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CITY OF WILDWOOD
100 N. MAIN ST
WILDWOOD FL 34785
RETURN

ORDINANCE NO. O2014-38

AN ORDINANCE OF THE CITY OF WILDWOOD GRANTING A REQUEST FOR A PLANNED DEVELOPMENT PURSUANT TO SECTION 8.6 OF THE LAND DEVELOPMENT REGULATIONS, FOR CERTAIN PROPERTY WITHIN THE CITY OF WILDWOOD, FLORIDA; OWNED BY THE DEBRA A. SMITH REVOCABLE TRUST AND SANDRA L. LEATHERMAN REVOCABLE TRUST; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the City Commission of the City of Wildwood, Florida, as follows:

The application filed by ELIM Care, Inc. (hereinafter referred as the, "Developer") for a Planned Development was heard by and before the City Commission, Wildwood, Florida on this 24th day of November 2014. Based upon the verified application and supporting documents, analyses, maps, charts, other evidence and instruments, the advice, report and recommendations of the Project Review Committee and the testimony adduced and evidence received at the Public Hearing by the Planning and Zoning Board on October 7, 2014 and otherwise being fully advised, the City Commission does hereby find and determine as follows:

SECTION 1: GENERAL FINDINGS

- A. That the ELIM Senior Care Living Planned Development Application (hereinafter referred to as the "Project") was duly and properly filed herein on July 31, 2014 by the Developer.
- B. That all fees required to be borne and paid by the Developer have been paid in accordance with the City of Wildwood Fee Schedule.
- C. That the Project was reviewed by the Project Review Committee and found to meet or exceed the minimum standards of the City's Comprehensive Plan, Land Development Regulations, Code of Ordinances, and all other applicable ordinances and regulations.
- D. That the Developer intends to develop senior living and church project consisting of 25+/- acres, more or less, which is situated in Wildwood, Florida. This land is legally described in "Exhibit A" attached hereto.
- E. That the Developer has entered into a purchase agreement with the property owners, Debra A. Smith Revocable Trust and Sandra L. Leatherman Revocable Trust, and wishes to develop the property in accordance with this Ordinance.
- F. That the Developer has complied with the conceptual development plan provision as required by Section 8.4 of the Land Development Regulations.
- G. That the City has complied with the due notice requirements of subsection 3.3(B)(3) of the Land Development Regulations.



SECTION 2: FINDINGS REGARDING PLANNED DEVELOPMENT OVERLAY

- A. That the Developer has applied for a Commercial/Industrial Planned Development (CIPD) of the lands described in "Exhibit A".
- B. That the zoning district of the subject land described in "Exhibit A" is classified as "Institutional - IN" on the City of Wildwood Zoning Map.
- C. That the Project is consistent with both the City of Wildwood Comprehensive Plan, the intent and purpose of the City of Wildwood Land Development Regulations, and does promote the public health, safety, morals, welfare, and orderly growth of the City of Wildwood.
- D. That the City of Wildwood Land Development Regulations are consistent with the provisions of the "Planned Development Agreement" as hereinafter set forth in Section 3 of this Ordinance. With respect to any conflict between the Land Development Regulations and the "Planned Development Agreement", the provisions of the "Planned Development Agreement" shall govern. Unless specific conditions are included in the "Planned Development Agreement" waiving or replacing the terms and conditions of the Land Development Regulations, the terms and conditions of the most current Land Development Regulations shall prevail.
- E. This Ordinance shall become effective immediately upon its approval and adoption by the City Commission.

SECTION 3: PLANNED DEVELOPMENT AGREEMENT: GENERAL PROVISIONS

- A. Development Concept. The Project is a senior living care and church development. The Project shall be developed as a Planned Development substantially in accordance with this Ordinance. This Planned Development Agreement shall govern the development of the Project.
- B. Conceptual Development Plan. The Project includes a Conceptual Development Plan pursuant to Section 8.4 of the Land Development Regulations. The Conceptual Development Plan prepared by Farner Barley and Associates, dated 7-24-14, is incorporated into this Ordinance as "Exhibit B" attached hereto. The Conceptual Development Plan is substantially consistent with City of Wildwood Comprehensive Plan.
 - 1) The Conceptual Development Plan illustrates the general location of the following land uses:
 - a. Church and Ministry Annex with Band Shell;
 - b. Independent Living Facility;
 - c. Memory Care and Assisted Living Facility;
 - d. Recreational Areas;
 - e. Buffer Easements and Open Space; and
 - f. Stormwater Retention Areas
 - 2) The conceptual development plan is conceptual in nature and may be affected or modified by final zoning approval and conditions, by compensating storage capacity in flood prone areas, final wetland or protected species locations and

jurisdictional boundaries, final engineering, permitting, surveys or conservation easements.

C. Development Program. The Project shall be developed in three (3) phases.

a. Maximum Development Potential.

1. The maximum Floor Area Ratio within the Project is 0.6.
2. The maximum number of senior living units shall be 252.
3. The maximum number of church seats shall be 1075.
4. The maximum square footage within the Project is 396,624 square feet.

b. Impervious Surface Ratio. Project shall contain a maximum Impervious Surface Ratio (ISR) of 80%.

D. Amendments. The Development Services Director, or designee, shall have the authority to approve non-substantial changes to the conceptual development plan without a public hearing. Additional improvements such as paving of parking areas and drive isles, stormwater retention, and connection to City potable water or wastewater shall require an amendment to the Project's site plan and may not require an amendment to this Planned Development Agreement. The determination of what constitutes a non-substantial change shall be at the Development Services Director's discretion. All modifications requiring an amendment to the Planned Development Agreement shall require review and recommendation of the Planning and Zoning Board and action by the City Commission in the same manner as an Application for Planned Development.

E. Future Approvals. Prior to any construction occurring, a site plan shall be submitted for review and approval in the manner required by Chapter 4 of the Land Development Regulations.

F. Site Plan Review Standards. The Project is required to undergo site plan approval in accordance with City regulations. Unless noted in this Ordinance, the Project's site plan shall adhere to the City's site plan and technical requirements as outlined in the Land Development Regulations.

G. Design District Standards. Unless otherwise noted, the Project shall adhere to the Community Design District Standards pursuant to section 6.12 of the Land Development Regulations.

H. Recreation and Open Space.

1) Open Space. The Project shall contain minimum open space of 20%. Open space shall include drainage retention areas, entry feature tracts, common areas, buffer easements, recreation areas. For purposes of meeting open space requirements, 50% of the drainage retention areas (stormwater management areas) may be included in the open space calculation but shall not exceed 50% of the total open space for the project.

2) Landscape Buffers.

- a. Project shall provide a 20' landscape buffer along the north and west property lines.
- b. Project shall provide a 25' landscape buffer along the east and south property lines.

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100 N Main St
34785

c. Landscape buffer detail shall be accordance with the City's Design District Standards.

I. Environmental Considerations. All environmental considerations have been addressed in the Bio-Tech Consulting, Inc. report submitted with the Planned Development application.

J. Public Facilities.

- 1) Potable Water, Wastewater, and Reuse Water. The Project shall be connected to the City's potable water and wastewater system prior to any certificates of occupancy being issued. The Project's potable and irrigation system shall be a single system connected to the City's potable water system. The Developer/Project will not construct a separate or dual water system for effluent (irrigation). The Developer/Project may use existing well(s) on the Project site to supplement any water features and irrigate the property owner's association's recreation and common areas. Expansion of the City's potable water and sanitary sewer systems, including necessary utility easements, shall be negotiated by a separate developer's agreement between the City and the Developer. Said agreement shall specify cost, ownership and maintenance, and timetables for delivery of services.
- 2) Solid Waste. Solid waste collection services shall be provided by the City or the City's contracted refuse provider. Developer shall coordinate with Waste Management for refuse collection prior to Improvement Plan approval.
- 3) Stormwater. The Project shall contain a stormwater management system which meets the requirements of the Southwest Florida Water management District, and Chapter 6, Section 6.4 of the City's Land Development Regulations.
- 4) Underground Utilities. All on-site utilities shall be underground. Developer is responsible for running utilities underground for the Project. The City shall insure that any utilities within any public utilities easement encumbering any portion of the Project and serving lands other than the Planned Development shall be underground.

K. Access, Parking, and Transportation.

- 1) The Project's main access is off of Woodridge Drive. The Project is proposing two access points. The Developer will be required to obtain a Sumter County Driveway Permit.
- 2) Parking requirements for the Project shall be measured on an aggregate basis for the site based on the agreement between ELIM Care and Live Oaks Church. The parking requirement for the ILF shall be 1.0 space per unit which is based on historical data and parking studies of similar facilities owned by ELIM Care.
- 3) Grass parking may be permitted for the church. Grass parking spaces shall match the size requirements of a paved parking space. All other parking areas shall be paved.
- 4) Golf cart access shall be permitted within the Project provided roadways are constructed to accommodate such activity in a safe manner. Golf cart access outside of the Project and onto Woodridge Drive shall require approval from Sumter County. The Developer shall be required to submit documentation allowing golf cart access outside of the Project.

5) A 5 ft sidewalk shall be required within the landscape buffer area along Woodridge Drive and County Road 103 as shown on Exhibit "C" - Landscape Buffer Detail.

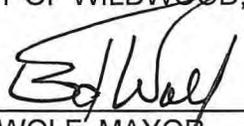
- L. Special Events. Special events such as concerts and other entertainment shall be permitted at the church and at the band shell. Such events shall not require individual Special Event permits unless events would require the need of additional City services.
- M. Lighting. Lighting shall meet requirements of the City's Design District Standards.
- N. Maintenance of Common Areas. Maintenance and repair of structures, lawn mowing, and landscaping maintenance of all common areas within the Project shall be the responsibility of the property owner or its designee such as a property owners association, at no cost or obligation to the City. The Developer shall provide guidelines to the City for approval, not to be reasonably withheld, conditioned or delayed, for the maintenance of common areas. The City will be granted the right to enforce the common areas maintenance obligations against the Developer, as may be applicable, and to be reimbursed for the reasonable attorney's fees, costs and expenses, as may be reasonably incurred by the City.
- O. Enforcement of Rules and Regulations. For the maintenance of the common areas referenced in Section 3(N) above, the applicable provisions in the Guidelines: (i) shall be made applicable to the Project; and (ii) shall be reviewed/approved by the City of Wildwood and a certificate of occupancy being issued for completed improvements; and (iii) will provide that the City of Wildwood shall have the right, but not the obligation, to enforce such maintenance obligations against a violating party and that the City should be entitled to reasonable attorney's fees and costs for enforcement regardless of whether or not a suit has been filed.
- P. Impact Fees. The Planned Development shall be subject to all impact fees applicable at the time of permitting. All impact fees are to be paid before issuance of any building permit. Proof of Sumter County impact fees paid shall be provided to the City of Wildwood. Any impact fees adopted by the City of Wildwood, Sumter County or the Sumter County School Board prior to issuance of building permits shall also be applicable to the Planned Development.
- Q. Expiration of Planned Development Agreement. Actual construction must begin within the Planned Development within 24 months of the final adoption of the Planned Development Agreement. If no construction has started on the approved Planned Development within 24 months, the Planned Development shall lapse and be of no further effect. The City Commission may extend the Planned Development for periods of up to twelve (12) months provided the applicant can show good cause why said the Project was delayed under the originally approved Planned Development Agreement. However, the City Commission shall not allow extensions beyond 48 months after the effective date of this Ordinance.
- R. All ordinances or parts of ordinances in conflict herewith, be, and the same are hereby repealed.
- S. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a Court or competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of said Ordinance.

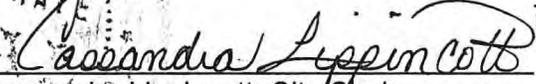
RETURN TO: CITY OF WILDWOOD
100 N MAIN ST
SUMTER SC 34985

T. This Ordinance shall take effect upon its final reading by the City Commission of the City of Wildwood.

PASSED AND ORDAINED in regular session of the City Commission of the City of Wildwood, Sumter County, Florida, this ^{24th} day of November, 2014.

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA


ED WOLF, MAYOR


ATTEST: 
Cassandra Lippincott, City Clerk

First Reading: 10/13/14

Second Reading: 11/24/14

Approved as to Form:


Ashley Hunt, City Attorney



City of Willwood
100 W Main St
34725

Return to:



Ordinance O2014-38

"Exhibit A"

A portion of parcel D08=033 (Elim Senior Care Facility)

Legal Description



LEGAL DESCRIPTION- ELIM

THAT LAND LYING IN SECTION 8, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 8, RUN N00°02'08"W, ALONG THE EAST LINE THEREOF A DISTANCE OF 1,322.30 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID EAST LINE, N89°52'01"W, ALONG THE NORTH LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 846.00 FEET TO THE EAST LINE OF LOT 3, LEATHERMAN SUBDIVISION, AS RECORDED IN PLAT BOOK 13, PAGE 24, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA; THENCE DEPARTING SAID NORTH LINE AND ALONG SAID EAST LINE AND THE SOUTHERLY EXTENSION THEREOF, S00°02'08"E, 1,321.64 FEET TO THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID SOUTHERLY EXTENSION, S89°49'20"E, ALONG SAID SOUTH LINE A DISTANCE OF 846.00 FEET TO THE POINT OF BEGINNING.

LESS RIGHT-OF-WAY FOR COUNTY ROAD 103 (CR 103)



1514 W 11 St
199 N Main St
58478

1514 W 11 St

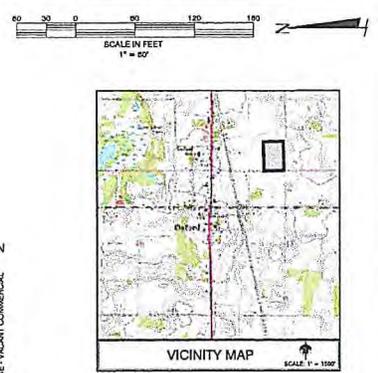
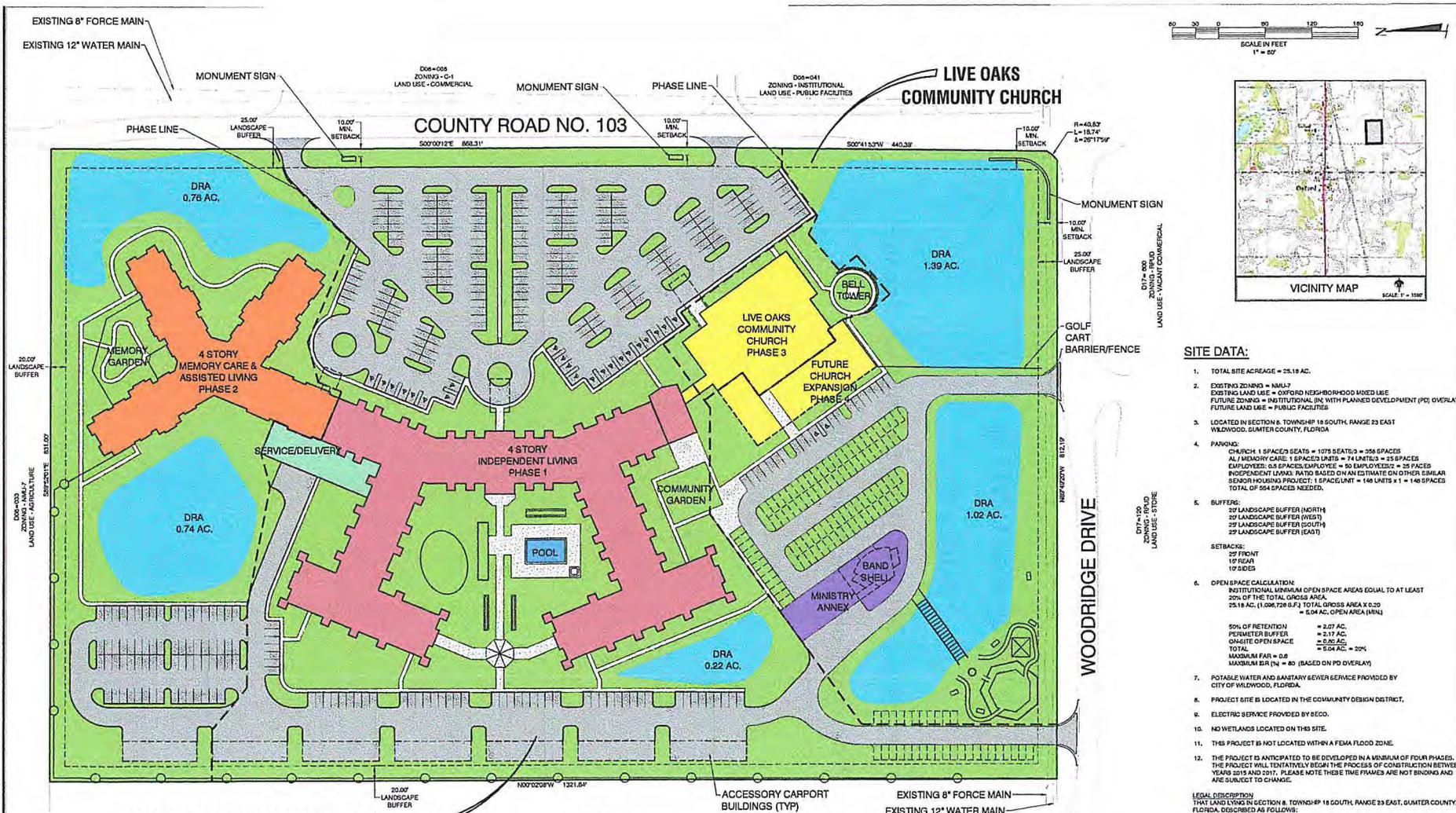


Ordinance O2014-38

"Exhibit B"

A portion of parcel D08=033 (Elim Senior Care Facility)

Proposed Conceptual Development Plan



- SITE DATA:**
- TOTAL SITE ACREAGE = 25.18 AC.
 - EXISTING ZONING = MMU-7
 EXISTING LAND USE = OXFORD NEIGHBORHOOD MIXED USE
 FUTURE ZONING = INSTITUTIONAL, IN WITH PLANNED DEVELOPMENT (PD) OVERLAY
 FUTURE LAND USE = PUBLIC FACILITIES
 - LOCATED IN SECTION 6, TOWNSHIP 18 SOUTH, RANGE 23 EAST, WILWOOD, SUMTER COUNTY, FLORIDA
 - PARKING:
 CHURCH: 1 SPACED SEATS = 1075 SEATS / 358 SPACES
 AL/MEMORY CARE: 1 SPACED UNITS = 74 UNITS / 3 = 25 SPACES
 EMPLOYEES: 25 SPACES, EMPLOYEES = 50 EMPLOYEES / 2 = 25 SPACES
 INDEPENDENT LIVING: 25 SPACES BASED ON AN ESTIMATE ON OTHER SIMILAR SENIOR HOUSING PROJECT: 1 SPACE/LANT = 146 UNITS / 1 = 146 SPACES
 TOTAL OF 564 SPACES NEEDED.
 - BUFFERS:
 25' LANDSCAPE BUFFER (NORTH)
 25' LANDSCAPE BUFFER (WEST)
 25' LANDSCAPE BUFFER (SOUTH)
 25' LANDSCAPE BUFFER (EAST)
 - SETBACKS:
 25' FRONT
 10' REAR
 10' SIDES
 - OPEN SPACE CALCULATION:
 INSTITUTIONAL MINIMUM OPEN SPACE AREAS EQUAL TO AT LEAST 20% OF THE TOTAL GROSS AREA.
 25.18 AC. (1,006,726 SF) TOTAL GROSS AREA x 0.20 = 504 AC. OPEN AREA (MIN)
 - 50% OF RETENTION PERIMETER BUFFER = 2.07 AC.
 ON-SITE OPEN SPACE = 2.17 AC.
 TOTAL = 5.04 AC. = 20%
 MAXIMUM FAR = 0.6 (BASED ON PD OVERLAY)
 - POTABLE WATER AND SANITARY SEWER SERVICE PROVIDED BY CITY OF WILWOOD, FLORIDA.
 - PROJECT SITE IS LOCATED IN THE COMMUNITY DESIGN DISTRICT.
 - ELECTRIC SERVICE PROVIDED BY BECO.
 - NO WETLANDS LOCATED ON THIS SITE.
 - THIS PROJECT IS NOT LOCATED WITHIN A FEMA FLOOD ZONE.
 - THE PROJECT IS ANTICIPATED TO BE DEVELOPED IN A MINIMUM OF FOUR PHASES. THE PROJECT WILL TENTATIVELY BEAR THE PROCESS OF CONSTRUCTION BETWEEN YEARS 2015 AND 2017. PLEASE NOTE THESE TIME FRAMES ARE NOT BINDING AND ARE SUBJECT TO CHANGE.

LEGAL DESCRIPTION
 THAT LAND LIVING IN SECTION 6, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:
 BEGIN AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 6, RUN N00°00'00"W, ALONG THE EAST LINE THEREOF A DISTANCE OF 1,523.25 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 6, THENCE DEPARTING SAID EAST LINE, N89°32'11"W, ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 846.00 FEET TO THE EAST LINE OF LOT 3, LEATHERMAN SUBDIVISION, AS RECORDED IN PLAT BOOK 13, PAGE 94, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA, THENCE DEPARTING SAID NORTH LINE AND ALONG SAID EAST LINE AND THE SOUTHERLY EXTENSION THEREOF, S00°00'00"E, 1,021.04 FEET TO THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 6, THENCE DEPARTING SAID SOUTHERLY EXTENSION, S89°42'00"E, ALONG SAID SOUTH LINE A DISTANCE OF 846.00 FEET TO THE POINT OF BEGINNING.
 LESS RIGHT-OF-WAY FOR COUNTY ROAD 103 (CR 103)

OWNER: GERDA A. SMITH REVOCABLE TRUST AND GANDRA L. LEATHERMAN REVOCABLE TRUST
 P.O. BOX 131
 OXFORD, FL 34444

DEVELOPER: FAYRE & ASSOCIATES, INC.
 7495 OFFICE RIDGE CIRCLE
 5203 PHASE, MIW 5244
 ANDREWS CENTENNIAL
 DIRECTOR OF PROJECT MANAGEMENT
 900-354-6465

ENGINEER/SURVEYOR: FAYRE, BAILEY AND ASSOCIATES, INC.
 4460 NE 83RD ROAD
 WILWOOD, FL 34715
 CHRISTOPHER A. POTTS, P.E. #73842
 PROJECT ENGINEER
 900-749-9110

NOTE:
 THE INTERNAL PROJECT BOUNDARY PHASE LINES, ROADWAYS, SIDEWALKS, OPEN SPACE, IMPERVIOUS AREA, AND DRAs ARE SUBJECT TO CHANGE.

OPEN SPACE CHART

AREA	ACREAGE (%)
50% OF RETENTION	2.07 AC. (8%)
PERIMETER BUFFER	2.17 AC. (9%)
ON-SITE OPEN SPACE	0.80 AC. (3%)
TOTAL	5.04 AC. (20%)

PLANNED USES	UNITS / SEATS	BEDS	STORIES	BUILDING SQUARE FOOTAGE	ACREAGE (%)
INDEPENDENT LIVING FACILITY (PHASE 1)	146	187	4	214,479	12.39 AC. (49%)
TOWN CENTER - IL (PHASE 1)	—	—	1	35,000	
MEMORY CARE FACILITY (PHASE 2)	42	42	4	30,000	5.80 AC. (23%)
ASSISTED LIVING FACILITY (PHASE 2)	64	66	4	78,988	
LIVE OAKS CHURCH (PHASE 3)	775	—	2	26,265	6.71 AC. (27%)
LIVE OAKS CHURCH FUTURE EXPANSION (PHASE 4)	300	—	1	12,112	0.28 AC. (1%)
TOTAL	252 UNITS/1075 SEATS	295	—	386,824	25.18 AC. (100%)

FAYRE & ASSOCIATES, INC.
 ENGINEERS, ARCHITECTS, SURVEYORS & PLANNERS
 4460 NE 83RD ROAD
 WILWOOD, FL 34715
 (352) 749-9110
 FAX: (352) 749-9125

ELINE SENIOR CARE LIVING
 WILWOOD, FLORIDA

PLANNED DEVELOPMENT PLAN

DATE: 7/2/14
 DRAWN BY: ESD
 CHD BY: CAP
 FILE NAME: 20140604.DWG
 JOB NO.

SHT. 1 of 1

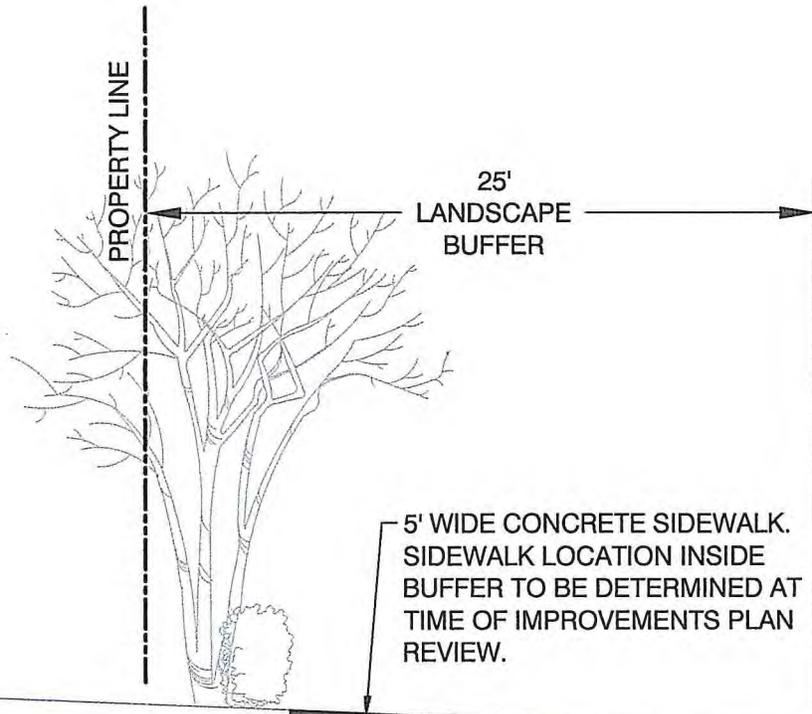
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34785

Ordinance O2014-38

"Exhibit C"

A portion of parcel D08=033 (Elim Senior Care Facility)

Landscape Buffer Detail with Sidewalk



NOTE:
LANDSCAPE REQUIREMENTS
INSIDE BUFFER WILL COMPLY
WITH CURRENT DESIGN
DISTRICT STANDARDS.

TYPICAL 25' LANDSCAPE BUFFER CROSS-SECTION
ALONG CR 103 AND WOODRIDGE DRIVE

NOT TO SCALE



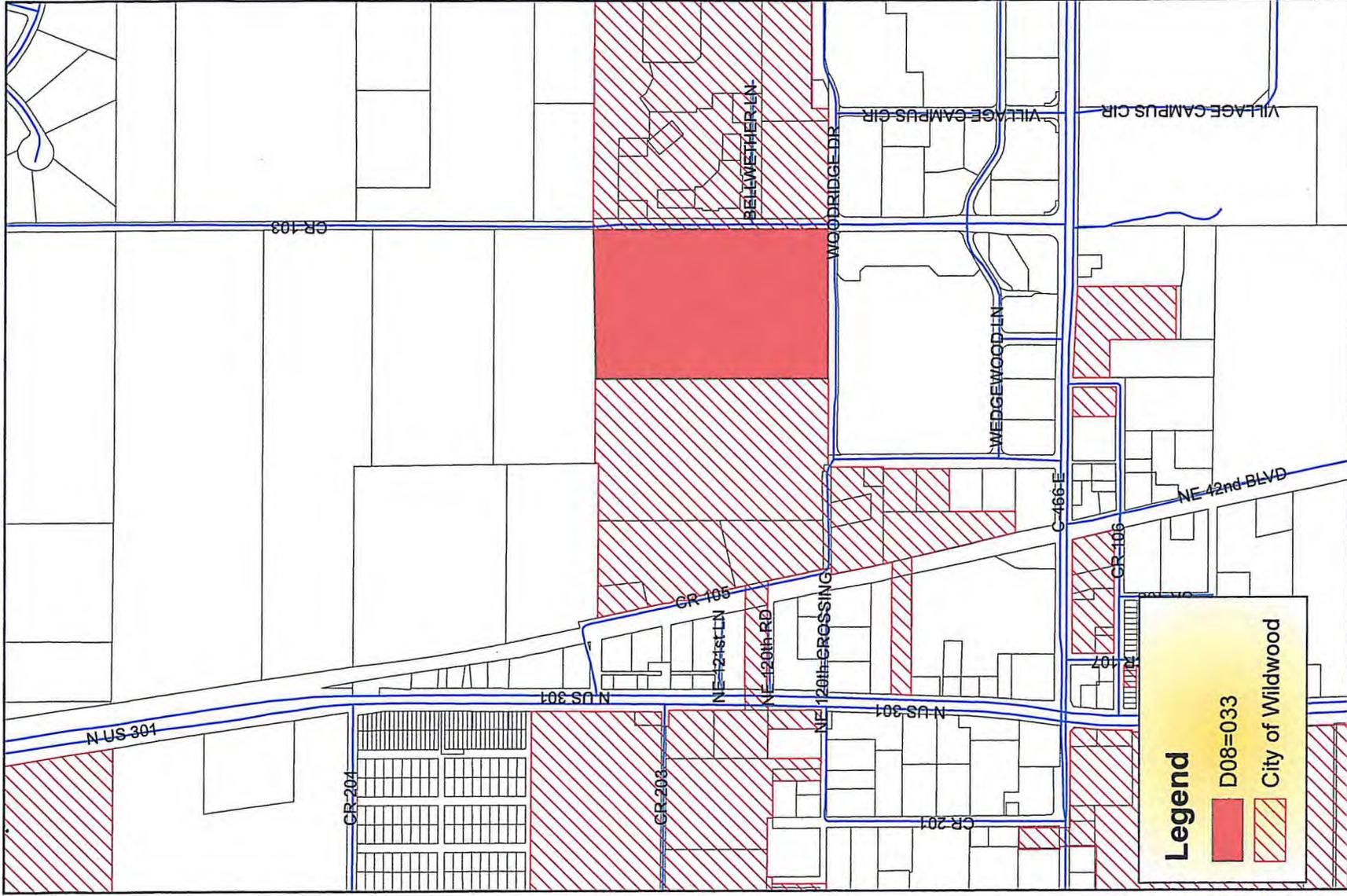
**FARNER
BARLEY**
AND ASSOCIATES, INC.

▲ ENGINEERS
▲ SURVEYORS
▲ PLANNERS

Certificate of Authorization Number: 4709

4450 N.E. 83rd Road • Wildwood, Florida 34785 • (352) 748-3125

ELIM CARE SENIOR HOUSING
WILDWOOD, FL

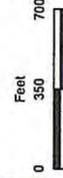


Legend

-  D08=033
-  City of Wildwood



City of Wildwood
100 North Main Street
Wildwood, FL 34485
Phone: (352) 330-1330
www.wildwood-fl.gov



D08=033
Elim Senior Care

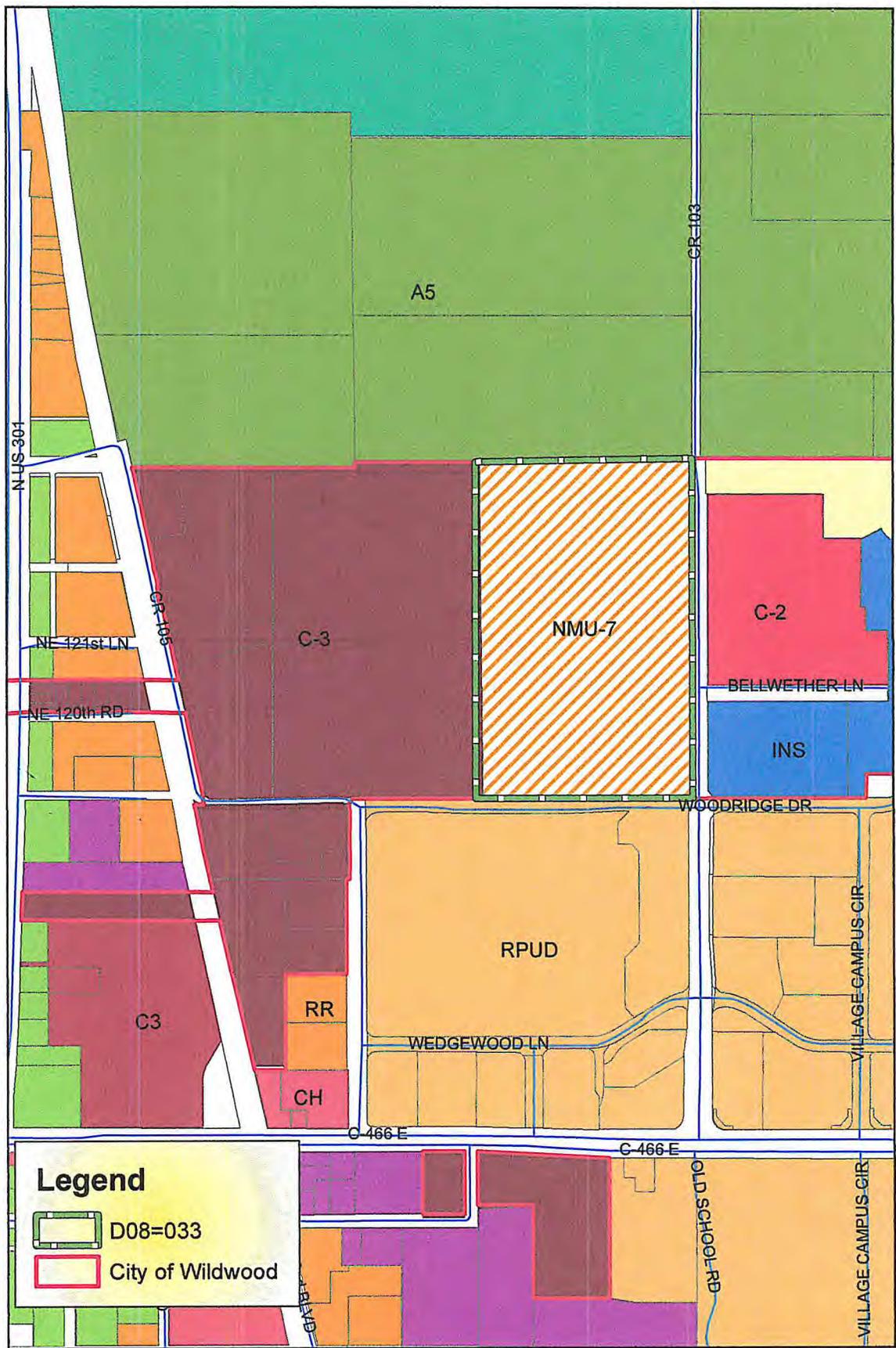
WILDWOOD, FLORIDA

AUGUST 2014

LOCATION MAP

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34785

I:\YonhGIS\Maps\Existing & Proposed Zoning\Existing Zoning - Elm Senior Care Housing.mxd - 8/14/2014 4:06:52 PM - lorneal

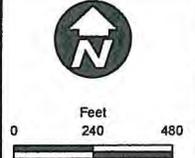


Legend

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-  City of Wildwood



City of Wildwood
 100 North Main Street
 Wildwood, FL 34485
 Phone: (352) 330-1330
 www.wildwood-fl.gov



D08=033 Elim Senior Care	
WILDWOOD, FLORIDA	
AUGUST 2014	EXISTING ZONING