

TOWN COUNCIL

STAFF REPORT

Growth Management Department



MEETING DATE:	May 13, 2025
PROJECT:	Direction and Input on Proposed Amendments to the Buckwalter Development Agreement and Concept Plan, Easements, Land Swap Agreement and the Purchase and Sale Agreement regarding the Willow Run Tracts between the Town and the Beaufort County School District – Kevin Icard, Director of Growth Management
PROJECT MANAGER:	Kevin Icard, AICP Growth Management Director

REQUEST: Town Staff requests that Town Council provide direction on the following items:

- a. ***Development Agreement Amendment*** - Amendment to the Buckwalter Development Agreement for the Subject Properties to Amend those provisions pertaining to the North-South Connector Road construction Requirements for the Properties referred to as Indian Hill in the Willow Run Tract.
- b. ***Concept Plan Amendment*** - Amendment to the Buckwalter Planned Unit Development Concept Plan for the Subject Properties to Amend those provisions pertaining to the North-South Connector Road construction Requirements for the Properties referred to as Indian Hill in the Willow Run Tract.
- c. ***Easement Agreement*** - Amendment to the existing Easement Agreements associated with Indian Hill Associates, the Town of Bluffton, Mooney Enterprises, LLC and Johnnie and Raymond Boyles Trustees. Which includes the termination of the 50' easement providing access to the Town owned property within the Willow Run Tract.
- d. ***Land Swap Agreement*** - Preparation of a Land Swap Agreement with Beaufort County School District for property yet to be determined that consists of a minimum of 10 upland acres within the Willow Run Tract.
- e. ***Purchase and Sales Agreement*** – Input on the Purchase and Sales Agreement with Beaufort County School District.

INTRODUCTION: The Beaufort County School District (“BCSD”) is currently under contract with Indian Hill Associates, LLC (“Indian Hill”) to acquire the Indian Hill Property. Indian Hill is the owner of certain

parcels, three (3), consisting of 142.551 acres (102.511, 10.040 & 30 acres respectively). The Town is the owner of that certain parcel consisting of 19.753 acres, more or less, and is owned by the Town of Bluffton. Collectively these properties are known as the Willow Run Tract.

The School District has identified the Willow Run Tract as a potentially suitable development site for needed school facilities, which may include a lower school complex (K-8)/Middle School and/or associated athletic fields, courts, administrative offices, and other structures intended to support school operations.

PROCESS: Town staff has outlined the process in sequential order.

Development Agreement Amendment - Amendment to the Buckwalter Development Agreement for the Subject Properties to Amend those provisions pertaining to the North-South Connector Road construction Requirements for the Properties referred to as Indian Hill in the Willow Run Tract.

The Ninth Amendment, Section 11, Bluffton Parkway Connector Right-of-Way and Construction, provides for certain obligations for the construction of that certain right-of-way referred to as the “Connector Road”, which may also be referenced as “North-South Connector” throughout this Section.

The Town and the District desire to amend the terms of the construction obligations as they pertain to Indian Hill’s requirement for phased construction of the North-South Connector. However, Section 11 also includes provisions for other aspects of the North-South Connector Road and associated improvements such as design, construction standards, future traffic signalization at its US 278 intersection, and access road(s) to provide interconnectivity, which must be retained since many involve persons and/or entities who are not a party of this Amendment.

Concept Plan Amendment - Amendment to the Buckwalter Planned Unit Development Concept Plan for the Subject Properties to Amend those provisions pertaining to the North-South Connector Road construction Requirements for the Properties referred to as Indian Hill in the Willow Run Tract.

The Concept Plan Amendment will run concurrently with the Development Agreement Amendment. The Concept Plan will be updated to reflect the changes associated with the changes to the terms of construction obligations as they pertain to Indian Hill’s requirement for phased construction of the North-South Connector.

Easement Agreement - Amendment to the existing Easement Agreements associated with Indian Hill Associates, the Town of Bluffton, Mooney Enterprises, LLC and Johnnie and Raymond Boyles Trustees. Which includes the termination of the 50’ easement providing access to the Town owned property within the Willow Run Tract.

December 2010, the Town of Bluffton and Indian Hills Associates, LLC entered into an Easement Agreement for the purpose of Indian Hill granting certain easement on, over across and through the Indian Hill Property for the benefit of the Town for with a non-exclusive 50' access easement. The Agreement was recorded with the Beaufort County Register of Deeds on December 16, 2010, Book 03019 Pages 1655-1663.

Once the School District closes on the property, and as part of the other processes listed in this report, the 50' access easement can be terminated based on a mutual agreement between both parties. As part of the Land Swap Agreement, this easement would no longer be necessary.

Land Swap Agreement - Preparation of a Land Swap Agreement with Beaufort County School District for property yet to be determined that consists of a minimum of 10 upland acres within the Willow Run Tract.

The Town owned portion of Willow Run is located at the southern most portion of the Willow Run Tract. As part of the agreement with the School District, the Town will swap the 19.753 acres of land for a minimum of 10 acres of upland acres located along HWY 278. For various reasons, including safety and security, the School District prefers to have any and all facilities located towards the interior of the Willow Run Tract.

As shown in capacity studies produced by the Town, the minimum of 10 upland acres could be used to create affordable housing and/or a performing arts center.

Purchase and Sales Agreement – Input on the Purchase and Sales Agreement with Beaufort County School District.

As directed by Town Council, the Town Manager has been researching multiple ways to acquire development rights throughout the Town. At the beginning of conversations with the School District, the Town Manager has created an agreement that as part of the School District's purchase, the Town would acquire the development rights that Indian Hill would transfer. As outlined in the 9th Amendment to the Buckwalter Development Agreement, there are 260 residential dwelling units, 162 acres of General Commercial and two 150-unit hotels. These rights would go into the Town's Development Bank.

It is intended that once the School District purchases the properties from Indian Hill Associates, LLC, and as part of the Town's agreement with the District, the town will purchase all Development Rights for \$2.5 Million Dollars, with all titles, rights, and interests to such development rights on the closing date but after the District's acquisition of the development rights.

The Town is preparing in conjunction with the School District a Purchase and Sale Agreement (PSA). It is a legally binding contract that outlines the terms and conditions under which the

School District is agreeing to sell the Development Rights (outlined above) to the Town. The School District has indicated that they have every intent in building school facilities on the property (which don't require development rights). However, if they decide to construct something other than the contemplated School Facilities (as defined in the MOU) that require development rights, sell a portion of the Willow Run Tract to a third party they have a one-time option to purchase from the Town any or all of the 162 acres of commercial development rights for a fixed price per acre. This option shall become available after five (5) years and expire either twenty-five (25) years after the Closing Date or upon the development of any portion of the School Facilities upon the Willow Run Tract whichever occurs first.

NEXT STEPS: Following is a summary of the necessary actions for each item:

Item for Consideration	Development Review Committee	Planning Commission		Town Council		
		Workshop	Public Hearing & Recommendation to Town Council	Resolution	Ordinance	
					1 st Reading	Public Hearing & 2 nd Final Reading
Development Agreement Amendment	N/A	✓	✓	N/A	✓	✓
Concept Plan Amendment	✓	✓	✓	N/A	✓	✓
Easement Agreement	N/A	N/A	N/A	N/A	✓	✓
Land Swap Agreement	N/A	N/A	N/A	N/A	✓	✓
Purchase & Sale Agreement	N/A	N/A	N/A	✓	N/A	N/A

ATTACHMENTS:

1. Application Submittal
2. Town of Bluffton and Beaufort County School District Memorandum of Understanding
3. Buckwalter Development Agreement and Concept Plan 9th Amendment
4. Willow Run Plat