

City Hall

wildwood-fl.gov  
Area Code: 352  
Zip Code: 34785

**CITY HALL**  
100 N. Main Street  
330-1330 Phone  
330-1338 Fax

**CITY MANAGER**  
Extension 109

**CITY CLERK/FINANCE**  
Extension 100

**CUSTOMER SERVICE**  
(Utility Accounts/TDD)  
Extension 130

**DEVELOPMENT SERVICES**  
Planning/Zoning/Concurrency  
Extension 118  
330-1334 Fax

**HUMAN RESOURCES**  
Extension 105  
330-1339 Fax

**PARKS & RECREATION  
COMMUNITY CENTER**  
Reservations:  
Extension 114

**POLICE**  
100 E. Huey Street  
330-1355  
330-1358 Fax

**PUBLIC WORKS**  
410 Grey Street  
330-1343  
330-1353 Fax

**WASTEWATER**  
1290 Industrial Drive  
330-1349  
330-1350 Fax

**WATER**  
801 E. Huey Street  
330-1346  
330-1347 Fax

## AGENDA October 7<sup>th</sup>, 2014 at 3:00 pm

### PLANNING & ZONING BOARD/SPECIAL MAGISTRATE

1. **CALL TO ORDER: Planning & Zoning Board**

Approval of minutes from the September 2<sup>nd</sup>, 2014  
Planning & Zoning Board/Special Magistrate  
meeting.

2. **OLD BUSINESS:**

**NONE**

3. **NEW BUSINESS:**

**RZ 1408-02 Sale of Property to Bright Oaks  
(A portion of parcel G08=004)**

City-initiated rezoning from City "PEU: Public,  
Educational, Utilities" to City "IN: Institutional."

**RZ 1409-01 ELIM Senior Care Living  
(A portion of parcel D08=033)**

Rezoning from City "NMU-7: Neighborhood Mixed Use  
- 7 dwelling units/acre" to City "IN: Institutional."

**RZ 1408-01 ELIM Senior Care Living PD  
(A portion of parcel D08=033)**

Approval of the ELIM Senior Care Living Planned  
Development, providing for a four-story 187-bed  
Independent Living Facility (214,479 sf) with a one-story  
Town Center (35,000 sf); a four-story 42-bed Memory  
Care Facility (30,000 sf); a four-story 66-bed Assisted  
Living Facility (78,968 sf); Live Oaks Church, two-story  
with 775 seats (26,265 sf); and a one-story, 300-seat

# AGENDA

## October 7<sup>th</sup>, 2014 at 3:00 pm

### PLANNING & ZONING BOARD/SPECIAL MAGISTRATE

future expansion of the Live Oaks Church (12,112 sf); to be constructed over a total of four phases.

#### **SP 1406-02 FINAL PLAT Peppertree Village (Parcels D30=003, D30=004 and D30=006)**

Final Plat approval for Pepper Tree Village for 106 single family residential lots on approximately 40.18 acres in the Oxford area.

#### **SP 1408-03 AutoZone 6341 (Parcel D17=034)**

Approval to construct 7,381 SF of retail for auto parts with associated parking, utilities, and stormwater management facilities.

#### **4. FORUM**

#### **5. ADJOURNMENT:**

**APPEAL: NECESSITY OF RECORD.** In order to appeal the Board/Special Magistrate's decision of this matter, a verbatim record of the proceedings is required. The Board/Special Magistrate assumes no responsibility for furnishing said record.

**City of Wildwood  
Planning and Zoning Board/Special Magistrate  
September 2, 2014**

The meeting of the Planning and Zoning Board/Special Magistrate for the City of Wildwood convened on Tuesday, September 2, 2014, in the Commission Chamber of City Hall, 100 North Main Street, Wildwood, Florida.

City Representatives Present: Melanie Peavy, Development Services Director and Kandi Harper, Senior Development Specialist.

The hearing was called to order at 3:40 p.m. by Special Magistrate Archie O. Lowry, Jr.

The Special Magistrate gave instructions to the audience regarding proceedings during the Planning and Zoning Board / Special Magistrate (P&Z) meeting and how and when members of the community and interested parties would be allowed to speak regarding the issues under consideration.

**Melanie Peavy and Kandi Harper were sworn in at this time.**

The minutes from the August 5, 2014 regular Planning and Zoning Board were approved and signed.

**Old Business:**

**NONE**

**New Business:**

**RZ 1405-01 Public Works / Old Library Site  
(A portion of parcel G05=113)**

City-initiated rezoning from City "R-5: High Density Residential" to City "PEU: Public, Educational, Utilities."

**Melanie Peavy:** Introduced herself for the record, identified the location of the subject parcel, the owner of the property and the applicant. Ms. Peavy read excerpts from the staff report into the record to present the case before the Planning and Zoning Board.

Ms. Peavy stated that the applicant is seeking a favorable recommendation from the Planning and Zoning Board/Special Magistrate for a Zoning Map Amendment from City of Wildwood "R-5: High Density Residential" to City of Wildwood "PEU: Public, Educational, Utilities" for parcel G05=113. This rezoning request is in relation to a concurrent Small Scale Comprehensive Plan amendment (Case # CP 1405-01). Pursuant to Subsection 3.3(B)(4) of the Land Development Regulations, Staff

believes the zoning change to “PEU: Public, Educational, Utilities” should be granted based on the criteria presented in the staff report.

Ms. Peavy stated that this re-zoning is necessary to accommodate the proposed use of the property and to bring the property into compliance with the Future Land Use Map; and the PEU zoning district is appropriate based on the character of the surrounding area and the intended future use of the property.

Ms. Peavy stated that Staff recommends approval and a favorable recommendation of Ordinance Number O2014-26 be forwarded to the City Commission.

Ms. Peavy stated that the Special magistrate has a duty to make recommendations to the City Commission on all zoning amendments pursuant to the criteria set forth in subsection 3.3(B)(4) of the Land Development Regulations.

Ms. Peavy stated that the public notice had been posted and published as prescribed by the City of Wildwood Code for Public Notice.

The Special Magistrate questioned what is meant by the comment in the staff report, “The possibility of adversely affecting public facilities such as schools, utilities, streets, etc.”

Ms. Peavy responded that the actual determination that has to be made is that the rezoning is not affecting overall public facilities that would service this property or any other property.

The Special Magistrate asked for any comments from the audience.

Ms. Yoma Isaac approached the podium and was sworn in. Ms. Isaac stated her address for the record. Ms. Isaac questioned which building will be converted to the Public Works office.

Ms. Peavy stated that the former Library building will be the office for Public Works.

Ms. Isaac stated that the main sewer lines that go up on Palmer Street have to be flushed out every six (6) months because the lines on the apartment property are in a slant and the sewer system backs-up on the back-flows so that the City has to flush the sewer lines; and asked if the sewer line and back-flow issues would be considered.

Ms. Peavy stated that the City is not adding additional impact based on building, construction and land use to the system that is already there; former and current use is not part of the calculation used in staff review of a land use amendment; and that the sewer problem is an issue but is not considered in this level of review that staff would look at something that specific.

Ms. Peavy stated that she would contact the City new Utilities Director and advising him of the problem to see if there is anyone they can contact to work something out.

The Special Magistrate restated that the land use amendment and the rezoning do not increase the use of the property from what it is presently zoned; the sewer is a problem and should be addressed by public utilities, unless the problem exists on private property.

**Special Magistrate:** Any other comments or questions on this case? Hearing none, based upon the testimony and information received in this case and the information required under section 3.3(B)(4) of the LDRs having been submitted and the authority granted in subsection 1.7(B)(1), I recommend approval of Ordinance Number O2014-26 to the City Commission with the caveat that the public safety, welfare and health of the residents in the contiguous Club Wildwood be considered as to the recreational facilities and to the sewer sanitation facilities.

**Special Magistrate:** Asked for any other cases before the P & Z?

There being no further cases before the P & Z / Special Magistrate, the City of Wildwood Planning and Zoning meeting is now adjourned. The meeting was adjourned at approximately 3:52 p.m.

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Date

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Archie O. Lowry, Jr., Special Magistrate  
City of Wildwood, Florida

**CITY OF WILDWOOD**  
**Planning and Zoning Board/Special Magistrate**

**Case No:** RZ 1408-02

**Parcel Number(s):** A portion of G08=004

**Property Location:** Southwest of the intersection of Powell Road and Huey Street

**Owner:** City of Wildwood

**Applicant:** City of Wildwood

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The applicant seeks approval and a favorable recommendation from the Planning and Zoning Board/Special Magistrate for a Zoning Map Amendment from City of Wildwood "PEU: Public, Educational, Utilities" to City of Wildwood "IN: Institutional" for a portion of parcel G08=004. This rezoning request is in relation to a concurrent Small Scale Comprehensive Plan amendment (Case CP 1408-01).

Pursuant to Subsection 3.3(B)(4) of the Land Development Regulations, Staff believes the zoning change to "PEU: Public, Educational, Utilities" should be granted based on the following criteria:

(a) Whether the proposed change is consistent with the comprehensive plan;

The proposed rezoning to "IN: Institutional" is consistent with the proposed Future Land Use Map designation of "Public Facilities" and the intent of the Comprehensive Plan in promoting development and redevelopment within the City's central area.

(b) The existing land use pattern of the surrounding area;

The proposed rezoning to "IN: Institutional" is compatible with the current land use pattern of the surrounding area. The subject property is located to the southwest of the intersection of Powell Road and Huey Street. The property is intended to be used for retention for a proposed Assisted Living Facility on an adjoining property which is consistent with the existing development in the area.

(c) The possibility of adversely affecting public facilities such as schools, utilities, streets, etc;

The property subject to the amendment is 1.1 acres in size and its potential impact to public facilities and services is likely to be minimal. Rezoning the property in and of itself will not create additional water and sewer demand, traffic congestion, or school facility impacts. Currently, the City has potable water and sanitary sewer capacity to accommodate the proposed development on the adjacent property, and the area road network can handle any minimal increase in traffic. As an assisted living facility, no impacts to school facilities are expected.

(d) Whether changed or changing conditions make the passage of the proposed amendment necessary;

The rezoning is necessary to accommodate the proposed use of the property and to bring the property in compliance with the Future Land Use Map. The IN zoning district is appropriate based on the character of the surrounding area and the intended future use of the property

(e) Whether the proposed change will create or excessively increase traffic congestion or otherwise be a detriment to public safety;

The proposed rezoning will not create an excessive increase in traffic or be a threat to public safety. The property is proposed to be sold for use as a drainage retention area for a project on the adjacent property.

(f) Whether the proposed change will be a deterrent to the improvement or development of adjacent property;

The proposed rezoning will not be a deterrent to the improvement or development of adjacent properties. The adjacent properties are permitted to develop in accordance with their zoning map designation.

Therefore, **Staff suggests approval and a favorable recommendation of Ordinance Number O2014-40 (attached) subject to approval of O2014-39, which establishes a future land use appropriate to the proposed zoning.**

The Planning and Zoning Board/Special Magistrate has a duty to make recommendations to the City Commission on all zoning amendments pursuant to the criteria set forth in subsection 3.3(B)(4) of the Land Development Regulations.

This office has duly noticed this meeting as prescribed by City of Wildwood Code for PUBLIC NOTICES in the City of Wildwood. Notice of Hearing has been sent via Certified Mail to all property owners adjoining the property in question. Notice has been posted on the Notice Board at City Hall, on the bulletin board at the Wildwood Post Office, and on the subject property. A notice of this meeting was published in a newspaper of general circulation (Daily Commercial) on September 26, 2014.

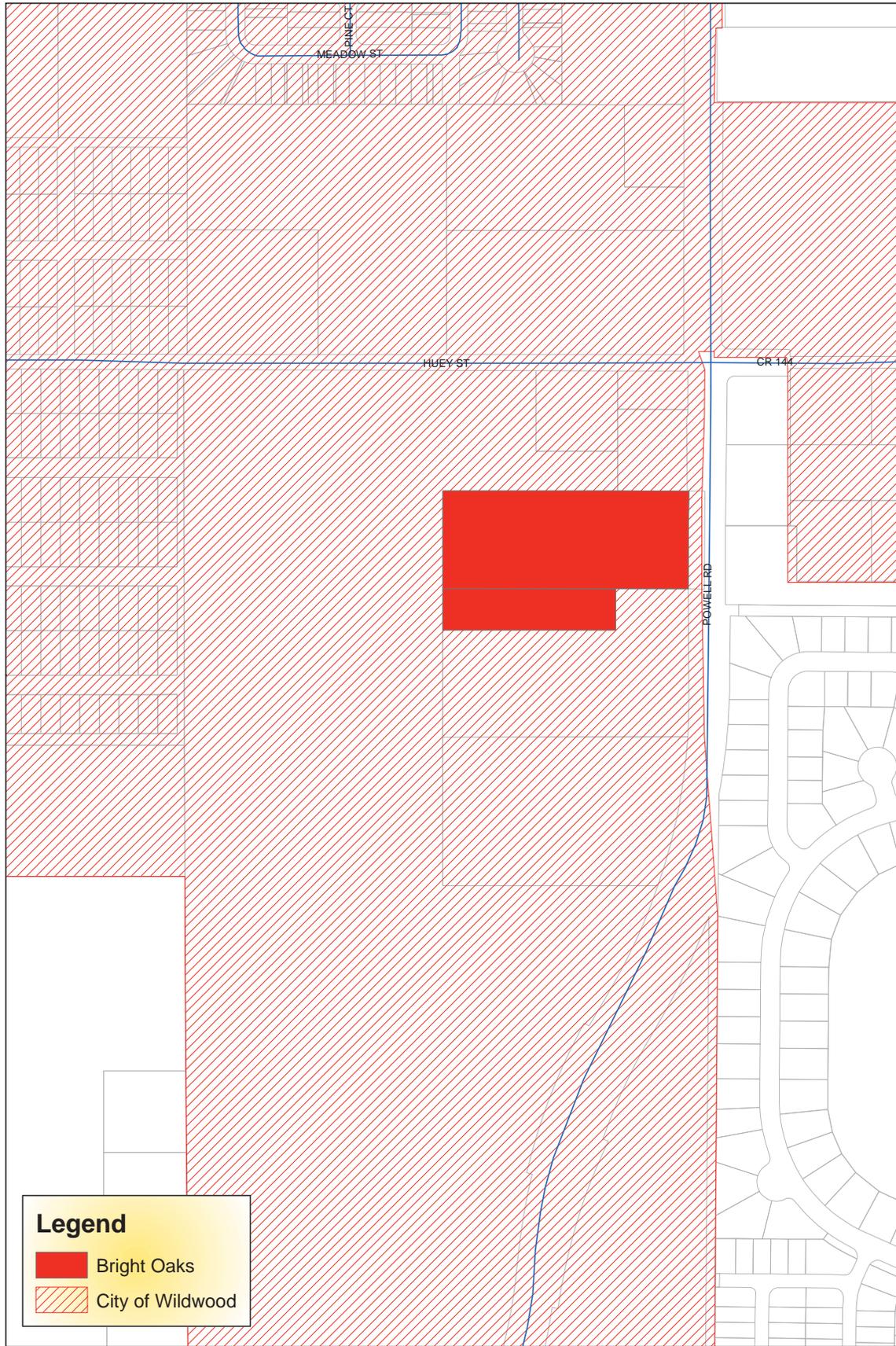


DATED: September 29, 2014

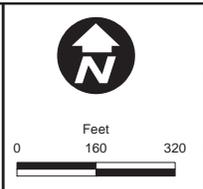
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Melanie D. Peavy  
Development Services Director

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 100 North Main Street  
 Wildwood, FL 34485  
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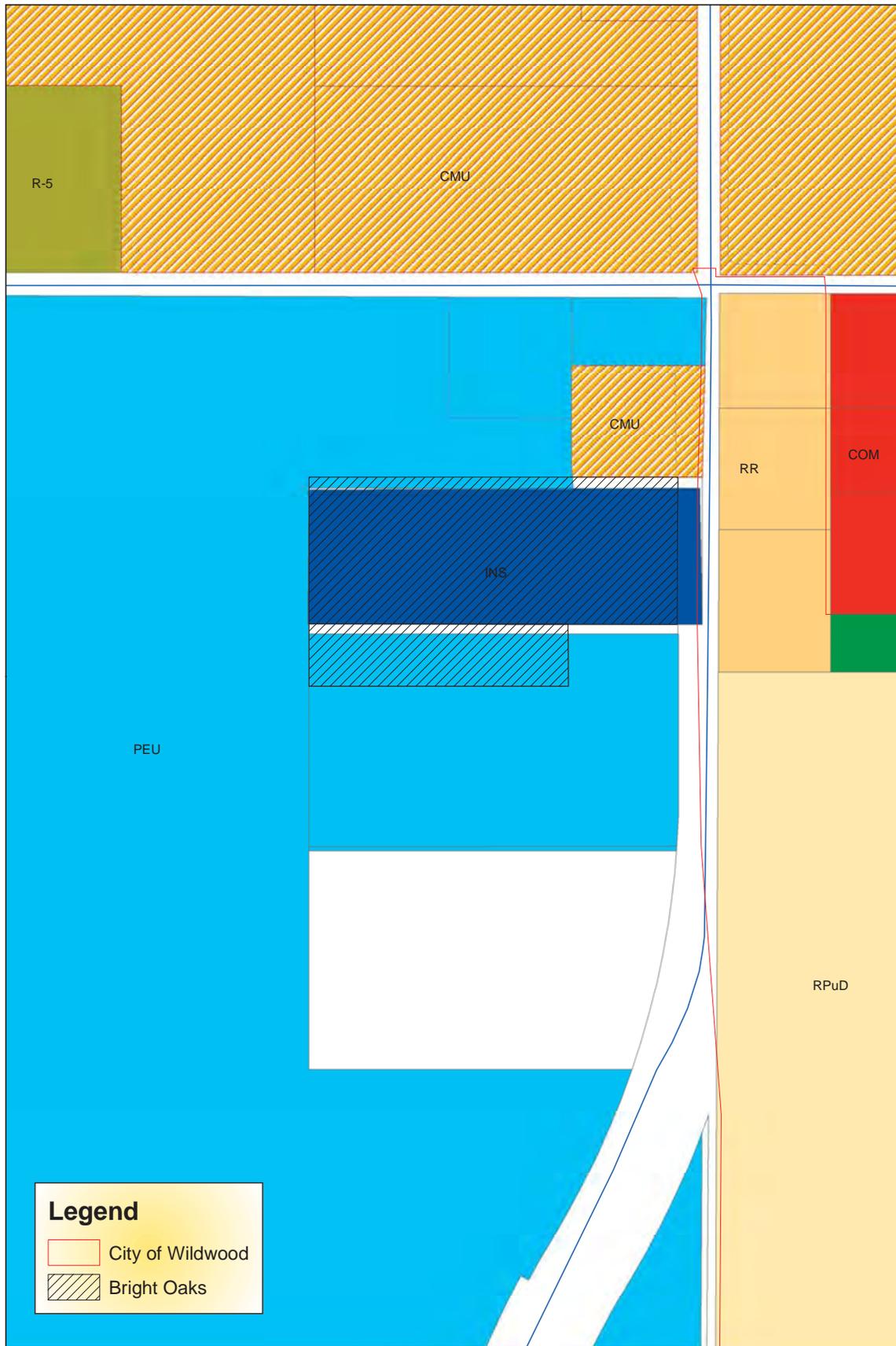
Portion of G08=004  
 Bright Oaks Retention

**WILDWOOD, FLORIDA**

September 2014

LOCATION MAP

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City of Wildwood  
 100 North Main Street  
 Wildwood, FL 34485  
 Phone: (352) 330-1330  
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Feet  
 0 100 200

Portion of G08=004  
 Bright Oaks

WILDWOOD, FLORIDA

September 2014

Existing Zoning

**ORDINANCE NO. O2014-40**

AN ORDINANCE OF THE CITY OF WILDWOOD FLORIDA;  
PROPOSING A ZONING MAP AMENDMENT TO THE  
OFFICIAL ZONING MAP IN ACCORDANCE WITH  
SECTIONS 3.2 AND 3.3 OF THE LAND DEVELOPMENT  
REGULATIONS; PROVIDING FOR CODIFICATION;  
PROVIDING FOR CONFLICT; AND PROVIDING FOR AN  
EFFECTIVE DATE

**WHEREAS**, the City of Wildwood, Florida, is proposing to amend the Official Zoning Map of said City, to include a rezoning of real property described as follows, to-wit:

**A Portion of Parcel G08=004**  
**City of Wildwood / Platinum Real Estate (Bright Oaks).**  
**1.1 acres +/-**

**LEGAL DESCRIPTION:**

A PORTION OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF NORTHEAST 1/4 OF SECTION 8; THENCE SOUTH 00°05'58" WEST ALONG THE EAST LINE OF SAID NORTHEAST 1/4 OF SECTION 8, A DISTANCE OF 568.00 FEET TO THE SOUTH LINE OF THE NORTH 568.00 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 8; THENCE NORTH 89°54'02" WEST ALONG SAID SOUTH LINE 239.81 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°54'02" WEST ALONG SAID SOUTH LINE 450.19 FEET TO THE WEST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2739, PAGE 715, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA; THENCE DEPARTING SAID SOUTH LINE RUN SOUTH 00°05'58" WEST ALONG THE SOUTHERLY EXTENSION OF SAID WEST LINE 10662 FEET; THENCE DEPARTING SAID SOUTHERLY EXTENSION RUN SOUTH 89°54'02" EAST 450.46 FEET; THENCE NORTH 00°02'33" WEST 106.62 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.10 ACRES MORE OR LESS.

This property is to be reclassified from City "PEU: Public, Educational, Utilities" to City of Wildwood "IN: Institutional."

**AND WHEREAS**, the rezoning is consistent with the City's Comprehensive Plan and Land Development Regulations.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED**, by the City Commission of Wildwood, Florida, as follows:

**SECTION 1.** The Official Zoning Map of the City of Wildwood, Florida is hereby amended to include the above-referenced property as indicated above. The amendment to the Official Zoning Map is attached hereto as "Exhibit A" and incorporated herein by reference.

**SECTION 2.** All ordinances or parts of ordinances in conflict herewith, be, and the same are hereby repealed.

**SECTION 3.** 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.

**SECTION 4.** This Ordinance shall take effect upon its final reading by the City Commission of the City of Wildwood.

**DONE AND ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by the City Commission of the City of Wildwood, Florida.

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

S E A L

\_\_\_\_\_  
Ed Wolf, Mayor

ATTEST: \_\_\_\_\_  
Cassandra Lippincott, City Clerk

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Ashley Hunt, City Attorney

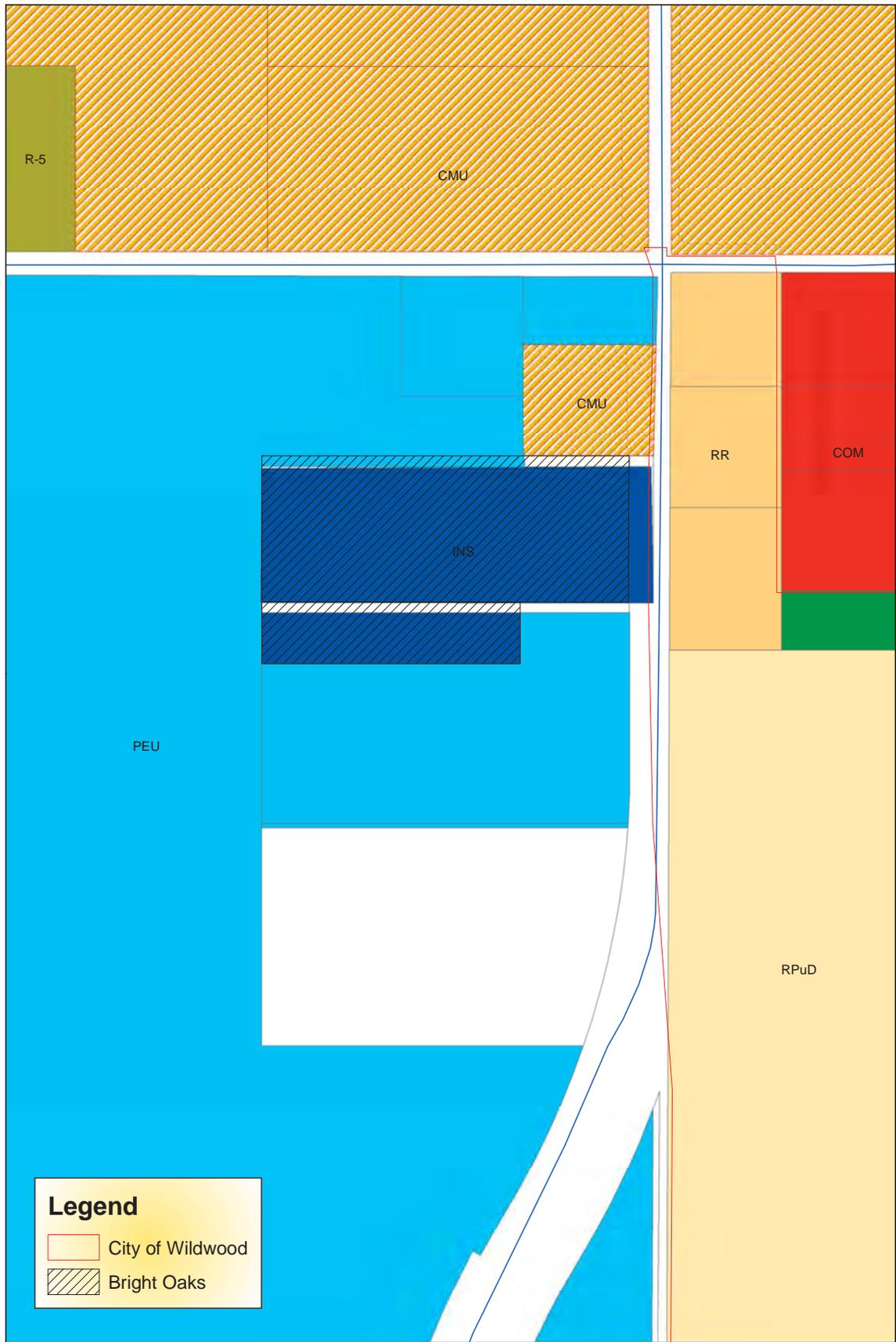
**Ordinance O2014-40**

**“Exhibit A”**

**A portion of parcel G08=004 (City property pending sale to Bright Oaks)**

**Proposed Zoning Map Designation**

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 100 North Main Street  
 Wildwood, FL 34485  
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Feet  
 0 100 200

Portion of G08=004  
 Bright Oaks

WILDWOOD, FLORIDA

September 2014

Proposed Zoning

**CITY OF WILDWOOD**  
**Planning and Zoning Board/Special Magistrate**

**Case No:** RZ 1409-01

**Parcel Number(s):** A portion of D08=033

**Property Location:** Northwest of the intersection Woodridge Drive and C-103

**Owner:** Debra A. Smith Revocable Trust and Sandra L. Leatherman Revocable Trust

**Applicant:** ELIM Care, Inc.

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The applicant seeks approval and a favorable recommendation from the Planning and Zoning Board/Special Magistrate for a Zoning Map Amendment from City of Wildwood "NMU-7: Neighborhood Mixed Use / 7 Units per Acre" to City of Wildwood "IN: Institutional" for a portion of parcel D08=033, approximately 25.18 acres. This rezoning request is in relation to a concurrent Large Scale Comprehensive Plan amendment (Case CP 1409-01).

Pursuant to Subsection 3.3(B)(4) of the Land Development Regulations, Staff believes the zoning change to "IN: Institutional" should be granted based on the following criteria:

(a) Whether the proposed change is consistent with the comprehensive plan;

The proposed rezoning to "IN: Institutional" is consistent with the proposed Future Land Use Map designation of "Public Facilities" and the intent of the Comprehensive Plan in promoting development.

(b) The existing land use pattern of the surrounding area;

The proposed rezoning to "IN: Institutional" is compatible with the current land use pattern of the surrounding area. The subject property is located to the northwest of the intersection of Woodridge Drive and C-103. The property is intended to be developed as an Independent/Assisted/Memory Care facility with a town center and church, which is consistent with the existing development in the area.

(c) The possibility of adversely affecting public facilities such as schools, utilities, streets, etc;

The property subject to the amendment is 25.18 acres in size and its potential impact to public facilities and services is likely to be minimal. Currently, the City has potable water and sanitary sewer capacity to accommodate the property, and the area road network can handle any minimal increase in traffic. The traffic impact study did not require additional improvements, and as a senior living facility the development would not have an impact on local schools.

(d) Whether changed or changing conditions make the passage of the proposed amendment necessary;

The rezoning is necessary to accommodate the proposed use of the property and to bring the property in compliance with the Future Land Use Map. The IN zoning district is appropriate based on the character of the surrounding area and the intended future use of the property

(e) Whether the proposed change will create or excessively increase traffic congestion or otherwise be a detriment to public safety;

The proposed rezoning will not create an excessive increase in traffic or be a threat to public safety. Once the property is developed, the consequential traffic impacts would be insignificant.

- (f) Whether the proposed change will be a deterrent to the improvement or development of adjacent property;

The proposed rezoning will not be a deterrent to the improvement or development of adjacent properties. The adjacent properties are permitted to develop in accordance with their zoning map designation.

Therefore, **Staff suggests approval and a favorable recommendation of Ordinance Number O2014-43 (attached) subject to approval of O2014-42, which establishes a future land use appropriate to the proposed zoning.**

The Planning and Zoning Board/Special Magistrate has a duty to make recommendations to the City Commission on all zoning amendments pursuant to the criteria set forth in subsection 3.3(B)(4) of the Land Development Regulations.

This office has duly noticed this meeting as prescribed by City of Wildwood Code for PUBLIC NOTICES in the City of Wildwood. Notice of Hearing has been sent via Certified Mail to all property owners adjoining the property in question. Notice has been posted on the Notice Board at City Hall, on the bulletin board at the Wildwood Post Office, and on the subject property. A notice of this meeting was published in a newspaper of general circulation (Daily Commercial) on September 26, 2014.

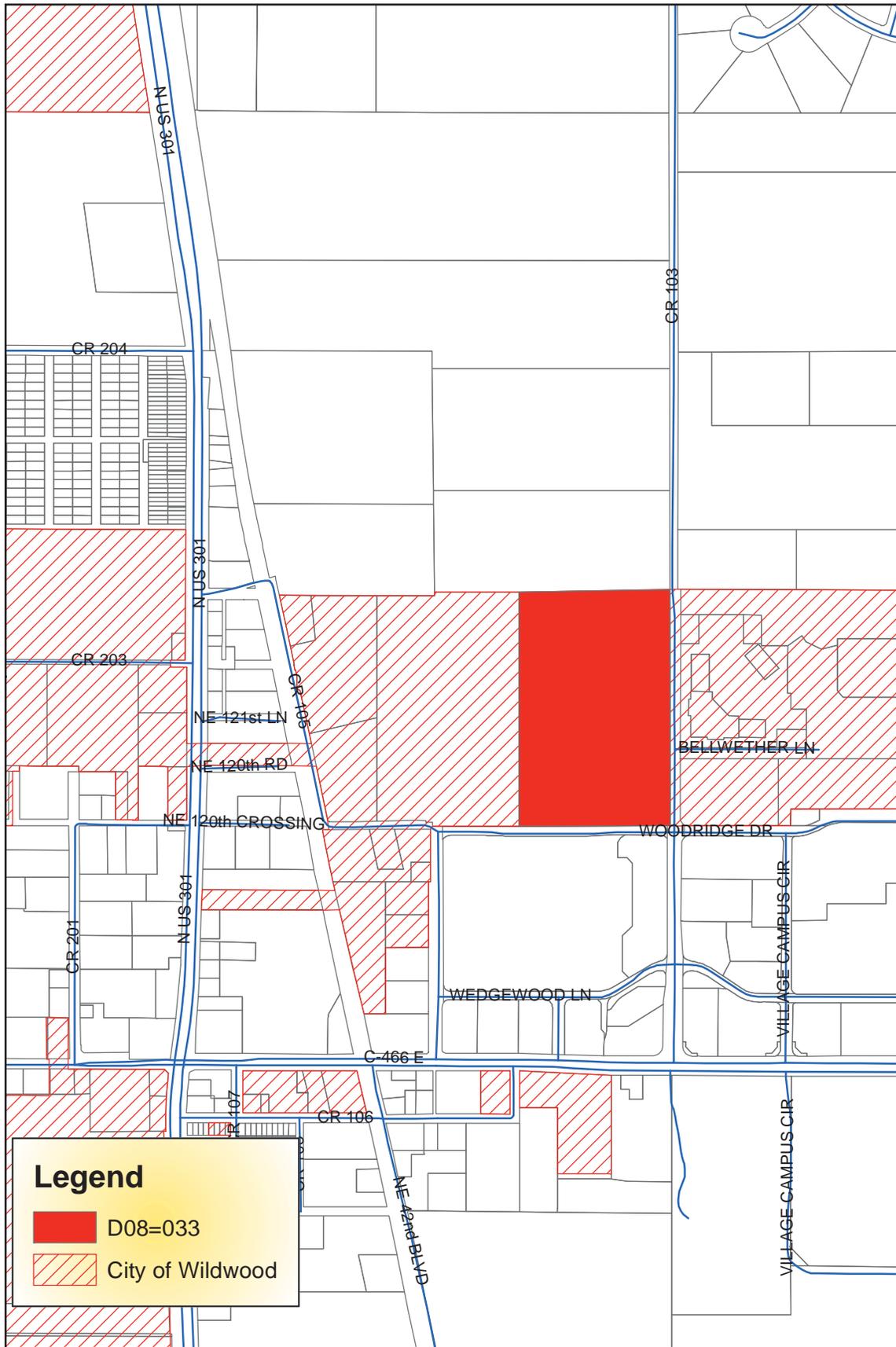


DATED: September 29, 2014

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Melanie D. Peavy  
Development Services Director

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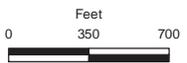


**Legend**

- D08=033
- City of Wildwood



City of Wildwood  
 100 North Main Street  
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**D08=033**  
**Elim Senior Care**

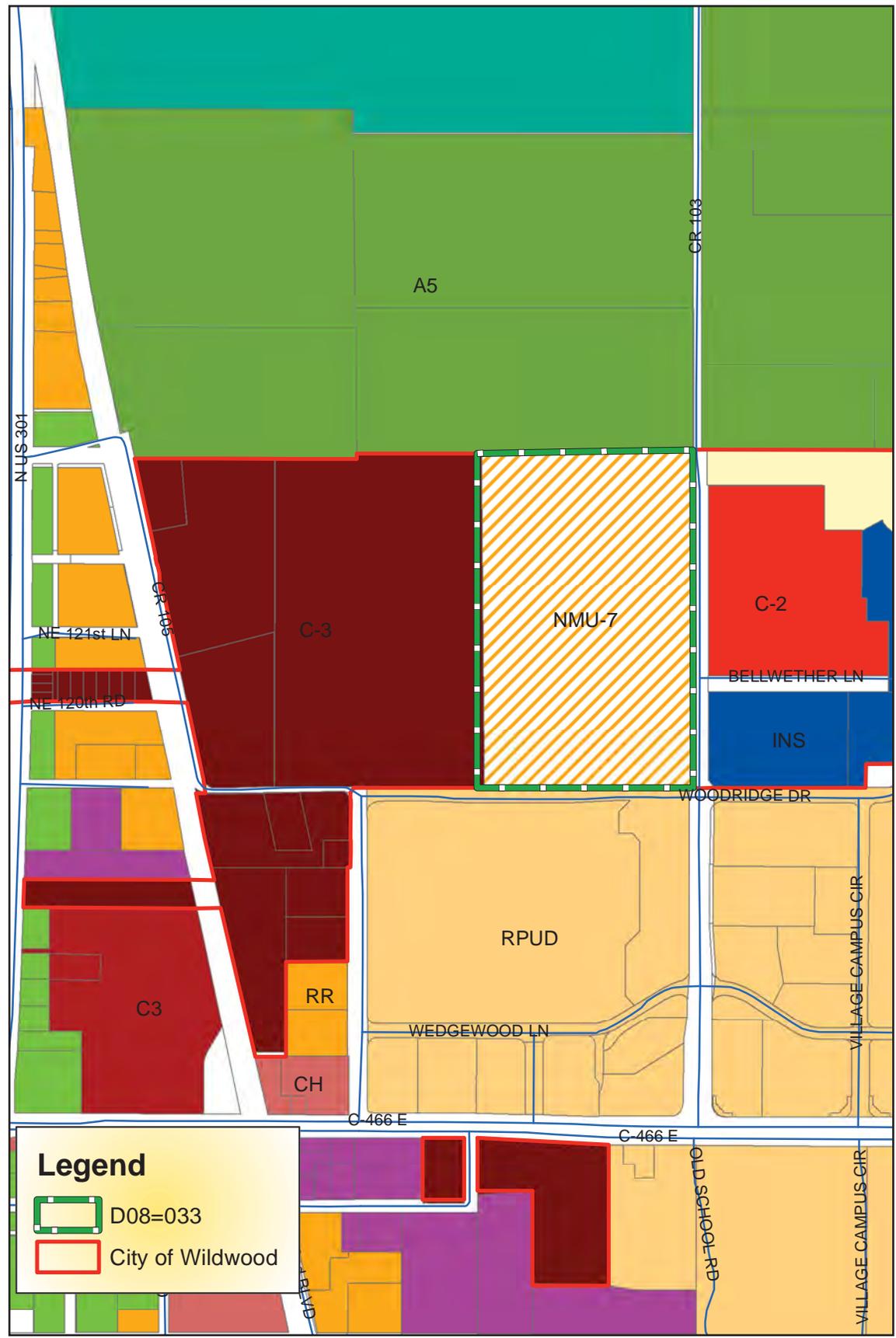
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**WILDWOOD, FLORIDA**

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AUGUST 2014	LOCATION MAP
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**Legend**

- D08=033
- City of Wildwood



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 100 North Main Street  
 Wildwood, FL 34485  
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0 Feet 240 480

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

**ORDINANCE NO. O2014-43**

AN ORDINANCE OF THE CITY OF WILDWOOD FLORIDA;  
REZONING CERTAIN REAL PROPERTY IN COMPLIANCE  
WITH THE ADOPTED LOCAL COMPREHENSIVE PLAN  
AND FUTURE LAND USE MAP IN ACCORDANCE WITH  
THE COMMUNITY PLANNING ACT OF 2011, AS  
AMENDED; PROVIDING FOR CODIFICATION;  
PROVIDING FOR CONFLICT; AND PROVIDING FOR AN  
EFFECTIVE DATE

**WHEREAS**, the City of Wildwood, Florida, has made a determination that certain real property located within the City of Wildwood should be zoned or rezoned in compliance with the City of Wildwood Comprehensive Plan and Future Land Use Map.

**NOW, THEREFORE**, BE IT ENACTED AND ORDAINED, by the City Commission of Wildwood, Florida, as follows:

**SECTION 1.** The following property which was zoned "NMU-7: Neighborhood Mixed Use - 7", shall be rezoned to "IN: Institutional", pursuant to the City of Wildwood Land Development Regulations and official Zoning Map:

**Debra A. Smith Revocable Trust / Sandra L. Leatherman Revocable Trust**  
**Elim Care, Inc.**  
**A Portion of Parcel Number: D08=033**  
**Containing 25.18 acres +/-**

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 SOUTHWEST 1/4 OF SAID SECTION 8; THENCE DEPARTING SAID EAST LINE, N89°52'01"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 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)

**SECTION 2.** The official zoning map for the City of Wildwood, Florida, is hereby amended to include the above-referenced property. The amendment to the official zoning map is attached hereto and incorporated herein by reference.

**SECTION 3.** All ordinances or parts of ordinances in conflict herewith, be, and the same are hereby repealed.

**SECTION 4.** 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.

**SECTION 5.** This Ordinance shall take effect upon its final reading by the City Commission of the City of Wildwood.

PASSED AND ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by the City Commission of the City of Wildwood, Florida.

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

S E A L

\_\_\_\_\_  
Ed Wolf, Mayor

ATTEST: \_\_\_\_\_  
Cassandra Lippincott, City Clerk

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Ashley Hunt, City Attorney

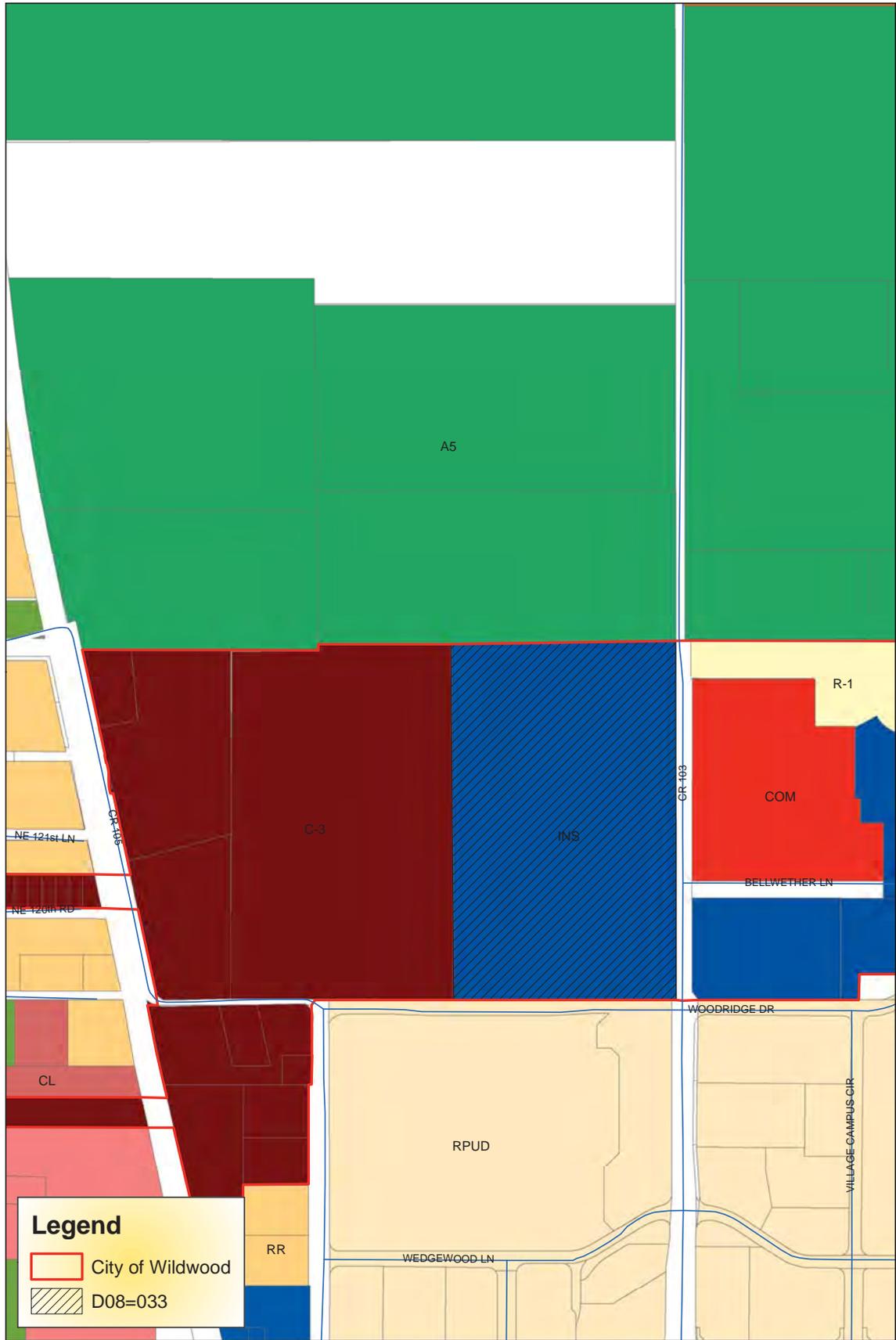
**Ordinance O2014-43**

**“Exhibit A”**

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

**Proposed Zoning Map Designation**

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 100 North Main Street  
 Wildwood, FL 34485  
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Feet  
 0 230 460

D08=033  
 Elim Senior Care Housing

WILDWOOD, FLORIDA

September 2014

Proposed Zoning

**CITY OF WILDWOOD**  
**Planning and Zoning Board/Special Magistrate**

**Case No:** RZ 1408-01

**Parcel Number(s):** A portion of D08=033

**Property Location:** Northwest of the intersection of Woodridge Drive and C-103 in the Oxford area.

**Owner/Developer:** Debra A. Smith Revocable Trust and Sandra L. Leatherman Revocable Trust

**Applicant:** Elim Care, Inc.

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The applicant seeks approval and a favorable recommendation from the Planning and Zoning Board/Special Magistrate for a "Planned Development" (PD) zoning overlay on a 25.18 MOL acre property zoned "IN: Institutional." The project is a Commercial/Institutional Planned Development (CIPD) to build a four-story, 146 unit (187 bed) Independent Living Facility with a town center; a 42 bed Memory Care Facility; a 64 unit (66 bed) Assisted Living Facility; and a 1,075 seat church; for a grand total of 396,824 SF of Institutional development as defined in Ordinance O2014-38. This planned development zoning overlay request is in relation to a concurrent Large Scale Comprehensive Plan amendment (Case CP 1409-01, O2014-42) and Rezoning (RZ 1409-01, O2014-43).

Pursuant to Section 8.6 of the Land Development Regulations, Ordinance O2014-38 adopts the Grand Oaks Planned Development Agreement. The Project's legal description and conceptual plan have been incorporated into the Ordinance as exhibits. The PD Agreement outlines specific criteria and standards for the Project.

The traffic analysis for the proposed project determined that the roadway segments and intersections evaluated within the study area are expected to operate at acceptable levels of service upon project build-out, and that no off-site improvements or exclusive ingress turn lanes at the site driveways are required.

As an adult congregate care facility, the project should not have an impact on the Sumter County School system. The Project shall be required to connect to City utilities. The City has sufficient capacity in both water and wastewater to accommodate the Project.

The applicant provided staff with a narrative of the requested deviations from the City's LDRs, which are set forth in Section 3 of Ordinance O2014-38.

The applicant has responded to and satisfied all comments and concerns raised at the Project Review Committee meeting. The Project meets or exceeds the minimum requirements of the Comprehensive Plan and the Land Development Regulations, and the Project Review Committee recommended the Project be placed on the Planning and Zoning Board agenda for consideration.

This office has duly noticed this meeting as prescribed by City of Wildwood Code for PUBLIC NOTICES in the City of Wildwood. Notice of Hearing has been sent via Certified Mail to all property owners adjoining the property in question. Notice also has been posted on the notice board at City Hall and on the bulletin board at the Wildwood Post Office. A notice of this meeting was published in a newspaper of general circulation (Daily Commercial) on September 26, 2014.

**Staff recommends approval of Ordinance O2014-38 (attached) subject to approval of O2014-43, which establishes a zoning appropriate to the proposed planned development; and subject to approval of O2014-42, which establishes a future land use appropriate to the proposed zoning** be forwarded to the City Commission for final action.

The Planning and Zoning Board/Special Magistrate has a duty to recommend to the City Commission approval, approval with conditions, or denial pursuant to subsections 1.7(B)(2) and 3.3(B)(3) of the Land Development Regulations.

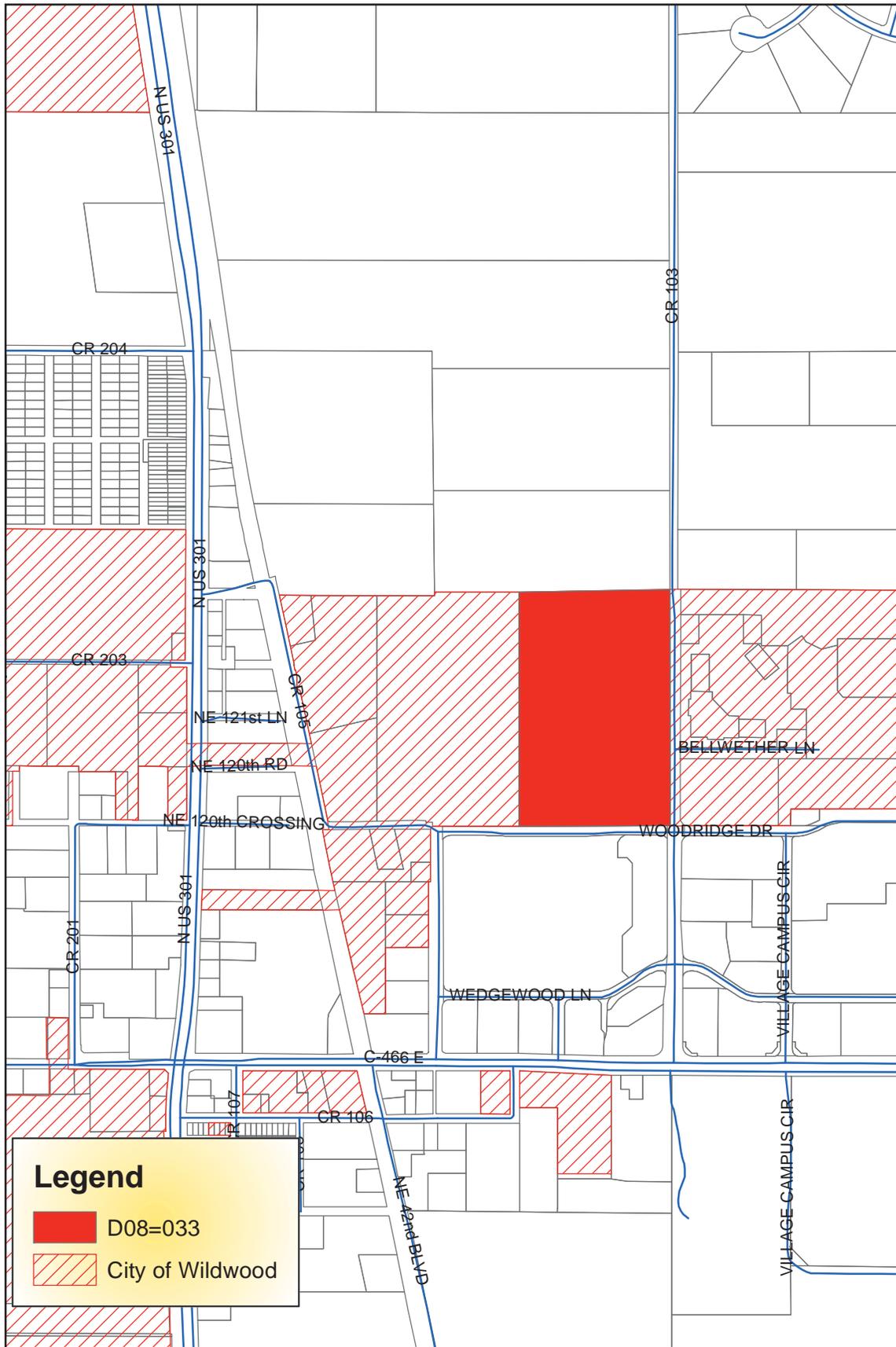
A handwritten signature in black ink that reads "Melanie D. Peavy". The signature is written in a cursive style with a large, looped initial "M".

DATED: September 30, 2014

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Melanie D. Peavy  
Development Services Director

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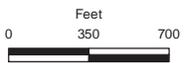


**Legend**

- D08=033
- City of Wildwood

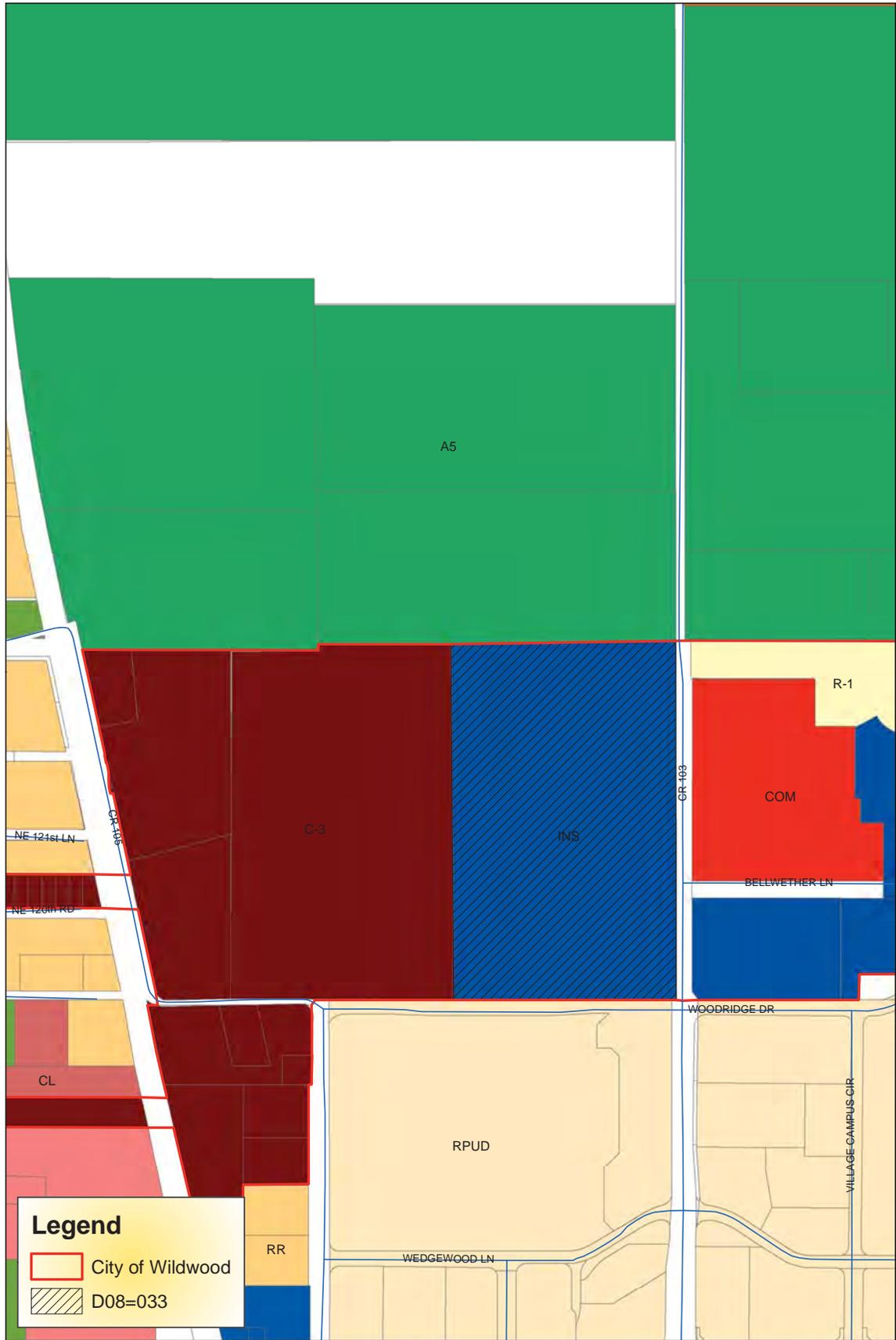


City of Wildwood  
 100 North Main Street  
 Wildwood, FL 34485  
 Phone: (352) 330-1330  
 www.wildwood-fl.gov



<p>D08=033 Elim Senior Care</p>	
<p><b>WILDWOOD, FLORIDA</b></p>	
<p>AUGUST 2014</p>	<p>LOCATION MAP</p>

I:\TermGIS\Maps\Existing & Proposed Zoning\Proposed Zoning - Elim Senior Care Housing.mxd - 9/19/2014 3:57:10 PM - toneseal



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



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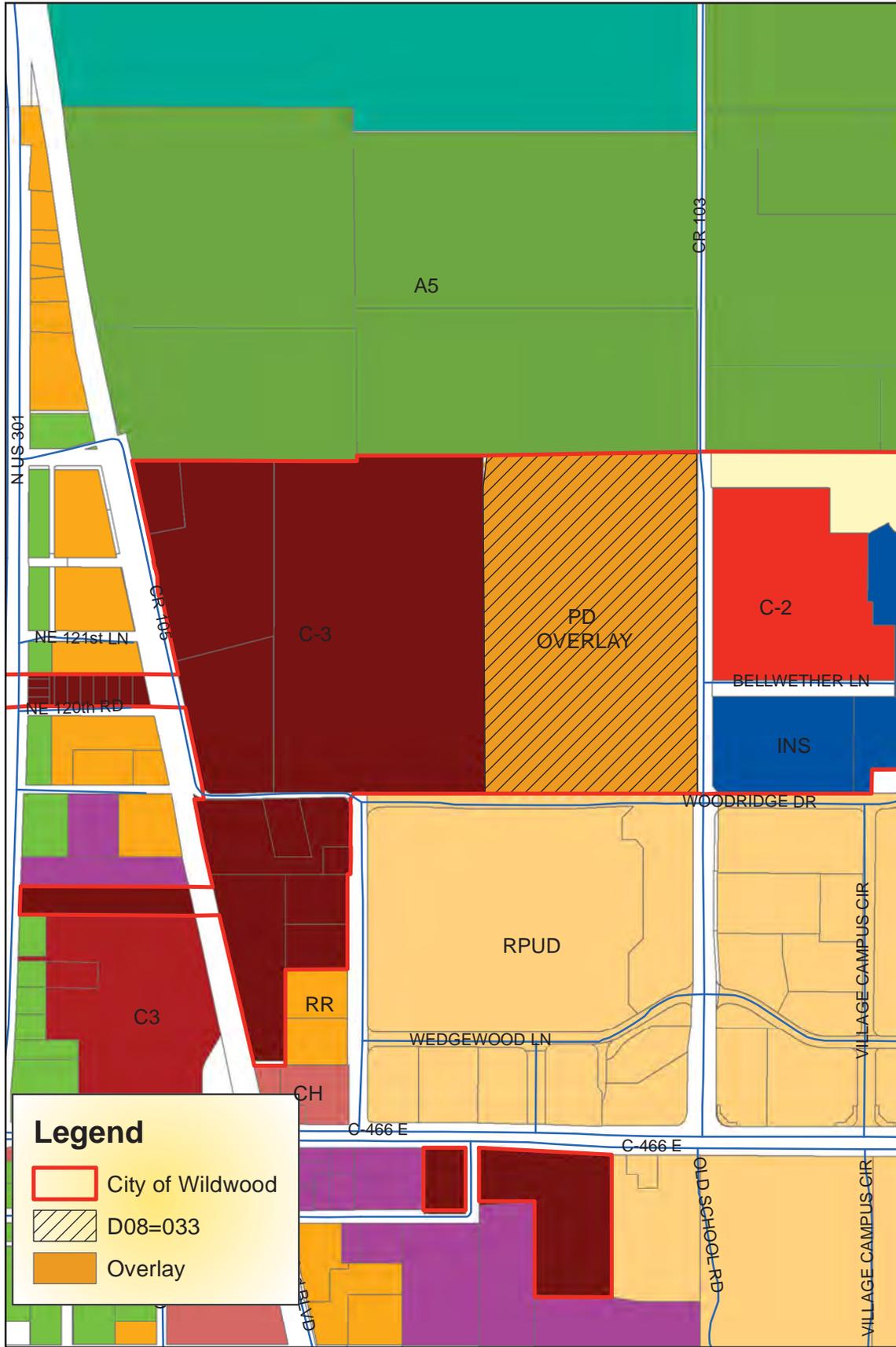
D08=033  
 Elim Senior Care Housing

WILDWOOD, FLORIDA

September 2014

Proposed Zoning

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 100 North Main Street  
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 www.wildwood-fl.gov



0 Feet 240 480

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

## **ORDINANCE 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 \_\_\_\_\_ day of \_\_\_\_\_ 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. The maximum Floor Area Ratio within the Project is 0.6.
- 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.
- G. 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.
- H. 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.
- I. 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.
    - c. Landscape buffer detail shall be accordance with the City's Design District Standards.
- J. Environmental Considerations. All environmental considerations have been addressed in the Bio-Tech Consulting, Inc. report submitted with the Planned Development application.
- K. 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 uses 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.

L. 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 shall be permitted for the church. Grass parking spaces shall match the size requirements of a paved parking space.
- 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.
- 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.

- M. 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.
- N. Lighting. Lighting shall meet requirements of the City's Design District Standards.
- O. 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.
- P. Enforcement of Rules and Regulations. For the maintenance of the common areas referenced in Section 3(O) 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.
- Q. 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.
- P. 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.

- Q. All ordinances or parts of ordinances in conflict herewith, be, and the same are hereby repealed.
- R. 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.
- S. 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 \_\_\_\_ day of \_\_\_\_\_, 2014.

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

\_\_\_\_\_  
ED WOLF, MAYOR

ATTEST: \_\_\_\_\_  
Cassandra Lippincott, City Clerk

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
Ashley Hunt, City Attorney

**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)

**Ordinance O2014-38**

**“Exhibit B”**

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

**Proposed Conceptual Development Plan**

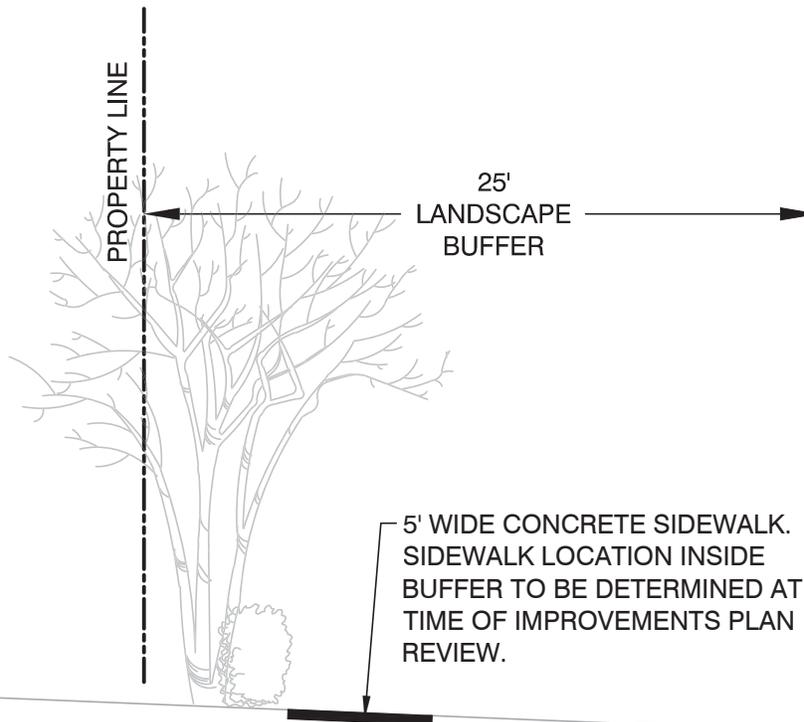


**Ordinance O2014-38**

**“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) 748-3126

**ELIM CARE SENIOR HOUSING  
 WILDWOOD, FL**

**CITY OF WILDWOOD  
Planning & Zoning Board/Special Magistrate**

**Case No:** SP 1406-02 Peppertree Village Final Plat

**Parcel Number(s):** D30=003, D30=004, and D30=006

**Property Location:** South side of C-222 on half mile west of US Hwy. 301 (SR 35)

**Owner:** R. William Futch, Trustee for Early Retirement LLC

**Applicant:** Gary Thurston, Advanced Holdings, LLC

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The applicant seeks final plat approval under the subdivision (plat) process and favorable recommendation from the City of Wildwood Planning and Zoning Board/Special Magistrate for the Peppertree Village subdivision. Peppertree Village consists of 106 single family lots and other related infrastructure improvements.

The applicant has responded to and satisfied all comments and concerns raised at the Project Review Committee meeting. The project meets the minimum requirements of the Land Development Regulations and the Project Review Committee recommended the Project be placed on the Planning and Zoning Board agenda for consideration.

**Staff recommends that the Planning & Zoning Board forward a recommendation to the City Commission for approval of the final plat.**

Under subsection 1.7 (B)(1) of the Land Development Regulations (LDRs), the Planning and Zoning Board/Special Magistrate has a duty to make a recommendation to the City Commission on all proposed improvement plans under the subdivision process in accordance with the procedure outlined in subsection 1.14 (B)(4)(c) and the criteria for the approval of improvement plans as defined in section 5.6 of the LDRs.

This office has duly noticed this meeting as prescribed by City of Wildwood Code for PUBLIC NOTICES. Notice has been posted on the notice board at City Hall and on the bulletin board at the Wildwood Post Office. A notice of this meeting was published in a newspaper of general circulation (Daily Commercial) on Friday, September 26, 2014.

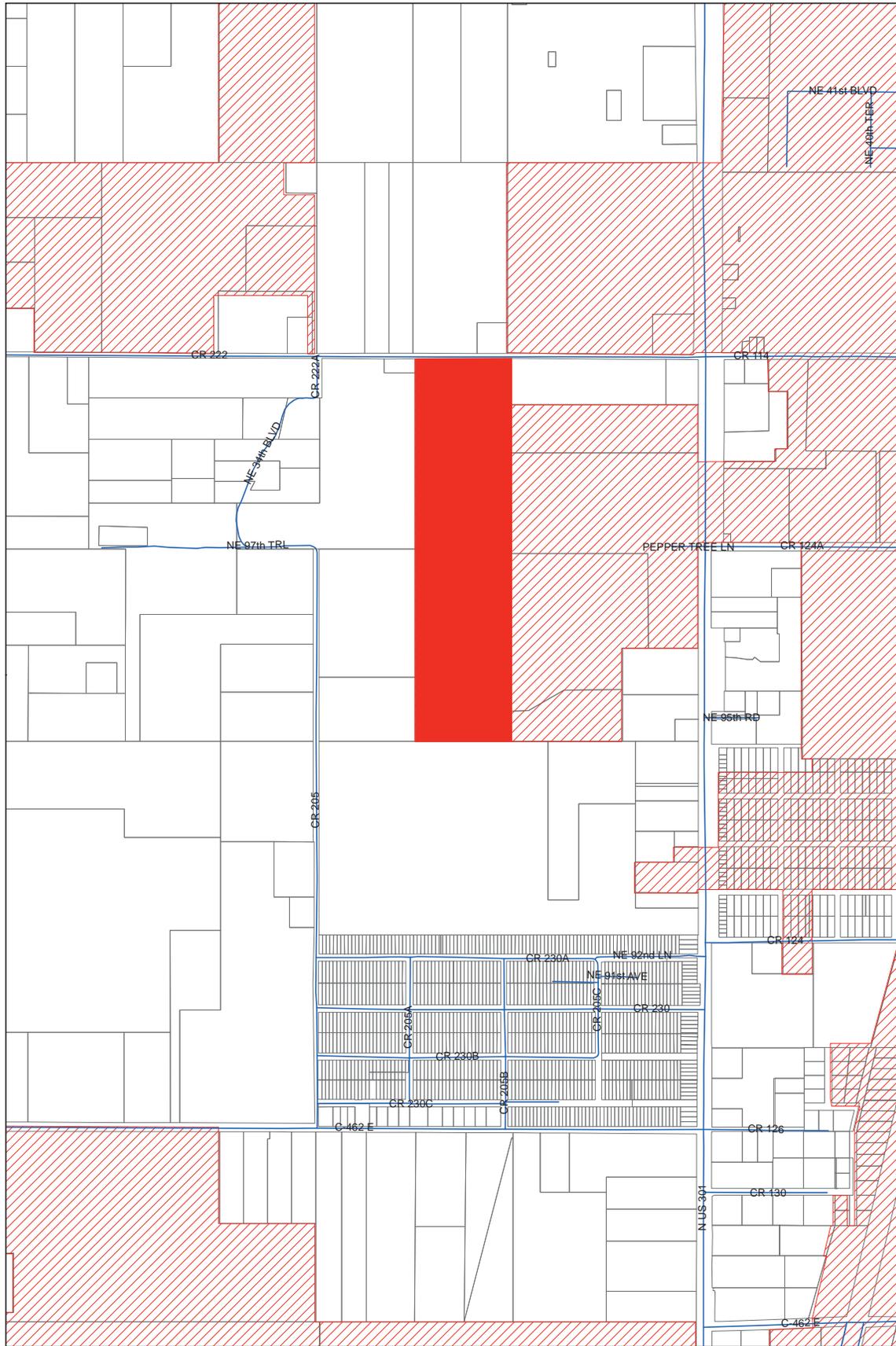


DATED: September 30, 2014

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Melanie D. Peavy  
Development Services Director

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



Feet  
0 430 860

D30=003, D30=004, D30=006  
Pepper Tree Village

WILDWOOD, FLORIDA

JUNE 2014

LOCATION MAP









**R. WILLIAM FUTCH, P.A.**  
**610 S.E. 17<sup>TH</sup> STREET**  
**OCALA, FLORIDA 34471**

**R. William Futch**  
**Admitted in Florida**  
**Admitted in Texas (inactive)**  
**Certified Circuit Civil Mediator**

**Tel. No: (352) 732-8080**  
**Fax No: (352) 732-8023**

**E-mail address: [rwfutchpa@aol.com](mailto:rwfutchpa@aol.com)**

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**Jon I. McGraw**  
**Admitted in Florida**

**E-mail address: [jmcgrawlaw@aol.com](mailto:jmcgrawlaw@aol.com)**

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September 8, 2014

City of Wildwood, Florida  
Attn: Paul Ketz, Projects Planner  
100 N Main Street  
Wildwood, FL 34785

RE: OPINION OF TITLE/RE: PEPPERTREE VILLAGE  
OWNER OF PROPERTY: R. WILLIAM FUTCH, AS TRUSTEE OF  
THE R. WILLIAM FUTCH LAND TRUST AGREEMENT DATED  
OCTOBER 27, 2005

TO WHOM IT MAY CONCERN:

Please be advised that, pursuant to your request, I have examined title to that certain real property lying situate in Sumter County, Florida, and more particularly described as:

**See Exhibit "A" attached**

This opinion is issued to the City of Wildwood (hereinafter "Wildwood") and is for the exclusive use of the City of Wildwood. The undersigned specifically disclaims liability to any person or entity other than the City of Wildwood who or which might rely or attempt to rely upon the opinions expressed herein. This opinion exempts and excludes the following:

1. Those matters only as shown on that certain Survey from SILVESTRE & ASSOCIATES.
2. Taxes for calendar year 2014, which are not yet due and payable,

and taxes or special assessments which are not shown as existing liens by the Public Records.

3. Any rights, interests or claims of parties in possession of the land not shown by the public records.
4. Any lien for services, labor, or materials in connection with improvements, repairs or renovations provided before, on, or after Date of Policy, not shown by the public records.
5. Taxes or special assessments not shown as lien in the public records or in the records of the local tax collecting authority, at Date of Policy.
6. Mortgage in the original principal amount of \$1,040,000.00, executed by R. William Futch, individually and as Trustee in favor of Florida Choice Bank, recorded 11/08/2005 in Book 1472, Page 720, Modification in Book 2333, Page 624, Assignment in Book 2557, Page 187 and Modification in Book 2561, Page 285, together with an Assignment of Rents and Leases from R. William Futch, individually and as Trustee to Florida Choice Bank recorded 11/08/2005, in Book 1472, Page 727, further assigned to GATEWAY BANK OF CENTRAL FLORIDA in Book 2773, Page 415, and further modified by that Acknowledgement of Receipt of Future Advance and Amended and Restated Mortgage Deed and Security Agreement recorded in Book 2773, Page 418, Amended and Restated Collateral Assignment of Leases, Rents and Profits recorded in Book 2773, Page 433, and UCC-1 Financing Statement recorded in Book 2773, Page 437, all in favor of GATEWAY BANK OF CENTRAL FLORIDA.
7. Easements recorded in Book 568 Page 351, Book 568 Page 352, Book 568 Page 353, Book 568 Page 354, and Book 568 Page 355, except as partially terminated by that certain Partial Termination of Easement recorded in Book 2781, Page 671.
8. Easement recorded in Book 75, Page 262.
9. Easement recorded in Book 122, Page 477.
10. Ordinances as set forth in instrument recorded in Book 1864, Page 454, Book 1895, Page 271, Book 2581, Page 486, Book 2614, Page 643 and Book 2614, Page 649.

11. Access, Drainage and Utility Easement Agreement as set forth in instrument recorded in Book 1897, Page 562.
12. Grant of Utility Easements recorded in Book 2668, Page 676 serving the Property.

Subject to the foregoing, it is my opinion that the status of the title to the real property described above is as follows:

- A. Record title is vested in R. WILLIAM FUTCH, as Trustee of THE R. WILLIAM FUTCH LAND TRUST AGREEMENT DATED OCTOBER 27, 2005.
- B. Outstanding Mortgages, Mechanic's Liens, Assessment Liens and Financing Statements: There are no outstanding Mortgages, Mechanic's Liens, Assessment Liens or Financing Statements other than as referenced above.
- C. Unsatisfied Judgments or Tax Liens: There are no unsatisfied Judgments or Tax Liens other than as referenced above.
- D. Restrictions, Declarations of Condominium, Easements or Reservations: None, other than as referenced above.
- E. Other: There are no other encumbrances to title other than as referenced above.
- F. Tax Search: No outstanding taxes are due and payable other than as referenced above.
- G.
  1. The legal description on the tax roll is as set forth in Exhibit "A" attached hereto.
  2. Property Reference No: D30=003,D30=004, and D30=006.
  3. The property is assessed to R. WILLIAM FUTCH, as Trustee.
- H. That R. WILLIAM FUTCH, as Trustee, is in good standing and qualified to do business in the State of Florida.
- I. R. WILLIAM FUTCH, as Trustee, has full authority to represent,

sign for, and bind the Company in the Company's name in all respects.

Further, this Opinion of Title does not constitute Title Insurance. The undersigned is not an insurer or guarantor of the results of this Opinion of Title. Title information contained herein was obtained through First American Title Insurance Company and through a search of Sumter County public records.

Very Truly Yours,

BY \_\_\_\_\_

Jon I. McGraw

JIM/kad

**EXHIBIT A**  
**Pepper Tree Village**

LEGAL DESCRIPTION:

THE EAST 1/2 OF THE WEST 1/2 OF THE N.E. 1/4 OF SECTION 30, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, LESS AND EXCEPT THE NORTH 15 FEET THEREOF FOR RIGHT OF WAY OF COUNTY ROAD 222, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE N.E. CORNER OF THE N.W. 1/4 OF THE N.E. 1/4 OF SECTION 30; SAID POINT BEING ON THE CENTERLINE OF COUNTY ROAD 222 (MAINTENANCE RIGHT OF WAY); THENCE DEPARTING SAID CENTERLINE, ALONG THE EAST BOUNDARY OF THE WEST 1/2 OF THE N.E. 1/4 OF SAID SECTION 30, S00°05'14"E, A DISTANCE OF 2641.40 FEET TO THE S.E. CORNER OF THE WEST 1/2 OF THE N.E. 1/4 OF SAID SECTION 30; THENCE DEPARTING SAID EAST BOUNDARY, ALONG THE SOUTH BOUNDARY OF THE N.E. 1/4 OF SAID SECTION 30, N89°58'28"W, A DISTANCE OF 663.94 FEET TO THE S.W. CORNER OF THE EAST 1/2 OF THE WEST 1/2 OF THE N.E. 1/4 OF SAID SECTION 30; THENCE DEPARTING SAID SOUTH BOUNDARY, ALONG THE WEST BOUNDARY OF THE EAST 1/2 OF THE WEST 1/2 OF THE N.E. 1/4 OF SAID SECTION 30, N00°01'03"W, A DISTANCE OF 2643.86 FEET TO N.W. CORNER OF THE EAST 1/2 OF THE WEST 1/2 OF THE N.E. 1/4 OF SAID SECTION 30, AND THE AFOREMENTIONED CENTERLINE OF COUNTY ROAD 222; THENCE DEPARTING SAID WEST BOUNDARY, ALONG THE NORTH BOUNDARY OF SAID SECTION 30, AND SAID CENTERLINE, S89°45'39"E, A DISTANCE OF 660.73 FEET TO THE POINT OF BEGINNING. SAID LANDS CONTAINING 40.18 ACRES, MORE OR LESS. LESS AND EXCEPT THE NORTH 15 FEET THEREOF FOR RIGHT OF WAY OF COUNTY ROAD 222.

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SP1406-02

JUN 05 2014

CITY OF WILDWOOD  
Development Services Dept.

April 21, 2014

City of Wildwood, Florida  
via HAND DELIVERY  
Wildwood, FL

RE: OPINION OF TITLE/RE: PEPPERTREE VILLAGE  
OWNER OF PROPERTY: R. WILLIAM FUTCH, AS TRUSTEE OF  
THE R. WILLIAM FUTCH LAND TRUST AGREEMENT DATED  
OCTOBER 27, 2005

TO WHOM IT MAY CONCERN:

Please be advised that, pursuant to your request, I have examined title to that certain real property lying situate in Sumter County, Florida, and more particularly described as:

**See Exhibit "A" attached**

This opinion is issued to the City of Wildwood (hereinafter "Wildwood") and is for the exclusive use of the City of Wildwood. The undersigned specifically disclaims liability to any person or entity other than the City of Wildwood who or which might rely or attempt to rely upon the opinions expressed herein. This opinion exempts and excludes the following:

1. Those matters only as shown on that certain Survey from SILVESTRE & ASSOCIATES dated \_\_\_\_\_ bearing job number \_\_\_\_\_
2. Taxes for calendar year 2014, which are not yet due and payable, and taxes or special assessments which are not shown as existing liens by the Public Records.

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Development Services Dept.

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3. Any rights, interests or claims of parties in possession of the land not shown by the public records.
4. Any lien for services, labor, or materials in connection with improvements, repairs or renovations provided before, on, or after Date of Policy, not shown by the public records.
5. Taxes or special assessments not shown as lien in the public records or in the records of the local tax collecting authority, at Date of Policy.
6. Mortgage in the original principal amount of \$1,040,000.00, executed by R. William Futch, individually and as Trustee in favor of Florida Choice Bank, recorded 11/08/2005 in Book 1472, Page 720, Modification in Book 2333, Page 624, Assignment in Book 2557, Page 187 and Modification in Book 2561, Page 285, together with an Assignment of Rents and Leases from R. William Futch, individually and as Trustee to Florida Choice Bank recorded 11/08/2005, in Book 1472, Page 727, further assigned to GATEWAY BANK OF CENTRAL FLORIDA in Book\_\_\_\_, Page \_\_\_\_
7. Easement recorded in Book 568, Pages 351, 352, 353, 354 and 355.
8. Easement recorded in Book 75, Page 262.
9. Easement recorded in Book 122, Page 477.
10. Ordinances as set forth in instrument recorded in Book 1864, Page 454, Book 1895, Page 271, Book 2581, Page 486, Book 2614, Page 643 and Book 2614, Page 649.
11. Access, Drainage and Utility Easement Agreement as set forth in instrument recorded in Book 1897, Page 562.

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CITY OF WILDWOOD  
Development Services Dept.

Subject to the foregoing, it is my opinion that the status of the title to the real property described above is as follows:

- A. Record title is vested in R. WILLIAM FUTCH, as Trustee of THE R. WILLIAM FUTCH LAND TRUST AGREEMENT DATED OCTOBER 27, 2005.
- B. Outstanding Mortgages, Mechanic's Liens, Assessment Liens and Financing Statements: There are no outstanding Mortgages, Mechanic's Liens, Assessment Liens or Financing Statements other than as referenced above.
- C. Unsatisfied Judgments or Tax Liens: There are no unsatisfied Judgments or Tax Liens other than as referenced above.
- D. Restrictions, Declarations of Condominium, Easements or Reservations: None, other than as referenced above.
- E. Other: There are no other encumbrances to title other than as referenced above.
- F. Tax Search: No outstanding taxes are due and payable other than as referenced above.
- G.
  - 1. The legal description on the tax roll is as set forth in Exhibit "A" attached hereto.
  - 2. Property Reference No: D30=003, D30=004, and D30=006.
  - 3. The property is assessed to R. WILLIAM FUTCH, as Trustee.
- H. That R. WILLIAM FUTCH, as Trustee, is in good standing and qualified to do business in the State of Florida.
- I. R. WILLIAM FUTCH, as Trustee, has full authority to represent,

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CITY OF WILDWOOD  
Development Services Dept.

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sign for and bind the Company in the Company's name in all respects.

Further, this Opinion of Title does not constitute Title Insurance. The undersigned is not an insurer or guarantor of the results of this Opinion of Title. Title information contained herein was obtained through First American Title Insurance Company and through a search of Sumter County public records.

Very Truly Yours,

BY \_\_\_\_\_  
Jon I. McGraw

JIM/kad

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JUN 05 2014

EXHIBIT A

CITY OF WILDWOOD  
Development Services Dept.

PARCEL 1:

THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

LESS: THAT PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA. DESCRIBED AS THE SOUTH 260.00 FEET OF THE NORTH 405.00 FEET OF THE EAST 168.00 FEET THEREOF.

SUBJECT TO AND TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER AND ACROSS THE FOLLOWING DESCRIBED PARCEL:

THE WEST 15 FEET OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, LESS RIGHT OF WAY FOR CR-222 ACROSS THE NORTH SIDE THEREOF;

AND

THE EAST 5 FEET OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, LESS RIGHT OF WAY FOR CR-222 ACROSS THE NORTH SIDE THEREOF;

AND

THE WEST 15 FEET OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, AND THE WEST 15 FEET OF THE NORTH 20 FEET OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

AND

THE EAST 20 FEET OF THE NORTH 145 FEET OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

PARCEL 2:

THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

PARCEL 3:

THAT PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA. DESCRIBED AS THE SOUTH 260.00 FEET OF THE NORTH 405.00 FEET OF THE EAST 168.00 THEREOF.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS DESCRIBED AS FOLLOWS: THE EAST 20 FEET OF THE NORTH 145 FEET OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.



First American Title

# Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

## Schedule A

File No.: FUTCH LAND TRUST

1. Effective Date: March 25, 2014 at 8:00 a.m.

2. Policy or Policies to be issued:

Proposed Amount of Insurance:

a. Owner's Policy (Identify form used)

ALTA Owner's Policy of Title Insurance (6-17-06) (with Florida modifications) \$0.00

Proposed Insured:

b. Loan Policy (Identify form used)

\$1,700,000.00

ALTA Loan Policy of Title Insurance (6-17-06) (with Florida modifications)

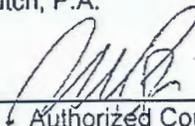
Proposed Insured: Gateway Bank of Central Florida, its successors and/or assigns as their interests may appear as defined in the Conditions of this policy.

3. The estate or interest in the land described or referred to in this Commitment is Fee Simple.

4. Title to the Fee Simple estate or interest in the land is at the Effective Date vested in: R. William Futch, Trustee

5. The land referred to in this Commitment is described as follows: See Schedule A (continued)

R. William Futch, P.A.

By: 

Authorized Countersignature

(This Schedule A valid only when Schedule BI & BII are attached)

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First American Title

Commitment for Title Insurance

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First American Title Insurance Company

Schedule A (Continued)

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File No.: FUTCH LAND TRUST

CITY OF WILDWOOD  
Development Services Dept.

PARCEL 1:

THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

LESS: THAT PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA. DESCRIBED AS THE SOUTH 260.00 FEET OF THE NORTH 405.00 FEET OF THE EAST 168.00 FEET THEREOF.

SUBJECT TO AND TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER AND ACROSS THE FOLLOWING DESCRIBED PARCEL:

THE WEST 15 FEET OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, LESS RIGHT OF WAY FOR CR-222 ACROSS THE NORTH SIDE THEREOF;

AND

THE EAST 5 FEET OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, LESS RIGHT OF WAY FOR CR-222 ACROSS THE NORTH SIDE THEREOF;

AND

THE WEST 15 FEET OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, AND THE WEST 15 FEET OF THE NORTH 20 FEET OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

AND

THE EAST 20 FEET OF THE NORTH 145 FEET OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

PARCEL 2:

THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

PARCEL 3:

THAT PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA. DESCRIBED AS THE SOUTH 260.00 FEET OF THE NORTH 405.00 FEET OF THE EAST 168.00 THEREOF.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS DESCRIBED AS FOLLOWS: THE EAST 20 FEET OF THE NORTH 145 FEET OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.



First American Title

Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

**Schedule BI**

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JUN 05 2014

File No.: FUTCH LAND TRUST

REQUIREMENTS

CITY OF WILDWOOD  
Development Services Dept.

The following requirements must be met:

1. Pay and/or disburse the agreed amounts for the interest in the land and/or the mortgage to be insured.
2. Pay us the premiums, fees and charges for the policy.
3. Pay all taxes and/or assessments, levied and assessed against the land which are due and payable.
4. The following documents, satisfactory to us, creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded:
  - a. Assignment of Mortgage mortgage in the original principal amount of \$1,040,000.00, executed by R. William Futch, individually and as Trustee in favor of Florida Choice Bank, recorded 11/08/2005 in Book 1472, Page 720, Modification in Book 2333, Page 624, Assignment in Book 2557, Page 187 and Modification in Book 2561, Page 285
  - b. Mortgage Modification from R. William Futch, individually and as Trustee, as a single person or persons, joined by spouse (or their respective spouses), if married, to Gateway Bank of Central Florida, encumbering the property described in Schedule "A" in the principal sum of \$1,700,000.00. In the event that the property being encumbered is not the homestead of the mortgagor(s), the following statement should be set forth on said mortgage in lieu of a spouse's signature:

The land described herein is not the homestead of the mortgagor(s), and neither the mortgagor(s) nor the mortgagor(s) spouse, nor anyone for whose support the mortgagor(s) is responsible, resides on or adjacent to said land.
5. Assignment or Release of Assignment of Rents and Leases from R. William Futch, individually and as Trustee to Florida Choice Bank recorded 11/08/2005, in Book 1472, Page 727.
6. Proof of payment of taxes and assessments for the year 2013, and prior years, plus any penalties and interest.

7. Note: The following is for informational purposes only and is given without assurance or guarantee: 2013 taxes show PAID in the gross amount of \$147.63 for Tax Identification No. D30=006.
8. Note: The following is for informational purposes only and is given without assurance or guarantee: 2013 taxes show PAID in the gross amount of \$196.39 for Tax Identification No. D30=004.
9. Note: The following is for informational purposes only and is given without assurance or guarantee: 2013 taxes show PAID in the gross amount of \$47.78 for Tax Identification No. D30=003.
10. The following note is incorporated herein for information purposes only and is not part of the exceptions from coverage (Schedule B-II of the commitment and Schedule B-I of the policy):  
  
The following instrument affecting said land is the last conveyancing instrument filed for record within 24 months of the effective date of this commitment:  
None
11. Note: Immediately prior to disbursement of the closing proceeds, the search of the public records must be continued from the effective date hereof. The Company reserves the right to raise such further exceptions and requirements as an examination of the information revealed by such search requires, provided, however, that such exceptions or requirements shall not relieve the Company from its liability under this Commitment arising from the matters which would be revealed by such search, to the extent that Company, or its Agent countersigning this Commitment, has disbursed said proceeds.

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SP1406-02

JUN 05 2014

**CITY OF WILDWOOD**  
**Development Services Dept.**



First American Title

Commitment for Title Insurance

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First American Title Insurance Company

Schedule BII

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SP1406-02

JUN 05 2014

File No.: FUTCH LAND TRUST.

EXCEPTIONS

CITY OF WILDWOOD  
Development Services Dept.

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the Effective Date but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. Any rights, interests or claims of parties in possession of the land not shown by the public records.
3. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the land.
4. Any lien, for services, labor or materials in connection with improvements, repairs or renovations provided before, on, or after Date of Policy, not shown by the public records.
5. Any dispute as to the boundaries caused by a change in the location of any water body within or adjacent to the land prior to Date of Policy, and any adverse claim to all or part of the land that is, at Date of Policy, or was previously under water.
6. Taxes or special assessments not shown as liens in the public records or in the records of the local tax collecting authority, at Date of Policy.
7. Any minerals or mineral rights leased, granted or retained by current or prior owners.
8. Taxes and assessments for the year 2014 and subsequent years, which are not yet due and payable.
9. NOTES FOR STANDARD EXCEPTIONS: Standard Exceptions for parties in possession, for mechanics liens, and for taxes or special assessments not shown as liens in the public records shall be deleted upon receipt of an acceptable Non-Lien and Possession Affidavit establishing who is in possession of the lands, that there are no liens or encumbrances upon the lands other than as set forth in the Commitment, that no improvements to the lands have been made within the past 90 days or are contemplated to be made before closing that will not be paid in

full, and that there are no unrecorded taxes or assessments that are not shown as existing liens in the public records. Any Policies issued hereunder may be subject to a Special Exception for matters disclosed by said affidavit.

Standard Exception(s) for questions of survey may be deleted upon receipt and review of a properly certified Survey meeting the Florida Minimum Technical Standards for all land surveys dated no more than 90 days prior to closing or such other proof as may be acceptable to the Company. Any Policies issued hereunder may be subject to a Special Exception for matters disclosed by said survey or proof.

10. Note: All of the recording information contained herein refers to the Public Records of Sumter County, Florida, unless otherwise indicated. Any reference herein to a Book and Page or Instrument Number is a reference to the Official Record Books of said county, unless indicated to the contrary.
11. The Standard Exception for any minerals or mineral rights leased, granted or retained by current or prior owners is hereby deleted.
12. Easement recorded in Book 568, Pages 351, 352, 353, 354 and 355.
13. Easement recorded in Book 75, Page 262.
14. Easement recorded in Book 122, Page 477.
15. Ordinances as set forth in instrument recorded in Book 1864, Page 454, Book 1895, Page 271, Book 2581, Page 486, Book 2614, Page 643 and Book 2614, Page 649.
16. Access, Drainage and Utility Easement Agreement as set forth in instrument recorded in Book 1897, Page 562.
17. Pending disbursement of the full proceeds of the loan secured by the Insured Mortgage, this policy only insures up to the amount actually disbursed, but, as proceeds are disbursed, increases in accordance with Florida Construction Loan Update Endorsement(s), up to the Amount of Insurance stated in Schedule A.

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**CITY OF WILDWOOD**  
Development Services Dept.

Notices - Where Sent

All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this policy and shall be addressed to the Company, Attention: 2075 Centre Point Blvd, , Tallahassee, Fl, 32308-3752.

Service, Quality and Availability

First American Title Insurance Company cares about its customers and their ability to obtain information and service on a convenient, timely and accurate basis. A qualified staff of service representatives is dedicated to serving you. A toll-free number is available for your convenience in obtaining information about coverage and to provide assistance in resolving complaints at 1-800-929-7186. Office hours are from 8:30 a.m. through 5:30 p.m. Monday through Friday.

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JUN 05 2014

**CITY OF WILDWOOD**  
Development Services Dept.



First American Title

## Privacy Information

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CITY OF WILDWOOD  
Development Services Dept.

### We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information - particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our subsidiaries we have adopted this Privacy Policy to govern the use and handling of your personal information.

### Applicability

This Privacy Policy governs our use of the information that you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its Fair Information Values.

### Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

### Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

### Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

### Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's Fair Information Values. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

### Information Obtained Through Our Web Site

First American Financial Corporation is sensitive to privacy issues on the Internet. We believe it is important you know how we treat the information about you we receive on the Internet. In general, you can visit First American or its affiliates' Web sites on the World Wide Web without telling us who you are or revealing any information about yourself. Our Web servers collect the domain names, not the e-mail addresses, of visitors. This information is aggregated to measure the number of visits, average time spent on the site, pages viewed and similar information. First American uses this information to measure the use of our site and to develop ideas to improve the content of our site. There are times, however, when we may need information from you, such as your name and email address. When information is needed, we will use our best efforts to let you know at the time of collection how we will use the personal information. Usually, the personal information we collect is used only by us to respond to your inquiry, process an order or allow you to access specific account/profile information. If you choose to share any personal information with us, we will only use it in accordance with the policies outlined above.

### Business Relationships

First American Financial Corporation's site and its affiliates' sites may contain links to other Web sites. While we try to link only to sites that share our high standards and respect for privacy, we are not responsible for the content or the privacy practices employed by other sites.

### Cookies

Some of First American's Web sites may make use of "cookie" technology to measure site activity and to customize information to your personal tastes. A cookie is an element of data that a Web site can send to your browser, which may then store the cookie on your hard drive. [FirstAm.com](http://FirstAm.com) uses stored cookies. The goal of this technology is to better serve you when visiting our site, save you time when you are here and to provide you with a more meaningful and productive Web site experience.

### Fair Information Values

**Fairness** We consider consumer expectations about their privacy in all our businesses. We only offer products and services that assure a favorable balance between consumer benefits and consumer privacy.

**Public Record** We believe that an open public record creates significant value for society, enhances consumer choice and creates consumer opportunity. We actively support an open public record and emphasize its importance and contribution to our economy.

**Use** We believe we should behave responsibly when we use information about a consumer in our business. We will obey the laws governing the collection, use and dissemination of data.

**Accuracy** We will take reasonable steps to help assure the accuracy of the data we collect, use and disseminate. Where possible, we will take reasonable steps to correct inaccurate information. When, as with the public record, we cannot correct inaccurate information, we will take all reasonable steps to assist consumers in identifying the source of the erroneous data so that the consumer can secure the required corrections.

**Education** We endeavor to educate the users of our products and services, our employees and others in our industry about the importance of consumer privacy. We will instruct our employees on our fair information values and on the responsible collection and use of data. We will encourage others in our industry to collect and use information in a responsible manner.

**Security** We will maintain appropriate facilities and systems to protect against unauthorized access to and corruption of the data we maintain.

**CITY OF WILDWOOD  
PLANNING & ZONING BOARD/SPECIAL MAGISTRATE  
STAFF REPORT**

**Case No:** SP 1408-03 – Autozone Store 6341

**Parcel Number(s):** D17=034

**Property Location:** Southwest of the intersection of C-466 and the CSX right-of-way in the Oxford area.

**Owner:** Autozone Stores, Inc. (Sumter County)

**Applicant:** Autozone Stores, Inc.

---

The applicant seeks site plan approval and favorable recommendation from the City of Wildwood Planning and Zoning Board/Special Magistrate to construct a one-story, 7,381 SF building for retail automotive parts sales, with paved parking, driveway, and related improvements.

The applicant has responded to and satisfied all comments and concerns raised at the Project Review Committee meeting. The project meets the minimum requirements of the Land Development Regulations and the Project Review Committee recommended the Project be placed on the Planning and Zoning Board agenda for consideration.

**Staff recommends that the Planning & Zoning Board forward a recommendation to the City Commission for approval of the site plan.**

Under subsection 1.7 (B)(1) of the Land Development Regulations (LDRs), the Planning and Zoning Board/Special Magistrate has a duty to make a recommendation to the City Commission on all proposed Site Plans in accordance with the procedure outlined in subsection 1.14 (B)(5) and the criteria for the approval of site plans as defined in section 4.4 of the LDRs.

This office has duly noticed this meeting as prescribed by City of Wildwood Code for PUBLIC NOTICES. Notice has been posted on the notice board at City Hall and on the bulletin board at the Wildwood Post Office. A notice of this meeting was published in a newspaper of general circulation (Daily Commercial) on Friday, September 26, 2014.

DATED: September 30, 2014



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Melanie D. Peavy  
Development Services Director

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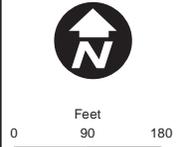


**Legend**

- D17=034
- City of Wildwood



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



D17=034 AUTOZONE	
WILDWOOD, FLORIDA	
JULY 2014	LOCATION MAP

PARKING INFORMATION	
ITEM	REQUIREMENTS
BUILDING SIZE	7,381 SF
PARKING REQUIRED	4 PER 1000 SF OF GROSS LOT AREA, 30 MINIMUM
MIN. PARKING DIM.	9 FT x 20 FT
MIN. DRIVEWAY WIDTH	24 FT
LOADING SPACE	1 SPACE
REFERENCE IS MADE TO THE CITY OF WILMWOOD ZONING ORDINANCE	

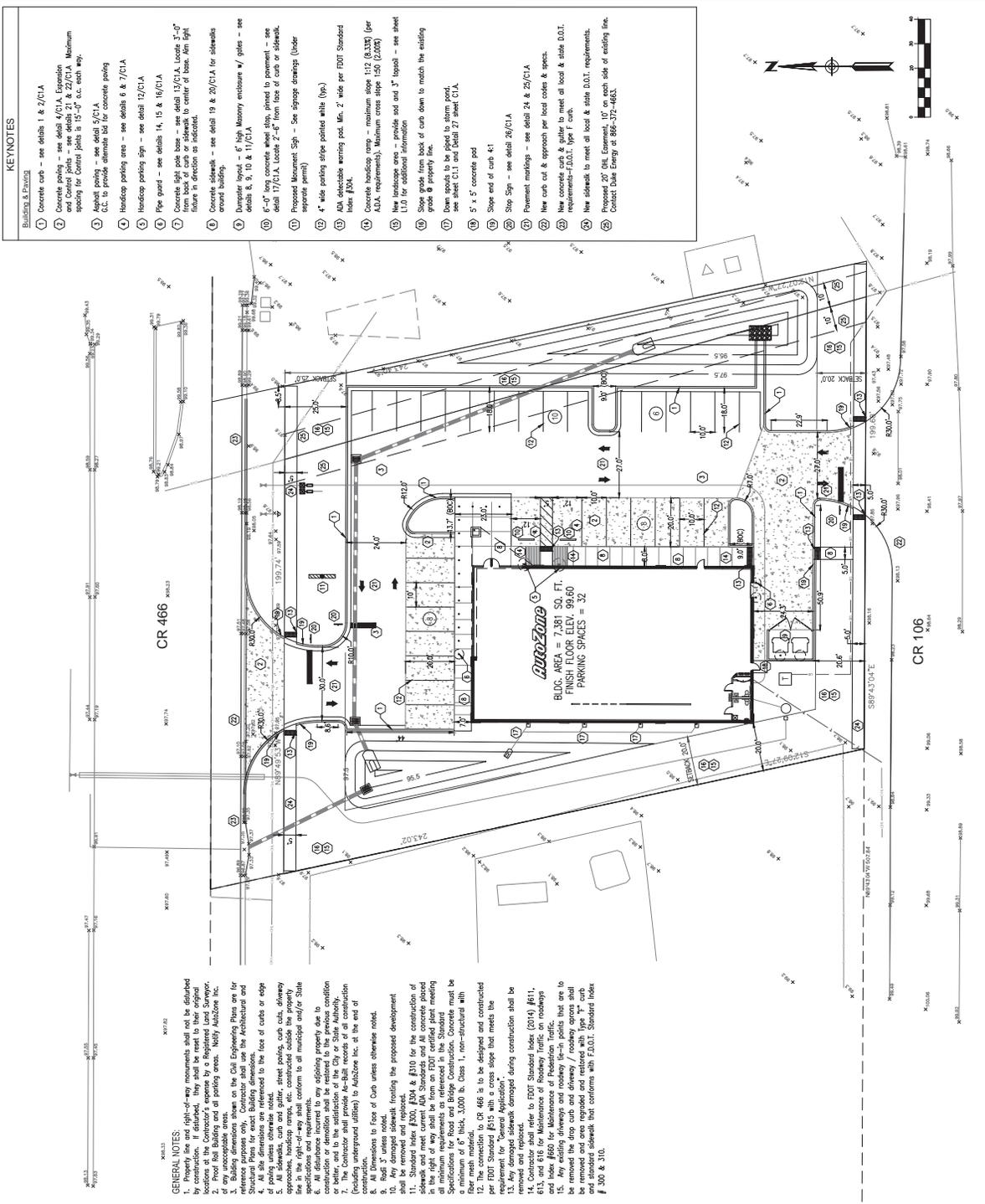
- GENERAL NOTES:**
- Property line and right-of-way measurements shall not be disturbed.
  - Final Plans for exact building setbacks shall be the Architectural and Engineering Plans for the project. All setbacks shall be in accordance with the City of Wilwood Zoning Ordinance and the City of Wilwood Ordinance 199-7.2. Final Plans for exact building setbacks shall be the Architectural and Engineering Plans for the project. All setbacks shall be in accordance with the City of Wilwood Zoning Ordinance and the City of Wilwood Ordinance 199-7.2.
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PAVEMENT LEGEND	
	ASPHALT PAVE - SEE DETAIL 4/C1A
	CONCRETE PAVE - SEE DETAIL 4/C1A

SIGN LEGEND	
	1
	2
	3

BULK AREA REQUIREMENTS	
LOCATION:	4147 E. CR 466
ZONE:	C3 - PROPOSED BY #2497-01
USE:	RETAIL
PARCEL NUMBER:	D171-03A
ITEM	REQUIREMENTS
MINIMUM LOT AREA	NOT LISTED
MINIMUM LOT FRONTAGE	200 FT
MINIMUM SIDE SETBACK	25 FT
MINIMUM REAR SETBACK	25 FT (2 TO RR ROW)
MAXIMUM BUILDING HEIGHT	21 FT
MAXIMUM F.A.R.	0.16
MAXIMUM I.R.	75%
MAXIMUM I.R.	50%
REFERENCE IS MADE TO THE CITY OF WILMWOOD ZONING ORDINANCE	
IMPROVED AREA	16,096 SF.
PERVIOUS AREA	3,304 SF.
BUILDING AREA	0 SF.

BEFORE YOU BUILD!  
CALL SUNSHINE STATE ONE CALL OF FLORIDA  
811  
1-800-432-4776  
Call before you dig.



**KEYNOTES**

- Concrete curb - see details 1 & 2/C1A
- Concrete paving - see detail 4/C1A, Expansion and Control joints - see details 21 & 22/C1A Maximum spacing for Control joints is 15'-0" c/c, each way.
- Asphalt paving - see detail 5/C1A
- Handicap parking area - see details 6 & 7/C1A C.C. to provide alternate bid for concrete paving
- Handicap parking sign - see detail 12/C1A
- Pipe ground - see details 14, 15 & 16/C1A
- Concrete right pole base - see detail 13/C1A, Locate 3'-0" from face of curb or sidewalk to center of base. 4th flt figure in direction of sidewalk.
- Concrete sidewalk - see detail 19 & 20/C1A for sidewalks
- Concrete slabs - see detail 18 & 17/C1A
- Dimpled slabs - 6" high Masonry enclosure w/ gates - see details 8, 9, 10 & 11/C1A
- 6"-0" long concrete wheel stops, primed to pavement - see detail 17/C1A, Locate 2'-0" from face of curb or sidewalk.
- Proposed Movement Sign - See signage drawings (Under separate permit)
- 4" wide parking stripe painted white (typ.)
- ADA detectable warning pad, Min. 2' wide per DOT Standard Index #204.
- Concrete median ramp - maximum slope 1:12 (8.33%) (per A.D.A. requirements), Minimum cross slope 1:50 (2.00%) L10 for additional information
- New landscape area - provide soil and 3" topsoil - see sheet L10 for additional information
- Slope grade from back of curb down to match the existing grade & properly line.
- Down spouts to be piped to storm pond.
- See sheet C.1.1 and Detail 27 sheet C.1.A.
- 5' x 5' concrete pad
- Slope end of curb 4:1
- Stop Sign - see detail 26/C1A
- Pavement markings - see detail 24 & 25/C1A
- New curb cut & approach per local codes & specs.
- New concrete curb & gutter to meet all local & state D.O.T. requirements-020.01, Type I curb.
- New sidewalk to meet all local & state D.O.T. requirements.
- Proposed 20' BIL Encumbr., 10' on each side of existing line.
- Contact Date Energy at 866-372-4683.

**AutoZone Store Development**  
4147 E. CR 466, WILMWOOD, FLORIDA  
6341  
Site No.:  
Prepared for:  
Jason D. Krueger, P.E.  
FL REG #02547  
FL CDA #03011

**AutoZone Inc.**  
123 South Front Street, 3rd Floor  
Tel: (901) 455-0700 Fax: (901) 455-8989  
F.W. Dodge Plan Room Tel: (615) 884-1017

**Ke**  
Kinney Engineering, LLC  
315 Pineburg, FL 32113  
FL CDA #03011

**REVISIONS**

1.	
2.	
3.	
4.	
5.	
6.	
7.	

ARCHITECT: N/A  
DRAWN BY: JK  
CHECKED BY: SK  
PROJECT NO: 717174  
SCALE: 1/2" = 1'-0"

**C1.0**

