

**CITY COMMISSION AGENDA ITEM REPORT**

**DATE:** March 22, 2023

**SUBMITTED BY:** Collette Tibby

**ITEM TYPE:** Ordinance

**TEMP. ORDINANCE NUMBER:**

**AGENDA SECTION:** **ORDINANCE(S) - FIRST READING - PUBLIC HEARING**

**TITLE:** TO2488 - An Ordinance of the City Commission of the City of Tamarac, Florida, providing notice of intent to approve a development agreement between Woodlands Club Holdings, LLLP and the City of Tamarac, for the development of a maximum of 335 single family dwelling units, not to exceed 30 ft. In height, located within residential pods, developed at a maximum density of 2.4 dwelling units per gross acre; a new clubhouse and amenity campus, not to exceed 60 ft. In height, located within the recreation pod; and accessory commercial uses incidental to the single family dwelling units; and a minimum of 160 acres of open space, for the development of property known as "The Woodlands" bounded by West Commercial Boulevard to the North, Rock Island Road to the East, NW 64 Avenue to the West, and NW 44 Street to the South; as more fully described in the development agreement attached hereto as Exhibit "A"; authorizing the appropriate City Officials to do all things necessary to effectuate the intent of this ordinance; providing for conflicts; providing for severability; and providing for an effective date.

**RECOMMENDATION:** The Director of Community Development recommends that the City Commission open a Public Hearing regarding the Woodlands development agreement in order to solicit input regarding same. It is further recommended that the City Commission consider the Development Agreement at the first of two public hearings.

**BACKGROUND:** The development agreement ensures the performance of parties subject to the agreement. Agents for the applicant have been working diligently with staff regarding this agreement. Some of the crucial terms and conditions of the agreement include the following commitments:

- Paragraph 4: Permitted Land Uses:

Developer shall develop the Property with the following uses: (1) A minimum of +/- 165 acres and a maximum of 335 single family dwelling units located within 8 Pods (A-H), developed at a maximum of 2.4 dwelling units per gross acre, not to exceed 30 ft. in height; (2) a new clubhouse and amenity campus located in the Recreation Pod; (3) accessory commercial uses as well as the clubhouse amenity campus located in the Recreation Pod; (4) a minimum of 160 acres of Open Space and (5) other uses consistent and compatible with the Property's land use and zoning designation.

- Paragraph 8: Open Space:

Agreement to execute and record the Declaration and Restrictive Covenant (Exhibit "G") in order to preserve 160 acres of Open Space within the property in accordance with an Open Space Plan ("Exhibit "F") to be maintained in perpetuity to the standards outlined in the City Code. The Open Space is restricted through the Declaration of Restrictive Covenant from future residential development and can only be modified, amended or released through approval in writing by the City and executed by the then owner of the portion of the property affected by the modification.

- Paragraph 9: Section 9

Developer proposes a new CDD, master association, and/or other governing association, board, district or other custodial or maintenance entity (Section "9"), created to govern the new Pods. Section 9 would be responsible for the cost and expense associated with maintenance of, and required improvements to all new common areas created as a result of the Project, including the Amenity Campus, Landscape Buffers, Recreational Trail, perimeter walls and fences, Open Space and other improvements proposed as part of the Project.

- Paragraph 10: Recreation Trail:

Developer proposes to install a trail system with seating areas and workout stations throughout the Property at its sole cost and expense. The Recreational Trail shall be a pathway intended for outdoor exercise, walking and running through the Woodlands Community as generally shown on the Pedestrian Connectivity Plan (Exhibit "Q"). Section 9 shall be solely responsible for any and all costs and expenses necessary to ensure perpetual maintenance of the Recreational Trail.

- Paragraph 12: Signage:

Developer is permitted to install temporary signage reasonably satisfactory to the City within the Entrances or other locations approved by the City. Developer agrees to submit a Comprehensive Signage Plan and also install permanent site signage for the Woodlands Community Entrances. Developer will also maintain all signage including the Woodlands main entrance existing sign.

- Paragraph 14.1: Public Services and Facilities:

The City has existing water and wastewater capacity and water and wastewater infrastructure located within the vicinity of the "Property"; however, this infrastructure must be extended and/or expanded by the Developer to provide necessary services to the Project. The City shall provide public services including, but not limited to, drainage (excluding private drainage system maintenance), police and fire service, solid waste service, road maintenance, water and sewer, parks and recreation service consistent with land use concurrency, and as otherwise provided in the City's Charter and City Code.

- Paragraph 14.2 Interior Roadways:

Prior to the issuance of the first building permit for construction of the first residential unit on the Property (excluding model homes), Developer pay the full cost for a Street Improvement Study and then pay ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) to the City to be used for any recommended improvements, including impacts to North Woodlands Boulevard, related to traffic calming after completion of the Project and any recommended improvements to the interior roadway system of the Woodlands Community and North Woodlands Boulevard related to the development of new homes within the Woodlands Community. Developer further agrees to mill and resurface portions of the Woodlands Community street network that are within one hundred (100) feet of certain intersections shared by the Project or as identified on the approved site plan and/or the approved civil engineering plans for the Project, within one month after the last certificate of occupancy is issued on each Residential Pod.

- Paragraph 15. Entrance Renovations:

Developer proposes to include gated entry features on one or more access points to or within the Woodlands Community. Once conveyed, all roadways within the boundaries of the Woodlands Community shall be public roadways owned and controlled by the City. Developer shall commence construction of the improvements and upgrades to the main entrance of the Woodlands Community, located at the intersection of Woodlands

Boulevard and Commercial Boulevard prior to, or concurrent with, the issuance of the first vertical building permit for the construction of a new single-family home, excluding the model units. The Main Gate is described in Exhibit "I" and the improvements and upgrades to the Main Gate are described in Exhibit "K".

- Paragraph 16. Project Buffers:

The Developer proposes to install a mix of lakes, landscape buffers, buffer walls/fencing and Open Space within and around the Residential Pods and Woodlands Community as identified on Exhibit "L". Developer proposes to install landscape buffers generally consistent with the plans identified on the landscape plans approved by the City, as part of the Site Plan Application. Developer also proposes to install, fences and/or walls along the perimeter of the Woodlands Community in the locations noted in Exhibit "L". Specifically, Developer agrees that it shall be responsible for design and construction of perimeter landscaping and buffer wall/fence improvements, consistent with the location and details provided in Exhibit "L".

In addition to the above, Developer proposes to contribute Four Hundred Seventy Two Dollars (\$472.00) per linear foot of wall up to a maximum of Three Hundred and Forty Four Thousand Five Hundred Sixty and 00/100 Dollars (\$344,560.00) to be used at the City's discretion for construction of buffer wall improvements for the single-family homes within Mainlands Section 6 along the east side of Rock Island Road for approximately seven hundred and thirty linear feet (730') from the northern property line of the single-family lot on the north side of NW 55th Court to the southern property line of the single-family lot on the south side of NW 53rd Street, excluding the right-of-way connection points used for vehicular ingress and/or egress.

In the event there is access to the Project from NW 64th Avenue, Developer proposes to install a functional local right of way, consistent with City and County roadway standards, to include appropriate infrastructure to connect the Project to NW 64th Avenue. The improvements shall include sufficient landscaping adjacent to the newly constructed NW 64th Avenue buffer wall/fence consistent with Exhibit "L".

- Paragraph 17. Offsite Improvements:

Developer proposes, to the extent possible, to construct the improvements to adjacent rights-of-ways, including turn-lanes, curbing, median modifications, sidewalks, buffer walls/fences, gates, landscaping, and other related

improvements as further identified on the proposed conceptual off-site improvement plan attached hereto as Exhibit "N".

In addition, FDOT is currently undertaking a joint-funded project (FM# 41944) with the County to design and construct an Adaptive Traffic Signal Control System, Arterial Dynamic Message Signs ("ADMSs"), Bluetooth detectors, Closed Circuit Television ("CCTV") cameras, traffic/vehicle detector upgrades and fiber optic infrastructure upgrades and expansion along Commercial Boulevard from Rock Island Road to Federal Highway. FDOT Project FM# 441944 is programmed in the FDOT adopted Five Year Work Program for implementation during Fiscal Year 2024. In satisfaction of FDOT's comment for the proposed City of Tamarac Comprehensive Plan Amendment with the Department of Economic Opportunity ("DEO"), Developer shall contribute ONE HUNDRED FOURTEEN THOUSAND NINE HUNDRED SIXTY FOUR DOLLARS (\$114,964.00) to the City for payment to FDOT for Project FM#441944 as a proportionate share contribution related to the traffic impacts resulting from the Project.

Paragraph 19. Affordable Housing Contribution: Developer proposes to contribute TWO THOUSAND DOLLARS (\$2,000.00) per residential dwelling unit approved by the City during final site plan approval of all Residential Pods (by way of example only, approval of three hundred and thirty five (335) single-family residential dwelling units would yield a maximum total sum of SIX HUNDRED AND SEVENTY THOUSAND DOLLARS (\$670,000.00), payable to the City to facilitate the City's affordable housing programs and initiatives with the contribution to be used to provide down payment assistance to income eligible families for purchase of residential units throughout the City. The contribution to be made payable to the City and spread proportionately on a per residential dwelling unit basis, the first such contribution to be made at issuance of the first vertical building permit for any residential dwelling unit.

- Paragraph 20. Woodlands Overlay District. Developer proposes to develop with the City an enforcement structure to be funded by Section 9 for a City Code Enforcement Officer to enforce certain standards outlined in the Development Agreement. Said standards will also be outlined in the Section 9 HOA documents to ensure that they survive the life of the Development Agreement.

- Paragraph 21. Additional Community Benefits:

For all design and construction activity related to the Project, Developer is strongly encouraged to contract with Local Tamarac Vendors, firms certified by the Broward County Office of Economic and Small Business Development (OESBD) as a Broward County Certified Small Business Vendor / Certified Business Entity (CBE), and Veteran-Owned Small Businesses as defined in 38 CFR § 74.1, as amended.

In an effort to optimize the efficiency of City operations and services and connect to the citizens of the Woodlands Community and the Project, Developer agrees to make available upon request the following physical devices: Smart Lighting (LED) Fixtures; Hotspots; License Plate Readers at Entrance Points; Automated Meter Reading System Enabled Water Meters.

**ISSUE:**

Section 162.3220 through 163.3223, Florida Statutes provides for local governments to enter into development agreements in order to set forth the procedures, rights and obligations of the parties with regard to the development of the property consistent with the Comprehensive Plan and the Code of Ordinances and to detail the requirements and commitments for developing the property. As such, Woodlands Club Holdings, LLLP has submitted the attached development agreement for consideration by the City Commission

**ATTACHMENTS:**

1 - Memo-Woodlands Development Agreement.docx  
2 -Temporary Ordinance No.2488.docx  
TO2488 Exhibit A - Woodlands Development Agreement - Final.docx  
Exhibit A\_Legal Description for 276 Acre Property.pdf  
Exhibit B\_Site Plan.pdf  
Exhibit C\_Conceptual Residential Elevations\_NEEDS UPDATE.pdf  
Exhibit D\_Conceptual Layout of Recreation Pod.pdf  
Exhibit E\_Legal Description of 165 Acre Property Subject to LUPA & RZ.pdf  
Exhibit F\_Open Space Plan.pdf  
Exhibit G\_City Declaration of Restrictive Covenants.pdf  
Exhibit H\_Lake Ownership & Maintenance Responsibilities.pdf  
Exhibit I\_Roadways, Gates & Phasing for New Entrances.pdf  
Exhibit J\_Insurance & Indemnification Requirements.pdf  
Exhibit K\_Conceptual Graphic of Main Gate\_NEED UPDATE.pdf  
Exhibit L\_Project Buffer Plan & Location of Fences and or Walls.pdf  
Exhibit M\_Location of New and Existing Lakes.pdf  
Exhibit N\_Conceptual Offsite Improvements.pdf

[Exhibit O\\_Woodlands Color Palette\\_NEEDS UPDATE.pdf](#)

[Exhibit P\\_List of Development Approvals Required for Project.pdf](#)

[Exhibit Q\\_Pedestrian Connectivity Plan.pdf](#)