

CITY OF WILDWOOD, FLORIDA
CITY COMMISSION
REGULAR MEETING
JULY 26, 2010 – 7:00 P.M.
CITY HALL COMMISSION CHAMBER

The City Commission of the City of Wildwood met in Regular session July 26, 2010 at 7:00 p.m. in the City Hall Commission Chamber.

Present: Mayor Wolf; Commissioners Bivins, Clark, Allen and Strickland. Also present: City Manager Smith, Assistant City Clerk Roberts, City Attorney Blair, Police Chief Reeser, AVT Law, Development Services Director Peavy; Development Services Coordinator McHugh, and Water Director Allen.

The meeting was called to order by Mayor Wolf, with Commissioner Allen giving the invocation and audience joining in the Pledge of Allegiance to the American Flag.

1. TIMED ITEMS AND PUBLIC HEARINGS 7:00 PM

(a)* Request by Turkey Run, LLC for a twelve (12) month extension of the PUD/Ordinance No. 616 which currently expires November 11, 2010, due to current economic conditions (Attachments – Staff Recommends Approval)

Public Hearing was opened by Mayor Wolf, with DSD Peavy and John Riley, President of Turkey Run, LLC sworn in to comment. No comments received from the audience.

DSD Peavy indicated that Turkey Run, LLC has applied for hardship extension due to economic conditions.

Motion by Commissioner Allen, second by Commissioner Bivins to approve a six-months extension effective November 11, 2010, in keeping with Ordinance #553. Motion carried. Yea – Allen, Bivins, Clark, Wolf. Nay – Strickland.

(b)* Power Corporation's request for final plat approval of the Edgewater at Lakeside Landings plat (Attachments – Staff Recommends Approval)

Public Hearing was opened and John Agnelli was sworn in, and DSD Peavy reminded she was still under oath. No comments were received from the audience.

DSD Peavy – Power Corporation was original approved for 749 units under their PUD in the Lakeside Landing subdivision. The market has shown a need for single-family residences in that development. The request is a plat approval for 19 lots that will accommodate single-family homes. Engineer has approved the plan and staff recommends final approval. Mr. Agnelli indicated they are downzoning, reacting to the market.

Motion by Commissioner Strickland, second by Commissioner Clark to approve final plat of the Edgewater at Lakeside Landings. Motion carried by unanimous vote.

(c)* Special Master recommendation on Case RZ 2010-07-01 Wildwood Sumter Holdings request for final approval for a rezoning from County Agricultural to City Planned Unit Development (PUD) on 27± acres bordering CR 462 & CR 132 (Attachments – Staff Recommends Approval)

Public Hearing was opened and Greg Beliveau of Land Planning Group, Doug Arnold of Kimley Horn, Sebastian Mizzi of Wildwood Sumter Holdings, Attorney John Hixenbaugh, Lee Clymer of Farner Barley, and citizens Max Stumborg, Michael Mills, Neil Worrell, Jim Sigler, and Anita Worrell were sworn in. DSD Peavy was reminded she was still under oath.

DSD Peavy noted an Ordinance on the agenda for first reading that would have to be considered with the Special Magistrate recommendation. Project went before the Planning & Zoning Board in July and received approval from County Agricultural to City PUD on 27 acres. The property was annexed into the City in 2005. It was part of the 2035 Comprehensive Plan just approved by DCA. Property does not have a zoning assigned at this time but is consistent with the Comprehensive Plan Land Use Map designation, which is Low Medium Density Residential, which allows up to 6 units per acre. Applicant seeks approval on the rezoning. Pursuant to policy 1.6.1 of the Comprehensive Plan the maximum development on the property is 113 dwelling units. The policy requires a maximum of 70 development on the property, which brings the density to 4.1 per acre. The Conceptual plan in the packet represents 110 residential dwelling units. A mix of housing types is required by policy 1.3.2 of the Future Land Use element and the Comp Plan. This project is to contain single-family units and single-family attached condo units. The plan is conceptual and does not mean that is what will be built. It shows how what is in the PUD Ordinance can work on this property. The project is compliant with all remaining goals, objectives and policies.

The Planning and Zoning Special Magistrate recommended favorable approval of the rezoning to PUD provided that County Road 462 be widened to four-lane prior to the development approval and he further recommended that the Commission not allow any further progress or approvals on CR 462 until such time that road is four laned. However the project was required to do a traffic analysis. Kimley Horn and Associates submitted the analysis. LSMPO reviewed the analysis on behalf of the City and found that the project would require a northbound left turn lane into the project between completion of 70 units and before completion of the project. Traffic seems to be a major concern, but there are currently three widening projects on 301 that have affected north and south bound traffic, which has utilized 462 as a bypass. A PD& E study is being conducted by Sumter County for CR462. The study will determine if there is any traffic issues, what the improvements need to be and what the County has to do to improve for future and existing developments. Letters were received from surrounding property owners and were provided in the packet to the Commission.

CA Blair questioned DSD Peavy as to whether staff recommends approval subject to the Special Magistrate requirements in his recommendation or based on LSMPO review. DSD Peavy indicated based on traffic analysis submitted and reviewed by LSMPO. In response to questions from CA Blair, DSD Peavy indicated the documents included in the packet were used to reach the staff recommendation.

In response to questions from Commissioner Clark – some persons present would like to see the apartments located on the backside of the property. DSD Peavy replied the diagram of phases is conceptual but development is bound by Ordinance as to the number of units that can be placed on the property. When plan goes forward with reviews it comes back to Commission and that would be when changes would be asked for.

Mayor Wolf – during that time is when the Commission would ask the developer for some consideration for their neighbors that have been there for some time. It is not what the

neighbors want to hear, but it is hard for the Commission to tell someone who has annexed into the City and whose development conforms with the Comp Plan and Land Use what they can and can't do with their land. CA Blair – in that case you would be inviting litigation with the City.

In response to a question from Commissioner Allen – Doug Arnold of Kimley Horn explained that the number of trips by vehicles is calculated by using the ITE Trip generation manuals and on an average of the pm peek hour it is about one trip per single-family unit, and about 1.7 trips per multi family units. The traffic study showed there would be approximately 300 vehicles in the peek direction during the pm peek hour, and that road based on level of service standards allows for 540 vehicles. With project traffic it will be about 60% capacity of the level of service. There will be a left turn lane for this project.

CM Smith – County in process of bid selection for PD&E Study, but there are no plans for improvements on 462. Have talked with the County in concept about the realignment of 462 East and West. Did negotiate a PUD on 462 West that is willing to donate the right-of-way for the interconnection. The County is going to look at the curve of 462 and the crossing of the CSX line on 462. The study showed that there are no requirements of the developer to construct a four-lane facility nor justified a four-lane facility. The only thing justified for their traffic is a left hand turn lane. Any new development on 462, the more the capacity runs out, the more it will require from 462 to become a four lane.

Commissioner Allen expressed concern that there is already a traffic jam created by the developed churches and when complete there will be five churches on 462, along with the traffic from the industrial park from Waste Management and Progress Energy. Can't see that the road is only at 60% with all that has been approved.

Greg Beliveau – when all the churches come in with their site plans they will have to have a traffic analysis. It is basically a first come, first serve. You have to go through concurrency analysis and the MPO's review and analysis the traffic study. The PD&E study that the County will be preparing takes into account all the churches, future development on 462, development on the intersection of 466A. All this will be factored into what will happen to 462, then a recommendation will be made. 462 is in the City's Comp Plan, the County's Comp Plan and the MPO's road transportation plan as a road to be reviewed. Triumph South is the first development and our analysis shows that we are not in violation of any code or study for CR462. At some point the road may need to be four laned, but when that happens all jurisdictions will have reviewed that potential. Have all documentation in place that says it does not have to be four laned for this development. When appropriate, willing to sit down with the City and the neighbors to look at the design of the project. Development is required to do different types of housing, and have met that requirement and are willing to work on the locations when that phase comes. Thought they were doing the right thing by placing the attached housing near the churches.

Greg Beliveau - For the record, the attached units are condominiums and they are not government subsidized. Owned – not rented.

Mayor Wolf – noted that DCA is requiring attached housing. Greg Beliveau – mixed used is required. In the Comp Plan 462 is listed as a transit trail route. DCA is pushing mixed housing to concentrate density to encourage people to utilize alternative transportation.

Max Stumborg – Four laning should not be overlooked. County Sheriff has to direct traffic for the Catholic Church now, so what will it be like when the other four open. Was present at the Special Magistrate hearing with Archie Lowry who recommended the road be four laned before any other steps taken. Doesn't feel Mr. Lowry's advice should be overlooked. Nowhere is the size or price range shown. Everyone is entitled a better living, but not infringe on neighbors. Doesn't see a house shortage because almost every block has a house for sale. As for providing housing for people working in the Villages, where are they living now? The one-acre zoning that he and his neighbors live in is ideal for that area. They all moved out there to get out of rural suburbia. They are talking about 110 units on 27 something acres. Who is Wildwood Sumter Holding, are they local. Mayor Wolf – they are not local. Max Stumborg – the roadway is already deteriorating and does not have the subs under it to hold the amount of heavy traffic that is now on it. Everyone in that area likes the one acre to five acres per house and that is what it is zoned. Understand that nine letters were sent out to property owners with seven against and two for the rezoning. Mayor Wolf – some of these concerns will be addressed when the developer comes back to the Commission. They can't do whatever they want. City has process in place to know how it will be aligned before they build. There will be public hearings. Don't believe they are changing the zoning because that is what the Land Use calls for. Mr. Stumborg expressed concern that condos in this area do not attract higher class of clientele. Example is what happened at the Cemetery break in and damage.

CM Smith – The recent condos developed in this area are in Lakeside Landing. They will have to meet residential design standards. Can go over those with Mr. Stumborg.

Michael Mills – Concerns – not against development if done the right way. Talking about condos in Lakeside Landing, but just had the gentlemen in here who wanted to change those because there is not a market for it. They are changing because of the economy but coming back with wanting to put something in there. Don't have problem with condos if done right. Understand the process, but why go to the next step if it is not clarified now.

Mayor Wolf – only thing that must be clarified now is whether or not, we as a governing body want to take the chance and tell a land owner who is meeting all our land use requirements at this stage tell him no you can't do what we allow. This Commission has raised the bar. Wildwood may be the envy of many other towns.

Michael Mills – travel that road probably more than anyone else here, and it is hard to get out from 134C. Concerned that the entrance into the development is basically in the curve. A turning lane is not going to solve that problem. There has to be a different way to enter that property. Afraid there is going to traffic fatality.

Mayor Wolf – will be working with the County to rework the curve. With the developers being from Canada, these may become winter homes for Canadians.

Michael Mills - Are the single family units going to be rentals and government subsidized?

CM Smith – the developer has stated it is not going to be, but we cannot force that upon the developer. Regarding 462 – the first step is the PD&E to get the road widened or improved. The County is taking the steps to look at improvements. There will be Public Hearings when they start the process for everyone to come and give their opinions. Explained that PD&E is Preliminary Design and Engineering. One was done on 466A from 139 to 301. They look at

what future impact would be from future development along the roadway. They justified it would be a four lane facility. They then determine how much right-of-way will be needed. What will each segment look like – two lanes a median and another two lanes? The analysis done on 462 by the developer and submitted to the City was to decide how many trips their development will create and compare to the capacity of the roadway. If the trips go over that capacity they would need to make improvements. The analysis was sent out to the Lake Sumter MPO for review and approval. They indicated the only mitigation needed was the northbound left turn lane. The PD&E study by the County will take into account the land to be developed and the industrial area. There will be public hearings for approval by the County. The lay out of the site plan will come back before the Commission for approval. The condos are required by the Comp Plan, but perhaps the developers will consider a different location.

Neil Worrell – is City legally bound to change from Agriculture to Low Medium Density Residential. CA Blair – unless there is a reasonable basis for the City not changing. Neil Worrell – uses the road daily and doesn't need an expert to tell him what shape the road is in. If the City is legally bound, why are we here? CA Blair – because the step has to be taken for approval. Crime is a concern - noted police call statistics in less than a year to Club Wildwood – 80 calls, The Commons – 108 calls, Peppertree – 56 calls in six months. Not one call to the two subdivisions where he and Mr. Stumborg live in 16 years. Whether this is government funded is a big concern. Remember an attorney stood before the Commission and stated that Wildwood Terrace would not be government funded, but is. Mayor Wolf – Commissioner has taken every legal effort that it doesn't happen again. Neil Worrell – doesn't want to be awakened in the middle of the night hearing beer bottles breaking in the parking lot, just 40-50 feet from his bedroom windows. Doesn't want people on the second floor looking out over his swimming pool.

Jim Sigler – Did not receive a letter but lives across from the entrance. Could their entrance be on CR127.

Michael Mills – noted a legal easement from their property to CR127 on the map. CM Smith indicated not sure who that belongs to. Michael Mills – If it is 60 feet could that be checked out as a possible entrance and exit to get the entrance off the curve on 462. CA Blair noted that if the Commission wanted that as a requirement it could be added just as the Special Magistrate added a requirement.

Greg Beliveau – Easement was provided for emergency, not for access. The City is required to change zoning within a year of the Future Land Use Map change. Staff is working on LDR to do that. Some people are not waiting for zoning to comply with FLUM, because they waited so long for the Comp Plan change. There is a PUD process, and that is what this developer is going through. If that had already been done, this development would not be standing before the Commission asking for a zoning change. The only reason they are here is that the zoning has not been changed. If the zoning had been changed by the City, the neighbors would not have this public hearing for input. A PD&E study is being worked on. The development will be creating a tax base for the City along with the impact fees. They are not asking for a variance. Have complied with all the residential criteria of the design standards. Requested the Commission to approve the recommendation of staff.

It was indicated that the price range is \$200,000 to \$300,000. They will have to pay police and parks & recreation impact fees along with water and wastewater connection TIE fees and County road impact fees.

Benita Worrell – children were born and raised in the home that is right next to the proposed two story buildings. Right next to pool where her children swim. All in this room need to work together. Just like the development probably would not like a hog farm beside them but any of the neighbors could have hog farms, horse farm or raise dogs. The neighbors want to be sure of what is happening. Everyone in the room should agree to work together and feel that is what the development would want if she came into their neighborhood and was able to look over into their 15-year-old daughters bedroom. Here to work together.

Commissioner Clark – seems they have complied with all regulations.

Commissioner Strickland asked if the traffic analysis included the 300 units that received an extension earlier in the meeting. It was noted that it basically did not, but criteria for analysis was followed. DSD Peavy – The traffic study submitted for this project was based on the subdivision not on the PUD zoning. Turkey Run from earlier in the meeting submitted a traffic analysis when they got their PUD zoning approved. As they come in for individual site plans they will have to submit another traffic analysis at that time. Even though they showed before they could move forward with what they had on the original PUD, they will have to show it again. So if at that time, 3 years later, the capacity is used up for the road, that will be their burden.

Motion by Commissioner Clark, second by Commissioner Bivins to approve staff recommendation on Case RZ 2010-07-01. Motion carried. Yea – Clark, Bivins, Allen, Wolf. Nay – Strickland.

Those who spoke and were in attendance were asked to provide names and addresses for future contact.

Jim Sigler noted that they will have to take some of his property for the turn lane alignment and he would expect to hear from someone.

2. REPORTS AND PUBLIC INPUT

a. City Manager

- 1) Budget Analysis Report for June 2010 (Attachments)
Noted lightning strike costs at Wastewater treatment plant and possible mouse damage at the Water plant.
- 2) FYI – Thomas E. Langley Medical Center Free Health Fair – August 9, from 9:00 a.m. – 12:30 p.m.
- 3) BOCC regarding realignment of 470. Will brief Commission at next meeting.
- 4) City Attorney contract – should have something in draft form at next meeting.
- 5) E-5 Solutions – regarding creation of City brochure. Part of Economic Development Assistance through BOCC.

Mayor Wolf – how is 470 going to run through the Golf Course with all the natural springs, when they opposed the City drilling a well on SWFWMD property west of 75 because of its proximity to Lake Panasoffkee and it being endangered waters.

- b. City Attorney - None
- c. City Clerk – None

- d. Commission Members
Wolf – requested that City Manager check into other cell phone service providers.
- e. Public Forum (10 minute time limit)
 - 1) Jay Turner – reference to Public Works and Police Department and road signs being down more than two days. STOP signs at Ross and Jackson and the other being Caution sign on Jackson Street. He called and reported both times. Concern is that Public Works employees and police officers should be reporting these things immediately.
- f. Notes, Reports, and items for the file as attached

3. NEW BUSINESS – ACTION REQUIRED

a. MINUTES

Motion by Commissioner Bivins, second by Commissioner Strickland to approve the minutes of Special Meeting held on July 6, 2010 and Regular Meeting held on July 12, 2010 as typed. Motion carried by unanimous vote.

b. ORDINANCES FIRST READING ONLY (READ ONLY – NO VOTE)

- 1) Ordinance No. O2010-12, reclassifying the zoning from Sumter County AG to Planned Unit Development for property within the City of Wildwood, Parcel Nos. ~~R20-010, R20-120, and R20-140, project known as Triumph South, owned by~~

d. APPOINTMENTS
None

e. CONTRACTS AND AGREEMENTS
None

f. FINANCIAL

- 1) Bills for Approval (Attachments – Staff Recommends Approval)
Motion by Commissioner Allen, second by Commissioner Strickland to pay the bills. Motion carried by unanimous vote.

g. GENERAL ITEMS FOR CONSIDERATION

- 1) City health insurance – BCBS 1360 Plan design (Attachments-Board Option)
No action necessary.
- 2) Discussion/approval of Sumter County Chamber of Commerce’s use of area outside the Wildwood Community Center for their Red, White & Blue Barbeque (Attachments-Board Option)

Motion by Commissioner Allen, second by Commissioner Bivins to approve request. Motion carried by unanimous vote.
- 3) Building, permitting & inspection services transfer discussion (Attachment)

Motion by Commissioner Clark, second by Commissioner Bivins to implement transition plan. Motion carried by unanimous vote.
- 4) Discussion/approval regarding amending the City Charter for changes to the elections and whether or not to: (1) Amend the Charter to allow election supervisor to qualify candidates and canvass city elections; and, (2) Whether or not the amendment to the Charter should be approved by referendum vote or if only a portion of the Charter change be made by referendum vote where it is necessary that there be a referendum and a portion of the Charter be amended by ordinance where State Statutes have allowed such amendments to occur (3)Whether or not to amend the Charter by referendum to change the distance the City Manager may reside from the City (Attachments – Board Option)

Commissioner Strickland – believe it would give a better turn out. Others concurred.

Commissioner Allen – personal opinion – would like to leave the swear in until first meeting in January. Understand that 3 will have to change from 4 year to 5 year term for one time only.

Mayor Wolf – need something indicated a defeated Commissioner will have to attend meetings between election and swear in.

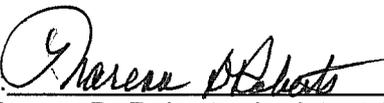
Regarding portions that could be changed just by Ordinance – Commission concurred if referendum is needed on part may as well have all on referendum.

Commissioner Bivins – City Manager residence should be included, so there is no problem later. Mayor Wolf suggested at discretion of Commission.

4. ADJOURN:
Upon a motion by Commissioner Allen, second by Commissioner Strickland the meeting was adjourned.

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

SEAL

ATTEST: 
Marena D. Roberts, Assistant City Clerk



Ed Wolf, Mayor

*Quasi-Judicial Hearing