

Approved in Open Session 3/23/21  
Manatee County  
Board of County Commissioners

Page 1 of 4 – LDA-09-04(R5) / PLN2004-0021  
Summerwoods

B.O.C.C.: 03/23/2021 \*

**LOCAL DEVELOPMENT AGREEMENT**  
**(SECOND AMENDED AND RESTATED)**  
**LDA-09-04(R5) - SUMMERWOODS**

Request for approval of an amended and restated Local Development Agreement to establish the amended terms under which the Summerwoods developer shall provide proportionate fair-share mitigation to satisfy the transportation concurrency requirement, the developer shall provide certain transportation infrastructure improvements, the County shall provide an extension of the transportation concurrency approval, and the County shall provide transportation impact fee credits.

**B.O.C.C.:** 03/09/2021 1<sup>st</sup> of 2 hearings. No action required.

**B.O.C.C.:** 03/23/2021 Approval and Execution

**Applicant:** VK Summerwoods LLC

**Type of Agreement:** Second Amended and Restated Local Development Agreement



**ACTION REQUESTED:**

Approval and Execution of LDA-09-04(R5) – Second Amended and Restated Local Development Agreement for Summerwoods.

Blumberg No. 5137  
DCC N. Knapp  
43. Revised Staff Report  
LDA-09-04 3/23/21

## PROJECT SUMMARY REPORT

**NAME:** Second Amended and Restated Local Development Agreement for Summerwoods

**APPLICANT:** VK Summerwoods LLC

**PROJECT NUMBER:** LDA-09-04(R5) / PLN2004-0021

**REQUESTED ACTION:** Approval and Execution of LDA-09-04(R5) – Second Amended and Restated Local Development Agreement for Summerwoods.

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### **BACKGROUND DISCUSSION – DEVELOPMENT SPECIFIC:**

Summerwoods is an approved Planned Development Residential project. The Preliminary Site Plan was approved on November 5, 2020, under PDR-19-19(P) for an approximately 404-acre collection of parcels of real property, generally bounded by Moccasin Wallow Road to the North, the Copperstone development to the south and east, and future Sawgrass Road to the west. The site is in the Planned Development Residential (PDR) zoning district and is approved for 1,050 residential units with a maximum allowed structure height of 35-feet.

The Summerwoods project area has been subject to various approvals since 2007. Beginning in 2007 via PDR-06-10(Z)(P), the approximately 191-acres was rezoned to Planned Development Residential (PDR) and granted approval for 302 dwelling units (240-single family detached, 60-single family attached, and 2 single family semi-detached).

In 2010 approximately 76-acres was added to the Summerwoods project area, which was also rezoned to PDR and approved with a Preliminary Site Plan (PSP) to increase the number of units from 302 to 562-single family detached residences with an optional daycare proposed for the property. (Project number was PDR-09-14) This plan was amended in 2014 to allow a change in dwelling unit type from 562-single family detached dwelling units to 376- single family detached and 186-single family semi-detached. The project also added a roadway connection over a stormwater pond connecting to 115<sup>th</sup> Avenue East. [Project number was PDR-14-14(P)]

Most recently, in November 2020, project number PDR-14-14(P)(R2) approved an additional 488-lots (single-family detached and semi-detached residences) on approximately 133.33-acres for a combined total of 1,050 lots and 404-acres. The expanded site added additional frontage on Moccasin Wallow Road and Sawgrass Road.

## **HISTORY OF LOCAL DEVELOPMENT AGREEMENTS:**

The initial Local Development Agreement (LDA) between the developer and the County was entered into in October 2009 (LDA 09-04). The terms of that agreement established project concurrency, dedication of lands within the vicinity of the project site, site-related improvements and Moccasin Wallow Road right-of-way.

Following the new Summerwoods site plan (PDR-09-14(Z)(P)) in 2010, for an expanded site of 268 acres and 562 dwelling units, the changes were significant enough that the LDA was amended and restated in its entirety. Substantive terms of the LDA addressed transportation concurrency mitigation, Moccasin Wallow Road right-of-way, Sawgrass Road right-of-way, duration of transportation concurrency approvals, and transportation impact fee credits.

In September 2014, the First Amendment to the Summerwoods LDA [LDA 09-04(R)] reflected revisions to ensure consistency with the preliminary site plan approved pursuant to application PDR-14-14(P).

In June 2016, the Second Amendment to the LDA [LDA 09-04(R2)] further amended the agreement to (i) confirm the date for payment of the Applicant's fair share contribution, and (ii) redefine the intended first phase of the project site.

Most recently, in December 2017, the County Commission executed the Third Amendment to the LDA [LDA-09-04(R3)] with a minor amendment to replace one paragraph to reflect the extension of the CLOS expiration date pursuant to Florida Statute 252.363.

With the addition of 488-lots on approximately 133.33-acres for a combined total of 1,050 lots and 404-acres (approved in November 2020), the development also required additional site related-transportation improvements and transportation concurrency mitigation. The combined changes prompted an amendment to the LDA, upon which staff and the developer agreed the complexity of the changes necessitated amending and restating the entirety of the LDA again.

This fifth overall amendment to the LDA is only the second time it has been amended and restated, and it is the subject of this agenda item.

## **CURRENT LOCAL DEVELOPMENT AGREEMENT:**

At this time, and as committed to in the attached Second Amended and Restate Local Development Agreement, the applicant desires to further amend and restate the Amended and Restated LDA to:

- i. Acknowledges completed obligations under prior LDAs, including right-of-way dedication, related stormwater facilities, and concurrency-related proportionate fair share payments.
- ii. Developer commits to dedicate additional Moccasin Wallow Road and Sawgrass Road rights-of-way adjacent to the site.
- iii. Developer commits to construct Sawgrass Road along most of the frontage adjacent to the site, including the Sawgrass Road at Moccasin Wallow Road intersection.
- iv. Developer commits to provide proportionate fair share of transportation concurrency mitigation.
- v. County commits to provide transportation impact fee credits to the extent that the developer improvements are eligible, i.e., the major road capacity improvements that are not site-related.

Most road and stormwater construction costs are subject to being “trued-up” based on actual costs, but the estimates in the agreement put the credit eligible activities at approximately \$4.06 million. Significant components are partial credit for the full width of Sawgrass Road right-of-way, full credit for Moccasin Wallow Rd right-of-way, and credits for the related stormwater easements and facilities. The Summerwoods developer will provide over 0.5 miles of new Sawgrass Road and will provide south side right-of-way and full stormwater mitigation for about 1.5 miles of Moccasin Wallow Road, which covers a significant portion of the County’s Moccasin Wallow Road Segment 2 capital project.

Therefore, and broadly summarized, the amended and restated agreement establish the amended terms under which the Summerwoods developer shall provide proportionate fair-share mitigation to satisfy the transportation concurrency requirement, the developer shall provide certain transportation infrastructure improvements, the County shall provide an extension of the transportation concurrency approval, and the County shall provide transportation impact fee credits.

**ACTION REQUESTED:**

Approval and Execution of LDA-09-04(R5) – Second Amended and Restated Local Development Agreement for Summerwoods. This is the second of two required public hearings; the first being held March 9, 2021.

**ATTACHMENTS:**

1. Newspaper Advertising
2. Second Amended and Restated Local Development Agreement
  - a. Exhibit A – Legal Description
  - b. Exhibit B – Right of Way Segments
3. Staff Report Maps