

* * * * AMENDED * * * *
CITY COMMISSION AGENDA
CITY OF WINTER GARDEN
TANNER HALL
29 W. Garden Avenue

**BUDGET HEARINGS AND
REGULAR MEETING**

September 14, 2006

6:30 P.M.

CALL TO ORDER

Roll Call and Determination of a Quorum

Invocation and Pledge of Allegiance

Moment of Silence in remembrance of Commissioner Mildred L. Dixon

**1. FIRST READING AND PUBLIC HEARING TO ADOPT THE PROPOSED
MILLAGE RATE AND BUDGETS FOR FISCAL YEAR 2006-2007**

- A. **Ordinance 06-42:** AN ORDINANCE LEVYING TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2006 AND ENDING ON SEPTEMBER 30, 2007 with the **Second Reading and Public Hearing on September 28, 2006**
- B. **Ordinance 06-43:** AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2006 AND ENDING ON SEPTEMBER 30, 2007 with the **Second Reading and Public Hearing on September 28, 2006**
- C. **Ordinance 06-44:** AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE **COMMUNITY REDEVELOPMENT AGENCY (CRA)** OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2006 AND ENDING ON SEPTEMBER 30, 2007 with the **Second Reading and Public Hearing on September 28, 2006**
- D. **Ordinance 06-45:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN AUTHORIZING THE APPROPRIATIONS OF CITY FUNDS FOR FISCAL YEAR 2006-2007 IN ACCORDANCE WITH ARTICLE 3 SECTION 30.4 OF THE CITY CHARTER OF THE CITY OF WINTER GARDEN, FLORIDA AND FLORIDA STATUTE 166.241 FOR THE PURPOSE OF FULFILLING THE FINANCIAL OBLIGATIONS OF THE CITY with the **Second Reading and Public Hearing on September 28, 2006**

REGULAR CITY COMMISSION MEETING AGENDA

2. APPROVAL OF MINUTES

Regular Meeting and Budget Workshop Minutes of August 24, 2006

3. FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES

- A. **Ordinance 06-40:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 42-55 OF THE WINTER GARDEN CODE OF ORDINANCES ENTITLED "ROAD IMPACT FEE SCHEDULE" BY

ESTABLISHING A SPECIAL BENEFIT OVERLAY DISTRICT FOR THE CR545 CORRIDOR; ESTABLISHING AN ADDITIONAL ROAD IMPACT FEE FOR ALL NEW DEVELOPMENT WITHIN THE CR545 SPECIAL BENEFIT OVERLAY DISTRICT; AMENDING SECTION 42-56 ENTITLED ALTERNATIVE IMPACT FEE CALCULATIONS FOR ALL NEW DEVELOPMENT WITHIN THE CR545 SPECIAL BENEFIT OVERLAY DISTRICT; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE (Avalon Road) **with the second reading and public hearing being scheduled for October 26, 2006** – City Planner Cechman

- B. **Ordinance 06-39**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 42-55 OF THE CITY'S CODE OF ORDINANCES ENTITLED "ROAD IMPACT FEE SCHEDULE" BY REPLACING EXHIBIT "A" WITH A NEW TABLE TO REFLECT THE INCREASE IN COST OF ROAD CONSTRUCTION AND BY CONSOLIDATING THE NORTH AND SOUTH BENEFIT AREAS INTO ONE CITY WIDE BENEFIT AREA; AMENDING SECTION 42-56 OF THE CITY'S CODE OF ORDINANCES ENTITLED "ALTERNATIVE ROAD IMPACT FEE CALCULATIONS" BY AMENDING THE COST OF RIGHT-OF-WAY ACQUISITION PLUS CONSTRUCTION COST FACTOR; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for October 26, 2006** – City Planner Cechman

FIRST READING OF PROPOSED ORDINANCE

- C. **Ordinance 06-46**: AMENDING CHAPTER 98 OF THE WINTER GARDEN CITY CODE BY CREATING ARTICLE VI, DEVELOPMENT REVIEW COMMITTEE; PROVIDING FOR THE CREATION AND ESTABLISHMENT OF A DEVELOPMENT REVIEW COMMITTEE; PROVIDING FOR MEMBERS OF THE DEVELOPMENT REVIEW COMMITTEE; PROVIDING THE POWERS, DUTIES AND PROCEDURES OF THE DEVELOPMENT REVIEW COMMITTEE; PROVIDING FOR RECOMMENDATIONS AND DETERMINATIONS OF THE DEVELOPMENT REVIEW COMMITTEE; PROVIDING FOR APPEALS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for October 12, 2006** – City Planner Cechman

4. REGULAR BUSINESS

- A. Request for a donation of \$500 by the West Orange High School Senior F.F.A. – Chet Cramer and Lester Bailey
- B. Request to conduct a music festival in Historic Downtown October 27-28, 2006 by the Winter Garden Heritage Foundation – Ron Sikes
- C. Recommendation to approve Recycling/Reselling Agreement with A1 Assets to dispose of old computers and related equipment – Information Technology Director Reilly

5. MATTERS FROM CITIZENS

6. MATTERS FROM CITY ATTORNEY – A. Kurt Ardaman

Consider Stipulated Settlement Agreement with Burger King Corp. in Orange County Circuit Court Case No. 03-CA-10198

7. MATTERS FROM CITY MANAGER – Michael Bollhoefer

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Discussion and possible action regarding the vacancy in Commission seat for District 3;

Note: [Qualifying Oaths](#) must be submitted to the City Clerk for consideration by the City Commission

9. **ADJOURN** to the second Budget Hearing on September 28, 2006 at 6:30 p.m. and regular City Commission meeting immediately following

Please Note: In accordance with Florida Statutes 286.0105: Any person who desires to appeal any decision at this meeting will need a record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is based, which such written record is not provided by the City of Winter Garden.

Also, in accordance with Florida Statute 286.26: Persons with disabilities needing assistance to participate in any of these proceedings should contact the Office of the City Clerk, 251 W. Plant Street, Winter Garden, FL 34787, (407) 656-4111 x 2254 48 hours in advance of the meeting.

ORDINANCE 06-42

AN ORDINANCE LEVYING TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2006 AND ENDING ON SEPTEMBER 30, 2007

WHEREAS, in order to provide the revenue necessary for the operation of the City for its Fiscal Year beginning October 1, 2006 and ending September 30, 2007, the City Commission of the City of Winter Garden has determined the rate of ad valorem tax levy that must be assessed for the year 2006; and

WHEREAS, the provisions of Chapter 200 of the Florida Statutes prescribing the method of fixing millage has been complied with.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: The City Commission of the City of Winter Garden hereby adopts, establishes and levies a millage rate for ad valorem taxation of real and tangible personal property within the City of Winter Garden for the Fiscal Year beginning October 1, 2006 and ending on September 30, 2007, at the rate of 4.3040 mills (\$4.3040 for every \$1,000 of assessed valuation) upon the assessed valuation of property within the corporate limits of the City of Winter Garden, Florida. This millage rate exceeds the rolled back rate of 3.5080 mills by 22.69 percent.

SECTION 2: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 3: Should any portion of this Ordinance be held invalid, then such portions as are not declared to be invalid shall remain in full force and effect.

SECTION 4: This Ordinance shall become effective immediately upon its becoming a law.

READ FIRST TIME AND PUBLIC HEARING HELD: _____

READ SECOND TIME AND PUBLIC HEARING HELD: _____

APPROVED:

Mayor/Commissioner Jack L. Quesinberry

ATTEST:

Kathy Golden, City Clerk

ORDINANCE 06-43

AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2006 AND ENDING ON SEPTEMBER 30, 2007

WHEREAS, the amount necessary as determined by the City Commission of the City of Winter Garden, Florida to defray the actual operating requirements of the municipal government of said City for the Tax Collection Year which begins October 1, 2006 and which ends on September 30, 2007 is the sum of \$27,802,510; and

WHEREAS, tax levy on all taxable real and tangible personal property within said City is necessary to be made in the total amount of 4.3040 mils (\$4.3040 for every \$1,000 of assessed valuation) to be allocated to the General Fund; and

WHEREAS, it is anticipated that there will be available for use and disbursement from the general funds of said City, revenue in the following amounts:

Collection of Ad Valorem	\$ 8,182,875
Revenue other than Ad Valorem	<u>19,619,635</u>
TOTAL REVENUES	\$27,802,510

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: That the sum of \$27,802,510 and such portion thereof as may be realized from the collection of the remainder of current taxes and other anticipated revenue is hereby allocated and appropriated to the General Fund of said City.

SECTION 2: All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION 3: Should any portion of this Ordinance be held invalid, then such portions as are not declared to be invalid shall remain in full force and effect.

SECTION 4: This Ordinance shall become effective immediately upon its becoming a law.

READ FIRST TIME AND PUBLIC HEARING HELD: _____

READ SECOND TIME AND PUBLIC HEARING HELD: _____

APPROVED:

Mayor/Commissioner Jack L. Quesinberry

ATTEST:

Kathy Golden, City Clerk

ORDINANCE 06-44

AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE COMMUNITY REDEVELOPMENT AGENCY (CRA) OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2006 AND ENDING ON SEPTEMBER 30, 2007

WHEREAS, the amount necessary as determined by the City Commission of the City of Winter Garden, Florida to defray the actual operating requirements and appropriations to Fund Balance of the CRA of said City for the Tax Collection Year which begins October 1, 2006 and which ends on September 30, 2007 is the sum of \$846,981; and

WHEREAS, tax levy on all taxable real and tangible personal property within said CRA in excess of the base year 1991 taxable value of \$23,063,944 is necessary to be allocated to the CRA for Area I; and

WHEREAS, tax levy on all taxable real and tangible personal property within said CRA in excess of the base year 1996 taxable value of \$548,114 is necessary to be allocated to the CRA for Area II; and

WHEREAS, it is anticipated that there will be available for use and disbursement from the CRA funds of said City, revenue in the following amounts:

Collection of Ad Valorem	\$366,390
Revenue other than Ad Valorem	<u>480,591</u>
TOTAL REVENUES	\$846,981

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: That the sum of \$846,981 and such portion thereof as may be realized from the collection of the remainder of current taxes and other anticipated revenue is hereby allocated and appropriated to the CRA of said City.

SECTION 2: All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION 3: Should any portion of this Ordinance be held invalid, then such portions as are not declared to be invalid shall remain in full force and effect.

SECTION 4: This Ordinance shall become effective immediately upon its becoming a law.

READ FIRST TIME AND PUBLIC HEARING HELD: _____

READ SECOND TIME AND PUBLIC HEARING HELD: _____

APPROVED:

Mayor/Commissioner Jack L. Quesinberry

ATTEST:

Kathy Golden, City Clerk

ORDINANCE 06-45

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, AUTHORIZING THE APPROPRIATIONS OF CITY FUNDS FOR FISCAL YEAR 2006-07 IN ACCORDANCE WITH ARTICLE 3 SECTION 30.4 OF THE CITY CHARTER OF THE CITY OF WINTER GARDEN, FLORIDA AND FLORIDA STATUTE 166.241 FOR THE PURPOSE OF FULFILLING THE FINANCIAL OBLIGATIONS OF THE CITY

WHEREAS, the City Manager of the City of Winter Garden, Florida has submitted an estimate of the expenditures necessary to carry on the City government for the Fiscal Year beginning October 1, 2006 and ending September 30, 2007; and

WHEREAS, the estimated revenues to be received by the City during said period from ad valorem taxes and other sources has been submitted to the City Commission; and

WHEREAS, all applicable legal requirements pertaining to public notices and hearings have been satisfied within specified deadlines and prior to final adoption of this Ordinance; and

WHEREAS, the City Commission has examined and carefully considered the proposed budget;

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AS FOLLOWS:

SECTION 1. Authority. The City Commission of the City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapters 166 and 200, Florida Statutes.

SECTION 2. Adoption of Final Budget. Attached hereto as Exhibit "A" and incorporated herein by reference is the final budget for the City of Winter Garden for the Fiscal Year beginning October 1, 2006 and ending September 30, 2007, said final budget being hereby

confirmed, adopted and approved in all respects by the City Commission of the City of Winter Garden.

SECTION 3. Appropriations. There are hereby expressly appropriated out of anticipated revenues all funds and monies necessary to meet the appropriations stipulated by and in said final budget.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereto.

SECTION 5. Effective Date. This Ordinance shall become effective immediately upon it becoming a law.

READ FIRST TIME AND PUBLIC HEARING HELD: _____

READ SECOND TIME AND PUBLIC HEARING HELD: _____

APPROVED:

CITY OF WINTER GARDEN,

FLORIDA

Commissioner H. Gerald Jowers

Mayor/Commissioner Jack L. Quesinberry

Commissioner Theo E. Graham

Commissioner Mildred L. Dixon

Commissioner Colin P. Sharman

ATTEST:

Kathy Golden, City Clerk

ORDINANCE NO. 06- 40

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 42-55 OF THE WINTER GARDEN CODE OF ORDINANCES ENTITLED "ROAD IMPACT FEE SCHEDULE" BY ESTABLISHING A SPECIAL BENEFIT OVERLAY DISTRICT FOR THE CR545 CORRIDOR; ESTABLISHING AN ADDITIONAL ROAD IMPACT FEE FOR ALL NEW DEVELOPMENT WITHIN THE CR545 SPECIAL BENEFIT OVERLAY DISTRICT; AMENDING SECTION 42-56 ENTITLED ALTERNATE IMPACT FEE CALCULATIONS FOR ALL NEW DEVELOPMENT WITHIN THE CR545 SPECIAL BENEFIT OVERLAY DISTRICT; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, In September 1989 the City Commission adopted Ordinance 89-68 which established Road Impact Fees at \$1,060 per each Single Family Residential unit (or SFR), and

WHEREAS, In December of 1998, after conducting an Impact Fee Transportation Study (DRMP's November 1998 study) the City Commission adopted Ordinance 98-89 which increased the Road Impact Fees to \$1,560 per SFR , and

WHEREAS, In June 2000, after conducting an Impact Fee Transportation Study, the City Commission adopted Ordinance 00-38 which established two Road Impact Fee Benefit Areas (North and South) and increased the Road Impact Fees to \$1,561 per each SFR in the northern benefit area and \$2,027 per each SFR in the Southern Benefit Area, and

WHEREAS, In August 2004, after conducting an Impact Fee Transportation Study (DRMP's March 2004 study) the City Commission adopted Ordinance 04-17 which increased the Road Impact Fees to \$3,059 per each SFR in the northern benefit area and \$3,974 for each SFR in the Southern Benefit Area, and

WHEREAS, in October 2006, after conducting an Impact Fee Transportation Study the City Commission is being asked to adopt Ordinance 06-39 which will increase Road Impact Fees to \$5,765 per each SFR in both the Northern and Southern Benefit Areas, and

WHEREAS, each of the aforesaid impact fees were established using the “standards” method utilizing a standardized formula, based upon the most recent and localized data available for the City, and

WHEREAS, the City has recently been petitioned for new development on CR545, and

WHEREAS, the City’s Planning Department, with assistance of the City Engineer and the City’s Traffic Consultant (hereinafter known as DRMP), has conducted a report identifying the existing and future traffic and conditions of CR 545 from SR 50 to just west of Tilden Road (Attachment “A” and herein known as “The CR 545 Status and Recommendation Report”), and

WHEREAS, said Status Report has identified the following:

1. The Adopted Level of Service (or LOS) for CR545 is LOS “E”
2. The Existing LOS for CR545 is LOS “D”
3. The projected LOS (to include the impacts from all of the developments requesting approval) for CR545 is anticipated to be LOS “F”

WHEREAS, due to the location of CR545 and the existing lakes and wetlands, additional parallel or connection roads to other road segments is infeasible, and

WHEREAS, in order for CR545 to have the capacity to accommodate the traffic from all of the existing and proposed development, the portion of CR545 from just west of Tilden Road

to a point just north of the CR545 / Hartwood Marsh Road will need to be improved to a four lane segment, and

WHEREAS, the amount of proposed Equivalent Residential Units (or ERUs) that will impact upon the traffic on CR545, and which are included within the proposed Overlay District, is approximately 2,807 to include the following projects, which are in the process for approval:

	Proposed Projects	ERUs
1	Hickory Hammock	491
2	Avalon Townhomes	138
3	Carriage Point	187
4	Avalon Reserve Commercial	201
5	SBW Parcel 17	186
6	Alexander Ridge	370
7	Foundation Academy (PH I)	93
8	Belle Meade Commercial	296
9	Alexander Ridge Commercial	168
10	Avamar Crossing	354
11	Cantero Property (2 Dus / A)	76
12	Assaf Property (2 Dus / A)	64
13	Zion Lutheran Daycare	33
14	Zion Lutheran Church	10
15	Zion Lutheran School	14
16	Bell Meades reasidential	127
	Total ERUs	<u>2,807</u>

WHEREAS, approximately 149 of these ERUs are exempt from paying impact fees, and the City will need to provide for the contribution of these exempt units through revenues other than the Overlay District Impact Fee, and

WHEREAS, the development within the Overlay District, upon completion, will utilize substantially all of the capacity created by the improvements to CR 545, and

WHEREAS, the estimated cost to four lane the southern section of CR545 has been estimated to be \$12,010,000 in 2006, and

WHEREAS, the estimated time it will take to add two additional lanes to CR 545 is five to six years, and

WHEREAS, the CR 545 Status and Recommendation Report suggests that this a Special Benefit Overlay District Impact Fee for the developments that effect CR 545 be established an each developing ERU be accessed an additional \$5,117, (FY 06/07), and

WHEREAS, the City Commission finds that the need to improve CR 545 is directly related to proposed development that will be occurring within the Overlay District. Further, that the improvement of CR 545 will directly benefit the development within the District that pays the Overlay District Impact Fee, and

WHEREAS, CR 545 is a road within the County Road System and will be improved by the City, pursuant to an interlocal agreement with Orange County. The City Commission finds that the improvement of CR 545 will allow property within the Overlay District to developed with the provision of the necessary infrastructure to serve that development. The improvement of CR 545 will serve a municipal purpose, and

WHEREAS, the City Commission hereby adopts and incorporates herein the “The CR 545 Status and Recommendation Report” and finds that the date used in the report is the most recent and localized data available for the City of Winter Garden, and

WHEREAS, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this ordinance is necessary, appropriate, and in the public interest of the citizens of Winter Garden, Florida.

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

Section 1. The City Commission of the City of Winter Garden has the authority to adopt this Ordinance pursuant to Chapter 166, F.S.

Section 2. Sec. 42-55. Road impact fee schedule.

(a) The road impact fee shall be determined in accordance with the schedule set forth as identified in exhibit "B", schedule of fees.

(b) CR 545 Special Benefit Overlay District - In addition to the Road Impact Fees identified above, all new developing property located within the CR 545 Special Benefit Overlay District as identified in Exhibit "C", map of benefit area, shall be required to pay an additional road impact fee at the time the Building Permits are received as in accordance with the schedule set forth as identified in exhibit "D", Rates for the CR 545 Benefit Area. This fee will automatically end on October 1, 2021 without any additional Commission action.

* The business park category will be used for all speculative heavy commercial or industrial incubators.

(c) If an applicant for a building permit contends that the land use for which the building permit is requested is not within the categories set forth in subsection (a) of this section or is within a different category, the development review committee shall make a determination as to the appropriate land use designation. Such determination may be appealed to the city commission, whose decision shall be final and binding on the applicant.

(d) The development review committee, as referenced in subsection (b) of this section, shall be comprised of the city manager, city planner, city engineer, and the heads of the department of public works, the department of water and the department of sewer.

(Code 1988, § 11.5-25; Ord. No. 98-89, § I, 12-10-98; Ord. No. 00-38, § II, 6-22-00; Ord. No. 04-17, § 1, 8-12-04)

Sec. 42-56. Alternative road impact fee calculation.

(a) If an applicant believes that the cost of his off-site roadway improvements needed to serve his proposed development will be less than that established in section 42-54, the applicant may submit an alternative road impact fee calculation, prepared by a competent professional within the traffic engineering field, to the city manager. The city manager may request an alternative impact fee calculation in lieu of the standard fee structure, if, in the manager's opinion, a study is warranted by exceptional traffic generation characteristics of the proposed development.

(b) The city manager shall review the data, information, and assumptions used by the applicant in the alternative road impact fee calculation to determine whether the requirements of this section are satisfied. If the city manager finds that data, information, and assumptions used by the applicant to calculate the alternative impact fee satisfy the requirements of this section, he shall recommend an alternative road impact fee for the applicant to the city commission. If the city manager finds the requirements of this section are not satisfied, he shall so advise the applicant. The applicant may appeal the city manager's decision to the city commission, and the decision of the city commission as to an alternative road impact fee or the road impact fee schedule shall be final and binding on the applicant.

(c) The alternative road impact fee for the northern benefit area shall be calculated by use of the following formula:

TABLE INSET:

Alternative Impact Fee =	$(ADT) \times (DF) \times (TL) \times (C)$	$(1 + IF)^n$
	$CAP \times 2$	

Where:

TABLE INSET:

ADT	=	Number of average daily trip ends generated
DF	=	Diversion capture factor (% new trips)
TL	=	Local trip length for each proposed use
CAP	=	Typical new capacity per lane mile in vehicles per day at LOS D (7500)
C	=	Cost of right-of-way acquisition plus construction costs (\$3,494.448.00 per lane mile in 2004 dollars)
IF	=	Inflation Factor projected at 2.5% per year
n	=	Number of periods from the base year of 2004

(d) The alternative road impact fee for the southern benefit area shall be calculated by use of the following formula:

$$ADT \times DF \times TL \times C / CAP \times 2 \times (1 + IF)^n \times (1 + FS)$$

FS = Financing surcharge of 29.90%

(e) An applicant may provide an alternative road Impact Fee for the CR 545 Special Benefit Overlay District Impact Fee Area subject to approval by the city manager.. The methodology for an alternative calculation should be approved prior to submittal of the calculation and shall be based upon the following formula:

CR545 Benefit Overlay District Impact Fee per ERU = (The City's Contribution to Improve the southern section of CR545 (approximately \$12,010,000 in 2006 dollars) + Inflation to 2011 + Debt Service Cost) / Projected number of ERUs constructed post 2005 that will effect CR545.

One ERU equals the amount of traffic from one single family residential unit.

(f) The alternative road impact fee calculations shall be based on data, information or assumptions contained in this division and supporting documents, or provided by independent sources, provided that:

(1) The independent source is an accepted standard source of transportation engineering or planning data or information;

(2) The independent source is a local study carried out by a qualified traffic planner or engineer pursuant to an accepted methodology of transportation planning or engineering; or

(3) If a prior approved development submitted, during the approval process, a traffic impact study substantially consistent with the criteria required by this division, and if that study is determined by the city manager to still be valid, the traffic impacts of the approved development shall be presumed to be as described in such prior study. In such circumstances, the road impact fee payable for such development under this division shall be revised accordingly to reflect the presumed traffic impact of such development. There shall be a rebuttable presumption that a traffic impact study conducted more than one year prior to the effective date of the ordinance from which this division derives is invalid. This subsection shall not apply where a development order previously granted provides that this division shall supersede such traffic impact study.

(g) The diversion and capture factor used in the alternative road impact fee calculations shall be that used in the March, 2004, City of Winter Garden Road Impact Fee Study or based on actual surveys conducted in the city or West Orange County. For the purposes of the alternative road impact fee calculation, the diversion and capture factor shall be the percentage of average daily trips that a proposed use will generate that constitutes new or additional trips added to the city's major road network system. Those trips that do not represent additional trip ends shall not be counted as new or additional trips.

(h) The new building shall be presumed to generate the maximum number of average daily trips to be generated by the most intensive use permitted under the applicable land development regulations, such as the comprehensive plan or zoning regulations, or under applicable deed or plat restrictions.

(i) The cost of development and the city review of the alternative road impact fee calculation shall be paid by the applicant. Upon submittal of the alternative road impact fee calculation by the applicant, the finance department shall collect a review deposit of \$1,000.00 from the applicant.

(j) A determination by the city manager that the alternative calculation does not satisfy the requirements of this section may be appealed to the city commission.

Section 3. Codification. Section 2 of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances. The existing Ordinances of the City provide for accounting and reporting of impact fee collections and expenditures, and to the extent such requirements are required in this Ordinance, this Section requires such. Further, there are no administrative charges for the collection of road impact fees in the City, but if any are imposed, such shall be limited to actual costs of administration.

Section 4. Effective Date. If approved by the City Commission, this Ordinance shall become effective on November 24, 2006.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this Ordinance. The City Commission declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more of section, subsection, sentence, clause, phrase or portion would be declared invalid or unconstitutional.

FIRST READING: _____, 2006.

SECOND READING AND PUBLIC HEARING HELD: _____, 2006.

APPROVED:

Jack Quesinberry, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

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List of Attachments and Exhibits

Attachment "A" – CR545 Status Report

Exhibit "C" – Map of the CR545 Special Benefit Overlay Area

Exhibit "D" – Rate Sheet for the CR545 Special Benefit Overlay Area

Exhibit "C"

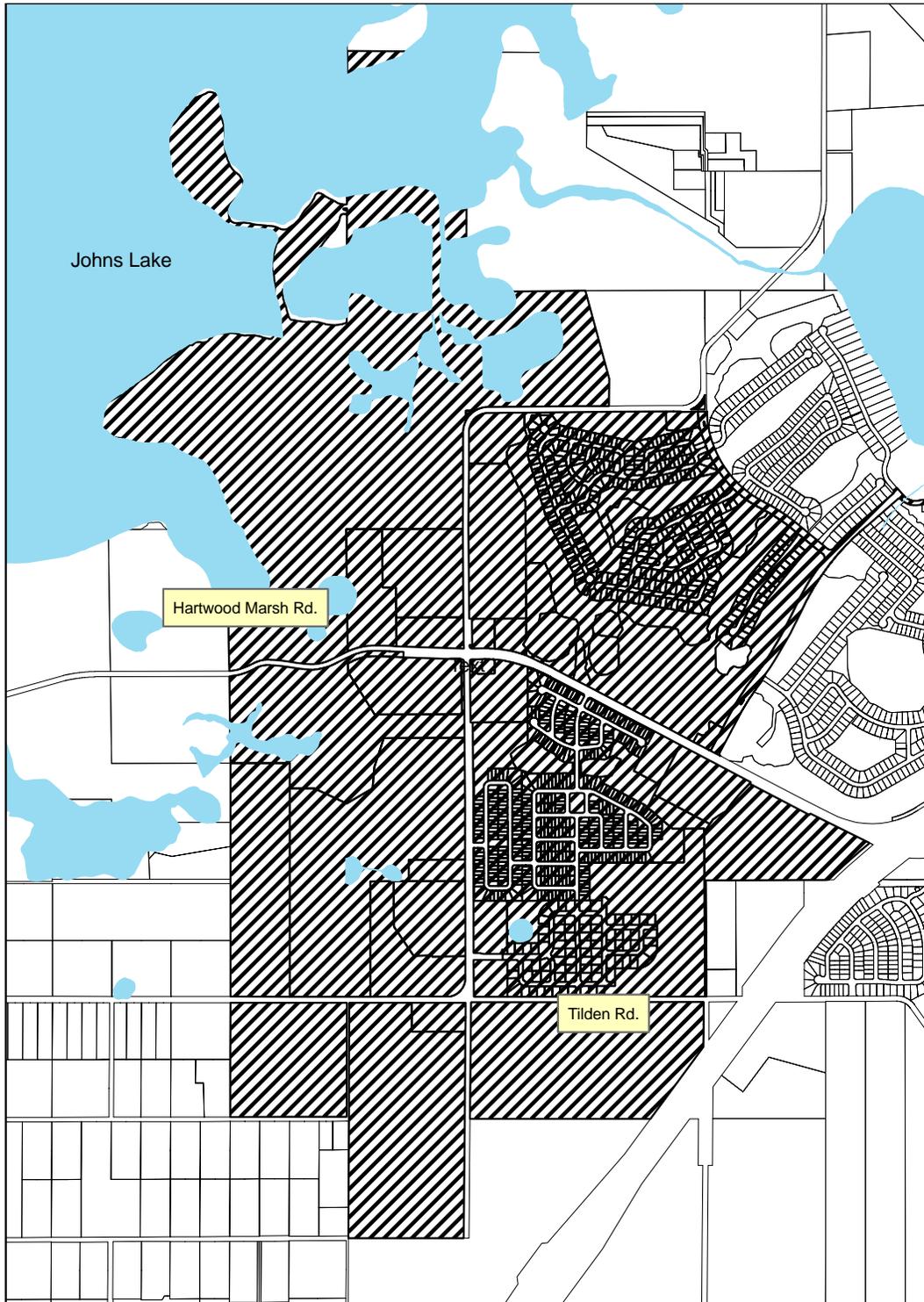


Exhibit "D"

Ordinance 06-39

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 42-55 OF THE CITY'S CODE OF ORDINANCE ENTITLED "ROAD IMPACT FEE SCHEDULE" BY REPLACING EXHIBIT "A" WITH A NEW TABLE TO REFLECT THE INCREASE IN COST OF ROAD CONSTRUCTION AND BY CONSOLIDATING THE NORTH AND SOUTH BENEFIT AREAS INTO ONE CITYWIDE BENEFIT AREA; AMENDING SECTION 42-56 OF THE CITY'S CODE OF ORDINANCE ENTITLED "ALTERNATIVE ROAD IMPACT FEE CALCULATIONS" BY AMENDING THE COST OF RIGHT-OF-WAY ACQUISITION PLUS CONSTRUCTION COST FACTOR; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on August 12, 2004, the City Commission approved Ordinance 04-17 which increased the Road Impact Fees for new and expanding development in the City of Winter Garden, and

WHEREAS, the fees for the aforesaid ordinance were derived from the March 2004 study by DRMP entitled "The City of Winter Garden Road Impact Fee Study", and

WHEREAS, this study developed a formula that established a Road Impact Fee for different land uses, and

WHEREAS, an important factor in this formula was the "Cost of Right-of-Way Acquisition Plus Construction Costs" (or "C") which was estimated at \$3,494,448 per lane mile at the time of the study, and

WHEREAS, said cost of construction figure was derived from Florida Department of Transportation's (or FDOT) March 2003 booklet entitled "2002 Transportation Cost", and

WHEREAS, since the adoption of the DRMP study and Ordinance 04-17, the city has realized increasing road construction costs that are no longer reflected in the "Cost of Right-of-Way Acquisition Plus Construction Costs" used in the DRMP Study, and

WHEREAS, also since the adoption of the road impact fee study and the road impact ordinance, the city has asked DRMP to re-evaluate the "Cost of Right-of-Way Acquisition Plus Construction Costs" factor, and

WHEREAS, using recent cost estimates and actual costs from recent road construction projects, which is the most recent and localized data available for the city, DRMP has estimated the new generalized "Cost of Right-of-Way Acquisition Plus Construction Costs" to be \$4,945,000 per lane mile (Attachment "A") and

WHEREAS, using this new "Cost of Right-of-Way Acquisition Plus Construction Costs" factor, Staff has developed an updated Table F-1 of the 2004 DRMP Study (Attachment "B"), and

WHEREAS, a comparison of the original DRMP impact fee figures with updated impact fee figures shows an increase in all land use categories by 38%, and

WHEREAS, the city desires to consolidate the North and South traffic impact fee benefit areas into one citywide benefit area by eliminating the North and South benefit areas.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA, AS FOLLOWS:

Section I The City of Winter Garden hereby amends the following sections of Chapter 42, Finance, of the Code of Ordinances as follows:

Section 42-55. Road Impact Fee Schedule.

(a) The road impact fee for ~~the all areas of in~~ the city ~~located north of the Florida Turnpike~~ shall be determined in accordance with the schedule set forth as identified in exhibit "A." ~~The road impact fee for the area of the city located south of the Florida Turnpike shall be determined in accordance with the schedule set forth as identified in exhibit "B."~~

* The business park category will be used for all speculative heavy commercial or industrial incubators.

(b) If an applicant for a building permit contends that the land use for which the building permit is requested is not within the categories set forth in subsection (a) of this section or is within a different category, the Development Review Committee shall make a determination as to the appropriate land use designation. Such determination may be appealed to the city commission, whose decision shall be final and binding on the applicant.

~~(c) The development review committee, as referenced in subsection (b) of this section, shall be comprised of the city manager, city planner, city engineer, and the heads of the department of public works, the department of water and the department of sewer.~~

~~See Exhibits A & B~~

Section 42-56. Alternative Road Impact Fee Calculation:

(a) If an applicant believes that the cost of his off-site roadway improvements needed to serve his proposed development will be less than that established in section 42-54, the applicant may submit an alternative road impact fee calculation, prepared by a competent professional within the traffic engineering field, to the city manager. The city manager may request an alternative impact fee calculation in lieu of the standard fee structure, if, in the manager's opinion, a study is warranted by exceptional traffic generation characteristics of the proposed development.

(b) The city manager shall review the data, information, and assumptions used by the applicant in the alternative road impact fee calculation to determine whether the requirements of this section are satisfied. If the city manager finds that data, information, and assumptions used by the applicant to calculate the alternative road impact fee satisfy the requirements of this section, the city manager shall recommend an alternative road impact fee for the applicant to the city commission. If the city manager finds the requirements of this section are not satisfied, the city manager shall so advise the applicant. The applicant may appeal the city manager's decision to the city commission, and the decision of the city commission as to an alternative road impact fee or the road impact fee schedule shall be final and binding on the applicant.

(c) The alternative road impact fee for the northern benefit area shall be calculated by use of the following formula:

TABLE INSET:

Alternative Impact Fee =	$\frac{(ADT) \times (DF) \times (TL) \times (C)}{CAP \times 2}$	$(1 + IF)^n \times (1 + FS)$
--------------------------	---	------------------------------

Where:

TABLE INSET:

ADT	=	Number of average daily trip ends generated
DF	=	Diversion capture factor (% new trips)
TL	=	Local trip length for each proposed use
CAP	=	Typical new capacity per lane mile in vehicles per day at LOS D (7500)
C	=	Cost of right-of-way acquisition plus construction costs (\$3,494,448.00 <u>\$4,945,000</u> per lane mile in 2004 <u>5</u> dollars)
IF	=	Inflation Factor projected at 2.5% per year
n	=	Number of periods from the base year of 2004 <u>2005</u>
FS	=	<u>Financing surcharge of 29.90%</u>

(d) ~~The alternative road impact fee for the southern benefit area shall be calculated by use of the following formula:~~

~~ADT x DF x TL x C/CAP x 2 x (1 + IF)ⁿ x (1 + FS)~~

~~FS = Financing surcharge of 29.90% - Reserved~~

(e) The alternative road impact fee calculations shall be based on data, information, or assumptions contained in this division and supporting documents, or provided by independent sources, provided that:

- (1) The independent source is an accepted standard source of transportation engineering or planning data or information; or
- (2) The independent source is a local study carried out by a qualified traffic planner or engineer pursuant to an accepted methodology of transportation planning or engineering; or
- (3) If a prior approved development submitted, during the approval process, a traffic impact study substantially consistent with the criteria required by this division, and if that study is determined by the city manager to still be valid, the traffic impacts of the approved development shall be presumed to be as described in such prior study. In such circumstances, the road impact fee payable for such development under this division shall be revised accordingly to reflect the presumed traffic impact of such development. There shall be a rebuttable presumption that a traffic impact study conducted more than one year prior to the effective date of the ordinance from which this division derives is invalid. This subsection shall not apply where a development order previously granted provides that this division shall supersede such traffic impact study.

(f) The diversion and capture factor used in the alternative road impact fee calculations shall be that used in the March 2004, City of Winter Garden Road Impact Fee Study or based on actual surveys conducted in the city or West Orange County. For the purposes of the alternative road impact fee calculation, the diversion and capture factor shall be the percentage of average daily trips that a proposed use will generate that constitutes new or additional trips added to the city's major road network system. Those trips that do not represent additional trip ends shall not be counted as new or additional trips.

(g) The new building shall be presumed to generate the maximum number of average daily trips to be generated by the most intensive use permitted under the applicable land development regulations, such as the comprehensive plan or zoning regulations, or under applicable deed or plat restrictions.

(h) The cost of development and the city review of the alternative road impact fee calculation shall be paid by the applicant. Upon submittal of the alternative road impact fee calculation by the applicant, the finance department shall collect a review deposit of \$1,000.00 from the applicant.

(i) A determination by the city manager that the alternative calculation does not satisfy the requirements of this section may be appealed to the city commission.

Section II The impact fee schedule Exhibits A & B of Ordinance 04-17 are hereby repealed and replaced by the Road Impact Fee Schedule Exhibit "A" attached hereto.

Section III All Ordinances and parts of Ordinances in conflict herewith are hereby repealed. The existing Ordinances of the City provide for accounting and reporting of impact fee collections and expenditures, and to the extent such requirements are required in this Ordinance, this Section requires such. Further, there are no administrative charges for the collection of road impact fees in the City, but if any are imposed, such shall be limited to actual costs of administration.

Section IV That Section I of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances; that the Sections and exhibits of this Ordinance may be renumbered or relettered to accomplish such intention, including to be consistent with the changes and intent of Ordinance 06-40, if adopted; the word "*Ordinance*" may be changed to "*Section*", "*Article*", or other appropriate word.

Section V This Ordinance shall become effective upon approval by the City Commission but not before November 24, 2006.

FIRST READING: _____ 2006.

SECOND READING AND PUBLIC HEARING: _____ 2006.

APPROVED:

Jack Quesinberry, Mayor/Commissioner ATTESTED:

KATHY GOLDEN, City Clerk

Dyer, Riddle, Mills
& Precourt, Inc.

Principals
Wayne D. Chalifoux
Donaldson K. Barton, Jr.
Lucius J. Cushman, Jr.
Jon S. Meadows
Stephen L. Precourt
Lawrence L. Smith, Jr.
William T. Stone



August 3, 2006

DRMP Job 06-0319.000

Mark Cechman, AICP
City Planner
City of Winter Garden
270 W. Plant Street
Winter Garden, FL 34787

Subject: Winter Garden Transportation Impact Fee Study

Dear Mr. Cechman:

In accordance with our work authorization from the City, Dyer, Riddle, Mills, and Precourt (DRMP), Inc. appreciates this opportunity to assist the City with its Impact Fee Update.

DRMP has collected the best available local data from several sources on construction and related costs and summarized this data for applicability to the City of Winter Garden's Impact Fees. Based on this information, the average cost per new lane mile has increased to **\$4,945,000**.

Should you have any questions or wish to discuss the results of this study, please contact Laura Duncalf or myself at 407-896-0594.

Sincerely,

Dyer, Riddle, Mills & Precourt, Inc.

Dawn Tuten, AICP
Transportation Planning Manager

1505 East Colonial Drive
Orlando, Florida 32803
Phone: 407.896.8594
Fax: 407.896.4836

Bartow, Florida
Charlotte, North Carolina
Chipley, Florida
Columbia, South Carolina
DeLand, Florida
Ft. Lauderdale, Florida
Ft. Myers, Florida
Gainesville, Florida
Jacksonville, Florida
Orlando, Florida
Palm Coast, Florida
Panama City Beach, Florida
Pensacola, Florida
Tallahassee, Florida
Tampa, Florida

1.800.375.3767
www.drmp.com

Attachment B – Table F-1

STANDARDS-DRIVEN APPROACH

Full cost per lane mile	\$4,945,000
Policy-adjusted cost per lane mile (75%)	\$3,708,750
Additional capacity per lane mile	7,500
Cost per vehicle mile	\$494.50
City work trip length (miles)	1.83
City shopping trip length (miles)	1.17
City miscellaneous trip length (miles)	1.24
Financing surcharge	29.90%

LAND USE CATEGORY	Independent Variable	ITE 7th Daily Trip Rates	Percent New Trips	Proposed Fee (05/06)
RESIDENTIAL				
Single Family Detached	/Dwelling Unit	9.57	100%	\$5,624.82
Multi-Family	/Dwelling Unit	6.72	100%	\$3,949.72
Mobile Home	/Dwelling Unit	4.99	100%	\$2,932.90
Hotel/Motel	/Room	9.11	100%	\$5,354.45
NON-RESIDENTIAL				
Miscellaneous				
Racquet Club	/1,000 sq.ft.	14.03	49%	\$2,747.64
Hospital	/1,000 sq.ft.	17.57	100%	\$7,022.27
Day Care	/1,000 sq.ft.	79.26	28%	\$8,869.88
School	/1,000 sq.ft.	12.89	100%	\$5,151.79
Bowling Alley	/1,000 sq.ft.	33.33	49%	\$6,527.35
Movie Theater	/1,000 sq.ft.	78.06	100%	\$31,198.52
Office				
Less than 100,000 SF	/1,000 sq.ft.	15.64	100%	\$9,192.49
100,000 to 200,000 SF	/1,000 sq.ft.	12.15	100%	\$7,141.23
Greater than 200,001 SF.	/1,000 sq.ft.	10.36	100%	

				\$6,089.14
Business Park	/1,000 sq.ft.	12.76	100%	\$7,499.76
Medical Office	/1,000 sq.ft.	36.13	100%	\$21,235.60
Retail				
Less than 50,000 SF	/1,000 sq.ft.	110.32	49%	\$20,334.19
50,000 to 100,000 SF	/1,000 sq.ft.	75.10	48%	\$13,559.94
100,000 to 300,000 SF	/1,000 sq.ft.	53.28	61%	\$12,225.61
300,001 to 500,000 SF	/1,000 sq.ft.	41.80	74%	\$11,635.49
500,001 to 1,000,000 SF	/1,000 sq.ft.	33.55	81%	\$10,222.43
Greater than 1,000,000 SF	/1,000 sq.ft.	28.05	81%	\$8,546.62
Restaurant: Sit-Down	/1,000 sq.ft.	127.15	57%	\$27,262.63
Restaurant: Drive-Through	/1,000 sq.ft.	496.12	50%	\$93,311.09
Gas Pumps	/fueling position	168.56	28%	\$17,753.71
Convenience Store	/1,000 sq.ft.	737.99	28%	\$77,729.35
Supermarket	/1,000 sq.ft.	102.24	64%	\$24,613.72
Drug Store	/1,000 sq.ft.	90.06	50%	\$16,938.64
Services				
Auto Care Center	/1,000 sq.ft.	15.86	51%	\$3,042.64
Quick Lube Center	/1,000 sq.ft.	40.00	51%	\$7,673.73
Bank/Savings	/1,000 sq.ft.	246.49	53%	\$49,141.87
Industrial				
Manufacturing	/1,000 sq.ft.	3.82	100%	\$2,245.23
Wholesale/Warehousing	/1,000 sq.ft.	4.96	100%	\$2,915.27
Mini-Warehouse	/1,000 sq.ft.	2.50	100%	\$1,469.39
Business Park	/1,000 sq.ft.	12.76	100%	\$7,499.76

Attachment A – DRMP’s Spreadsheet Identifying Local Project Costs

TABLE C-3: LOCAL TRANSPORTATION COSTS PER MILE

FDOT WORK PROGRAM Lake County									
ROAD	FROM	TO	MILES	PD&E	PE	ROW	CONST	TOTAL	TOTAL COST PER MILE
SR 25 (US 27)	N of SR 530	N of Boogy Marsh Rd.	3.54	\$241,880	\$2,419,800	\$9,879,199	\$24,197,998	\$38,538,877	\$10,320,000
SR 50	W of Hancock Rd.	Orange County Line	3.685	\$346,419	\$3,464,191	\$13,856,762	\$34,641,905	\$52,309,277	\$14,180,000
CR 470	SR 91	SR 25 (US 27)	3.75	\$12,750	\$127,500	\$510,000	\$1,275,000	\$1,925,250	\$510,000
SR 44	Sumter County Line	CR 468	2.198	\$68,493	\$684,928	\$2,739,710	\$6,849,276	\$10,342,407	\$4,710,000
SR 500 (US 441)	W of Lk Shore	Lake Eustis Dr.	1.426	\$107,775	\$1,077,750	\$4,310,998	\$10,777,495	\$16,274,017	\$11,410,000
SR 500 (US 441)	W of College Rd.	W of Lk Shore	4	\$271,788	\$2,717,885	\$46,527	\$27,178,848	\$30,215,048	\$7,550,000
SR 500 (US 441)	Lake Eustis Dr	CR 44B	4.691	\$319,249	\$3,192,492	\$12,789,968	\$31,924,916	\$48,206,623	\$10,280,000
SR 500 (US 441)	Mills St.	W of College Rd.	4.261	\$180,819	\$1,808,193	\$8,852,114	\$18,081,930	\$28,923,056	\$6,780,000
								AVERAGE	\$8,220,000

FDOT WORK PROGRAM Orange County									
ROAD	FROM	TO	MILES	PD&E	PE	ROW	CONST	TOTAL	TOTAL COST PER MILE
Good Homes Rd.	SR 408	N of SR 50	0.52	\$23,678	\$236,758	\$2,880,050	\$2,387,560	\$5,508,042	\$10,590,000
SR 50	E Ramps TPK	Avalon Rd.	1.34	\$118,428	\$1,184,278	\$13,957,450	\$11,842,764	\$27,102,918	\$20,230,000
I-4 Aux. Lanes	E of Kirkman Rd.	W of Turn Pike	1.345	\$161,052	\$1,610,523	\$6,442,091	\$16,105,227	\$24,318,893	\$18,080,000
Kenedy Blvd.	Forest City Rd.	Wymore Rd.	1.75	\$38,000	\$380,000	\$1,520,000	\$3,800,000	\$5,738,000	\$3,280,000
Old Winter Garden Rd.	SR 50	Apopka Vineland Rd.	4.5	\$96,043	\$960,431	\$3,841,724	\$9,604,310	\$14,502,508	\$3,220,000
SR 434 (Alafaya Trl.)	N of University Blvd.	McCulloch Rd.	0.432	\$7,637	\$76,374	\$305,494	\$763,738	\$1,153,241	\$2,670,000
SR 435 (Kirkman Rd.)	S of Conroy Rd.	SR 50	4.38	\$170,630	\$1,706,301	\$4,357,882	\$17,083,013	\$23,297,808	\$5,340,000
SR 436	S End Ramp of SR 528	SR 562 (Curry Ford Rd.)	4.557	\$289,662	\$2,896,615	\$2,305,921	\$30,257,145	\$35,749,343	\$7,840,000
SR 436	SR 500 (US 441)	Seminole County Line	2.3	\$216,677	\$2,166,768	\$8,667,062	\$21,667,658	\$32,718,161	\$14,230,000
SR 438 (Silver Star)	W of Clarke Rd.	Hiwassee Rd.	2.647	\$142,768	\$1,427,680	\$5,710,720	\$14,276,800	\$21,557,968	\$8,140,000
SR 500 (US 441)	Osceola County Line	Taft-Vineland Rd.	4.787	\$265,481	\$2,654,813	\$14,688,192	\$26,549,128	\$44,156,614	\$9,280,000
SR 520	E of CR 532	W of Brevard County Line	2.676	\$88,025	\$880,251	\$3,521,004	\$8,802,510	\$13,291,790	\$4,970,000
SR 520	SR 50	W End SR 528 Interchng	8.04	\$210,010	\$2,100,099	\$1,104,337	\$21,000,994	\$24,415,440	\$3,040,000
SR 520	W End SR 528 Interchng	E of CR 532	6.98	\$212,618	\$2,126,181	\$785,283	\$21,261,812	\$24,365,894	\$3,490,000
Stoneybrook West Pky	CR 545 (Hartwoodmarsh)	Windemere Rd.	4.1	\$48,158	\$481,558	\$1,926,224	\$4,815,560	\$7,271,496	\$1,770,000
All American Blvd.	Edgewater Dr.	Kennedy Blvd.	0.4	\$65,900	\$659,000	\$2,636,000	\$6,590,000	\$9,950,900	\$24,880,000
								AVERAGE	\$8,810,000

City of Winter Garden									
ROAD	FROM	TO	MILES	PD&E	PE	ROW	CONST	TOTAL	TOTAL COST PER MILE
Plant St.	Dillard St.	SR 429	1.59	\$105,000	\$1,050,000	\$10,960,000	\$10,750,000	\$22,865,000	\$14,380,000
Story Rd.	Dillard St.	SR 429	1.477	\$99,000	\$990,000	\$7,690,000	\$9,870,000	\$18,649,000	\$12,630,000
9th St.	SR 50	Plant St.	1.138	\$82,000	\$820,000	\$6,510,000	\$8,170,000	\$15,582,000	\$13,720,000
								AVERAGE	\$13,580,000

METROPLAN Orlando									
ROAD	FROM	TO	MILES	PD&E	PE	ROW	CONST	TOTAL	TOTAL COST PER MILE
Daniels Rd. North	S of Florida's Turnpike	SR 50	0.5	\$70,000	\$700,000	\$2,800,000	\$7,000,000	\$10,570,000	\$21,140,000
Old Winter Garden Rd.	Hemple Rd.	Maguire Rd.	1.25	\$75,000	\$750,000	\$3,000,000	\$7,500,000	\$11,325,000	\$9,060,000
Maguire Rd.	Mercantile Ct.	Story Rd.	0.5	\$42,500	\$425,000	\$1,700,000	\$4,250,000	\$6,417,500	\$12,840,000
Apopka-Vineland Rd.	Westover-Roberts Rd.	Chelsworth Dr.	1.4	\$7,000	\$70,000	\$280,000	\$700,000	\$1,057,000	\$760,000
Old Winter Garden Rd.	Hemple Rd.	Friendship Dr.	1.3	\$79,320	\$793,200	\$3,172,800	\$7,932,000	\$11,977,320	\$9,210,000
Apopka-Vineland Rd.	Balboa Dr.	A.D. Mims Rd.	2.5	\$12,590	\$125,900	\$503,600	\$1,259,000	\$1,901,090	\$760,000
								AVERAGE	\$8,960,000

TOTAL AVERAGE \$9,890,000

Exhibit “A”

EXHIBIT
A

TRAFFIC IMPACT FEE RATES

			Fee as of											
Land Use	Unit	ERU	10/1/2005	10/1/2006	10/1/2007	10/1/2008	10/1/2009	10/1/2010	10/1/2011	10/1/2012	10/1/2013	10/1/2014	10/1/2015	10/1/2016
SINGLE FAMILY RESIDENTIAL	Dwelling	1	\$5,625	\$5,765	\$5,910	\$6,057	\$6,209	\$6,364	\$6,523	\$6,686	\$6,853	\$7,025	\$7,200	\$7,380
MULTI FAMILY	Dwelling	0.70	\$3,950	\$4,048	\$4,150	\$4,253	\$4,360	\$4,469	\$4,580	\$4,695	\$4,812	\$4,933	\$5,056	\$5,182
MOBILE HOME	Dwelling	0.52	\$2,933	\$3,006	\$3,081	\$3,158	\$3,237	\$3,318	\$3,401	\$3,486	\$3,573	\$3,663	\$3,754	\$3,848
OFFICE 0--100,000	1,000 sq. ft.	1.63	\$9,192	\$9,422	\$9,658	\$9,899	\$10,147	\$10,400	\$10,660	\$10,927	\$11,200	\$11,480	\$11,767	\$12,061
OFFICE 100,001--200,000	1,000 sq. ft.	1.27	\$7,141	\$7,320	\$7,503	\$7,690	\$7,883	\$8,080	\$8,282	\$8,489	\$8,701	\$8,918	\$9,141	\$9,370
OFFICE 200,000<	1,000 sq. ft.	1.08	\$6,089	\$6,241	\$6,397	\$6,557	\$6,721	\$6,889	\$7,062	\$7,238	\$7,419	\$7,605	\$7,795	\$7,989
RETAIL 0--50,000	1,000 sq. ft.	3.62	\$20,334	\$20,843	\$21,364	\$21,898	\$22,445	\$23,006	\$23,581	\$24,171	\$24,775	\$25,395	\$26,029	\$26,680
RETAIL 50,001--100,000	1,000 sq. ft.	2.41	\$13,560	\$13,899	\$14,246	\$14,603	\$14,968	\$15,342	\$15,725	\$16,119	\$16,521	\$16,935	\$17,358	\$17,792
RETAIL 100,001--300,000	1,000 sq. ft.	2.17	\$12,226	\$12,531	\$12,845	\$13,166	\$13,495	\$13,832	\$14,178	\$14,532	\$14,896	\$15,268	\$15,650	\$16,041
RETAIL 300,001--500,000	1,000 sq. ft.	2.07	\$11,635	\$11,926	\$12,225	\$12,530	\$12,843	\$13,164	\$13,494	\$13,831	\$14,177	\$14,531	\$14,894	\$15,267
RETAIL 500,001--1,000,000.00	1,000 sq. ft.	1.82	\$10,222	\$10,478	\$10,740	\$11,008	\$11,284	\$11,566	\$11,855	\$12,151	\$12,455	\$12,766	\$13,086	\$13,413
GREATER THAN 1,000,000 SF	1,000 sq. ft.	1.52	\$8,547	\$8,760	\$8,979	\$9,204	\$9,434	\$9,670	\$9,911	\$10,159	\$10,413	\$10,674	\$10,940	\$11,214
HOSPITAL	1,000 sq. ft.	1.25	\$7,022	\$7,198	\$7,378	\$7,562	\$7,751	\$7,945	\$8,144	\$8,347	\$8,556	\$8,770	\$8,989	\$9,214
MANUFACTURING	1,000 sq. ft.	0.40	\$2,245	\$2,301	\$2,359	\$2,418	\$2,478	\$2,540	\$2,604	\$2,669	\$2,736	\$2,804	\$2,874	\$2,946
WAREHOUSING	1,000 sq. ft.	0.52	\$2,915	\$2,988	\$3,063	\$3,139	\$3,218	\$3,298	\$3,381	\$3,465	\$3,552	\$3,641	\$3,732	\$3,825
HOTEL/MOTEL	Room	0.95	\$5,354	\$5,488	\$5,626	\$5,766	\$5,910	\$6,058	\$6,210	\$6,365	\$6,524	\$6,687	\$6,854	\$7,026
RESTAURANT SIT-DOWN	1,000 sq. ft.	4.85	\$27,263	\$27,944	\$28,643	\$29,359	\$30,093	\$30,845	\$31,616	\$32,407	\$33,217	\$34,047	\$34,898	\$35,771
BANK	1,000 sq. ft.	8.74	\$49,142	\$50,370	\$51,630	\$52,920	\$54,243	\$55,600	\$56,990	\$58,414	\$59,875	\$61,371	\$62,906	\$64,478
MINI-WAREHOUSE	1,000 sq. ft.	0.26	\$1,469	\$1,506	\$1,544	\$1,582	\$1,622	\$1,662	\$1,704	\$1,747	\$1,790	\$1,835	\$1,881	\$1,928
DAY CARE	1,000 sq. ft.	1.58	\$8,870	\$9,092	\$9,319	\$9,552	\$9,791	\$10,035	\$10,286	\$10,543	\$10,807	\$11,077	\$11,354	\$11,638
RACQUET CLUB	1,000 sq. ft.		\$2,748	\$2,816	\$2,887	\$2,959	\$3,033	\$3,109	\$3,186	\$3,266	\$3,348	\$3,431	\$3,517	\$3,605

City of Winter Garden Commission Agenda
September 14, 2006

		0.49												
SCHOOL	1,000 sq. ft.	0.92	\$5,152	\$5,281	\$5,413	\$5,548	\$5,687	\$5,829	\$5,974	\$6,124	\$6,277	\$6,434	\$6,595	\$6,760
DRUG STORE	1,000 sq. ft.	3.01	\$16,939	\$17,362	\$17,796	\$18,241	\$18,697	\$19,165	\$19,644	\$20,135	\$20,638	\$21,154	\$21,683	\$22,225
FAST FOOD REST. W/ DRIVE-THRU	1,000 sq. ft.	16.59	\$93,311	\$95,644	\$98,035	\$100,486	\$102,998	\$105,573	\$108,212	\$110,918	\$113,691	\$116,533	\$119,446	\$122,432
MEDICAL- DENTAL OFFICE	1,000 sq. ft.	3.78	\$21,236	\$21,766	\$22,311	\$22,868	\$23,440	\$24,026	\$24,627	\$25,242	\$25,874	\$26,520	\$27,183	\$27,863
AUTO CARE CENTER	1,000 sq. ft.	0.54	\$3,043	\$3,119	\$3,197	\$3,277	\$3,358	\$3,442	\$3,529	\$3,617	\$3,707	\$3,800	\$3,895	\$3,992
QUICK LUBE CENTER	Bay(s)	1.36	\$7,674	\$7,866	\$8,062	\$8,264	\$8,470	\$8,682	\$8,899	\$9,122	\$9,350	\$9,583	\$9,823	\$10,069
GAS PUMPS	/fueling position	3.16	\$17,754	\$18,198	\$18,652	\$19,119	\$19,597	\$20,087	\$20,589	\$21,104	\$21,631	\$22,172	\$22,726	\$23,294
CONVENIENCE STORE	/1000 sq. ft.	13.82	\$77,729	\$79,673	\$81,664	\$83,706	\$85,799	\$87,944	\$90,142	\$92,396	\$94,706	\$97,073	\$99,500	\$101,988
BOWLING ALLEY	1,000 sq. ft.	1.16	\$6,527	\$6,691	\$6,858	\$7,029	\$7,205	\$7,385	\$7,570	\$7,759	\$7,953	\$8,152	\$8,356	\$8,564
MOVIE THEATER	1,000 sq. ft.	5.55	\$31,199	\$31,978	\$32,778	\$33,597	\$34,437	\$35,298	\$36,181	\$37,085	\$38,012	\$38,963	\$39,937	\$40,935
SUPERMARKET	1,000 sq. ft.	4.38	\$24,614	\$25,229	\$25,860	\$26,506	\$27,169	\$27,848	\$28,544	\$29,258	\$29,989	\$30,739	\$31,508	\$32,295
BUSINESS PARK *	1,000 sq. ft.	1.33	\$7,500	\$7,687	\$7,879	\$8,076	\$8,278	\$8,485	\$8,697	\$8,915	\$9,138	\$9,366	\$9,600	\$9,840

* The business park category will be used for all speculative heavy commercial or industrial incubators

Note: Fee includes a 25 percent policy adjustment reduction and 2.5% inflation per year

Ord. 06-46

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 98 OF THE WINTER GARDEN CITY CODE BY CREATING ARTICLE VI, DEVELOPMENT REVIEW COMMITTEE; PROVIDING FOR THE CREATION AND ESTABLISHMENT OF A DEVELOPMENT REVIEW COMMITTEE; PROVIDING FOR MEMBERS OF THE DEVELOPMENT REVIEW COMMITTEE; PROVIDING THE POWERS, DUTIES AND PROCEDURES OF THE DEVELOPMENT REVIEW COMMITTEE; PROVIDING FOR RECOMMENDATIONS AND DETERMINATIONS OF THE DEVELOPMENT REVIEW COMMITTEE; PROVIDING FOR APPEALS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the use and development of real property within the City of Winter Garden (hereinafter the "City") must comply with certain Federal, State and local laws and regulations, including without limitation the City's comprehensive plan, land development regulations, building regulations and other regulations; and

WHEREAS, the provisions of this Ordinance will assist owners, owners' agents, developers and tenants ("Applicant") seeking to use and develop their property in meeting applicable requirements for the protection and enhancement of all properties within the City, and will help ensure the health, safety and welfare of all residents and property owners within the City; and

WHEREAS, the City desires to create a Development Review Committee for the purpose of reviewing applications for and making recommendations and determinations relating to various development orders.

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION I: Chapter 98 of the City of Winter Garden Code is hereby amended to add the following under Article VI entitled "Development Review Committee":

Section 98-150. Creation of DRC. The City Commission of the City of Winter Garden hereby establishes a Development Review Committee ("DRC") for the purpose of reviewing applications and submittals for various development orders, including without limitation, subdivision plats, site plans, planned developments, construction plans, developers and development agreements, and other development orders and applications that the City Planning Director determines warrant review by the DRC.

Section 98-151. DRC Members. The DRC shall consist of seven (7) voting members and five (5) non-voting attendees. All recommendations and/or determinations made by the DRC shall be decided by majority vote of the voting members. A quorum of the DRC is made of any four (4) voting members. The voting members are:

- City Planning Director (or his/her designee), Chairman
- Assistant City Manager (or his/her designee)
- City Engineer (or his/her designee)
- Utilities Director (or his/her designee)
- Public Works Director (or his/her designee)
- Assistant City Engineer (or his/her designee)
- City Manager (or his/her designee)

Non-Voting Attendees (Depending on the agenda and issues):

- City Attorney
- Building Official
- Economic Development Director

- Storm Water Engineer
- Fire Marshall (for large commercial projects or for multi-family projects)

Section 98-152. Powers and Duties. The DRC shall have the following powers, duties and responsibilities:

- (a) Make determinations relating to or recommendations for approval, approval with conditions, or denial of
 1. all subdivision preliminary and final plats,
 2. site plans,
 3. planned developments (PUD, PCD, and PID rezonings),
 4. construction plans,
 5. development agreements, and
 6. other development orders and applications that the City Planning Director determines warrant review by various City departments.

DRC recommendations shall be made either to the Planning and Zoning Board or City Commission depending on which of the two commissions is vested with the authority to review and approve the applicable development order application at issue.

- (b) Adopt rules for the conduct of the DRC's affairs.
- (c) Hold DRC meetings, open to the public, on the second and fourth Tuesday of every month, provided DRC or its Chairman may reschedule DRC meetings, if necessary.
- (d) Keep minutes of all public meetings, showing the vote of each member, absences, and all official actions.
- (e) Unless review is requested by the DRC, the City Planning Director, or an Applicant, the following are exempt from DRC review:
 - Non-substantial Subdivision Construction Plans
 - Conceptual Site Plans
 - Small Scale Site Plans (under St. Johns River Water Management District storm water threshold)
 - Special Exception Permit ("SEP") unless a site plan is required
 - Variances
 - Other Development Order applications as determined by the City Planning Director

Section 98-153. DRC Schedule and Deadlines. The City Planning Director will set and post the submission deadlines and schedule for submittals to and review by DRC.

Section 98-154. Sufficiency Review and Distribution. The Planning and Engineering Departments will review applications for DRC review within five (5) working days of submittal. Applicants submitting incomplete applications or which have insufficient data for proper DRC review will be notified within seven (7) working days of submittal. Planning Department staff will distribute to the DRC members the plans of the Applicants who have submitted complete applications. Planning Department staff will identify the date of the comment deadline and the tentative date of the DRC meeting.

Section 98-155. Comments. After the project plans are reviewed, the DRC will provide comments to the Planning Department. The Planning Department will provide any comments from DRC members to the Applicant and will inform the Applicant of the date and time of the DRC meeting.

Section 98-156. DRC Agenda. Approximately four calendar days before the DRC meeting, the Planning Department will publish the DRC Agenda (times, Applicants, projects, etc.). Each Applicant will be allotted between fifteen (15) and thirty (30) minutes, subject to adjustment by the DRC, depending on the project and the number of issues.

Section 98-157. Determinations. With respect to determinations, the DRC will make one of the following determinations:

1. The Application is ready to move forward to the next available Planning and Zoning Board or City Commission meeting, if applicable; or
2. The Application needs minor changes (e.g. add a sidewalk or change a valve size) and will move forward to the next available Planning and Zoning Board or City Commission meeting, if applicable, after either the Applicant makes the minor change and submits the change to the relevant City Departments and Planning Department, or the DRC revises its comments to allow the condition; or
3. The Application needs changes and will be eligible for a subsequent DRC review providing the Applicant makes the corrections and resubmits the revised plans within three (3) days following the DRC determination; or
4. The Application needs substantial changes and the Application will need to be revised and resubmitted for another full DRC review cycle.

Section 98-158. Incomplete Comments. Planning staff may communicate comments from each DRC member to the Applicant or the Applicant's agent of record with the City as such comments are received by the Planning Department provided such comments are deemed incomplete and will remain incomplete until all DRC comments along with a letter from the Planning Department indicating that all comments from DRC members have been submitted.

Section 98-159. Appeals. Any appeal of a recommendation or determination of the DRC must comply with Article II, Division 5 of Chapter 118 of the City Code of Ordinances.

SECTION II. INCONSISTENCY. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION III. SEVERABILITY. If any portion of this Ordinance is determined to void, unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

SECTION IV. CODIFICATION. That Section I of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances; that the Sections of this Ordinance may be renumbered or relettered to accomplish such intention; the word "*Ordinance*" may be changed to "*Section*", "*Article*", or other appropriate word.

SECTION V. This Ordinance shall become effective upon approval by the City Commission at its second reading.

FIRST READING: _____, 2006.

SECOND READING: _____, 2006.

APPROVED:

Jack Quesinberry, Mayor/Commissioner

ATTESTED:

Kathy Golden, City Clerk

CITY OF WINTER GARDEN
QUALIFYING OATH OF CANDIDATE

STATE OF FLORIDA
COUNTY OF ORANGE

I do hereby swear (or affirm) that I intend to qualify as a candidate for the office of City Commission District Number _____ of the City of Winter Garden, Florida, and that:

I am a qualified voter in the State of Florida and have resided in the City of Winter Garden for at least two years immediately preceding my qualification as stated herein and I have the qualifications of electors in the City of Winter Garden for said period.

Address _____ from _____ to _____

Address _____ from _____ to _____

Address _____ from _____ to _____
(Attach additional information to equal two years if necessary) (Total must equal two years)

Signature of Candidate

Printed name

Address

Phone Number

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this _____ day of _____, 2006 by _____ who is personally known to me or who has produced _____ as identification and who did / did not take an oath.

Seal

Notary Public

Printed name of Notary Public

