their review. Project has been assigned to: Case Manager _____ Case #: DPR-03-98

While the staff can begin their review, the applicant must submit the required Engineering and Natural Resources application materials before a full coordinated review can begin. See Checklist of Additional Items below. All other items required for Subdivision or Development Plan Review must be submitted prior to Town approval.

- HAVE NOT BEEN SUBMITTED and the application cannot be accepted. A new appointment will be required to resubmit the application. See Checklist of Minimum Items below.

- | | |
|---|---|
| CHECKLIST OF MINIMUM ITEMS: | CHECKLIST OF ADDITIONAL ITEMS |
| YES NO | YES NO N/A |
| <input checked="" type="checkbox"/> <input type="checkbox"/> Completed Application Form | <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> Engineering Submittal |
| <input checked="" type="checkbox"/> <input type="checkbox"/> Certificate of Owners Consent | <input type="checkbox"/> <input checked="" type="checkbox"/> Tree Application Submittal |
| <input checked="" type="checkbox"/> <input type="checkbox"/> Property Deed(s) | <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> Wetlands Alteration Submittal |
| <input type="checkbox"/> <input checked="" type="checkbox"/> Boundary Survey <u>SFALP/STANDARD ✓</u> | |
| <input checked="" type="checkbox"/> <input type="checkbox"/> Written Narrative | |
| <input type="checkbox"/> <input checked="" type="checkbox"/> Applicable Filing Fee <u>50 + (9.7 * 56) = \$106 ✓</u> | |
| <input type="checkbox"/> <input checked="" type="checkbox"/> Site Development or Subdivision Plan <u>5 SFALP ✓</u> | |

SIGNATURES:

STAFF: [Signature] DATE 3/5/98

AGENT: [Signature] DATE 3/5/98

ATTACHMENT J

TOWN OF HILTON HEAD ISLAND PLANNING DEPARTMENT

MASTER APPLICATION FORM

ONE TOWN CENTER COURT • HILTON HEAD ISLAND, SC 29928 • TEL 803-341-4601 • FAX 803-842-8908

Please TYPE or PRINT legibly

NAME OF PROJECT WATERSIDE P.D.P. PHASE 1 - 8 UNITS

STREET ADDRESS WATERGATE DRIVE

ZONING DISTRICT P.D-1 (P.U.D) OVERLAY DISTRICT C.B.C

TAX DISTRICT 550 MAP 18 PARCEL(S) 202

LAND OWNER KEN TAYLOR APPLICANT SAME AS OWNER AGENT DOM M. GUSCO

NAME WATERSIDE BY SPINNAKER, L.P. HILTON HEAD ARCHITECT

COMPANY P.O. Box 6899 RT 2 Box 197

MAILING ADDRESS HILTON HEAD ISLAND, S.C. 29928-6899 HILTON HEAD IS. SC.

CITY STATE ZIP 29926 TELEPHONE 785-3355 757-3855

TELEPHONE 785-6178 757-5555

FAX _____

E-MAIL _____

- TYPE APPROVAL(S) REQUESTED NOTE: ATTACH APPROPRIATE SUPPLEMENTAL FORM FOR EACH BLOCK CHECKED
- SUBDIVISION PLAN REVIEW
 - TREE APPROVAL
 - ZONING MAP AMENDMENT
 - PUBLIC PROJECT REVIEW
 - WETLAND ALTERATION
 - SPECIAL EXCEPTION REVIEW
 - DEVELOPMENT PLAN REVIEW
 - TRAFFIC IMPACT ANALYSIS
 - CONDITIONAL USE
 - CORRIDOR REVIEW
 - SIGN PERMIT
 - VARIANCE
 - PRE APPLICATION MEETING
 - APPEAL

TO THE BEST OF MY KNOWLEDGE, THE INFORMATION ON THIS APPLICATION AND ALL ADDITIONAL DOCUMENTATION IS TRUE, FACTUAL AND COMPLETE. I HEREBY AGREE TO ABIDE BY ALL CONDITIONS OF ANY APPROVALS GRANTED BY THE TOWN OF HILTON HEAD ISLAND. I UNDERSTAND THAT SUCH CONDITIONS SHALL APPLY TO THE SUBJECT PROPERTY ONLY AND ARE A RIGHT OR OBLIGATION TRANSFERABLE BY SALE.

SIGNATURE Dom M. Gusco DATE FEB 4, 1998

FOR OFFICIAL USE ONLY	
DATE RECEIVED: <u>2-17-98</u>	TIME: _____
ACCEPTED BY: _____	MASTER TRACKING NUMBER: <u>0298-016</u>

ATTACHMENT J

TOWN OF HILTON HEAD ISLAND PLANNING DEPARTMENT DEVELOPMENT PLAN REVIEW

SUPPLEMENTAL TO MASTER APPLICATION FORM

Please TYPE or PRINT legibly

NAME OF PROJECT WATERBURY P.U.D. PHASE 1 - 8 UNITS

GROSS ACREAGE OF SITE 13.534 NET ACREAGE OF SITE 9.824

CHECK ALL PROPOSED TYPES OF DEVELOPMENT FOR THIS APPLICATION (LMO 16-7-231)

- RESIDENTIAL
- INDUSTRIAL
- COMMERCIAL
- RECREATIONAL
- INSTITUTIONAL
- AGRICULTURAL
- UTILITY

SCHEDULE OF ALL PROPOSED SPECIFIC USES FOR THIS APPLICATION

USE:	NUMBER OF UNITS:	GROSS SQ. FT.:
<u>MULTI-FAMILY</u>	<u>8 P.U.</u>	<u>5300 SQ FT</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

THE FOLLOWING ITEMS MUST BE ATTACHED IN ORDER FOR THIS APPLICATION TO BE ACCEPTED. SEE LMO 16-7-661 FOR MORE INFORMATION AND POSSIBLE ADDITIONAL ITEMS REQUIRED TO BE SUBMITTED PRIOR TO APPROVAL.

- CERTIFICATION OF OWNER(S) CONSENT
- PROPERTY DEED(S)
- BOUNDARY SURVEY
- WRITTEN NARRATIVE
- FILING FEE (SEE LMO SECTION 16-7-612(3))
- SITE DEVELOPMENT PLAN

FOR OFFICIAL USE ONLY	
DATE RECEIVED: _____	TIME: _____
ACCEPTED BY: _____	MASTER TRACKING NUMBER: _____

ATTACHMENT J

DON M. GUSCIO, ASLA.
LANDSCAPE ARCHITECT
ROUTE 2 BOX 197
HILTON HEAD ISLAND
SOUTH CAROLINA, 29928
TELEPHONE (803) 757-3655

PROJECT: WATERSIDE P.U.D.
AUTHORIZATION BY: *[Signature]* - K. E. TAYLOR
TITLE: President

THIS IS TO CERTIFY THAT I HAVE BEEN
AUTHORIZED TO ACT AS AGENT IN
PERMITTING AND APPROVAL MATTERS
WITH THE TOWN OF HILTON HEAD ISLAND, S.C.
D.H.E.C. / O.C.R.M., BEAUFORT COUNTY, S.C.
AND ANY OTHER APPLICABLE REGULATORY
AGENCY, OR AGENCIES REQUIRED TO
OBTAIN DEVELOPMENT PERMITS FOR THE
ABOVE MENTIONED PROJECT. THIS AUTHORIZATION
SHALL BE TERMINATED UPON COMPLETION OF
CERTIFICATION OF COMPLIANCE WITH APPROVED PLANS.

LAND PLANNING

SITE PLANNING

LANDSCAPE ARCHITECTURE

[Signature]

ATTACHMENT J

DON M. GUSCIO, ASLA.

LANDSCAPE ARCHITECT

ROUTE 2 BOX 107
HILTON HEAD ISLAND
SOUTH CAROLINA, 29920

TELEPHONE (803) 757-3055

February 4, 1998

Narrative and Open Space Report
Waterside P.U.D. - Phase 1 - 8 units
Town of Hilton Head Island, S.C.

The Waterside P.U.D. was originally approved on May 6, 1987 with the following uses & densities:

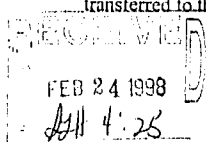
Category of Use	Acres	Square Feet of Development Units	Density per Acre
Office	1.4	21,913	15,652 Square Feet
Retail	3.0	36,279	12,093 Square Feet
Hotel/Motel	2.6	94 Rooms	
Open Space	1.3		
Residential	7.6	200 Development Units	29.4 Development Units

A building permit for the hotel/motel was subsequently issued and the motel built. On March 3, 1995 the Town of Hilton Head vested the property against amendments to the DSO and LMO regarding permitted uses, densities, and design standards enacted subsequent to December 12, 1984. The following uses and densities were approved under the Categorical Exemption:

Category of Use	Acres	Square Feet of Development Units	Density per Acre
Office	1.4	21,913	15,652 Square Feet
Retail	3.0	36,279	12,093 Square Feet
Open Space	1.3		
Residential	7.6	200 Development Units	29.4 Development Units

On December 17, 1997 Waterside by Spinnaker LP purchased all of the Waterside P.U.D. excluding the existing motel and Tract B. Waterside by Spinnaker LP also purchased Avocet Rd. for a total of 13.5 acres. Tract B is a parcel bounded by Waterside Drive, the motel tract, Pope Avenue and The Western Sizzler tract. Uses and densities transferred to the new owner are:

Office - 5,126 sq. ft.
Retail - 23,363 sq. ft.
Residential - 200 units



ATTACHMENT J

The balance of the office and retail use development units and density was retained by the vendor for their Tract B.

Waterside by Spinnaker LP proposes to develop a residential, interval ownership community and related recreational facilities with up to 200 development units. An activity building will be constructed to handle check-in, rental, property management and sales. This building will be considered part of the approved office square footage. Waterside by Spinnaker LP does not plan to develop any retail space.

Waterside P.U.D. will be a phased development with Phase 1 comprising an 8 unit building. This building will have 4 - 2 bedroom units and 4 - 3 bedroom units with related parking, walks, and open spaces. Maintenance of the units will be by a duly formed condominium property owners association. This development will have no impact on fresh water wetlands. No traffic study is required with this phase due to trips being less than 10 per day.

The following items are being submitted as required by the Town of Hilton Head L.M.O.:

- 1) Fresh Water Survey & Army Corps Engineers Letter
- 2) Site Plan
- 3) Development Application Forms/Agent Authorization Letter
- 4) Copy of Deed
- 5) PHEC Letter of Approval
- 6) O.C.R.M. Letter of Certification
- 7) Fire Dept. Letter of Approval
- 8) Telephone & Electric Letters/Red Line Drawings
- 9) Traffic Impact Analysis Form

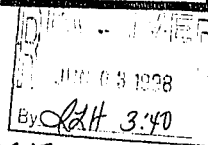
Tree Removal Permit, Engineering Forest Beach ARB and CRC approvals are pending as well as Planning Dept. Notification of Action.

cc. Jack Qualey
Ken E. Taylor

ATTACHMENT J

TO	Don M. Gusco Landscape Architect ROUTE 3 BOX 127 WILSON BEACH ISLAND, A.C. 33598 (407) 497-8855	WATERBURY PHASE 1 DATE 6-3-98	Land Planning	NO.	DATE
			Site Planning Landscape Architecture			REVISION

TO: DAVID L. RECOR, C.Z.A.
MANAGER OF CURRENT PLANNING



ATTACHED PLEASE FIND THE FOLLOWING FOR YOUR REVIEW:

- 1) 5 COPIES PHASE 1 SITE PLAN DATED JUNE 3, 1998
- 2) REVED TREE TALLEY SHEET 4 OF 4

WE HAVE MADE THE BUILDING & PAVING CHANGES TO THE PLAN TO COMPLY WITH CURRENT L.M.O. BUFFER & SETBACK REQUIREMENTS. THE MEASUREMENTS ARE CALCULATED TO THE AMMENDED F.W.W. LINE. COPIES OF ENGINEERS SIGN-OFF/LETTER IS STILL PENDING, DUE ANY DAY NOW. LETTER DOCUMENTING SAID SIGN-OFF TO BE SUBMITTED IMMEDIATELY UPON RECEIPT. PLEASE CONTINUE YOUR REVIEW SO A PERMIT CAN BE ISSUED UPON SUBMISSION OF CORRS SIGN-OFF LETTER.

PLEASE LET ME KNOW IF YOU REQUIRE ANY MORE ITEMS IN ORDER TO COMPLETE YOUR REVIEW.

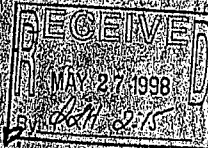
RESPECTFULLY SUBMITTED,

CC: K.E. TAYLOR, WATERBURY BY SPAINWALLER, L.P.
JACK GUYLET

ATTACHMENT J

91	Don M. Guscio Landscape Architect 10000 W. 11th St. #100 Overland Park, KS 66211 (913) 641-1111	WATERSIDE DATE: 5-27-98	REVISION: _____ NO. _____ DATE: _____	NO. _____ DATE: _____
----	---	----------------------------	---	--------------------------

TO: DAVID REOR, C2 &
 MANAGER OF CURRENT PLANNING



RE: PHASING PLAN OF WATERSIDE PUD

ATTACHED PLEASE FIND 2 COPIES OF THE ABOVE MENTIONED PROJECT. THIS PLAN HAS BEEN PREPARED AS PER YOUR REQUEST AT OUR MEETING THIS MORNING. I HOPE THIS ASSISTS YOUR EVALUATION AND BRINGS THE PROJECT TO COMPLETION.

AS STATED IN MY LETTER OF MAY 15, 1998, THE DEVELOPER RESERVES THE RIGHT TO CHANGE THE PLAN AS LONG AS THE CHANGES DO NOT ADVERSELY AFFECT INDICATED PROPOSED AREAS.

RESPECTFULLY SUBMITTED,

Don M. Guscio

CC: K. E. TAYLOR, WATERSIDE SYSTEMS, L.P.
 JACK GUALET

ATTACHMENT J

DON M. GUSCIO LANDSCAPE ARCHITECT ROUTE 2 BOX 187 WILTON HEAD ISLAND, L.C. 29384 (402) 787-2888	WATERSIDE	DATE 5-15-98	4:55 MAY 15 1998 REVISION 1/1	NO. DATE
	HAND DELIVERED 5-15-98 <i>DMG</i>			

TO: DAVID L. BEDE, C.Z.A.

MANAGER OF CURRENT PLANNING

RE: WATERSIDE (PHASE ONE AND CONCEPTUAL)

ATTACHED PLEASE FIND THE FOLLOWING FOR YOUR REVIEW:

- 1) 5 COPIES PHASE ONE PLAN DATED MAY 11, 1998
 - 2) 2 COPIES CONCEPTUAL MASTER PLAN W/TREE, DTOP & F.W.W.
 - 3) 2 COPIES CONCEPTUAL MASTER PLAN W/F.W.W. ONLY
 - 4) 1 SHEET (4 OF 4) TREE TALLEY TO REFLECT REVISIONS
- A) ITEM #1 - REVISED TO REFLECT CONCEPTS, SPECIFICALLY BUILDING REMOVED FROM WATERSIDE P.O.W. & SHIFTED TO COMPLY W/AVERAGE BUFFERS
- B) ITEMS 2 & 3 - THESE PLANS HAVE BEEN PREPARED TO INCLUDE THE FOLLOWING PLANNING CONSIDERATIONS IN ORDER TO MAXIMIZE BUFFERS AND SET-BACKS AND MINIMIZE WETLANDS IMPACTS:
- 1) TOTAL PLANNED DENSITY OF 200 P.U. CORRESPONDS TO APPROVED DENSITY. APPROVED DETAIL SPACE OF 23,363 SQ. FT. HAS BEEN ELIMINATED. PARKING RATIOS AS CURRENTLY REQUIRED HAVE BEEN X'ED.
 - 2) FRESHWATER WETLANDS HAVE BEEN RETAINED TO THE MAXIMUM AMOUNT, CONSISTANT WITH THE DEVELOPMENT OF 200 UNITS ALLOWABLE. THIS HAS BEEN ACHIEVED BY UTILIZING 7 BUILDINGS, 5 SADDLES WITH PAVING UNDER. OUR CONCEPTUAL PLAN REQUIRES THE MITIGATION OF 0.247 ACRES. NEWYORK ENVIRONMENTAL SERVICES WILL BE DISCUSSING THE METHOD AND LOCATION OF MITIGATION WITH THE NATURAL RESOURCES ADMINISTRATOR, SUBJECT TO TOWN APPROVAL.
 - 3) ALL FRESHWATER SET-BACKS AS SPECIFIED IN THE CURRENT L.M.O. HAVE BEEN ADHERED TO. (PRESERVED AND ALTERED)
 - 4) THE DIMENSIONS OF THE PARKING SPACES ARE BASED ON THE L.M.O. AT THE TIME OF WATERSIDE P.U.D. APPROVAL, I.E. 9' X 9' COMPARED TO 10' CURRENTLY. AS PREVIOUSLY AGREED, 9' SPACES UNDER THE BUILDING ARE ALLOWED IN ORDER TO EFFICIENTLY LOCATE BUILDING SUPPORT COLUMNS. FOR THE 145 SURFACE PARKING SPACES THE CURRENT L.M.O. WOULD REQUIRE APPROXIMATELY 190' OF ADDITIONAL PARKING. THIS ADDITIONAL PAVING WOULD NEGATIVELY IMPACT BOTH FRESHWATER WETLANDS AND THE REMOVAL OF SPECIMEN TREES BEING RETAINED BY THIS CONCEPTUAL PLAN.

THE DEVELOPER RESERVES THE RIGHT TO CHANGE THE PLAN, AS LONG AS THE CHANGES DO NOT ADVERSELY EFFECT INDICATED PRESERVED AREAS

RESPECTIVELY SUBMITTED,

CC: K. E. TAYLOR, WATERSIDE BY SPINACER, L.P.
 JACK CRAWLEY

Don M. Guscio

ATTACHMENT J

[R]	Don M. Gueclo Landscape Architect 1001 S. 100th St. PO Box 10000 Tampa, FL 33613	DATE	REVISION	NO	DATE

MAY 1, 1998

EDWIN P. DRANE, AICP
SENIOR PLANNER
TOWN OF HIDDEN HEAD ISLAND
ONE TOWN CENTER COURT
HIDDEN HEAD ISLAND, S.C. 29928

*HAND DELIVERED
5-4-98
[Signature]*

RE: WATERSIDE PHASE 1

DEAR EDWIN,

WITH REFERENCE TO YOUR LETTER OF APRIL 27, 1998 PLEASE FIND FIVE (5) COPIES OF OUR PLAN REVISION APRIL 30, 1998, WHICH ADDRESSES YOUR ITEMS OF CONCERN #1 THRU #7:

- ITEM 1) WE HAVE DISCUSSED THE ENCOACHMENT ON THE ROAD R.O.W. WITH THE OWNER'S ATTORNEY AND THEY ADVISE THAT WATERSIDE IS AN APPROVED P.U.R. AND THE ROAD R.O.W. IS NOT A PLANNING ISSUE. THERE ARE NO INTERNAL SET BACKS OR BUFFERS REQUIRED. FOR YOUR INFORMATION THE OWNER OF WATERSIDE ALSO OWNS THE ROAD R.O.W., WHICH WAS ONLY DEFINED FOR LEGAL PURPOSES TO PROVIDE THE MOTEL WITH INGRESS/EGRESS. IN FACT THE OWNER HAS THE RIGHT TO RE-LOCATE THE ROAD, IF NEEDED.
- ITEM 2) WITH REGARD TO THE REQUIRED WETLAND BUFFERS AS PER THE CURRENT L.M.O. WE HAVE RE-DESIGNED THE PARKING TO COMPLY WITH THEM (PREVIOUS MIN 10' X 35') STATION NUMBERS AND DISTANCES HAVE BEEN ADDED TO THE PLAN. THE BUILDING HAS BEEN LOCATED TO THE FURTHEST EXTENT POSSIBLE TO AVERAGE A SET-BACK BUFFER OF 30'. DIMENSIONS FOR CALCULATING THIS BUFFER ARE INDICATED ON THE PLAN.
- ITEM 3) CONTROL POINTS (S) & R.L.G. STAMPS ARE ON PLAN
- ITEM 4) SHEET FLOW SYMBOL (-) ADDED TO LEGEND & ON PLAN
- ITEM 5) F.F.E. OF BUILD & PARKING ELEVATIONS ADDED TO SITE PLAN
- ITEM 6) TELEPHONE, ELECTRIC, C.A.T.V. HAVE BEEN TRANSFERRED FROM 50 SCALE STAMPED PLANS TO SITE PLAN
- ITEM 7) WATER & SEWER LINES HAVE BEEN TRANSFERRED FROM 50 SCALE THOMAS & HUDON PLANS DATED FEB. 16, 1998. SEWER SEWER LINES ARE NOT PROTECTED
- ITEM 8) INDIVIDUAL GARBAGE CONTAINERS ARE TO BE STORED IN SERVICE YARDS PROVIDED SO NO DUMPSTER IS REQUIRED

AS YOU MAY BE AWARE, WATERSIDE P.U.R. IS PROTECTED FROM CHANGES TO THE L.M.O. SINCE 1984. THE OWNER HAS MAXIMIZED THE BUFFERS AND SET-BACKS TO THE GREATEST EXTENT POSSIBLE, CONSISTANT WITH BEING ABLE TO DEVELOP THE PROPERTY. WITHIN THE NEXT FEW YEARS, WE WILL BE SUBMITTING A CONCEPTUAL MASTER PLAN WHICH MINIMIZES THE REMOVAL OF WETLANDS & IMPACT OF BUILDINGS & PARKING ON THE SITE. (PREVIOUSLY SUBMITTED)

CC: K. E. TAYLOR, WATERSIDE BY SPANGLER, L.P.
JACK CRAWLEY

[Signature]

ATTACHMENT J

HAND DELIVERED
4-3-98

DATE: APRIL 3, 1998

TO: DAVID L. BECOR, C.Z.A.
MANAGER OF CURRENT PLANNING
TOWN OF HILTON HEAD ISLAND, S.C.

FROM: DON GUSCIO, A.S.L.A.

RE: ITEMS FOR ENGINEERING & P.N.E. REVIEW
WATERSIDE P.U.P. PHASE 1

ATTACHED PLEASE FIND THE ABOVE COMPLETED
APPLICATIONS FOR YOUR REVIEW.

THESE TWO ITEMS WERE PREVIOUSLY SUBMITTED,
PENDING O.C.P.M. APPROVAL AND TELEPHONE
LAYOUT. O.C.P.M. APPROVAL LISTING IS ENCLOSED
AS WELL AS HADGWAY TELEPHONE/POSTAL LAYOUT.
I BELIEVE THIS COMPLETES THESE 2 ITEMS FOR
DEVELOPMENT PLAN REVIEW. PLEASE BEGIN
THE DEVELOPMENT REVIEW PROCESS, SINCE YOU
CAN NOW CHECK THESE TWO ITEMS OFF THE
APPLICATION CHECK LIST WE WENT OVER MARCH,
1998.

PLEASE LET ME KNOW IF YOU REQUIRE ANY
OTHER ITEMS TO REVIEW THIS PROJECT.

CC: K. E. TAYLOR, S.P.C.
JACK CRILEY

RESPECTFULLY SUBMITTED,

Don M. Guscio

MAIL ROOM 20 1000	Don M. Guscio Landscape Architect ROUTE 2 BOX 187 HILTON HEAD ISLAND, S.C. 29928 (843) 757-2244	DATE	Land Planning Site Planning Landscape Architecture	NO.	DATE
			REVISION		

ATTACHMENT J

DATE: MARCH 6, 1998

TO: DAVID L. BECOR, C.Z.A.
 MANAGER OF CURRENT PLANNING
 FROM: DON GUSCIO, A.S.L.A.
 RE: ITEMS REQUESTED FOR D.P.E.

ATTACHED PLEASE FIND THE FOLLOWING ITEMS
 REQUESTED AT OUR MEETING OF MARCH 5, 1998

- 1) 5 COPIES OF REVISED SITE PLAN - 3-6-98
 (SURFACE PARKING AS PER CURRENT I.M.O.)
- 2) 2 COPIES BOUNDARY SURVEY BY SURVEYING
 CONSULTANTS WITH RAISED SEAL & SIGNATURE
- 3) PAGE TWO F.W.W. CORPS OF ENGINEERS
 LETTER (S.A.C. 81-97-1 46[J])
- 4) O.C.E.M. CERTIFICATION LETTER
- 5) RECEIPT OF APPLICATION FEE \$106⁰⁰

PLEASE LET ME KNOW OF ANY OTHER ITEMS
 YOU MAY REQUIRE IN ORDER TO CONTINUE YOUR
 REVIEW OF THIS PROJECT.

CC: K.E. TAYLOR, S.P.C.
 JACK QULEY

RESPECTFULLY SUBMITTED,

Don M. Guscio

L.A. COUNTY DEPARTMENT OF PLANNING 300 N. GARDEN ST. ANAHEIM, CA 92810 (714) 771-2000	Don M. Guscio Landscape Architect ROUTE 2 BOX 197 HILTON HEAD ISLAND, S.C. 29928 (803) 787-2888	WATERBIDE Phase 1 DATE	Lead Planning Site Planning Landscape Architecture	REVISION	NO.	DATE

ATTACHMENT J

ATTACHMENT J

02-13-98 FRI 10:18 FAX 9123557582
02/11/98 11:47 FAX 1 803 842 8029

THOMAS & HUTTON ENGRNG
SIT/SU

001

SOUTH ISLAND PUBLIC SERVICE DISTRICT

POST OFFICE BOX 5148 • 41 BOW CIRCLE • MILTON HEAD ISLAND, S.C. 29028

February 11, 1998

Mr. Benny K. Jones, Jr.
Thomas & Hutton Engineering Co., Inc.
P. O. Box 14609
Savannah, GA 31416

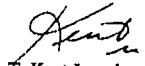
Re: Waterside - Phase I

Dear Benny:

We have reviewed and approved your water and sewer plans for the referenced project. Upon proper installation and payment of applicable fees, we will accept your system for operation and maintenance.

Sincerely,

SOUTH ISLAND PUBLIC SERVICE DISTRICT


T. Kent Langley
District Manager

TKL/bim
FAX Transmitted 2/11/98

PHONES: 803/785-8224 • 803/785-4327 • FAX: 803/842-8029

ATTACHMENT J



November 20, 1997

Mr. Don Guscio
33 Big Oak Street
Hilton Head Island, SC 29926

Re: Block 5-B Forest Beach Subdivision
200 Multi-Family Units

Dear Mr. Guscio:

Palmetto Electric Cooperative, Inc. ("PECI") has ample power available to serve the above-referenced project. We will require utility easements and electrical load requirements prior to actually beginning construction.

The enclosed redline drawing shows proposed routing and placement of cable and equipment. Installation of a schedule 40 PVC conduit buried at a depth of 36" will be required and considered as "aid-to-construction" on this project. Three phase padmount transformers require installation of a concrete pad per the enclosed specification sheets. Providing, installing and maintaining all service wire and conduit is the responsibility of the owner/developer.

PECI has a highly successful area lighting "Illuma Knight" program and we have enclosed a brochure for your review. We would be happy to discuss this lighting program with you at your convenience.

If you have any questions or if I may be of further assistance, please do not hesitate to contact me.

Sincerely,

PALMETTO ELECTRIC COOPERATIVE, INC.

A handwritten signature in cursive script, appearing to read "Robert J. Casavant".

Robert J. Casavant
Manager, Engineering Services

RJC:sdr
Encl.

ATTACHMENT J

SENT BY: QUALEY LAW/BLUFFTON; 3- 5-98 10:05; 803 757 6225 => 18037853526; #3/9

379

means, have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part or parcel thereof, forever.

Witness my hand and seal this 16th day of December, 1997, and in the two hundred and twenty-second year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered in the presence of:

POPE AVENUE ASSOCIATES, a South Carolina general partnership

Thomas J. Hillis Jr.
[Signature]

By: Robert S. Crum
Robert S. Crum
Its General Partner

Thomas J. Hillis Jr.
[Signature]

By: Robert L. Graves
Robert L. Graves
Its General Partner

Thomas J. Hillis Jr.
[Signature]

By: Richard A. McGinty
Richard A. McGinty
Its General Partner

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

PERSONALLY appeared before me the undersigned witness and made oath that s/he saw the within named Pope Avenue Associates, a South Carolina general partnership, by its duly authorized officers, sign, seal and as their act and deed, deliver the within written Quit Claim Deed, and that s/he with the other witness whose signature appears above as witness, witnessed the execution thereof.

Thomas J. Hillis Jr.
witness

SWORN to before me this 16th day of December, 1997.

[Signature]
Notary Public for South Carolina
My Commission expires: Oct 19, 2003

ATTACHMENT J

SENT BY: QUALEY LAW/BLUFFTON; 3- 5-98 10:06; 803 757 5225 =>

18037853526;

#519

FILED
JOHN A. SULLIVAN - RMC
BEAUFORT COUNTY, S.C.

381

97 DEC 31 AM 11:42

BN 1002 PG 378
FOLDER#

RECORDED THIS 23 DAY
OF January 1998
IN BOOK AD PAGE 2485
Sharon D. Barrie
AUDITOR, BEAUFORT COUNTY, S.C.

ATTACHMENT J

SENT BY: QUALLEY LAW/BLUFFTON; 3-5-98 10:05; 803 /5/ 5225 =>

1803/053526;

#419

380

EXHIBIT "A"

Property

All that certain 50-foot right-of-way lying and being on Hilton Head Island, Beaufort County, South Carolina, known as the Avocet Right-of-Way between Cordillo Parkway and Lagoon Road. Said right-of-way is bounded on the southwest by a parcel known as 5B and Lot 6 as shown on a plat entitled "A Plat of a 22.61 Acre Portion of Block 5B, Forest Beach Subdivision, Hilton Head Island, Beaufort County, South Carolina" dated May 29, 1974, and prepared by Thomas & Hutton Engineering Company, William G. Foster, SCRLS No. 2753 and recorded in the RMC Office for Beaufort County, South Carolina in Plat Book 22, page 186.

This conveyance is subject to all declarations, covenants, restrictions, easements and plats of record in the RMC Office for Beaufort County, South Carolina.

This being a portion of the same property conveyed to Pope Avenue Associates by Deed of Hilton Head Holdings Corporation, a Delaware corporation, The Hilton Head Company, Inc., a Delaware corporation, and Sea Pines Plantation Company, a South Carolina corporation, by R. Geoffrey Levy, Trustee, dated September 19, 1988, and recorded in said RMC Office in Deed Book 514, page 371.

The within Deed was prepared by Jones, Scheider & Patterson, P.A., Post Office Drawer 7049, Hilton Head Island, South Carolina 29938-7049, by Mark S. Simpson, Esquire.

Beaufort County Tax Map Reference: District 550, Map 18, Parcel 255.

ATTACHMENT J

SENT BY: QUALEY LAW/BLUFFTON; 3- 5-98 10:07; 803 757 5225 => 18037863526; #8/9

State of **South Carolina,**

374

COUNTY OF Beaufort

50359

File Number:
3574.001

BEAUFORT COUNTY, S.C.
RECORDING FEES COLLECTED
TRANSFER FEES \$ 5,750.00
COUNTY \$ 2,500.00 STATE \$ 5,980.00

KNOW ALL MEN BY THESE PRESENTS, THAT
Pope Avenue Associates, a South Carolina

partnership

in the State aforesaid for and in consideration of the sum of
Ten and no/100 (\$10.00) DOLLARS,

and other valuable consideration to it in hand paid at and before the sealing of these presents by
Waterside by Spinnaker, L.P., a South Carolina limited partnership, P.O. Box 6899,

Hilton Head Island, South Carolina 29938-6899 in the State aforesaid

for which the receipt whereof is hereby acknowledged, have
granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said
Waterside by Spinnaker, L.P., a South Carolina limited partnership, its successors and
~~assigns, forever, the following described property, to-wit:~~

ALL those certain pieces, parcels or lots of land, situate lying and being on
Hilton Head Island, Beaufort County, South Carolina, and shown as "Parcel F"
and "Parcel D", on that certain Plat entitled "A Survey of 15.100 Acres
Waterside P.U.D. a Section of Parcel 5B Forest Beach Subdivision" dated
December 9, 1987, and prepared by Surveying Consultants, said plat is recorded
in the RMC Office for Beaufort County, South Carolina in Plat Book 35, page 79.
For a more detailed description, reference is made to said plat of record.

THE Grantor reserves an easement on, over and across property shown as "Parcel
D" on said Plat of record for ingress and egress to "Parcel E" as shown on said
Plat of record for vehicular and pedestrian ingress and egress on a commercial
scale including (2) curb cut access ways having widths and specifications as
required by the Town of Hilton Head Island Development Ordinance then in
effect. Said easement shall benefit Grantor, its successors, assigns, guests,
invitees and licensees.

THE Grantor reserves an allocation of 12,916 square feet of approved
commercial/retail space and 16,717 square feet of commercial/office space from
the totals set forth in the Town Center P.U.D. Approved Densities dated May 6,
1987, and as further described in the letter of Thomas P. Brechko, Chief of
Planning and Acting Administrator of the Land Management Ordinance for the Town
of Hilton Head Island, South Carolina, dated March 3, 1995, to and for use on
"Tract E" as shown on the plat recorded in Plat Book 35, page 79 in said RMC
Office.

THIS conveyance is subject to all covenants, conditions, restrictions and
easements as described in that certain Declaration of Covenants, Conditions and
Restrictions for Waterside P.U.D., as recorded in said RMC Office for Beaufort
County, South Carolina, in Deed Book 494, page 419 and all amendments thereto
as well as all easements, restrictions, covenants and conditions of record in

BEAUFORT COUNTY TAX MAP REFERENCE

Dist	Map	Submap	Parcel	Block
550	18		287	

ATTACHMENT J

SENT BY: OUALEY LAW/BLUFFTON; 3-5-98 10:08; 803 757 5225 => 18037853528;
RMC Office for Beaufort County, South Carolina. Restrictions, easements and plats of record in the

#719

375

THIS being a portion of the same property conveyed to Pope Avenue Associates by Deed of Robert L. Graves, Richard A. McGinty and Robert S. Crum dated September 16, 1974 and recorded in said RMC Office in Deed Book 223 at Page 1953.

THE within Deed was prepared by Jones, Scheider & Patterson, P.A., Post Office Drawer 7049, Hilton Head Island, South Carolina 29938, by Mark S. Simpson, Esquire.

BEAUFORT COUNTY TAX MAP REFERENCE: A Portion of District 550, Map 18, Parcel 202.

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

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said Waterside by Spinnaker, L.P., a South Carolina limited partnership, its successors and assigns, forever.

ATTACHMENT J

SENT BY: QUALEY LAW/BLUFFTON; 3-5-00 10:00; 803 757 5225 => 18037853526; #8/9

376

AND ~~we~~ it does ~~do~~ hereby bind itself, and its successors ~~Heirs~~, Assigns Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said Waterwide by Spinnaker, L.P., a South Carolina limited partnership its Heirs and Assigns, against it and its successors and assigns Heirs, and all persons whomsoever may come lawfully claiming, or to claim the same or any part thereof.

WITNESS its Hand a and Seal a, this 16th day of December in the year of our Lord one thousand nine hundred and ninety seven and in the two hundred and twenty second year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED

IN THE PRESENCE OF

Thomas J. Willis Jr.
Witness
[Signature]
Notary Public

Pope Avenue Associates, a South Carolina partnership
By: [Signature] (L.S.)
Robert L. Graves, General Partner
By: [Signature] (L.S.)
Robert S. Crum, General Partner
By: [Signature] (L.S.)
Richard A. McInty, General Partner

The State of South Carolina
BEAUFORT County.

PERSONALLY appeared before me the undersigned witness

and made oath that (s)he saw the within named Pope Avenue Associates, a South Carolina partnership, by its duly authorized officers,

sign, seal, and as its act and deed, deliver the within written Deed,

and that (s)he with the other witness

witnessed the execution thereof.

SWORN to before me, this 16th

day of December A.D. 19 97

[Signature] (SEAL)
Notary Public of
My Commission Expires: Oct 19, 2003

Thomas J. Willis Jr.
Witness

NOT NECESSARY
RENUNCIATION OF DOWER

The State of _____ County.

I, _____, a Notary Public for _____

do hereby certify unto all whom it may concern, that Mrs. _____

the wife of the within named _____

did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily, and without any compulsion, dread or fear of any person or persons whomsoever, renounce, release and forever relinquish unto the within named _____

Heirs and assigns, all her interest and estate, and also all her right and claim of dower, of, in or to all and singular the premises within mentioned and released.

Given under by Hand and Seal, this _____ day of _____ Anno Domini 19 _____

(SEAL)
Notary Public of
My Commission Expires:

Signature of

ATTACHMENT J

SENT BY: QUALEY LAW/BLUFFTON;

3- 5-98 10:08; 803 767 5225 =>

18037853528;

#9/9

FILED
JOHN A. SULLIVAN - RMC
BEAUFORT COUNTY, S.C.

377

97 DEC 31 AM 11:42

LN. 1002 PG 374
FOLDER#

RECORDED THIS 23 DAY
OF January 1998
IN CON. AD PAGE 2484
Sharon P. Burnett
AUDITOR, BEAUFORT COUNTY, S.C.

ATTACHMENT J

ORIGINAL RECEIPT
TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, SC 29928

RECEIPT NO.
A 34699

Contract Number: A 10000
Issuing Officer: *RP*
(Receipt not valid without
issuing officer's initials)

Receipt Date: 12/1/98
Name: BOB GIBBIO

Transaction Code	Description	Amount
DEVELOPMENT PERMITS	DER WATERBIDE 0 BRUTS	\$100.00

Receipt Total:	\$100.00	
Cash Paid:		Balanced: N
Check Paid:	\$100.00	Balanced: N
Credit Card Paid:		Balanced: N

ATTACHMENT J

ATTACHMENT J

CORRIDOR REVIEW COMMISSION

ATTACHMENT J



**NOTICE OF ACTION BY: CORRIDOR REVIEW COMMISSION
TOWN OF HILTON HEAD ISLAND**

FILE COPY

PROJECT:	Waterside Phase I	PROJECT #:	CR98-016
LOCATED AT:	Waterside Drive		
CATEGORY:	New Development		
ACTION DATE:	April 14, 1998	NOTICE DATE:	April 20, 1998
OWNER:	Mr. Ken Taylor Waterside by Spinnaker PO Box 6899 Hilton Head, SC 29938	APPLICANT:	Same

ON THE ABOVE MEETING DATE YOUR APPLICATION RECEIVED THE FOLLOWING ACTION:


- WAIVED REVIEW
- WITHDRAWN AT THE APPLICANTS REQUEST
- APPROVED AS SUBMITTED
- APPROVED WITH CONDITIONS LISTED BELOW
- DISAPPROVED FOR REASONS LISTED BELOW
- NO ACTION TAKEN - TABLED

1. That lighting will be approved by staff and one CRC member.

PURSUANT TO LMO 16-7-605, THIS APPROVAL WILL EXPIRE ONE YEAR FROM THE DATE OF THIS NOTICE UNLESS A COMPLETED DEVELOPMENT PLAN REVIEW APPLICATION (SEE LMO 16-7-661(a)) IS SUBMITTED OR, WHERE DEVELOPMENT PLAN REVIEW IS NOT REQUIRED, THE APPROVED ACTIVITY IS COMPLETED.

YOU HAVE THE RIGHT TO APPEAL THIS DECISION. IN ORDER TO BE CONSIDERED BY THE BOARD OF ZONING APPEALS, AN APPEAL SHALL BE FILED (RECEIVED BY THE ADMINISTRATOR OR POSTMARKED) NOT LATER THAN TEN (10) DAYS AFTER RECEIPT OF THIS NOTICE OF ACTION NOTED ABOVE. (LMO 16-7-654)

NOTICE: APPROVAL BY THE CORRIDOR REVIEW COMMISSION MAY NOT CONSTITUTE AUTHORITY TO PROCEED. PLEASE CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT AT 341-4601 TO FIND OUT IF OTHER APPROVALS OR PERMITS ARE REQUIRED FROM THE PLANNING, INSPECTIONS OR ENGINEERING DIVISIONS.

BY:  _____, SENIOR PLANNER

ATTACHMENT J

MEMORANDUM

TO: Corridor Review Committee (CRC) and Applicant
FROM: Ed Drane, Senior Planner, Town of Hilton Head Island *ED*
RE: Agenda Item for CRC Meeting
DATE: 4/8/98

PROJECT INFORMATION

PROJECT #: DPR-03-98
PROJECT NAME: Waterside Phase I
PROJECT ADDRESS: Waterside Drive
CATEGORY: New Development
MEETING DATE: 4/14/98
PRIVATE ARB: Forest Beach

PROJECT DESCRIPTION

This application is for phase I of a new multi-family residential development at Waterside Drive and Pope Avenue. This phase consists of 8 units in a single 3 story building. The building has beige-gray stucco walls and wood trim, louvers and screening painted beige. All stair and balcony railings are painted dark green. The gabled roof is finished with a dark green metal roofing. Two and three story areas are staggered to provide visual interest to the facade. the architectural treatment of the building is typical of the early Island character. The landscape plan utilizes existing vegetation and is natural in character. No site lighting has been submitted.

STAFF RECOMMENDATION

The staff recommends approval as submitted.

ATTACHMENT J

ATTACHMENT J

303 Professional Building
P.O. Box 6442
Hilton Head Island, SC 29938-6442
(803) 785-5565 FAX (803) 842-7918

April 14, 1998

Mr. Don M. Guscio
Rt. 2, Box 197
Hilton Head Island, SC 29926

RE: Waterside PUD

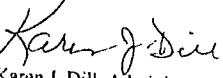
Dear Mr. Guscio:

The Architectural Review Board met on April 13, 1998 to consider final plans for Phase 1 (8 units) of the Waterside Development. The Board was pleased to grant final approval, subject to receipt of final, working drawings for our files, as well as the appropriate compliance deposit.

If you have any questions on the above comments or requirements, please call us.

Sincerely,

ARCHITECTURAL REVIEW BOARD


Karen J. Dill, Administrator

Ajd

ATTACHMENT J

TOWN OF TON HEAD ISLAND PLANNING DEPARTMENT

CORRIDOR REVIEW

SUPPLEMENTAL TO MASTER APPLICATION FORM

Please TYPE or PRINT legibly

NAME OF PROJECT WATERSIDE PHASE 1 - BUNIT BLDG.

PROJECT CATEGORY:

- NEW DEVELOPMENT
- ALTERATION/ADDITION
- MINOR EXTERNAL CHANGE

THE FOLLOWING ITEMS MUST BE ATTACHED IN ORDER FOR THIS APPLICATION TO BE ACCEPTED. SEE LMO SECTION 16-7-652 FOR MORE INFORMATION.

APPLICATION REQUIREMENTS FOR ALL PROJECTS:

- FILING FEE
- WRITTEN NARRATIVE
- ARCHITECTURAL REVIEW BOARD NOTICE OF ACTION (If applicable, see note below)
- FOREST BEACH PENDING SUBMITTED (1-30-98)

ADDITIONAL APPLICATION REQUIREMENTS FOR NEW DEVELOPMENT AND ALTERATIONS/ADDITIONS:

- SITE PLAN 1" = 30' MIN.
- LANDSCAPE PLAN 1" = 30' MIN.
- FLOOR PLAN 1/8" = 1' MIN.
- ALL ELEVATIONS 1/8" = 1' MIN.
- COLOR BOARD 11" x 17"

ADDITIONAL APPLICATION REQUIREMENTS FOR MINOR EXTERNAL CHANGES:

- PHOTOGRAPHS AND/OR DRAWINGS OF EXISTING DEVELOPMENT
- PHOTOGRAPHS AND/OR DRAWINGS OF PROPOSED DEVELOPMENT
- MATERIAL/COLOR SAMPLES OF EXISTING AND PROPOSED CHANGES

When a project lies within the jurisdiction of an Architectural Review Board (ARB), the CRC shall receive such ARB's written notice of action prior to review [LMO section 16-7-650]. Making an application to the ARB in time to meet this requirement is the responsibility of the Applicant.

FOR OFFICIAL USE ONLY	
DATE RECEIVED: <u>2-17-98</u>	TIME: _____
ACCEPTED BY: _____	MASTER TRACKING NUMBER: <u>0298-016</u>

ATTACHMENT J

05/01/1998 03:15

8037573855

DON GUSCIO

PAGE 01

	Don M. Guscio Landscape Architect <small>1000 N. W. 10th St. Miami, FL 33136, U.S.A. 305-375-7385</small>	DATE	Land Planning Site Planning Landscape Architecture	REVISION NO. DATA
--	---	------	--	----------------------

DATE: MAY 1, 1998

RE: C.R.C. REMOVAL WAIVER
 WATERSIDE P.U.D. FUTURE PHASES

PLEASE CONSIDER THIS THE
 WRITTEN REQUEST FOR A
 WAIVER TO REVIEW THE
 ABOVE MENTIONED PROJECT.

THE REMAINDER OF THE
 PROJECT (7 BUILDINGS, MULTI-FAMILY)
 PLUS ANCILLARY FACILITIES FALL
 OUTSIDE THE 500' JURISDICTION
 LINE FROM POPE AVENUE.

THE FUTURE BUILDINGS WILL
 BE HARDLY VISIBLE FROM POPE AVE.
 IF AT ALL. ROOF COLORS, SIDING
 MATERIALS ETC WILL BE SIMILAR
 TO THE C.R.C. APPROVED PHASE ONE

AN OVERALL PLAN IS ON FILE WITH
 THE PHASE ONE APPLICATION AND
 I WILL BE ON HAND TO ANSWER
 ANY QUESTIONS AT THE MAY 12, 1998 MEETING

ATTACHMENT J

ORIGINAL RECEIPT
TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, SC 29928

RECEIPT NO
B 21124

*EP - NOTES -
I PAID THIS PRIOR
TO 5:00
TUESDAY
FEB 17, 1998*

Control Number: B 21124

Issuing Officer: *[Signature]*
(Receipt not valid without
Issuing Officers initials)

Receipt Date: 2/18/1998
Name: DON GURSON

Transaction Code	Description	Amount
CRC FILING FEES	WATERSIDE PUD CRC	\$175.00

Receipt Total:	\$175.00	
Cash Paid:		Mailed?: N
Check Paid:	\$175.00	Mailed?: N
Credit Card Paid:		Mailed?: N

ATTACHMENT J

ATTACHMENT J

ENGINEERING

ATTACHMENT J

TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928
(803) 341-4600 Fax (803) 842-7728
www.ci.Hilton-Head-Island.sc.us

ENGINEERING DESIGN REVIEW

Thomas D. Peoples
Mayor
James K. Carlin
Mayor ProTem

Council Members

Steven A. DeSimone
Willie (Bill) Ferguson
Kenneth S. Heltzke
Earl W. Mallick
Al Winston, III

Stephen G. Riley
Town Manager

Project Name : Waterside Phase I

Applicant : Don Gusico

Date : 4/17/98

Location: Pope Avenue

Recommendation :

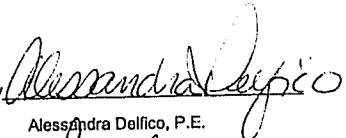
- Approval
- Approval with Conditions
- Dissapproval

Reasons for Disapproval/ Conditions of Approval

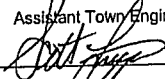
All disturbed areas shall be stabilized. Acceptable methods include the use of sod, hydro-seeding, and/ or geo-textiles.

All existing drainage facilities immediately adjacent to or within the proposed site including but not limited to ditches, swales, pipes, etc. that are incorporated into the proposed stormwater plan, shall be free of all man-made and natural debris that may impede the flow of stormwater.

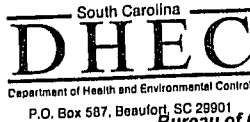
Reviewed by


Alessandra Dellico, P.E.
Assistant Town Engineer

Reviewed by


Scott Liggelt, P.E.
Town Engineer

ATTACHMENT J



Commissioner: Douglas E. Bryant

Board: John H. Burris, Chairman
William M. Hull, Jr., MD, Vice Chairman
Roger Leaks, Jr., Secretary

Richard E. Jabbour, DDS
Cyndi C. Mosteller
Brian K. Smith
Rodney L. Grandy

Promoting Health, Protecting the Environment
Bureau of Ocean and Coastal Resource Management
Christopher L. Brooks, Bureau Chief

February 16, 1998

Mr. Don Guscio
33 Big Oak Street
Hilton Head Island, SC 29926

Re: Waterside
Beaufort County
Stormwater

Dear Mr. Guscio:

The above referenced project does not require a Stormwater Management and Sediment Reduction Permit due to the size and location. However, notification to the Office of Ocean and Coastal Resource Management (OCRM), along with the submission of general site activity, location information, construction schedule, and any sediment and erosion control plans are required. Your submittal package, including plans, meet all OCRM requirements. This letter constitutes OCRM approval of this project. Please contact our office if you have any questions or comments regarding this matter.

Sincerely,

Billy Webster
Engineer Associate III

cc: Mr. Stephen Snyder
Mr. Joseph Fersner, PE

BW000781U/bw

ATTACHMENT J

SCCC STORM WATER MANAGEMENT
AND SEDIMENT REDUCTION PLAN
STANDARD APPLICATION FORM

1. PROPERTY OWNER OF RECORD WATERVILLE BY SPINNAKOR, L.P.
 ADDRESS P.O. Box 6899
HILTON HEAD ISLAND S.C. 29938-6899
 PHONE -- DAY 785-3355 NIGHT —
2. PERSON FINANCIALLY RESPONSIBLE FOR THE LAND DISTURBING
 ACTIVITY (if different than above) SAME AS ABOVE
 ADDRESS _____

 PHONE -- DAY _____ NIGHT _____
3. AGENT OR CONTACT PERSON (if applicable) N.A. AT THIS TIME
 ADDRESS _____

 PHONE -- DAY _____ NIGHT _____
4. ENGINEER, TECHNICAL REPRESENTATIVE OR FIRM DOH GUSCIC, L.A.
 IF FIRM, NAME OF ENGINEER OR CONTACT DOH GUSCIC
 ADDRESS RT 2 Box 197
HILTON HEAD ISLAND, S.C. 29926
 PHONE -- DAY 757-3855 NIGHT —
5. CONTRACTOR OR OPERATOR (if known) UNKNOWN AT
 ADDRESS THIS TIME

ATTACHMENT J

- PHONE --DAY _____ NIGHT _____
6. SITE OR DAY-TO-DAY CONTACT UNKNOWN AT THE
TIME
- ADDRESS _____
- PHONE -- DAY _____ NIGHT _____
- If contractor is now know, state name.
7. FACILITY NAME OR PROJECT NAME WATERSIDE - PHASE ONE
- LOCATION (also shown on location map) POPE AVE.
HILTON HEAD ISLAND, S.C.
8. TYPE OF ACTIVITY
 Construction Other _____
9. NEAREST RECEIVING WATERBODY LAGOON EXISTING
- DISTANCE FROM PROJECT TO NEAREST RECEIVING WATERBODY ADJACENT LAGOON
- DESCRIPTION OF PROPERTY LOCATION OUTFALLS TO BROAD CREEK
(MORE THAN 1/2 MILES)
10. TOTAL PROJECT SIZE (acres) 15 AC - 1ST PHASE APPROX 0.50 ACRES
11. SURFACE AREA OF LAND DISTURBANCE (acres) 6,400 SQ FT OR 5,000
 *For Subdivisions without exact build out plans, use following: Disturbance = PARKING
 $2[\text{Max Restricted Building Size}][\# \text{ of lots}] + \text{ROW areas. Right of Way (ROW)}$
 areas include roads, utilities, etc. - ∴ LESS THAN 2 ACRES
12. TYPE OF PROJECT
 Government _____ Federal _____ State _____ Local _____
 Schools _____ Industrial _____ Commercial _____ Residential MULTI-FAMILY
13. NARRATIVE DESCRIPTION OF THE NATURE OF CONSTRUCTION
 ACTIVITY. CONSTRUCTION OF 1 BUILDING &
RELATED PARKING (ASPHALT) AREA
14. DESCRIPTION OF NONSTRUCTURAL CONTROLS TO BE USED (may be
 shown on plans sheets) SOD AREAS & SILT FENCES
TO BE INSTALLED

ATTACHMENT J

15. DESCRIPTION OF STRUCTURAL CONTROLS TO BE USED (may be shown on on plat sheets). N.A.

16. DESCRIPTION OF MEASURES TO CONTROL POLLUTANT DISCHARGES RESULTING FROM STORM WATER RUNOFF AFTER CONSTRUCTION OPERATIONS HAVE BEEN COMPLETED. SOD AREAS TO

FILTER RUN-OFF: SILT FENCES TO BE PLACED ALONG LAGOON EDGE
 17. SKETCH OR DRAWING OF SITE SHOWING SOIL TYPES AND RUNOFF CURVE NUMBERS FOR EACH SUBAREA. GIVE DESCRIPTION OF EACH SOIL TYPE AND HYDROLOGIC GROUP. SCS SOIL SERIES

FRIPP - BARATAKI

18. I HEREBY CERTIFY THAT ALL LAND DISTURBING CONSTRUCTION AND ASSOCIATED ACTIVITY PERTAINING TO THIS SITE SHALL BE ACCOMPLISHED PURSUANT TO AND IN KEEPING WITH THE TERMS AND CONDITIONS OF THE APPROVED PLANS. I ALSO CERTIFY THAT A RESPONSIBLE PERSON WILL BE ASSIGNED TO THE PROJECT FOR DAY-TO-DAY CONTROL.

[Signature]
 OWNER/PERSON FINANCIALLY RESPONSIBLE

19. I HEREBY GRANT AUTHORIZATION TO THE SOUTH CAROLINA COASTAL COUNCIL AND/OR THE LOCAL IMPLEMENTING AGENCY THE RIGHT OF ACCESS TO THE SITE AT ALL TIMES FOR THE PURPOSE OF ON SITE INSPECTIONS DURING THE COURSE OF CONSTRUCTION AND TO PERFORM MAINTENANCE INSPECTIONS FOLLOWING THE COMPLETION OF THE LAND DISTURBING ACTIVITY.

[Signature]
 OWNER/PERSON FINANCIALLY RESPONSIBLE

20. DESIGNER CERTIFICATION - ONE MYLAR AND ONE PAPER COPY OR FIVE COPIES OF THE PLANS, ALL SPECIFICATIONS AND SUPPORTING CALCULATIONS, FORMS AND REPORTS ARE HEREWITH SUBMITTED AND MADE A PART OF THIS APPLICATION. I HAVE PLACED MY SIGNATURE AND SEAL ON THE DESIGN DOCUMENTS SUBMITTED SIGNIFYING THAT I ACCEPT RESPONSIBILITY FOR THE DESIGN OF THIS SYSTEM. FURTHER, I SIGNIFY THAT THE DESIGN IS CONSISTENT WITH THE REQUIREMENTS OF TITLE 48, CHAPTER 18 OF THE CODE OF LAWS OF SC, 1976 AS AMENDED, AND PURSUANT REGULATION 72-300

[Signature]
 SIGNATURE

191
 SC REGISTRATION NO
 ENGINEER
 TIER B, LAND SURVEYOR
 LANDSCAPE ARCHITECT

ATTACHMENT J

ATTACHMENT J

NATURAL RESOURCES - TREES

ATTACHMENT J

TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, SC 29925

TREE INSPECTION
CERTIFICATE OF COMPLIANCE

Date 1-28-99
 Project: Waterside Phase I
 Development Approval No. _____
 Tax Map No. _____ Parcel No. _____ Lot No. _____
 Developer _____
 Surety Posted? _____ Yes _____ No
 Inspection with _____ Phone _____
 Do SITE and TREE SURVEY agree? _____

Discrepancies discussed with applicant? _____
 Replacement to be done? _____ Yes _____ No

General condition of trees on site: Satisfactory
 Unsatisfactory

If unsatisfactory, state why: All conditions of
previous inspection have been met.

Signature of Inspector: Sally L. Krebs
 Date 1-28-99 Time 1:53 pm

OK for Final C of C

ATTACHMENT J

TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928
(843) 341-4600 Fax (843) 842-7728
www.ci.Hilton-Head-Island.sc.us

Thomas D Peoples
Mayor
James K. Carlin
Mayor ProTem

Council Members

Steven A. DeSimone
Willie (Bill) Ferguson
Kenneth S. Heitzke
Earl W. Mallick
Al Winston, III

Stephen G. Riley
Town Manager

Mr. Don Guscio
Route 2, Box 197
Hilton Head Island, SC 29926

5 June 1998

RE: Waterside Phase I

Dear Don,

Enclosed is your tree approval for the above-mentioned project. Please note and abide by any listed conditions.

PLEASE NOTE: As applicant, it is your responsibility to make sure that the site supervisor for your project receives a copy of this tree approval, as well as the approved site plan showing tree removal and tree protection.

Should you require any assistance dealing with trees during this project, please do not hesitate to call.

Sincerely,



Sally L. Krebs
Natural Resources Administrator

ATTACHMENT J

Approval # A-630

Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
803/686-0904

TREE APPROVAL

DATE: 5 June 1998

PROJECT NAME: Waterside Phase I

LOCATION: Pope Avenue

RECOMMENDATION
 Approval
 Approval with Conditions
 Disapproval

CONDITIONS OF APPROVAL/REASON FOR DISAPPROVAL:

- 1) Pursuant to LMO Sections 16-7-605 and 16-7-606, this Tree Approval is subject to expiration. This Tree Approval will expire on 5 June 1998 *SLK* unless a complete development plan review application [see Section 16-7-661(a)] is submitted or, where development plan review is not required, the approved activity is completed.
- 2) This approval is based on plans drawn by Don Guscio on 30 January 1998 revised 3 June 1998.
- 3) PRIOR TO CLEARING OF SITE, applicant must present letter from the USACE certifying the new location of the freshwater wetland line.
- 4) Stakeout inspection prior to clearing. Stake corners of all impervious surfaces (sidewalks included), as well as corners of pervious paving and pathways of all utilities. Flag centerlines of swales. Erect silt fencing along wetland required average buffer line. Flag trees to be removed in red. *Done 6-10-98 SLK*
- 5) Eliminate drainage swales in wetland buffers. Swales may be constructed to average buffer line; water must sheet flow from there to lagoon.
- 6) WETLAND BUFFERS MUST REMAIN NATURALLY VEGETATED.

ATTACHMENT J

- 7) Tree replacement is 10 inches in Category I, 19 inches in Category II, 4 inches in Category III.
30 "Cat I planted need: 9 " Cat II ; 4 in. Cat III

Sally L. Krebs
Sally L. Krebs
Natural Resources Administrator

$$\begin{array}{r} 30 \\ 10 \\ \hline 20 \\ .4 \\ \hline 8'' \end{array}$$

$$\begin{array}{r} 8 \\ .25 \\ \hline 2.00 \end{array}$$

ATTACHMENT J

TOWN OF HILTON HEAD ISLAND PLANNING DEPARTMENT

TREE APPROVAL

SUPPLEMENTAL TO MASTER APPLICATION FORM

Please TYPE or PRINT legibly

NOTE: PLEASE READ TREE APPROVAL INFORMATION SHEET BEFORE FILLING OUT THIS APPLICATION.

NAME OF PROJECT WATERLINE PHASE 1

THE FOLLOWING ITEMS MUST BE ATTACHED IN ORDER FOR THIS APPLICATION TO BE ACCEPTED. SEE LMO SECTION 16-7-937 FOR MORE INFORMATION.

- TREE SURVEY (DATED WITHIN TWO YEARS AND STAMPED BY A REGISTERED LAND SURVEYOR)
- SITE PLAN OR BUILDING OVERLAY
- GRADING & DRAINAGE PLANS (IF APPLICABLE)
- COMPLETED TREE TALLY SHEET
- WRITTEN NARRATIVE
- UTILITIES PLAN (FOR ANY PROPOSED UNDERGROUND LINES)

~~(Remove Postcard)~~

ENCLOSED

BUDG ESTIMATIONS

FOR OFFICIAL USE ONLY

DATE RECEIVED: _____

TIME: _____

ACCEPTED BY: _____

MASTER TRACKING NUMBER: _____

ATTACHMENT J

TO: ED FRONE

TREE TALLY SHEET

PROJECT NAME: WATERVIEW PHASE 1 PRE-DEVELOPMENT BUFFER
 DATE: 7-17-98 REVISED 4-3-98 POST-DEVELOPMENT NON-BUFFER
 PREPARED BY: JOHN CASIO REVISED 4-28-98 REV 6-3-98
APP 4 REV 5-11-98

I	II	III	IV
10 60	12" W6	14 00	13 00
10 12	12 6	15"	12"
10 12	12 6	6"	6"
10 12	12 6	12"	12"
20 4	15H	10"	12"
10 12	10 W6	10"	10"
	10 12	10"	10"
	8"	6"	
	10 12	10"	
	15H	10"	
	12"		
	10 12		
	6"		
	6"		
	10 12		
9 TREES TOTAL			
96" TOTAL			
66"		93"	5"

ATTACHMENT J

ATTACHMENT J

NATURAL RESOURCES - WETLANDS

ATTACHMENT J

Jan-27-98 11:34A Newkirk Environmental Con

P.02

REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT CORPS OF ENGINEERS
PO BOX 919
CHARLESTON SC 29403 9919

January 21, 1998

Regulatory Branch

Mr. Joel Price
Newkirk Environmental Consultants
Post Office Box 16609
Savannah, Georgia 31416

Re: SAC 81-97-1746(J)
Beaufort County

Dear Mr. Price:

This is in response to your letter dated November 3, 1997, requesting a wetland determination on behalf of Ken Taylor, on property located east of Pope Avenue and north of Lagoon Road in Hilton Head, Beaufort County, South Carolina. The project area is depicted on the survey plat you submitted. The survey plat was prepared by Surveying Consultants dated October 14, 1997, and entitled, "WETLAND SURVEY OF PARCEL F & AVOCET STREET, A SECTION OF BLOCK 5B FOREST BEACH SUBDIVISION, HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA."

This plat depicts wetland boundaries as established by our office. You have requested that this office verify the accuracy of this wetland mapping as a true representation of wetlands within the regulatory authority of this office. The property in question is a 13.534 acre tract, owned by Ken Taylor, and contains 3.710 acres of freshwater wetlands.

Based on an on-site inspection and a review of aerial photography and soil survey information, it has been determined that the surveyed wetland boundaries are an accurate representation of wetlands within our regulatory authority. This office should be contacted prior to performing any work in these areas.

If a permit application is forthcoming as a result of this delineation, a copy of this letter, as well as the verified survey plat, should be submitted as part of the application. Otherwise, a delay could occur in confirming that a wetland delineation was performed for the permit project area.

Please be advised that this wetland determination is valid for five (5) years from the date of this letter unless new information warrants revision of the delineation before the expiration date. All actions concerning this determination must be complete within this time frame, or an additional wetland delineation must be conducted.

ATTACHMENT J

Jan-27-98 11:34A Newkirk Environmental Con.

Pl. 03

In future correspondence concerning this matter, please refer to SAC 81-97-1746(J). You may still need state or local assent. Prior to performing any work, you should contact the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management (OCRM). A copy of this letter is being forwarded to them for their information.

If you have any questions concerning this matter, please contact me at either 800-208-2054 or A/C 803-727-4330.

Respectfully,



Jake Duncan
Biologist

Copy Furnished:

Mr. H. Stephen Snyder
S.C. Department of Health
and Environmental Control
Office of Ocean and Coastal
Resource Management
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

ATTACHMENT J



NEWKIRK
ENVIRONMENTAL
CONSULTANTS, INC

November 10, 1997

Ms. Sally Krebs
Town of Hilton Head
1 Town Center Court
Hilton Head, SC 29928

RE: Pope Avenue site
Wetland Evaluation

Dear Ms. Krebs:

Newkirk Environmental Consultants, Inc. is pleased to provide you with the attached information concerning the proposed development of a 13.5 acre site located north of Pope Avenue on Hilton Head Island. Please find attached the completed wetland evaluation form for the isolated wetlands and a copy of the U.S. Army Corps of Engineers Wetlands Verification Request dated 3 November 1997.

The proposed project will include the filling of a small portion of the site wetlands (0.286 acres) with proposed mitigation being on-site wetlands enhancement.

Please review the attached information and we look forward to discussing the site plan with you at an on-site pre-application meeting. If you have any questions or need any additional information please call me at (912) 354-6494.

Sincerely,

A handwritten signature in dark ink, appearing to read "Stuart F. Sligh". The signature is written in a cursive, somewhat stylized font. The first name "Stuart" is written in a larger, more prominent script, followed by "F." and "Sligh".

Stuart F. Sligh
Senior Biologist - Savannah Office
Newkirk Environmental Consultants, Inc.

cc: Don Guscio
Keh Taylor

Charleston, SC Office
192 East Bay Street, Suite 201
Charleston, SC 29401
(803) 722-4958
Facsimile: (803) 723-6684
E-Mail: NewkirkEnv@aol.com

Savannah, GA Office
Post Office Box 16609
Savannah, GA 31416
(912) 354-6494
Facsimile: (912) 354-7179
E-Mail: NewkirkGA@aol.com

ATTACHMENT J

WETLAND EVALUATION FORM
HILTON HEAD ISLANDSeasonally Flooded/SaturatedLocation of property with subject wetland/wetlands (SW): The project site is located east of Pope Avenue and north of Lagoon Road.Owner/Agent: Newkirk Environmental Consultants, Inc.Number of wetlands on property: 11 Total wetland area: 3.710 AcDelineation approved by Army Corps? Y N X Date: Field Verified
on 30 September 1997

Note on scoring: All "Yes" answers (Y) equal 10 Pts; all "No" answers equal 0 pts., unless otherwise indicated. Multiple lists are scored per directions following each question.

I. GEOGRAPHY1. Landscape Position of SW:

- (1) Fringe to tidal marsh landward of SCCC Critical Line
- (2) Fringe to flowing fresh water or drainage course leading to a larger surface water body
- (3) Fringe to an open body of water
- (X) Isolated basin
- (5) Isolated depression between dune ridges

Scoring: 1-2=15; 3=10; 4-5=5

2. Topography of SW and adjacent lands: List by %

- (1) over 8% (2) 2-8% (X) 0-2%

Scoring: (1) =15; (2) = 10; (3) =5

3. Other wetlands present within 500 feet from the edge of the SWs: YX N4. If "Yes" to #3, list the landscape position of other wetlands within 500 feet from the edge of the SW. Attach the appropriate scoring. 3

ATTACHMENT J

5. Is the SW within 1/2 mile of tidal waters? Y X N ___
6. Is the SW a "unique heritage" system with rare landscape position on Hilton Head Island? Y ___ N X
7. Is the SW part of a cluster of wetlands within 500 feet of the edge of the SW? Y X N ___
8. Green links: Is the SW connected to other wetlands within 550 ft. by vegetated or surface water corridors?
Y X N ___ Circle the appropriate answer.

TOTAL POSSIBLE SCORE, SECTION I: 95 Pts.
ACTUAL SCORE: 55

II. VEGETATION

1. Do normal environmental conditions exist in the vegetative community in the SW? Y X N ___
2. Is Vegetation disturbed in the SW? N X Y ___ "N=10; "Y"=0
Circle the vegetation disturbances, including but not limited to filling, dredging, draining, flooding, shadowing by structures, clearcutting, burning, dumping, compaction, vehicular traffic or other: _____
3. Is the SW "man-induced" from spoil disposal, farming, impounding, excavation, creation as mitigation or other human activities? N X Y ___ "N"=10; "Y"=0 Circle the appropriate answer.
4. List the Prevalence Index for the SW: _____. Is the Prevalence Index:
___ 1.0 - 1.9 (15 Pts.)
X 2.0 - 2.5 (10 Pts.)
___ >2.5 (5 Pts.)
5. Categorize the vegetation diversity:
___ 66 - 100% (15 Pts.)
___ 33 - 66% (10 Pts.)
X 0 - 33% (5 Pts.)

ATTACHMENT J

6. Categorize the edge irregularity:
- ___ 66 - 100% (15 Pts.)
 ___ 33 - 66% (10 Pts.)
 0 - 33% (5 Pts.)
7. Do unusual or rare species inhabit the SW? Y___ N Name
 them. _____
8. Do morphological adaptations exist in plants in the SW and/or
 the nonwetland perimeter? Y N___ (Within ___ ft of SW)

TOTAL POSSIBLE SCORE, SECTION II: 95 Pts.
 ACTUAL SCORE: 60

III. SOILS

1. SCS Soil Series of SW (per the delineation data sheets):
- | | | |
|-------------------|--------------|--|
| (1) Capers | (4) Polawana | (<input checked="" type="checkbox"/>) Fripp-Baratari |
| (2) Bohicket | (5) Rhosedhu | (8) Sewee |
| (3) Coastal Beach | (6) Baratari | (9) Williman |
- Scoring: (1)-(3) = 15; (4)-(6) = 10; (7)-(9) = 5
2. Categorize the primary source of sediment:
- ___ Water column (15 Pts.)
 ___ Overland runoff (10 Pts.)
 Detritus (5 Pts.)
3. Physical soil disturbance observed: N Y___
 "N"=10; "Y"=0. Indicators: Tilling; filling; grading;
 dumping; excavation; berming; impoundment(s); vehicular travel
 causing compaction and/or rutting; sedimentation; substrate
 erosion; ditching; trenching; other (list): _____
 _____ . Circle the appropriate indicator.
4. High nutrient concentration observed: N Y___
 "N"=10; "Y"=0. Factors to consider: Algal bloom,
 eutrophication, reclaimed water (advanced-treated effluent)
 disposal; sewage (not advanced-treated effluent) input; other
 (list): _____
 Circle the appropriate factors.

ATTACHMENT J

5. Contamination sources observed or reported: N Y ____.
 "N"=10; "Y"=0. List date of observation or report: ____.
 Evidence of waterborne or sedimentary contaminants: Sewage
 outfalls; landfills; leaking subsurface tanks; pesticide
 treated area; oil runoff; heavily traveled highways; other
 (list): _____
 Circle the appropriate factors.

TOTAL POSSIBLE SCORE, SECTION III: 60 Pts.
 ACTUAL SCORE: 40

IV. HYDROLOGY

1. Categorize the flooding duration of the SW (per SCS Soil Survey, Table 18 and observations):
 ___ Very long/long (10 Pts.)
 ___ Long (5 Pts.)
 None (0 Pts.)
2. Categorize the high water table (below surface) of the SW (per SCS Soil Survey, Table 18 and observations):
 ___ +1.0 - 1.0 Ft. (15 Pts.)
 ___ 1.0 - 1.5 Ft. (10 Pts.)
 >1.5 Ft. (5 Pts.)
3. What percentage is SW permanently saturated at surface?
 ___ > or equal to 67% (15 Pts.)
 ___ 33-66% (10 Pts.)
 0-33% (5 Pts.)
4. Is the SW's existence dependent upon a water control device, either upstream or downstream? N Y ____ "N"=10; "Y"=0
5. Are there any disturbances to hydrology in the SW?
 N Y ____ "N"=10; "Y"=0 Disturbances include: Turbidity from runoff; groundwater withdrawal; diversion/alteration of runoff into or out of the SW; alteration of runoff through SW; unstable, transitional channels; reduction of flood storage; flooding with reclaimed water; impoundments artificially maintaining water levels above natural hydroperiod; other
 (list): _____
 Circle the appropriate answer.

ATTACHMENT J

TOTAL POSSIBLE SCORE, SECTION IV: 60 PTS.
ACTUAL SCORE: 30

V. HABITAT VALUE

1. Is waterfowl habitat: >50% of SW (10 Pts.);
< 50% of SW X (5 Pts.)
2. Categorize the SW's productivity for water-dependent birds.
 - Food, cover & surface water (15 Pts.)
 - Cover & surface water (10 Pts.)
 - X Either food only; cover only; surface water only
(5 Pts.)
 - No food, cover &/or surface water (0 Pts.)
3. Is the SW habitat for listed (Fed./SC) rare, threatened or endangered species or species of special concern? Y
NX
4. Does the subject wetland have basking sites available for reptiles? Y NX
5. Are hollow trees for denning/nesting/roosting sites:
 - Plentiful (15 pts.)
 - X Occasional (10 pts.)
 - Rare (5 pts.)
6. Does SW serve as drinking water source for wildlife?
 - Year-round (15 pts.)
 - X Seasonal (10 pts.)
 - Temporary (5 pts.)
7. Is there evidence of disturbance to wildlife (including hunting, trapping, baiting, etc.) or evidence of dead animals on site? NX Y "N"=10; "Y"=0
8. Categorize the community interspersion (varying, mixed edge):
 - High = >66% (15 Pts)
 - Moderate = 33-66% (10 Pts.)
 - X Low = 0-33% (5 Pts.)

ATTACHMENT J

9. Categorize the habitat diversity:

- High (15 Pts.) Includes:
- Bottomland hardwood;
 - Large, vegetatively diverse wetland >5 acres;
 - moderately-sized wetlands (1-5 acres) that are oases or part of a cluster with moderate to high community interspersion.
- Moderate (10 Pts.) Includes any blending of high and low value habitat diversity.
- Low (5 Pts.) Includes:
- Forested, scrub-shrub or moss wetland(s) not connected to adjoining forests by vegetated or water corridors;
 - Small (< 1 acre) wetlands with potential toxic inputs; estuarine or marine wetlands exposed to waves, or without vegetation; and/or
 - Palustrine or lacustrine wetlands that (1) have low vegetation diversity; or (2) are surrounded with urban development and have no connecting corridors; or (3) small wetlands with low vegetation diversity, low edge irregularity, no open water and are not part of an oases or cluster.

TOTAL POSSIBLE SCORE, SECTION V: 115 Pts.

ACTUAL SCORE: 55

VI. SOCIAL VALUE

1. Is the SW in a rapid wetland loss area? Y NX
2. Does on-going recreation take place in the SW? Y NX
 Circle the activities: hiking, birding, organized photography, sailing, power boating, non-power small boating, water skiing, horseback riding, other (list): _____
-
3. Is the SW used for education? Y NX
 Circle the activities: Research, monitoring, educational field trips, outdoor overlooks, interpretive displays, other (list): _____

ATTACHMENT J

4. Is the SW owned by an organized conservation group or public agency for the primary purpose of preservation, ecological enhancement and/or low-intensity recreation? Y___ N X
5. Have substantial public and/or private funds been provided to preserve the SW? Y___ N X A "Y" answer may be made to any one or more of the following (circle the appropriate answer):
 Property purchase; conservation easement; access improvement; fisheries improvement; water quality improvement; buffer conservation; seeding/plant installation; grade improvement; hydrology improvement; wildlife habitat enhancement; fencing;
 other (list): _____
6. Does the SW represent all or most (>50%) of this wetland system on Hilton Head Island? Y___ N X
7. Are there any point sources of pollution in nearby areas that might be impacted by the disturbance of this wetland?
 Y___ N X Describe: _____
8. Are there any features of economic value in the SW or within 500 feet of the SW that might be impacted by the disturbance of this wetland? Y___ N X Describe: _____
9. Is the SW used for consumptive activities? Y___ N X
 Circle the activities: Aquaculture, commercial/sport fishing, hunting, plant nursery, silviculture, water supply, other
 (list): _____
10. Does the SW exist in an area where flood water storage is important? Y___ N X SW is in Flood Zone ____.

TOTAL POSSIBLE SCORE, SECTION VI: 100 PTS.
 ACTUAL SCORE: 0

ATTACHMENT J

TOTAL POSSIBLE SCORE, SECTIONS I-VI: 525 PTS.

ACTUAL SCORE, SECTIONS I-VI: 240

SCORING KEY

340 - 525 pts.
339 and below

NO ALTERATION IS PERMITTED
Some alteration may be permitted
depending on section scoring (see
wetland ordinance for details).

ATTACHMENT J



NEWKIRK
ENVIRONMENTAL
CONSULTANTS, INC

November 3, 1997

Mr. Jake Duncan
U.S. Army Corps of Engineers
Post Office Box 919
Charleston, SC 29402

RECEIVED

**Subject: Wetland Verification
Pope Avenue Site
Hilton Head, South Carolina**

Dear Mr. Duncan:

Newkirk Environmental Consultants, Inc. (NEC, Inc.) respectfully submits the following information necessary for a wetland verification of the subject site located east of Pope Avenue and north of Lagoon Road in Hilton Head, South Carolina. The preliminary wetland delineation of this site was completed by NEC, Inc. on 30 September 1997 following your site visit earlier that day using methods outlined in the 1987 "Corps of Engineers Wetlands Delineation Manual"¹.

Enclosed, please find a "Request For Wetlands Determination", sheet 105 of the Soil Survey of Beaufort and Jasper Counties with the approximate site location depicted, the National Wetlands Inventory Map for the Bluffton and Hilton Head Quadrangles with the approximate site location depicted, the U.S. Geological Survey Map for the Bluffton and Hilton Head Quadrangles with the approximate site location depicted, data sheets representing typical site conditions, and a surveyed plat depicting the referenced property and the identified wetland areas. Please review this information to verify the accuracy of NEC, Inc.'s preliminary wetland delineation.

¹ Environmental Laboratory. 1987. "Corps of Engineers Wetlands Delineation Manual," Technical Report Y-87-1, US Army Engineer Waterways Experiment Station, Vicksburg, Mississippi.

Charleston, SC Office
192 East Bay Street, Suite 201
Charleston, SC 29401
(803) 722-4958
Facsimile (803) 723-6684
E-Mail: NewkirkEnv@aol.com

Savannah, GA Office
Post Office Box 16609
Savannah, GA 31416
(912) 354-6494
Facsimile (912) 354-7179
E-Mail: NewkirkEnv@aol.com

ATTACHMENT J

Mr. Jake Duncan
November 3, 1997
Page 2

Upland soils match the description for Fripp series with inclusions of Baratari as the wetland soils. Wetland boundaries were delineated based on regional indicators, vegetative differences between the upland and wetland areas, and a topographic rise from the wetland to upland areas.

If you have any questions concerning this wetland verification submittal or wish to make a site visit, please contact us at (912) 354-6494.

Sincerely,



Joel Price
Field Biologist - Savannah Office
NEWKIRK ENVIRONMENTAL CONSULTANTS, INC.

Enclosures

ATTACHMENT J

Charleston District - Corps of Engineers - P. O. Box 919 Charleston SC 29402
 REQUEST FOR WETLANDS DETERMINATION

Date: November 3, 1997

County: Beaufort Total Acreage of Tract: 10 Acres

Project Name (if applicable): Pope Avenue Site

Property Owner (name, address, phone)	Agent/Developer/Engineer (name, address, phone)
<u>Mr. Ken Taylor</u>	<u>NEC, Inc.</u>
<u>P. O. Box 6899</u>	<u>P. O. Box 16609</u>
<u>Hilton Head, SC 29929</u>	<u>Savannah, GA 31416</u>
<u>(803) 785-3355</u>	<u>(912) 354-6494</u>
	<u>Attn: Joel Price</u>

Status of Project (check one)

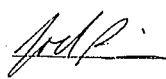
- On-going site work for development purposes
 Development in planning stages
 No specific development planned at this time

Project Type - Indicate the proposed use of the land in question or, if no specific work is planned at present, the current zoning or land use at the site:

- | | | |
|---------------------------------------|--|---------------------------------------|
| <input type="checkbox"/> Residential | <input checked="" type="checkbox"/> Commercial | <input type="checkbox"/> Mixed use |
| <input type="checkbox"/> Industrial | <input type="checkbox"/> Agriculture | <input type="checkbox"/> Public Works |
| <input type="checkbox"/> Silviculture | <input type="checkbox"/> Aquaculture | <input type="checkbox"/> Other _____ |

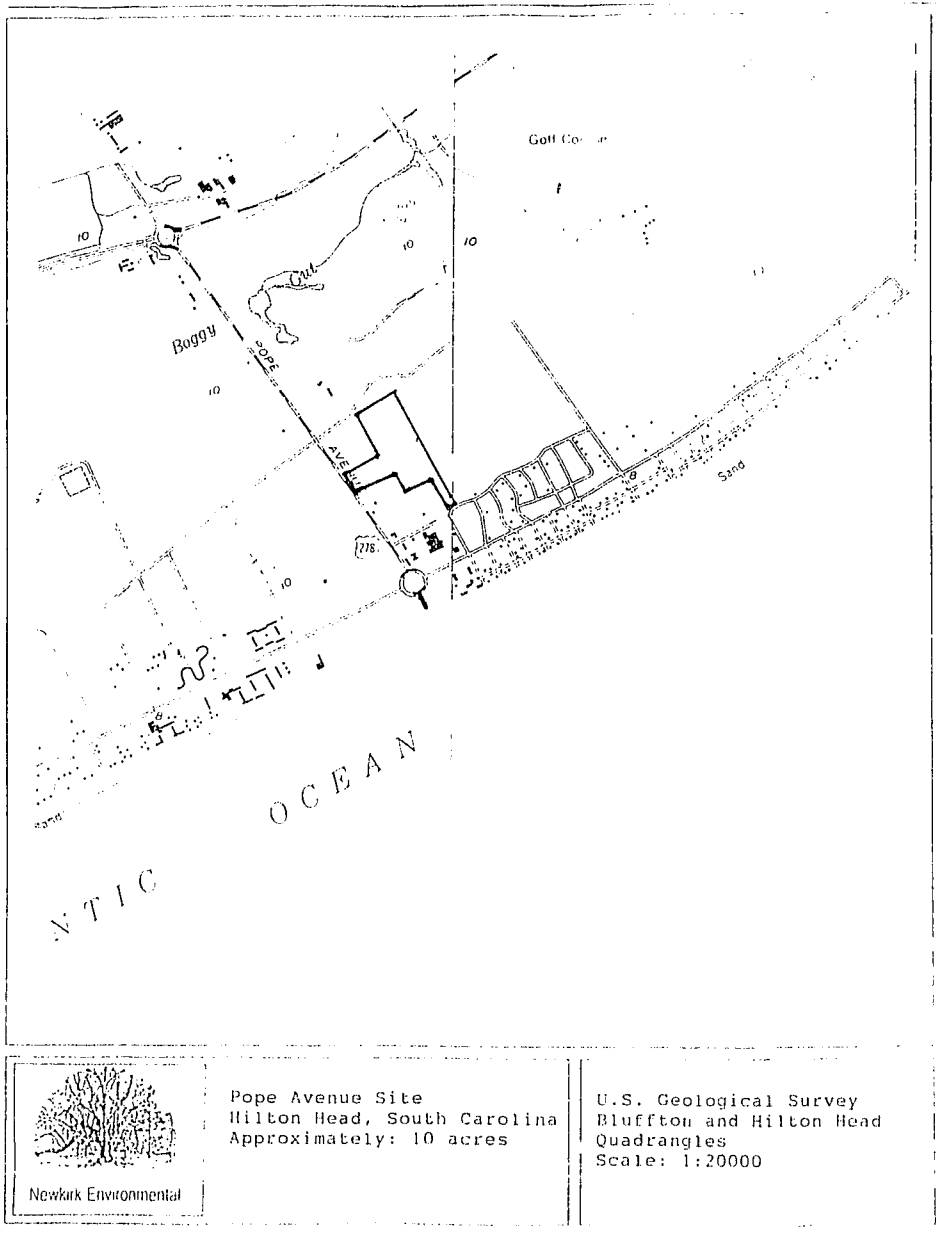
Information Required to Accompany Request - Check the items submitted - forward as much information as is available At a Minimum, the first two items must be forwarded.

- Accurate Location Map (from county map, USGS Quad Sheet, etc.)
 Survey Plat or Tax Map of the property in question
 Soil survey sheet (from SCS) or aerial photograph (from County Assessors Office or other source - property boundaries shown on the soil survey/photo would be very helpful)
 Topographic Survey
 Conceptual Site Plan for the overall development
 Routine On-Site Data

Signature of Property Owner or Authorized Agent: 

The person signing this form must have the authority of the owner to authorize Corps of Engineers employees or their agents to enter onto the property for on-site investigations if such is deemed necessary. Do not sign unless you have the specific authority of the owner.

ATTACHMENT J

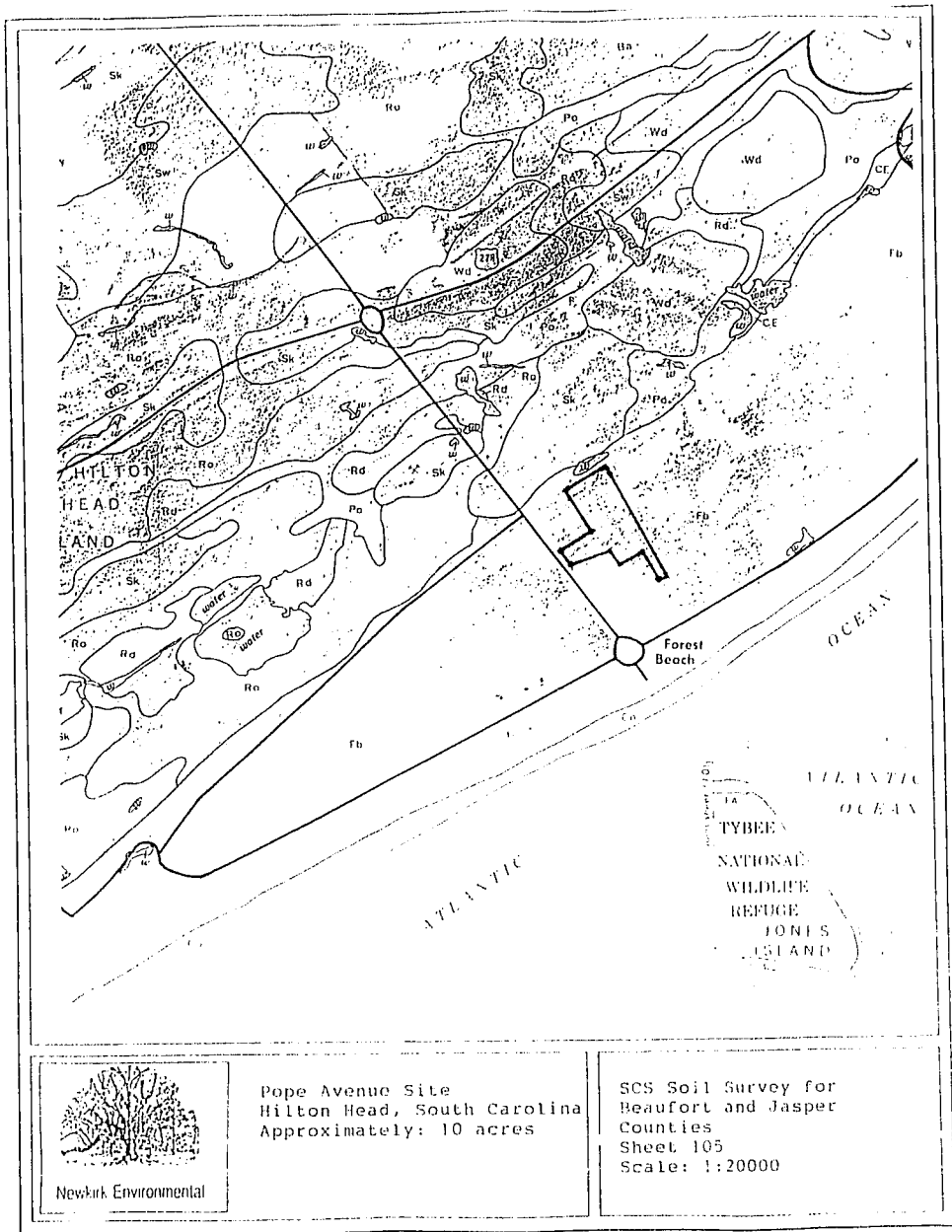


Newark Environmental

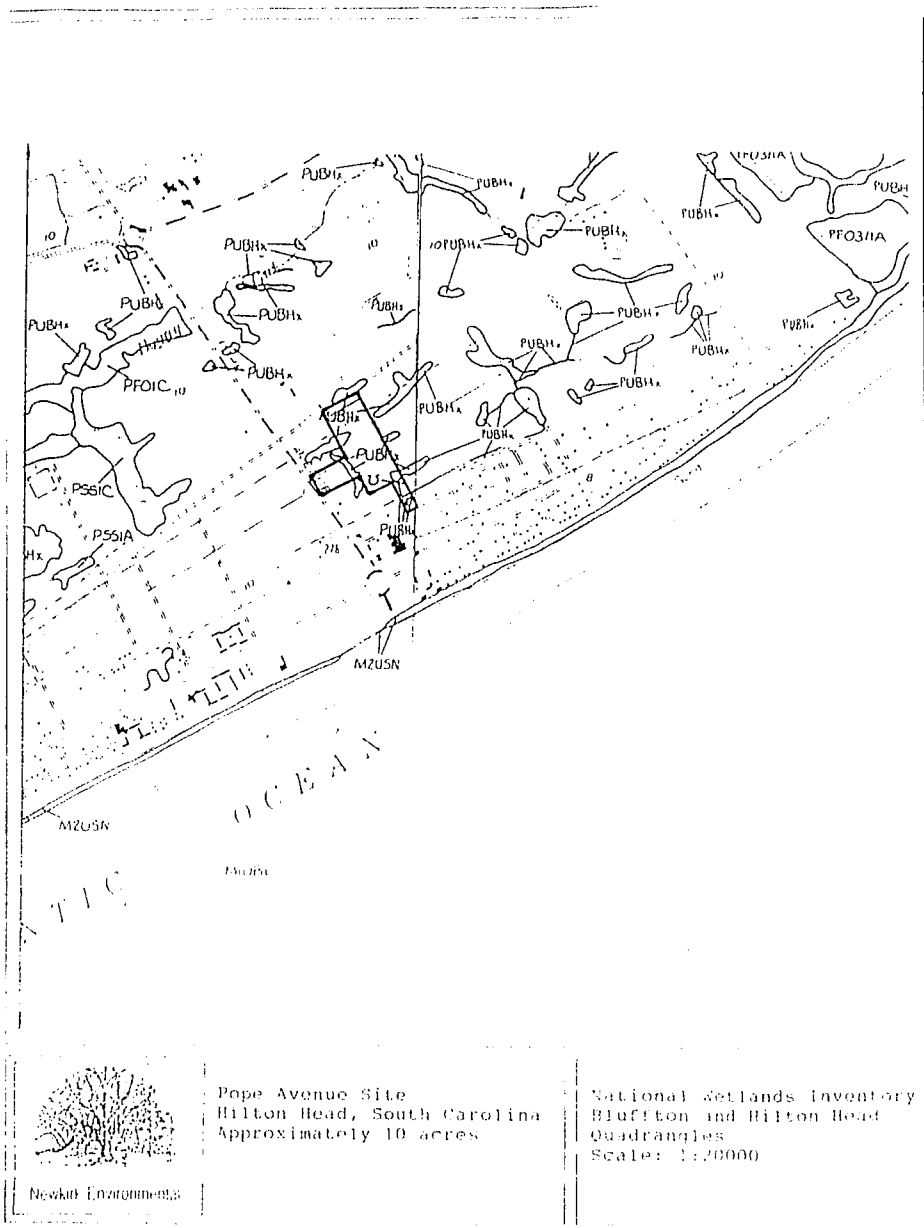
Pope Avenue Site
Hilton Head, South Carolina
Approximately: 10 acres

U.S. Geological Survey
Bluffton and Hilton Head
Quadrangles
Scale: 1:20000

ATTACHMENT J



ATTACHMENT J



ATTACHMENT J

DATA FORM
 ROUTINE WETLAND DETERMINATION
 (1987 COE Wetlands Delineation Manual)

Project/Site: Pope Avenue Site	Project No: 02-486	Date: 25-Sep-1997
Applicant/Owner: Newkirk Environmental Consultants, Inc.		County: Beaufort
Investigators: Newkirk Environmental Consultants, Inc.		State: South Carolina
		Plot ID: Upland 1

Do Normal Circumstances exist on the site? Is the site significantly disturbed (Atypical Situation:)? Is the area a potential Problem Area? (If needed, explain on the reverse side)	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Yes <input checked="" type="radio"/> No	Community ID: Upland Transect ID: Field Location:
---	---	---

VEGETATION (USFWS Region No. 2)

Dominant Plant Species(Latin/Common)	Stratum	Indicator	Plant Species(Latin/Common)	Stratum	Indicator
<i>Magnolia grandiflora</i>	Tree	FAC+	<i>Myrica corifera</i>	Shrub	FAC+
Magnolia, Large-Flower			Bayberry, Southern		
<i>Quercus virginiana</i>	Tree	FACU+	<i>Aralia spinosa</i>	Shrub	FAC
Oak, Live			Club, Hercules		
<i>Quercus nigra</i>	Tree	FAC	<i>Pteridium aquilinum</i>	Herb	FACU
Oak, Water			Fern, Bracken		
<i>Liquidambar styraciflua</i>	Tree	FAC+	<i>Vitis rotundifolia</i>	Vine	FAC
Gum, Sweet			Grape, Muscadine		
<i>Sabal palmetto</i>	Tree	FAC	<i>Smilax spp.</i>	Vine	NI
Palm, Cabbage			unknown		

Percent of Dominant Species that are OBL, FACW or FAC: (excluding FAC-) 7/9 = 77.78%
 FAC Neutral: 0/2 = 0.00%
 Numeric Index: 29/9 = 3.22

Remarks:

HYDROLOGY

<p><u>NO</u> Recorded Data(Describe in Remarks): N/A Stream, Lake or Tide Gauge N/A Aerial Photographs N/A Other</p> <p><u>YES</u> No Recorded Data</p> <p>Field Observations</p> <p>Depth of Surface Water: N/A (in) Depth to Free Water in Pit: N/A (in) Depth to Saturated Soil: > 20 (in)</p>	<p>Wetland Hydrology Indicators</p> <p>Primary Indicators</p> <p><u>NO</u> Inundated <u>NO</u> Saturated in Upper 12 Inches <u>NO</u> Water Marks <u>NO</u> Drift Lines <u>NO</u> Sediment Deposits <u>NO</u> Drainage Patterns in Wetlands</p> <p>Secondary Indicators</p> <p><u>NO</u> Oxidized Root Channels in Upper 12 Inches <u>NO</u> Water-Stained Leaves <u>NO</u> Local Soil Survey Data <u>NO</u> FAC-Neutral Test <u>NO</u> Other(Explain in Remarks)</p>
Remarks:	

ATTACHMENT J

**DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)**

Project/Site: Pope Avenue Site	Project No: 02-486	Date: 25-Sep-1997
Applicant/Owner: Newkirk Environmental Consultants, Inc.		County: Beaufort
Investigators: Newkirk Environmental Consultants, Inc.		State: South Carolina
		Plot ID: Upland 1

SOILS

Map Unit Name (Series and Phase): Fripp		Mapped Hydric Inclusion? Barataria			
Map Symbol: Fb	Drainage Class: Excessively Drained	Field Observations Confirm Mapped Type? <input checked="" type="radio"/> Yes <input type="radio"/> No			
Taxonomy (Subgroup): Typic Udipsammints					
Profile Description					
Depth (Inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Color (Munsell Moist)	Mottle Abundance/Contrast	Texture, Concretions, Structure, etc
0-5	A1	10YR5/2	2.5YR7/2	Many Faint	Loamy fine sand
5-21	C	2.5Y7/4	10YR6/2	Many Distinct	Loamy fine sand
Hydric Soil Indicators:				<input type="checkbox"/> NO Concretions <input type="checkbox"/> NO High Organic Content in Surface Layer in Sandy Soils <input type="checkbox"/> NO Organic Streaking in Sandy Soils <input type="checkbox"/> NO Listed on Local Hydric Soils List <input type="checkbox"/> NO Listed on National Hydric Soils List <input type="checkbox"/> NO Other (Explain in Remarks)	
<input type="checkbox"/> NO Histosol <input type="checkbox"/> NO Histic Epipedon <input type="checkbox"/> NO Sulfidic Odor <input type="checkbox"/> NO Aquic Moisture Regime <input type="checkbox"/> NO Reducing Conditions <input type="checkbox"/> NO Gleyed or Low Chroma Colors					
Remarks:					

WETLAND DETERMINATION

Hydrophytic Vegetation Present?	Yes <input type="radio"/> No <input checked="" type="radio"/>	Is the Sampling Point within the Wetland?	Yes <input type="radio"/> No <input checked="" type="radio"/>
Wetland Hydrology Present?	Yes <input type="radio"/> No <input checked="" type="radio"/>		
Hydric Soils Present?	Yes <input type="radio"/> No <input checked="" type="radio"/>		
Remarks: All three criteria are not met.			

ATTACHMENT J

DATA FORM
 ROUTINE WETLAND DETERMINATION
 (1987 COE Wetlands Delineation Manual)

Project/Site: Pope Avenue Site	Project No: 02-486	Date: 25-Sep-1997
Applicant/Owner: Newkirk Environmental Consultants, Inc.		County: Beaufort
Investigators: Newkirk Environmental Consultants, Inc.		State: South Carolina
		Plot ID: Wetland 1

SOILS

Map Unit Name (Series and Phase): Barataria		Map Symbol: Ba		Drainage Class: Poorly Drained		Mapped Hydric Inclusion?	
Taxonomy (Subgroup): Aeric Haplaquads						Field Observations Confirm Mapped Type? <input checked="" type="radio"/> Yes No	
Depth (Inches)	Horizon	Matrix Color (Munsell Moist)	Mottle Color (Munsell Moist)	Mottle Abundance/Contrast		Texture, Concretions, Structure, etc	
0-5	A1	10YR2/1	N/A	N/A	N/A	Loamy fine sand	
5-11	A2	10YR6/1	N/A	N/A	N/A	Loamy fine sand	
Hydric Soil Indicators:							
NO Histosol NO Histic Epipedon NO Sulfidic Odor NO Aquic Moisture Regime NO Reducing Conditions YES Gleyed or Low Chroma Colors				NO Concretions NO High Organic Content in Surface Layer in Sandy Soils YES Organic Streaking in Sandy Soils YES Listed on Local Hydric Soils List NO Listed on National Hydric Soils List NO Other (Explain in Remarks)			
Remarks:							

WETLAND DETERMINATION

Hydrophytic Vegetation Present?	<input checked="" type="radio"/> Yes No	Is the Sampling Point within the Wetland?	<input checked="" type="radio"/> Yes No
Wetland Hydrology Present?	<input checked="" type="radio"/> Yes No		
Hydric Soils Present?	<input checked="" type="radio"/> Yes No		
Remarks: All three criteria are met			

ATTACHMENT J

DATA FORM
 ROUTINE WETLAND DETERMINATION
 (1987 COE Wetlands Delineation Manual)

Project/Site: Pope Avenue Site	Project No: 02-486	Date: 25-Sep-1997
Applicant/Owner: Newkirk Environmental Consultants, Inc.		County: Beaufort
Investigators: Newkirk Environmental Consultants, Inc.		State: South Carolina
		Plot ID: Wetland 1

Do Normal Circumstances exist on the site?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Community ID: Wetland
Is the site significantly disturbed (Atypical Situation)?	<input type="radio"/> Yes <input checked="" type="radio"/> No	Transect ID:
Is the area a potential Problem Area? (If needed, explain on the reverse side)	<input type="radio"/> Yes <input checked="" type="radio"/> No	Field Location:

VEGETATION

(USFWS Region No. 2)

Dominant Plant Species(Latin/Common)	Stratum	Indicator	Plant Species(Latin/Common)	Stratum	Indicator
<i>Liquidambar styraciflua</i> Gum,Sweet	Tree	FAC+	<i>Saururus cernuus</i> Tail,Lizard's	Herb	OBL
<i>Sabal palmetto</i> Palm,Cabbage	Tree	FAC	<i>Osmunda cinnamomea</i> Fern,Cinnamon	Herb	FACW+
<i>Sapium sebiferum</i> Tallow-Tree,Chinese	Tree	FAC	<i>Woodwardia areolata</i> Chainfern,Netted	Herb	OBL
<i>Myrica cerifera</i> Bayberry,Southern	Shrub	FAC+	<i>Woodwardia virginica</i> Chainfern,Virginia	Herb	OBL

Percent of Dominant Species that are OBL, FACW or FAC: (excluding FAC-) 8/8 = 100.00%	FAC Neutral: 4/4 = 100.00%
	Numeric Index: 17/8 = 2.13

Remarks:

HYDROLOGY

<p><u>NO</u> Recorded Data(Describe in Remarks):</p> <p><u>N/A</u> Stream, Lake or Tide Gauge</p> <p><u>N/A</u> Aerial Photographs</p> <p><u>N/A</u> Other</p> <p><u>YES</u> No Recorded Data</p> <p>Field Observations</p> <p>Depth of Surface Water: <u>N/A</u> (m)</p> <p>Depth to Free Water in Pit: <u>N/A</u> (m)</p> <p>Depth to Saturated Soil: <u>>= 8</u> (m)</p>	<p>Wetland Hydrology Indicators</p> <p>Primary Indicators</p> <p><u>NO</u> Inundated</p> <p><u>YES</u> Saturated in Upper 12 Inches</p> <p><u>YES</u> Water Marks</p> <p><u>NO</u> Drift Lines</p> <p><u>NO</u> Sediment Deposits</p> <p><u>NO</u> Drainage Patterns in Wetlands</p> <p>Secondary Indicators</p> <p><u>NO</u> Oxidized Root Channels in Upper 12 Inches</p> <p><u>YES</u> Water-Stained Leaves</p> <p><u>YES</u> Local Soil Survey Data</p> <p><u>YES</u> FAC-Neutral Test</p> <p><u>NO</u> Other(Explain in Remarks)</p>
Remarks:	

ATTACHMENT J

ATTACHMENT J

TRAFFIC IMPACT ANALYSIS PLAN

ATTACHMENT J

TOWN OF HILTON HEAD ISLAND PLANNING DEPARTMENT
TRAFFIC IMPACT ANALYSIS
SUPPLEMENTAL TO MASTER APPLICATION FORM

Please TYPE or PRINT legibly

NAME OF PROJECT WATERSIDE PHASE 1 UNITS

INDICATE TYPE OF ANALYSIS REQUESTED (CHECK ONLY ONE):

ADMINISTRATIVE ANALYSIS

ATTACH ALL ITEMS IDENTIFIED IN LMO SECTION 16-7-725(b)(1)-(3). FILING FEE: \$50

ALTERNATIVE PREVIOUSLY SUBMITTED

AS PER SEC 16-7-725(b)(3) .56 x 8 PU = 448

T.P.D.

STAFF REVIEW

APPLICABLE TO PROJECTS GENERATING 10 OR MORE, BUT LESS THAN 40, AFTERNOON PEAK HOUR TRIPS. ATTACH ALL ITEMS IDENTIFIED IN LMO SECTION 16-7-725(b)(1)-(8). FILING FEE: \$200

PLANNING COMMISSION REVIEW

APPLICABLE TO PROJECTS GENERATING 40 OR MORE AFTERNOON PEAK HOUR TRIPS. ATTACH ALL ITEMS IDENTIFIED IN LMO SECTION 16-7-725(b)(1)-(8). FILING FEE: \$250

NOTE: IF ANY REQUESTED INFORMATION IS NOT PROVIDED, THIS APPLICATION WILL BE CONSIDERED INCOMPLETE AND WILL NOT BE PROCESSED AND ANY PRIORITY BASED ON THE FILING DATE OR TIME WILL NOT BE GRANTED. IN SUCH CASES, A NEW APPLICATION WITH ALL REQUESTED AND REQUIRED INFORMATION MUST BE SUBMITTED.

FOR OFFICIAL USE ONLY

DATE RECEIVED: _____

TIME: _____

ACCEPTED BY: _____

MASTER TRACKING NUMBER: _____

ATTACHMENT J

TOWN OF HILTON HEAD ISLAND
FEE FORMBusiness License Receipt # B 21637 (4/6/98) CK# 4643Date 4/3/98
FROM: ENGINEERING INSPECTIONS PLANNING (PLEASE INITIAL)
TO: BUSINESS LICENSE OFFICEPayee Don HusicoProject Description Waterside Phase I

ENGINEERING:

\$ _____ Filing Fee
\$ _____ Surety
\$ _____ Copies (.20 p/p)\$ _____ Reinspection Fee
\$ _____ Other Gen Fund

INSPECTIONS:

\$ _____ BBO Appeals Filing Fee
\$ _____ Misc. Bldg. Permit
\$ _____ Trade Certificate
\$ _____ Other general Fund\$ _____ Building Permit
\$ _____ Reinsp. Fee
\$ _____ Copies (.20 p/p)

PLANNING

\$ _____ BZA Filing Fee
\$ _____ Development Permit
\$ 50.00 Traffic Imp. Analysis
\$ _____ LMO (Land Mgmt. Ordinance)
\$ _____ Copies (.20p/p)\$ _____ CRC Filing
\$ _____ Sign Permit
\$ _____ Spl Exp.
\$ _____ Other Gen Fund

0000 0000 0000 0000

ATTACHMENT J

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ORIGINAL RECEIPT
TOWN OF HILTON HEAD ISLAND
ONE TOWN CENTER COURT
HILTON HEAD ISLAND, SC 29928

RECEIPT NO.
B 21637

Control Number: B 21637

Issuing Officer: *PL*
(Receipt not valid without
Issuing Officer's initials)

Receipt Date: 4/6/1998
Name: BOB GUSCIO

Transaction Code	Description	Amount
TRAFFIC IMPACT FEE	WATERGLOBE PHASE 1	\$50.00

PLEASE PROCESS ACCORDINGLY - P.G.

Receipt Total:	\$50.00	Mailed?: N
Cash Paid:	\$50.00	Mailed?: N
Check Paid:		Mailed?: N
Credit Card Paid:		Mailed?: N



LAW OFFICE OF
CHESTER C. WILLIAMS, LLC

17 Executive Park Road, Suite 2
Post Office Box 6028
Hilton Head Island, SC 29938-6028
Telephone (843) 842-5411
Telefax (843) 842-5412
Email Firm@CCWLaw.net

Chester C. Williams
ALSO MEMBER LOUISIANA BAR

Thomas A. Gasparini
ALSO MEMBER CALIFORNIA BAR
(Inactive)
ALSO MEMBER OHIO BAR
(Inactive)

06 September 2016

Nicole Dixon, CFM
Senior Planner, Community Development
Town of Hilton Head Island
One Torn Center Court
Hilton Head Island, SC 29928

**VIA EMAIL AND
HAND DELIVERED**

RE: Spinnaker Welcome Center Development Plan Review Application DPR-001056-2016 (the "Spinnaker DPR Application"); Application for Appeal No. APL-001515-2016 (the "Spinnaker DPR Appeal") – Our File No. 01787-002

Dear Nicole:

In connection with the Spinnaker DPR Appeal, in order to prepare for a hearing before the Planning Commission, please provide us with the following information and documents, as soon as possible:

1. Copies of all documents reviewed or otherwise consulted by you, or any other employee or consultant of the Town of Hilton Head Island (the "Town") in connection with the review of, deliberation on, and approval of the Spinnaker DPR Application.
2. Copies of all documents authored or otherwise generated by the Town Staff in connection with, or related in any way to, review, consideration, and approval of the Spinnaker DPR Application.
3. Copies of all communications between or among members of the Town Staff, and with any persons not a part of the Town Staff, in connection with the review, consideration, and approval of the Spinnaker DPR Application.
4. The dates, times, and places of, and the attendees at, any meetings by or among the Town Staff, either internally or with any other person or persons in connection with the review, consideration, and approval of the Spinnaker DPR Application, together with copies of all minutes, notes, records, memoranda, or the like of or regarding those meetings.
5. All notes, memoranda, recordings, or any other physical or electronic records generated by, or received by, the Town Staff in connection with

the review, consideration, and approval of the Spinnaker DPR Application.

6. The name, address, and telephone number of any person, whether a member of the Town Staff, or otherwise, with whom you or any other member of the Town Staff met, consulted, or communicated, or otherwise was involved in the review, consideration, and approval of the Spinnaker DPR Application.
7. The name, address, telephone number, and title or other identification, or any member of the Town Staff, or otherwise, from whom you received advice, direction, or input in connection with the review, consideration, and approval of the Spinnaker DPR Application.
8. Copies of any and all files kept, consulted, or generated by the Town Staff in connection with review, consideration, and approval of the Spinnaker DPR Application.

The foregoing requests include, without limitation, any and all correspondence, email, voice mail, or other physical or electronic communications, records, files, maps, plats, or other physical or electronic media in connection with review, consideration, and approval of the Spinnaker DPR Application.

To the extent necessary (and we hope it is not the case), you should consider this request for information to be a formal request made pursuant to the South Carolina Freedom of Information Act.

We trust you will let us know if you have any questions about this request. Please note that time is of the essence given the existing hearing schedule for the Spinnaker DPR Appeal.

With best regards, we are

Very truly yours,

LAW OFFICE OF CHESTER C. WILLIAMS, LLC

Chester C. Williams

CCW/lks

cc: Mr. Alexander Brown, Jr. (via email)
Teri B. Lewis, AICP (via email)
Brian E. Hulbert, Esq. (via email)

**The Town of Hilton Head Island
1 Town Center Road
Hilton Head Island, SC 29928**

September 6, 2016

Mr. Chester C. Williams
Law Office of Chester C. Williams, LLC
17 Executive Park Road, Suite 2
PO Box 6028
Hilton Head Island, SC 29938

RE: APL-001515-2016 – Spinnaker Welcome Center

Dear Mr. Williams:

I am writing in response to your letter dated September 6, 2016. In the letter, you request information or responses to 8 questions related to the Spinnaker Welcome Center DPR Appeal. I listed each of your questions below, with my response directly below each one. Per our telephone conversation we had on September 6, 2016, you will accept the requested documents on a thumb drive.

1. Copies of all documents reviewed or otherwise consulted by you, or any other employee or consultant of the Town of Hilton Head Island (the “Town”) in connection with the review of, deliberation on, and approval of the Spinnaker DPR Application.
 - * All documents are included in the Planning Commission packet for the Appeal, and are provided on the thumb drive.
2. Copies of all documents authored or otherwise generated by the Town Staff in connection with, or related in any way to, review, consideration, and approval of the Spinnaker DPR Application.
 - * All documents are included in the Planning Commission packet for the Appeal, and are provided on the thumb drive.
3. Copies of all communications between or among members of the Town Staff, and with any persons not a part of the Town Staff, in connection with the review, consideration, and approval of the Spinnaker DPR Application.
 - * The document on the attached thumb drive labeled as “email correspondence” is a compilation of all communications I had in connection with the subject Appeal and DPR.
4. The dates, times, and places of, and the attendees at, any meetings by or among the Town Staff, either internally or with any other person or persons in connection with the review, consideration, and approval of the Spinnaker DPR Application, together with copies of all minutes, notes, records, memoranda, or the like of or regarding those meetings.
 - * I discussed the subject Appeal and DPR several times with Teri Lewis, none of which were ever recorded nor were notes taken. I do not have a record of dates and times when these discussions took place, as they were more informal discussions where I would walk down to her office and ask her a question. The only scheduled meeting I had regarding this subject was with Teri Lewis and Mitch Thoreson, Town Attorney, which took place at his office on July 25, 2016 at 10 am. There were no minutes or notes taken at this meeting, it was merely a discussion of my findings of the history of the Waterside PD-2 development.

ATTACHMENT J

5. All notes, memoranda, recordings, or any other physical or electronic records generated by, or received by, the Town Staff in connection with the review, consideration, and approval of the Spinnaker DPR Application.

* There are no notes, recordings or other physical records other than the documents I included in the Planning Commission packet and provided on the thumb drive.

6. The name, address, and telephone number of any person, whether a member of the Town Staff, or otherwise, with whom you or any other member of the Town Staff met, consulted, or communicated, or otherwise was involved in the review, consideration, and approval of the Spinnaker DPR Application.

* The following is a list of names, addresses and phone numbers of the people with whom I discussed this case with:

Teri Lewis, LMO Official
One Town Center Court
Hilton Head Island, SC 29928
843-341-4698

Mitchell J. Thoreson, Attorney
Alford & Thoreson Law Firm
18 Executive Park Road, Suite 1
Hilton Head Island, SC 29928
843-842-5500

Todd Theodore, Principal
Wood & Partners Inc.
7 Lafayette Place
Hilton Head Island, SC 29926
843-681-6618

Charlie Halterman, Construction Manager
Spinnaker Development Group
35 DeAllyon Avenue
PO Box 6899
Hilton Head Island, SC 29938
843-785-8105

7. The name, address, telephone number, and title or other identification, or any member of the Town Staff, or otherwise, from whom you received advice, direction, or input in connection with the review, consideration, and approval of the Spinnaker DPR Application.

* The following is a list of names, addresses and phone numbers of the people with whom I received direction or input regarding this case:

Teri Lewis, LMO Official
One Town Center Court
Hilton Head Island, SC 29928
843-341-4698

Mitchell J. Thoreson, Attorney
Alford & Thoreson Law Firm
18 Executive Park Road, Suite 1
Hilton Head Island, SC 29928

843-842-5500

8. Copies of any and all files kept, consulted, or generated by the Town Staff in connection with review, consideration, and approval of the Spinnaker DPR Application.

* All documents are included in the Planning Commission packet for the Appeal, and are provided on the thumb drive.

Sincerely,

A handwritten signature in cursive script that reads "Nicole Dixon".

Nicole Dixon, CFM
Senior Planner

CC: File

ATTACHMENT M

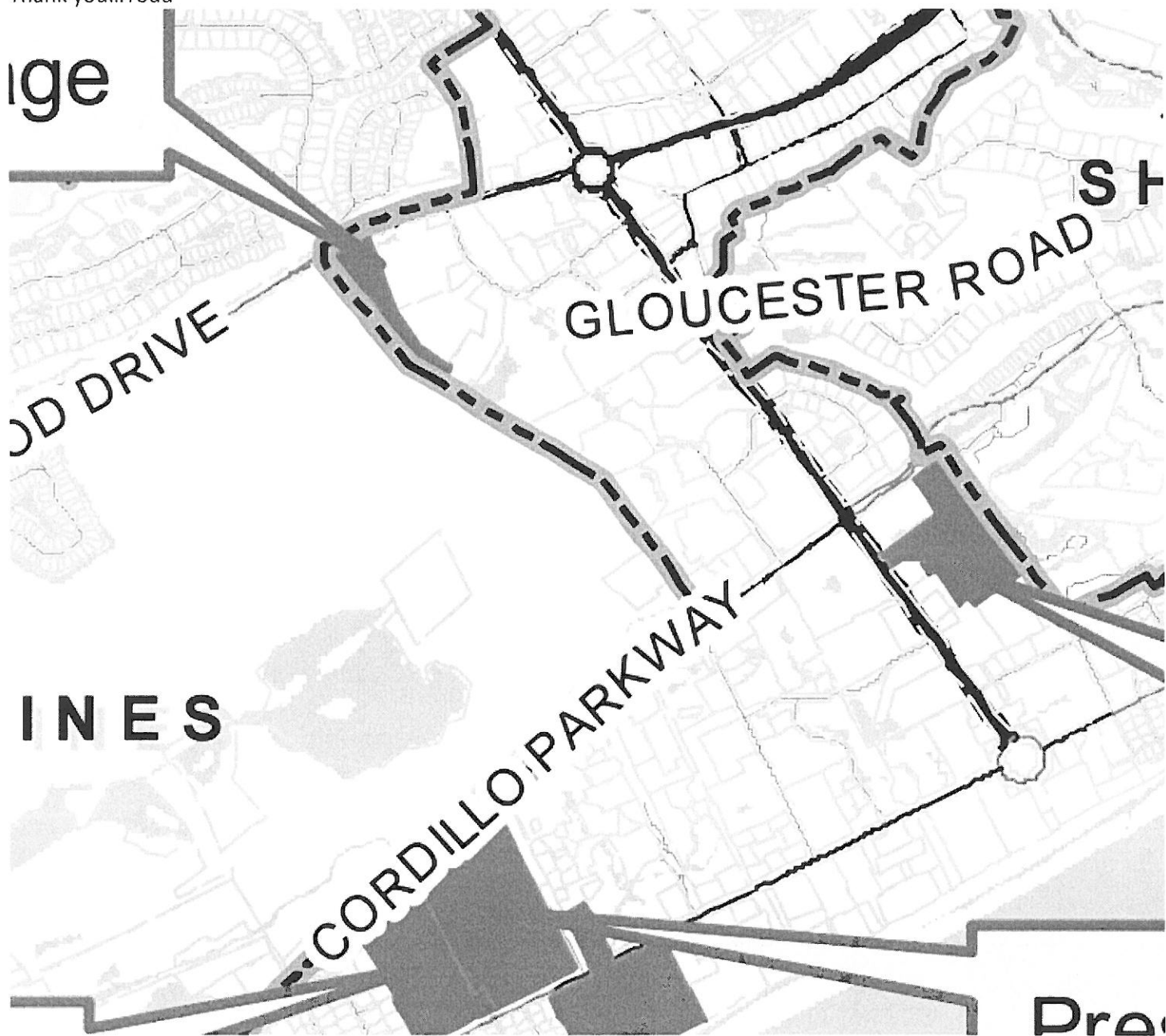
From: Todd Theodore [mailto:TTheodore@woodandpartners.com]
Sent: Wednesday, July 27, 2016 2:17 PM
To: Dixon Nicole
Cc: David McAllister; Charlie Halterman
Subject: FW: Spinnaker

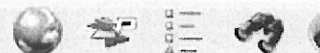
Nicole,

David forwarded information that someone is claiming Spinnaker Resort Welcome Center property is within a PD2 overlay district. As I can tell from the attached imagery of the Town's PD2 overlay map and County's GIS map, this property is outside the overlay.

Please let me know if I am misinterpreting the Town's map?

Thank you...Todd





Todd P. Theodore, RLA
Principal

Wood+Partners Inc.

Landscape Architects / Land Planners
Hilton Head Island Tallahassee

7 Lafayette Place, Hilton Head Island, SC 29926
(843) 681-6618 Ext. 230 - (843) 681-7086 fax - (843) 338-1876 cell

www.woodandpartners.com

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ATTACHMENT M



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From: David McAllister
Sent: Wednesday, July 27, 2016 1:50 PM
To: Todd Theodore <TTheodore@woodandpartners.com>
Subject: Spinnaker

Todd,
I just received a call from Nicole regarding Spinnaker. Evidently there is a someone (a neighbor next to Beach Walk?) saying this property lies within the PD2 overlay district and this could have implications on our DPR submittal. She did say she can still issue a NOA, but this guy could somehow appeal? Nicole can give you the full download; I told her she needs to talk to you. Can you give her a call when you get a chance? She will be in until 3:30 today.

Nicole Dixon: 843-341-4686


David McAllister
Project Planner

 **Wood+Partners Inc.**
Landscape Architects / Land Planners
Hilton Head Island ■ Tallahassee

7 Lafayette Place
Hilton Head Island, SC 29925
(843)681-6618 Ext. 240
(843)681-7086 fax
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ATTACHMENT M

Dixon Nicole

From: Charlie Halterman <chalterman@spinnakerresorts.com>
Sent: Wednesday, July 27, 2016 2:44 PM
To: Dixon Nicole
Subject: RE: Spinnaker

Nicole,

Is this a major issue

From: Dixon Nicole [nicoled@hiltonheadislandsc.gov]
Sent: Wednesday, July 27, 2016 2:40 PM
To: Charlie Halterman
Subject: RE: Spinnaker

Charlie , there was nothing in your email.

Nicole Dixon, CFM
Senior Planner and CRS Coordinator
Community Development Department
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
843-341-4686
fax 843-842-8908

From: Charlie Halterman [mailto:chalterman@spinnakerresorts.com]
Sent: Wednesday, July 27, 2016 2:38 PM
To: Dixon Nicole
Subject: RE: Spinnaker

From: Dixon Nicole [nicoled@hiltonheadislandsc.gov]
Sent: Wednesday, July 27, 2016 2:22 PM
To: Todd Theodore
Cc: David McAllister; Charlie Halterman
Subject: RE: Spinnaker

Todd, I thought the same thing when I first reviewed this and didn't think it was part of it, but looking back through old files it appears it was part of it, it mentions parcel 202, which is the subject parcel, and it is shown on the conceptual master plan I found dated 1984. Call me to discuss

Nicole Dixon, CFM
Senior Planner and CRS Coordinator
Community Development Department
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
843-341-4686
fax 843-842-8908

ATTACHMENT M

Dixon Nicole

From: Charlie Halterman <chalterman@spinnakerresorts.com>
Sent: Thursday, August 11, 2016 7:14 AM
To: Dixon Nicole
Subject: RE: Waterside

I will call Don this morning as soon as he opens. As he laid out the site, he may still have a copy.

From: Dixon Nicole [<mailto:nicoled@hiltonheadislandsc.gov>]
Sent: Thursday, August 11, 2016 7:07 AM
To: Charlie Halterman
Subject: RE: Waterside

Seacrest doesn't have anything to do with the waterside pd-2. The waterside pd-2 was a masterplanned development, Chet's concern is that without have a copy of the approved master plan, how do we know you are proposing to build on a buildable lot. The documents we did find from back then indicate 1.3 acres of open space, he wants to make sure that the lot of the proposed welcome center was not shown as open space on that old master plan.

Nicole Dixon, CFM
Senior Planner and CRS Coordinator
Community Development Department
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
843-341-4686
fax 843-842-8908

From: Charlie Halterman [<mailto:chalterman@spinnakerresorts.com>]
Sent: Thursday, August 11, 2016 7:01 AM
To: Dixon Nicole
Subject: RE: Waterside

I will do my best to find out. What about Sea Crest? Isn't it in the same district? It was about the same timeframe?

From: Dixon Nicole [<mailto:nicoled@hiltonheadislandsc.gov>]
Sent: Thursday, August 11, 2016 6:58 AM
To: Charlie Halterman
Subject: RE: Waterside

I guess you can ask him or anyone you know that may have it. maybe even Robert Graves. if I cant show that to Chet he is going to appeal today, his deadline.

Nicole Dixon, CFM
Senior Planner and CRS Coordinator
Community Development Department
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
843-341-4686

ATTACHMENT M

fax 843-842-8908

From: Charlie Halterman [<mailto:chalterman@spinnakerresorts.com>]
Sent: Thursday, August 11, 2016 6:54 AM
To: Dixon Nicole
Subject: RE: Waterside

Sorry. Don't have that. We go back as far as 96. I wonder if Don Guccio would have it? He did the development drawings.

On August 11, 2016 6:41:40 AM EDT, Dixon Nicole <nicoled@hiltonheadislandsc.gov> wrote:
Charlie,
This isn't what I need, I need the Waterside PD-2 masterplan dated July 27, 1987. thanks

Nicole Dixon, CFM
Senior Planner and CRS Coordinator
Community Development Department
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
843-341-4686
fax 843-842-8908

From: Charlie Halterman [<mailto:chalterman@spinnakerresorts.com>]
Sent: Wednesday, August 10, 2016 5:23 PM
To: Dixon Nicole
Subject: Waterside

Nicole,

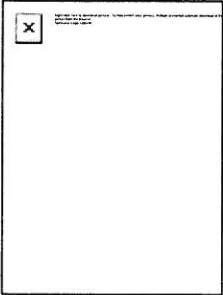
I have attached the as built for the entire Waterside project. I could not find any documentation on the conceptual plan. Did find copies of newspaper articles from 1998 where the town council voted to allow the development. I can scan and send if needed.

Thanks,

Charles B. Halterman
Construction Manager
Spinnaker Development Group
35 DeAllyon Avenue

ATTACHMENT M

PO Box 6899
Hilton Head Island, SC 29938
(843) 785-8105 ext. 5290 - Work
(843) 785-6178 - Fax
(843) 247-1215 - Mobile
www.spinnakerresorts.com



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ATTACHMENT M

Dixon Nicole

From: Charlie Halterman <chalterman@spinnakerresorts.com>
Sent: Monday, August 15, 2016 12:11 PM
To: Dixon Nicole
Subject: Re: appeal for Spinnaker welcome center

We are on hold pending decision.

Thanks

On August 15, 2016 12:07:29 PM EDT, Dixon Nicole <nicoled@hiltonheadislandsc.gov> wrote:

Good Morning,

Chet did file an appeal of my approval of the DPR for the proposed Spinnaker Welcome Center. Please see attached. This will be heard at the September 21st Planning Commission meeting. Because an appeal has been filed, this will stay all activity and permits for the proposed project until the appeal has been decided. Let me know if you have any questions, thanks

Nicole Dixon, CFM
Senior Planner and CRS Coordinator
Community Development Department
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
843-341-4686
fax 843-842-8908

--

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Dixon Nicole

From: Todd Theodore <TTheodore@woodandpartners.com>
Sent: Wednesday, August 17, 2016 5:01 PM
To: Dixon Nicole
Cc: Charlie Halterman
Subject: FW: Spinnaker Open Space Calcs
Attachments: JOB 5-87 2.600 ACRES AND FUTURE 50 RW DATED 10986 REVISED 70687.pdf; JOB 5-87 15.100 ACRES WATERSIDE P.U.D. DATED 120987 RECORDED PB 35 PG 7....pdf

Nicole,

Below are the approximate open space calculations for the Waterside PD-2. I also included a couple maps that Surveying Consultants found in their archives.

Feel free to call or email me if you have any questions.

Thanks...Todd

Todd P. Theodore, RLA
Principal

Wood+Partners Inc.

Landscape Architects / Land Planners
Hilton Head Island Tallahassee

7 Lafayette Place, Hilton Head Island, SC 29926
(843) 681-6618 Ext. 230 - (843) 681-7086 fax - (843) 338-1876 cell

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From: David McAllister
Sent: Monday, August 15, 2016 11:22 AM
To: Todd Theodore <TTheodore@woodandpartners.com>
Subject: Spinnaker Open Space Calcs

Todd,

Below is a breakdown of open space for the Spinnaker properties & hotel parcel:

Waterside by Spinnaker (includes GIS for buildings not shown on as-built):

- Total property size: 498,242 SF or 11.4 Acres
- Total open space: +/- 328,788 SF or **66% Open Space**
- Total number of units: 198 (based on as-built survey)

Hotel Parcel (Area is approximate and calculated with GIS aerial):

- Total property size: 115,480 SF or 2.65 Acres
- Total open space: +/- 65,568 SF or **57% Open Space**

Spinnaker Resort Welcome Center:

- Total property size: 46,502 SF or 1.06 Acres

ATTACHMENT M

- Total open space: +/- 27,688 SF or **59.5% Open Space**

David McAllister
Project Planner




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Landscape Architects / Land Planners
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7 Lafayette Place
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(843)681-7086 fax
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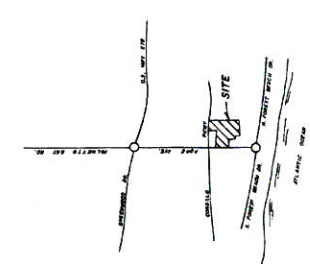
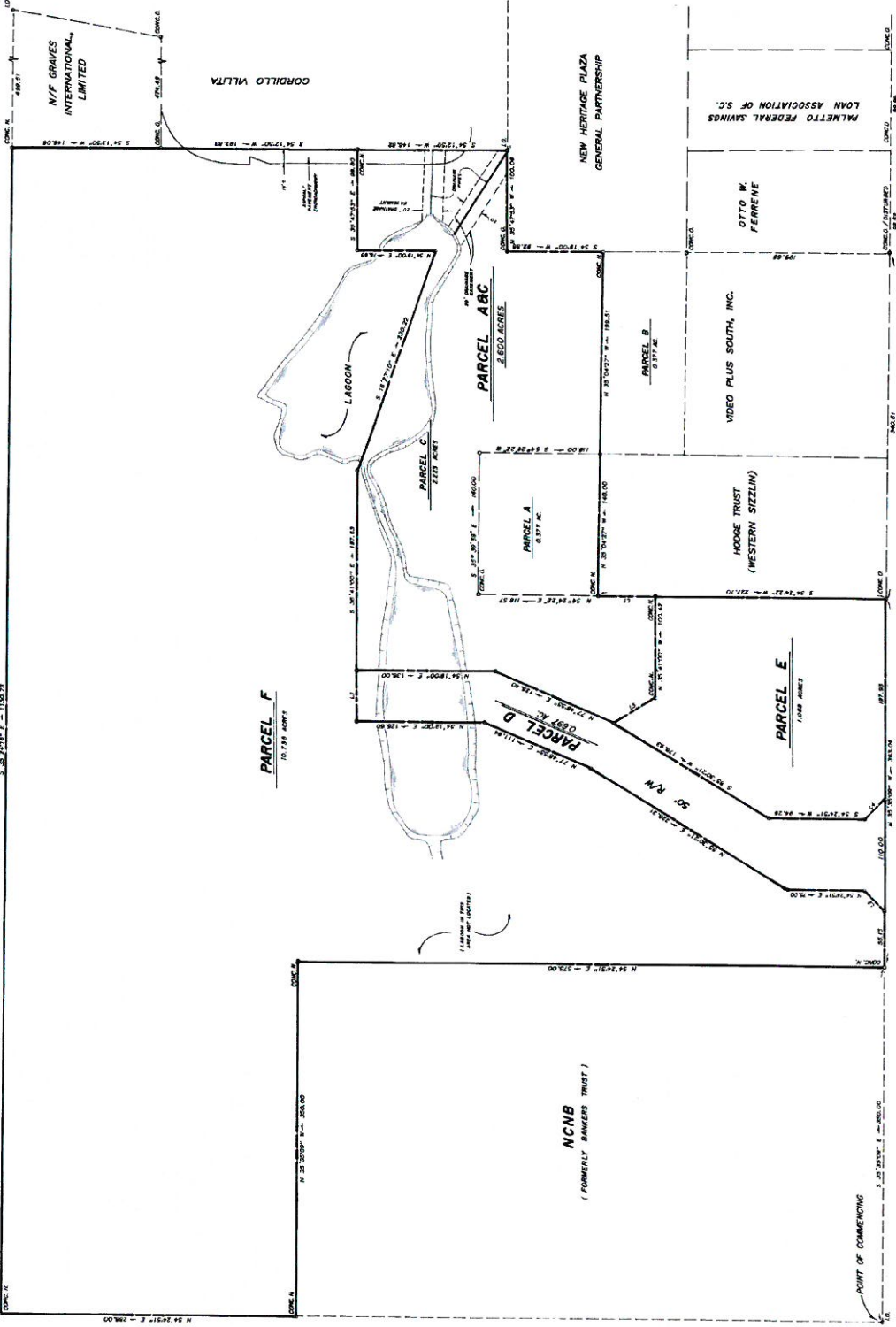
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AVOCET STREET — 50' R/W

S. 28° 21' 10" E. = 110.37



CORDILLO PARKWAY — 100' R/W



LINE	BEARING	DISTANCE
1	S 24° 27' 27" W	105.73
2	S 28° 21' 10" E	28.28
3	S 28° 21' 10" E	28.28
4	S 28° 21' 10" E	28.28
5	S 28° 21' 10" E	28.28

- REFERENCE PLATS
1. DEED TO THE LANDS ON WHICH THIS PROJECT IS SITED, A SUBDIVISION OF 50 ACRES, PARCEL 5B, MAP 100-100-000, REC'D. 10/17/77, FILED 10/17/77, IN THE OFFICE OF THE CLERK OF COURT, BEAUFORT COUNTY, SOUTH CAROLINA.
 2. DEED TO THE LANDS ON WHICH THIS PROJECT IS SITED, A SUBDIVISION OF 50 ACRES, PARCEL 5B, MAP 100-100-000, REC'D. 10/17/77, FILED 10/17/77, IN THE OFFICE OF THE CLERK OF COURT, BEAUFORT COUNTY, SOUTH CAROLINA.
 3. DEED TO THE LANDS ON WHICH THIS PROJECT IS SITED, A SUBDIVISION OF 50 ACRES, PARCEL 5B, MAP 100-100-000, REC'D. 10/17/77, FILED 10/17/77, IN THE OFFICE OF THE CLERK OF COURT, BEAUFORT COUNTY, SOUTH CAROLINA.
 4. DEED TO THE LANDS ON WHICH THIS PROJECT IS SITED, A SUBDIVISION OF 50 ACRES, PARCEL 5B, MAP 100-100-000, REC'D. 10/17/77, FILED 10/17/77, IN THE OFFICE OF THE CLERK OF COURT, BEAUFORT COUNTY, SOUTH CAROLINA.
 5. DEED TO THE LANDS ON WHICH THIS PROJECT IS SITED, A SUBDIVISION OF 50 ACRES, PARCEL 5B, MAP 100-100-000, REC'D. 10/17/77, FILED 10/17/77, IN THE OFFICE OF THE CLERK OF COURT, BEAUFORT COUNTY, SOUTH CAROLINA.

ACRES
 A = 2.850 AC
 B = 0.899 AC
 C = 0.377 AC
 D = 10.511 AC
 E = 1.088 AC
 F = 11.000 AC

POPE AVENUE — 100' R/W

- NOTES
1. PARCEL 5B IS LOCATED IN ZONE A-1, A SPECIAL FLOOD HAZARD AREA, AS SHOWN ON THE SPECIAL FLOOD HAZARD MAP, BEAUFORT COUNTY, SOUTH CAROLINA, DATED 10/17/77, FILED 10/17/77, IN THE OFFICE OF THE CLERK OF COURT, BEAUFORT COUNTY, SOUTH CAROLINA.
 2. THE LOT IS LOCATED IN ZONE A-1, A SPECIAL FLOOD HAZARD AREA, AS SHOWN ON THE SPECIAL FLOOD HAZARD MAP, BEAUFORT COUNTY, SOUTH CAROLINA, DATED 10/17/77, FILED 10/17/77, IN THE OFFICE OF THE CLERK OF COURT, BEAUFORT COUNTY, SOUTH CAROLINA.
 3. SEE INSTRUMENTS REFERENCED AT 0.8 TO 0.9 IN THE ATTACHED INSTRUMENTS FOR A DECLARATION OF RIGHTS BY THE PARTIES TO THE INSTRUMENTS, INCLUDING THE PARTIES TO THE INSTRUMENTS FOR ELECTRICAL, TELEPHONE, POWER, WATER, ETC.

A SURVEY OF
15.100 ACRES
WATERSIDE
P.U.D.
 A SECTION OF
PARCEL 5B
FOREST BEACH
SUBDIVISION
 HILTON HEAD ISLAND
 BEAUFORT COUNTY
 SOUTH CAROLINA

RECORDED IN
 THE OFFICE OF THE
 CLERK OF COURT
 BEAUFORT CO., S.C.
 BOOK _____ PAGE _____
 DATE _____
 REPLACES PLATS IN
 BOOK _____ PAGE _____

ATTACHMENT M

PREPARED FOR:
POPE AVENUE
ASSOCIATES

DATE: 12/09/87
 FIELD CRK:
 OFFICE CRK:
 JOB NO. 3-87
 REC'D/ISSN:

SURVEYING CONSULTANTS:
 DR. ALBERT H. BROWN, JR.
 HILTON HEAD ISLAND
 (803) 842-3304

SCALE: 1" = 50'
 DATE: 12/09/87
 FIELD CRK:
 OFFICE CRK:
 JOB NO. 3-87
 REC'D/ISSN:

ATTACHMENT M

Dixon Nicole

From: Charlie Halterman <chalterman@spinnakerresorts.com>
Sent: Tuesday, August 23, 2016 3:26 PM
To: Dixon Nicole
Subject: RE: Waterside PD-2 determination

Nicole,

Excellent response! Hope all goes well at hearing. I have forwarded to our attorney.

Thank you,

From: Dixon Nicole [<mailto:nicoled@hiltonheadislandsc.gov>]
Sent: Tuesday, August 23, 2016 10:21 AM
To: Law Office of Chester C. Williams
Cc: Todd Theodore; Charlie Halterman
Subject: Waterside PD-2 determination

Chet,

Please find attached my revised or second determination letter (as you know my letter to you dated July 28, 2016 was rescinded on August 11, 2016), updated based on new information I have found. A hard copy is in the mail. Please let me know if you have any questions, thanks

Nicole Dixon, CFM
Senior Planner and CRS Coordinator
Community Development Department
Town of Hilton Head Island
One Town Center Court
Hilton Head Island, SC 29928
843-341-4686
fax 843-842-8908

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EXHIBIT A

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BEFORE THE BOARD OF ZONING
APPEALS OF THE TOWN OF HILTON HEAD ISLAND
STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

BEACHWALK HOTEL & CONDOMINIUMS
ASSOCIATION, INC. AND
BEACHWALK HILTON HEAD, LLC.
2016-CP-07-1294

APPLICATION FOR APPEAL NUMBER
APL-001673-2016

-----/

The hearing in front of the Hilton Head
Island Board of Zoning Appeals, was taken
pursuant to Notice and agreement, before Amanda
Bowen, Stenographic Reporter and Notary Public,
at the Hilton Head Library, 11 Beach City Road,
Hilton Head Island, South Carolina, on the 28th
day of November 2016, commencing at or about the
hour of 3:15 p.m.

1 APPEARANCES of COUNSEL:

2 FOR THE APPELLANTS:

3 THOMAS C. TAYLOR, ESQUIRE
4 Law Office of Thomas C. Taylor, L.L.C.
22 Bow Circle
Suite A
5 Hilton Head Island, South Carolina 29928
843.785.5050
6 tom@thomastaylorlaw.com

7 -AND-

8 CHESTER C. WILLIAMS, ESQUIRE
Chester C. Williams, L.L.C.
9 17 Executive Park Road
Suite 2
10 Hilton Head Island, South Carolina 29938
843.842.5411
11 firm@ccwlaw.net

12
13 ALSO PRESENT:

Board Members
14 Barry Johnson, Esquire

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I N D E X

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ATTACHMENT K

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3 EX-1 Ordinance 16

4 EX-B Deed 63

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1 MR. STANFORD: Next on our agenda
2 is a request for an appeal from Chester
3 Williams on behalf of Beachwalk Hotel &
4 Condominiums Association, Inc. and
5 Beachwalk Hilton Head, LLC. The
6 appellant is appealing staff's
7 determination dated August 23, 2016,
8 that the proposed development of the
9 Spinnaker Welcome Center at 30
10 Waterside Drive is permitted as
11 proposed with the Development Plan
12 Review, which is the Application Number
13 DPR-001056-2016. This is the
14 identification number 1673-2016. And
15 so we would like to hear from the town
16 in conjunction with that.

17 MS. DIXON: The staff suggests
18 that the appellant go first since it's
19 their request for the appeal.

20 MR. STANFORD: I think that is
21 sensible since he is rooting to
22 overturn your actions.

23 Mr. Williams.

24 MR. WILLIAMS: Mr. Chairman.

25 MR. STANFORD: We normally have a

1 20-minute period of time. If you need
2 to extend beyond that, please do so as
3 succinctly as possible.

4 MR. WILLIAMS: We'll do our best.
5 For the record Chester Williams. I'm a
6 local attorney on Hilton Head Island.
7 I'm here today as counsel for Beachwalk
8 Hotel & Condominium Association, Inc.
9 and Beachwalk Hilton Head, LLC. Here
10 today also with me is my co-counsel,
11 Tom Taylor. What I like to do with
12 you, Mr. Chairman, is go through some
13 background information. We subpoenaed
14 a few witnesses, so we have some
15 questions for the witness and some
16 questions for Nicole Dixon, and I'll go
17 through the substance of our arguments.
18 Acceptable?

19 MR. STANFORD: That's fine.

20 MR. WILLIAMS: I have had the
21 opportunity to review the application
22 and the narrative in it. I tried to
23 set out in sufficient detail what is
24 going on here. The history of the
25 property. This particular tract and

1 let me show you a couple things real
2 quick. In Nicole's determination
3 letter that is being appealed, she
4 refers to this particular property,
5 which is an undeveloped tract on
6 Waterside Drive and Pope Avenue. She
7 referred to it often as Tract B. In
8 our application, we refer to it as
9 Parcel E, but they are the same
10 property. We have two copies. You may
11 want to pass this down. I'm handing
12 you a copy of the 1984 -- I'm sorry --
13 this is the '84 master plan. Nobody
14 knows where the '87 plan is. I think
15 that's it.

16 MS. DIXON: This is '84.

17 MR. WILLIAMS: November 5, '84.

18 This is the master plan that was --

19 MR. STANFORD: That is the one on
20 the screen?

21 MR. WILLIAMS: Yes, this is the
22 one that was approved by the joint
23 planning ordinance that was the
24 ordinance prior to the original
25 adoption of the land management

1 ordinance. And you referred to, Mr.
2 Stanford, the 1987 master plan. There
3 is part of the problem. This master
4 plan was amended by action of the
5 town's planning commission in May of
6 1987. The boundaries of the PUD were
7 changed and back then it was known as
8 the town center PUD. The boundaries
9 were changed to facilitate the
10 development, which is the Beachwalk
11 Hotel property and the densities and
12 the uses of the property. But Nicole
13 refers to -- when Nicole refers to
14 Parcel B in her determination letter,
15 it is generally this area here where
16 you can see it says Tract B.

17 MR. STANFORD: Is Tract B also
18 known as Tract E?

19 MR. WILLIAMS: We refer to it as
20 Parcel E and here's why --

21 Nicole, do you know where this is
22 in the materials? Can you put this up
23 on the screen?

24 You'll see this is the
25 right-of-way of Pope Avenue, the

1 right-of-way of Waterside Drive and the
2 parcel you can see on this screen here.
3 We refer to it as Parcel E.

4 MR. CUTRER: Is that currently in
5 development?

6 MR. WILLIAMS: Yes, sir, it does.
7 One of the witnesses we have available
8 is Curtis Coltrane and he will testify
9 to some of these issues in a minute.
10 But in 1995 pursuant to the process
11 that was put in place by the town, the
12 Waterside PUD was the subject of the
13 categorical exemption of March 3, 1995,
14 and that's one of the main issues of
15 the appeal. What is the effect of the
16 categorical exemption and the
17 expiration of the categorical exemption
18 in 2000 on the ability to develop
19 Parcel E.

20 MR. STANFORD: Can you give us a
21 description of what a categorical
22 exemption is?

23 MR. WILLIAMS: Curtis can do this.
24 Well, if you like, we can go ahead and
25 put --

1 MR. STANFORD: I don't want to
2 interrupt your presentation.

3 MR. WILLIAMS: There was a number
4 of outstanding permits for developing
5 the property that allowed for the
6 development in a manner that would not
7 then comply with the current code
8 requirements and some of these permits
9 had no expiration dates on them, and
10 property owners found that they had
11 right to develop their property in a
12 manner provided for by the old permits.
13 The 1987 amendment to the PUD was one
14 of those issues. Robert Grays on
15 behalf of Pope Avenue Associates
16 applied for the categorical exemption.
17 It was granted. The town recognized
18 the ability to develop the entire 15.1
19 acre tract as provided for in the 1987
20 master plan.

21 At that point, actually the hotel
22 was already built and that was subject
23 to the categorical exemption. The
24 categorical exemption letter on its
25 face says it expired after five years.

1 The point there was to beat all the
2 bushes and shake all the trees and get
3 everybody who had a claim to develop
4 properties in a manner that did not
5 comply with the code and come out and
6 make their case and if the town agreed
7 with them, the categorical exemption
8 was issued. But there was a time limit
9 on it. After the time limit, the
10 categorical exemption letter on its
11 face and Nicole says in her
12 determination letter that any
13 subsequent development of properties
14 after the expiration date on March 3 of
15 2000 had to comply with current LMO
16 requirements.

17 MR. STANFORD: Thank you.

18 MR. WILLIAMS: The LMO as we have
19 it now, our position is that's what
20 controls the development of the
21 property. The e-mails that were
22 included in your package I think
23 clearly show that when the development
24 permit for the Spinnaker Welcome Center
25 was filed and when it was approved --

1 actually, not when it was approved,
2 when it was filed, that apparently
3 neither the town or the applicant were
4 aware that the property was in a in a
5 PD-2 overlay district. When Nicole
6 reviewed that application, she did not
7 take into account the provision of the
8 PD-2 overlay. Most people are familiar
9 with PD-1 districts of the town. The
10 major master plans area; Sea Pines,
11 Shipyard, Hilton Head Plantation,
12 Wexford and so forth.

13 The town code for a PD-2 planned
14 development overlay district, it is for
15 tracts that are smaller than the major
16 PD-1 zones. Parcels between 5 and 249
17 acres are eligible for the PD-2 overlay
18 district. 250 acres and up, you have
19 to go with the PD-1 district. The most
20 recent PD-2 overlay was approved
21 several years ago and it requires a
22 rezoning to go through it. Several
23 years some property owned by the
24 Barnwell family near the section of
25 Squire Pope road and Gumtree Road.

1 The question is why jump through
2 all those hoops? What are the benefits
3 of it? What are the detriments of it?
4 If you read the LMO, Section 16-3-106,
5 Sub G deals with the PD-2 overlays. It
6 is "to encourage creativity in design
7 and planning in the development of
8 parcels between five and 249 acres by
9 allowing greater design flexibility
10 than the underlying base zoning
11 district so that natural features may
12 be protected and development
13 concentrated in more suitable or less
14 environmentally sensitive areas." The
15 underlying based district is the RD
16 district. I suspect that when Nicole
17 reviewed the application, she reviewed
18 it with the RD district regulation
19 zoning.

20 When you are in a PD-2 district,
21 any use that is permitted in the
22 underlying base district is permitted
23 in that PD-2 district. Subsection 4
24 under PD-2, the density and development
25 standards. The primary reason to go to

1 the PD overlay, it allows you to shift
2 densities and the open spaces around,
3 so that you can develop part of the
4 property at a density higher that would
5 otherwise be allowed under the basis of
6 the district provided you offset that
7 with a corresponding open space --
8 excuse me -- specifically common open
9 space, so that the net effect is that
10 the average density over the entire
11 PD-2 doesn't exceed what is provided
12 for in the underlying based zoning
13 district.

14 So those are the issues that apply
15 here. The categorical exemption and
16 expiration of it and whether or not the
17 town applied the PD-2 overlay
18 requirements for the -- for the
19 Spinnaker Welcome Center.

20 With that, I ask Tom to come up
21 and Curtis will be our first witness to
22 come up.

23 MR. CUTRER: Did I understand that
24 the RD district is the base zoning
25 district?

1 MR. WILLIAMS: Correct.

2 MR. CUTRER: Absent the PD-2
3 elections, the RD would have governed?

4 MR. WILLIAMS: Correct. RD still
5 governs, but so does the PD-2. It is
6 not permitted in the RD district.

7 MR. CUTRER: Thank you.

8 MR. WILLIAMS: But because of the
9 PD-2, you can develop some of the areas
10 of PD-2 at a higher density that the RD
11 allows provided you offset that with or
12 common open space area, so the average
13 density doesn't exceed the RD district.

14 MR. TAYLOR: It is not an
15 election. It is what it is. The
16 overlay district either covers it or
17 not according to the town plan.

18 Mr. Chairman, I have a copy for
19 each of you of Ordinance 92 -- excuse
20 me -- 93-33, which I'm going to be
21 asking Mr. Coltrane about. And for the
22 record, Mr. Chairman, I'm providing a
23 copy as well, which I will be marking
24 as Exhibit 1, to the court reporter.

25 Curtis, would you come up, please.

1 (Whereupon, Exhibit
2 Number 1 was marked for
3 identification.)

4 MR. TAYLOR: Mr. Chairman, Tom
5 Taylor. I thank you for allowing as to
6 pair today so we can move things along
7 as quickly as we can. We are calling
8 for the testimony of Curtis Coltrane.
9 I ask that you swear him in.

10 MR. STANFORD: Would you state
11 your name.

12 THE WITNESS: Curtis Coltrane.

13 CURTIS COLTRANE,
14 a witness herein, having been duly sworn,
15 testified upon his oath as follows:

16 THE WITNESS: Yes.

17 MR. STANFORD: Thank you.

18 EXAMINATION

19 BY MR. TAYLOR:

20 Q Curtis, good afternoon. Thank you for
21 being here. Curtis, could you give the BZA for
22 some of those you may have recent movers to
23 Hilton Head, a little bit about your background
24 and tell them how you've been employed over the
25 course of the years as it relates to the town.

1 A I can. Well, I served as the town
2 attorney from June of 1989 to May of 2013.
3 Prior to that time from 1985 to 1989, I was the
4 town attorney and was with Jim Herring, who I
5 was employed by and a law partner in connection
6 with that. Did a fair amount of work for the
7 town. Following May of 2013, I became the
8 Master in Equity in Beaufort County. In March
9 2007, I returned -- I didn't return to the
10 private firm. I left the bench and became the
11 assistant town manager community development
12 with the town. And in September of 2010, I
13 returned to private practice of law first with
14 an organization involving the current town
15 attorney, Mr. Alford, and I continue to do work
16 for the town. Following in 2013 that law firm
17 split. I've been on my own with John Wilkins
18 since then. In 2013 and '14 and I assisted with
19 the drafting of the current editions of the land
20 management ordinance.

21 Q Curtis, thank you. Can you tell the
22 BZA a little bit about the history of how the
23 town came to adopt what is known as the
24 categorical exemption ordinance, what gave rise
25 to it and what was the intention of it to the

1 best of your knowledge, and I believe you have
2 pretty good knowledge about it.

3 A In the early 1990s, the town was still
4 focused. On very much focused on growth
5 management efforts throughout the town and issue
6 had arisen with respect to the permits that had
7 been issued by both Beaufort County and the town
8 under previous editions of the land management
9 ordinance and the previous ordinance, which was
10 the development standards ordinance and the
11 concern was that you had frankly an unquantified
12 number of permits and it was difficult for the
13 town staff and the town council to get its head
14 around what was out there that might come along
15 and how that would blend in with what the town
16 was trying to do.

17 In the earlier 1990s, there was a
18 committee of the town council members called the
19 growth management task force that was involved
20 in trying wrestle with the various development
21 management issues. A law firm out of Kansas
22 City, Missouri, known as Freilich, Leitner &
23 Carlisle lie and through work with the Freilich
24 firm, the town council, the growth management
25 task force and me, the ordinance, which is 92-35

ATTACHMENT K

1 or rather 93-33, the adopted number, was adopted
2 with the goal to providing two things. One, to
3 allow who possessed development rights under
4 existing permits to have them verified, if you
5 will. And two, to put a time limit on the
6 execution of those permits so that the town
7 would then know that within a given span of
8 years either something would be built here or
9 would not, and that was the goal to provide some
10 certainty to the ongoing development within the
11 town so that the town could then gauge its
12 owning planning efforts by having a better idea
13 of what would or perhaps would not ever come to
14 pass.

15 The ordinance 93-33 was adopted. It
16 had attached to it a series of procedures that
17 allowed for the holder of the given permit to
18 seek one or two separate determinations. One,
19 just to the specific vested rights and the
20 other, the categorical exemption which deals
21 with on the whole this application -- this
22 permit that I hold is exempt from current
23 restrictions placed by the land management
24 ordinance, and you had a deadline, I want to
25 say, of December 31, 1994, to file. My

1 recollection is that the only applications that
2 were ever received related to categorical
3 exemptions, there were probably 15 to 20 of them
4 filed. I believe, they were all granted and
5 each of them was documented by correspondence
6 similar to the letter from Mr. Brechko, that you
7 may have before you or certainly before this
8 hearing is over.

9 MR. TAYLOR: It is Exhibit D.

10 THE WITNESS: That states what the
11 town recognizes and also puts a
12 deadline on it and the deadline stated
13 that if you do not execute your permit
14 by the given date, which was five years
15 from the date of the letter, that any
16 development following that date would
17 have to be in compliance with the
18 requirements of the zoning and planning
19 ordinance that existed at the moment
20 you filed your application. I think
21 that was understandable, but that was
22 what the town attempted to do in '93.
23 That's what the ordinance, I think, on
24 its face says it does. And then with
25 respect to -- that is what the town was

1 trying to accomplish in 1993.

2 BY MR. TAYLOR:

3 Q And Curtis in a nutshell, is it
4 accurate to say that basically it was either a
5 matter to all these permit holders who had given
6 permits before the restrictive LMO or the
7 predecessor came to be, either build or lose
8 your rights?

9 A Well, either build within a given time
10 frame or therefore build in conformance with
11 whatever the LMO said to build to it.

12 Q Curtis, I got what is marked earlier as
13 Exhibit D to this. This is a letter that was
14 written by Mr. Brechko. Did you have an
15 opportunity before this hearing to take a look
16 at it?

17 A Yes.

18 Q Can you identify it, that is, the date
19 it appears it has been written and if that is
20 the categorical exemption letter?

21 A It was. It is dated March 3rd, 1995.
22 It is a letter responding to an application
23 filed on behalf of Pope Avenue Associates by Mr.
24 Robert L. Graves, and it does, in fact,
25 recognize as being categorically exempt the town

1 center PUD as it was permitted on the date
2 stated here.

3 Q And Curtis, to the best of your
4 knowledge, to the property you're talking about
5 in Exhibit D, does it contain Parcel E that we
6 are discussing today?

7 A I believe that it does, yes.

8 Q All right. And Curtis, that letter was
9 issued March 3rd, 1995, and expired March 3rd
10 2000, correct?

11 A Yes.

12 Q All right.

13 A Well, the categorical exemption expired
14 March 3rd, 2000.

15 Q Curtis, may I have that back, please.
16 Thank you.

17 Curtis, would you please answer any
18 questions Nicole or the board may have for you.

19 MR. STANFORD: Any questions from
20 the town?

21 MS. DIXON: I have none.

22 MR. STANFORD: Any questions from
23 the board?

24 EXAMINATION

25 BY MR. CUTRER:

1 Q In 1995, how much of this development
2 existed?

3 A I don't know.

4 MR. WILLIAMS: Chester Williams.
5 I can answer that for you. The part of
6 the property that is labeled on the
7 survey that is up on screen right now
8 is Parcel A and C is the site of the
9 Beachwalk Hotel. That property hadn't
10 been developed at the time of the
11 categorical exemption. That tract was
12 commenced almost immediately after the
13 1987 amendment of the master plan, so
14 that was the only tract that was
15 developed at that time.

16 THE WITNESS: Typically, it would
17 only apply to where there was no
18 development otherwise the permit would
19 be received and there would have been
20 nothing to seek.

21 MR. CUTRER: Right.

22 MR. STANFORD: Other questions?

23 Thank you, Mr. Coltrane.

24 Another question?

25 MR. TAYLOR: None for me, Mr.

1 Chairman. I just wanted to ask,
2 please, think hard because I hope to
3 let Mr. Coltrane and I don't want to
4 reach the end of this hearing and have
5 somebody say "Oh, I wish I found out a
6 little more about that."

7 MR. STANFORD: Curtis, you are
8 excused.

9 MR. TAYLOR: May we call Todd
10 Theodore, please?

11 MR. STANFORD: Please.

12 Well, Mr. Theodore, will you
13 please state your name.

14 THE WITNESS: Todd Theodore.

15 TODD THEODORE,
16 a witness herein, having been duly sworn,
17 testified upon his oath as follows:

18 THE WITNESS: Yes.

19 MR. STANFORD: Thank you.

20 EXAMINATION

21 BY MR. WILLIAMS:

22 Q Good afternoon, Mr. Theodore. Would
23 you please tell the board what your current
24 position is?

25 A I'm a principal at Wood & Partners.

ATTACHMENT K

1 Q Do you sit on any town boards?

2 A I sit on the planning commission.

3 Q Is it accurate to state that your job
4 is basically to help landowners to get permits
5 -- apply for and obtain permits for the town?

6 A Yes.

7 Q And in that process, I assume, you're
8 familiar with the provisions in the LMO. Is
9 that important for your job?

10 A Yes.

11 Q When you submitted the development
12 review plan for the Spinnaker Welcome Center,
13 did you note that their property was subject to
14 the March 3rd, 1995, categorical exemption
15 letter?

16 A No, I did not.

17 Q Have you had a chance to review that
18 categorical exemption letter since then?

19 A I did somewhat. I got the notice to
20 subpoena on Saturday, so I had a short time to
21 prepare for this.

22 Q Would you agree that it expires on
23 March 3rd, 2000?

24 A That is what I read, yes.

25 Q When you submitted the development

1 review application for the Spinnaker Welcome
2 Center, did you know it was part of the
3 Waterside PD-2 overlay district?

4 A No, I did not know that.

5 Q Is there any question in your mind now
6 that Parcel E is part of the Waterside PUD
7 district and subject to the PUD overlay
8 regulations?

9 A What threw us off and maybe threw the
10 town off as well is the PUD 2 zoning map that is
11 available on the website that we use for the
12 land zoning and the PD-2 had that parcel
13 excluded from PD-2. It was highlighted as not
14 being part of a PD-2, so we indicated as the
15 underlying district, which was RD.

16 Q All right. Again, I like to do sort of
17 theoretical plan exercise with you and what I
18 like you to -- let's assume you have a client
19 that owns an undeveloped tract of land on Hilton
20 Head Island located in the RD, the resort
21 development. And he takes 15.1 acres and also
22 let's assume it is in the PD overlay district.
23 The RD district, and correct me if I'm wrong.
24 You probably know this stuff better than I do.
25 The RD district allows development at 16 units

1 per acre for residential, 35 rooms per acre for
2 hotel use and 8,000 square feet for
3 nonresidential development. To your
4 recollection, is that correct?

5 A I think so. I primarily focus on the
6 land use of that parcel in particular Parcel E,
7 which was, like, 1.0688, but I normally work on
8 commercial-type uses.

9 Q So in our theoretical land planning,
10 what we can assume is the sight plan of 10.375
11 acre portion of the property for residential or
12 timeshare use with 198 units and 5,262 square
13 feet that is residential use. That is a
14 residential density of a little over 18 units
15 per acre, but as I understand the PD-2, overlay
16 density requirements, you can have that higher
17 residential density on that particular part of
18 the PD-2 provided you offset it with common open
19 space in another area; is that correct?

20 A Yes, correct.

21 Q Now, the 198 units on the RD district,
22 if you use 16 units per acre requires 12.375
23 acres to support the density. I have a
24 calculator and pad if you want to check these
25 figures, so just let me know if you do. The

1 5,262 square feet of commercial space requires
2 .659 acre if you apply 8,000 square feet per
3 acre which totals 13.034 acres. With me so far?

4 A You're kind of losing me a little bit.

5 Q Tell me what you don't understand.

6 A You're just throwing out numbers. I
7 mean, we look things at the PD-2 -- the whole
8 point of having a PD-2 is to be flexible. I
9 look at it as through the year it has evolved,
10 the PD-2, and the hotel was built. The
11 residential was built over time and where there
12 was commercial, there is no longer commercial,
13 it is residential and where it was indicated
14 commercial along the front, there is actually
15 some residential units. That was the first unit
16 that was built up towards 278.

17 Q And all that was done under the master
18 plan that was in effect at the time?

19 A Correct, but the purpose of the PD-2 is
20 to allow the flexibility to be responsive to the
21 market as time goes on.

22 Q And you heard my description of why
23 someone goes through a PD-2, so --

24 A Correct.

25 Q Was that an accurate description of

1 what the primary use of the PD-2 is?

2 A As far as I can follow you, yes.

3 Q I want to make sure you are clear.

4 A All the different numbers you're
5 throwing out there. All I know is once you
6 highlighted your concern and you submitted an
7 appeal, we looked at the open space on the
8 overall property. Albeit, it was crude and
9 quick, we use the CAT file and an aerial images.
10 All the open space is still well within the
11 original calculations in the original PD-2.

12 Q Did you look at the density?

13 A We did.

14 Q What sort of conclusions did you come
15 to?

16 A It is the flexibility of the PUDs it
17 migrated towards closer to 278 and the
18 commercial units in the back is no longer there.
19 There really is no commercial until you account
20 for the hotel and Parcel E and what is being
21 proposed on that.

22 Q Did you look at the overall density
23 what was developed on the existing parcels and
24 what the average density is available under the
25 RD district is?

ATTACHMENT K

1 A You said it was 16 units per acre.

2 Q For residential. 35 for hotels and
3 8,000 for commercial.

4 A Repeat your numbers back to me.

5 Q You want a pad and paper?

6 A I can write it down right here.

7 Q And I've got a copy of the LMO here,
8 but the RD district is 16 units per acre for
9 residential. It allows 35 rooms per acre for
10 hotels, and it allows 8,000 square feet per acre
11 for a nonresidential development.

12 A Okay.

13 Q So to go back to the theoretical sight
14 plan, you take a 10.375 acre portion of the 15.1
15 portion and you developed 198 timeshare units
16 along with 5,262 square feet of commercial use,
17 and I represent to you I got those figures from
18 the town's building permits for the Waterside by
19 Spinnaker project.

20 A 5,000?

21 Q 5,262.

22 A And where was that used?

23 Q There is a building permit for a
24 commercial building for part of that
25 development, so again, I got a calculator here

1 if it will help if you want to use it.

2 MR. STANFORD: Where are we going
3 with this mathematics exercise?

4 MR. WILLIAMS: What I want to try
5 to figure out is whether or not what is
6 currently developed there complies with
7 the current LMO requirements.

8 MR. STANFORD: Okay.

9 MR. WILLIAMS: Let me rephrase it.
10 What is currently developed plus what's
11 proposed. Whether that in aggregate
12 complies with the current LMO.

13 THE WITNESS: If I may speak?

14 BY MR. WILLIAMS:

15 Q Yes.

16 A I'm kind of not following you. I feel
17 like we are in warp zone. We are half in the
18 PUD and half not and it is expired --

19 Q I don't mean to cut you off. Nicole
20 acknowledged in her determination letter that
21 the expiration of the categorical exemption
22 didn't kill the PUD. The PUD is still there.
23 The town code recognizes the Waterside PUD is
24 now a PD-2 overlay district. And because of
25 that, would you not assume that you have to

1 comply with the PD-2 overlay district
2 requirements?

3 A I mean, I'm not a lawyer or expert.

4 Q Like I say, theoretical land planning
5 exercise. We got a 15.1 acre tract. It is in
6 the base RD district also with a PD-2 overlay
7 district.

8 A Okay.

9 Q And there is no question that this
10 property is in a PD-2 overlay, is there, the
11 property that we are dealing with that is
12 subject of the appeal?

13 A Right.

14 Q So to go back where we were, if you
15 need to comply with the PD-2 regulations. You
16 developed a 10.75 --735 with a 198 residential
17 timeshare and 5,262 square feet of commercial
18 space.

19 A Right. And are you saying the 10.735
20 is Parcel F.

21 Q Let's assume it is Parcel F because
22 that one happens to be 10.735 acres.

23 A Got it.

24 Q That is the density on Parcel F. If
25 you were to develop that under the current LMO

1 requirements, could you do that if it wasn't in
2 a PD-2 overlay district?

3 A No.

4 Q Okay. But because it is in a PD-2
5 overlay district --

6 A But what you are not taking into
7 account is the PUD, it is a blanket district.
8 So you take the whole piece of land, which is
9 the 15 acre, which is not the 10.735.

10 Q That is not part of my question. You
11 could not develop under the current code
12 requirements absent the PD-2 overlay, but with
13 the PD-2 overlay, you can do that because it
14 allows you to the build on the density higher
15 but you have to offset with common open space,
16 so that the average density over 15.1 acres
17 doesn't it exceed the RD district. Is that
18 accurate?

19 A Yes.

20 Q Okay. So we use 10.735 acres and I
21 think if you do the math and I'll be happy to
22 give you some time to go through it. If you
23 take the 198 units and the 5,262 square feet of
24 commercial space, without the PD-2, you need
25 13.043 acres to develop that amount of density.

1 MR. STANFORD: Is that the
2 question?

3 BY MR. WILLIAMS:

4 Q Well, I didn't phrase that as a
5 question.

6 A Is that correct?

7 A I mean, that is referencing back to --
8 again, I haven't had a chance to go back through
9 all that background on the changes in the PD-2
10 and the changes that went along with the
11 process, so...

12 Q I'm not so sure any sort of the changes
13 are germane.

14 A It was changed when the hotel was built
15 and there was a re-shifting from the allocation
16 dollars.

17 Q Actually, that was before the hotel was
18 built. That facilitated the development of the
19 hotel, so --

20 A So that was a change.

21 Q We are working from the 1987 master
22 plan which was the one referred to the
23 categorical exemption.

24 A Okay.

25 Q So the way I come to these figures that

1 198 units on 10.735 is 18.44 units per acre. A
2 198 units, 16 units per acre, which is a
3 permitted in your base district would require
4 12.375. If you divide 198 by 16, you get
5 12.375. The 5,262 square feet is 8,000 square
6 feet per acre requires 2659, so if you add up
7 what is required under the base, that is the
8 12.375 and the 2659, you get the 13.04 acres.

9 A Okay.

10 Q So that's what you would need to
11 develop those densities under the current code
12 absent the PD-2 overlay. Does that seem
13 correct?

14 A Yes.

15 Q Okay.

16 A As far as I know.

17 Q Okay.

18 A I don't have an ordinance book in front
19 of me.

20 Q So if you actually used 10.735 acres
21 and under the base zoning district, you would
22 have been required to use 13.034 acres, the
23 difference between those is 2.299 acres. So you
24 have to have 2.299 acres of the common open
25 space in the remainder of the PUD in order to do

1 that development. Is that an accurate statement
2 assuming my figures are correct?

3 A I guess what is throwing me off is this
4 has already been developed under a PUD and it
5 was being built by the flexibility and that is
6 how the densities were distributed, and you
7 wouldn't necessarily call that "open space." I
8 guess it would be land.

9 Q Well, the code under the PD-2
10 requirement refers to common open space. You
11 can build the densities higher than what is
12 allowed in underlying base district provided.

13 A Well, the calculations already meets
14 the open space, so I don't know if you are using
15 the right term.

16 Q Right now -- in our theoretical
17 exercises, we are doing this outside of the
18 PD-2. So in our theoretical exercise, the
19 10.735 you would have to have allocated 13.034
20 acres --

21 A Theoretically, you couldn't do that
22 density because you couldn't shift that. You
23 can only shift that in a PD-2.

24 Q Oh, I understand that. We start with a
25 15.1 acre tract and in order to do the

1 development that we're talking about, you would
2 have had to subdivide the property differently,
3 so that you have 13.034 acres tract to the 198
4 units and commercial space.

5 Is that an accurate statement?

6 A Yes.

7 Q At this point, out of the 15.1, we used
8 up 13.034?

9 A Right.

10 Q So your client is happy with that
11 development and it's time to move on to Phase 2
12 of this additional land. I want to build a 91
13 room hotel. The code currently allows 35 rooms
14 per acre for a hotel. 35 rooms, 19 units that
15 is 2.6 acres. 2.6 acres plus the 13.034 acres
16 that you already used up out of 15.1 gives you
17 15.634 acres. So under the current code
18 requirements absent the PD-2 overlay, could you
19 do that development?

20 A No.

21 Q Okay.

22 A As far as I can tell without having the
23 LMO right in front of me, but the intent of the
24 PUD is to allow flexibility, but you're trying
25 to apply the RD to the whole property when it

1 was partially developed under the PUD and now we
2 are asking it for this remaining piece and we
3 applied the RD land use to it and --

4 Q And there is part of the problem. You
5 applied the RD requirement, but you didn't apply
6 the PD-2 requirements. Had you known when you
7 filed the development permit application that
8 the property was in a PD-2 overlay district,
9 would you have gone and taken a look at the
10 requirements of the PD-2 and determine whether
11 or not you could do that not only in compliance
12 with the RD district requirements, but also in
13 compliance with the PD-2 district requirements?

14 A I could do it.

15 Q Well --

16 A When you go back and look at the
17 allocations --

18 Q My question --

19 A -- it's intended to go on this
20 property.

21 Q My question was if you had known about
22 the PD-2 at the time that you filed for the
23 application, would you have gone back and
24 checked the PD-2 requirements?

25 A Yes.

1 Q And I'm reading Section 16-3-106, Sub
2 G, Sub 4, Sub A. "A section or phase of the
3 planned development may be built at a density
4 which is greater than the site-specific density
5 allowed by the underlying base zoning district,
6 provided that any such concentration of density
7 is offset by an area of lower density in another
8 section or phase of the planned development or
9 by an appropriate reservation of common open
10 space elsewhere in the planned development. The
11 average density for the PD-2 Overlay District
12 shall not exceed the maximum density permitted
13 in the base zoning district."

14 I submit to you that when you apply the
15 RD requirements for the density, the base zoning
16 district, to the 15.1 acres that's there and you
17 apply the existing 198 residential, the 5,262
18 square feet of commercial space, 91 hotel rooms,
19 that you are already in excess of what is
20 allowed under the RD district?

21 A I don't see it that way.

22 Q Tell me how you see it.

23 A Because you're penalizing something
24 that has built in the past and applying it to
25 the future.

1 Q Isn't that part and parcel to the PD-2
2 overlay?

3 A Well, the PD-2 have occasions of
4 commercial, residential --

5 Q You're not talking about the PD-2;
6 you're talking about the 1987 master plan?

7 A Right.

8 Q So let's talk about that for a minute.
9 The 1987 master plan was the subject of the 1995
10 categorical exemption?

11 A Correct.

12 Q It expired on March 3rd, 2000?

13 A Then there you go. Then it is an RD
14 piece of property.

15 Q No, because it still sets the
16 boundaries of the property. What the expiration
17 --

18 A I know.

19 Q -- let me finish. With the expiration
20 of the categorical exemption says you can no
21 longer rely on the development as set forth of
22 the densities and uses of the master plan,
23 instead you have to comply with the current code
24 requirements for any parcel that is developed
25 after the expiration of the categorical

1 exemption.

2 A Right.

3 Q So --

4 A And you and I are in agreement with
5 that. Which means that piece is undeveloped
6 thus the underlying district is RD so we treated
7 it and based on RD commercial density and that's
8 the way we looked at that parcel.

9 Q But you did not look at or apply the
10 PD-2 requirements or restrictions for the
11 development of that property?

12 A But that's where I think we were in a
13 warp zone. We are stuck in a PD-2 and we are
14 stuck in the current code.

15 MR. STANFORD: What applies? Is
16 it RD or PD-2 or both in your opinion?

17 THE WITNESS: I believe it is the
18 RD. It is the underlying district.
19 The PD-2 allows flexibility as time
20 goes on which is what this property has
21 done. The PD-2 allows room for
22 flexibility when you are outside the
23 gate and share buffers and open space
24 and things like that. This one even
25 meets its open space criteria on sight,

1 so it can almost stand independently on
2 its property boundaries rather than
3 even relying on the rest of the
4 property to count for open space and
5 impervious permits and calculations as
6 well, so it was intended to stand on
7 its own.

8 MR. STANFORD: Does that take into
9 account the concept master plan that
10 was applied to the overall tract in
11 1987?

12 MR. WILLIAMS: 1987 is when it was
13 last applied and it expired in 2000.

14 THE WITNESS: It has not been
15 found, but we did have a copy of the
16 architect that drew a site plan that
17 wasn't called a PUD plan, but it was a
18 site plan that showed commercial up on
19 that front parcel when that categorical
20 exemption was all established.

21 MR. STANFORD: Understood. I
22 think I understand. But my question to
23 you is doesn't the overall concept
24 master plan that was final and approved
25 in 1987 apply to the development of

1 this smaller tract within that?

2 THE WITNESS: Yes.

3 MR. STANFORD: All right. How can
4 we determine what the applicable use of
5 that property is if we don't have that
6 concept master plan?

7 THE WITNESS: I don't know.

8 MR. STANFORD: Thank you.

9 BY MR. WILLIAMS:

10 Q So is it your testimony that not
11 withstanding the fact that Nicole's
12 determination letter says the property is
13 located in the PD-2 overlay district that the
14 development of part of that property does not
15 have to comply with the PD-2 overlay district
16 requirements?

17 A Based on zoning, not the map. The map
18 is incorrect that's -- that's available on the
19 website, but based on, you know, after you
20 highlighted the question, apparently this parcel
21 is in the PD-2 Waterside district.

22 Q And does that mean that any development
23 of the parcel must not only comply with the base
24 zoning district and also require to comply to
25 the PD-2 overlay district?

1 A Yes, I believe so.

2 MR. STANFORD: The answer was yes?

3 THE WITNESS: Yes.

4 BY MR. WILLIAMS:

5 Q And I think it was contrary when you
6 asked the question, Mr. Stanford.

7 And I think you are right about that.
8 If you have a parcel in the overlay district,
9 regardless -- well, your application says you're
10 in the corridor district, that means you have to
11 comply with the requirements of the corridor
12 overlay district, correct?

13 A Yes.

14 Q If your application had mentioned that
15 it is in the PD-2 overlay district, then it
16 would have been required to comply with the PD-2
17 overlay requirement, correct?

18 A Yes.

19 Q I think that's all the questions I
20 have.

21 MR. STANFORD: Any questions for
22 Mr. Theodore from the board?

23 MR. CUTRER: We've heard about
24 5,262 square feet of nonresidential
25 development.

1 MR. WILLIAMS: Yes.

2 MR. CUTRER: Is that what's
3 proposed for this welcome center.

4 MR. WILLIAMS: No.

5 MR. CUTRER: Or is that already
6 existing?

7 MR. WILLIAMS: That is already
8 existing as part of the Waterside
9 Spinnaker project.

10 MR. CUTRER: What is that
11 nonresidential property?

12 MR. WILLIAMS: I don't know the
13 answer. I'm not familiar with the
14 property. It is a timeshare.

15 MR. CUTRER: So the property
16 currently developed -- let me finish,
17 please -- the property that is
18 currently developed consists of 198
19 residential units, 91 hotel units and
20 5,265 square feet of some kind of
21 nonresidential units?

22 MR. WILLIAMS: Correct, if by the
23 term "the property," you refer to as
24 Parcel F, Parcel D and Parcel A and C
25 on the survey that is on the screen,

1 yes.

2 MR. CUTRER: I don't know what I'm
3 referring to. Can I ask one basic
4 question?

5 MR. WILLIAMS: Yes.

6 MR. CUTRER: What is the -- I
7 understand -- I've read all of this
8 material, some of it highly technical,
9 some of it not. What I don't get is
10 what is the objection here? Why are
11 your clients opposing this development
12 and what is the objection to it.

13 MR. WILLIAMS: Our clients are --
14 own property in this PUD and we want to
15 make sure that it complies with all the
16 town requirements. As Mr. Stanford
17 asked earlier, how can we tell with the
18 1987 master plan if the town doesn't
19 have it. It may show Parcel E as open
20 space. I don't know that. But what I
21 do know is that when I apply the
22 current code requirements of the RD
23 district to what is developed on this
24 15.1 acre, there is no density left for
25 any development or very little density

1 left for any development on Parcel e
2 and certainly not enough to develop a
3 7500 square foot commercial facility.
4 It doesn't comply with the town code.

5 MR. WILSON: There appears there
6 is some murky water here.

7 MR. WILLIAMS: Absolutely not.
8 Tell me what --

9 MR. WILSON: No, no. I'm
10 suggesting -- I like to know what the
11 motivation of your client is other than
12 seeing that the town code is enforced,
13 is there some other motivation?

14 MR. WILLIAMS: I'm not sure that
15 that's germane to the appeal even if
16 the decision that was made is correct
17 or not, but my client owns -- if my
18 client is entitled as the property
19 owner in this PUD to maintain that area
20 as open space, then it has the right to
21 do so and this the process to do that.

22 MR. WILSON: I'd like to know the
23 motivation.

24 MR. STANFORD: We may hear more
25 about that as the hearing proceeds.

1 Any other questions for Mr.

2 Theodore?

3 MR. CUTRER: I have one.

4 MR. STANFORD: Yes.

5 EXAMINATION

6 BY MR. CUTRER:

7 Q To use Mr. Williams's calculations,
8 which I assume the math is correct, there are
9 198 residential units at 16 per acre permitted
10 under the LMO that requires 12.375 acres to
11 develop. Did the 198 units actually take 12.375
12 acres to develop?

13 A No. I mean, there is parcel
14 boundaries, but Parcel F is all contained in
15 that boundary.

16 Q If the LMO allows a maximum density per
17 acre and I develop a property with less than
18 that density, does that unused density or unused
19 acreage get credited some other way like open
20 space?

21 A If it's entitled to look an RD and you
22 don't use all of it.

23 Q Looking at the math that Mr. Williams
24 presented --

25 A Yeah.

1 Q -- 198 units of residential and 16 per
2 acre and 12.375 acres required, nonresidential
3 5,262 square feet permitted 8,000 square feet
4 per acre that gets you .658 acres --

5 A Right.

6 Q And the hotel is 91 rooms, 35 units per
7 acre, 2.6 acres all that added up to 15.633
8 acres on a 15.1 acre site. That's taking the
9 maximum allowable density for each of these
10 three categories of use and applying them
11 mathematically. I guess my question is was the
12 property actually developed at less density than
13 what this calculation would show? In other
14 words, how many acres were really used in the
15 residential property? How many acres were
16 really used in the hotel? And how many acres
17 were really used in the nonresidential? You may
18 not know the answer to that.

19 MR. WILLIAMS: I can answer that
20 question for you Mr. Cutrer. The 5,262
21 commercial and the 198 units are
22 developed on what is shown here as
23 Parcel F, 10.735 acres. The 91 hotel
24 rooms are developed on what is s here
25 at Parcel A and C, 2.6 acres, and you

1 then have the roadway right-of-way of
2 Waterside Drive, which is Parcel D,
3 which is .697 acres and then you have
4 the undeveloped tract of Parcel E.

5 When you apply -- and one of the
6 beauties of the PD-2 overlay district
7 is it allows you to do that. It allows
8 you to develop the 10.375 acres at a
9 density greater than what the RD
10 allows, but at the same time you need
11 to offset that for reserving more
12 common space than you would be
13 otherwise required to do in the RD
14 district so that the end result is that
15 the average density over the entire
16 15.1 acre doesn't exceed the aggregate
17 density to each of the individual
18 parcels that are available in the RD
19 district.

20 Does that make sense?

21 THE WITNESS: If we're going to
22 get technical with that, wouldn't you
23 say that hotel has been vacated for a
24 whole number of years. It has been
25 basically moth balls. The stairs have

1 been taken off. It has been boarded
2 up. It has been trying to avoid
3 condemnation because it is unsafe. I'm
4 surprised --

5 MR. WILLIAMS: It is not unsafe.
6 That is documented in the town. Excuse
7 me. I need that on the record.

8 THE WITNESS: It is a vacant. It
9 is an eyesore. I'm surprised it never
10 went to the design review board to
11 approve the boarding up of that
12 building. I'm sure Spinnaker folks
13 love driving by there all the time and
14 having the tape around it and the
15 barricades and the painted plywood
16 boards and all that stuff. But my
17 question is I think there is duration
18 of time that is more than 18 months
19 that this building hasn't been utilized
20 as it's intended and it's not being
21 maintained.

22 MR. STANFORD: That is not our
23 jurisdiction.

24 THE WITNESS: Well, what I'm
25 saying is, you know, would that be

1 considered a vacant use of land where
2 it is right now counting that as a
3 hotel?

4 MR. STANFORD: It is developed.
5 There are structures there.

6 THE WITNESS: Okay.

7 MR. STANFORD: And that's all I
8 can say about that.

9 Now, other questions for Mr.
10 Theodore? I would like to take a break
11 here in a moment.

12 MR. JOHNSON: I have a question.

13 MR. STANFORD: Yes.

14 EXAMINATION

15 BY MR. JOHNSON:

16 Q When they developed this 198
17 residential, would they have not required at
18 that time to incorporate the open space into
19 that design, or did they say oh, we will get to
20 that someday with these other parcels?

21 A The intent of the PD-2 is to spread
22 that out. And that becomes part of the lagoons,
23 there is marshes, there is recreation area, all
24 that counts as open space criteria. I was
25 looking at the 1987 approved modified PD-2 plan

1 said there was office was 21,913 square feet,
2 1.4 acres, retail was 3 acres at 36,279 square
3 feet, hotel was 94 rooms, open space was 1.3
4 acres and residential was 200 DUs on 7.6 acres
5 as what I can recall in here. So as part of the
6 PD-2 when this was being developed, it was
7 really under density. They really didn't do any
8 of the commercial or --

9 MR. TAYLOR: Mr. Chairman, I
10 object to that because we don't have
11 the document that he is testifying to
12 us in front of us.

13 MR. WILLIAMS: Right. And again I
14 think it is a factually inaccurate
15 statement. Those densities are far in
16 excess of what the code allowed at that
17 time, but they are approved and there
18 again is the reason for the categorical
19 exemption. Categorical exemption
20 letter in 1995 said property owners --
21 yeah -- we will let you develop what
22 that master plan says, notwithstanding
23 the fact that it is far in excess what
24 our current code requires or allows,
25 but you have to do so in five years.

1 That is 16 years after the permit was
2 issued. Do it or don't.

3 MR. STANFORD: MR. Johnson, did
4 that answer your question?

5 MR. JOHNSON: Somewhat.

6 MR. WILLIAMS: Well, please tell
7 me what you still have unclear in your
8 mind.

9 MR. JOHNSON: I just question
10 whether there is open space on this 198
11 residential area?

12 MR. WILLIAMS: There is clearly
13 some of the open space there. But the
14 PD-2 requirements under the current
15 code requires to common open space and
16 the open space that is back there in
17 Spinnaker that is not common. That is
18 Spinnaker's open space.

19 THE WITNESS: But that is part of
20 the PUD.

21 MR. WILLIAMS: Absolutely. No
22 question about that. And it was
23 developed under that code. The current
24 code requirements though refer to
25 common open space.

1 MR. STANFORD: Mr. Fingerhut had a
2 question.

3 EXAMINATION

4 BY MR. FINGERHUT:

5 Q When you made the application, I think
6 you did, pertaining to Tract D, that you were
7 not aware this was a PD-2 overlay district; is
8 that correct?

9 A That is correct.

10 Q Does that fact materially with that
11 fact materially change your application with the
12 town?

13 A We would have looked at the open spaces
14 and the buffers because it then looks at the
15 property as a whole, but we also rely on the
16 town to provide us with the historical
17 background on the PD-2 information and, you
18 know, apparently that '87 plan or whatever is
19 missing.

20 Q So one follow up. So without that
21 analysis, can your application be viewed as
22 valid if that material fact was not presented?

23 A I don't know. That is the town.

24 Q You're right.

25 MR. STANFORD: Did you have

1 another brief question?

2 MR. CUTRER: No.

3 MR. WILLIAMS: If I may, I have a
4 couple questions. First, Mr. Theodore,
5 this refers to open space. The issue
6 with the PD-2 also involves an
7 investigation of the average density
8 over the entire 15.1 acres and that is
9 the main crux of the issue there. If
10 the categorical exemption expired and
11 they have to comply with current code
12 requirements, it is simple math. What
13 is there already exceeds the permitted
14 density for the average of the 15.1
15 acres under the RD district.

16 MR. STANFORD: We can move on.
17 Anything else for Mr. Theodore? He
18 probably would like to get back to his
19 office. You're welcome to stay with
20 us. You're excused, Mr. Theodore.

21 That being said, we are going to
22 reconvene at 4:30 and try to keep it a
23 little brief.

24 (Whereupon, a short break was
25 taken at 4:30 p.m..)

1 MR. STANFORD: Mr. Williams, Mr.
2 Taylor, are you ready to proceed?
3 Succinctly I hope.

4 MR. WILLIAMS: If I may before we
5 move on, does anybody have -- any
6 member of the board have any question
7 about what has been presented so far,
8 please let us know. We rather make
9 sure that each step going forward,
10 you're clear of what your understanding
11 is of this situation. So does anyone
12 have any questions? Let's get them out
13 of the way now. That was a lengthy
14 conversation with Mr. Theodore.

15 MR. CUTRER: I've got one. You
16 stated, Mr. Williams, that any common
17 area related to the Spinnaker resort
18 wouldn't apply across the board because
19 it was not common open space.

20 MR. WILLIAMS: I think that is
21 accurate quote.

22 MR. CUTRER: I have two questions.
23 One, is there actually in the code a
24 legal definition of common open space
25 and it seems to me that we're applying

1 this word "common" one way when it
2 suits us and one when it doesn't. You
3 would argue -- you're arguing that any
4 open space associated with Spinnaker
5 doesn't apply to the whole parcel
6 because it is not common open space and
7 yet we're throwing in the hotel to come
8 up with the common parcel when trying
9 to compute the density.

10 MR. WILLIAMS: I know Mr. Theodore
11 was focusing on open space
12 substantially. That's really not what
13 we see as the determining factor. It
14 is the density issue, but the code does
15 have a common open space and maybe I
16 need to correct myself. Let me just
17 read it to your. "Any part of a
18 development site that is not utilized
19 for single family lots, right-of-way
20 streets, commercial structures,
21 multi-family structures and parking and
22 loading areas, the following are
23 included in the definition of common
24 open space; golf courses, tennis
25 courses, swimming pools, pedestrian

1 bicycle paths, equestrian trails,
2 playgrounds, picnic areas, horse
3 stables, places for people to gather
4 and passive recreation areas."

5 MR. CUTRER: So it seems like the
6 last few items are for places for
7 people to gather and passive recreation
8 areas would have some applicability
9 here.

10 MR. WILLIAMS: Possibly. When I
11 did make my initial inquiries to the
12 town about whether or not this complied
13 with the codes, I did ask about the
14 open space, but the further I looked at
15 it, the clearer it became to me that
16 the real determining issue is whether
17 or not there is sufficient density on
18 the 15.1 acres to support the further
19 development of that property and still
20 comply with the average density under
21 the underlying base zoning district,
22 which is the RD district.

23 MR. STANFORD: Mr. Taylor, please
24 proceed.

25 MR. TAYLOR: I call Charlie

1 Halterman, Your Honor, for a brief --

2 Mr. Chairman, for a brief question.

3 MR. STANFORD: Okay.

4 State your name, please, sir.

5 THE WITNESS: Charlie Halterman.

6 CHARLIE HALTERMAN,

7 a witness herein, having been duly sworn,

8 testified upon his oath as follows:

9 THE WITNESS: I do.

10 EXAMINATION

11 BY MR. TAYLOR:

12 Q Mr. Halterman, where do you live, sir?

13 A Hilton Head Island, Sea Pines Golf

14 Course.

15 Q What do you do for a living?

16 A I'm the construction manager for

17 Spinnaker and owner representative.

18 Q How long have you been employed with

19 Spinnaker Resorts?

20 A Fourteen years, June of 2004.

21 Q Mr. Halterman, what specific level of

22 administrative capacity do you hold? Are you

23 like a vice president of Spinnaker or anything

24 like that?

25 A No. Just construction manager and

1 handle all his application permits.

2 Q We talk about Spinnaker. Let me ask
3 you this: What is SDC Properties, Inc.?

4 A It's SCD Properties. That is the
5 parent company for it.

6 Q All right. Are you familiar with the
7 property that we have been discussing today that
8 we are calling the Beachwalk area or Parcel E?

9 A Yes, sir.

10 Q The 15 acres that we are talking about
11 here?

12 A Yes, sir.

13 Q Mr. Halterman, when Mr. Williams
14 earlier identified the building permits, 5,262
15 square feet of commercial space that is use in
16 the Spinnaker Resort, what is that being used
17 for?

18 A It is an ancillary support building.
19 It is pool equipment. It is used for
20 activities. It is used -- there is a fitness
21 center and it is a check-in facility for the
22 resort.

23 Q Okay.

24 A There's also sales and where they run
25 tours for people.

1 Q All right. Mr. Halterman, the
2 gentleman sitting in the back row, the good
3 looking one without any hair on top of his head,
4 that is Barry Johnson, correct?

5 A Yes, sir.

6 Q That is the attorney for Spinnaker or
7 SCD Properties?

8 A He is the attorney for this. I'm not
9 sure if he handles everything. That would be a
10 question for management. I'm not part of
11 management.

12 Q Have you ever worked for him before
13 today on this appeal?

14 A No, I haven't.

15 Q Okay. Have you seen in preparation for
16 this hearing or any other time, the exhibit that
17 has been termed the "categorical exemption
18 letter" that was dated March 3rd, 1995?

19 A Yes, sir, I was given a copy after the
20 appeal.

21 Q Have you reviewed it?

22 A Yes, sir.

23 Q You see -- did you notice that Mr.
24 Johnson was indicated as the distributee on that
25 letter or someone that was copied at that point

1 in time?

2 A Yes, sir, I did.

3 (Whereupon, Exhibit
4 Letter B was marked for
5 identification.)

6 BY MR. TAYLOR:

7 Q Let me hand you what I identified as
8 Exhibit B. This is purports to be the deed of
9 the property that we are discussing here and ask
10 you to look over it and tell me whether or not
11 it appears to you that this was the purchase of
12 SCD Properties of the piece of property for the
13 15 acres that we're here talking about. Parcel
14 E?

15 A This would not be the 15 --

16 Q This is just Parcel E. I misspoke.
17 That is that correct.

18 A Yes, sir.

19 Q And it is the parcel that SCD or
20 Spinnaker is now asking the town to okay the
21 additional construction of commercial space on,
22 correct?

23 A Yes, sir.

24 Q This deed is dated according to your
25 reading of it July 14th, 1999; is that correct?

1 A Yes, sir.

2 Q All right. And the letter that we
3 spoke of earlier marked as Exhibit D, which is
4 the categorical exemption letter, has a date of
5 expiration of March 3rd, 2000, correct?

6 A Yes, sir.

7 Q Therefore, it is right to say and to
8 acknowledge that SCD Properties took ownership
9 property during the time that the categorical
10 exemption letter was in effect and open for
11 business, correct?

12 A Yes, sir.

13 Q Did to your knowledge Spinnaker or SDC
14 take any action whatsoever to move forward with
15 getting a development permit or otherwise
16 develop Parcel E during the categorical
17 exemption period that expired March 2000?

18 A I was not employed by the company.

19 Q Okay. To your knowledge as you know
20 now as your job, did they take any action to
21 move forward with the development permit or
22 otherwise develop land during the categorical
23 exemption period?

24 A Not that I know of.

25 Q That's all I have.

EXAMINATION

BY MR. STANFORD:

Q It was not your responsibility to manage the development of that property; is that correct?

A No, sir.

Q All right. You wouldn't have knowledge of whether it is was true or not?

A It was purchased after he purchased the other piece.

MR. STANFORD: Any questions from the town?

Any questions from the board?

Thank you. You're excused.

MR. WILLIAMS: We call Nicole Dixon.

MR. CUTRER: I had a question.

EXAMINATION

BY MR. CUTRER:

Q You stated that the 5,262 square foot building is used for a storage facility, check-in, fitness, sales center and some other things.

A It supports basically recreation and our big outdoor pool.

1 Q The building that's being proposed to
2 be built, what would the use of the new building
3 be?

4 A It would be a welcome center and an
5 also a sales floor and tour building. Our
6 building is not big enough. We want to expand
7 our health center and activities.

8 Q If the new building was built in, would
9 this 5200 square foot building stay?

10 A Yes, sir.

11 Q Okay. Thank you.

12 MR. STANFORD: I believe they are
13 calling you as a witness to be sworn
14 in.

15 Could you state your name.

16 THE WITNESS: Nicole Dixon.

17 NICOLE DIXON,
18 a witness herein, having been duly sworn,
19 testified upon his oath as follows:

20 THE WITNESS: Yes, sir.

21 MR. STANFORD: Thank you.

22 EXAMINATION

23 BY MR. WILLIAMS:

24 Q Good afternoon, Nicole. I appreciate
25 you handing in with us. State your name and

1 your occupation, please.

2 A Nicole Dixon, development review
3 administrator.

4 Q In that capacity, you typically review
5 development permit applications for the town
6 under its LMO authority and Teri Lewis who is
7 the LMO official?

8 A Yes.

9 Q And you had the opportunity to review
10 the development permit application submitted by
11 SCD Properties for designated Parcel E on the
12 subdivision plat; is that correct?

13 A Yes.

14 Q When you reviewed the development plan
15 and the application, did you know that the
16 property was subject to the 1995 categorical
17 exemption letter from Tom Brechko and Robert
18 Graves?

19 A When I first received the application,
20 I did not and you brought it to my attention.

21 Q My first question is the categorical
22 exemption letter. Were you familiar with that
23 as you reviewed the development permit
24 application?

25 A Not until you brought it to my

1 attention. I didn't approve the DPR until I
2 researched all that.

3 Q Were you aware at the time that you
4 reviewed and processed the application that it
5 was in the PD-2 overlay district?

6 A After you brought it to my attention.

7 Q Even after you were aware it was a PD-2
8 district and after you were aware of the
9 categorical exemption letter on its face said it
10 expired in 2000?

11 A I did all of my research and determined
12 as you see in my staff determination that the
13 purposed DPR was not in conflict with the PD-2.

14 Q And when you reviewed that, did you
15 look at the overall density of the 15.1 acres on
16 the entire PD-2 overlay district and determined
17 whether or not that exceeded the maximum density
18 in the RD district?

19 A I looked at everything that pertained
20 to the PD-2; density, open space. The PD-2
21 developed under a different LMO. So looking at
22 what is developed out there now and looking at
23 the density, no, I did not see it was in
24 conformance with that. The RD district -- I
25 checked the conformance of the subject property

1 against the RD and it does meet that.

2 Q When you say that, you're talking about
3 just Parcel E; is that correct?

4 A Correct.

5 Q So you did not check the overall
6 density on the 15.1 acres to see if the
7 additional development of the Parcel E caused
8 the overall average density to exceed what is
9 permitted in the underlying RD district; is that
10 correct?

11 A That is correct because staff does not
12 thing that is the intent of how you are
13 interpreting the LMO.

14 Q Okay.

15 A When the PD-2 was -- when the
16 conceptual plan was approved --

17 Q When you say "conceptual," can you give
18 us the date?

19 A 1984 and then reviewed 1987.

20 Q The one that we can't find?

21 A We have May 6th of 1987.

22 Q Isn't it dated February?

23 A The second page of that shows this
24 plan. There is a revised date of May 4th. Let
25 me think. May 4th, 1987 is the most recent.

1 Q Which was prior to the planning
2 commission's review and approval of the
3 amendment of the master plan, correct?

4 A Two days prior.

5 Q Correct. So --

6 A There was nothing in the planning
7 revision that indicates that the layout was
8 changed.

9 Q But you don't have access to -- you
10 didn't have an opportunity to review the
11 approved 1987 master plan?

12 A I did not.

13 Q Okay. You heard our discussion with
14 Mr. Theodore about our theoretical plan process.

15 A You're not going to ask me to do all of
16 that.

17 Q On Pages 13 and 14 of our narrative of
18 the application, we basically go through that
19 entire process. Did you have an opportunity to
20 review those figures?

21 A I did.

22 Q Are they accurate?

23 A If you're looking at as you're
24 interpreting it, yes. The way I see it is that
25 when the PD-2 was originally approved, it was

1 based on a different LMO and right now when the
2 DPR was submitted for the welcome center, I
3 don't think that the PD-2 should have to comply.
4 We are not changing the PD-2, so the density has
5 to comply with the current resort development
6 density standards. Most of the PD-2 Waterside
7 exists today, what they're proposing does comply
8 with that. That is what the LMO requires, any
9 future development has to comply with the
10 current LMO.

11 Q Okay. Let me ask you this: Going
12 through the process that we went through with
13 Todd, if you had 15.1 acre tract and you have
14 198 residential units by Spinnaker and you had
15 the 52 whatever the figure is commercial and the
16 91 hotel units, could you approve that
17 development under a PD-2 under the current code
18 requirements?

19 A If you're coming in starting from
20 scratch today then that would be brought to the
21 planning commission and that flexibility would
22 be look at that time.

23 Q I'm not sure. Why would the planning
24 commission be involved?

25 A Well, the PD-2 has to go for rezoning.

1 Q You're talking about --

2 A You're starting from scratch, yeah I
3 would apply the LMO density standards.

4 Q Okay. Let me be more clear. The
5 process that we went through with Mr. Theodore
6 assumed that there was an existing PD-2 overlay
7 on the 15.1 acres and it was undeveloped.

8 A Okay.

9 Q So no need for a rezoning and change in
10 the PD-2. Could you develop that property with
11 the densities that are already there plus the
12 density for Parcel E under the current code
13 requirements?

14 A I think so because they were not
15 exceeded what was original intended and what is
16 in the LMO.

17 Q I'm not being very clear.

18 A We obviously disagree. That's what we
19 here for today.

20 Q A new PD-2 -- okay -- a new PD-2
21 overlay, not the 1987 not the 1984, a new PD-2
22 overlay under current code requirements, could
23 you develop those?

24 A But we're not talking about that.

25 Q This is a theoretical. You're a

1 planner. You would be the one to review this
2 application. I've got a 15.1 acre tract. It's
3 in a RD base zoning district. I developed 198
4 residential units. I developed the commercial
5 space. I developed a hotel -- I guess the
6 question is could I develop the hotel and come
7 in for Parcel E, could you do that starting
8 fresh under the current code requirements?

9 A Under the current code requirements,
10 yes.

11 MR. STANFORD: Let's move it
12 along, Mr. Williams.

13 BY MR. WILLIAMS:

14 Q In your determination letter, you
15 acknowledge the categorical exemption expired in
16 -- on March 3rd of 2000, correct?

17 A (Nods head.)

18 Q Okay.

19 MR. STANFORD: Answer is yes?

20 THE WITNESS: Yes, sir.

21 BY MR. WILLIAMS:

22 Q I'm reading from the second page of
23 your letter. "The categorical exemption
24 certificate was valid for five years and expired
25 March 3, 2000. After the expiration of the

1 certificate, any future developments of the
2 property shall be subject to the provisions of
3 the LMO in effect at that time."

4 A Correct.

5 Q "They must conform to the standards of
6 the current LMO."

7 A Any future developments. It doesn't
8 mean go back and look at everything that is
9 there.

10 Q But isn't that what the PD-2
11 requirements call for? That you can't exceed --

12 A Staff doesn't agree with that. That's
13 why we're here.

14 Q Let me put it this way? They had their
15 cake with the PD-2 before and now they want to
16 eat it. They already developed more than what's
17 allowed in the current code requirements and not
18 withstanding the expiration of the categorical
19 exemption letter, it is still your position that
20 they can rely on the densities and uses of the
21 1987 master plan?

22 A They didn't develop the property to the
23 capacity that was allowed under the PD-2. They
24 didn't exceed what was allowed at that time.
25 They didn't fully develop it.

1 Q Okay. Let me ask you this: Does the
2 PD-2 overlay provide any densities at all or any
3 sort of uses for other than what's in the base
4 zoning district?

5 A Are you talking about this PD-2?

6 Q The PD-2 requirements in the code now,
7 does it provide any sort of densities other than
8 what's in the based underlying zoning district?

9 A I'm not aware of that. I would have to
10 go back and look. It's just to be flexible with
11 buffers and --

12 Q Just now when you refer to the PD-2 and
13 correct me if I'm wrong, is the 1987 master
14 plan; is that correct?

15 A I'm not sure what you're asking.

16 Q When you said that you developed under
17 the old PD-2 and the current code requirements,
18 did you mean --

19 A The old master plan.

20 Q Okay. So what you're saying is town
21 staff's position notwithstanding the
22 categorical exemption, the property owner still
23 has a right to rely on the densities and uses
24 provided for the 1987 master plan not
25 notwithstanding the fact that they do not comply

1 with current code requirements?

2 A I'm saying that regardless of the fact
3 that the developer did not develop fully to
4 their potential at that time, yes, the
5 categorical exemption did expire, that's what I
6 reviewed it under the current RD district for
7 that property and it does not exceed the open
8 space. It meet all LMO requirements. I do not
9 believe that just because the categorical
10 exemption expired, the vacant areas of that
11 property are no longer to be built on. I don't
12 agree with that.

13 Q Have you worked on any other
14 applications that involve the categorical
15 exemption?

16 A No, I have not.

17 Q And you weren't here at the time?

18 A I was not.

19 Q And you hear Curtis Coltrane's
20 testimony earlier about the process that led up
21 to the categorical exemption --

22 A I do.

23 Q -- and reason it was implemented?

24 A Mm-hmm.

25 Q Do you have any reason to doubt that

1 Curtis accurately described what the process
2 was, what the intent was and how the categorical
3 exemption process came about?

4 A No.

5 MR. STANFORD: You are going to
6 have to cut this off. This facility
7 closes in 60 minutes, so I want to be
8 done well before that time.

9 BY MR. WILLIAMS:

10 Q Just to be clear when you reviewed the
11 development review application, you did not take
12 into account whether or not the development of
13 Parcel E would call the overall density to PD-2
14 to exceed what is allowed currently under the RD
15 regulations?

16 A I do not interpret the LMO that way.

17 Q Yes or no? Yes, I did or no, I didn't?
18 If you would just answer.

19 MR. STANFORD: I think she said
20 no.

21 BY MR. WILLIAMS:

22 Q The answer is no?

23 A I did not look at the density as far as
24 all the uses that exist out there now and
25 calculate as a whole.

1 MR. WILLIAMS: That's all we have.

2 EXAMINATION

3 BY MR. STANFORD:

4 Q Nicole, what troubles me in this whole
5 case is the reliance on the concept master plan
6 from 1987, which is missing. How can you make a
7 determination of the applicable uses under this
8 application if you don't have the concept master
9 plan? It's not your fault that it's not there.

10 A I understand.

11 Q I don't understand how you can make the
12 decision to grant the application.

13 A I spent weeks reading through all the
14 documentation that went along with the
15 categorical exemption, the conditional use
16 permit, the special exception, the original
17 master plan documentation. I spent way too many
18 hours in trying to understand it and there was
19 nothing in that documentation that indicated
20 that that parcel was going to be dedicated to
21 open space. There was a revision in 1987. I
22 have this plan that you see up on the screen
23 that was dated May 4th before the planning
24 commission approved it. What they did is they
25 changed the boundary to allow for a better

1 design of the hotel property and reconfigure
2 some of the parking areas and then they
3 permitted an increase in the hotel rooms from 50
4 to 94 and a reduction -- a corresponding
5 reduction of residential to retail space. That
6 is all it says. There was nothing in the
7 documentation that indicated that lot should be
8 designated as open space. All along it said it
9 was commercial retail. The only notation about
10 the open space says that there had to be 1.3
11 acres of open space, but it could be spread out
12 the PD-2.

13 Q I understand.

14 A I got documentation from Mr. Theodore
15 that the open space for the entire PD-2 was well
16 over 1.3 acres. I think it averaged nine acres,
17 so reading through all of that, and yeah, I
18 don't have the conceptual plan referred to in
19 the letter dated May 7th, 1987. I do have the
20 one dated May 4th and it looks very close to the
21 original one from 1984. I did not find any
22 reason to deny the application.

23 Q I acknowledge that you've made a very
24 strong, thorough investigation of the records,
25 and we appreciate that and I believe that this

1 concept master plan probably could not be found
2 for whatever reason. It troubles me greatly
3 that we are asked to approve an application
4 based upon the original concept master plan
5 modified in 1987, that master plan, and we don't
6 have the core document. We have to assume what
7 was there and you've done everything you could
8 to make that assumption and I'm not criticizing
9 you.

10 But it just troubles me that we are
11 asked to -- to essentially support an
12 application here when the core document is
13 missing. So I'll get off my speech horse about
14 that. To me that is the thing that is most
15 troubling in this application.

EXAMINATION

16
17 BY MR. FINGERHUT:

18 Q Nicole, when you were doing your
19 analysis, did you apply the LMO in effect at the
20 time of the master plan or the current LMO?

21 A When I was reviewing the DPR?

22 Q Yes.

23 A I reviewed what was in the PD-2
24 documents and then I also made sure it met the
25 current LMO. In that letter it stated any

1 future development has to comply with the
2 current LMO, and this was considered future
3 development but I also didn't exceed what was on
4 the original concept plan.

5 Q Did you do the analysis of units and
6 square footage and units and acreage that we've
7 been talking about here, did you do a separate
8 analysis to make sure --

9 A No. What I did was I looked at the
10 table that was in the master plan that allowed
11 for -- it was 23,360 square feet of retail --

12 Q Table in which master plan?

13 A I was looking at the table that was
14 approved by the planning commission with the May
15 6, 1987 date.

16 Q So not this one?

17 A The table was in the documentation. It
18 was just the actual plan was not in there. So
19 the table indicates how much square footage for
20 commercial, retail and residential and open
21 space. So when I did my review, there was no
22 retail out there currently, so because the
23 proposal does not exceed that or well below that
24 amount, I felt it was compliant with that and
25 because it meets the current LMO requirements, I

1 did not see a reason to deny the application.

2 Q Okay. But just to -- I hate to repeat
3 the question, but did you do the analysis that
4 was discussed earlier, in other words, to see if
5 there was enough acreage not only what was there
6 and proposed to be there?

7 A You mean the math that Chet was talking
8 about?

9 Q Yes.

10 A Adding what was out there and --

11 Q Sure.

12 A No, I did not. I looked up what was on
13 the original master plan and what was allowed in
14 the current LMO and it meets both of those, so
15 that's what I based my approval on.

16 MR. STANFORD: Other questions?

17 EXAMINATION

18 BY MR. CUTRER:

19 Q If I understand what you're saying, in
20 the minutes of the planning commission was a
21 table --

22 A Yes.

23 Q -- that addressed the development of
24 this property on a square footage basis --

25 A Yes, it does.

1 Q -- rather than a per units basis like
2 the other calculations we're doing?

3 A I'm not sure what attachment it is. It
4 was in your packet.

5 Q Honey, there was a thousand pages in
6 there. I looked at every one of them, but I
7 don't remember many of them. Let me ask my
8 question again.

9 A Okay.

10 Q In the minutes of the planning
11 commission, May whatever, it was 1987, that
12 approved the master plan that we can't find the
13 drawing of, but in the minutes of the planning
14 commission is this table --

15 A Yes, sir.

16 Q -- which limits development or
17 specifies what can be developed on a per square
18 footage basis?

19 A Correct.

20 Q Using that and the current LMO, you've
21 made the determination that this development is
22 permitted?

23 A Correct.

24 Q Thank you.

25

EXAMINATION

1 BY MR. STANFORD:

2 Q Do we have in this voluminous record,
3 the approval action taken by the planning
4 commission relating to the 1987 master concept
5 plan? Do we have those minutes?

6 A Whatever I found is in your packet, so
7 everything that I found is in there and this
8 document is in there and it lists the town PUD,
9 what was approved and what was proposed with
10 that revision and it lists the acreage of the
11 different uses, the square footage and it does
12 for the same proposed and the reduction of the
13 commercial office, a reduction of the commercial
14 retail, the increase of the hotel rooms, the
15 addition of the common open space requirement
16 and the reduction of the residential.

17 And there's a note below that says that
18 the total area for the proposed 94 hotel rooms
19 has the special exception within the P -- or RD
20 zoning district is 3.9 acres and the hotel was
21 not to be developed on the 3.9 acre site like it
22 was on the table. The acreage not utilized in
23 the hotel would be set off as common open space
24 not to be used for any other developments. And
25 there was documentation that I found there was a

1 letter from, I believe, it was Tom Brechko or
2 somewhere in that documentation that said that
3 open space could be spread out throughout the
4 PD-2.

5 And I asked Todd to come up with some
6 calculation of how much open space exists out
7 there. There was well over nine acres which is
8 well over the 1.3 acres minimum required. And
9 again, I didn't find any documentation or
10 anything that could lead me to deny the
11 application, which is why I came up with my
12 determination and that's why we're here.

13 MR. STANFORD: Other questions?

14 BY MR. STANFORD:

15 Q The table you are referring to is not a
16 concept master plan, is it?

17 A No, it is a table -- I don't know
18 because I don't have a copy of the concept plan
19 if it was actually on there, but that table was
20 on the original 1984 plan. They have that
21 paperwork on there and this revised those
22 numbers, but I don't know if it was actually on
23 there, but it makes reference to this table.

24 EXAMINATION

25 BY MR. CUTRER:

1 Q And the minutes of the '87 meeting do
2 also?

3 A Yes, this is where I found this and it
4 is in your packet. What page, I have no idea.

5 MR. JOHNSON: 1732.

6 THE WITNESS: 1732.

7 Is that where the page is in that
8 documentation is?

9 MR. STANFORD: Other questions?

10 EXAMINATION

11 BY MS. LAUDERMILCH:

12 Q I have a question and it's kind of this
13 whole process again. But if we had that master
14 plan document, however the categorical exemption
15 has expired, now as you look at a new
16 application, most of -- well, I guess all, but
17 the existing improvements on the various parcels
18 within the PUD were built under different LMO
19 requirements. So now that there is an
20 application submitted for a specific undeveloped
21 parcel, do you need to take into account the
22 entire PUD under the current LMO or do you just
23 look at that parcel?

24 A Staff believes that you look at that
25 parcel. The original concept plan was based

1 under a different LMO, and so to go back now
2 this PD-2 doesn't meet the LMO, well, obviously
3 it doesn't. It is a PD-2. The LMO says any
4 further development has to meet the current LMO
5 standards and that is what the applicant did.
6 It meets all current LMO standards. I could not
7 find a reason to deny the application.

8 MR. STANFORD: Thank you very
9 much.

10 MR. WILLIAMS: If I could, I like
11 to clarify one thing, Mr. Stanford.

12 EXAMINATION

13 BY MR. WILLIAMS:

14 Q Nicole, the document that is the
15 concept master plan that is up there, it doesn't
16 have density or use charts like the 1984 plan,
17 does it?

18 A No, it does not.

19 Q So it is not sufficient for determining
20 what the permitted or even what the purposed
21 density use is for the 15.1 acres at the time it
22 was done as it was presented. Is that an
23 accurate statement?

24 A Correct, and this plan, I believe, I
25 actually found in the DPR documents. It wasn't

1 even in the PD-2 documents.

2 Q One other question. Are the
3 LMO Section 16-3-106, Sub G, which is the
4 provisions for the plan development overlay PD-2
5 district, is that part of the current LMO
6 requirements?

7 A Yes.

8 Q Thank you.

9 MR. STANFORD: Thank you. Are you
10 finished?

11 MR. WILLIAMS: That's all.

12 MR. STANFORD: Nicole, you're
13 excused.

14 Is there any further presentation
15 from the town?

16 MS. DIXON: I think I addressed
17 everything I was going to say. No, I
18 can't think of anything I would like to
19 add.

20 MR. STANFORD: I know that we have
21 Mr. Johnson, who is the attorney for
22 the owner of this property. Mr.
23 Williams, Mr. Taylor represent the
24 condominium association that is
25 affiliated with the property.

1 Mr. Johnson, do you have anything
2 to present in conjunction with this?

3 MR. JOHNSON: Just a little bit
4 briefly, sir.

5 MR. STANFORD: Thank you.

6 MR. JOHNSON: For the record, I'm
7 Barry Johnson, local attorney. I
8 didn't come prepared to make a
9 presentation today because of the rules
10 of the board, which I respect.

11 MR. STANFORD: Thank you, sir.

12 MR. JOHNSON: But I thank you for
13 the opportunity to say just a couple
14 things. The planning commission
15 minutes that were alluded to a few
16 minutes ago and because these do not
17 have Bates stamps, I don't know how to
18 identify them to you, but in your
19 materials we have the Town of Hilton
20 Head Island Planning Commission May 6,
21 1987, meeting that's either one or two
22 days after the date of the drawing that
23 is on the screen and in these minutes
24 there is approval of the plan that was
25 discussed with modifications and those

1 modifications appear in some tables
2 that are attached to those minutes in
3 these plans, and I believe that they
4 significantly re-enforce what Ms. Dixon
5 has said.

6 I think what Mr. Theodore has
7 calculated and everybody has talked
8 about -- I don't know if it's
9 specifically in evidence, but I think
10 it is part of the submission Ms. Dixon
11 made to you, but there is approximately
12 nine or nine and a half acres of open
13 space on this property according to Mr.
14 Theodore's calculations out of the 15.1
15 acres overall. That clearly
16 demonstrates that the 1.3 acres
17 required by the planning commission in
18 this 1987 document have been met, and
19 you have to recall that at that time
20 nothing had been built.

21 Now, if you -- I think we all
22 understand what the appellant is trying
23 to argue. I would submit to you a
24 couple things in that regard. One is
25 that the people that fought to get

1 their vested rights validated or
2 verified, I think was the word that
3 Curtis used, intended to fully develop
4 their property under their
5 constitutional rights. That's why they
6 went to significant expense and trouble
7 to get those rights validated. They
8 disagreed with the time limits on a
9 very narrow point, the court said five
10 years is good enough for the
11 continuation of those rights.

12 But if you just look not only at
13 that cluster of dozen or so of them and
14 I represented at least half of those
15 people that got those exemptions at
16 that time, none of them will ever
17 comply with the current LMO, so the
18 theory that my friend Chet and my
19 friend, Tom are arguing to you is that
20 none of these undeveloped properties
21 anywhere on the island in PD-2 overlays
22 are ever going to get developed. That
23 is the practical effect.

24 And the zoning law requires that
25 if you give people the opportunity to

1 have a reasonable use of their property
2 and a reasonable use of this property
3 is certainly to comply with the
4 applicable site standards for RD for
5 those 1.086 or 68, whatever it is acres
6 and it does comply. Otherwise, what
7 you have effectively done is condemn
8 the property as a town action and that
9 becomes a different conversation. But
10 it may have effect on any other
11 properties out there that are so far
12 undeveloped residuals from PUDs that
13 met the categorical exemption standards
14 that expired all of them in or about
15 March of 2000 because they issued the
16 letter about the same date if not the
17 same date and are now sitting here
18 saying "is the property worth zero
19 because you can't do anything with it
20 or does it have a reasonable and fair
21 zoning which the municipality has
22 obligation to provide to it. Staff has
23 been a determination of how to
24 interpret the LMO that is reasonable
25 and fair and it consistent with the

1 obligations of the municipality
2 regarding zoning and resulting uses and
3 densities.

4 I would also like to say one more
5 thing and then I'll sit down. Some of
6 you and I don't know -- I understand
7 Mr. Stanford has legal background. I
8 apologize -- Mr. Fingerhut does too. I
9 don't know unfortunately all you people
10 and I apologize for that. The law in
11 South Carolina where there is ambiguity
12 regarding restrictions and I think it's
13 generally the law in the country. It
14 is derivative of constitutional rights
15 for property ownership. Where there is
16 ambiguity, the law favors the
17 unrestricted use of the property rather
18 than the restricted use of the
19 property.

20 If you heard earlier, Mr. Coltrane
21 his association and law partnership
22 with Jim Herring back in the mid-80s.
23 Mr. Herring had a case that went to the
24 South Carolina Supreme Court called
25 Hamilton versus CCM. It is Hilton Head

1 based case. It has to do with the
2 plats around Harbour Town and the
3 documents related to the cemetery and
4 some other land over there and the
5 question was whether or not the absence
6 of designation of use on the plats made
7 it open space. And the court very
8 convincingly ruled that it doesn't say
9 therefore it is not expressly
10 restricted to open space and you can't
11 have that by implication because the
12 law favors the free and unrestricted
13 use of the property where this is
14 ambiguity.

15 So if you find some ambiguity
16 about the 1987 July master plan, which
17 merely implemented like Nicole said,
18 the May 1987 plan and the adjustments
19 to that made by the planning commission
20 at their meeting on May 6th, then I
21 would suggest to you that is an
22 ambiguity that supports the conclusion
23 the staff has come to and I would
24 encourage you to that decision.

25 I will answer any questions I can.

1 MR. STANFORD: I continue to have
2 trouble moving forward from the 1987
3 concept master plan, which is the core
4 zoning document for this parcel as well
5 as the balance of the 15 acres. That
6 would have been the core zoning
7 document there and then we're moving
8 forward based on that, but we don't
9 have that document.

10 MR. JOHNSON: Right.

11 MR. STANFORD: And we have to make
12 an assumption on that. I'm very
13 uncomfortable making an assumption.

14 MR. JOHNSON: I'm suggesting that
15 you don't have to make that assumption.
16 You can say the absence of that
17 document creates an ambiguity, and
18 there is enough documentation -- I
19 realize Mr. Cutrer?

20 MR. CUTRER: Cutrer. Close
21 enough.

22 MR. JOHNSON: Cutrer. Sorry.
23 That it was opine or said a while ago,
24 you got thousands of pages of
25 documents, and I appreciate you-all

1 haven't had time to study all that, but
2 if you did you would find in the
3 minutes of May 6, 1987, all the comfort
4 you need and you would see that the
5 July, three month later document, is
6 the implication of what was commanded
7 by the town planning commission.

8 MR. STANFORD: Thank you for that
9 able presentation, prepared or not.

10 Any other questions?

11 MR. CUTRER: If I might.

12 MR. JOHNSON: Yes, sir.

13 MR. CUTRER: I think I heard
14 Nicole say that under the current LMO
15 this property could be developed. All
16 of this discussion of the 1987 master
17 plan was part of the conditional
18 exemption.

19 MR. JOHNSON: Categorical
20 exemption.

21 MR. CUTRER: Categorical
22 exemption.

23 MR. JOHNSON: Yes, sir.

24 MR. CUTRER: Which expired in
25 2000.

1 MR. JOHNSON: Yes, sir.

2 MR. CUTRER: Am I correct or am I
3 wrong that all that 1987 stuff is kind
4 of irrelevant at this point?

5 MR. JOHNSON: I believe it became
6 irrelevant on March 3rd, 2000.

7 MR. CUTRER: So if all this
8 discussion of 1987 action by the town
9 is irrelevant because that exemption
10 expired, then today we're bound or
11 governed by the current LMO?

12 MR. JOHNSON: Correct.

13 MR. CUTRER: And I believe I heard
14 Ms. Dixon say that her interpretation
15 was that under the current LMO this
16 property could be developed as being
17 proposed?

18 MR. JOHNSON: That's correct.

19 MR. STANFORD: But the application
20 was not made based upon the current LMO
21 rather it was based on the 1987 master
22 concept plan as I understand it.

23 MS. DIXON: No, it was not.

24 MR. JOHNSON: I don't have all the
25 details about think, but I think that

1 is entirely accurate. I think that was
2 just a component of the history.

3 MR. STANFORD: Nicole, can you
4 straighten me out?

5 MS. DIXON: When the application
6 was submitted it was initially reviewed
7 under the current LMO. It wasn't until
8 Chet brought to my attention the PD-2
9 that applied to this property, that I
10 started doing all that determination to
11 Chet. But all along I was reviewing
12 the application under the current LMO
13 and after reviewing the PD-2 documents
14 still did not find a reason to deny the
15 application, and the application met
16 current LMO requirements and approved
17 it, so that's what the application
18 approval is based on is the current
19 LMO.

20 MR. STANFORD: I like to hear from
21 the appellant on that narrow point, how
22 is the application made and how should
23 have the application been considered?

24 MR. WILLIAMS: The application
25 form, itself, does not refer to a PD-2

1 overlay. If you look at the e-mails,
2 clearly, they were not currently aware,
3 Todd Theodore and Nicole Dixon, during
4 the application process until the issue
5 was raised by us that there was a PD-2
6 overlay. I think you're exactly right.
7 The March 3, 2000, the legal ability to
8 rely on the categorical exemption
9 expired. I think Mr. Johnson just
10 suggested that. Mr. Johnson also said
11 the court upheld that five-year
12 limitation as a valid limitation. So
13 the first part of our argument --

14 MR. STANFORD: Tom, excuse me.

15 MR. WILLIAMS: The first part of
16 our argument is that the 1987 master
17 plan isn't irrelevant because it still
18 is the plan that defines the boundaries
19 of the PD-2 overlay district. I think
20 we're all fairly comfortable that the
21 15.1 acres, there is boundaries of the
22 PD-2 overlay district, but after the
23 expiration of the categorical
24 exemption, any property owners can no
25 longer rely on the uses and densities

1 that are provided for in the 1987
2 master plan. And with the categorical
3 exemption letter says that after that
4 point, you have to comply with all
5 current code requirements.

6 MR. CUTRER: Current at that
7 moment or current today?

8 MR. WILLIAMS: Current at the
9 development permit application was
10 filed.

11 MR. CUTRER: 2016?

12 MR. WILLIAMS: Correct.

13 Nicole has at admitted that the
14 PD-2 overlays are part of the LMO
15 requirements and she's also testified
16 that she did not review the application
17 from the standpoint of the PD-2
18 requirements for average density over
19 the PD-2. She looked at it as a
20 standalone parcel without taking into
21 account the requirement of the PD-2
22 overlay. You can't have it both ways.
23 If you're in a PD-2 zone, you are
24 required to comply with the PD-2
25 requirements. Because there is certain

1 benefits that accompanied from being in
2 there, but there is certain burdens
3 that go along with it. The benefits
4 were increased density of the certain
5 areas. The burden is where is that
6 offsetting open space. We don't know
7 standing here if the 1987 master plan
8 says open space on Parcel E neither
9 does Nicole neither does Mr. Theodore,
10 yet they proceeded to approve the plan
11 on the assumption that it did not.

12 MR. STANFORD: We need to move on.

13 MR. WILLIAMS: So it is a two-step
14 inquiry. Is there is right to rely on
15 the 1987 master plan? Our position is
16 no, there is not. So that kicks you
17 into the current code requirements.
18 And with Mr. Johnson said earlier about
19 if you follow our arguments than no
20 further development is allowed PD-2
21 district. That is not correct. No
22 further development is allowed in the
23 PD-2 where it would exceed the average
24 density of the underlying zoning
25 district. If there was only a 50 50

1 room hotel instead of 91, there might
2 be some more density.

3 Somebody got the benefit of that
4 PD-2 approval, the master plan approval
5 way back then. The current properties,
6 the SDC Properties bought it during the
7 time where they had the right.

8 MR. STANFORD: Okay. You made
9 that point. Let's move on again,
10 please.

11 And this is a case that is brought
12 to us on appeal. There is no provision
13 for public comment in this particular
14 type of case, so I think you have made
15 your argument abundantly and I would
16 ask you to please show us the courtesy
17 of letting us move forward and unless
18 you feel there is something that we
19 have totally missed.

20 MR. WILLIAMS: It is difficult for
21 me to know whether or not there is
22 something you totally missed. If you
23 have any questions, please ask. But on
24 the assumption that you don't think you
25 missed anything, then we would ask that

1 you hold that the development of the
2 Waterside PD-2 -- any development in
3 the Waterside PD-2 district including
4 without limitation the proposed
5 Spinnaker Welcome Center, Parcel E,
6 must comply with the current LMO
7 requirements, that the average density
8 of provisions of LMO Section
9 16-3-106.G.4.A, which is the PD-2
10 requirements, is the applicable PUD
11 that the average density of the RD has
12 already been exceeded by the existing
13 development with the PD-2 overlay and
14 you reverse Ms. Dixon's determination.

15 MR. STANFORD: Thank you.

16 MR. TAYLOR: Mr. Chairman, I'm
17 sorry. Before Mr. Johnson sat down, I
18 wanted to ask him less than 30 seconds
19 of questions for the record. May I ask
20 Mr. Johnson a couple questions?

21 MR. STANFORD: Very, very quick.

22 MR. TAYLOR: He is an officer of
23 the court. He does not need to be
24 sworn in.

25 MR. STANFORD: He does not need to

1 be sworn in.

2 MR. JOHNSON: I do not understand
3 that I am appearing as a witness, but
4 as counsel for my client and I am not
5 subject to questions by opposing
6 counsel.

7 MR. STANFORD: And I so rule.
8 Thank you.

9 Now it is time for us to discuss
10 this and make a decision or it occurs
11 to me, we may want to consider in this
12 case a remand back to the town to make
13 the determination, to make its
14 determination on this application in
15 light of the factors that we have here,
16 which are the missing master concept
17 plan and then how that relates to the
18 applications of law for this particular
19 application. That is a month down the
20 road. I acknowledge that. And I'm
21 interest of the comments of the board
22 on that.

23 MR. WILLIAMS: If it may help you
24 out, we would be willing to stipulate
25 the 1987 master plan shows the

1 boundaries of the PD-2 district as 15.1
2 acres.

3 MR. FINGERHUT: I think that is
4 excellent idea maybe for a slightly
5 different reason. Looking at what the
6 appellant is asking for holding the
7 development of the Waterside district
8 including the limitation of the
9 purposed Spinnaker Welcome Center must
10 comply with the current LMO. I would
11 certainly move we still hold that.
12 Number 2, that the average density
13 provision in the LMO section -- I'm not
14 going to read the whole thing now --
15 would apply. I would move that and I
16 would actually move to reverse and
17 remand.

18 MR. STANFORD: Reverse or remand?

19 MR. FINGERHUT: Reverse and remand
20 for analysis of the average density
21 because I don't believe that was done.
22 I think that's what I'm hearing here.
23 I don't know that we heard enough here
24 to rule whether on the average
25 densities that counsel is making, but I

1 think we did hear enough that it was
2 not done by applicant or by the town
3 and I didn't view --

4 MR. STANFORD: We don't have the
5 motion on the table at the moment.
6 This is just a discussion.

7 MR. FINGERHUT: Yeah.

8 MR. STANFORD: And I'm interested
9 in the points of view of the other
10 members of the board.

11 MS. LAUDERMILCH: I heard two
12 different interpretations now of this
13 latest parcel how the density issue is
14 analyzed. Is it based on the parcel
15 solely or is it based on the entire
16 PUD?

17 MR. STANFORD: Yes.

18 MS. LAUDERMILCH: And I've heard
19 two different opinions which creates
20 confusion and I don't feel prepared to
21 make a decision.

22 MR. WILSON: Mr. Chairman, I have
23 another thought. I like to know
24 whether or not these discussions about
25 this part of your suggesting that

1 should be remanded back to the staff
2 for further consideration has already
3 been discussed at length and between
4 Mr. Williams and between Ms. Dixon. In
5 that case, I would really moving
6 forward with this process to remand it
7 back to their continued conversation.

8 MR. STANFORD: Understood. And
9 that is a good point. I'm not trying
10 to just push it down the road, but we
11 have two competing interpretations of
12 the applications of the rules here and
13 I'm just trying to see if there is
14 some way we can get more clarity on
15 that.

16 MS. DIXON: I was going to say,
17 obviously, Chet and I disagree on how
18 it is interpreted, but to remand it
19 back to us, the staff feels that the
20 density should be based on that
21 particular piece of property. If
22 you're saying that you-all need to make
23 a decision whether density should be
24 based on the average of the entire
25 PD-2, if that's the case, Chet's done

1 the math and if that's how you
2 interpret the LMO and/or direct us to
3 interpret the LMO, then they are over
4 their density and remanded it back to
5 us, I think that is going to hold up
6 the process.

7 MR. FINGERHUT: You would
8 stipulate to that the math -- I'm
9 sorry. I didn't hear that. You're
10 saying the theory is incorrect, but the
11 math is correct is what you're saying.

12 MS. DIXON: If you're going to
13 look at the entire PD-2 and based on
14 their density on the current LMO, but
15 use what is existing out there now,
16 then Chet has demonstrated in his math
17 they would not be allowed to do what
18 they are proposing. Staff does not
19 interpret the LMO that way.

20 MR. STANFORD: And that's because
21 we have a new LMO that is being applied
22 to this particular smaller parcel.

23 MS. DIXON: Correct. I believe on
24 this particular piece, they are meeting
25 the current LMO.

1 MR. FINGERHUT: Not as part of the
2 new development, just as a new piece of
3 land.

4 MS. DIXON: I'm not denying it is
5 part of the 15 acre PD-2. I'm not
6 denying that it is not part of that
7 anymore. It is still part of that
8 PD-2, but as you know -- as you said
9 that categorical exemption expired.
10 They're really not tied to the original
11 density allowed, so as long as they
12 meet the current density that is
13 allowed on that tract, then it should
14 be approved and that is what I based my
15 decision on.

16 So you can either agree with my
17 determination or not agree with it and
18 I would have to resend my notice of
19 action.

20 MR. WILSON: I think that is part
21 of the responsibility of the board
22 because there is this dispute including
23 with Mr. William's client and between
24 our town.

25 MR. FINGERHUT: So you're

1 concurring that his math is correct?

2 MS. DIXON: I concur his math is
3 correct, but I don't interpret the LMO
4 that way.

5 MR. FINGERHUT: That is fine.
6 Just speaking for myself that is a
7 correct finding because I wasn't
8 following all the math.

9 MS. DIXON: I just interpret the
10 LMO differently and that is not what I
11 based my approval on. But the math
12 that he had Mr. Theodore come up with
13 earlier, that is correct.

14 MR. STANFORD: I think the motion
15 of remand probably is not a good motion
16 at this point, so we are looking for a
17 motion either to grant the appeal,
18 which means to reverse the action of
19 the town or affirm the action of the
20 town and denying the appeal.

21 MR. CUTRER: Can I ask Ms. Dixon
22 one more question?

23 MR. STANFORD: Sure.

24 MR. CUTRER: If I'm interpreting
25 what you are saying correctly that the

1 PD-2 overlay no longer applies or it
2 does apply?

3 MS. DIXON: I think the pd-2
4 overlay is always going to be. It was
5 approved in that PD-2 boundary exists.
6 That property is part of that PD-2.

7 MR. CUTRER: To create a total
8 picture?

9 MS. DIXON: Correct.

10 MR. CUTRER: Okay.

11 MS. DIXON: I do not think we have
12 to go back and make sure all the
13 densities in that development complies
14 to the current LMO. I don't think that
15 was the intent of the language in the
16 LMO and I don't think that should be an
17 unbuildable lot.

18 MR. CUTRER: So we take the parcel
19 today, how does this applicant comply
20 with the current LMO and how does it
21 comply with the PD-2 overlay?

22 MS. DIXON: The PD-2 is always
23 going to be there. Now, as far as them
24 being tied to the density that was
25 shown on the original conceptual plan,

1 they don't have to be tied to that.
2 They have to be tied to the current LMO
3 density standards.

4 MR. CUTRER: So how does that
5 proposed development comply with the
6 current LMO?

7 MS. DIXON: How does it?

8 MR. CUTRER: How does it?

9 MS. DIXON: They demonstrated that
10 their density meets the current density
11 standards and current open space.

12 MR. CUTRER: That's what I needed
13 to hear.

14 MR. JOHNSON: Can I ask a quick
15 question? This master plan if it were
16 to appear, does it have any bearing on
17 what we're talking about?

18 MS. DIXON: It does not.

19 MR. STANFORD: We talked 45
20 minutes about that.

21 MS. DIXON: It is just a diagram
22 what was approved by the planning
23 commission and I just looked back when
24 you were talking earlier and that table
25 is listed in Attachment H in the

1 documents I gave you and that is
2 planning commission minutes from the
3 May 6th meeting.

4 MR. STANFORD: Thank you.

5 Mr. Williams, please.

6 MR. WILLIAMS: I'll be very quick.

7 To buy into the town staff's
8 interpretation, you necessarily need to
9 find Parcel E is the only piece of
10 property in the Town of Hilton Head
11 Island that is PD-2 zoning district
12 that doesn't have to comply with PD-2
13 requirements. To comply with the
14 current code requirements is exactly
15 that. Do not pick and choose which
16 one. She said she reviewed it only
17 under the RD requirement and not the
18 PD-2 requirements. And she admitted
19 that if you reviewed it under the RD
20 requirements and the PD-2 requirements,
21 there is not sufficient density there.

22 MR. STANFORD: Thank you.

23 Does anyone care to make a motion
24 this?

25 MR. FINGERHUT: Yeah. I'll make a

1 motion. I would move that we grant the
2 appeal and as requested hold that any
3 development to the PD-2 overlay
4 district including without limitation
5 the proposed Spinnaker Welcome Center
6 on Parcel E must comply with current
7 LMO. I'm reading the submission to be
8 clear for the record. The average
9 density provision in the LMO Section
10 16-3-106.G.4 is applicable to the
11 Waterside PD-2 overlay district.

12 Number 3, the average density to the RD
13 district has already been exceeded by
14 the existing development on the parcels
15 within the Waterside PD-2 overlay
16 district, which we just stipulated to
17 and by granting the appeal, we reverse
18 Ms. Dixon's determination.

19 MR. STANFORD: Is there a second?

20 MS. LAUDERMILCH: I would second.

21 MR. STANFORD: All right. So the
22 effect of this would be that the
23 property can not be developed in
24 accordance with the current
25 application.

1 MR. FINGERHUT: Correct. As long
2 as it is part of the PD-2 district, it
3 has to be -- any development
4 application has to be in light of the
5 entire district, not that single
6 property.

7 MR. WILSON: It is vote to
8 overturn the ruling.

9 MR. STANFORD: I was just trying
10 to make it clear so everybody
11 understood what was happening.

12 MR. WILSON: That is what we are
13 voting for.

14 MR. STANFORD: I was just
15 clarifying.

16 Any other discussion on the
17 motion?

18 Call the role, please.

19 MS. HALEY: Mr. Wilson.

20 MR. WILSON: No.

21 MS. HALEY: Mr. Fingerhut.

22 MR. FINGERHUT: For the motion.

23 MS. HALEY: Mr. Stanford.

24 MR. STANFORD: Against the motion.

25 MS. HALEY: Mr. Cutrer.

ATTACHMENT K

1 MR. CUTRER: Against the motion.

2 MS. HALEY: Ms. Laudermilch.

3 MS. LAUDERMILCH: For the motion.

4 MS. HALEY: Mr. Johnson.

5 MR. JOHNSON: Against the motion.

6 MR. STANFORD: Motion fails. So
7 we are ready to proceed forward. Thank
8 you, gentlemen.

9 MR. TAYLOR: Mr. Chairman.

10 MR. STANFORD: We need another
11 motion. Somebody who feels otherwise.

12 The motion failed. I'm spinning
13 right now.

14 MR. FINGERHUT: It's late.

15 MR. STANFORD: Does someone care
16 to make a motion? The other two
17 motions available to us are either
18 remand or to deny or overrule the
19 appeal.

20 MR. CUTRER: I move to deny the
21 appeal. I believe I've heard Ms. Dixon
22 say that those requirements that were
23 in that PD-2 density don't apply. The
24 property meets the current LMO
25 standard. The results of the

1 determination letter way back in 1987
2 said all that expired in 2000. It is
3 expired. I heard testimony from the
4 staff that says this property would
5 comply with current LMO, so I move to
6 deny the appeal.

7 MR. STANFORD: Is there a second?

8 MR. WILSON: Second.

9 MR. STANFORD: Discussion on the
10 motion, please?

11 Call the role.

12 MS. HALEY: Mr. Wilson.

13 MR. WILSON: Yes, for the motion.

14 MS. HALEY: Mr. Fingerhut.

15 MR. FINGERHUT: Against the
16 motion.

17 MS. HALEY: Mr. Stanford.

18 MR. STANFORD: For the motion.

19 MS. HALEY: Mr. Cutrer.

20 MR. CUTRER: For the motion.

21 MS. HALEY: Ms. Laudermilch.

22 MS. LAUDERMILCH: Against the
23 motion.

24 MS. HALEY: Mr. Johnson.

25 MR. JOHNSON: For the motion.

1 MR. STANFORD: Motion carries.
2 Thank you. Now in conjunction with the
3 motion for reconsideration --

4 MR. TAYLOR: Mr. Chairman, excuse
5 me. Before you move on -- before you
6 move off of this, you know as a lawyer,
7 I have an obligation to protect my
8 client, I need because of your ruling
9 earlier, I need to make a 30 second
10 proffer on the record of what I
11 intended to ask Mr. Johnson. Would you
12 please allow me to do that?

13 MR. STANFORD: Can't you just
14 submit it into the record? Don't you
15 have them written down there?

16 MR. TAYLOR: No, sir. These are
17 my notes, sir. You couldn't read that.
18 I would be happy to --

19 MR. STANFORD: We need to be out
20 of here in 20 minutes and we haven't
21 heard the ArborNature reconsideration
22 still and I don't think we can postpone
23 it.

24 MR. TAYLOR: I can address that in
25 a moment. I wanted to put my offer --

1 I'm sorry -- proffer on the record. I
2 hear you to say no.

3 MR. STANFORD: Thank you.

4 (Whereupon, the appeal hearing was
5 concluded at approximately
6 5:38 p.m.)

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STATE OF SOUTH CAROLINA:

BEAUFORT COUNTY:

I, Amanda Bowen, Court Reporter and Notary Public in and for the above county and state, do hereby certify that the foregoing testimony was taken before me at the time and place herein-before set forth; that the witness was by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth, that thereupon the foregoing testimony was later reduced by computer transcription; and I certify that this is a true and correct transcript of my stenographic notes so taken.

I further certify that I am not of counsel to either party, nor interested in the event of this cause.

Amanda Bowen
Court Reporter
Notary Public
Beaufort, South Carolina

Revised 11/09/93

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 93-33

PROPOSED ORDINANCE NO. 92-35

AN ORDINANCE TO AMEND CHAPTER 7, "THE LAND MANAGEMENT ORDINANCE (LMO) OF THE TOWN OF HILTON HEAD ISLAND", OF TITLE 16 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, 1983, BY AMENDING SECTION 16-7-250, DEFINITIONS; BY AMENDING PART B, PRIOR APPROVALS, OF ARTICLE III. NONCONFORMITIES AND PRIOR APPROVALS; BY AMENDING ARTICLE VI, ADMINISTRATION, BY ADDING PART J, VESTED RIGHTS DETERMINATIONS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Hilton Head Island did on January 19, 1987 amend Chapter 7 of Title 16 of the Municipal Code by enacting a Land Management Ordinance (LMO) of the Town of Hilton Head Island; and

WHEREAS, the Town Council accepted, on July 8, 1991, the Town of Hilton Head Island 1991 Comprehensive Plan as adopted by the Planning Commission on June 19, 1991; and

WHEREAS, the Comprehensive Plan for the Town of Hilton Head Island outlines, among other things, the need for establishing growth control measures that are designed to preserve the natural environment, maintain the quality of life and reduce residential and commercial development at buildout, while maintaining a viable economic environment in the community; and

WHEREAS, the Town Council on December 18, 1991, adopted a resolution which: established a joint Town Council-Planning Commission Subcommittee, hereinafter referred to as the Growth Management Task Force; directed the Growth Management Task Force to develop the Growth Management Element of the Comprehensive Plan; and, notified property owners of the pendency of ordinances resulting from the Growth Management Element that would amend the LMO; and

WHEREAS, the Town Council contracted for services with the firm of Freilich, Leitner & Carlisle to review and recommend amendments to the LMO; and

WHEREAS, the firm of Freilich, Leitner & Carlisle completed an analysis of the LMO and recommended amendments to said ordinance which among others included changes to Article III, Nonconformities and Prior Approvals; and



Revised 11/09/93

WHEREAS, the Planning Commission, following a positive recommendation from the Growth Management Task Force, and Public Hearings conducted on October 7, 1992, September 8, 1993, voted to recommend to Town Council that the proposed amendments to Articles II, III and VI of the LMO, as shown in Attachment A, be adopted; and

WHEREAS, the Town Council finds that it is in the Town's best interest and welfare to regulate the conditions under which development plans that have prior approvals may be pursued, since development undertaken based upon previously granted approvals may: be inconsistent with the goals and objectives of the Comprehensive Plan; be in conflict with the use provisions of the underlying zoning district; be in conflict with the site regulations, including allowable densities and intensities of use, as established in Article IV of the LMO; not fully adhere to the design and performance standards set forth in Articles VIII and IX of the LMO; create substantial impacts on public facilities and natural resources; and, create a public or private nuisance; and

WHEREAS, the Town Council, in amending Article III of the LMO, recognizes and acknowledges that cases may exist where all or a portion of a development plan which has received prior approval has become vested and declares that these amendments to Article III shall not be interpreted as denying such vested rights, where such rights are found to exist; and

WHEREAS, the Town Council recognizes the need to enact more detailed administrative procedures for the review and determination of the validity of claims of vested rights.

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

Section 1 Amendment. That Chapter 7, Land Management Ordinance (LMO) of the Town of Hilton Head Island, of Title 16 of the Municipal Code of the Town of Hilton Head Island, S.C., be, and hereby is amended, a copy of which is attached hereto and incorporated fully herein as Attachment A entitled "Proposed Amendments to Article II, Definition of Terms; Article III, Nonconformities and Prior Approvals; and Article VI, Administration."

Note: Additions to the Municipal Code are shown as **bold and underlined** text and deletions to the Municipal Code are shown as **strikeouts**.

Revised 11/09/93

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 the enactment by the Town Council of the Town of Hilton Head Island.

Passed, approved and adopted by the Council for the Town of Hilton Head Island on this 15th day of November, 1993.



Harvey W. Ewing, Jr., Mayor


Sandi Santaniello, Town Clerk

Public Hearing: 10-7-92 and 9-8-93

First Reading : 11-2-92

Revised First Reading: 8-2-93 and 10-18-93

Second Reading and Adoption: 11-15-93

Revised 11/09/93

Proposed Ordinance 92-35

Attachment A

"Proposed Amendments to Article II, Definition of Terms;
Article III, Nonconformities and Prior Approvals; and
Article VI, Administration."

Add the following definitions to Land Management Ordinance Section 16-7-250.
Definitions:

Legally established: Any land use, development, building, structure or site, including any lot of record, which was established, constructed, used or recorded pursuant to, and in conformance with all relevant requirements of the Ordinances then in effect.

Legally maintained: As used in this chapter, the phrase "legally maintained" shall mean that any and all conditions, obligations and requirements of any permit, approval or certificate of any description issued by Beaufort County, South Carolina or the Town of Hilton Head Island, shall have been met within the time frame, if any, required by such permit, approval or certificate, or that the permit, approval, or certificate has been fully executed according to its terms.

Legal nonconformity: Any land use, development, building structure or site, including any lot of record which was legally established, but which is not presently in full compliance with the provisions of this chapter as amended.

Nonconforming use: Any legally established activity using land, buildings or structures which was legally established, but which is not permitted on the applicable site by right, as a special exception or as a conditional use pursuant to Article IV of this Chapter.

Nonconforming building or structure: Any building or structure which was legally established, but which is not presently in compliance with the design and performance standards as set forth in Articles VIII, IX and X of this Chapter or with the applicable regulations of the zoning district in which it is located as set forth in Article IV of this Chapter.

Nonconforming site or lot of record: Any site or lot of record which was legally established, but which is not presently in compliance with the applicable zoning district regulations set forth in Article IV and/or with the applicable subdivision regulations set forth in Article VIII, Part C of this Chapter.

ARTICLE III, NONCONFORMITIES AND PRIOR APPROVALS

PART B. PRIOR APPROVALS GRANTED PRIOR TO THE ADOPTION OF THIS CHAPTERSection 16-7-350. Findings of Fact, and Statement of Intent and Purpose.

This Part B of Article III is adopted in accordance with the 1985 Comprehensive Plan for the Town of Hilton Head Island, as amended, to regulate the conditions under which development plans which were granted approval prior to the adoption of this chapter may be pursued. In addition to the findings and recommendations contained therein, Town Council further finds that a compelling situation exists, and will continue to exist, with regard to the Town's ability to accommodate the impact of the ~~rate of~~ development as more specifically detailed in the said Comprehensive Plan, while at the same time exercising its obligation to minimize any potential danger to the public health, safety and general welfare.

Town Council further finds that, pursuant to the terms of any land development regulations or ordinances ~~the ordinance~~ in effect prior to the adoption of this Chapter, that certain development approvals were granted, including, but not necessarily limited to, namely "preliminary approvals" and "final development permits" issued by Beaufort County or the Town of Hilton Head Island. In adopting this Part B of Article III, it is not the intent of Town Council to deny to any individual who has received a prior development permit or approval, including but limited to, a preliminary approval or a final development permit which has been legally maintained a reasonable opportunity to proceed with development plans based on such prior approval or permit. It is the intent of Town Council in enacting these provisions to attempt to strike a balance between ~~such development opportunities~~ the provision of a reasonable opportunity to implement development plans which received prior approvals which have been legally maintained and the obligation incumbent upon the governing authority to adopt land use regulations which are consistent with the said Comprehensive Plan and necessary to protect, promote and improve the public health, safety and welfare.

The purpose of this Part B of Article III is to regulate the conditions under which development plans that have prior approvals may be pursued, consistent with the findings and intent of this section. Development proposed to be undertaken pursuant to prior approvals may be: inconsistent with the goals and objectives of the Comprehensive Plan; in conflict with the use provisions of the underlying zoning district; be in conflict with the site regulations, including allowable densities and intensities of use, as established in Article IV of this chapter; and/or not fully compliant with the design and performance standards set forth in Articles VIII and IX of this chapter. Further, such development may create substantial impacts on public facilities and natural resources or may create a public or private nuisance.

Section 16-7-352. Status Expiration of Previously Issued Prior Final Development Permits.

- (a) Any final development permit granted approval prior to the effective date of this chapter shall remain valid for the life of such permit or until December 31, 1994, whichever shall occur first, subject to such conditions as may have been required pursuant to the granting of such permit and subject to the requirements of Part B of Article VII of this chapter.

- (b) The following shall not be construed to extend the life of a final development permit beyond December 31, 1994:
- (1) Completion of a phase or a portion of a phase, whether or not designated in the final development permit.
 - (2) Completion of infrastructure for a phase or a portion of a phase, whether or not designated in the final development permit.
 - (3) Obtaining a building permit, certificate of compliance or certificate of occupancy for a phase or a portion of a phase, whether or not designated in the final development permit.
- (c) Any final development permit granted approval prior to the effective date of this chapter for which a vested rights or equitable estoppel determination has been made pursuant to the procedures provided for in Section 16-7-698 shall remain valid for the length of time and under such conditions as provided for in the vested rights determination.

Section 16-7-354. Expiration of Prior Final Development Permit.

~~Any final development permit granted prior to the effective date of this chapter shall become invalid upon its expiration.~~

Section 16-7-356. Status Expiration of Previously Approved Prior Preliminary Approvals.

- (a) Any preliminary approval which was granted prior to the effective date of this chapter shall remain valid for the life of such approval or until December 31, 1994, whichever shall occur first, and shall be consistent with the terms of the ordinance in effect at the time such approval was granted, and subject to such conditions as may have been required pursuant to the granting of such approval.
- (b) Any application filed pursuant to the requirements of this chapter for Planning Commission review and/or development plan

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review, based upon such a prior approval, but submitted after the effective date of this chapter, shall be subject to applicable requirements and procedures of Articles VI and VII of this chapter. In the granting of a development plan approval pursuant to such application, the Planning Commission or Administrator shall require conformance to the greatest degree practical with applicable site regulations set forth in Article IV and design and performance standards set forth in Articles VIII and IX. Any or all parcels of a tract granted prior preliminary approval for unspecified commercial use shall conform to the permitted commercial uses in Article IV for the specific zoning district within which it is located.

- (c) The following shall not be construed to extend the life of a development plan which was granted preliminary approval prior to the effective date of this chapter beyond December 31, 1994:
- (1) Obtaining a final development permit or development plan approval for a plan or a phase or a portion of a phase, whether or not designated in the preliminary approval.
 - (2) Completion of a phase or a portion of a phase, whether or not designated in the preliminary approval.
 - (3) Obtaining a building permit, certificate of compliance or certificate of occupancy for a phase or a portion of a phase, whether or not designated in the preliminary approval.
- (d) Where a PUD master plan, which was granted approval prior to the effective date of this chapter, has been incorporated into the official Town zoning map pursuant to Section 16-7-435 of this chapter, the provisions of that section shall govern the implementation of such PUD master plan.
- (e) Any preliminary approval which was granted prior to the effective date of this chapter for which a vested rights or equitable estoppel determination has been made pursuant to the procedures provided for in Section 16-7-698 shall remain valid for the length of time and under such conditions as provided for in the vested rights determination.

(Ord. No. 87-23, 9-16-87)

Section 16-7-358. Expiration of Prior Preliminary Approval.

~~Any preliminary approval granted prior to the effective date of this chapter, or any applicable amendment hereto, shall become invalid upon the expiration of such approval unless a development plan application for such proposed development, or any phase thereof, is filed in completed form prior to such expiration.~~

PART C. APPEALSSection 16-7-360. Appeal to Board of Adjustment.

~~Any person aggrieved by a determination made pursuant to the provisions of this article shall have the right to appeal to the Board of Adjustment consistent with the procedures and requirements set forth in Article VI of this chapter.~~

Section 16-7-360. Determination of Vested Rights.

Determinations of claims of vested rights pursuant to a prior preliminary approval or prior final development permit shall be made in accordance with the provisions of section 16-7-698 of this chapter.

ARTICLE VI. ADMINISTRATION

PART J. Vested Rights Determinations

Section 16-7-698. Procedures for the Determination of Vested Rights.

In order to provide for the fair and equitable determination of vested rights pursuant to any approval previously granted pursuant to this chapter, or any approval granted prior to the adoption of this chapter, the Town Council shall adopt, by resolution, administrative procedures for the determination of vested rights.

PROCEDURE FOR DETERMINATION OF VESTED RIGHTS**Section 1 Purpose and Intent:**

- (A) The purpose and intent of these Vested Rights Determination Procedure provisions are:
- (1) To implement the requirements of the State and Federal Constitutions, Statutes of South Carolina and Common Law of South Carolina that limit the application of comprehensive plans and land use ordinances and regulations with respect to property owners with vested rights;
 - (2) To recognize that development projects for which vested rights have been obtained must be accounted for in the comprehensive plan and land use ordinances and regulations of the Town of Hilton Head Island, South Carolina;
 - (3) To provide a method for determining and quantifying the number of projects, development projects, and land uses, now non-conforming, or which may become non-conforming due to subsequent amendments to the land management ordinances and regulations of the Town of Hilton Head Island, South Carolina, but which are vested, so that such projects, development projects and land uses can be accounted for in the existing and future Comprehensive Plans and land use ordinances and regulations of the Town of Hilton Head Island, South Carolina;
 - (4) To establish uniform and non-burdensome procedures and specific criteria for the determination of Vested Rights and claims of Equitable Estoppel in order to aid in the accomplishment of sound and orderly planning;
 - (5) To protect legitimate investment-backed expectations;
 - (6) To protect the planning and plan implementation processes;
 - (7) To settle potential disputes and to minimize costly and protracted litigation;
 - (8) To facilitate implementation of goals, objectives and policies set forth in the Town of Hilton Head Island Comprehensive Plan of 1991 and the Land Management Ordinance (§ 16-7-100, *et. seq.*, *Code of the Town of Hilton Head Island*, (1983)); and
 - (9) To ensure that all applicable legal standards and criteria are utilized in the determinations to be made hereunder.

Section 2 Definitions:

(A) The words or phrases used herein shall have the meaning prescribed in § 16-7-250, *Code of the Town of Hilton Head Island*, (1983), except as otherwise indicated herein. In the case of any conflict between the definitions set forth in § 16-7-250, *Code of the Town of Hilton Head Island*, (1983), and herein, the definitions set forth herein shall apply to matters arising under these Regulations:

- (1) Administrator means the Director of Community Development for the Town of Hilton Head Island, South Carolina.
- (2) Aggrieved Person means and refers to any person who has an immediate and substantial pecuniary interest in the outcome of any application for a Categorical Exemption or Vested Rights Determination.
- (3) Applicant means and refers to a property owner, or duly designated agent of the property owner, who makes an application for a Categorical Exemption Certification or for a Vested Rights Determination pursuant to these Regulations.
- (4) Board of Adjustment means and refers to the Board of Adjustment for the Town of Hilton Head Island, South Carolina.
- (5) Building Permit means and refers to a Building Permit issued by the Town Of Hilton Head Island, South Carolina, authorizing commencement of any construction or other improvement to real property, in accordance with the Building Code then in effect and the Land Management Ordinance.
- (6) Categorical Exemption or Categorically Exempt means and refers to a parcel, development project or any phase or portion thereof, which has been declared to be exempt from the application of all or any portion of the existing Land Management Ordinance, or any future amendments thereof, pursuant to these Regulations.
- (7) Categorical Exemption Certificate means and refers to the written document issued by the Administrator upon a Final Determination that a given parcel, development project or any portion thereof is Categorically Exempt.
- (8) Deliver and Delivery mean and refer to the deposit of any written notification required by these Regulations into the United States Mail, to the mailing address of the Applicant as shown on the

Application for Categorical Exemption Certificate or Vested Rights Determination, with first class postage affixed thereto; or by personal, hand delivery to the Applicant.

- (9) Development and/or Development Project shall mean and refer to any form of construction or other improvement, including site improvements, to real property, and shall further mean and refer, without limitation, to subdivisions, Planned Unit Developments, commercial or other non-residential building or structure, or any other form of planned improvements to real property. In these Regulations, this definition is intended to be all-encompassing, and to cover any form of rights to use or improve real property claimed by an Applicant.
- (10) Equitable Estoppel means and refers to a state of facts where it would be inequitable for the Town of Hilton Head Island, South Carolina to enforce all or any portion of the existing Land Management Ordinance, or amendments thereto, with respect to a particular parcel, development project or portion or phase thereof because an Applicant or and Applicant's predecessor in interest has: (1) relied in good faith (2) upon conduct, representations or silence of the Town of Hilton Head Island, South Carolina, amounting to a mis-representation or concealment of facts, (3) where the Applicant was without reasonable means of obtaining knowledge of the truth of the disputed matters, and (4) has made substantial improvements to his property, or has incurred substantial obligations as a result of such reliance. The terms Vested Rights and Equitable Estoppel are sometimes used interchangeably throughout these Regulations and a reference to one shall mean and include a reference to the other.
- (11) Final Decision or Final Determination means and refers to the decision of the Administrator on an application for a Categorical Exemption or on an Application for a Vested Rights Determination.
- (12) Land Management Ordinance means and refers to § 16-7-100, *et seq.*, *Code of the Town of Hilton Head Island*, (1983) and any amendments thereto.
- (13) Notice of Completeness means and refers to a written notice by which an Applicant for Vested Rights Determination or Categorical Exemption is notified that an application is complete.
- (14) Notice of Incompleteness means and refers to a written notice by which an Applicant for Vested Rights Determination or Categorical Exemption is notified that an application is incomplete, and specifying the item or items which are missing.

- (15) Notice of Dismissal means and refers to a written notice which notifies an Applicant that he has failed to respond to the Notice of Incompleteness within the time frame established by these Regulations, and which further notifies the Applicant that his Application is dismissed.
- (16) Town means and refers to the Town of Hilton Head Island, South Carolina.
- (17) Town Council means and refers to the Town Council of the Town of Hilton Head Island, South Carolina.
- (18) Valid or Validly-Issued Final Development Permit means and refers to Final Development Permit or any other authorization, including, without limitation: Development Plan approval [subject to the provisions of § 16-7-666, *Code of the Town of Hilton Head Island*, (1983)]; variances; "comfort letters" issued by the Town of Hilton Head Island, South Carolina; agreements between any agency of the Town of Hilton Head Island, South Carolina, and any third party; settlement agreements entered into to resolve litigation between the Town of Hilton Head Island and any other party, provided that such was legally issued; was issued by an individual or agency of the Town of Hilton Head Island, South Carolina possessing the requisite authority to issue the same; was not issued by mistake; which has not expired, lapsed, or been abandoned, revoked or canceled; or is not subject to expiration, lapse, abandonment or revocation by the passage of time or the conduct of the Applicant or the Applicant's predecessors in interest. All conditions of approval set forth in any such Valid Final Development Permit must have been satisfied by the Applicant or the Applicant's predecessor in interest.
- (19) Verified Copy means and refers to a copy of an original document submitted by an Applicant to the Town, pursuant to these Regulations, which copy bears (or is accompanied by) a sworn statement from the Applicant that the copy is a true and correct copy of the entire original document.
- (20) Vested Rights means and refers to the rights of an Applicant to be exempt from the application of all or any portion of the existing Land Management Ordinance, or any amendment thereto, to a particular parcel, development project or portion or phase thereof because the Applicant or the Applicant's predecessor in interest has: (1) performed substantial work or incurred substantial obligations; (2) in good faith reliance; (3) on any Final Development Permit or Building Permit issued by the Town of Hilton Head Island, South Carolina. The terms Vested Rights and Equitable Estoppel are sometimes used interchangeably throughout these regulations and a reference to one shall mean and include a reference

to the other.

- (21) **Vested Rights Determination** means and refers to the Final Decision of the Administrator, pursuant to which a parcel, development project or any portion or phase thereof is deemed to have Vested Rights or a valid claim of Equitable Estoppel against the Town, thereby exempting the parcel, development project or any portion or phase thereof from all or any portion of the Land Management Ordinance, or any amendment thereto.

Section 3 General Provisions and Applicability:

(A) **Term of these Regulations:** These regulations shall remain in effect unless and until repealed, amended or modified by Resolution of the Town Council in accordance with applicable State Law and local ordinances and procedures.

(B) **Quarterly Report:** The Administrator shall provide a report to Town Council on a quarterly basis, which report shall provide a summary of:

- (1) The number of applications filed for Categorical Exemptions during the quarter, and the status and/or disposition of such applications; and,
- (2) The number of applications filed for Vested Rights Determinations during the quarter, and the status and/or disposition of such applications.

(C) **Annual Review:** At least once every year prior to adoption of the Annual Budget and Capital Improvements Program, the Administrator shall prepare a report to the Town Council on the subject of Vested Rights which shall include:

- (1) Recommendations on amendments, if appropriate, to these Regulations;
- (2) The number of applications filed for Categorical Exemptions during the preceding year, the disposition of such applications and the number of dwelling units by type and square footage of non-residential development represented by such Categorical Exemptions.
- (3) The number of applications filed for Vested Rights Determinations during the preceding year, the disposition of such applications and the number of dwelling units by type and square footage of non-residential development represented by such determinations;
- (4) The location of Categorically Exempt parcels, developments and development projects, including the zoning district in which they are located;
- (5) The location of parcels, developments and development projects where it has been determined that Vested Rights apply, including the zoning district in which they are located;
- (6) The number, identification and location of applications for Categorical Exemptions and Vested Rights Determinations which are denied;
- (7) Other data, analysis or recommendations which the Administrator may deem appropriate, or as may be

requested by the Town Council.

(D) **Effect of Annual Review:** This annual review may, in whole or in part, form the basis for Town Council action to repeal, amend or modify these Regulations; provided, however, that the Town Council may cite and the Town Council may rely upon such other data, information, reports, analyses and documents relevant to any such decision as may be available to the Town Council.

(E) **Amendments:** Changes to these regulations must be made by Resolution of the Town Council. Nothing herein precludes the Town Council or limits the discretion of the Town Council to amend these Regulations at such other times as the Town Council may deem to be necessary or desirable.

(F) **Affected Area:** These regulations shall apply within the boundaries of the Municipal Limits of the Town of Hilton Head Island, South Carolina.

(G) **Applicability:** These Regulations shall apply to all claims for Categorical Exemptions and Vested Rights Determinations, except as otherwise set forth below.

(H) **Inapplicability:** These Regulations shall not apply to nor shall the procedures for obtaining a Categorical Exemption or Vested Rights Determination be available to claims for Vested Rights or Categorical Exemptions based only upon existing zoning of property.

Section 4 Categorical Exemptions:

(A) **Categorical Exemptions:** The following are Categorically Exempt if an application for Categorical Exemption is filed by the Applicant pursuant to this Section 4 and a Categorical Exemption Certificate is issued by the Town:

- (1) Parcels, developments or any portion or phase thereof, which are the subject of a valid Vested Rights Determination issued by the Town pursuant to these Regulations.
- (2) Parcels, developments or any portion or phase thereof, which are the subject of any Final Development Permit issued prior to the adoption of these Regulations, and which Final Development Permit has not expired, lapsed, been abandoned, revoked or otherwise declared invalid;
- (3) Owners of parcels, developments, or any portion or phase thereof, as defined in Subsections one (1) and two (2) above, wherein a valid Building Permit has been obtained by the owner, or the owner's predecessor in interest, shall not be required to obtain a Categorical Exemption Certification unless the construction is abandoned, or the Building Permit pursuant to which construction is taking place lapses, expires or is waived.

(B) Procedure for obtaining a Categorical Exemption Certificate:

- (1) **Application:** Any person wishing to obtain a Categorical Exemption Certificate shall file an "Application for a Categorical Exemption Certificate" as set forth herein.
- (2) **Submission of Application:** An Applicant shall file a complete "Application for Categorical Exemption Certificate" with the Administrator no later than December 31, 1994, or within one year of the date of the adoption of any amendment to the Land Management Ordinance from which the Applicant believes he is Categorically Exempt. Failure to submit a complete application within the time frames set forth herein shall be deemed to constitute a waiver and abandonment of the alleged right to obtain a Categorical Exemption.
- (3) **Submission Requirements:** An application for a Categorical Exemption Certificate shall be made on a form established for such purpose by the Town and shall, at a minimum, contain the following information:

ATTACHMENT K

- (a) Name and current mailing and street address of the Applicant;
- (b) A description of the development for which the Categorical Exemption is sought, including current survey showing site improvement and copies of relevant deeds;
- (c) Location of development for which the Categorical Exemption is sought, including the Zoning District;
- (d) Total land area of the development for which the Categorical Exemption is sought;
- (e) Total area of impervious surface and open space, of the development for which the Categorical Exemption is sought;
- (f) Number of residential dwelling units, by type, within the development for which the Categorical Exemption is sought;
- (g) Type and amount of non-residential square footage, of the development for which the Categorical Exemption is sought;
- (h) Phases of the development, or portions of the development for which the Categorical Exemption is sought, if applicable;
- (i)
 - (i) a verified copy of any valid Vested Rights Determination issued by the Town pursuant to these Regulations; or
 - (ii) a verified copy of a valid Final Development Permit including any plans, drawings and/or narrative associated with or relating to the Final Development Permit issued by the Town prior to the effective date of these Regulations.
- (j) A sworn narrative statement from the Applicant setting forth the Applicant's basis for his claim of Categorical Exemption.
- (k) A filing fee in the amount of One Hundred and no/100 (\$100.00) Dollars.
- (l) A sworn statement, in a form prescribed by the Town, and signed by the Applicant, attesting that:
 - (i) any Valid Final Development Permits, contracts, appraisals, reports, or any other documents or materials submitted are valid as of the date of the submission and that the Applicant has not assigned, sold or otherwise transferred his interest in and

to the rights described in the said documents;

- (ii) setting forth the names and addresses of any party known to the Applicant to have any pecuniary interest in the outcome of the Categorical Exemption Application;
- (iii) that there are no prior adverse final Administrative determinations of the Town or any federal, state or other local governmental agency affecting the Applicant's Categorical Exemption claim;
- (iv) that there are no prior adverse orders of any state or federal court affecting the Applicant's Categorical Exemption claim;
- (v) that there is no pending administrative action or court proceeding in which the Applicant's Categorical Exemption claim will be affected by the outcome; and,
- (vi) that the Applicant is aware of no other information or document, not submitted with his application, disclosure of which would potentially have a negative impact on his application.

(4) **Review of Application for Completeness:**

- (a) The Administrator shall review the application within ten (10) days of submission and inform the Applicant, in writing, as to whether or not the application is complete. If complete, the Administrator shall proceed to review the application as set forth herein.
- (b) If the Administrator determines that the application is incomplete, a Notice of Incompleteness shall be Delivered to the Applicant.
- (c) The Administrator shall take no further action on an incomplete application until the deficiencies are corrected and the application is resubmitted. If a complete application is not resubmitted within fifteen (15) days from the date of Delivery of the Notice of Incompleteness to the Applicant, the application shall be dismissed; a Notice of Dismissal shall be delivered to the Applicant, and all fees paid shall be retained by the Town. A dismissal pursuant to this subsection shall be without prejudice to the Applicant's right to refile a complete application, subject, however, to the time frames set forth in Section 4 (B)(2) herein.
- (d) A determination of completeness shall only constitute a determination that the application is in

compliance with the submission requirements of these Regulations and shall not imply compliance with the substantive requirements of these Regulations nor shall it indicate that the information submitted is accurate or has been verified.

(5) **Public Hearing on Application:**

- (a) At the same time that the Administrator delivers the Notice of Completeness to the Applicant, the Administrator shall also notify the Applicant of the time and place for a public hearing on the Application. Said public hearing shall be no more than fifteen (15) days following the delivery of the Notice of Completeness.
- (b) At the public hearing, the Applicant shall be given the opportunity to make an oral presentation on the facts and applicable law in support of the Application to the Administrator, and the Administrator shall be given the opportunity to ask questions of the Applicant concerning the materials submitted hereunder and the presentation of the Applicant.
- (c) While the hearing will be open to the public, comments from the public concerning the application shall not be taken at the hearing.

(6) **Issuance or Denial of Categorical Exemption Certification:**

- (a) Following review by the Administrator and the public hearing, the Administrator shall issue his Final Decision, issuing or denying the Application for Categorical Exemption Certification for all, or a portion of, the applicable development.
- (b) If granted, the Categorical Exemption Certification shall be specific as to the development, or portion thereof, which is Categorically Exempt; large-scale, multi-phase development may be determined to be Categorically Exempt in part, but not as a whole.
 - (i) The Categorical Exemption Certification may specify any Land Management Ordinance provisions to which the exemption will or will not apply.
 - (ii) The Categorical Exemption Certification shall also specify that the Categorical Exemption Certification shall be valid for a period of five (5) years from the date of said Categorical Exemption Certification unless another time period is stated therein and the Administrator documents the reasons for the alternate time period; and

that after the expiration of the Categorical Exemption Certification, the affected property shall be subject to all provisions of the then existing Land Management Ordinance.

- (c) If the Application for Categorical Exemption is denied, the Administrator shall specify his reasons therefore, in writing.
- (7) **Delivery of Final Determination:** The Administrator shall Deliver his Final Determination to the Applicant within sixty (60) days of the public hearing , unless the Administrator and the Applicant agree, in writing, to extend the deadline.
- (8) **Denial is without Prejudice to certain other rights:** A denial of an Application for a Categorical Exemption Certificate shall not prejudice the right of the Applicant to seek a Vested Rights Determination based upon the same facts and/or documentation, subject, however, to the time limits set forth in Section 5(B), infra.

Section 5 Procedures for Vested Rights Determinations:

(A) **Necessity for Application:** All development other than that which is determined to be Categorically Exempt pursuant to these Regulations shall be presumed to be subject to the existing Land Management Ordinance, and any amendments thereto, unless the Applicant demonstrates, by a preponderance of the evidence, that Vested Rights have been acquired pursuant to South Carolina law or that the Town is Equitably Estopped from enforcing all or portions of the Land Management Ordinance with respect to all or portions of the development.

(B) **Submission of Application:** An Applicant shall file a complete "Application for Vested Rights Determination" with the Administrator no later than December 31, 1994, or within one year of the date of the adoption of any amendment to the Land Management Ordinance which the Applicant believes affects or involves any Vested Right of the Applicant. Failure to submit a complete application within the time frames set forth herein shall be deemed to constitute a waiver and abandonment by the Applicant of any alleged Vested Rights.

(C) **Submission Requirements:** An application for a Vested Rights Determination shall be made by the Applicant on a form established for such purpose and provided by the Town, and, at a minimum, shall contain the following information:

- (1) All of the information required by Section 4(b)(3) supra;
- (2) Verified Copies of all Final Development Permits, contracts, appraisals, reports, or any other documents or materials upon which the applicant's claim of Vested Rights or Equitable Estoppel is based;
- (3) A sworn narrative statement from the Applicant setting forth the basis for the Applicant's claim of Vested Rights. To the extent applicable, the narrative statement should address the criteria for a determination of Vested Rights or Equitable Estoppel set forth in Section 6 infra.
- (4) A filing fee in the amount of Five Hundred and no/100 (\$500.00) Dollars.
- (5) A sworn statement, in a form prescribed by the Town, and signed by the Applicant, attesting that:
 - (a) any Valid Final Development Permits, contracts, appraisals, reports, or any other documents or materials submitted are valid as of the date of the submission and that the Applicant has not assigned, sold or otherwise transferred his interest in and to the rights described in the said documents;

- (b) setting forth the names and addresses of any party known to the Applicant to have any pecuniary interest in the outcome of the Vested Rights Determination;
- (c) there are no prior adverse final Administrative determinations of the Town or any federal, state or other local governmental agency affecting the Applicant's Vested Rights claim;
- (d) there are no prior adverse orders of any state or federal court affecting the Applicant's Vested Rights claim;
- (e) there is no pending administrative action or court proceeding in which the Applicant's claim of Vested Rights will be affected by the outcome; and
- (f) the Applicant is aware of no other information or document, not submitted with his application, disclosure of which would potentially have a negative impact on his application.

(D) Review of Application for Completeness:

- (1) The Administrator shall review the Application for Vested Rights Determination within fifteen (15) days of submission and inform the Applicant, in writing, as to whether or not the application is complete. If complete, the Administrator shall proceed to review the application as set forth herein.
- (2) If the Administrator determines that the application is incomplete, a Notice of Incompleteness shall be Delivered to the Applicant.
- (3) The Administrator shall take no further action on an incomplete application until the deficiencies are corrected and the application is resubmitted. If a complete application is not resubmitted within twenty (20) days from the date of Delivery of the Notice of Incompleteness to the Applicant, the application shall be dismissed; a Notice of Dismissal shall be delivered to the Applicant, and all fees paid shall be retained by the Town. A dismissal pursuant to this subsection shall be without prejudice to the Applicant's right to refile a complete application, subject, however, to the time frames set forth in Section 5(13) herein.
- (4) A determination of completeness shall only constitute a determination that the application is in compliance with the submission requirements of these Regulations and shall not imply compliance with the substantive requirements of these Regulations nor shall it indicate that the information submitted is accurate or has been verified.

(E) **Public Hearing on Application:**

(1) At the same time that the Administrator delivers the Notice of Completeness to the Applicant, the Administrator shall also notify the Applicant of the time and place for a public hearing on the Application. Said public hearing shall be no more than fifteen (15) days following the delivery of the Notice of Completeness.

(2) At the public hearing, the Applicant shall be given the opportunity to make an oral presentation on the facts and applicable law in support of the Application to the Administrator, and the Administrator shall be given the opportunity to ask questions of the Applicant concerning the materials submitted hereunder and the presentation of the Applicant.

(3) While the hearing will be open to the public, comments from the public concerning the application shall not be taken at the hearing.

(E) **Issuance or Denial of Vested Rights Determination:**

(1) Following review by the Administrator and the public hearing, the Administrator shall issue his Final Decision, issuing or denying the Application for Vested Rights Determination.

(2) The Final Decision shall contain the Administrator's findings of fact and conclusions of law with regard to the Application for Vested Rights Determination, and shall, at a minimum, contain the following:

(a) Whether the Applicant has been found to have acquired Vested Rights or has a valid claim of Equitable Estoppel and the basis for such finding;

(b) If the proposed Determination includes findings and a conclusion that Vested Rights or a valid claim of Equitable Estoppel exists, then the Final Decision shall further state the geographic scope of the determination in relation to the total area of the development site; the specific buildings or uses to which the determination applies; the substantive scope of the Vested Rights determined to have been acquired and the limitations applicable thereto, if any, including, but not limited to, the applicability of impact fees and building permit allocations; any other appropriate conditions, consistent with the rights of the applicant, which are needed to ensure consistency with the Comprehensive Plan and Land Management Ordinance.

(c) The Vested Rights Determination shall also specify that the Vested Rights Determination shall be valid for a period of five (5) years from the date of said Vested Rights Determination unless

another time period is expressly stated therein and the Administrator documents their reasons for the alternate time period; and that after the expiration of the Vested Rights Determination, the affected property shall be subject to all provisions of the then existing Land Management Ordinance.

(F) **Delivery of Final Determination:** The Administrator shall Deliver his Final Determination to the Applicant within sixty (60) days of the public hearing, unless the Administrator and the Applicant agree, in writing, to extend the deadline.

(G) **Withdrawal of Application:** An Applicant may withdraw an application for a Vested Rights Determination at any time by submitting a written request to the Administrator. Withdrawal of an application for a Vested Rights Determination shall result in the forfeiture of all administrative fees paid by the applicant for the processing of the application. Withdrawal of an Application under this subsection shall be without prejudice to the rights of the Applicant to re-file an Application for Vested Rights Determination, subject to the time limitations set forth in Section 5(B) herein.

Section 6 Standards and Criteria for Issuance of Vested Rights Determinations:

- (A) General Requirements for Common Law Vested Rights.
- (1) The Applicant has the duty and responsibility to demonstrate by a preponderance of the evidence that a Vested Right to proceed with the proposed development without being subject to specific requirements of the existing Land Management Ordinance, and any amendments thereto, has been legally established and/or to demonstrate that the Town is Equitably Estopped from applying specific provisions of the existing Land Management Ordinance, and any amendments thereto, to the proposed development.
 - (2) The applicable legal requisites to establish a claim of Vested Rights to initiate or complete development which does not conform to the existing Land Management Ordinance or amendments thereto are:
 - (a) that the Applicant has made a substantial change of position or has incurred substantial obligations and expenses with respect to the land affected by the permit;
 - (b) acting in good faith and in reasonable reliance on a valid, unexpired approval or act of the Town; or,
 - (c) that the Applicant has, in good faith, applied for an approval or permit to initiate development or construction based upon the existing zoning ordinances prior to any amendment thereto being legally pending; provided, however, that the mere filing of an application will not be sufficient to establish a claim of vested rights, unless said application is Legally Maintained, as defined in § 16-7-250, *Code of the Town of Hilton Head Island*, (1983).
 - (3) The applicable legal standards for a determination that the Town is Equitably Estopped from enforcing the provisions of the existing Land Management Ordinance, or amendments thereto are:
 - (a) that the Applicant has, in good faith, relied upon conduct, representations or silence of the Town of Hilton Head Island, South Carolina, amounting to a concealment or mis-representation of facts;
 - (b) in circumstances where the Applicant was without knowledge of the true state of facts, and was without reasonable means of determining the true state of facts;
 - (c) the Applicant has relied, to his detriment upon such affirmative act, representation or omission, and has made substantial improvements or incurred substantial obligations with respect to the

land;

(d) it would be unjust or inequitable to subject the proposed development or construction to the requirements of the Land Management Ordinance, given the totality of the circumstances.

(4) If the applicant is determined to have acquired Vested Rights, or if the Town is determined to be Equitably Estopped from applying certain specified provisions of the existing Land Management Ordinance, or amendments thereto, to the proposed construction or development, the Applicant shall be granted a Vested Rights Determination.

(B) **Specific Criteria:** The following specific criteria shall guide both the Applicant in submitting evidence and the Administrator in considering the evidence so that all relevant facts are reviewed and so that an adequate record is made for further administrative or judicial review. The specific criteria are not intended to limit either the Administrator or the Applicant in applying the common law of Vested Rights or Equitable Estoppel, and the Administrator may, in any particular case, consider all such applicable law.

(1) **Good Faith.** Acting in good faith may mean, and consideration may be given to, the degree to which the Applicant has made diligent efforts in a timely fashion toward completion of the subject development. Diligent efforts shall require reasonable and timely pursuit of all necessary governmental approvals, certifications and permits, financing, and marketing, together or in a sequence customary to the industry.

(a) The Administrator may find good faith has not been shown:

- (i) where the Applicant has not made diligent efforts to pursue all reasonable means to remedy or avoid the factors preventing him from commencing or continuing with the proposed development; or
- (ii) where all permits, approvals, and certifications which should reasonably be obtained are not obtained and have not been delayed by factors beyond the Applicant's control;
- (iii) where delays are occasioned by the actions of any person holding a legal or equitable interest in the property, its agents, contractors, or employees acting on behalf of the Applicant;
- (iv) where there is a discontinuation of attempts to obtain all necessary governmental

approvals, certifications and permits; financing; and marketing, together, or in a sequence customary to the industry.

(b) Recognizing that land development is a complex process involving a series of governmental approvals which must be obtained over time, the following factors may be considered where relevant:

- (i) The marketing practices associated with the proposed development, e. g., whether the entire development is being marketed for sale as a whole or whether only individual lots or dwelling units are being marketed;
- (ii) The reasonable development time line for a development of the type and size being proposed;
- (iii) The number and type of contractors, engineers, consultants, tradesman, and professionals working on the proposed development, and the nature of their respective activities;
- (iv) Whether the Final Development Permit (if any) was issued in compliance with then current Land Management Ordinance or the Development Standards Ordinance;
- (v) Whether the Applicant was on notice that active or documented efforts were being pursued by the Town to adopt the current Land Management Ordinance at the time that the Valid Final Development Permit was issued; to establish that active and documented efforts had been undertaken, the Administrator must find that there was more than circumstantial notice of a change in the regulations. Comments by Town personnel shall not be deemed sufficient to establish notice of a change in the Land Management Ordinance.
- (vi) Whether the Applicant has inquired and conferred with the appropriate Town officials as to the use to which the property may be put and the conditions and requirements applicable to such use.
- (vii) With regard to claims of Vested Rights arising from an Application for an approval or permit for development which has been made in reliance on existing zoning,

whether or not any amendment to the existing zoning was legally pending prior to the submission of the application.

- (2) **Detrimental Reliance:** In determining whether the Applicant has reasonably and substantially relied on an alleged governmental approval, act or omission, the following factors may be considered:
- (a) The type of approval, act or omission, relied upon;
 - (b) The regulatory system in effect at the time the approval, act or omission occurred;
 - (c) Whether the approval, act or omission was formal or informal;
 - (d) The point in the sequence of required regulatory approvals when the relied upon approval, act or omission occurred. A determination that a development approval claimed by the Applicant as giving rise to Vested Rights or Equitable Estoppel is the final act required (or which was required under the existing land use ordinances) to authorize development shall weigh in favor of making a Vested Rights Determination.
 - (e) The level of detail included in the approval issued by the Town or the act or omission relied upon.
- (3) **Substantial Improvements, Expenses or Obligations:** In determining whether the Applicant has made a substantial change of position or has incurred substantial obligations or expenses, the following factors may be considered:
- (a) The extent to which contributions have been made by the Applicant for public infrastructure for the proposed development, taking into account the relative significance of such contributions as compared to the size, value, and density of the project, and whether performance is complete;
 - (b) The total amount of direct costs of development incurred by the Applicant as compared to the total project cost; provided, however, that costs incurred prior to the Town act or approval upon which the owner relied shall not be considered;
 - (c) The extent to which surveys, design plans, engineering plans, plats, building plans and specifications have been prepared in reliance on a valid Final Development Permit, and the total amount of money reasonably spent thereon relative to the size of the development;
 - (d) The professional fees incurred for the development;

- (e) The nature of any expenditures allegedly made in reliance upon reasonable investment-backed expectations, the company to whom such expenditures were paid, and the business relationship or any familiar or other relationship of the recipient of such expenditures to the Applicant;
- (f) The reasonableness of the total expenditures as compared to customary development practices for a development of similar size and scale on Hilton Head Island, South Carolina;
- (g) The then-present intent of the Applicant to develop a specific project at the time the reliance was deemed to have occurred, as opposed to a tenuous, contingent, speculative, distant or non-existent intent;
- (h) Whether the parcel of land was purchased contingent upon the issuance of the specific Valid Final Development Permit, and whether the Town knew that the Applicant was relying upon the issuance of the Valid Final Development Permit. The existence in a Vested Rights Determination Application of written evidence in the records of the Town of such knowledge shall weigh in favor of the determination.
- (i) The extent to which irrevocable contracts or agreements have been negotiated and executed by the Applicant to pursue the proposed development.

(C) **Equity of Applying Land Management Ordinance to Applicant:** In determining whether it would be inequitable to apply the current Land Management Ordinance to the Applicant, the following factors may be considered:

- (1) The terms of any agreement by and between the Town and the Applicant, or the Applicant's predecessor in interest, executed in conjunction with a development approval;
- (2) The conditions of development approval and the level of, or progress of the Applicant toward, fulfillment of such conditions;
- (3) the number, frequency and timing of Town approvals or acts relied upon by the Applicant;
- (4) Whether and for how long the subject parcel was developable prior to the applicability of the current Comprehensive Plan and Land Management Ordinance, and the type and extent of development that could have occurred when the Applicant acquired the property, incurred substantial obligations or expenditures, or substantially changed his position;
- (5) The reasonableness and good faith of any alleged reliance on governmental approvals, acts or omissions,

given the totality of the circumstances;

- (6) Whether the Applicant had obtained financing or a loan commitment prior to the effective date of these Regulations;
- (7) The use to which the Applicant intended to put the land prior to the effective date of these regulations;
- (8) Whether a capacity reservation, or similar agreement reserving utility or other infrastructure capacity, has been maintained by the Applicant and the requirements for continuing to maintain such capacity; and
- (9) Whether the project is in separate ownerships, and the number of owners and size of parcels in the project under separate ownership (projects shall be considered as a whole).

(D) Standards and Criteria Inapplicable to a Vested Rights Determination:

The following standards may not be relied upon by the applicant and shall not be applicable to a Vested Rights Determination:

- (1) Actions of the Applicant taken after the effective date of the existing Land Management Ordinance, or any amendment thereto; provided, however, that activities of the Applicant which are underway, or which are the next step in a development process, and which are continuing to a reasonable completion of the development project, and which cannot be halted without substantial harm and loss of investment, may be considered;
- (2) Real Property Taxes paid by the Applicant;
- (3) Appraised value of the land as set by the Beaufort County Appraiser;
- (4) Acts or approvals which are not specific to the subject parcel or proposed development;
- (5) Conceptual approvals, informal approvals or encouragement by the Town or any of its staff or officials unless the Town Official has express authority to authorize the specific action;
- (6) Rezoning which are not accomplished in conjunction with a specific plan of development;
- (7) Development that has occurred outside of the boundaries of the proposed development; and,
- (8) A Valid Final Development Permit that is superseded by a subsequent Valid Final Development Permit; or which is abandoned by the Applicant in pursuit of a different development plan.
- (9) Applications to initiate development or construction based upon existing zoning where an amendment to the existing zoning is legally pending prior to the filing of the application.

Section 7 Effect of Categorical Exemptions and Vested Rights Determinations:

(A) **Effect on Land Management Ordinance:** Issuance of a Categorical Exemption or a Vested Rights Determination shall relieve the Applicant from being subject to only those provisions of the existing Land Management Ordinance, and amendments thereto, as are set forth in the Categorical Exemption or Vested Rights Determination. A Categorical Exemption or a Vested Rights Determination shall have no effect on other applicable governmental requirements.

(B) **Amendment of Final Development Permits with accompanying Categorical Exemptions or Vested Rights Determination:**

The granting of a Categorical Exemption or a Vested Rights Determination shall not be construed as a limitation on the Applicant or a successor in interest from seeking an amendment of any Final Development Permit; provided, however that any material change in the proposed development and any increased impact resulting from such amendment shall cause the proposed development to be subject to the then current Land Management Ordinance, any Categorical Exemption or Vested Rights Determination notwithstanding.

(C) **Sale of Lots or Parcels:** Nothing herein shall preclude the sale of a parcel of land or a lot with a Categorical Exemption or a Vested Rights Determination.

(D) **Geographic Scope:** The Categorical Exemption or Vested Rights Determination shall apply only to the particular parcel(s) of land for which application was made for the Categorical Exemption or Vested Rights Determination.

(E) **Reconsideration/Revocation of Vested Rights Determination:** A Categorical Exemption or a Vested Rights Determination may be reconsidered and revoked by the Administrator, notwithstanding any other provision of these Regulations, if the Administrator determines that the Final Determination on a Categorical Exemption or on a Vested Rights Determination was based on materially inaccurate or incomplete information and that correct and complete information was reasonably obtainable by the Applicant.

Section 8 Appeals:

(A) **Appeal from the Final Decision of the Administrator:** An appeal from any Final Decision of the Administrator pursuant to these Regulations, including, but not limited to, issuance or denial of a Categorical Exemption or Vested Rights Determination shall be to the Court of Common Pleas for Beaufort County, South Carolina, pursuant to the provisions of S. C. Code Ann. § 6-7-750 (Supp. 1992).

Section 9 Administration:

(A) **Rules and Regulations:** The Town may adopt by Resolution any other rules, administrative guidelines, forms, work-sheets and processes as are necessary to efficiently and fairly administer and implement these Regulations.

(B) **Administrative Fees:** The Town may establish and modify by Resolution a fee schedule for each of the administrative procedures, determinations, approvals and certifications required by these Regulations.

Section 10 Conflict and Severability:

(A) **Conflict:** In the event of any conflict between other regulations and these Regulations, the more restrictive is deemed to be controlling. These Regulations are not intended to amend or repeal any existing Town Ordinance.

(B) **Severability:** If any section, phrase, sentence or portion of these Regulations is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, phrase, sentence or portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining sections, phrases, sentences or portions thereof.

PASSED AND ADOPTED by the Town Council of the Town of Hilton Head Island, South Carolina, at a special meeting of said Town Council held on the 2nd day of December, 1993.



Harvey W. Ewing, Jr., Mayor

ATTEST:



Sandi Santaniello, Clerk

Exh. 1

STATE OF SOUTH CAROLINA	)	BEFORE THE BOARD OF ZONING
	)	APPEALS OF THE TOWN OF HILTON
	)	HEAD ISLAND, SOUTH CAROLINA
)	
COUNTY OF BEAUFORT	)	APPLICATION FOR APPEAL
	)	NO. APL-001515-2016

PROFFER OF EVIDENCE

TO THE APPEAL APPLICATION OF

**BEACHWALK HOTEL & CONDOMINIUMS ASSOCIATION, INC.
AND
BEACHWALK HILTON HEAD, LLC**

THE APPELLANTS Beachwalk Hotel & Condominiums Association, Inc. and Beachwalk Hilton Head, LLC, do hereby submit this Proffer of Evidence to the Board of Zoning Appeals of the Town of Hilton Head Island in follow-up to the direction of the Chairman of the Board of Zoning Appeals issued during the Appeal Hearing in this matter, which occurred on November 28, 2016, beginning at approximately 2:30 p.m. at the Hilton Head Library. The Appellants formally request that this Proffer of Evidence be attached to the official transcript of the Appeal Hearing as an Exhibit, and that it be made a part of the official records of the Appeal Hearing.

The below-signed Counsel for the Appellants hereby represent as follows:

1. During the course of the Appeal Hearing of November 28, 2016, the Chairman of the Board of Zoning Appeals (hereinafter sometimes referred to as the "BZA"), without any type of formal request to be heard having been made and without any type of Motion being made, called upon Bluffton, South Carolina attorney Barry L. Johnson, who was present in the Hearing room, to formally address the BZA and participate in the Hearing on behalf of an entity known as SDC Properties, Inc. Mr. Johnson accepted the invitation and presented a legal argument to the BZA as to why they should deny the appeal.

2. Following Mr. Johnson's presentation to the BZA, counsel for the Appellants requested that he be allowed to question Mr. Johnson briefly on the record, at a time when Mr. Johnson was still present in the Hearing room. Mr. Johnson objected to being questioned, and the Chairman denied the undersigned's request to call Mr. Johnson for questioning on the record.

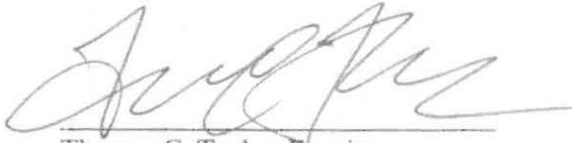
3. Following the denial of Appellant's request to call Mr. Johnson for questioning, and while the Hearing was ongoing, the undersigned requested of the Chairman of the BZA, an opportunity to make a proffer of evidence on the record, of the questions and evidence that he believed the examination of Mr. Johnson would have elicited. The Chairman denied the request to make a proffer, and stated, on information and belief without the benefit of a transcript at this point less than 24 hours after the Hearing, "Can't you submit that in writing?"

4. In a good-faith effort to comply with the Chairman's instructions and perfect the record for appeal, the under-signed co-counsel for the Appellants represents to the BZA that he believes in good faith that if he had been allowed to call Mr. Johnson for questioning that the following would have been established:

- a. That Mr. Johnson represented Robert L. Graves and the entity known as Pope Avenue Associates on March 3, 1995.
- b. That on March 3, 1995, Pope Avenue Associates owned the real property that is the subject matter of this appeal.
- c. That on March 3, 1995, at the behest of Pope Avenue Associates, the Town of Hilton Head Island through Thomas P. Brechko, AICP, its then Chief of Planning and Acting Administrator of the Land Management Ordinance, issued to Pope Avenue Associates a letter commonly referred to as a "Categorical Exemption" letter or certificate. A true and correct copy of that letter was attached to the Appellants' narrative in this Appeal as Exhibit D. By its terms, the Categorical Exemption letter expired on March 3, 2000.
- d. That on or about July 14, 1999, Pope Avenue Associates transferred ownership of a parcel of land by General Warranty deed to SCD PROPERTIES, INC. That parcel of land, described in a Deed presented during the Hearing and marked as Exhibit 2, is the same parcel of land that is the subject of this Appeal Hearing. A true and correct copy of the Deed is also attached to this Proffer of Evidence.
- e. That Mr. Johnson represents the legal entity SDC Properties, Inc., a South Carolina corporation that is commonly referred to as "Spinnaker" and is the legal entity that has made an application for a Development Permit to the Town of Hilton Head Island to build a commercial building on the property that is actually owned by SCD PROPERTIES, INC.

- f. That SDC Properties, Inc. does not own the real property for which it has made an application for a Development Permit, and which is the subject of this Appeal Hearing.
 - g. That SCD PROPERTIES, INC. has not authorized nor initiated the application for a Development Permit on land described in the Deed dated July 14, 1999.
5. Appellants request this Proffer of Evidence be attached to the formal record of the Appeal Hearing in this matter of November 28, 2016.

RESPECTFULLY SUBMITTED this 29th day of November, 2016.



Thomas C. Taylor, Esquire
Law Office of Thomas C. Taylor, LLC
22 Bow Circle, Suite A
PO Box 5550
Hilton Head Island, SC 29928-5550
843-785-5050
843-785-5030 (fax)
tom@thomastaylorlaw.com

Ex. B

3/10/99

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

BEAUFORT COUNTY, S.C.
RECORDING FEES COLLECTED
TRANSFER FEES \$ 800.00
COUNTY \$ 352.00 STATE \$ 837.50
GENERAL WARRANTY DEED 942

39611

KNOW ALL MEN BY THESE PRESENTS, THAT, POPE AVENUE ASSOCIATES, a South Carolina Partnership, together with its successors and assigns ("Grantor") for and in consideration of the sum of Three Hundred Twenty Thousand and no/100 Dollars (\$320,000.00) to Grantor in hand paid at and before the sealing of these presents by SCD PROPERTIES, INC., a Utah Corporation ("Grantee") of Post Office Box 6899, Hilton Head Island, South Carolina 29938-6899, the receipt of which is hereby acknowledged, has granted, bargained, sold and released and by these presents does grant, bargain, sell and release unto SDC Properties, Inc., a Utah Corporation, its successors and assigns forever, the property described on Exhibit "A" ("Property") attached hereto.

TOGETHER WITH ALL AND SINGULAR, the rights, members, hereditaments and appurtenances to the said Property belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the Property before mentioned unto SDC Properties, Inc., a Utah Corporation, its successors and assigns forever.

AND GRANTOR DOES hereby bind itself, its successors and assigns, to warrant and forever defend, all and singular, the Property unto SDC Properties, Inc., a Utah Corporation, its successors and assigns, against Grantor, its successors and assigns, and all persons whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed this 14th day of July, 1999.

Signed, sealed and delivered in the presence of:

POPE AVENUE ASSOCIATES, a South Carolina Partnership

Kaion B. Murphy
[Signature]

By: [Signature]
Richard A. McGinly
Its: General Partner

55
R550-18-202

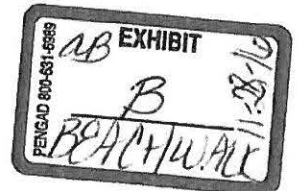


EXHIBIT "A"**Legal Description**

All that certain piece, parcel or lot of land situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, and shown as "Parcel E" on that certain Plat entitled "A Survey of 15.100 Acres Waterside P.U.D., a Section of Parcel 5B Forest Beach Subdivision" dated December 9, 1987, and prepared by Surveying Consultants, said plat being recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book 35, page 79. For a more detailed description, reference is made to said plat of record.

This conveyance is subject to all covenants, conditions, restrictions and easement as described in that certain Declaration of Covenants, Conditions and Restrictions for Waterside P.U.D. as recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Deed Book 494, page 419 and all amendments thereto as well as all easements, restrictions, covenants and conditions of record the Office of the Register of Deeds for Beaufort County, South Carolina, and further subject to all declarations, covenants, restrictions, easements and plats of record in the Office of the Register of Deeds for Beaufort County, South Carolina.

This being a portion of the property conveyed to Pope Avenue Associates by deed of Robert L. Graves, Richard A. McGinty and Robert S. Crum dated September 16, 1974, and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Deed Book 223, page 1953.

The within Deed was prepared by Mark S. Simpson, Esquire, of Jones, Scheider & Patterson, P.A., Post Office Drawer 7049, Hilton Head Island, South Carolina 29938-7049.

TMS: A PORTION OF DISTRICT 550, MAP 18, PARCEL 202

1495
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ER 1195 PG 942
FOLDER #

RECORDED

945

1993 AUG 31 PM 3:37

BK 1195 PG 942

James D. Smith
OF DISTRICT ATTORNEY FOLDER

Exh. 2

ADMITTED TO UNITED STATES
SUPREME COURT BAR
ADMITTED IN SOUTH CAROLINA
AND GEORGIA
CERTIFIED CIRCUIT
COURT MEDIATOR

LAW OFFICE OF
THOMAS C. TAYLOR, LLC
22 BOW CIRCLE
SUITE A
HILTON HEAD ISLAND, SC 29928
TELEPHONE 843-785-5050
TELECOPIER 843-785-5030
www.thomastaylorlaw.com • tom@thomastaylorlaw.com

MAILING ADDRESS
P.O. BOX 5550
HILTON HEAD ISLAND, SC
29938

November 29, 2016

Via Hand-Delivery to Brian Hulbert, Esq. and E-Mail Attachment

Hon. C. Glenn Stanford, Chairman
Board of Zoning Appeals
One Town Center Court
Hilton Head Island, SC 29928

Re: Proffer of Evidence in Application for Appeal APL-001515-2016

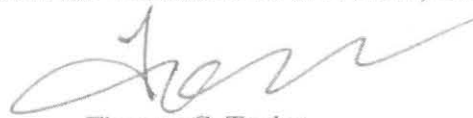
Dear Chairman Stanford:

As you know, I, along with Chester C. Williams, Esq., represent Beachwalk Hotel & Condominiums Association, Inc. and Beachwalk Hilton Head, Inc. In follow-up to the Appeal Hearing of yesterday, I have prepared and enclose herein, a Proffer of Evidence and attached copy of a Deed dated July 14, 1999.

On behalf of the Appellants, I ask that you please have this Proffer of Evidence attached to the formal transcript of record from the Appeal Hearing. As a courtesy to avoid bothering you at your home, I am hand-delivering this transmittal letter and the Proffer today to Brian Hulbert, Legal Counsel to the Town and the BZA, so that it is received within 24 hours of the close of the Hearing. I am also sending a copy by email to the Town's outside Counsel Gregg Alford. In addition, I am providing Barry Johnson a copy by e-mail.

On behalf of the Appellants, Chet and I thank you and the Board for your professionalism in this matter, which will ensure the opportunity for the Appellants to receive a fair review at the circuit court level. If you have any questions, please contact me at your convenience.

Cordially yours,
LAW OFFICE OF THOMAS C. TAYLOR, LLC



Thomas C. Taylor

TCT/dpt

cc: Chester C. Williams, Esq., via e-mail attachment
Teri B. Lewis, AICP, via e-mail attachment
Gregg Alford, Esq., via e-mail attachment
Barry L. Johnson, Esq., via e-mail attachment



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Board of Zoning Appeals
FROM: Taylor Ladd, *Senior Planner*
DATE: August 13, 2018
SUBJECT: Substitutions of Nonconformities for Redevelopment

The BZA requested that staff keep them informed of substitutions of nonconformities for redevelopment that are granted by staff. A memo is distributed every month at the regular BZA meetings and is discussed under staff reports on the agenda.

The following language is contained in Section 16-7-101.F, Substitutions of Nonconformities for Redevelopment, which gives the Administrator the power to grant such substitutions for existing nonconforming structures and site features.

LMO Section 16-7-101.F:

“To provide flexibility and encourage redevelopment of sites with nonconforming features or structures, the Official is authorized to approve a Development Plan for such sites if the proposed development:

1. Will not include any new development that increases the amount of encroachment into any required buffer or setback;
2. Will not increase the impervious cover on the site over the maximum allowed for the district or the existing impervious cover, whichever is greater;
3. Will not result in a density in excess of what is allowed under this Ordinance, or the existing density, whichever is greater;
4. Will lessen the extent of existing nonconforming site features to the greatest extent possible;
5. Will not have an adverse impact on the public health, safety or welfare; and
6. Will lessen the extent of nonconformities related to any existing nonconforming structure on the site to the greatest extent possible.”

There has been one Substitution of Nonconformity for Redevelopment that has been granted by staff since the June 25, 2018 BZA meeting.

1. **23 Ocean Lane, Omni Resort Sea Shack** – As part of the Minor DPR-001129-2018 submittal to remove and replace the three nonconforming shed structures located within the Transition Area Overlay (TA-O) District on the property, the applicant requested an administrative waiver from LMO Section 16-7-105, Nonconforming Site Features. The existing nonconforming three shed structures totaling 248 square feet with 108 square feet of pavers for a total of 356 square feet were partially encroaching in the TA-O. The applicant requested a waiver to construct a single 244 square foot structure and no pavers in the same location as the previous three nonconforming structures and paver field, but less within the TA-O. Since the request met the criteria for a waiver per LMO Section 16-7-101.F, Substitution of Nonconformities for Redevelopment, the waiver was approved.