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ORDINANCE NO. 2012-07

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 WORD FAMILY LLC; 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 Word Family LLC (hereinafter referred as the, "Developer") for a Mixed Use Planned Development was heard by and before the City Commission, Wildwood, Florida on this 27th day of February 2012. 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 February 7, 2012 and otherwise being fully advised, the City Commission does hereby find and determine as follows:

SECTION 1: GENERAL FINDINGS

- A. That the Word Family LLC Planned Development Application (hereinafter referred to as the "Project") was duly and properly filed herein on October 31, 2011.
- 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 a Project consisting of 157.02 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 complied with the conceptual development plan provision as required by Section 8.4 of the Land Development Regulations.
- F. 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 Applicant has applied for a Mixed Use Planned Development (MUPD) of the lands described in "Exhibit A".
- B. That the zoning district of the subject land described in "Exhibit A" is classified as Central Mixed Use (CMU) 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 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 AVID Group dated January 30, 2012 (revision date) 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. Residential: Adult Living Facility (ALF) and Independent Living Facility (ILF);
 - b. Commercial Office and Medical Office;
 - c. Commercial Sales and Retail; and
 - d. Recreational (Parks)

- 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 one (1) phase in accordance with the conceptual development plan and this Section.

- 1) Residential Development. The residential component of the Project shall contain a mix of two (2) or more housing types. Adult Living Facilities and Independent Living Facilities each count as one (1) housing type. Conversions of ALF beds and ILF units to other residential units are permitted. Three (3) ALF beds shall equal one (1) residential unit. One (1) ILF unit shall equal one (1) residential unit.
- 2) Land Use Breakdown. Acreages devoted to each land use over the life of the Project shall be in accordance with the following table:

Land Use	Total (Acres)
Residential (ALF and ILF)	30.00
Commercial Office and Medical Office	33.87
Commercial Sales and Retail	37.90
Recreational	5.46
Total	107.23

- 3) Maximum Development Potential. Residential and non-residential development within the Project shall not exceed the following:

Land Use	Square Feet (SF)	Beds/Units
Residential		960 (ALF beds) 100 (ILF units)
Office	160,000	
Retail	200,000	

- 4) Land Use (Trip) Equivalency Matrix. Land uses may be converted to land uses in accordance with the following Table provided doing so does not exceed Development of Regional Impact thresholds established by F.S. § 380.06(2)(d) and Chapter 28-24, Florida Administrative Code. The coefficients are based on the trip generation, per the Institute of Transportation Engineers Trip Generation Manual, 8th Edition.

		Change To						
		Residential, Condo/Townhome (per Unit)	Residential, Apartment/Multi-Family (per Unit)	Residential, ACLF (per Bed)	Residential, ILF (per Unit)	Commercial Retail (1,000 SF)	Commercial Office (1,000 SF)	Medical Office (1,000 SF)
Change From	Residential, Condo/Townhome (per Unit)	N/A	1.701	0.605	0.750	11.828	4.102	9.521
	Residential, Apartment/Multi-Family (per Unit)	0.588	N/A	0.356	0.441	6.954	2.411	5.598
	Residential, ACLF (per Bed)	1.652	2.809	N/A	1.239	19.535	6.774	15.726
	Residential, ILF (per Unit)	1.333	2.268	0.907	N/A	15.771	5.469	12.695
	Commercial Retail (1,000 SF)	0.085	0.144	0.051	0.063	N/A	0.347	0.805
	Commercial Office (1,000 SF)	0.244	0.415	0.148	0.183	2.884	N/A	2.321
	Medical Office (1,000 SF)	0.105	0.179	0.064	0.079	1.242	0.431	N/A

Example #1: To convert from Commercial Sales to Medical Office:

- Take the desired sq.ft. of Medical Office and multiply by the equivalency factor to get the equivalent sq.ft. of Commercial Sales.
- 20,000 sq.ft. of Medical Office * 0.805 (Commercial Sales equiv. factor) = 16,100 sq.ft. of Commercial Sales
- To add 20,000 sq.ft. of Medical Office, you reduce Commercial Sales by 16,100 sq.ft.

Example #2: To convert from Commercial Sales to ACLF beds:

- Take the desired ACLF beds and multiply by the equivalency factor to get the equivalent sq.ft. of Commercial Sales
- 200 ACLF beds * 0.051 (Commercial Sales equiv. factor) = 10.2 * 1,000 = 10,200 sq.ft. Commercial Sales
- To add 200 ACLF beds, you reduce Commercial Sales by 10,200 sq.ft.

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. 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. After this Ordinance is recorded, and prior to any construction occurring, a site plan or subdivision preliminary plan shall be submitted for review and approval in the manner required by Chapter 4 or Chapter 5 of the Land Development Regulations, whichever Chapter is applicable:

- 1) Developer's Agreement. Prior to approval of a site plan or a subdivision preliminary plan, the City and the Developer agree to enter into Utility or Developer's Agreements to address the provision of water, wastewater and reuse water to the Project. The agreement shall also specify, among other

items, the ownership and maintenance of infrastructure associated with the Project.

- F. Principal Uses. Principal uses listed in Chapter 3, Table 3-6 of the Land Development Regulations shall be permitted within the Project with the exception of retail and wholesale commercial establishments for lumber, building and landscaping supplies, equipment, and other similar uses with outdoor storage of goods. However, the outside storage of goods is permissible if the goods:
- 1) Are located contiguous either behind or flanking the principal structure;
 - 2) Are enclosed by a screen or other similar material; and
 - 3) Are architecturally compatible with the principal structure.
- G. Development Standards. Unless otherwise noted, the Project shall adhere to the zoning district standards prescribed in Chapter 3 of the Land Development Regulations for the Central Mixed Use (CMU) zoning district.
- 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. The Project shall maintain a minimum of 15% open space.
- 1) Parks and Recreation. The Project shall contain a minimum of 5 acres of parks which may include both passive and active recreation parks.
 - 2) Buffers.
 - a. The Project shall contain a 25' perimeter landscape buffer along CR 466 and along the northern boundary where it abuts platted single-family subdivision lots within The Villages of Sumter. The buffer is intended to protect the privacy and well-being of the adjacent homes within The Villages and to mitigate potential visual and noise impacts of the Project. The buffer will be continuous and contain canopy and understory trees as well as a 3' tall hedge in conformance with the buffer detail sections incorporated into this Ordinance as "Exhibit C."
 - b. The width of the perimeter buffer described above may be reduced to 20' on eastern and western property lines.
 - c. The Project will also contain 10' wide interior buffers in instances where there is a change of land use and along both sides of internal roadways (public and private) as depicted on the typical roadway section incorporated into this Ordinance as "Exhibit D".
 - d. Any on site booster pumps, tanks, or lift stations needed to serve the Project shall be screened, buffered and located outside of the perimeter buffer.
 - 3) Open Space. Open space shall include wetlands, preservation areas, greenspace, and landscape buffers. Open space may also include trails, plazas, courtyards, and other public similar public areas. Open space may

also include recreation areas and amenities provided said amenities or area is not enclosed within conditioned space. For purposes of meeting open space requirements, up to 50% of the drainage retention areas (stormwater management areas) may be included in the open space calculation; however, the amount of open space credit from the drainage retention areas shall not exceed 50% of the open space requirement. Open space shall not include open bodies of water, right-of-ways, yards or lots of record per plat, driveways, off street parking areas or other impervious surface areas that do not meet the criteria.

J. Environmental Considerations.

- 1) Gopher Tortoise Survey. As stated in the Preliminary Protected Species Assessment submitted with the Planned Development application, a gopher tortoise survey is required 90 days prior to any construction activities taking place. If tortoises are found on the Project, a relocation permit from the Florida Fish and Wildlife Conservation Commission may be required.
- 2) Wetlands. The Project contains a 0.36 acre wetland as shown on the conceptual development plan. A 15' minimum, 25' average buffer is required along the preserved wetland. The wetland and associated wetland buffer may be utilized as a passive recreation park.

K. Public Facilities.

- 1) Potable Water, Wastewater, and Reuse Water. The Project shall be connected to the City's water and wastewater system prior to any certificates of occupancy being issued. The Project will also connect to the City's reuse water system prior to certificates of occupancy being issued, if available. 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 services shall be provided by the City or the City's contracted refuse service provider.
- 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 serving lands other than the Planned Development shall be underground.
- 5) Lighting. Exterior lighting of all buildings and parking lots shall be designed so that light is not directed off the Project. Exterior light fixtures should be fully

shielded or designed with light-angle cut-offs so as to eliminate spill light, trespass light, and glare.

- 6) Transportation Concurrency: There is sufficient roadway capacity available to accommodate the Project at buildout. The responsibility to fund the improvements listed in Section L of this ordinance, in part or whole, will be the responsibility of the applicant/developer.

L. Access and Transportation

1) Access.

- a. CR 466A. CR 466A is owned, operated, and maintained by Sumter County. The main access point from CR 466A for the Project shall be "Road A" as depicted on the conceptual development plan. Six (6) other access points to the Project shall be permitted along CR 466A if approved by Sumter County.
- b. CR 133. To ensure the traffic generated by the Project does not adversely impact the existing residents along CR 133, the Project shall construct an internal roadway parallel to CR 133 as indicated on the conceptual development plan unless superseded by a future agreement. This internal roadway shall be buffered from CR 133 as described herein.
- c. NE 57th Drive. NE 57th Drive is an unimproved road that currently provides ingress and egress to several homes along CR 133 (north of the Project). The Project shall ensure two (2) access points to CR 133 are provided along the Project's internal roadways as shown on the conceptual development plan.
- d. Interconnectivity to the West. The Project is required to construct at least one (1) internal roadway west to the adjoining property. The conceptual development plan has identified "Road C" as this east/west connection through the Project. Cross-access to the adjoining property to the west shall also be provided within the commercial development pod in the southwest corner of the Project.

- 2) Transportation System Improvements. The Developer shall be fully responsible for the following improvements to the transportation system to mitigate transportation impacts of the Project. These improvements were identified in the Traffic Impact Analysis submitted with the Planned Development application:

- a. The Developer shall construct a second westbound turn lane on CR 466A to Powell Road in order to maintain a level of service (LOS) "C" at the intersection of CR 462/Powell Road and CR 466A.
- b. The Developer shall construct left and right turn deceleration lanes at all site access points to ensure safe and efficient operations to and from the Project.

- c. The Developer shall install a traffic signal at the main access point to the Project (Road A on the conceptual development plan) prior to the Project reaching 40% of buildout.
- d. The Developer shall install a second traffic signal (if and when deemed warranted by Sumter County) at the access point identified as Road E-1 on the conceptual development plan.

3) Internal Roadways.

- a. Individual development pods and land uses shall be interconnected by a series of roadways and trails within the Project. Internal roadways and trails shall be developed with accordance with the conceptual development plan and the typical roadway section incorporated into this Ordinance as "Exhibit D."
- b. The Project shall provide a system of multi-use trails and sidewalks that encourage walking and bicycling within the development as shown on the conceptual development plan and on Exhibit D. One side of the road shall contain a 10' wide (minimum) multi-use path and the other side of the road shall contain a 10' wide multi-use path or a 5' wide sidewalk.
- c. Golf carts. Golf carts may be allowed to utilize the multi-use paths within the Project pending final engineering approval at the time of site plan. The City shall ensure the allowance of golf carts within the Project does not present a safety concern. The Developer is aware that golf carts are not allowed to access or cross CR 466A per the regulations of Sumter County.

M. 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.

N. Enforcement of Rules and Regulations. For the maintenance of the common areas referenced in Section 3(M) 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.

- O. 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 six (6) 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.

PASSED AND ORDAINED in regular session of the City Commission of the City of Wildwood, Sumter County, Florida, this 27th day of February 2012.

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

SEAL

ATTEST:

Joseph Jacobs
Joseph Jacobs, City Clerk

Ed Wolf
ED WOLF, MAYOR

First Reading: February 13, 2012

Second Reading: February 27, 2012

Approved as to Form:

Jerril A. Blair
Jerril A. Blair, City Attorney

H:\Clerk, Finance Department\Ordinance\Ordinance O2012\O2012-07 Trailwinds PD Agreement FINAL.docx

Trailwinds Village Planned Development

Ordinance O2012-07

“Exhibit A”

Legal Description

**LEGAL DESCRIPTION
FOR TRAILWINDS VILLAGE
PLANNED DEVELOPMENT**

LEGAL DESCRIPTION PER BOUNDARY & TOPOGRAPHIC SURVEY BY WILLIAM S. BARLEY, PS&M, OF FARNER BARLEY AND ASSOCIATES, INC., DATED APRIL 4, 2007:

LEGAL DESCRIPTION:

(PROVIDED BY CLIENT)

THE WEST 1/2 OF THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 19 SOUTH, RANGE 23 EAST AND THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 19 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, LESS AND EXCEPT RIGHT OF WAY OF CR 466-A AND C.R. 137.

Trailwinds Village Planned Development

Ordinance O2012-07

“Exhibit B”

Conceptual Development Plan

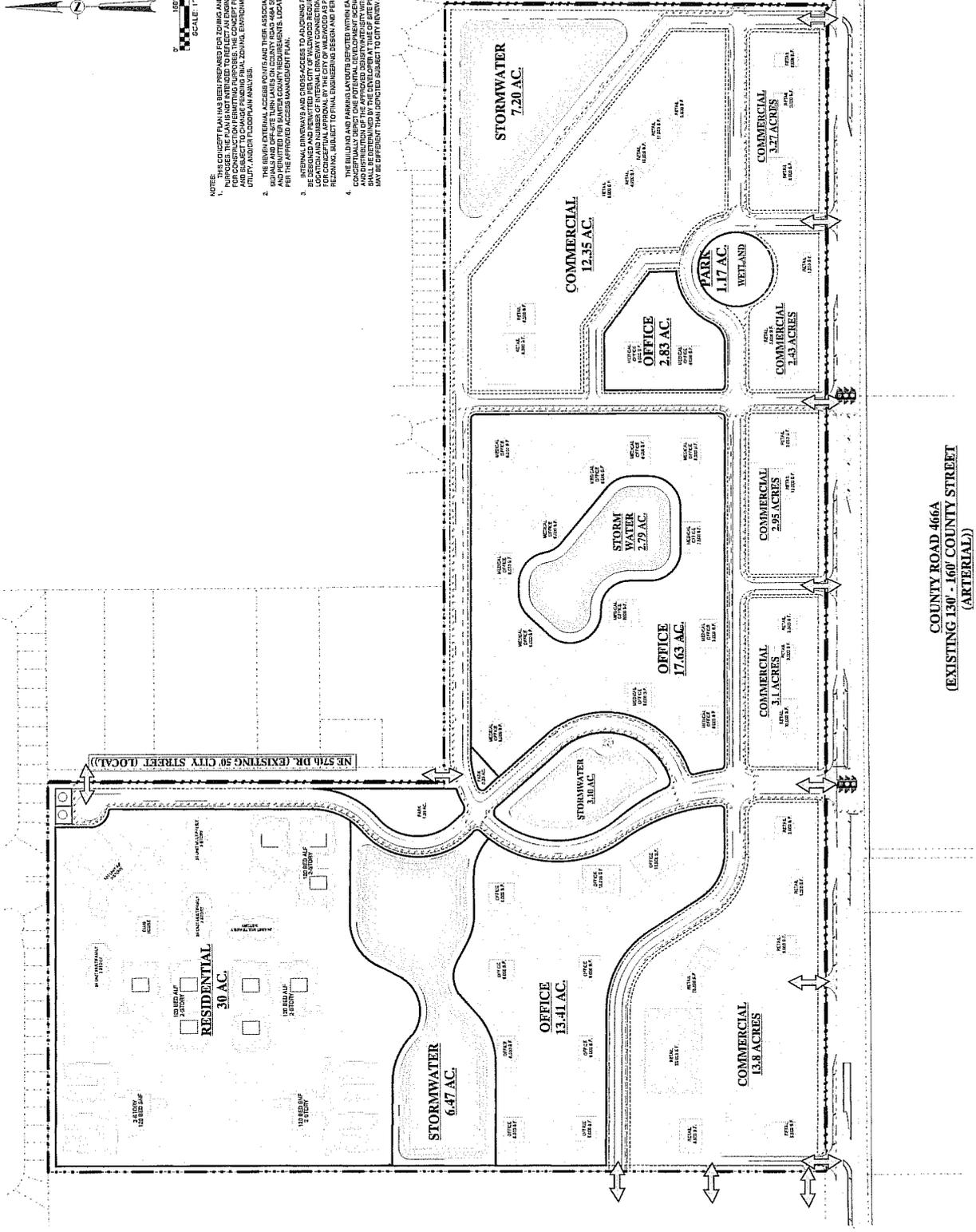
Revised January 30, 2012

NO.	DATE	DESCRIPTION
1	10-31-11	REVISED PER CLIENT
2	11-11-11	REVISED PER CLIENT
3	12-14-11	REVISED PER CLIENT
4	01-10-12	REVISED PER CLIENT
5	02-01-12	REVISED PER CLIENT
6	02-01-12	REVISED PER CLIENT
7	02-01-12	REVISED PER CLIENT
8	02-01-12	REVISED PER CLIENT
9	02-01-12	REVISED PER CLIENT
10	02-01-12	REVISED PER CLIENT
11	02-01-12	REVISED PER CLIENT
12	02-01-12	REVISED PER CLIENT

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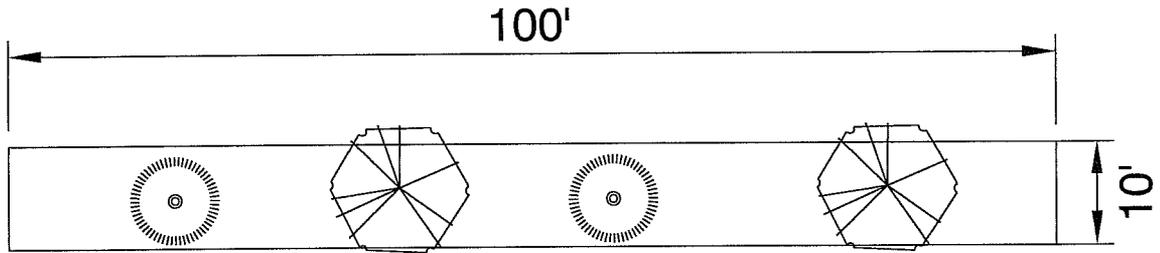


- NOTES:
1. THIS CONCEPT PLAN HAS BEEN PREPARED FOR ZONING AND LAND PLANNING PURPOSES ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSES. THE CONCEPT PLAN IS PRELIMINARY AND SUBJECT TO CHANGE WITHOUT NOTICE. THE CONCEPT PLAN IS PRELIMINARY AND SUBJECT TO CHANGE WITHOUT NOTICE. THE CONCEPT PLAN IS PRELIMINARY AND SUBJECT TO CHANGE WITHOUT NOTICE.
 2. THE DESIGN EXTERNAL ACCESS ROADS AND THEIR ASSOCIATED TRAFFIC SIGNALS AND OFF-SITE TURN Lanes ON COUNTY ROAD 466A SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FLORIDA ROAD DESIGN MANUAL AND THE APPROVED ACCESS MANAGEMENT PLAN FOR THE APPROVED ACCESS MANAGEMENT PLAN.
 3. INTERNAL DRIVEWAYS AND CROSSINGS TO ADJOINING PROPERTIES SHALL BE DESIGNED AND PERMITTED PER CITY OF WILDWOOD REQUIREMENTS. GENERAL NOTES AND SPECIFICATIONS SHALL BE PROVIDED TO THE CITY OF WILDWOOD FOR CONCEPTUAL APPROVAL BY THE CITY OF WILDWOOD AS PART OF THE PD REZONING, SUBJECT TO FINAL ENGINEERING DESIGN AND PERMITTING.
 4. THE BUILDING AND PARKING LAYOUTS DEPICTED WITHIN EACH LAND USE AREA SHALL BE SUBMITTED TO THE CITY OF WILDWOOD FOR CONCEPTUAL APPROVAL AND DISTRIBUTION OF THE APPROVED DESIGNS WITHIN THE PROJECT. THE APPROVED DESIGNS SHALL BE SUBJECT TO CITY REVIEW AND APPROVAL. THE APPROVED DESIGNS SHALL BE SUBJECT TO CITY REVIEW AND APPROVAL.



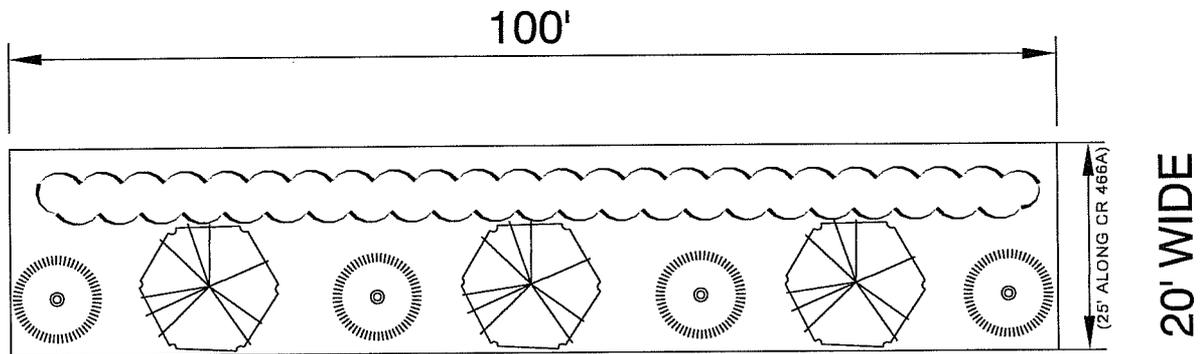
COUNTY ROAD 466A
(EXISTING 130' - 160' COUNTY STREET
(ARTERIAL))

Trailwinds Village Planned Development
Ordinance O2012-07
“Exhibit C”
Buffer Details and Typical Linear Park Section



PD PROJECT INTERIOR BUFFER DETAIL

2 CANOPY TREES
2 UNDERSTORY TREES
NTS



PD PROJECT PERIMETER BUFFER DETAIL

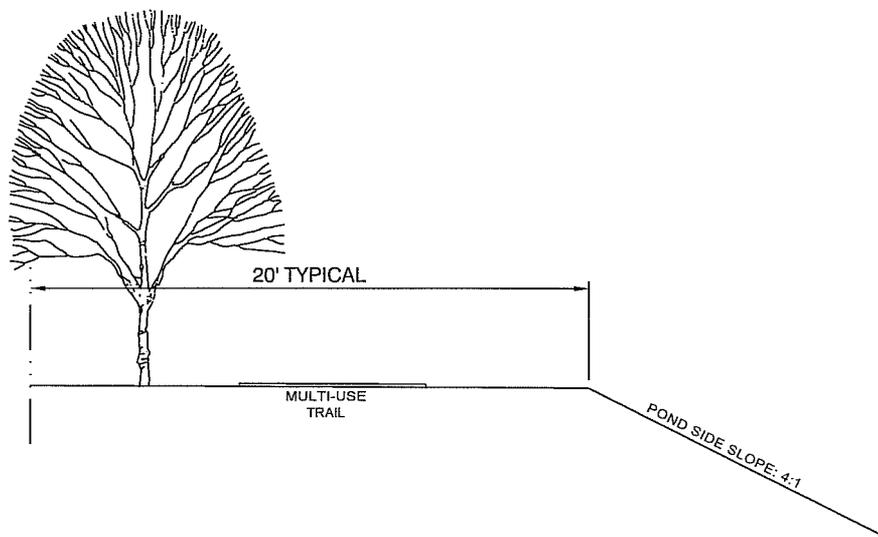
3 CANOPY TREES
5 UNDERSTORY TREES
CONTINUOUS 3-FT TALL
HEDGE
NTS



CIVIL ENGINEERING 2300 CURLEW ROAD STE 201
LAND PLANNING PALM HARBOR, FLORIDA
TRAFFIC/TRANSPORTATION 34683
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL SCIENCES PHONE (727) 789-9500
SURVEYING FAX (727) 784-6662
GIS AVIDGROUP.COM

TYPICAL BUFFERS

TRAILWINDS VILLAGE PD



TYPICAL POND AND LINEAR PARK SECTION

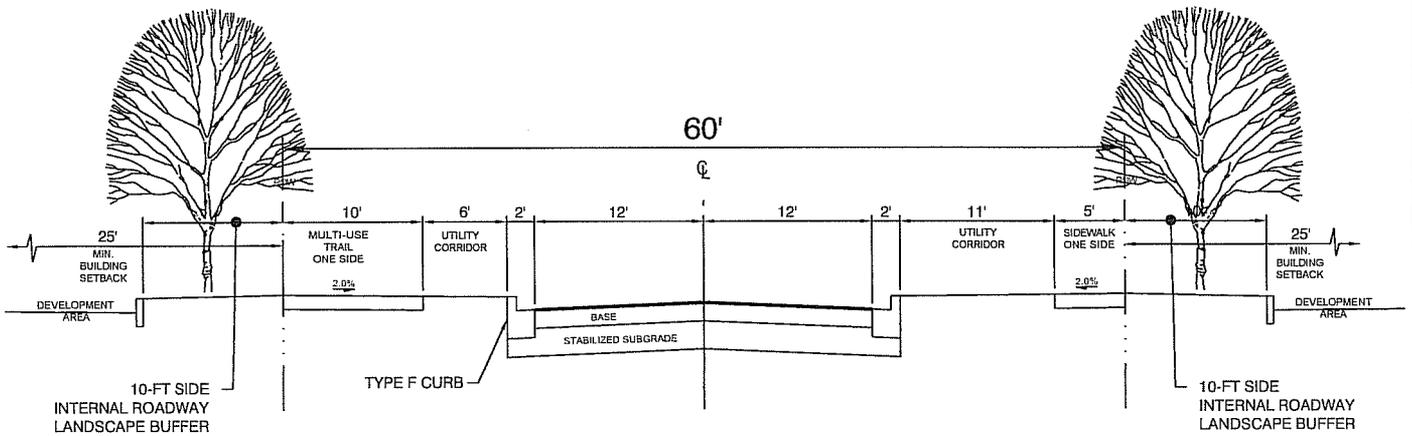
NTS



CIVIL ENGINEERING 2300 CURLEW ROAD STE 201
LAND PLANNING PALM HARBOR, FLORIDA
TRAFFIC/TRANSPORTATION 34683
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL SCIENCES PHONE (727) 789-9500
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**TYPICAL POND AND LINEAR
PARK SECTION
TRAILWINDS VILLAGE PD**

Trailwinds Village Planned Development
Ordinance O2012-07
"Exhibit D"
Typical Internal Roadway Section



TYPICAL INTERNAL ROADWAY SECTION

NOT TO SCALE



CIVIL ENGINEERING 2300 CURLEW ROAD STE 201
LAND PLANNING PALM HARBOR, FLORIDA
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TYPICAL INTERNAL ROADWAY SECTION

TRAILWINDS VILLAGE PD