

Lisa Sulka
Mayor
Larry Toomer
Mayor Pro Tempore
Marc Orlando
Town Manager



Council Members
Fred Hamilton
Dan Wood
Harry Lutz
Kimberly Chapman
Town Clerk

January 19, 2017

TRANSMITTED ELECTRONICALLY

Walter J. Nester, III
McNair Law Firm, P.A.
23-B Shelter Cove Lane
Suite 400
Hilton Head Island, SC 29928

Re: Village at Verdier 2nd Amendment to the Development Agreement

~~Mr. Nester,~~ ^{WALTER}

On January 10, 2017 the Town of Bluffton Town Council voted unanimously to approve with conditions the request to amend the Planned Unit Development "PUD" Agreement text for the Village at Verdier (ZONE-9-16-10146). In their approval a condition was included that under the land use category of Health / Human Care – Hospitals, no Psychiatric, Drug and Alcohol Rehabilitation Services would be allowed. Immediately following the PUD Amendment, the Town Council also approved the amendment to the Village at Verdier Master Plan (PD-2-9-170) to include the Planning Area of Health / Human Care as an allowed land use. The same condition excluding Psychiatric, Drug and Alcohol Rehabilitation Services, was a part of the conditional approval.

I've attached a copy of the approved "Second Amendment to the Development Agreement for Verdier Plantation" for your records.

If you have any questions or comments, please contact me at 843-706-4529.

Sincerely,

Kevin P. Icard, AICP
Planning & Community Development Manager

Theodore D. Washington Municipal Building
20 Bridge Street P.O. Box 386 Bluffton, South Carolina 29910
Telephone (843) 706-4500 Fax (843) 757-6720
www.townofbluffton.sc.gov

VILLAGE AT VERDIER

**SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR
VERDIER PLANTATION**

**BETWEEN SECURITY BANK OF KANSAS CITY
AND
THE TOWN OF BLUFFTON,
SOUTH CAROLINA**

JANUARY 10, 2017

STATE OF SOUTH CAROLINA) **SECOND AMENDMENT**
) **TO THE DEVELOPMENT AGREEMENT**
COUNTY OF BEAUFORT) **FOR VERDIER PLANTATION**

THIS SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR VERDIER PLANTATION (this "Amendment") is made and entered this 10th day of January 2017, by and between **SECURITY BANK OF KANSAS CITY** ("Owner") and the governmental authority of the **TOWN OF BLUFFTON, SOUTH CAROLINA** ("Town").

WHEREAS, the legislature of the State of South Carolina has enacted the "South Carolina Local Government Development Agreement Act," (the "Act") as set forth in Sections 6-31-10 through 6-31-160 of the South Carolina Code of Laws (1976), as amended; and

WHEREAS, Section 6-31-10(B)(1) of the Act recognizes that "[t]he lack of certainty in the approval of development can result in a waste of economic and land resources, can discourage sound capital improvement planning and financing, can cause the cost of housing and development to escalate, and can discourage commitment to comprehensive planning"; and

WHEREAS, Section 6-31-10(B)(6) of the Act also states: "[d]evelopment agreements will encourage the vesting of property rights by protecting such rights from the effect of subsequently enacted local legislation or from the effects of changing policies and procedures of local government agencies which may conflict with any term or provision of the Development Agreement or in any way hinder, restrict, or prevent the development of the project. Development agreements will provide a reasonable certainty as to the lawful requirements that must be met in protecting vested property rights, while maintaining the authority and duty of government to enforce laws and regulations which promote the public safety, health, and general welfare of the citizens of our State"; and,

WHEREAS, the Act further authorizes local governments, including municipal governments, to enter into development agreements with developers to accomplish these and other goals as set forth in Section 6-31-10 of the Act; and,

WHEREAS, the 125.32 acre Village at Verdier ("Property") was established through Town Council approval of the Village at Verdier Annexation Petition by Ordinance 2002-10 on October 9, 2002; the Village at Verdier PUD Zoning Map Amendment by Ordinance 2002-11 on October 9, 2002; the Village at Verdier Initial Master Plan by a majority vote of Town Council on October 9, 2002; and Authorization for the Mayor to execute the Village at Verdier Development Agreement on behalf of the Town with Longview Development Company, Inc. (Longview Development Company, Inc. and/or Verdier Plantation, L.L.C. collectively being the "Previous Owner") by Ordinance 2002-12 on October 9, 2002. The Development Agreement Between Previous Owner and the Town of Bluffton, South Carolina was

subsequently executed on December 18, 2002 ("Original Agreement") and was recorded in the Beaufort County Register of Deeds Office in Book 1683 at Page 1210; and

WHEREAS, the Term of the Original Agreement was extended for 3 months by Ordinance 2007-20 and an additional 5 year extension was approved by Ordinance 2008-04 on March 6, 2008; and

WHEREAS, the Property was transferred to Owner pursuant to an Order of Judgment of Foreclosure on October 2, 2008; and

WHEREAS, the Owner wishes to amend and restate the Original Agreement to address market and economic trends; and

WHEREAS, the Town seeks to protect and preserve the natural environment and to secure for its citizens quality, well planned and designed development and a stable and viable tax base; and

WHEREAS, the Town finds that the program of development proposed by the Owner for this Property is consistent with the Town's comprehensive land use plan; and will further the health, safety welfare and economic well-being of the Town and its residents; and

WHEREAS, the amended development program for the Property presents an unprecedented opportunity for the Town to secure quality planning and growth, protection of the environment and a strengthened and revitalized tax base; and

WHEREAS, this Amendment is being made and entered between Owner and Town, under the terms of the Act, for the purpose of providing assurances to Owner that it may proceed with its development plan under the terms hereof, as hereinafter defined, without encountering future changes in law which would materially affect the ability to develop under the plan, and for the purpose of providing important protection to the natural environment and long term financial stability and a viable tax base to the Town of Bluffton; and

WHEREAS, on April 12, 2011, the Town of Bluffton Town Council held a public hearing and approved the terms of this Amendment with the adoption of Ordinance 2011-05, approved the corresponding amendments to the Village at Verdier PUD with the adoption of Ordinance 2011-06, and approved the corresponding amendments to the Village at Verdier Initial Master Plan by majority vote; and

WHEREAS, even if not mentioned, the provisions of the Original Agreement shall contain all amended provisions hereof, even if not specifically stated that it is amending a previous provision of the Original Agreement.

WHEREAS, the Town Council finds that the Planned Unit Development Text Amendment to add Planning Area #7 "Health / Human Care" to Section 2.A of the existing Planned Unit Development Agreement is in conformance with the Town of Bluffton Comprehensive Plan.

WHEREAS, the Town Council finds that the Planned Unit Development Text Amendment to add a new use category of "Health / Human Care" to Section 2.B.7 and the following uses to be permitted by-right; a. Family Day Care Home (6 or less children), b. Group Day Care Home (7 to 12 children), c. Child Care Center (13 or more children), d. Hospitals (excluding Psychiatric and Drug and Alcohol Rehabilitation Services) , e. Medical Offices and Clinics, f. Nursing Homes and Long-Term Care, and g. Uses listed in Section 2.B.6 Mixed-Use.

WHEREAS, the Town Council finds that the Planned Unit Development Text Amendment to add to Section 2.D Definitions of Land Use Terms and Density Terms, the definition of a Hospital as it will relate to the Village at Verdier.

NOW THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF BLUFFTON, SOUTH CAROLINA:

Section 1. The Village at Verdier Planned Unit Development Agreement is hereby amended to incorporate Section 2.A.7 Health / Human Care as a Planning Area. Section 2.B.7 Health / Human Care a. Family Day Care Home (6 or less children), b. Group Day Care Home (7 to 12 children), c. Child Care Center (13 or more children), d. Hospitals(excluding Psychiatric and Drug and Alcohol Rehabilitation Services), e. Medical Offices and Clinics, f. Nursing Homes and Long-Term Care, and g. Uses listed in Section 2.B.6 Mixed-Use.

Section 2. This Ordinance shall become effective upon its final adoption.

DONE, RATIFIED, AND ENACTED this 10th day of January, 2016.

This Ordinance was read and passed at First Reading on December 13, 2016.



Lisa Sulka, Mayor
Town of Bluffton, South Carolina



Kimberly Chapman, Clerk
Town of Bluffton, South Carolina

A Public Hearing was held on this Ordinance on January 10, 2017.



Lisa Sulka, Mayor
Town of Bluffton, South Carolina

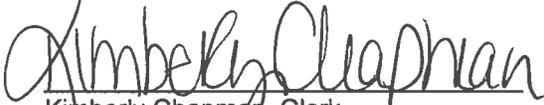


Kimberly Chapman, Clerk
Town of Bluffton, South Carolina

This Ordinance was passed at Second and Final Reading held on January 10, 2017.



Lisa Sulka, Mayor
Town of Bluffton, South Carolina



Kimberly Chapman, Clerk
Town of Bluffton, South Carolina

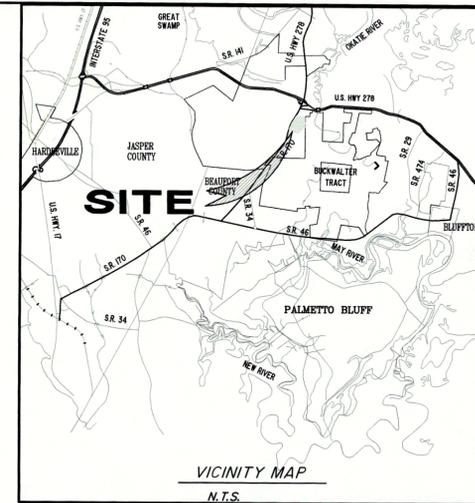
FINAL

Town of Bluffton
JAN 23 2017
Planning & Growth Mgmt

Town of Bluffton
Approved
[Signature]



NOTE:
FUTURE LOCATION OF THE 30,000 SF CIVIC SPACE TO BE DETERMINED. CIVIC SPACE TO BE LOCATED ON A MINIMUM OF 1.5 ACRES.



LAND USE KEY			
LAND DESCRIPTION	SYMBOL	MPA REVISION APPROVED AUGUST 2015 ACREAGE	PROPOSED MPA REVISION ACREAGE
TOWN HOME	A	2.9	2.9
NEIGHBORHOOD RESIDENTIAL	B	36.0	36.0
PRIVATE OPEN SPACE	C	6.4	6.4
MULTI-FAMILY	D	22.7	20.9
VILLAGE-HAMLET	E	5.1	5.1
EXISTING OFFICE AREA	-	6.6	6.6
HEALTH/HUMAN CARE	H	0.0	6.8
MIXED USE	T	5.0	0.0
MIXED-USE	V	6.6	6.6
MIXED-USE	W	5.5	5.5
MIXED-USE	X	5.6	5.6
MIXED-USE	Y	7.1	7.1
MIXED-USE	Z	1.9	1.9
WETLAND	-	12.8	12.8
1. TOTAL ACRES =		124.2	124.2
2. REQUIRED OPEN SPACE		12.4	12.43
3. PARK AREA		3.49	3.49

- TOTAL SITE ACREAGE REDUCED FROM THE ORIGINAL MASTER PLAN BY DONATION OF LAND TO BEAUFORT COUNTY FOR HIGHWAY 170 WIDENING.
- REQUIRED OPEN SPACE PER SECTION 2.0.2 OPEN SPACE (PRIVATE OR PUBLIC) OF THE DEVELOPMENT AGREEMENT.
- PARK AREA IS INCLUDED IN ADJACENT LAND USE AREA AND HAS BEEN CALCULATED IN THE TOTAL AREA ABOVE.
- PSYCHIATRIC, DRUG AND ALCOHOL REHABILITATION SERVICES WOULD NOT BE ALLOWED UNDER THE LAND USE OF HOSPITAL IN LAND DESCRIPTION HEALTH/HUMAN CARE AS REFERENCED IN SECTION 2.5.7 OF THE PLANNED UNIT DEVELOPMENT AGREEMENT.

N/F
R610 029 000 0483 0000

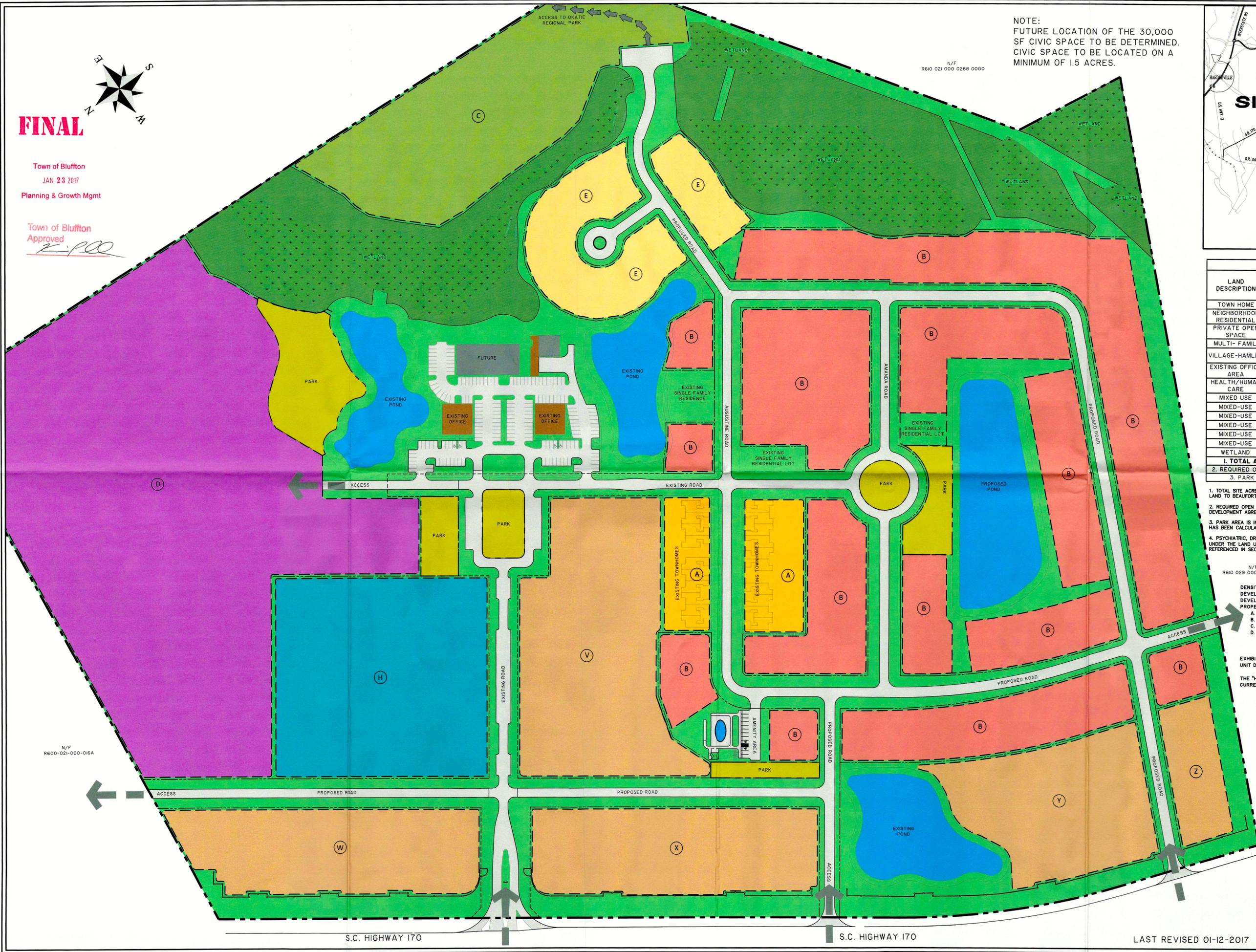
DENSITY AND LAND USE:
DENSITY REMAINS CONSISTENT WITH PREVIOUSLY APPROVED DEVELOPMENT AGREEMENT. THE FOLLOWING IS AN EXCERPT FROM THE DEVELOPMENT AGREEMENT: MIXED USE DEVELOPMENT ON THE PROPERTY SHALL BE LIMITED TO THE FOLLOWING:
A. 404,000 SQUARE FEET OF COMMERCIAL;
B. 404 RESIDENTIAL DWELLING UNITS; AND
C. 30,000 SQUARE FEET OF CIVIC DEVELOPMENT
NOTWITHSTANDING ANY OTHER PROVISIONS CONTAINED WITHIN THE UNIFIED ORDINANCE, COMMERCIAL USES WITHIN THE PROPERTY SHALL BE LIMITED TO THOSE MORE FULLY DESCRIBED IN EXHIBIT "D"
EXHIBIT D REFERS TO THE VILLAGE AT VERDIER PLANTATION PLANNED UNIT DEVELOPMENT AMENDED DECEMBER 29, 2010

THE "HEALTH/HUMAN CARE" LAND USE TO BE INCLUDED WITHIN THE CURRENTLY APPROVED 404,000 SQUARE FEET OF COMMERCIAL.

MASTER PLAN
VILLAGE AT
VERDIER
PLANTATION
BLUFFTON, SC
PREPARED FOR:
HEALTHSOUTH REHABILITATION
HOSPITAL OF LOWCOUNTRY, LLC
PREPARED BY:

THOMAS & HUTTON
Engineering | Surveying | Planning | GIS | Consulting
50 Park of Commerce Way
Savannah, GA 31405 • 912.234.5300
www.thomasandhutton.com

JOB NO: J-26038-0000 DATE: 01-12-17
DRAWN: JRS SCALE: 1" = 100'
REVIEWED: JRS SHEET: 1 OF 1



S.C. HIGHWAY 170

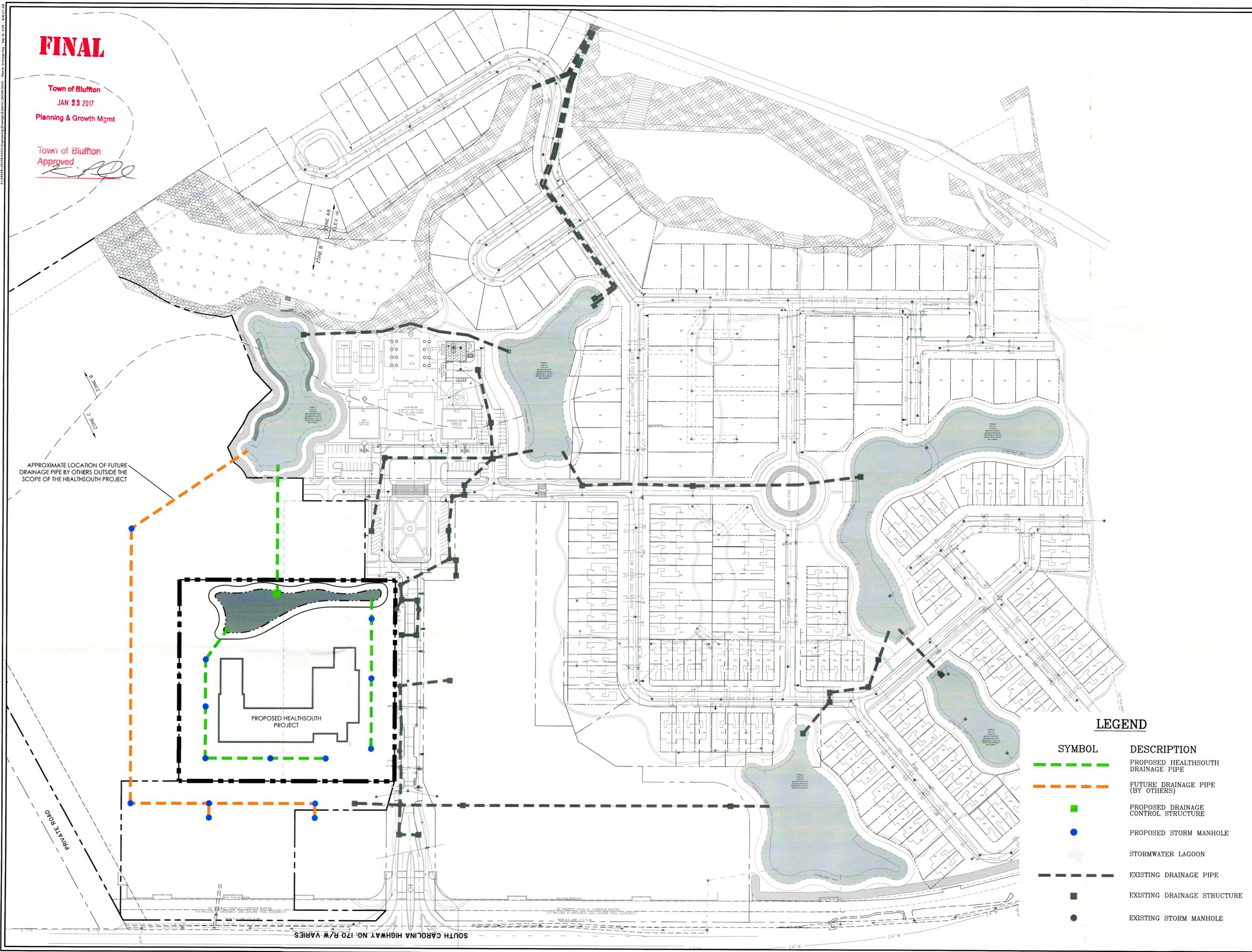
S.C. HIGHWAY 170

LAST REVISED 01-12-2017

FINAL

Town of Bluffton
JAN 23 2017
Planning & Growth Mgmt

Town of Bluffton
Approved



APPROXIMATE LOCATION OF FUTURE DRAINAGE PIPE BY OTHERS OUTSIDE THE SCOPE OF THE HEALTHSOUTH PROJECT

PROPOSED HEALTHSOUTH PROJECT

LEGEND

SYMBOL	DESCRIPTION
	PROPOSED HEALTHSOUTH DRAINAGE PIPE
	FUTURE DRAINAGE PIPE (BY OTHERS)
	PROPOSED DRAINAGE CONTROL STRUCTURE
	PROPOSED STORM MANHOLE
	STORMWATER LAGOON
	EXISTING DRAINAGE PIPE
	EXISTING DRAINAGE STRUCTURE
	EXISTING STORM MANHOLE

DRAINAGE MASTER PLAN

SEAGRASS STATION
BLUFFTON, SC

PREPARED FOR:
HEALTHSOUTH REHABILITATION HOSPITAL OF LOWCOUNTRY, LLC

PREPARED BY:

THOMAS & HUTTON
Engineering | Surveying | Planning | GIS | Consulting

50 Park of Commerce Way
Savannah, GA 31405 • 912.234.5300

www.thomasandhutton.com

JOB NO: J-24072.0000	DATE: 09/15/16
DRAWN: JRS	SCALE: 1" = 100'
REVIEWED: JRS	SHEET:

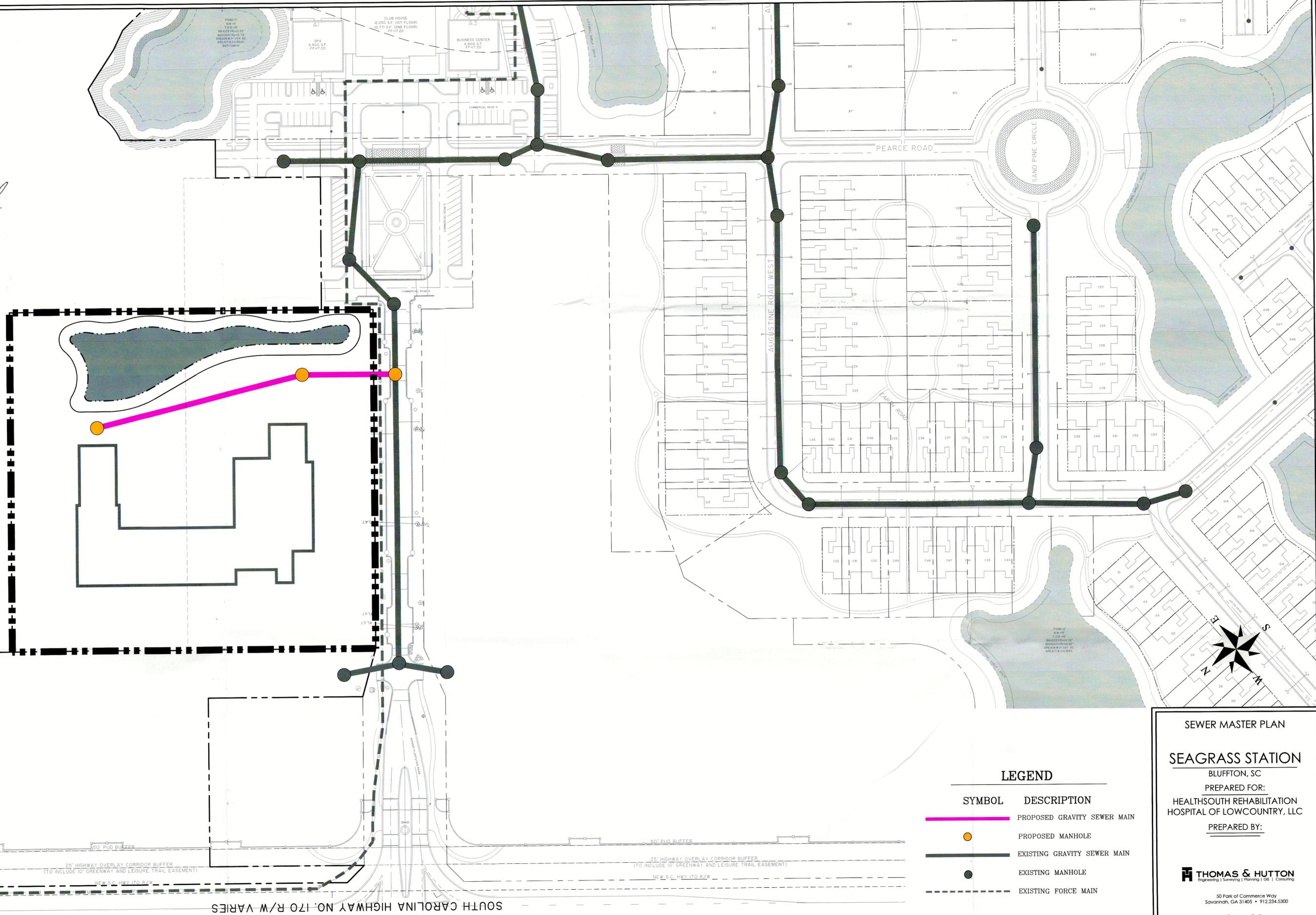
PD.02.05.170
Village at Verdier
Highway 170
Village at Verdier

2/16/2016 10:00:00 AM C:\Users\jthomas\OneDrive\Documents\Bluffton\2016\2016-09-15\2016-09-15.dwg - Date Plotted: 2/16/2016 10:00:00 AM

Town of Bluffton
JAN 23 2017
Planning & Growth Mgmt

FINAL

Town of Bluffton
Approved
[Signature]



LEGEND

SYMBOL	DESCRIPTION
	PROPOSED GRAVITY SEWER MAIN
	PROPOSED MANHOLE
	EXISTING GRAVITY SEWER MAIN
	EXISTING MANHOLE
	EXISTING FORCE MAIN

SEWER MASTER PLAN

SEAGRASS STATION

BLUFFTON, SC

PREPARED FOR:

HEALTHSOUTH REHABILITATION
HOSPITAL OF LOWCOUNTRY, LLC

PREPARED BY:



50 Park of Commerce Way
Savannah, GA 31405 • 912.234.5300

www.thomasandhutton.com

JOB NO: J-24072.0000
DRAWN: JRS
REVIEWED: JRS

DATE: 09/15/16
SCALE: 1" = 60'
SHEET:

SOUTH CAROLINA HIGHWAY NO. 170 R/W VARIES

25' HIGHWAY OVERLAY CORRIDOR BUFFER
(TO INCLUDE 10' GREENWAY AND LEISURE TRAIL EASEMENT)

25' HIGHWAY OVERLAY CORRIDOR BUFFER
(TO INCLUDE 10' GREENWAY AND LEISURE TRAIL EASEMENT)

50' PUD BUFFER

50' PUD BUFFER

NEW S.C. HWY 170 R/W

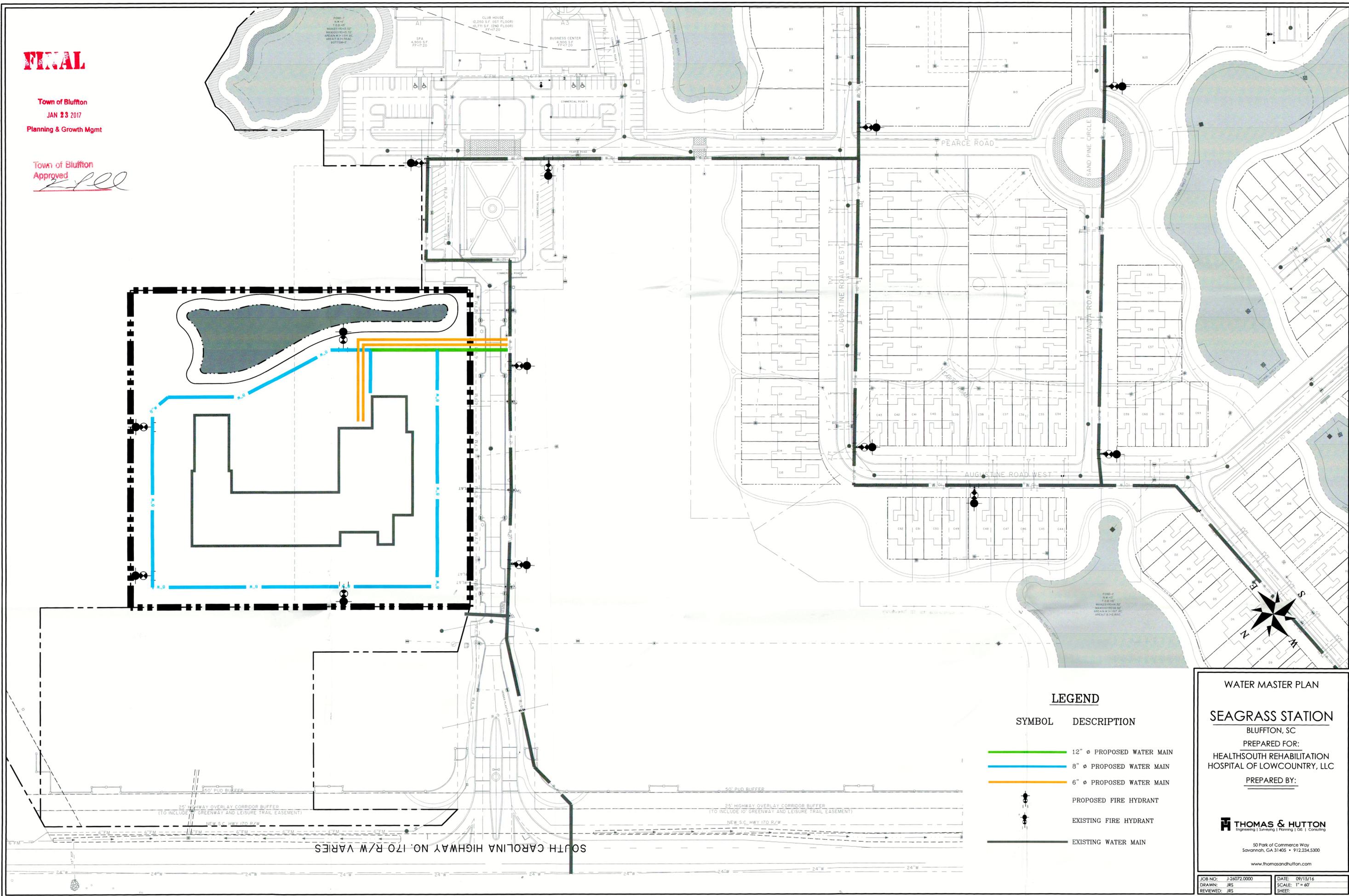
NEW S.C. HWY 170 R/W

PD-02.09.170
Village at Verdier
Master Plan Amendment
Highway 170

FINAL

Town of Bluffton
JAN 23 2017
Planning & Growth Mgmt

Town of Bluffton
Approved
[Signature]



LEGEND

SYMBOL	DESCRIPTION
	12" Ø PROPOSED WATER MAIN
	8" Ø PROPOSED WATER MAIN
	6" Ø PROPOSED WATER MAIN
	PROPOSED FIRE HYDRANT
	EXISTING FIRE HYDRANT
	EXISTING WATER MAIN

WATER MASTER PLAN

SEAGRASS STATION
BLUFFTON, SC

PREPARED FOR:
HEALTHSOUTH REHABILITATION
HOSPITAL OF LOWCOUNTRY, LLC

PREPARED BY:

THOMAS & HUTTON
Engineering | Surveying | Planning | GIS | Consulting

50 Park of Commerce Way
Savannah, GA 31405 • 912.234.5300
www.thomasandhutton.com

JOB NO.: J-26072.0000	DATE: 09/15/16
DRAWN: JRS	SCALE: 1" = 60'
REVIEWED: JRS	SHEET:

PD.02.09.170
Village at Verdier
Highway 170
Village at Verdier
Master Plan Amendment