

ORDINANCE NO. _____

PROPOSED ORDINANCE NO. 17-057

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA, AMENDING ORDINANCE NO. 4831, WHICH AMENDED ORDINANCE NO. 4193, WHICH ADOPTED A DEVELOPMENT ORDER WITH CONDITIONS FOR A DEVELOPMENT OF REGIONAL IMPACT KNOWN AS BRIDGEWATER, ON PROPERTY DESCRIBED THEREIN, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 380.06, FLORIDA STATUTES; SETTING FORTH FINDINGS OF FACT, CONCLUSIONS OF LAW, AND CONDITIONS OF APPROVAL; PROVIDING FOR REVISIONS TO MAP H; PROVIDING FOR A MODIFICATION FOR CERTAIN ENTITLEMENTS; PROVIDING FOR CLARIFICATIONS TO, AND IMPLEMENTATION OF CERTAIN TRANSPORTATION PROVISIONS OF THE ADOPTED DEVELOPMENT ORDER; PROVIDING AN EFFECTIVE DATE.

2017 Amendment to Bridgewater Development of Regional Impact Development Order

WHEREAS, the City Commission of the City (“City”), is the governing body of the unit of local government having jurisdiction over the issuance and conditions of issuance of a Development Order, pursuant to Section 380.06, Florida Statutes (“FS”); and

WHEREAS, the City adopted a Development Order (“Development Order”) for a Development of Regional Impact (“DRI”) pursuant to Section 380.06, FS for Bridgewater (the “Project”) pursuant to Ordinance No. 3631, which Ordinance was repealed and replaced by Ordinance No. 4193; and

WHEREAS, Ordinance No. 4193 was adopted on October 5, 2000 to reflect the abandonment of development plans and removal from the approved DRI of 968.49 acres in order to accommodate the sale to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and the Florida Fish and Wildlife Conservation Commission, eliminating all development rights associated therewith, and resulting in a

full and complete restructuring, restatement and reanalysis of the DRI, and the repeal of the previously-approved Development Order; and

WHEREAS, Ordinance No. 4831 was adopted on February 19, 2007, to allow certain non-substantial deviations to the Development Order; and

WHEREAS, on August 3, 2015, Seefried Industrial Properties, Inc., a Georgia corporation registered to conduct business in the State of Florida filed a Notice of Proposed Change ("NOPC") in accordance with Section 380.06(19), FS, proposing the following non-substantial changes ("Proposed Changes") to the Development Order, modifying a 55.67 acre parcel presently designated as Undesignated Future Development and Retail Commercial on Map H to Business Park and modifying 115.55 acre parcel from Single Family Residential on Map H to 77.77 acres of Business Park and 37.78 acres of Recreation; and

WHEREAS, in 2017, Ridge Development Company, LLC, a Delaware limited liability company, whose address is 3340 Peachtree Road, 10th Floor, Atlanta, Georgia 30326 ("Ridge"), has replaced Seefried Industrial Properties as the applicant ("Applicant") in order to move forward with the 2015 NOPC; and

WHEREAS, the City conducted a duly noticed public hearing regarding the NOPC and during the conduct of said hearing, solicited and evaluated comments, testimony, and reports, both verbal and written, from local, state, and regional agencies and interested citizens concerned with the issuance of an amended Development Order by the City; and

WHEREAS, this Ordinance shall serve as the 2017 Amendment to the Development Order for the Bridgewater DRI, and where there is conflict between the Development Order and this amendment, the terms of this 2017 Amendment to the Development Order shall prevail.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY, that the City Commission of the City, in accordance with the Laws of the State of Florida, and having received no objection or comment from the Central Florida Regional Planning Council ("CFRPC") or the Florida Department of Economic Opportunity, Bureau of Comprehensive Planning ("DEO"), does hereby approve the NOPC submitted by the Applicant for the Project.

SECTION A. FINDINGS OF FACT

1. The Development Order was previously approved and adopted by the City as Ordinance No. 4193, as amended by Ordinance No. 4831, in accordance with the procedures prescribed by Section 380.06, Florida Statutes, providing for a mixed-use project consisting of residential, retail, office, business park, industrial, and related uses to be constructed in three (3) phases.

2. Physical development of the Project has commenced and did commence within the time required by the terms of the Development Order.

3. A portion of the land area within the Project that was developed and formerly operated as a golf course and designated on Map H for "Business Park" and "Residential Low" is proposed for modification in the 2017 NOPC to be designated as "Business Park" and "Recreation" to allow for the development of such area for business park uses consistent with development in the adjacent "Business Park" designated area, as reflected on amended Map H, attached hereto as **Exhibit "A"** and incorporated herein by reference. The proposed uses are allowed by and consistent with the "Business Park" and "Recreation" designations in the DRI and the City's Comprehensive Plan. No changes were proposed in the 2017 NOPC other than those proposed for the former golf course.

4. Provisions set forth in this 2017 Amendment to Development Order regarding the City's proportionate fair share program and any impact fee credits as may be applicable to the use of such program, shall be governed by the City's amended Concurrency Management Ordinance.

5. The 2017 NOPC was submitted to the City, the CFRPC, and DEO for review.

6. The 2017 NOPC provides for (a) non-substantial revision of the phasing dates and other associated dates for the Project, (b) revisions to Map H to conform Map H to the City's Future Land Use Map and to reflect developed uses within the Project, and (c) the conversion of lands formerly proposed for a golf course and designated as "Residential Low" to "Business Park" and "Recreation".

7. The revised master development plan ("Master Plan") is attached hereto as **Exhibit "A"** (also known and referred to as "Map H").

8. On October 16, 2017, the City Commission convened a public hearing, as the first reading of the NOPC, received the Applicant's presentation, and comments from the public.

9. On December 18, 2017, the City Commission held a public hearing as the second reading of the NOPC and determined that the Proposed Changes set forth in the NOPC constituted a non-substantial deviation to the previously approved DRI, as amended, pursuant to Section 380.06(19), FS, and approved and adopted the Proposed Changes.

SECTION B. CONCLUSIONS OF LAW

1. The City Commission conducted the necessary public hearings on the 2017 NOPC, after publication in the manner prescribed by Chapter 380, FS, and local ordinances.

2. Interested members of the public were afforded the opportunity to file responses, to present evidence and argument on all issues, to conduct cross examination and submit rebuttal evidence, and to submit proposed findings of fact to the City Commission during the public hearings referenced above.

3. The City's review and issuance of the NOPC have been conducted pursuant to and comply with the provisions of Chapter 380, Florida Statutes.

4. The Development Order, as amended hereby, complies with the requirements of Section 380.06, FS, and Chapter 9J-2, Florida Administrative Code.

5. The rights and obligations set forth in the Development Order, as amended hereby, shall inure to the benefit of and be binding upon the Applicant, any subsequent property owners affected by the Development Order and their successors, assignees, and grantees.

6. Development shall occur in accordance with the Development Order, as amended hereby, and other applicable regulations. This amendment does not constitute a zoning or rezoning for the Project.

7. The Project is consistent with the State Comprehensive Plan and the Central Florida Regional Planning Council's Strategic Regional Policy Plan or SRPP.

8. The Project, as conditioned through the Development Order, as amended hereby, is consistent with the City Comprehensive Plan and the City Land Development Code.

SECTION C. AMENDMENTS TO THE CONDITIONS OF APPROVAL

1. Land Use: The Master Plan designated as Map H for the Project is hereby amended as reflected on Map H attached to this Ordinance as Exhibit "A", conforming certain designations thereon to the City's Future Land Use Map.

2. Phasing: The phasing schedule for the Project is modified by the 2017 NOPC, in part, as a result of various Florida statutory extensions. Consequently, Section C.2. of the Development Order is revised as follows:

"The Project is to be developed in three phases as shown below:

Phase I (Expires May 11, 2025)

Single Family Residential	829 units
Multiple Family Residential	600 units
Retail	105,000 GSF
Office/Business Park	2,000,000 GSF
Industrial	300,000 GSF

Phase II (until May 9, 2028)

Single Family Residential	100 units
Multiple Family Residential	600 units
Retail	166,300 GSF
Office/Business Park	1,950,000 GSF
Industrial	400,000 GSF

Phase III (until May 11, 2033)

Multiple Family Residential	356 units
Retail	265,000 GSF

*Note: Hotels are an allowable use within the Retail category with a corresponding reduction in retail square footage. Development approvals and concurrency vesting will be based upon the number of rooms and not square footage.

Development may be moved from one phase to another (e.g., from Phase I to Phase II, Phase II to Phase I, etc.) without filing a NOPC, provided the total transportation impacts based on peak hour trips from the receiving phase are not increased by more than ten percent (10%). Modifications that result in peak hour, peak season and peak direction trip increases of between eleven percent (11%) and fifteen percent (15%) will require issuance and approval of a NOPC to this Development Order. Development may commence within a phase prior to the phase commencement date stated above. Land uses may be exchanged within the DRI in accordance with Exhibit “B” to the Development Order, Trip Generation Trade-Off Ratios. To the extent a land use does not appear on Exhibit “B” of the Development Order, the trip generation potential for such land use will be established by reference to the current edition of the Institute of Transportation Engineers Report, Trip Generation or to such other trip generation data that is acceptable to the City. Based on this information, an appropriate exchange ratio will be established using the methodology currently employed in Exhibit “B” to the Development Order. Such adjustments are authorized and governed pursuant to the terms of Exhibit “B” of the Development Order. A specific analysis may be required to support the

conclusions of Exhibit “B” to the Development Order and a final determination of consistency with this Development Order shall be made by the City’s Director of Community Development.”

3. Section C.4.c and d, as last amended in Section 3.C. of Ordinance 4831, of the Development Order is hereby amended as follows:

(c) (Concurrency for Vested Entitlements) Based on the previously completed traffic analysis, the Proposed Development and Vested Entitlements that are reflected in the Development Agreement, as amended, are vested until February 13, 2035. For all other development within the remainder of the DRI, concurrency will be as described below in C.4.c and consistent with the City Concurrency Management Ordinance.

(d) (Traffic Monitoring) No later than one year after building permits have been issued for development which generates peak hour traffic in an amount greater than 60% of the Phase I total (or 2,387 peak hour trips), a biennial monitoring program to provide peak-hour traffic counts at the project entrances shall be instituted to monitor levels of service on significant roadways and to verify that the projected number of external trips for Phase I of the development are not exceeded. Counts shall continue on a biennial basis through build-out or less often as determined by the City’s Director of Community Development. This information shall be supplied in the DRI biennial report. If a biennial report is not submitted within 30 days of its due date, no further building permits will be issued until the report is properly submitted.

If the biennial report indicates that the trips for Phase I, or any subsequent Phase, exceed projected counts by more than 15 percent (on a cumulative basis), the City, after written notice to the developer, shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes, and shall, if appropriate, amend the Development Order to change or require additional roadway improvements.

The traffic monitoring program and methodology shall be subject to the approval of the City, Polk Transportation Planning Organization, CFRPC, and the Florida Department of Transportation (the “Participants”). The traffic monitoring methodology shall be performed at the Applicant’s expense and shall include detailed assumptions as to size of study area; capacity standards; level of service standards; definition of regionally significant impact. Traffic monitoring shall take place in a manner to be agreed upon by the Participants. The first traffic monitoring report shall be submitted for review as noted above and monitoring will continue on a biennial basis or at longer intervals as determined by the City.

4. Section 3.B.3 (Right-of-way Reservation) of the Development Order is hereby amended as follows:

As to Section C.4.g.(4) of the Development Order, the Polk County Transportation Planning Organization had, in its 2020 transportation improvements plans, designed a conceptual road alignment extending from Walt Williams Road across Interstate 4 and extending southerly to State Road 33 in the vicinity of Combee Road. The City has provided for the reservation of certain lands within the DRI, and has caused to be recorded that certain Declaration of Reservation in Official Records Book 7014, Page 1131, public records of Polk County, Florida ("Reservation"), which provides for the reservation of such lands until July 31, 2021, for a potential right-of-way dedication to accommodate the construction of a roadway and/or bicycle/pedestrian crossing over Interstate 4 if such conceptual improvement is required prior to such date. Any dedication of land for such right-of-way shall be compensated as provided in the Reservation, and the other terms and conditions of the Reservation are satisfied or met, as applicable within the specified time period. The Reservation describes the alignment of the potential future improvement and is hereby modified as reflected in the site plan attached as part of **Exhibit "C"** to this amendment to the Development Order, and no other alignment shall be required to be planned for within the DRI. This requirement seeks to allow for the planning of the conceptual road improvement illustrated in the attachment to the Reservation and shall not be construed as a requirement of donation of right-of-way. As part of the cooperation required of the applicant, the PUD site plan, generally set forth in **Exhibit "C"** to this amendment to the Development Order ("Ridge Site Plan"), for the development of the Ridge Property reflects a more direct conceptual road alignment and the City has conceptually approved the conceptual road alignment reflected in the PUD site plan for the Ridge Property, consistent with the DRI access points reflected in **Exhibit "D."** The Conceptual Road alignment shall remain reserved until December 31, 2032.

5. Section D.7. (Annual Report) of the Development Order is hereby amended as follows:

Biennial Report: Beginning in 2019, the Applicant shall submit a biennial report on the DRI to the City by April 15 every other year.

The biennial report shall contain the following information as well as other information required by this Order:

- a. Any changes in the plan of development, or in the representations contained in the ADA, or in the phasing for the reporting year and for the next year;
- b. A summary comparison of development activity proposed and actually conducted for the year;

c. Identification of undeveloped tracts of land other than individual single family lots, that have been sold to a separate entity or developer;

d. Identification and intended use of lands purchased, leased or optioned by the Applicant adjacent to the original DRI site since the Development Order was issued;

e. A special assessment of the Project's and the City's compliance with each individual condition of approval contained in the Development Order and the commitments which are contained in the ADA and which have been identified by the City, CFRPC, or DEO as being significant;

f. Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

g. An indication of change, if any, in local government jurisdiction for any portion of the development since the Development Order was issued;

h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;

i. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(15) and (18), Florida Statutes; and

j. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to paragraph 380.06(15)(f), Florida Statutes.

(a) A copy of the required transportation monitoring report as described in section 4.C., General Transportation Provisions.

At the time the biennial report is sent to the City, copies shall also be sent to CFRPC, DEO, and all affected permitting agencies.

If the biennial report is not received, CFRPC or DEO shall notify the City. If the City does not receive the biennial report or receives notification that CFRPC or DEO has not received the biennial report, the City shall request, in writing, that the Applicant submit the biennial report within 30 days. The failure to submit the biennial report after 30 days shall result in the City's temporary suspension of the Development Order until such time that the biennial report is submitted.

SECTION D. **EXPIRATION DATE.** The Development Order, as amended hereby, shall remain in effect until January 12, 2033, being extended pursuant to certain statutory provisions that automatically extended the expiration date.

SECTION E. If any word, sentence, clause, phrase, or provision of this Ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder of this Ordinance shall not be affected thereby.

SECTION F. Ordinance No. 4193, originally adopted on October 5, 2000, and amended by Ordinance No. 4831, is hereby amended by this Ordinance. All references within the Development Order to the terms and conditions of the Development Order shall be deemed to refer to the Development Order as amended by this Ordinance. In the event of any conflict between the terms of the Development Order and the terms of this Ordinance, the terms of this Ordinance shall control.

SECTION G. This Ordinance shall take effect immediately upon its passage.

PASSED AND CERTIFIED AS TO PASSAGE this 18th day of December, A.D. 2017.

HOWARD WIGGS, MAYOR

ATTEST: _____
KELLY S. KOOS
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: _____
TIMOTHY J. MCCausland
CITY ATTORNEY

**2017 AMENDMENT TO BRIDGEWATER DEVELOPMENT ORDER
LIST OF EXHIBITS**

- A. Revised Master Plan – Map "H"
- B. Trip Generation Trade-Off Ratios
- C. Depiction of Conceptual Road Corridor
- D. Access Points

EXHIBIT “A”

(Revised Map “H”)

EXHIBIT "B"

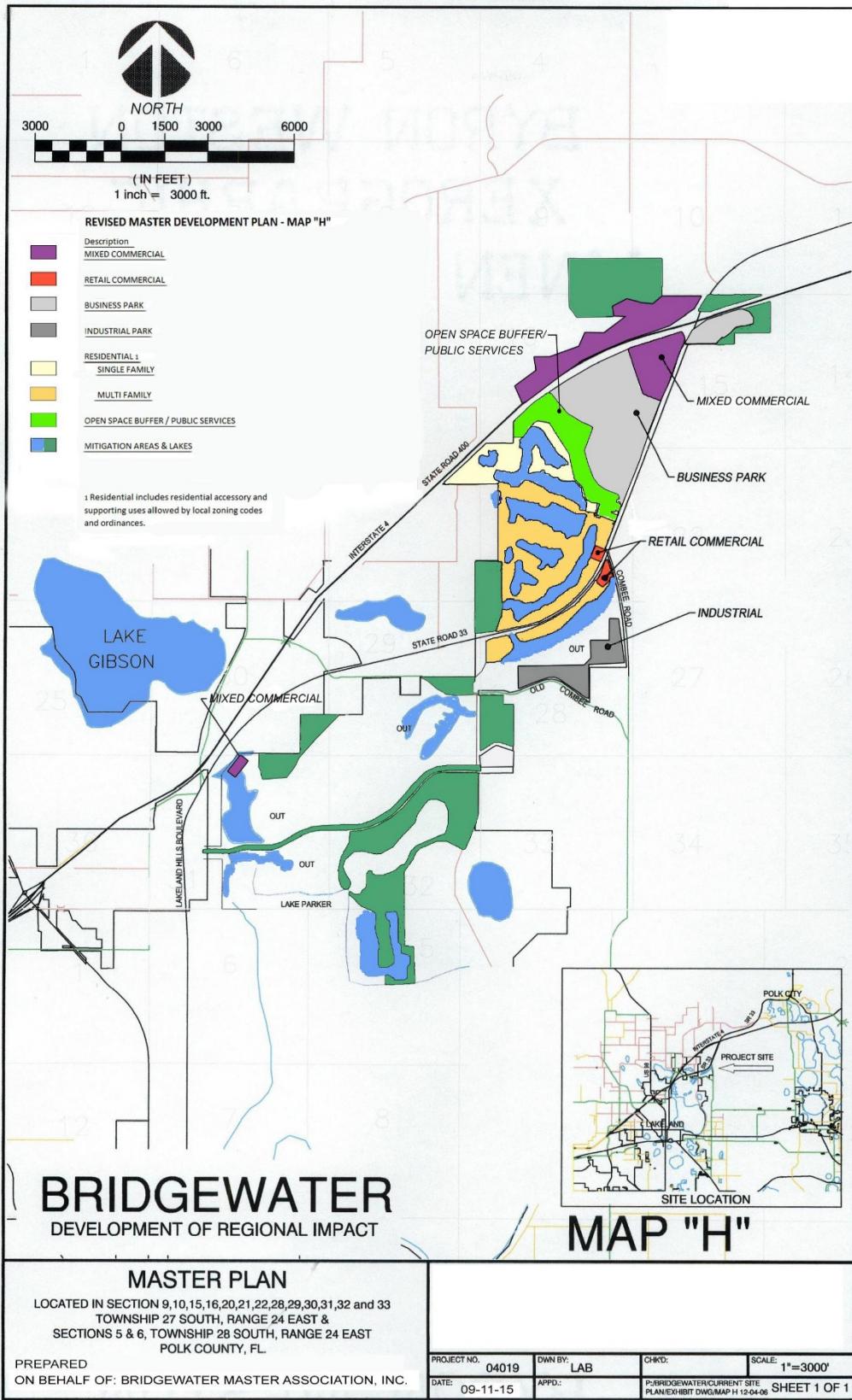


EXHIBIT “B” – Trip Generation Trade-Off Ratios

TRIP MATRIX		Land Use	Retail	Highway Comm.	Warehousing	Light Ind.	Hotel	Office
		Ind. Variable	KSF	KSF	KSF	KSF	Rooms	KSF
Land Use	Ind. Variable	PM Pk Hr Trip Rate	5.17	2.32	0.32	0.97	0.60	1.49
Retail	KSF	5.17	1.000	2.227	16.142	5.325	8.609	3.467
Highway Commercial	KSF	2.32	0.449	1.000	7.250	2.392	3.867	1.557
Warehousing	KSF	0.32	0.062	0.138	1.000	0.330	0.533	0.215
Light Industrial	KSF	0.97	0.188	0.418	3.031	1.000	1.617	0.651
Hotel	Rooms	0.60	0.116	0.259	1.875	0.619	1.000	0.403
Office	KSF	1.49	0.288	0.642	4.656	1.536	2.483	1.000

EXHIBIT "C" - DEPICTION OF CONCEPTUAL CORRIDOR

EXHIBIT C

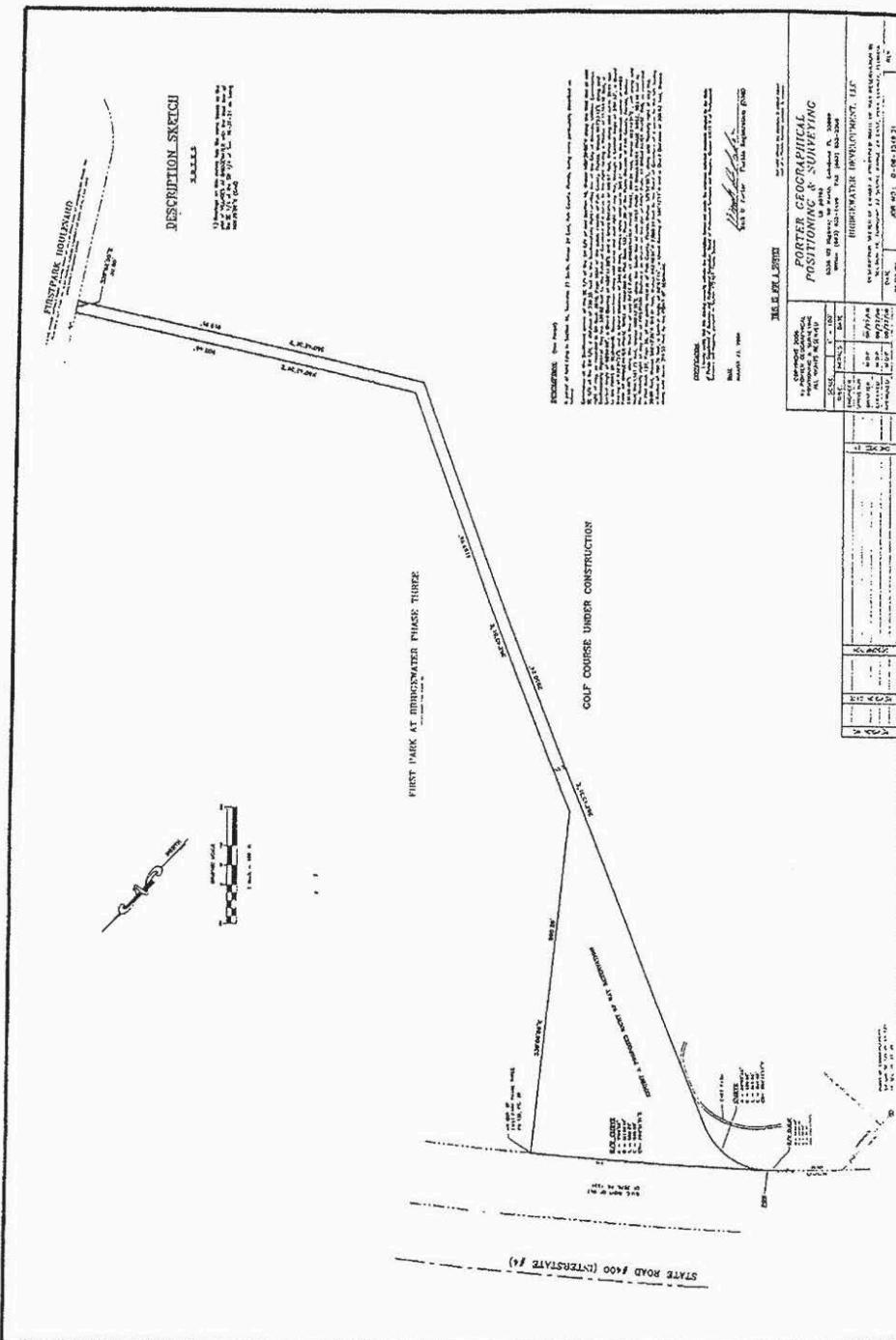


EXHIBIT C

DESCRIPTION: (New Parcel)

A parcel of land lying in Section 16, Township 27 South, Range 24 East, Polk County, Florida, being more particularly described as follows:

Commence at the Southwest corner of the SE 1/4 of the SW 1/4 of said Section 16, thence N00°20'09"W along the West line of said SE 1/4 of the SW 1/4, a distance of 739.33 feet to the Southeasterly Right-of-Way line of the City of Orlando, Utilities Commission right of way, as recorded in OR Book 2070, Page 1834 of the public records of Polk County, Florida, thence N47°23'12"E along said Southeasterly Right-of-Way line 339.82 feet to the Point of Curvature of a curve to the right having a Radius of 11,144.16 feet, a Central Angle of 00°08'50", a Chord Bearing of N50°44'50"E and a Chord Distance of 109.87 feet, thence along said curve 28.61 feet to the POINT OF BEGINNING; thence continue along said curve and said right of way line, through Central Angle of 3704.33", a Chord Bearing of N52°21'31"E and a Chord Distance of 598.20 feet, thence along said curve 598.27 feet to the Northwest corner of FIRST PARK AT BRIDGEWATER PHASE THREE as recorded in Plat Book 132, Page 30 of the Public Records of Polk County, Florida, thence S36°06'09"E along the West line of sold FIRST PARK, 890.28 feet, thence S62°43'51"E still along said West line, 1,157.75 feet, thence N50°42'36"E, along the South line of sold FIRST PARK AT BRIDGEWATER PHASE THREE, 903.46 feet to the West line, the Westerly right of way line of FIRST PARK Boulevard is shown on the plot of FIRST PARK AT BRIDGEWATER PHASE TWO, as recorded in Plat Book 127, Page 38, of the public records of Polk County, Florida, thence S29°52'55"E, along said Westerly right of way line, 30.00 feet, thence S60°42'36"W 919.91 feet, thence N62°43'51"W 2,050.24 feet to the Point of Curvature of a curve to the left having a Radius of 189.36 feet, a Central Angle of 66°07'44", a Chord Bearing of S84°12'17"W and a Chord Distance of 206.62 feet, thence along said curve 218.55 feet to the POINT OF BEGINNING.

CERTIFICATION:

I hereby certify that this drawing correctly reflects the description herein and meets the minimum technical standards adopted by the State of Florida Department of Business and Professional Regulation, Board of Professional Surveyors and Mappers, Chapter 61G17-6 of Professional Surveyors and Mappers, pursuant to Section 472.027, Florida Statutes.

Mark D. Porter
Mark D. Porter
AUGUST 23, 2006

Mark D. Porter
Mark D. Porter
Florida Registration #3340



Bridgewater Commercial Park LAKELAND, FLORIDA

Conceptual Site Plan Rendering
05/23/2016



EXHIBIT "D" – ACCESS POINTS

