

RESOLUTION R2011-07

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WILDWOOD, FLORIDA, ADOPTING A THIRD AMENDMENT TO THE DEVELOPMENT ORDER FOR THE VILLAGES OF WILDWOOD DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on April 18, 2011 The Villages of Lake-Sumter, Inc. submitted a Notice of Proposed Change (NOPC) pursuant to 380.06 (19) Florida Statutes (F.S.), to the Villages of Wildwood Development of Regional Impact (DRI) Development Order; and

WHEREAS, the Wildwood City Commission has conducted an advertised public hearing on July 11, 2011 for the purpose of receiving public comment and determining whether the proposed changes constitute a substantial deviation to the approved ADO.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF WILDWOOD, FLORIDA COMMISSION:

SECTION 1. FINDINGS OF FACT.

Based on the documentation and testimony received at the public hearing, the City Commission hereby finds as fact as follows:

1. On February 24, 2004 the Wildwood City Commission approved a third substantial deviation to the Villages of Sumter DRI (that was first approved in 2000) to create the Villages of Wildwood DRI. Pursuant to a §380.032(3) agreement the Department of Community Affairs signed with the Developer dated June 9, 1999 the various Villages DRIs would be processed as separate DRIs by the individual jurisdictions in which they are located without consideration of aggregation except for impacts to affordable housing, transportation, air quality and wildlife. Therefore, the Villages of Wildwood DRI is now being processed as a separate DRI. The 2008 approval was for a development total of not more than 1,288,258 square feet of Gross Floor Area (GFA) of neighborhood, community or general retail structures; 14,400 square feet GFA of office space, 8 theater screens, and 200 hotel rooms on 235 acres;

a 300 bed hospital on 51 acres, 49,714 square feet of educational/institutional floor area on 14 acres and 91 acres of related roads, recreation and conservation areas, wetlands, buffer area, stormwater retention and open space for a total development area of approximately 391 acres, located in the City of Wildwood herein referred to as the "Development".

2. On December 5, 2008, the Developer submitted an NOPC to a previously approved DRI pursuant to Section 380.06 (19), F.S. and Rule 9J-2.025 (11), F.A.C., to amend the DO as follows:
 - Establish December 31, 2019 as the Expiration Date.
 - Establish the Developer's cumulative transportation mitigation for state and regionally significant roadways and eliminate all monitoring and modeling requirements.
 - Establish full mitigation for local roadways.
 - Clarify that the requirements for annual reports cease upon reaching buildout.
 - Revise Map H, and H-1 to reflect formatting changes.
3. On December 13, 2010, the Wildwood City Commission approved an NOPC to the previously approved and amended DRI pursuant to Section 380.06(19), F.S. and Rule 9J-2.025(11), F.A.C., that amended the DO as follows:
 - Amended the Land Use Conversion Matrix adding Skilled Nursing Facilities, Assisted Living Facilities and Independent Living.
 - Added approximately 4.71 acres north of County Road 44A and east of CR 139.
 - Designated 4.71 acres on Map H as Town Center Mixed Use and modified the acreages on Map H-1.
 - On April 11, 2011, the Developer submitted an NOPC to the previously approved and amended DRI pursuant to Section 380.06(19), F.S. and Rule 9J-2.075 (11), F.A.C. to amend the DO as follows:
Amend Map H and H-1 Master Plan
The Applicant proposes the following changes to Map H and H-1.
 - Remove the Hospital Land Use designation from Map H.

- Remove a portion of the Stormwater Land Use designation from Map H.
- Add Hospital to the uses included in Mixed Use in the Legend on Map H.
- Add “associated Stormwater Land Use” in the Legend on Map H.
- Add a Mixed Use heading to the Land Use Allocation table and Phasing Schedule on Map H-1.
- Move the Hospital Land Use and number of beds entitlement (300) under the Mixed Use heading. Include the Hospital acres (51) in the Mixed Use heading’s acres in the Land use Allocation table on Map H-1.
- Move the Retail Service, Office, Hotel, Attraction/Recreation and Education/Institution Land Uses and their entitlements under the Mixed Use heading. Include any Retail Service, Office, Hotel, Attraction/Recreation and Education/Institutional acres in the Mixed Use heading’s acres in the Land Use Allocation table on Map H-1.
- Remove the following Land Uses from the Land Use Allocation table on Map H-1.

These Uses that do not have entitlements in the Villages of Wildwood DRI:

- Residential
- Convention/Performing Arts Center
- Regional Recreation Centers
- Boat Slips
- Club Houses/Village Recreation Centers
- Golf Courses
- Facilities & Services
- Conservation (Wildlife/Preservation & Management Areas)
- Lakes

- Add a Mixed Use heading to the Phasing Schedule on Map H-1.
The revised Map H and H-1 Master Plans are attached as Exhibit 1.

SECTION 2. CONCLUSIONS OF LAW.

Based on the Findings of Fact adopted above, The City of Wildwood hereby adopts the following Conclusions of Law.

1. The City of Wildwood is the governing body having jurisdiction over the review and approval of the NOPC, pursuant to Chapter 380, F.S., and is authorized and empowered to issue this amendment to the Villages of Wildwood DRI DO.
2. The property does not lie within an Area of Critical State Concern.
3. The proposed development is consistent with the applicable local comprehensive plan as amended and is consistent with the applicable local land development regulations.
4. The proposed development is consistent with the Withlacoochee Strategic Regional Policy Plan.
5. The provisions of this amendment to the DO shall not be construed as a waiver of or exception to any local, state or federal law or regulation.
6. The impacts of this development, as conditioned by this Amendment to the DO, are adequately addressed pursuant to the requirements of Chapter 380, F.S., and the changes as approved by the City do not constitute a substantial deviation to the DO or subsequent amendments or create additional adverse local impacts.
7. To the extent that the Application for Development Approval (ADA) or NOPC, or any other document is inconsistent with the terms and conditions of this Amendment to the DO, this Amendment to the DO shall prevail.

SECTION 3. GENERAL CONDITIONS.

The City of Wildwood, having made the aforementioned Findings of Fact and Conclusions of Law, hereby approves the following proposed changes contained in the NOPC, subject to the following modifications and conditions of development set forth in this Amendment to the DO:

Amend Map H and H-1 Master Plan

- Remove the Hospital Land Use designation from Map H.
- Remove a portion of the Stormwater Land Use designation from Map H.

- Add Hospital to the uses included in Mixed Use in the Legend on Map H.
- Add “associated Stormwater Land Use” in the Legend on Map H.
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- Remove the following Land Uses from the Land Use Allocation table on Map H-1. These Uses that do not have entitlements in the Villages of Wildwood DRI:
 - Residential
 - Convention/Performing Arts Center
 - Regional Recreation Centers
 - Boat Slips
 - Club Houses/Village Recreation Centers
 - Golf Courses
 - Facilities & Services
 - Conservation (Wildlife/Preservation & Management Areas)
 - Lakes
 - Add a Mixed Use heading to the Phasing Schedule on Map H-1.

BE IT FURTHER RESOLVED BY THE CITY COMMISSION OF WILDWOOD, FLORIDA THAT THE FOLLOWING SHALL APPLY:

1. Final Order. That this amendment to the ADO shall constitute the final order of the City of Wildwood in response to the DRI NOPC filed by the Developer.
2. Definitions. That the definitions found in Chapter 380, F.S. (2003) shall apply to this amendment to the ADO.
3. Assignability: Persons Bound. That this amendment to the ADO shall be binding upon the Developer and its heirs, assignees, or successors in interest including community development districts created pursuant to Ch. 190, F.S.
4. Severability. That in the event any portion or section of this amendment to the ADO is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this amendment to the ADO, which shall remain in full force and effect.
5. Recordation of Notice of Adoption. That by March 20, 2009 the Developer shall cause a Notice of Adoption of this amendment to be recorded among the Public Records of Sumter County in accordance with Section 380.06 (15), F.S., and shall provide a copy of the recorded Notice to the City of Wildwood, the WRPC, the ECFRPC and the DCA.
6. Restriction on Downzoning, Density Reduction or Intensity Reduction. That the City of Wildwood agrees that the approved DRI shall not be subject to down zoning, density reduction, or intensity reduction after the effective date of this amendment to the ADO, unless the City can demonstrate that substantial changes in the conditions underlying the approval of the amendment to the ADO have occurred, or that the amendment to the ADO was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by the City to be essential to the public health, safety or welfare.
7. That approval of this Amendment to the ADO shall not exempt any portion or unit of the Villages of Wildwood DRI development from any future impact fees imposed by the City of Wildwood. Developer credit for applicable improvements paid for by it pursuant to the requirements of this amendment to the ADO shall be given as provided for by Section 380.06(16), F.S.

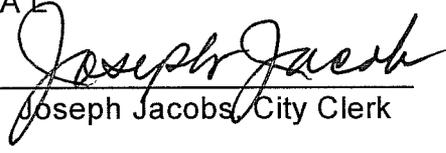
- 8. Effective Date. That upon adoption, this amendment to the ADO shall be transmitted to the WRPC, the FDCA and the Developer and shall become effective upon rendering of this Development Order by the City.
- 9. Transmittal of Amendment. That copies of this Amendment to the ADO shall be transmitted immediately by certified mail to the WRPC, FDCA and the Developer, by the City of Wildwood.

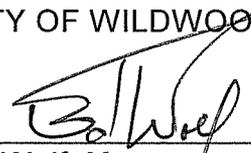
ADOPTED, in Regular Session this 11th day of July, 2011, by the City of Wildwood Commission.

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

SEAL

ATTEST:


Joseph Jacobs, City Clerk



Ed Wolf, Mayor