

2004/29

Del Webb Planned Unit Development(PUD) , Second
amendment to the Development Agreement, Amending
93/37 and 94/28

2004/29

Del Webb Planned Unit Development(PUD) ,
Second amendment to the Development
Agreement, Amending 93/37 and 94/28

2004/29

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO APPROVE THE *SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT* BY AND BETWEEN DEL WEBB COMMUNITIES, INC. AND THE COUNTY OF BEAUFORT, SOUTH CAROLINA PURSUANT TO SECTION 6-31-30 OF THE *CODE OF LAWS OF SOUTH CAROLINA*, 1976, AS AMENDED.

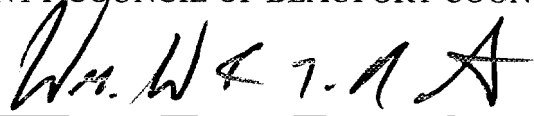
NOW, THEREFORE, Beaufort County Council adopts this ordinance so to amend the Del Webb Communities, Inc. Development Agreement all of which is more fully set forth in the document entitled *SECOND AMENDMENT TO DEVELOPMENT AGREEMENT*, a copy of which is attached hereto and incorporated by reference herein as if set forth verbatim.

This ordinance shall become effective upon filing of an executed *SECOND AMENDMENT TO DEVELOPMENT AGREEMENT* with the Beaufort County Clerk to Council.

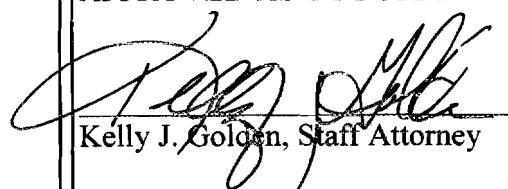
Adopted this 23rd day of August, 2004.

COUNTY COUNCIL OF BEAUFORT COUNTY

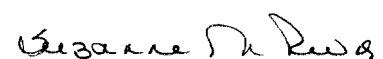
BY:


Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:


Kelly J. Golden, Staff Attorney

ATTEST:


Suzanne M. Rainey, Clerk to Council

First Reading, By Title Only: July 26, 2004

Second Reading: August 9, 2004

Public Hearing: August 23, 2004

Third and Final Reading: August 23, 2004

(Amending 93/37 and 94/28)

BEAUFORT COUNTY SC- ROD
BK 02625 PGS 2322-2331
DATE: 06/27/2004 04:12:56 PM
INST # 2004008867 RCPT# 276533

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

SECOND AMENDMENT TO DEVELOPMENT AGREEMENT

WHEREAS, on or about December 13, 1993, the parties hereto did enter upon a certain Development Agreement, and Beaufort County did, on that date, enact said Development Agreement, by Ordinance, all of which was recorded in the Office of the Register of Deeds for Beaufort County, South Carolina in Deed Book 4806 at Page 967; and,

WHEREAS, on the same date in December of 1993, Beaufort County did enact by Ordinance a certain Planned Unit Development Zoning District, designated as Del Webb's South Carolina PUD for the Argent Tract and the Sander's Tract, subsequently known and designated as Del Webb's Sun City Hilton Head ("The PUD Approval"); and,

WHEREAS, subsequent to the approval of the above referenced Development Agreement and PUD, the parties did amend both documents for the sole purpose of adding the adjacent Bull Hill Tract into the development scheme, on or about December 12, 1994, which amendments respectively constitute the Amended PUD and the Amended Development Agreement for Del Webb's Sun City Hilton Head, in effect as of the date hereof; and,

WHEREAS, representatives of the Technical College of the Lowcountry have approached Del Webb with a request to purchase a portion of the existing PUD property, located on the north side of US Highway 278, for the purpose of developing the site for a campus location for the Technical College of the Lowcountry, which School Campus Use constitutes a use not specifically contemplated by current PUD and Development Agreement approvals; and,

WHEREAS, Del Webb has determined that the School Campus use proposed by the Technical College of the Lowcountry constitutes a beneficial use, for existing and future Sun City residents as well as the general population of Beaufort County, and that such use would therefore compliment and enhance the overall development plan for Sun City Hilton Head, and,

WHEREAS, Del Webb has therefore agreed to enter this Second Amendment To Development Agreement, and submit the accompanying Application To Amend the existing PUD Approval, for the purpose of allowing the School Campus Use category of development within the existing PUD, as more particularly described below and in the Second Amendment To PUD, attached hereto;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency whereof being hereby acknowledged, Del Webb and Beaufort County do hereby agree as follows:

1. **Recitals.** The above recitals together with the Development Agreement, PUD Approvals, and Amendments thereto, as referenced above, are hereby incorporated herein by reference and made a part hereof.
2. **Definition of Land Use Plan.** That certain section of the Development Agreement which defines the approved Land Use Plan, as modified to previously include the Bull Hill Tract, all

as described above, is hereby further modified to amend Section II (A), Definition of Land Use Plan, to include the following provision:

The attached Second Amendment to the Master Plan for Del Webb's Sun City Hills Head is hereby incorporated into the Development Agreement, as fully as if originally included therein originally as a part of Exhibit "C" thereto, to include all matters as described in the Second Amendment To PUD, as attached hereto and incorporated herein. The purpose and intent of this change is for the sole purpose of allowing the development of the additional School Campus Uses described therein and to authorize conveyance of the School Campus property to separate third party entity or entities to facilitate such School Campus development.

3. **Effect of Second Amendment To Development Agreement.** Except as specifically amended hereby, or by necessary implication to accomplish the stated purposes hereof, a provision of the prior Development Agreement and PUD Approval, as previously amended shall remain in full force and effect. Uses and densities as otherwise defined under prior approvals remained unchanged by the addition of the limited School Campus area created hereby.
4. **Term.** The term of this Second Amendment To Development Agreement shall be 20 years from the date hereof, unless the parties hereto, or their successors and assigns, shall hereinafter agree otherwise in writing.

In Witness Whereof, the undersigned hereby sets forth their hands and seals, effective the date first above written.

WITNESSES

Suzanne M. Reed

Donna M. Crowley

BEAUFORT COUNTY, S.C.

By:

[Signature]

Attest:

[Signature]

STATE OF SOUTH CAROLINA.)
)
COUNTY OF BEAUFORT) ACKNOWLEDGMENT

I HEREBY CERTIFY, that on this 23rd day of September, 2004, before me, the undersigned Notary Public of the State and County aforesaid, personally appeared the above named officials of Beaufort County, South Carolina, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, who acknowledged the due execution of the foregoing document.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.

Stacy W. Bradshaw
Notary Public for South Carolina
My Commission Expires: 9/25/2007

WITNESSES:

[Signature]
Margaret Pangione

DEL WEBB COMMUNITIES, INC.

By: [Signature]


Its: Vice President

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT) ACKNOWLEDGMENT

I HEREBY CERTIFY, that on this 23 day of September, 2004 before me, the undersigned Notary Public of the State and County aforesaid, personally appeared Ronald R. Hull known to me (or satisfactorily proven) to be the persons whose

name is subscribed to the within document, who acknowledged the due execution of the foregoing Development Agreement.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.



Notary Public for South Carolina
My Commission Expires: 3-2-2014

**NARRATIVE FOR THE SECOND AMMENDMENT TO
THE DEL WEBB (SUN CITY HILTON HEAD) PUD
TO ALLOW INSTITUTIONAL USES**

This Narrative, and the exhibit hereto, are submitted as an amendment to the existing Del Webb PUD (Sun City Hilton Head), to allow the uses as explained and specified herein.

I INTRODUCTION

The Technical College of the Low Country ("TCL") has approached Del Webb Communities, Inc. ("Del Webb") with a request to purchase property within the existing Del Webb PUD, for the purpose of developing a campus for TCL on the northern side of Highway 278, at the western extreme of the existing PUD property. Del Webb has determined that, in its opinion, a TCL site in this location will provide educational and employment opportunities for its residents, and will therefore enhance the overall development plan.

Under the existing PUD Master Plan, this property is shown as Golf, with additional allowed uses to include residential, community facilities and other uses. (See Section IV, Development Plan, subsection (A)(2) of the Master Plan Narrative). A school campus is not specifically listed as an allowed use under the Master Plan, but neither is the school use specifically excluded.

Under the land use ordinance which governs the PUD property (Beaufort County Ordinance 90-3, as amended by the PUD and Development Agreement), both private and public school campuses, as allowed under NPD-2, are listed as additional allowed uses under the Master Plan, under certain circumstances. (See Section 4.13.3) (G) of Ordinance 90-3). Even though the school use may be technically allowed, without official amendment of the PUD, both Del Webb and TCL acknowledge that the potential school site was not specifically listed as a proposed use under the Master Plan, and that the issue of the location of a TCL campus is sufficiently important to residents of Sun City and other Beaufort County residents to merit a full and complete public process.

This PUD Amendment Narrative will state the specific changes requested, to both the Concept Master Plan of Sun City Hilton Head and the PUD Narrative. Except as specifically amended to allow the currently proposed School Campus Use, the current Del Webb PUD will remain unchanged and unaffected. Section II below explains the

change to the Concept Master Plan and Section III sets forth the changes to the current Master Plan Narrative. Section IV addresses general matters of potential concern, and Section V summarizes the requests and the reasons for approval.

If approved by County Council, this Narrative and the accompanying Amended Concept Master Plan will become a part of the overall approval of the Del Webb PUD in Beaufort County. A Second Amendment to Development Agreement, which has the sole effect of authorizing this PUD Amendment, is being submitted with this request.

II CONCEPT MASTER PLAN

The original Concept Master Plan for Del Webb's PUD was approved by Beaufort County Council on December 13, 1993, and amended to include the Bull Hill property on December 12, 1994. The current Concept Master Plan approval of Del Webb's PUD is hereby amended to include the designated School Campus Use area, consisting of 25.00 acres of upland (non- designated wetland) property on the northern side of US Highway 278, and 7.25 acres of designated wetlands, as shown on Exhibit A hereto. Except as modified by the Exhibit A Amended Concept Master Plan, all other areas of the now existing Concept Master Plan remain unchanged. Exhibit B hereto is a site location map to assist in locating the School Campus site and depict its relationship to surrounding properties.

III MASTER PLAN NARRATIVE AMENDMENT

Section IV A of the current Master Plan Narrative is hereby amended to add the following land use category, to be applied to the area designated as School Campus under the Exhibit A Amended Concept Master Plan:

15. SCHOOL CAMPUS

The School Campus area, as designated on the Amended Concept Master Plan, allows the following land uses:

- (a) Schools, both public and private, and all accessory and ancillary uses commonly associated with school campuses and school campus development, to include a technical or community college campus site, and all accessory and ancillary uses.
- (b) All land uses allowed within the Golf Course Classification, (See Section IV (A) (2) of Master Plan Narrative), including alternate land uses, subject to all restrictions and limitations placed upon such areas under the Master Plan as

approved prior to this Amendment, provided that the School Campus area shall be subject to such additional restrictions as may be applied by private land use covenants in association with any transfer of property by Del Webb to a School Campus purchaser or otherwise. The intent of this provision is to allow Del Webb, or any subsequent non-institutional land developer allowed under the Development Agreement, to develop the property under the original Master Plan, if the property is not ultimately purchased and developed for School Campus purposes.

SECTION IV GENERAL MATTERS

A. Site Development Parameters. The site developed parameters and standards for School Campus uses, within the designated School Campus area, shall conform to the following conditions:

1. Applicable development standards for the school campus use shall be those pertaining to the Research and Development zoning district of the Beaufort County Zoning and Development Standards Ordinance (ZDSO), as effective on the date of this approval.
2. School campus uses shall meet the requirements of the Corridor Overlay District Guidelines of the ZDSO (Appendix B), and shall be reviewed and approved by the Southern Beaufort County Corridor Review Board prior to receiving final development approval.
3. School campus uses shall meet current standards in the ZDSO with regard to tree protection, landscaping, fire safety, site engineering, stormwater management, environmental quality and parking.
4. As part of any submittal to the DRT for conceptual plan approval, an application for a school campus use shall include a traffic impact analysis (TIA) using the methodology outlined in Sec. 106-2450 of the ZDSO. Based on this study, the County will determine and approve access locations, driveway requirements, signalization needs, internal circulation, and interconnectivity requirements for this site.

The above conditions apply only to School Campus development within the newly designated School Campus area of the Master Plan. Development of all other allowed uses within the Sun City Master Plan area shall continue to be governed by the original PUD Master Plan approval of December 1993, as amended to incorporate the Bull Hill tract in December of 1994.

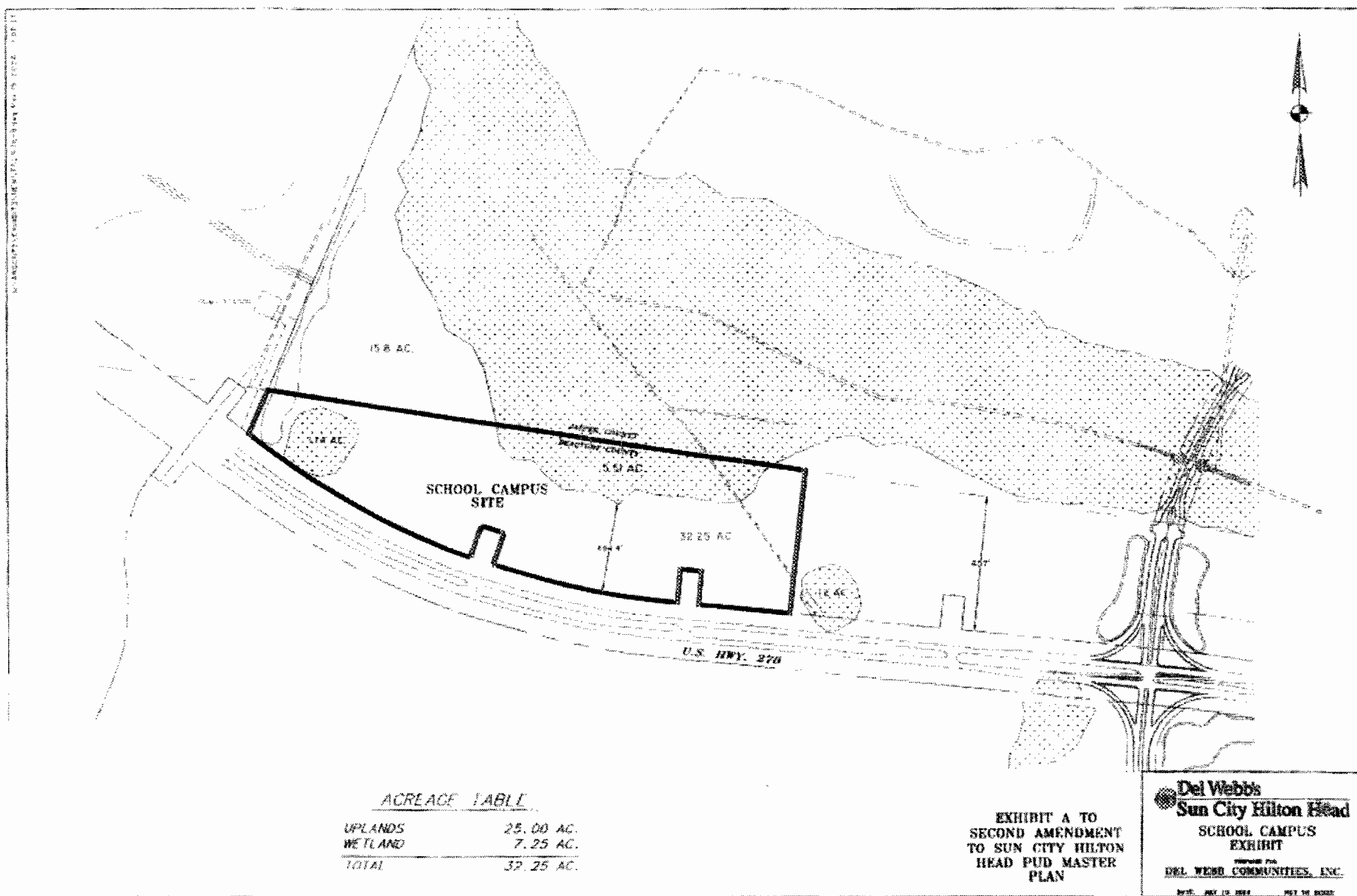
B. Traffic Analysis and Recommendations. As a part of any Development Plan approval for School Campus uses, within the School Campus area, the Applicant shall conform to the requirements of paragraph IVA (4) above. In this connection, the Applicant has received and acknowledges the preliminary comments and recommendation made by Day Wilburn Associates, Inc., in a letter to John Thomas, as a representative of Technical College of the Lowcountry, dated June 9, 2004. Those recommendations shall form the basis of initial planning for any School Campus development within the School Campus area; provided, however, that this reference to the June 9, 2004 letter shall not limit the power and authority of Beaufort County and its Development Review Team to make final decisions which may vary from those preliminary recommendations, at the time of actual development approval of a School Campus use, when more complete information is available as to specific site planning and when a complete Traffic Impact Analysis is available for review, as required by IVA (4) above.

C. Other Development Standards. Unless specifically modified herein for School Campus Uses, all other development standards and parameters of the existing PUD approval of Sun City Hilton Head shall continue in full force and effect, as provided under prior approvals. Development which meets these standards shall be considered by right development for the School Campus area, subject to appropriate development permits and building permits under Beaufort County law, as applicable to the Sun City Master Plan, and as applicable to School Campus uses within the School Campus area as designated hereunder.

V SUMMARY

The sole purpose of this Amendment to the Sun City Hilton Head (Del Webb) Master Plan is to allow the additional land uses described herein, for the limited area of the original PUD, as identified by the Exhibit A Amended Concept Master Plan for Sun City Hilton Head, and to establish applicable development parameters for School Campus uses allowed hereunder.

The Applicant believes that this proposed Amendment is in the best interest of the citizens of Sun City Hilton Head and of Beaufort County and should be approved by Beaufort County Council. If approved, the standards contained herein, applicable to the Exhibit A property, shall become a part of the previously approved Sun City Hilton Head PUD.



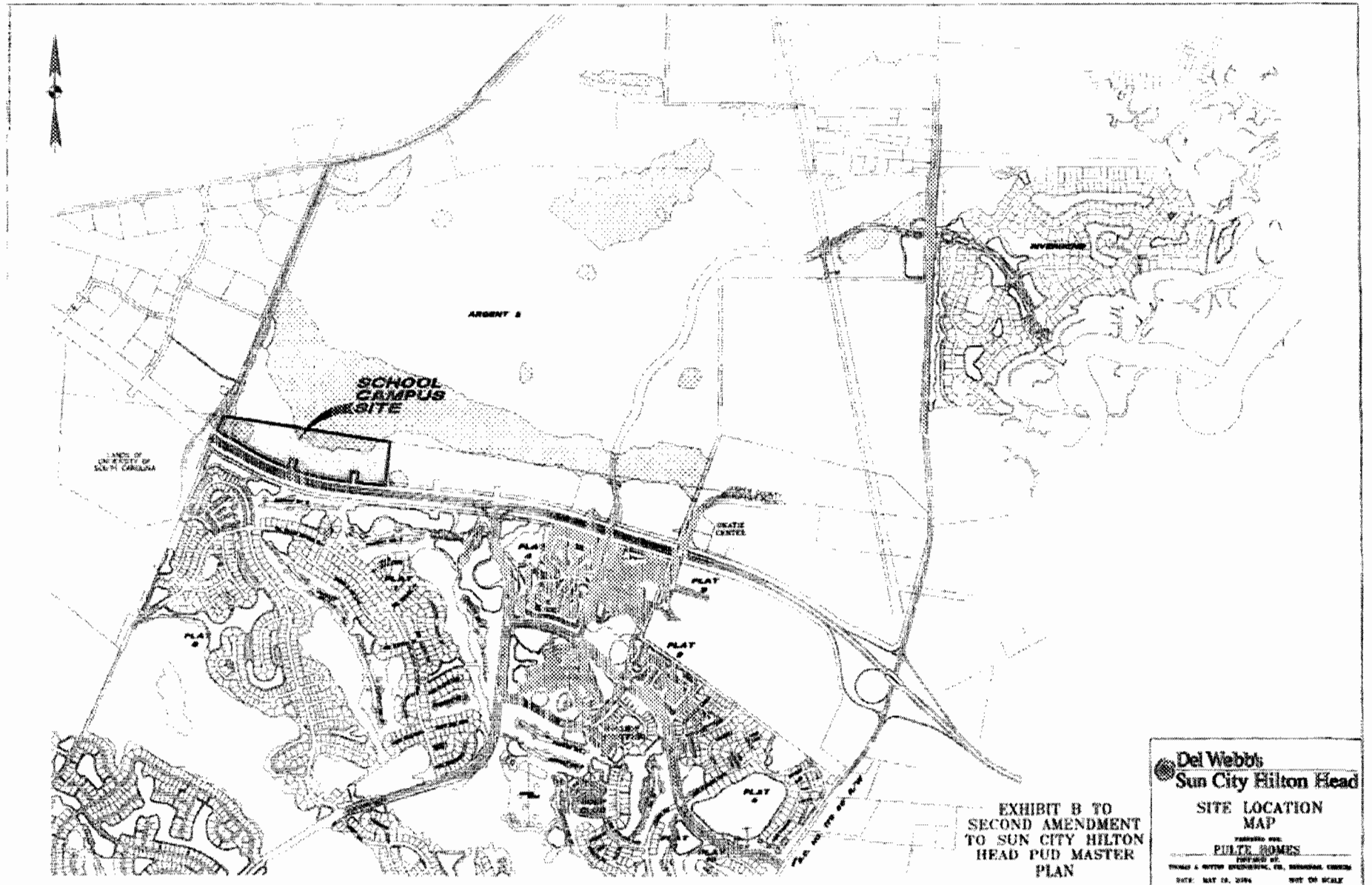
ACREAGE TABLE

UPLANDS	25.00 AC.
WETLAND	7.25 AC.
TOTAL	32.25 AC.

EXHIBIT A TO
SECOND AMENDMENT
TO SUN CITY HILTON
HEAD PUD MASTER
PLAN

Del Webb's
Sun City Hilton Head
SCHOOL CAMPUS
EXHIBIT
PREPARED FOR
DEL WEBB COMMUNITIES, INC.

DATE: JULY 12, 1984



Del Webb's
Sun City Hilton Head
SITE LOCATION
MAP
PREPARED BY:
PULTE HOMES
DATE: MAY 18, 2004 NOT TO SCALE