

TOWN COUNCIL

STAFF REPORT

Executive Department



MEETING DATE:	January 9, 2024
PROJECT:	Consideration of a Resolution Approving the Purchase of 140 Buck Island Road
PROJECT MANAGER:	Stephen Steese, Town Manager

REQUEST: Town Staff requests that Town Council consider the following Resolution authorizing the acquisition of the approximately 15.51± acre parcel located at 140 Buck Island Road (TMS No. R610-031-000-0003-0000), which is owned by F & D, LLC (the “Property”):

1. A Resolution authorizing the purchase and conveyance of a parcel of real property located in Bluffton, South Carolina, consisting of approximately 15.517 acres of real property identified as Tax Map No. R610-031-000-0003-0000, and seller's right, title and interests in 15.517 acres of development rights, from F & D, LLC to the Town of Bluffton, South Carolina, for the purchase price of \$2,500,000; and, authorizing the execution and recordation of certain documents in connection therewith (Attachment 2).

INTRODUCTION: Town staff is actively identifying locations for park and recreation areas in the Buck Island and Simmonsville Road area as well as opportunities to remove potential development. The Town has received several proposed plans for development of the Property, the latest being in the past year for 61 townhomes. On July 11, 2023, staff presented the Property for possible acquisition to Town Council during Executive Session. Town Council directed the Town Manager to conduct further due diligence on the Property for possible acquisition. On September 25, 2023, the Town and F & D, LLC (the “Owner”) executed a Non-Binding Letter of Intent/Term Sheet for the Town’s possible acquisition of the Property (Attachment 3) for a purchase price of \$2,500,000. The Town then executed a Purchase and Sale Agreement with the Owner on November 3, 2023 (Attachment 2).

Staff is currently in the process of completing due diligence for the Property.

BACKGROUND: The Property is located at 140 Buck Island Road, at the southwest corner of the intersection of Bluffton Parkway and May River Road (Attachment 4) consisting of approximately 15.51± total acres, as shown on the unrecorded ALTA Survey provided as Attachment 5, containing approximately 8.63 upland acres and 6.88 wetland acres, which is currently classified as Agricultural

Vacant Forest by the Beaufort County Assessor's Office (Attachment 6). The Property is currently vacant.

The Property lies within Town of Bluffton's municipal boundary and is zoned Residential General (RG) and the Highway Corridor Overlay District (HCOD) pursuant to the Town of Bluffton Unified Development Ordinance (the "UDO"). Based upon the provisions of the UDO, permitted and conditional uses as well as maximum density for the Property are as follows:

Permitted Uses	<ul style="list-style-type: none"> • Single-Family Attached (Townhomes) • Single-Family Detached • Agricultural Use and Structures • Homestay Rental (1-Bedroom) • Bed & Breakfast (2-5 Bedrooms) • Home Occupation • Family Day Care Home (1-6 children) • Group Day Care Home (7-12 children) • Child Care Center (13+ children) • Golf Course • Cemetery • Government Building • Parks • Museum • Religious Assembly • School • Utilities
Conditional Uses	<ul style="list-style-type: none"> • Accessory Dwelling Unit • Short Term Rental • Telecommunications Tower
By-Right Residential Density	4 Residential Units per Acre
Maximum By-Right Residential Density	62 Residential Units (15.03 acres x 4 Residential Units per Acre = 62 Residential Units)

The adjacent properties are within the Town's municipal boundary and vary in zoning designation as follows:

Direction	Jurisdiction	Zoning District	Current Use
North	Town of Bluffton	Residential General (RG)	Beaufort County – Buck Island Road & Bluffton Parkway Right-of-Way
	Town of Bluffton	Old Carolina Planned Unit Development (PUD)	Traditions at Old Carolina Homeowners' Association, Inc. – 33 Canters Circle – Common Area
South	Town of Bluffton	Residential General (RG)	Ethel Lee – 9 Cumpsee & Babe Place – Single Family Residential
	Town of Bluffton	Residential General (RG)	Daniel Hernandez & Ignacia Sanchez – 21 Cumpsee & Babe Place – Single Family Residential
	Town of Bluffton	Residential General (RG)	Anthony Miller - Cumpsee & Babe Place - Vacant

Direction	Jurisdiction	Zoning District	Current Use
East	Town of Bluffton	Residential General (RG)	Marcia Renea Holmes & Johnnie Brown – 150 Buck Island Road - Single Family Residential
	Town of Bluffton	Residential General (RG)	Beaufort County – Buck Island Road & Bluffton Parkway Right-of-Way
	Town of Bluffton	Residential General (RG)	Bluffton Eagles Community Action Committee – 139 Buck Island Road - Recreation
West	Town of Bluffton	Residential General (RG)	Beaufort County – Buck Island Road & Bluffton Parkway Right-of-Way
	Town of Bluffton	Old Carolina Planned Unit Development (PUD)	Traditions at Old Carolina Homeowners' Association, Inc. – No Address – Common Area

NEXT STEPS: Should Town Council desire to pursue acquisition of the Property, staff will proceed in accordance with the adopted *Policy and Procedure Manual for the Acquisition and Disposition of Real Property by the Town of Bluffton* and the remaining steps are as follows:

Task	Date	Task Description/ Notes
Execution of Purchase and Sale Agreement (Complete)	November 3, 2023	Establishes the Effective Date which begins the clock for the Town to perform Due Diligence and Close on the Property
Town Council Adoption of Acquisition Resolution	January 9, 2024	Town Council authorizes the purchase of the property and execution and recording of necessary documents
90-Day Due Diligence Expiration	February 1, 2024	Town must complete Due Diligence activities by this date unless an extension is agreed upon by both parties
Closing	March 4, 2024	<p>The Closing may occur at an earlier date if the Town Due Diligence is completed prior to February 1, 2024 and is agreed upon by both parties.</p> <p>The Closing may be pushed to a later date if necessary if it is agreed upon by both parties</p>

ATTACHMENTS:

1. Presentation

2. A Resolution authorizing the purchase and conveyance of a parcel of real property located in Bluffton, South Carolina, consisting of approximately 15.517 acres of real property identified as Tax Map No. R610-031-000-0003-0000, and seller's right, title and interests in 15.517 acres of development rights, from F & D, LLC to the Town of Bluffton, South Carolina, for the purchase price of \$2,500,000; and, authorizing the execution and recordation of certain documents in connection therewith:
 - a. Exhibit A – Property Description; and
 - b. Exhibit B – Purchase and Sale Agreement.
3. Non-Binding Letter of Intent/Term Sheet;
4. Property Map;
5. ALTA Survey;
6. Beaufort County Assessors Data; and
7. Proposed Motion.