



**TO:** Nicholas Mimms, PE, City Manager

**THROUGH:** Rebecca Grohall, AICP, Planning Director

**FROM:** Kori Benton, Senior Planner

**RE:** **Proposed Development Agreement  
 Magnolia Square Planned Development (PD)  
 Road, Sidewalk, & Common Area Landscape Improvements**

**DATE:** February 7, 2018

**STAFF REPORT**

**Owner/Requestor:** Lally Development Inc  
 3501 W Colonial DR  
 Orlando, FL 32808

**Representative:** Nicholas A. Burden, Managing Member  
 Epic Development Group  
 1507 S. Hiawasse Rd., Ste 211  
 Orlando, FL 32835

**Requested Action:** Approval of a Development Agreement

**Location:** Magnolia Square - 3310 Sunrise Blvd.,

**Current Zoning:** PD, Planned Development

**Future Land Use:** RL, Low Density Residential

**Surrounding Zoning:**

North	East	South	West
RM-9 (SLC)	I-1	RS-4 / I (SLC)	RM-9

**Site Size:** 20.82 acres

**Project Density:** 5.9 du/ac

**Utilities:** Located within the FPUA Service Area

## ***Request***

The applicant is seeking to enter into a Development Agreement for the completion of remaining infrastructure for the Magnolia Square project, a residential Planned Development and subdivision. The presented agreement features a proposal to complete outstanding common area improvements for the project, including outstanding infrastructure and landscaping, with consideration of fund release by the City from surety held via the original developer for these site improvements.

## ***History***

The City of Fort Pierce Commission approved the Magnolia Square Planned Development on April 21st, 2003, and subsequently passed Ordinance K-217 on May 5th, 2003, rezoning the property to PD, Planned Development. Construction of the project commenced in 2004, however it later stalled. When the previous developer failed to complete the required site improvements, the City drew on the letter of credit in hopes of ensuring future completion of these essential infrastructure elements. The City of Fort Pierce holds \$148,077.50 from the Letter of Credit filed by the original developer of the project.

The current property owner, and “developer”, acquired the property on February 24, 2015, with intentions of completing the outstanding common area improvements, in phases, with interest in new home construction as the market facilitates.

## ***Proposed Agreement***

The development agreement proposes the release of these funds to the current project owner and developer upon issuance by of all required final City approvals and certifications to the asphalt and roadway construction improvements and repairs to both Phase I & Phase II of the outstanding common area infrastructure.

The agreement guides work to commence within approximately thirty (30) days of the effective date, for completion construction improvements and repairs to the asphalt and roadway(s) located within Phase I (northern section) of the project, in accordance with the land development regulations and the approved paving and drainage construction plans.

Upon completion and final inspection, a prorated amount would be released by the City to the Developer. The provided cost estimate for Phase 1 is \$79,425, and \$59,900 for Phase 2. The balance of funds would be released to the developer, with the intended purpose of sidewalk and landscape improvements during development of the remaining home sites.

As the developer substantiates progress with the outstanding improvements, and files the applicable sidewalk/landscape bonds, new home construction permits within the development segments of the project will be eligible for authorization.

## **Staff Recommendation:**

The proposed Development Agreement has been reviewed and accepted by Planning & Engineering staff, as well as the Economic Development Team, therefore Staff recommends **approval** of the agreement as presented with disbursement eligibility after each phase.

## ***Alternative:***

The City Attorney, upon review of the presented Development agreement identified concerns of the inability of the City to enforce the completion of Phase II after Phase I is reimbursed, recommended that the funds are held by the City until completion of both Phase I and Phase II of the proposed improvements.