

Lee County Board of County Commissioners
Agenda Item Summary

Blue Sheet No. 20041269

1. REQUESTED MOTION:

ACTION REQUESTED: Approve second 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 contract to reduce the number of bonus density units, thereby reducing the cash contribution due from the developer. Also modifies the contract to allow developer the flexibility to build less than a maximum of 20 units.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT # 3

C4C

3. MEETING DATE:

10-12-2004

4. AGENDA:

- CONSENT**
- ADMINISTRATIVE**
- APPEALS**
- PUBLIC**
- WALK ON**
- TIME REQUIRED:**
5 Minutes

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE**
- ORDINANCE** LDC 34-1516
- ADMIN. CODE** 13-12
- OTHER**

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER**
- B. DEPARTMENT** Community Development
- C. DIVISION** Planning
- BY:**
Paul O'Connor, AICP
Director *POC 9/29/04*

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 previously approved the rezoning of the 9.7-acre site, as well as a contract authorizing the construction of 25 bonus density units under the "cash contribution" option of the County's Bonus Density Program.

Signature Development desires the flexibility to develop less units than were approved by the Board in the Bonus Density Contract. In order to reduce the cash contribution set forth in the Bonus Density Contract, Signature Development must amend the contract at a public hearing.

(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>Manly</i> | N/A | N/A | N/A | <i>[Signature]</i> | <i>OA</i> | <i>OM</i> | <i>RISK</i> | <i>GC</i> | <i>HS for WTHH</i> |
| | | | | | <i>9/29/04</i> | <i>9/29/04</i> | <i>9/29/04</i> | <i>9/29/04</i> | <i>9/30/04</i> |

10. COMMISSION ACTION:

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

| |
|--|
| RECEIVED BY COUNTY ADMIN: <i>TP</i> |
| <i>9/29/04</i> |
| <i>8:55 am set</i> |
| COUNTY ADMIN FORWARDED TO: |
| <i>9/30/04</i> |
| <i>370</i> |

BH

Blue Sheet #:

Page No.: 2

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

If the proposed revision to the contract is approved by the Board, Signature Development will pay up to a total of \$80,000, depending upon the actual number of bonus density units constructed, but not to exceed 20. The money will be deposited into the Lee County Affordable Housing Trust Fund. The cash contribution will reflect the actual number of bonus density units permitted at \$4,000 per unit.

Attachment: Proposed Second 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 9/28/04)

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

Reducing the number of Bonus Density Units
requested for a project known as
The Club at Pine Ridge

AGREEMENT

This Agreement is made and entered into this _____ day of September 2004 between Lee County, a political subdivision of the 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 Development Agreement entered into between Lee County and Developer recorded in the Public Records of Lee County, Florida in O.R. Book 3989 at Page 2721 through 2729 and OR Book 4062 at Page 203 through 207. The original Development Agreement was approved by the County on August 8, 2000. The Agreement was subsequently amended on August 19, 2003. The purpose of this current amendment is to reduce the number of Bonus Density units planned for development at the Club of Pine Ridge and also to reduce the cash contribution obligation to reflect the number of bonus density units that will actually be constructed on the property identified in the attached Exhibit A (legal description).

Developer desires to modify the terms of the Development Agreement, as amended, in order to construct up to 20 bonus density dwelling units, 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, as amended, to allow Developer to construct up to a total of 20 bonus density units pursuant to the Cash Contribution Option of the County's Housing Bonus Density Program as follows:

1. Amendment to Article IV:

The original Development Agreement recorded in the Official Records of Lee County in Book 3989 at Page 2721 through 2729, and Book 4062 at Page 203 through 207, 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 \$4,000 for each bonus density unit permitted within the project.
- 4.6 The County agrees to permit the development of up to 20 bonus density units as long as:
 - (a) the bonus density units do not exceed those permitted in Section 34-1516(b) of the Lee County Land Development Code; and
 - (b) the County has approved the development order or building permit as

- applicable; and
(c) the Developer has met all the terms and conditions of this agreement.

IN WITNESS OF THE FOREGOING, the County and Developer have executed this Second 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: _____
John Albion, Chairman

APPROVED AS TO FORM:

By: _____
Donna Marie Collins
Office of the County Attorney

Exhibit A: Legal Description

SIGNATURE DEVELOPMENT GROUP,
INC., a Florida Corporation

Witness

By: _____
Joseph P. Adamson, President

Witness

CORPORATE SEAL

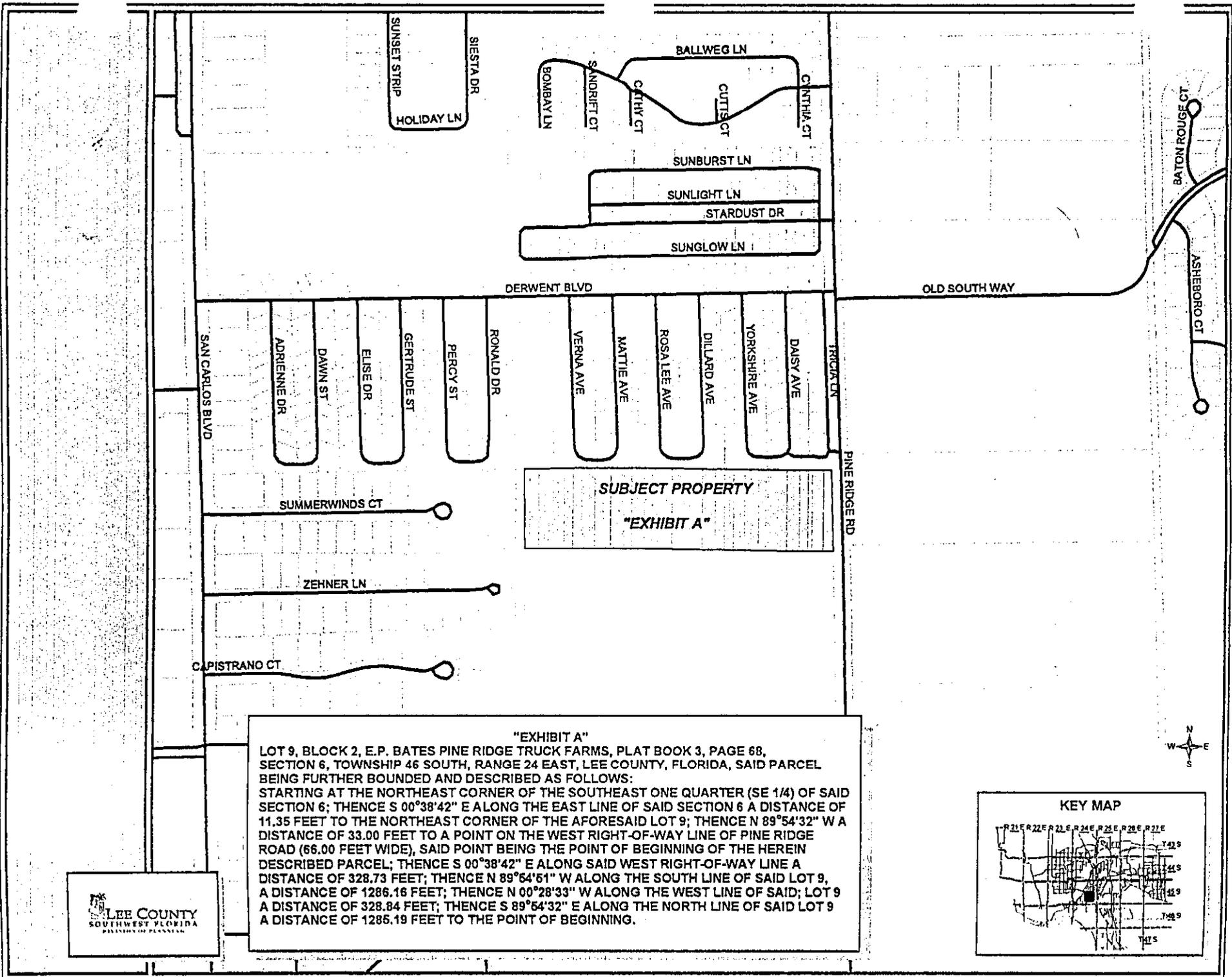
STATE OF _____
COUNTY OF _____

The foregoing Agreement was acknowledged before me on _____, 2004, 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 SEAL

Notary Public

Printed Name



SUBJECT PROPERTY
"EXHIBIT A"

"EXHIBIT A"
 LOT 9, BLOCK 2, E.P. BATES PINE RIDGE TRUCK FARMS, PLAT BOOK 3, PAGE 68, 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°64'51" 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 1286.19 FEET TO THE POINT OF BEGINNING.

