

COUNTY COUNCIL OF BEAUFORT COUNTY

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AGENDA NATURAL RESOURCES COMMITTEE

Monday, March 14, 2011
2:00 p.m.
Executive Conference Room
Administration Building

Committee Members:

Paul Sommerville, Chairman
Brian Flewelling, Vice-Chairman
Steven Baer
Gerald Dawson
William McBride
Jerry Stewart

Staff Support: Tony Criscitiello

- 2:00 p.m.**
1. CALL TO ORDER
 2. DEVELOPMENT AGREEMENT: TANGER OUTLET I ([backup](#))
 3. TEXT AMENDMENTS TO THE BEAUFORT COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE XII, SECTION 106-2796(H) AND (I) (THAT REVISES ACCESS MANAGEMENT STANDARDS TO ENCOURAGE ROUNDABOUTS FOR BUCKWALTER AND BLUFFTON PARKWAYS) ([backup](#))
 4. CONSIDERATION OF REAPPOINTMENTS AND APPOINTMENTS
 - Southern Corridor Review Board
 5. EXECUTIVE SESSION
 - Discussion of negotiations incident to proposed contractual arrangements and proposed purchase of property
 6. ADJOURNMENT

County TV Rebroadcast	
Wednesday	9:00 a.m.
Thursday	1:00 a.m.
Friday	10:00 p.m.

Natural Resources		
Date	Time	Location
April 4	2:00 p.m.	ECR
May 2	2:00 p.m.	ECR
June 6	2:00 p.m.	ECR
July 11	2:00 p.m.	ECR
August 1	2:00 p.m.	ECR
September 6	2:00 p.m.	ECR
October 3	2:00 p.m.	ECR
November 7	2:00 p.m.	ECR
December 5	2:00 p.m.	ECR

A quorum of Council may be in attendance at all Committee meetings.

Please silence your cell phone during the meeting.

When recorded return to:
MCNAIR LAW FIRM, P.A./WJN
23-B Shelter Cove Lane, Post Office Drawer 3
Hilton Head Island, SC 29938
(843) 785-2171

STATE OF SOUTH CAROLINA)
)
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COUNTY OF BEAUFORT)
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**FIRST AMENDMENT TO
DEVELOPMENT AGREEMENT
TANGER HILTON HEAD OUTLET CENTER I
Indexing Reference: Book 2893 at Page 1**

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT TANGER HILTON HEAD OUTLET CENTER I is made and entered into effective the ____ day of _____, 2011 by and between COROC/Hilton Head I L.L.C., a Delaware limited liability company authorized to conduct business in South Carolina (the "Owner") and the governmental authority of Beaufort County, South Carolina ("Beaufort County"), a South Carolina municipal corporation.

RECITALS

WHEREAS, the Owner as owner of certain real property located in Beaufort County, South Carolina (the "Property") and Beaufort County entered into that certain Development Agreement for the Tanger Hilton Head Outlet Center I dated March 30, 2009 and recorded in the Office of the Register of Deeds for Beaufort County in Book **2893** at Page **1** (the "Development Agreement"); and

WHEREAS, among other matters, the Development Agreement provides for the redevelopment of the Tanger Hilton Head Outlet Center I (the "Redevelopment") located on the Property; and

WHEREAS, the Redevelopment includes the construction of commercial retail buildings and associated infrastructure on the Property as well as restaurant buildings and associated infrastructure upon one (1) or more of the four (4) outparcel lots fronting U.S. Highway 278, all as depicted in the Master Plan for the Tanger Hilton Head Outlet Center I (the "Master Plan") approved together with and pursuant to the Development Agreement; and

WHEREAS, in recognition of the importance of architectural branding to the success of a retail outlet center, Article XIII Section D of the Development Agreement approves the architecture, architectural details, materials and colors of the retail portions of the Outlet Center; and

WHEREAS, it was the original intention of the parties that Development on the Property, including the outparcel lots, would not be subject to corridor review in accordance with Section 106-581 of the ZDSO; and

WHEREAS, at the time the Development Agreement was being negotiated and reviewed, the Owner did not have agreements completed for the lease or Development of the outparcel lots and therefore could not submit plans or designs for such outparcel lots in advance of the approval of the

Development Agreement; and

WHEREAS, the parties have recognized the need for increased flexibility concerning certain signage requirements for tenants and occupants of the retail buildings constructed on the Property in excess of that provided in the Development Agreement and the ZDSO for the Redevelopment; and

WHEREAS, the parties agree that the Development Agreement requires amendment to clarify the intention of the parties with respect to certain matters described in the Development Agreement and to address the matters described above.

NOW, THEREFORE, the Owner and Beaufort County, intending to be legally bound hereby and in consideration of the aforesaid premises and the covenants and agreements set forth in this Amendment hereby agree as follows:

1. **Article XIII Section D.** Article XIII Section D is amended with the replacement of the last sentence in that section which reads:

“Owner and Developer(s) shall, except as otherwise described in this Agreement, be subject to corridor review in accordance with Section 106-581 of the ZDSO.”

with:

“Design review and approval ~~of consistent with Chapter 106, Appendix B, Section 4, subparagraph A.1 and subparagraph A.2 of the ZDSO for any~~ Development on the Property shall be the responsibility of and made by the ~~Planning Department and Planning Director, respectively, and County Administrator~~ and not be subject to corridor review pursuant to Section 106-581 of the ZDSO.”

2. **Article XII Section C.** Article XII Section C is amended with the addition of the following:

“Building Signage Used by Tenants in the Outlet Center.

a. Tenant signs shall be sized per the wall area and are limited to fifteen percent (15%) of the wall area or eighty (80) square feet, whichever is less. Tenant signs along a storefront may be shifted to adjacent, logical locations on the building elevation due to the presence of features and towers. Tenant signs may be stacked on features. (See Arrow C2a on **Exhibit “B-2(a)”** attached hereto and made a part hereof.

b. Tenants located in Building 2 (as shown in **Exhibit “B-2(a)”**) may have signs on the storefront side and one on the rear wall facing Bluffton Parkway. Both the front and rear elevation signs are allowed fifteen percent (15%) of the wall area or eighty (80) square feet, whichever is less. (See Arrow C2b on **Exhibit “B-2(a)”**).

c. Tenants located in Building 4 (as shown in **Exhibit “B-2(a)”**) may have signs on the storefront side and one on the rear wall facing U.S. Highway 278.

Both the front and rear elevation signs are allowed fifteen percent (15%) of the wall area or eighty (80) square feet, whichever is less. (See Arrow C2c on Exhibit "B-2(a)").

d. In addition to front wall signage, Tenants located on the ends of Building 1 and Building 3 (as shown in Exhibit "B-2(a)") shall be allowed to have a sign on their side walls. Both the front and side elevation signs are allowed fifteen percent (15%) of the wall area or eighty (80) square feet, whichever is less. (See Arrows C2d on Exhibit "B-2(a)").

3. **Definitions.** Any and all defined terms used herein shall have the same meaning as set forth in the Development Agreement unless otherwise herein defined.

4. **Control.** In the event of any inconsistency between this First Amendment and the Development Agreement, this First Amendment shall control. Except as amended or modified by the terms recited herein, the Development Agreement and all terms and conditions thereof shall continue in full force and effect.

[signatures follow]

IN WITNESS WHEREOF, the parties hereby set their hands and seals, effective the date first above written.

WITNESSES:

Owner:

COROC/HILTON HEAD I L.L.C.

By: _____

Its: _____

STATE OF _____)

)

ACKNOWLEDGMENT

COUNTY OF _____)

)

I HEREBY CERTIFY, that on this ____ day of _____, 2011, before me, the undersigned Notary Public of the State and County stated below, personally appeared _____, 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 the capacity indicated.

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

Name (printed): _____

Notary Public for _____

My Commission Expires: _____

(Affix Notary Seal)

WITNESSES:

BEAUFORT COUNTY, SOUTH CAROLINA

By: _____

Its: _____

STATE OF SOUTH CAROLINA.

COUNTY OF BEAUFORT

)
)
)

ACKNOWLEDGMENT

I HEREBY CERTIFY, that on this ____ day of _____, 2011, before me, the undersigned Notary Public of the State and County aforesaid, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, as the appropriate official of Beaufort County, South Carolina, 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.

Notary Public for South Carolina
My Commission Expires: _____

Exhibit B-2(a)
TO DEVELOPMENT AGREEMENT
TANGER OUTLET CENTER I PUD MASTER PLAN



PLANNING DIVISION MEMORANDUM

To: Natural Resources Committee of Beaufort County Council
From: Anthony Criscitiello, Planning Director
Subject: **Proposed Amendment to the Zoning & Development Standards Ordinance (ZDSO), Article XII, Section 106-2796(h) and (i) to Encourage Roundabouts on Buckwalter and Bluffton Parkways**
Date: March 10, 2011

Excerpt of PLANNING COMMISSION RECOMMENDATION from its March 7, 2011, draft meeting minutes:

Mr. Colin Kinton, the County Traffic and Transportation Engineer, briefed the Commission. He noted the December 2010 revision brought before the Planning Commission resulted into more access management standards needed. He noted the benefits for roundabout including traffic calming, u-turns allowed, etc.

Public Comment: No comments were received.

Commission discussion included applauding the use of roundabouts versus lighted intersections, concern for large vehicles maneuvering the roundabout, the walkability of roundabouts, the rationale for assessing roundabout needs, desiring to see a roundabout in Shell Point, and the roundabout on Parris Island at a three-way stop.

Motion: Mr. Petit made a motion, and Mr. Thomas seconded the motion, **to recommend approval to County Council of the Text Amendments to the Beaufort County Zoning and Development Standards Ordinance (ZDSO), Article XII, Section 106-2796(h) and (i) that revises access management standards to encourage roundabouts for Buckwalter and Bluffton Parkways.** No further Commission discussion occurred. The motion was **carried unanimously** (FOR: Hicks, LeGree, Petit, Riley, Semmler, Sutler, and Thomas).



MEMORANDUM

TO: Beaufort County Planning Commission
FROM: Colin Kinton, PE, County Traffic & Transportation Engineer *SK*
DATE: February, 25, 2011
RE: Amendment to ZDSO

ZDSO Section – 106-2796 (Access Standards)

Summary of Proposed Amendment - This amendment provides for an additional traffic signal to be installed on Buckwalter Parkway at Lake Point Drive, which was not previously planned for signalization. Access is further limited to un-signalized intersections by encouraging the use of roundabouts to provide the safest at grade intersection treatment.

Justification – The access management standards for Buckwalter and Bluffton Parkways recommend spacing between traffic signals at 2,000 ft and 2,640 ft, respectively. However, several full access intersections along the parkways may be possible at spacings considerably less than 2,000 ft, which would not be appropriate for traffic signal control and may also create an increased potential for accidents. In order to provide for the safest roadway without impeding access, standards have been revised to encourage the use of roundabouts that have significant safety benefits over un-signalized and signalized intersections. In addition, existing un-signalized median openings are subject to closure or conversion to roundabouts in order to prevent the severity of vehicle crashes.

The proposed change allows for traffic signals at pre-defined spacings that meet minimum traffic volume warrants. Other accesses on the Buckwalter and Bluffton Parkways would be provided either a roundabout or right-in/right-out control.

Proposed Amendment – Proposed deletions are shown ~~struck through~~ and additions are underlined.

ARTICLE XIII. SUBDIVISION AND LAND DEVELOPMENT STANDARDS*
DIVISION 2. STREET STANDARDS

Sec. 106-2796. Access.

(h) *Access management standards for Buckwalter Parkway. **It is the clear and stated position that roundabouts are the preferred traffic control solution to at-grade intersections along Buckwalter Parkway. Roundabouts have been proven to reduce overall crash rates and injuries while providing for improved pedestrian access, calming of traffic and improving traffic flow.***¹ The following access management standards apply to all properties within Beaufort County's jurisdiction on Buckwalter Parkway between the intersection of US 278 and SC 46 (May River Road).

(1) Roundabouts should be considered as a first priority during any intersection improvement, construction or access project. Design of roundabouts shall conform to the standards and guidance presented in the NCHRP Report 672 – Roundabouts: An Informational Guide, Second Edition.

~~(2)~~ **Traffic Signal spacing.** The recommended spacing between full signalized accesses **intersections** is 2,000 feet.

~~(3)~~**(2) Future traffic signal locations.** The specific signalized access locations shall correspond to the programmed signal locations provided in Figure 5 in Appendix L: Buckwalter Parkway Access Management Plan of the Beaufort County Comprehensive Plan. If a modification of the defined signal locations is desired to meet the demands of a specific development, the following conditions shall be satisfied:

a. **An analysis of the intersection shall be completed for a roundabout design first in order to determine suitability. Traffic signals shall not be permitted at accesses and intersections where roundabouts will suffice.** The modified location must meet the warrants for signalization with the proposed development as defined in the Manual on Uniform Traffic Control Devices (MUTCD) by the Federal Highway Administration (FHWA) with the analysis and specific application of traffic signal warrants to be approved by the Beaufort County traffic engineer.

b. The modified location must provide adequate spacing (as defined in the spacing standards indicated above) from existing traffic signals, programmed traffic signals, and future signalization of primary roadway intersections, including:

¹ National Cooperative Highway Research Program (NCHRP) Report 672 – Roundabouts: An Informational Guide, Second Edition, 2010

Buckwalter Parkway at US 278

Buckwalter Parkway at Cinema South (2,800 feet south of US 278)

Buckwalter Parkway at Sea Turtle South (2,050 feet south of Cinema South)

Buckwalter Parkway at Buckwalter Town Center South (2,550 feet south of Cinema South)

Buckwalter Parkway at Bluffton Parkway and the Townes of Buckwalter (this signal will be relocated once Phase 5b of the Bluffton Parkway is completed)

Buckwalter Parkway at Lake Point Drive (1,550 feet South of Buckwalter Parkway at Bluffton Parkway)

Buckwalter Parkway at Bluffton Parkway and Hampton Hall

Buckwalter Parkway at H.E. McCracken Circle and Old Bridge Drive

Buckwalter Parkway at SC 46 (May River Road)

- c. The future signalized intersection location shall not have an adverse impact on existing or future LOS based on comparative analysis of conditions with the recommended signal locations indicated in Appendix L: Buckwalter Parkway Access Management Plan of the Beaufort County Comprehensive Plan above. The developer shall be required to conduct LOS and signal system progression analysis to demonstrate compatibility of the proposed signal location with operation of the remainder of the signal system.

d. Traffic signals shall be constructed using steel mast arms meeting the design details for mast arm construction in southern Beaufort County.

~~(4)~~⁽³⁾ *Driveway spacing.* Additional access points above the full accesses indicated in subsection 106-2796(h)(2)b. may be granted for right-in/right-out **only** ~~or other controlled movement~~ access with a minimum spacing of 500 feet. Single parcel access is strongly discouraged and connectivity to adjacent parcels should be provided. Joint access driveways are encouraged for small parcels to adhere to the 500-foot spacing. Driveways should be limited to the number needed to provide adequate access to a development. Factors such as alignment with opposing driveways and minimum spacing requirements will have a bearing on the location and number of driveways approved. For parcels/developments that have frontage on Buckwalter Parkway and have access to a signalized intersection location

recommended in the Buckwalter Parkway Access Management Plan, minimum spacing shall be 800 feet unless specified in Figure 5 of the Buckwalter Parkway Access Management Plan: **to ensure adequate separation from existing traffic signals, minimize conflicting turning movements and minimize negative impacts to the signalized intersections.**

(5)(4) *Driveway design.* Driveway width and turning radii shall conform to SCDOT's Access and Roadside Management Standards.

(6)(5) *Driveway linkages.* See subsection 106-2796(c).

(7)(6) *Deceleration lanes.* Deceleration lanes shall be required when the volume of traffic turning at a site is high enough in relation to the through traffic to constitute the potential for disruption as indicated in the traffic impact analysis.

(8)(7) *Retrofitting existing driveways.* As changes are made to previously developed property or to the roadway, driveways will be evaluated for the need to be relocated, consolidated, or eliminated if they do not meet the access management standards.

(9) **Median Openings. All unsignalized median openings are subject to closure by Beaufort County or conversion to a roundabout control in the future for safety purposes.**

(i) *Access management standards for Bluffton Parkway.* **It is the clear and stated position that roundabouts are the preferred traffic control solution to at-grade intersections along Bluffton Parkway. Roundabouts have been proven to reduce overall crash rates and injuries while providing for improved pedestrian access, calming of traffic and improving traffic flow.**² The following access management standards apply to all properties within Beaufort County's jurisdiction on Bluffton Parkway between the intersection of SC 170 and US 278.

(1) **Roundabouts should be considered as a first priority during any intersection improvement, construction or access project. Design of roundabouts shall conform to the standards and guidance presented in NCHRP Report 672 – Roundabouts: An Informational Guide, Second Edition.**

(2)(1) *Traffic signal spacing.* The recommended spacing between full signalized accesses **intersections** is 2,640 feet (one-half mile).

(3)(2) *Future traffic signal locations.* The specific signalized access locations shall correspond to the programmed signal locations provided in Figures 2-A and 2-B in Appendix M: Bluffton Parkway Access Management Plan of the Beaufort

² National Cooperative Highway Research Program (NCHRP) Report 672 – Roundabouts: An Informational Guide, Second Edition, 2010

County Comprehensive Plan. If a modification of the defined signal locations is desired to meet the demands of a specific development, the following conditions shall be satisfied:

a. **An analysis of the intersection shall be completed for a roundabout design first in order to determine suitability. Traffic signals shall not be permitted at accesses and intersections where roundabouts will suffice.** ~~The modified location must meet the warrants for signalization with the proposed development as defined in the Manual on Uniform Traffic Control Devices (MUTCD) by the Federal Highway Administration (FHWA) with the analysis and specific application of traffic signal warrants to be approved by the Beaufort County traffic engineer.~~

b. The modified location must provide adequate spacing (as defined in the spacing standards indicated above) from existing traffic signals, programmed traffic signals, and future signalization of primary roadway intersections, including:

Bluffton Parkway and SC 170

Bluffton Parkway and Lawton Station Access (1,750 feet east of SC 170)

Bluffton Parkway and Sandhill Tract (2,100 feet east of Lawton Station intersection)

Bluffton Parkway and Hampton Parkway (2,450 feet east of Sandhill Tract intersection)

Bluffton Parkway and Parcel 10B (2,550 feet east of Hampton Parkway)

Bluffton Parkway and Parcel 12A and 12B (2,600 feet east of Parcel 10B intersection)

Bluffton Parkway and Buckwalter Parkway and the Townes of Buckwalter (this signal will be relocated once Phase 5b of the Bluffton Parkway is completed)

Bluffton Parkway and Buckwalter Parkway and Hampton Hall

Bluffton Parkway and Buck Island Road

Bluffton Parkway and Simmonsville Road

~~Bluffton Parkway and SC 46 (roundabout)~~

Bluffton Parkway and Burnt Church Road

Bluffton Parkway and Malphrus Road

~~Bluffton Parkway and Buckingham Plantation Drive~~

- c. The future signalized intersection location shall not have an adverse impact on existing or future LOS based on comparative analysis of conditions with the recommended signal locations indicated in Appendix M: Bluffton Parkway Access Management Plan of the Beaufort County Comprehensive Plan above. The developer shall be required to conduct LOS and signal system progression analysis to demonstrate compatibility of the proposed signal location with operation of the remainder of the signal system.

d. Traffic signals shall be constructed using steel mast arms meeting the design details for mast arm construction in southern Beaufort County.

- (4)(3)** *Driveway spacing.* Additional access points above the full accesses indicated in subsection 106-2796(i)(2)b. may be granted for right-in/right-out **only** ~~or other controlled movement access~~ with a minimum spacing of 800 feet **unless specified in Figures 2-A and 2-B of the Bluffton Parkway Access Management Plan.** Single parcel access is strongly discouraged and connectivity to adjacent parcels should be provided. Joint access driveways are encouraged for small parcels to adhere to the 800-foot spacing. Driveways should be limited to the number needed to provide adequate access to a property. Factors such as alignment with opposing driveways and minimum spacing requirements will have a bearing on the location and number of driveways approved: **to ensure adequate separation from existing traffic signals minimize conflicting turning movements and minimize negative impacts to the signalized intersections.** ~~For parcels/developments that have frontage on Bluffton Parkway and have access to a signalized intersection location recommended in the Bluffton Parkway Access Management Plan, minimum spacing shall be 800 feet unless specified in Figures 2-A and 2-B of the Bluffton Parkway Access Management Plan.~~
- (5)(4)** *Driveway design.* Driveway width and turning radii shall conform to SCDOT's Access and Roadside Management Standards.
- (6)(5)** *Driveway linkages.* See subsection 106-2796(c).
- (7)(6)** *Deceleration lanes.* Deceleration lanes shall be required when the volume of traffic turning at a site is high enough in relation to the through traffic to constitute the potential for disruption as indicated in the traffic impact analysis.
- (8)(7)** *Retrofitting existing driveways.* As changes are made to previously developed property or to the roadway, driveways will be evaluated for the need to be

relocated, consolidated, or eliminated if they do not meet the access management standards.

- (9) **Median openings: All unsignalized median openings are subject to closure by Beaufort County or conversion to a roundabout control in the future for safety purposes.**