

**Lee County Board of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20030897

1. REQUESTED MOTION:

ACTION REQUESTED: Approve an amendment to an existing bonus density contract with the Signature Development Group, Inc., pertaining to a project known as the Club at Pine Ridge.

WHY ACTION IS NECESSARY: Amendments to the existing contract must be approved by the Board pursuant to the Land Development Code and the Lee County Administrative Code.

WHAT ACTION ACCOMPLISHES: Modifies the terms of the original contract so as to allow the construction of two additional bonus density dwelling units utilizing the "cash contribution" bonus density option.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT # 3

C4A

3. MEETING DATE:

08-19-2003

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:
10 minutes

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE LDC 34-1516(h)
- ADMIN. CODE 13-12
- OTHER

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER

B. DEPARTMENT Community Development

C. DIVISION Planning

BY: *POC 7/30/03*
Paul O'Connor, AICP
Director

7. BACKGROUND:

The Signature Development Group, Inc., submitted a request to amend an existing bonus density contract pertaining to the Club at Pine Ridge, a project located at 16520 Pine Ridge Road in Fort Myers. The Board of County Commissioners previously approved the rezoning of the 9.7-acre site, as well as a contract authorizing the construction of 23 bonus density units under the "cash contribution" option of the County's Bonus Density Program.

Signature Development has requested to develop two additional bonus density units that were approved by the Board as part of the rezoning, but were not utilized in the original bonus density contract with the County. Pursuant to the original contract terms, in order to activate and utilize the two bonus units, Signature Development must enter into a new contract with the County at a
(continued on Page 2)

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

Planning staff recommends approval of the proposed amendment.

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>Mam...</i>		N/A		<i>DML 7/30/03</i>	<i>482 7/30/03</i> OA	<i>7/30/03</i> OM	<i>7/30/03</i> RISK	<i>7/30/03</i> GC	<i>[Signature]</i>
					N/A	<i>7/30/03</i> N/A	<i>7/30/03</i> N/A	<i>7/30/03</i> N/A	

10. COMMISSION ACTION:

- _____ APPROVED
- _____ DENIED
- _____ DEFERRED
- _____ OTHER

Rec. by CoAtty
Date: *7/30/03*
Time: *3:05 pm*
Forwarded to:
Co. Adm. N.
7/30/03 3:45 pm

RECEIVED BY
COUNTY ADMIN: *D*
7/30 3:20
COUNTY ADMIN
FORWARDED TO: *BT*
7/31 3:00

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Subject: Bonus Density Contract with the Signature Development Group, Inc., pertaining to a project known as the Club at Pine Ridge.

public hearing. Signature Development must also make a cash contribution for the two additional bonus units based upon the standard contribution per unit defined in the Administrative Code.

If the proposed revision to the contract is approved by the Board, Signature Development will pay a total of \$100,000, which will be deposited into the Lee County Affordable Housing Trust Fund. The \$100,000 represents 25 bonus density units at \$4,000 per unity.

Attachment: Proposed First Amendment to the Development Agreement between the Board of County Commissioners of Lee County Florida and Signature Development Group, Inc., a Florida Corporation. (Draft dated 7/03)

FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT
BETWEEN THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA
AND SIGNATURE DEVELOPMENT GROUP, INC., A FLORIDA CORPORATION

Electing to use the Cash Contribution Option
of the Housing Density Bonus Program
for a project known as The Club at Pine Ridge

AGREEMENT

This Agreement is made and entered into this _____ day of August, 2003 between Lee County a political subdivision of State of Florida hereinafter referred to as the "County" and Signature Development Group, Inc. a Florida Corporation whose principal address is c/o Frances Szymanski, 3020 SW 11th Place, Cape Coral, Florida, 33909, hereinafter referred as "Developer."

This Agreement is intended to amend the original Development Agreement entered into between Lee County and Developer recorded in the Public Records of Lee County, Florida in O.R. Book 3989 at Pages 2721-2729. The original Development Agreement was approved by the County on August 8, 2000.

The purpose of this Agreement is to amend the terms of the original Development Agreement whereby Developer had selected the "Cash Contribution" Option of the Housing Density Bonus Program (Option 2) set forth in the Lee County Land Development Code with respect to property identified in the attached Exhibit "A." (legal description)

Developer desires to modify the terms of the original Agreement in order to construct an additional two dwelling units (total of 25) utilizing the Cash contribution Density Bonus Option.

Now therefore, in consideration of the terms and conditions set forth below, the County and Developer hereby agree to amend the original Development Agreement to allow Developer to construct an additional two bonus dwelling units for a total of 25 bonus units pursuant to the "Cash Contribution Option" of the County's Housing Bonus Density Program as follows:

1. Amendment to Article III.

The text of Paragraph 3.1 and 3.2 are deleted in their entirety and replaced with the following text:

3.1 The development will be completed in accordance with the time table set forth in Lee County Development Order Number 98-06-148.00D, or amendments thereto, which controls the time frames for construction of all units. The terms and conditions of the Development Order are incorporated into this Agreement by reference.

3.2 No work may begin until the final local Development Order has been approved and permits are issued.

2. Amendment to Article IV.

The original Development Agreement recorded in the Official Records of Lee County in Book 3989 at Page 2721-2729 is hereby amended by deleting all text set forth in Paragraphs 4.5 and 4.6. It is the intent of the parties to replace that text with the following:

- 4.5 Developer agrees to pay:
\$100,000.00 = \$4,000 x 25 units.
- 4.6 The County agrees to permit the development of 25 bonus density units as long as:
- (a) The bonus density units do not exceed those permitted in Section ____ of the Lee County Land Development Code; and
 - (b) The County has approved the development order or building permit as applicable; and
 - (c) Developer has met all the terms and conditions of this Agreement.

In witness of the foregoing, the County and Developer have executed this First Amendment to the Development Agreement to be effective on the date executed below.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Ray Judah, Chairman
August 19, 2003.

APPROVED AS TO FORM:

By: _____
Donna Marie Collins
Office of the County Attorney

SIGNATURE DEVELOPMENT GROUP,
INC., a Florida Corporation

Witness

By: _____
Joseph P. Adamson, President

Witness

CORPORATE SEAL

STATE OF _____
COUNTY OF _____

The foregoing Agreement was acknowledged before me on _____, 2003 by Joseph P. Adamson, as President of Signature Development Group, Inc., a Florida Corporation. He is personally known to me or has produced _____ as identification.

Notary Public

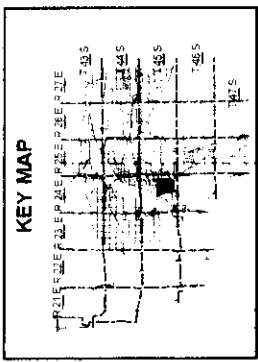
Printed Name

NOTARY SEAL

7-30-03

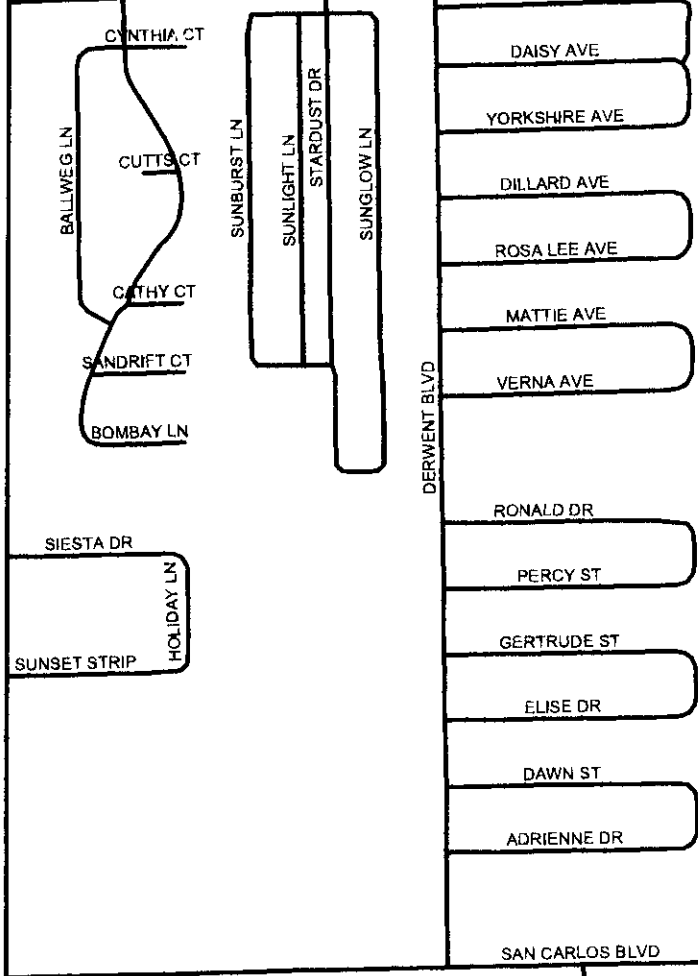
S:\LU\DMC\DMCFORM\Club at Pine Ridge Contract.wpd

BATON ROUGE CT
ASHEBORO CT



OLD SOUTH WAY

PINE RIDGE RD



SUBJECT PROPERTY
"EXHIBIT A"

"EXHIBIT A"
 LOT 9, BLOCK 2, E.P. BATES PINE RIDGE TRUCK FARMS, PLAT BOOK 3, PAGE 88, SECTION 6, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, SAID PARCEL BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:
 STARTING AT THE NORTHEAST CORNER OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF SAID SECTION 6; THENCE S 00°38'42" E ALONG THE EAST LINE OF SAID SECTION 6 A DISTANCE OF 11.35 FEET TO THE NORTHEAST CORNER OF THE AFORESAID LOT 9; THENCE N 89°54'32" W A DISTANCE OF 33.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF PINE RIDGE ROAD (66.00 FEET WIDE), SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE S 00°38'42" E ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 328.73 FEET; THENCE N 89°54'51" W ALONG THE SOUTH LINE OF SAID LOT 9, A DISTANCE OF 1286.16 FEET; THENCE N 00°28'33" W ALONG THE WEST LINE OF SAID LOT 9 A DISTANCE OF 328.84 FEET; THENCE S 89°54'32" E ALONG THE NORTH LINE OF SAID LOT 9 A DISTANCE OF 1285.19 FEET TO THE POINT OF BEGINNING.

