

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

**REGULAR MEETING**

**October 12, 2006**

**6:30 P.M.**

**CALL TO ORDER**

Roll Call and Determination of a Quorum  
Invocation and Pledge of Allegiance

**1. APPROVAL OF MINUTES**

Special Meeting of September 23, 2006 and Regular Meeting/Budget Hearing of September 28, 2006

**2. PROCLAMATION 06-12** presented to Victoria Laney for “Week of the Family” October 28 – November 4, 2006

**3. FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES opened and continued from September 14, 2006:**

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; ESTALISHING AN ADDITIONAL ROAD IMPACT FEE FOR ALL NEW DEVELOPMENT WITHIN THE CR545 SPECIAL BENEFIT OVELAY 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**

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 AMEDING THE COST OF RIGHT-OF-WAY ACQUISITION PLUS CONSTRUCTION COST FACTOR; PROVIDING FOR CODIFICAITON, SEVERABILITY, AND AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for October 26, 2006**

**4. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

A. **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

5. **REGULAR BUSINESS**

- A. Request for a donation of \$15,225 by the West Orange Knights football team – Everard Morgan
- B. Request by the Winter Garden Merchant Guild to conduct an arts and craft festival November 18 – 19, 2006 – Todd Nichols
- C. Recommendation to approve a Memorandum of Agreement with the State of Florida Department of Transportation (FDOT) and an agreement for utility work by a highway contractor to relocate city utility lines on State Road 50 – Acting Utilities Director Tinch
- D. Appointment to the Police and Fire Pension Board for the expiring terms of Joe Morabito and Mildred Holt-Washington (two-year term) – City Clerk Golden
- E. Recommendation to approve site plan for 205 Windermere Road - Assistant City Manager Robertson

6. **MATTERS FROM CITIZENS**

7. **MATTERS FROM CITY ATTORNEY** – A. Kurt Ardaman

8. **MATTERS FROM CITY MANAGER** – Michael Bollhoefer

- A. Recommendation to cancel the November 23, 2006 Commission meeting due to the Thanksgiving holiday

9. **MATTERS FROM MAYOR PRO TEM AND COMMISSIONERS**

- A. Participation in the 2007 Relay for Life – Mayor Pro Tem Graham

10. **ADJOURN** to a regular meeting on October 26, 2006 at 6:30 p.m. at Tanner Hall

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 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:

	<b>Proposed Projects</b>	<b>ERUs</b>
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:

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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"

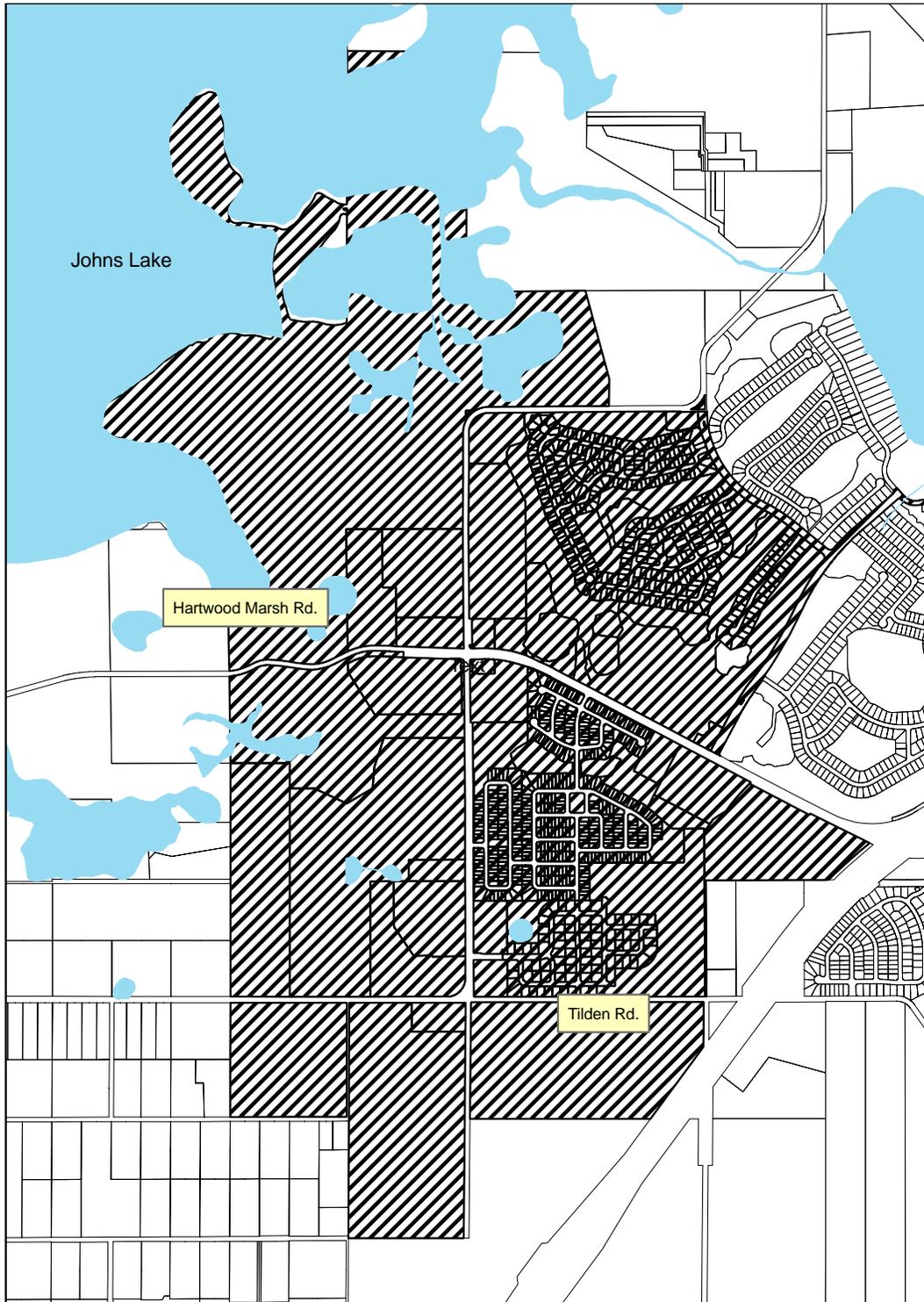
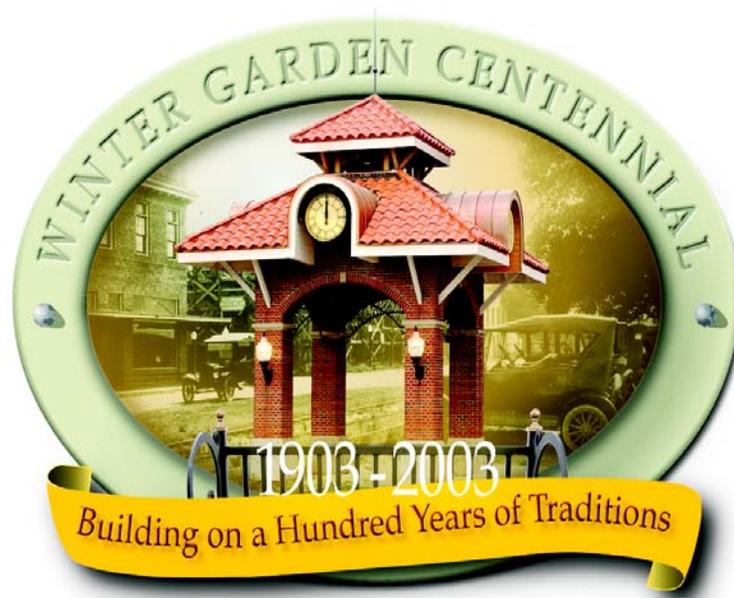


Exhibit “D”

# CR 545 Status and Recommendation Report



By the Winter Garden  
Planning Department and DRMP  
August 24, 2006

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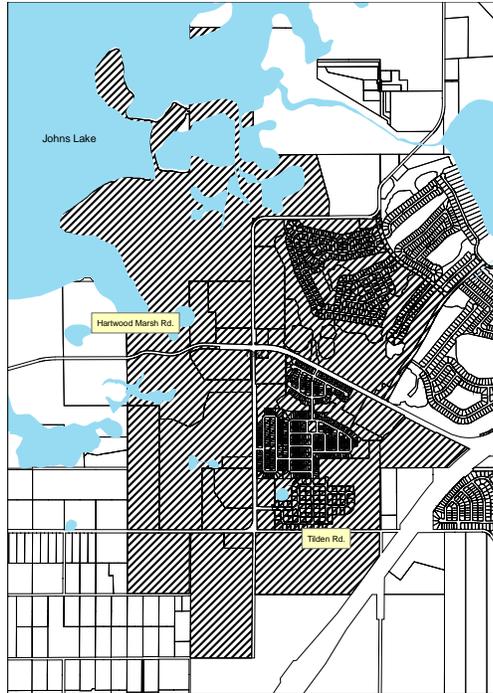
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## Executive Summary

The analysis contained in this report finds that combination of existing traffic along with the traffic generated by proposed development will exceed the adopted Service Volumes on CR 545. To provide the capacity needed to accommodate future development this road will need to be widened to a four lane urban section. The City of Winter Garden is currently negotiating with Orange County to develop a plan to improve this road. At the present time, the City is willing to improve the southern section (from just west of the Tilden Road/Avalon Road intersection to a point north of the Hartwood Marsh intersection) if the County would be willing to improve the northern end of CR 545. The total cost for the widening the southern section of CR 545 will be approximately \$14 million (2006 cost estimates).

This report recommends that the City of Winter Garden do the following:

- Take the lead in widening the southern section of CR 545 with construction completed by 2011.
- Continue to negotiate with Orange County for the improvements of the northern section of CR 545.
- Amend the Road Impact Fee section of the City Code by creating the CR 545 Special Benefit Overlay District. In addition to the normal road impact fees, all new development in this area will be required to pay an additional Special Benefit Overlay District impact fee of \$5,117 per ERU (Equivalent Residential Unit). This fee shall automatically increase each year for inflation each year until the road improvements are paid. The parcels this study recommends to be included in the Benefit Area are identified below:



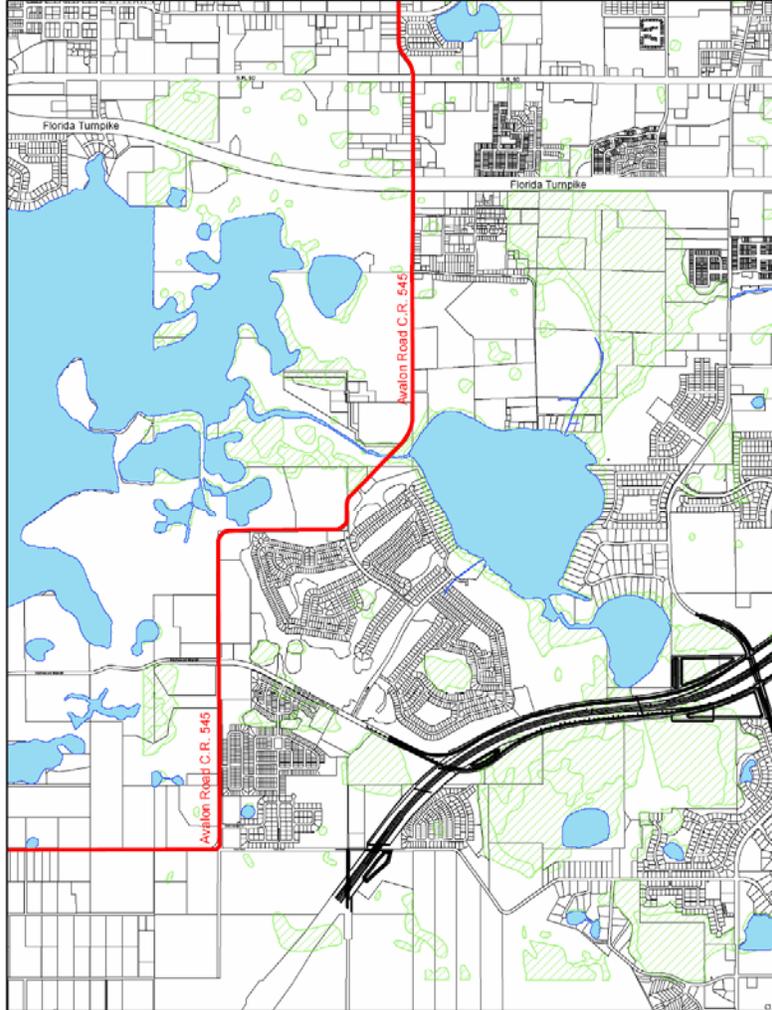
- The City should pay the fee for the exempted developments (churches, and other non-profits).

### **Introduction and Purpose**

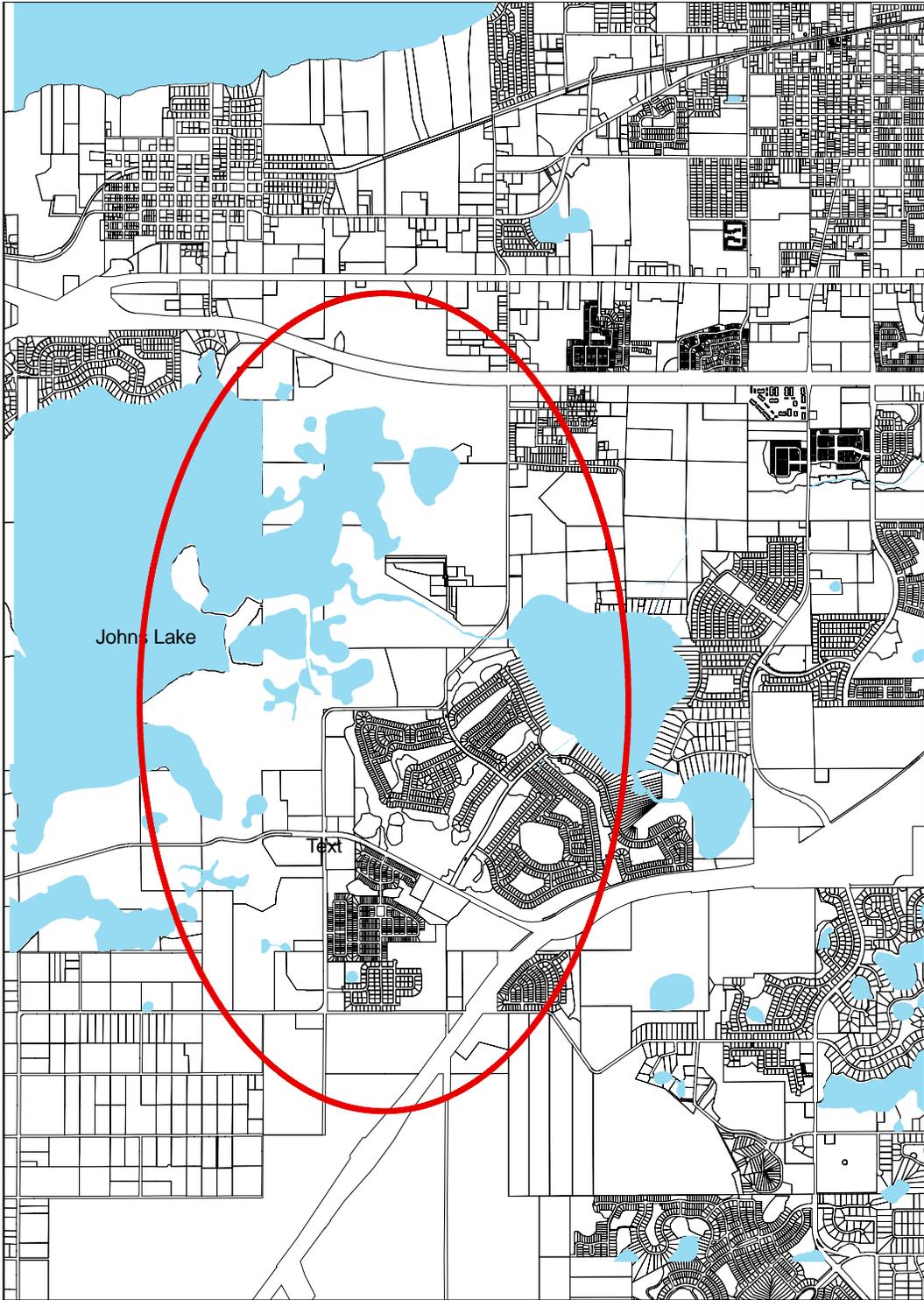
Due to the recent increase in traffic congestion caused by existing and proposed development, the City of Winter Garden Staff, with the assistance of DRMP and HDR, has developed this study identifying the current status of CR 545 (County Road 545 or Avalon Road), its existing Level of Service (LOS) as well as the future LOS. This study will also review the status of any proposed improvements and will make the appropriate recommendations as needed.

### **Location and Boundary Limits**

This study examines the portion of CR 545 from SR 50 to the City limits located just west of the intersection of CR 545 and Tilden Road as illustrated below.



The boundary limits of this study include all the developing parcels that have a direct impact to CR 545 and includes the parcels generally identified in the map below:



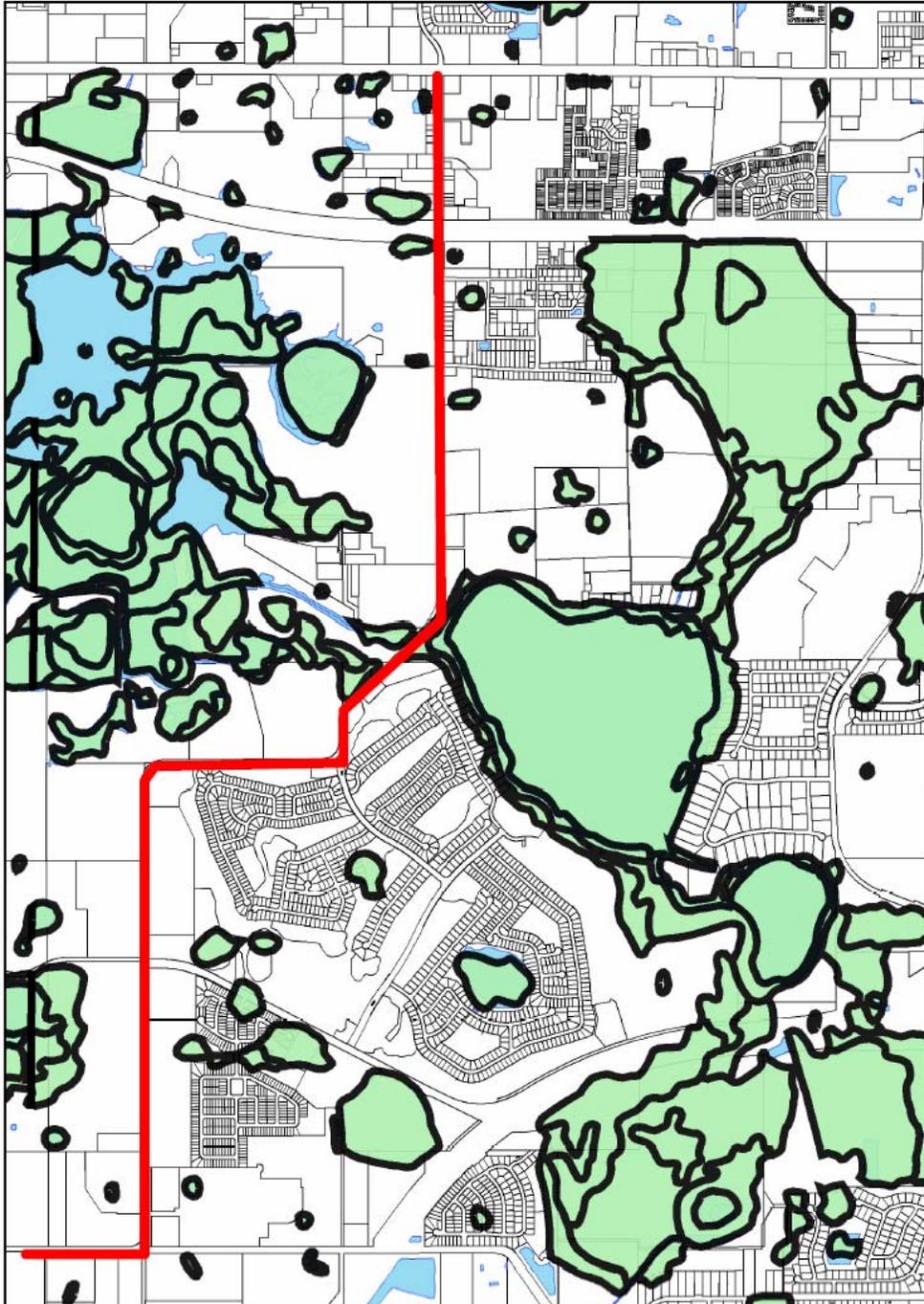
## Description and History

The following information describes the CR 545 facility.

- **Jurisdiction** - This section of CR 545 is currently a two lane road of rural design and is under the jurisdiction and maintenance of Orange County.
- **Functional Class** – The FDOT identified the Functional Classification for this road (75100000) as a “Rural- Minor Collector” in 1990, but upgraded the classification to an “Urban-Collector” in 2003.
- **ROW** - The original Right of Way (ROW) for CR 545 was 60 feet (30 feet from the Center Line). The City has required developers along CR 545 to provide 60 feet from the Centerline at the time of final plat of at the time of final site plan approval. The City has obtained approximately 50% of the needed ROW to obtain a full 120 feet and has commitments from many of the developing parcel owners for the remaining needed ROW.
- **Utilities** – Currently, the City has major water and sewer lines on both sides of CR 545. The City has accounted for the future road widening and has located the utilities out of the future roadway. It will not be necessary to relocate these utilities if the road is widened to four lanes.



Due to the lakes, wetlands, and floodplains, the developable parcels north of the Stoneybrook West Subdivision are “hemmed in”. Many of these parcels only access is on CR 545. Below is a map identifying the location of the wetlands.



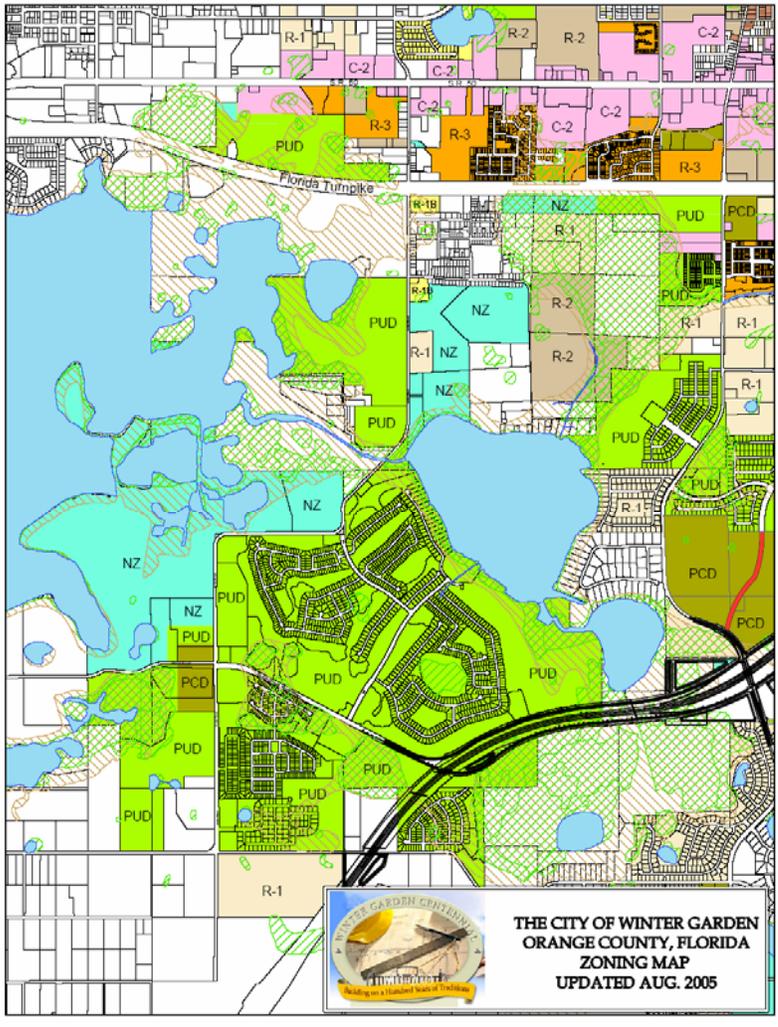
**CR545 - Wetland**

- **Crossing Roads –**

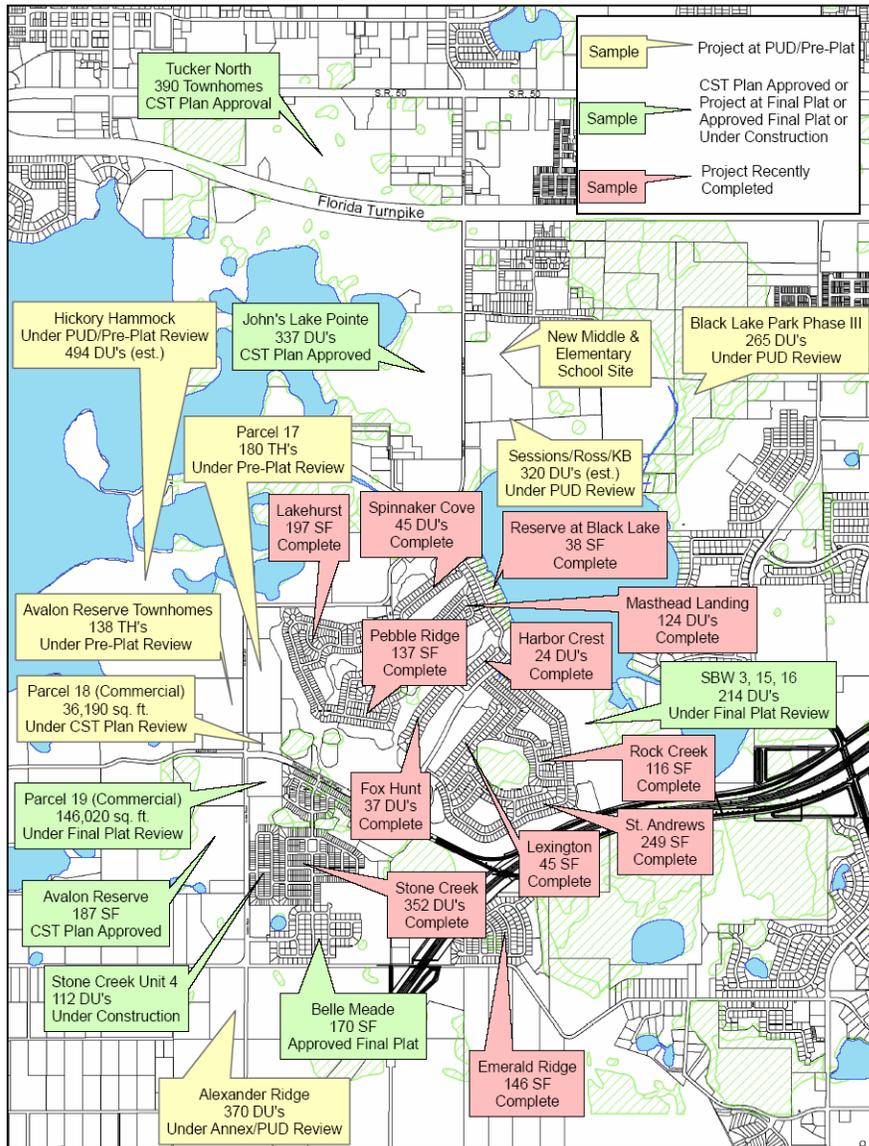
1. **SR50** – SR50 is the far north East/West crossing road. This road is a major artery that has an Average Annual Daily Traffic (AADT) count of over 44,000. This road is both a source and a designation for a majority of the traffic on CR 545.
2. **Turnpike** – The Turnpike crosses over CR 545 without a connection.
3. **Siplin Road** – Siplin Road is a “dead-end” connecting road to the east that provides access to the unincorporated Tildenville area.
4. **Sessions Connection Road (Proposed)** – A two lane connecting road is being proposed just south of Siplin Road. This connecting Road will provide access to the Boyd/Pool parcels as well as access to the proposed Session Elementary and Middle Schools. Due to the wetlands, this road will only connect to CR 545.
5. **Stoneybrook West North Gate** – The North Gate of Stoneybrook West exists at the first turn. This entrance is gated.
6. **Connector with Hickory Hammock (Proposed)** – A connector road to the west is being proposed with Hickory Hammock.
7. **Hartwood / Marsh Road / Stoneybrook West Parkway** - A major East/West connector exists at Hartwood Marsh Road and Stoneybrook West Parkway intersection. Hartwood / Marsh Road provide a two lane rural connection to South Lake County. Due to the rapid growth in this region, Lake County will be improving Hartwood / Marsh road to a four lane segment on their side of the county line. No improvements are scheduled at this time on the Orange County side of Hartwood / Marsh Road. This road will provide increasing traffic to CR 545 for many years to come. To accommodate the growth in traffic, Winter Garden has installed a traffic signal at this intersection.  
  
Stoneybrook West Parkway is the westbound approach to this intersection. This approach is a four lane urban section road that provides the first East / West connect to CR535 south of SR50. This connection also provides direct access to SR429.
8. **Tilden Road** – Tilden Road intersects CR 545 at the southern section of this study. This two lane road provides an additional east/west connector between CR 545 and CR535. This intersection has historically been a very dangerous intersection due to the current line of sight caused by the elevation of the road and the amount of truck traffic from the Lake and

Orange County's sand mines and landfills. Improvements for this intersection have been partly funded by the developers of Foundation Academy, Carriage Point, Belle Meads Residential, Belle Meads Commercial (proposed), and Alexander Ridge.

- **Existing Design** – The existing design of CR 545 is a rural section with swales and ditches. There are no shoulders or sidewalks along the side of the road.
- **Zoning** – The majority of the property adjacent to CR 545 is zoned residential in the form of a PUD. Some commercial parcels exist at SR50 and at the four corners of Hartwood Marsh Road. Commercial zoning is proposed for the western corners and northeastern corner of Tilden Road. The southeast corner of Tilden and CR 545 is the proposed Foundation Academy parcel. Below is the existing zoning map.



- **Adjacent Land Uses** - Up until the 1990s, the adjacent land use along CR 545 was citrus groves with the exception of the Tildenville community located on the east side of CR 545 and just south and north of the Turnpike. In 1998, the approval of Stoneybrook West Subdivision began a development boom which continues to this day. Approximately 60-70% of the adjacent properties are in the City limits with the balance in unincorporated Orange County. While predominantly residential, one major commercial development currently exists on the northeast corner of CR 545 and Hartwood Marsh Road. There also exists a major plant nursery (Knox Nursery) at the northern connection of Stoneybrook West Subdivision and CR 545. The future land uses area is predominantly residential. Additional commercial land uses will occur at the corners of CR 545 and Hartwood Marsh Road and at CR 545 and Tilden Road. Also, Orange County Public Schools have purchased the Sessions property located just south of the Tildenville area for a middle school and an elementary school. Many of the proposed developments are identified on the map below.



- Joint Planning Agreement 6** – The City is currently negotiating with Orange County to expand the Joint Planning Agreement (JPA) to include properties located just west of the Tilden Road/CR 545 intersection, and multiple properties along Hartwood Marsh Road to the Lake County boundary. With the exception of the Cantero and the Assaf properties, none of the proposed development in JPA 6 (2,030 DUs proposed on 821 acres) has been included in this analysis. While the potential residential units will have an impact on CR 545, staff anticipates that their road contributions will be needed in improving Hartwood Marsh Road.
- Turnpike** - CR 545 includes an underpass with the Florida Turnpike. The existing ROW under the turnpike is minimal and will not accommodate additional laneage. The FDOT (Florida Department of Transportation) has proposed a widening project for the Turnpike, and both Orange County and the City of Winter Garden are requesting that FDOT provide the additional room at the new underpass to

accommodate the four laning project (see Appendix A). At this time, City Staff believes that FDOT will provide the additional room for the widened CR 545. Due to the potential cost of widening an overpass, this assumption will need to be verified before a decision to widen the northern portion of CR 545 is made.

- **Alignment** - The current CR 545 alignment includes two 90 degree turns. The first right-angle turn (from the north to the south) is at the northern entrance of Stoneybrook West (the “back gate”) and consists of a stop condition for all northbound traffic. This intersection has received mixed approvals from citizens and Staff. Another 90 degree turn is located further south at the property currently being proposed as the Hickory Hammock Subdivision. Both of these hard angles could be mitigated if a new alignment is established through the existing storm water pond at Stoneybrook West Subdivision and through the Knox Nursery property. This new alignment may be cost prohibitive due to ROW costs. All cost estimates in this study assume using the current alignment of CR 545.

### **Past Studies**

In 2001, Orange County and Lake County conducted the Southwest Orange/Southeast Lake Counties Transportation Alternatives Study. This study, conducted by PBS&J, also modeled the existing and projected traffic, and recommended widening CR 545 to four lanes to accommodate the projected traffic (See Appendix B)

## Historical Traffic Counts

Orange County has counted the traffic on CR 545 since 1994. Below is a summary of these counts:

Orange County Count Station: 116  
 Location: Avalon Road South of McGee Highway SR-50:  
 Posted Speed: 45 mph

Date	PM Peak Direction	PM Peak	AADTs
1994			6,593
1995			6,148
1996			N/A
1997	277	507	6,744
1998	374	684	8,372
1999	N/A	N/A	N/A
2000	380	669	7,842
2001	405	717	8,594
2002	N/A	N/A	N/A
2003	555	1,091	13,101
2004	N/A	N/A	N/A
2005	341	603	8,045
Average Annual Percent Change	4.27%	4.43%	3.07%

Orange County Count Station: 131 Location: Avalon Road South of Marsh Road,  
Posted Speed: 55 mph

Date	PM Peak Direction	PM Peak	AADTs
1994			3,778
1995			4,133
1996	228	352	3,967
1997	228	352	4,107
1998	271	503	5,041
1999	251	449	5,384
2000	251	495	6,421
2001	280	445	6,204
2002	N/A	N/A	N/A
2003	233	487	6,904
2004	N/A	N/A	N/A
2005	219	386	5,559
Average Annual Percent Change	-0.07%	2.18%	4.07%

Orange County Count Station: 132, Location: Avalon Road West of Tilden Road  
Posted Speed: 55 mph

Date	PM Peak Direction	PM Peak	AADTs
1994			3,562
1995			3,834
1996	195	321	3,589
1997	195	321	4,038
1998	258	489	5,430
1999	194	348	4,005
2000	224	423	4,714
2001	215	377	4,978
2002	N/A	N/A	N/A
2003	177	340	4,428
2004	N/A	N/A	N/A
2005	303	476	5,493
Average Annual Percent Change	6.92%	6.75%	5.15%

Under contract with the City, HDR Inc. has conducted counts in the fall of 2005 on CR 545. The results of these counts are as follows:

Daily Traffic	Average Weekday Traffic	Seasonal Factor	Axle Factor	AADT
CR 545 S. of Marsh Rd	-	0.99	1.00	-
CR 545 N. of Marsh Rd	5,191	0.99	1.00	5,100
CR 545 N. of Siplin Rd	7,021	0.99	1.00	7,000
CR 545 S. of SR 50	8,744	0.99	1.00	8,700

AM Peak Hour / Peak Direction	AM Peak Hour	Direction	Volume	D Factor	Peak Hour Factor
CR 545 S. of Marsh Rd	7:00-8:00 AM	SB	416	0.64	0.93
CR 545 N. of Marsh Rd	7:15-8:15 AM	SB	294	0.62	0.91
CR 545 N. of Siplin Rd	7:15-8:15 AM	SB	325	0.55	0.94
CR 545 S. of SR 50	7:15-8:15 AM	SB	349	0.52	0.90

PM Peak Hour / Peak Direction	PM Peak Hour	Direction	Volume	D Factor	Peak Hour Factor
CR 545 S. of Marsh Rd	5:00-6:00 PM	NB	481	0.68	0.84
CR 545 N. of Marsh Rd	4:45-5:45 PM	NB	270	0.60	0.98
CR 545 N. of Siplin Rd	4:30-5:30 PM	NB	365	0.60	0.90
CR 545 S. of SR 50	4:30-5:30 PM	NB	425	0.57	0.95

AM Peak Hour / 2-Way	AM Peak Hour	Peak Direction	Volume	D Factor	Peak Hour Factor
CR 545 S. of Marsh Rd	7:00-8:00 AM	SB	647	0.64	0.91
CR 545 N. of Marsh Rd	7:15-8:15 AM	SB	472	0.62	0.93
CR 545 N. of Siplin Rd	7:15-8:15 AM	SB	587	0.55	0.94
CR 545 S. of SR 50	7:15-8:15 AM	SB	672	0.52	0.90

PM Peak Hour / 2-Way	PM Peak Hour	Peak Direction	Volume	D Factor	Peak Hour Factor
CR 545 S. of Marsh Rd	5:00-6:00 PM	NB	703	0.68	0.98
CR 545 N. of Marsh Rd	4:45-5:45 PM	NB	448	0.60	0.99

CR 545 N. of Siplin Rd	4:30-5:30 PM	NB	609	0.60	0.96
CR 545 S. of SR 50	4:30-5:30 PM	NB	742	0.57	0.91

### Level of Service Analysis

Using the adopted LOS of “E”, HDR has evaluated the Service Volumes for CR 545 to be 1,100 p.m. peak hour, peak direction trips. If widened to four lanes with additional turn lanes, this Service Volume increases to 1,900 p.m. peak hour, peak direction trips. (See Appendix C).

### Concurrency

In compliance with State law, the City of Winter Garden has developed a concurrency system for all the roads within its jurisdiction. CR 545 is one of the roads that Winter Garden is required to track for concurrency. The Planning Department analyzed all proposed development for impacts on adjacent roads. This analysis evaluates proposed trip generation and trip distribution on to the road network. These trips (P.M. Peak Hour trips) are then included on a spreadsheet for tracking purpose. Using this spreadsheet, HDR has identified both the existing Level of Service and the Level of Service (or LOS) in the future with the proposed traffic. The current LOS is acceptable with both the existing traffic and the approved (or vested) trips. These approved trips are from projects that have received construction plan approvals but do not exist on the road system today. When HDR evaluated the traffic with the proposed trips (trips from projects that have not received construction plan approval), CR545 had an inadequate LOS. If improved to a 4 lane segment, the LOS returns to an acceptable level with the proposed projects using between 56% and 89% of the new capacity provided by the four lane improvements. (See Appendix C)

### Comprehensive Plan Status

- **Winter Garden** - Winter Garden has identified the adopted Level of Service (LOS) as LOS “E”. CR 545 was identified as a road requiring improvement by Orange County on the City’s Future Transportation Map (Appendix D).
- **Orange County** –
  - a. Orange County has identified the adopted Level of Service (LOS) as LOS “E”.
  - b. CR 545 is identified on their Future Transportation Map as a “Participation Road” (Appendix E)
  - c. Participation Roads are governed by the following policies in the Future Transportation Element of Orange County’s Comprehensive Plan:

- *POLICY 1.2.6 - The County will pursue a variety of public/private partnerships to complete roadway projects identified in the LRTP.*
- *POLICY 1.2.7 - Proposed partnership projects cannot be used to satisfy traffic concurrency unless necessary interlocal agreements or joint participation agreements have been executed.*

### **“No-Build” Scenario**

One potential solution is to continue to allow Winter Garden development but not improve CR 545 (i.e. the “no-build” Scenario). Unfortunately, with the combination of the existing traffic and the projected trips from the approved and proposed projects (ghost trips), CR 545 is beyond its concurrency limits. The traffic congestion on CR 545 will also worsen with the “untracked” trips from unincorporated Orange County and Lake County. This solution does not comply with State of City Concurrency requirements and Staff does not recommend this approach.

### **Proposed Improvements**

Improving CR 545 to a four lane road would provide traffic capacity for all of the proposed Winter Garden projects. The proposed improvements to the southern portion of CR545 include a four lane section with improvements at the Hartwood Marsh Road and Tilden Road intersections. The Tilden Road intersection will be signalized if warranted. The new road design will be accommodated on a 120 foot wide ROW and will be an “urban” segment,. This means the new road will have curbing and will have stormwater ponds instead of swales or ditches and will also have sidewalks.

## Financial Analysis

**Cost** - The preliminary cost to widen the southern section of CR 545 to four lanes has been estimated by PEC and ARM Engineering to be approximately \$14 million in 2006 dollars. Of this \$14 million, approximately \$2.25 million has been allocated for right of way and pond sites, and \$900,000 has been estimated for design and permitting. Of this amount, \$1,990,000 has been committed by developing parcels located near the Tilden Road Intersection for intersection improvements. Assuming the \$1.99 million will be paid for by these Tilden Road developers, this study assumes that the amount of funding needed to improve the southern section of CR 545 is \$12,010,000.

**Inflation** - Assuming an inflation cost of 5.03% per year (from a seven year average of highway and road construction cost increase provided by ARTBA – Appendix “F”) and assuming the different phases of construction (design, ROW acquisition, and construction) are accomplished over a period of five years with the design finishing in 2008, the ROW acquiring is completed in 2009 and the construction completed in 2011, the total cost of construction is estimated below:

A	B	C	D	E
FY	CR 545 CST Cost	CR545 ROW Cost	CR545 Design	Sum
05/06	\$9,307,750	\$1,930,179	\$772,071	\$12,010,000
06/07	\$9,775,797	\$2,027,239	\$810,896	
07/08	\$10,267,380	\$2,129,180	\$851,672	
08/09	\$10,783,682	\$2,236,247		
09/10	\$11,325,947			
10/11	\$11,895,481			
11/12				
Total	\$11,895,481	\$2,236,247	\$851,672	\$14,983,400

**Debt Service** - Also, this report assumes that approximately \$8 million will be needed to be borrowed to complete this project by 2011. This requires approximately \$2 million for debt services.

### **Special Benefit Area Overlay District**

The City Staff is recommending the City develop a Special Benefit Area Overlay District for developing parcels in the southern portion of CR545 to pay for these improvements. This is achieved from the following formula:

$$\text{Cost of the improvement} / \text{Total number of ERUs} = \text{Cost per each ERU}$$

This Special Benefit Overlay District impact fee will be added to the existing general road impact fee.

Using the above formula, the spread sheet in Appendix G has analyzed a Special Benefit Overlay District impact fee for the developing parcels on CR 545. This fee is estimated to be \$5,117 per ERU (in 2006) and escalated by 5.03% each year until 2011. A breakdown of this analysis is provided in Appendix "G" and consists of the following tables:

- Table 1 – This table lists the assumptions
- Table 2 – Table 2 identifies the cost to design, buy ROW, and construct the southern section of CR 545. Since each phase will be completed over a six year time frame, these costs have been inflated by 5.03% each.
- Table 3 -This is an estimated development schedule of all the projects within the Special Benefit Overlay District.
- Table 4 – This table provides revenue estimates for the Special benefit Area fees. Specifically:
  - a. Column B of Table 4 is an estimate of the “take downs” of the building permits for the 2,807 ERUs.
  - b. Column C of Table 4 provides the suggested Special Benefit Area fee amount per ERU, per year.
  - c. Column D of Table 4 indicates the total Special Benefit Overlay District impact fees that will be collected per year.

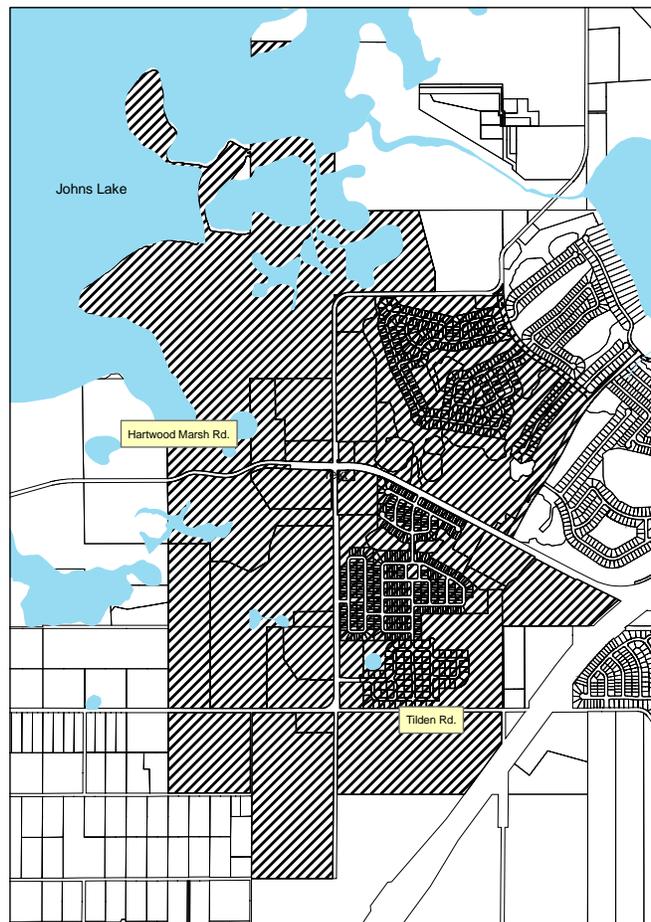
- d. Columns G and H indicate the amounts and the phase the expenditures will take place.
- e. Column I indicates the cash flow per year.
- f. Columns J and K indicates the interest and debt service that the City will accrue and pay during the next 15 years.

**Non-Profits** – Approximately 149 of the 2,807 ERUs will be non-profit development. Since the City's code exempts non-profits from paying the general road impact fee, it is the intention of the Staff to exempt non-profits from paying a Special Benefit impact fee as well.

## Recommendations

This report recommends that the City of Winter Garden do the following:

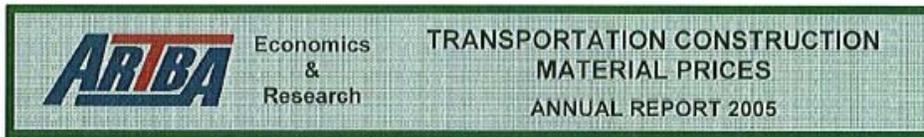
- Take the lead in widening the southern section of CR 545 with construction completed by 2011.
- Continue to negotiate with Orange County for the improvements of the northern section of CR 545.
- Amend the Road Impact Fee section of the City Code by creating the CR 545 Special Benefit Overlay District. In addition to the normal road impact fees, all new development in this area will be required to pay an additional Special Benefit Overlay District impact fee of \$5,117 per ERU (Equivalent Residential Unit). This fee shall automatically increase each year for inflation each year until the road improvements are paid. The parcels this study recommends to be included in the Benefit Area are identified below:



- The City should pay the fee for the exempted developments (churches, and other non-profits).

- Appendix A** – Letters to the FDOT about the widening of the Turnpike overpass at CR 545
- Appendix B** – Portions of Post Buckleys' Southwest Orange County and South Lake County Transportation Master Plan
- Appendix C** – HDR's Aug 7, 2006 Memorandum addressing existing and future capacity
- Appendix D** – Winter Garden's Future Transportation Map
- Appendix E** – Orange County's Future Transportation Map
- Appendix F** – ARTBA Highway and Street Construction Costs Increases
- Appendix G** – Special Benefit Overlay District Spreadsheets
- Appendix "F"** – ARTAB CPI

## Appendix “F” – ARTAB CPI



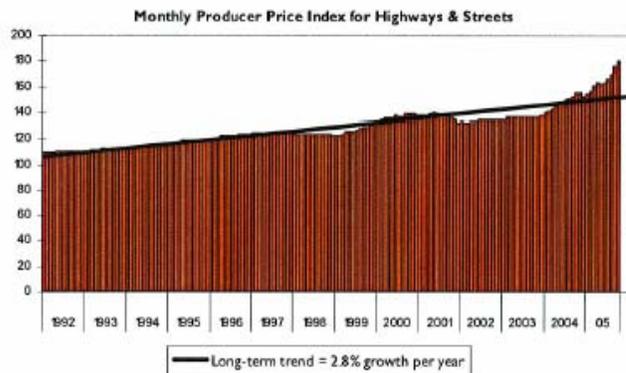
Prepared by ARTBA: The Leading Source of U.S. Transportation Construction Market Research

The price of materials used for highway and street construction outpaced inflation in 2005.

On average, highway and street contractors paid 12.6 percent more for materials used on transportation construction projects in 2005 compared to prices for the same goods in 2004. The cost of general goods and services in the economy, as measured by the consumer price index (CPI), increased 3.4 percent in 2005.

Since 1998, the cost of materials for highway and street contractors has increased 35.1 percent, compared to a 19.8 percent increase in the consumer price index.

Annual Percentage Change in Transportation Construction Material Prices								
	1998-1999	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	% change, 1998-2005
<b>Highway &amp; Street Construction</b>	2.5%	7.8%	0.4%	-2.4%	2.2%	8.5%	12.6%	35.1%
Asphalt	n/a	n/a	n/a	n/a	n/a	0.6%	15.0%	n/a
Cement	3.4%	-0.3%	0.1%	1.6%	-0.4%	3.0%	12.6%	20.9%
Concrete Block & Brick	2.7%	3.0%	2.4%	1.7%	2.0%	3.0%	8.9%	26.0%
<b>Construction Machinery &amp; Equipment Manufacturing</b>	1.8%	1.1%	0.5%	1.4%	1.4%	3.2%	4.7%	14.8%
Construction Sand, Gravel & Crushed Stone	2.9%	3.8%	3.5%	2.5%	2.4%	3.5%	9.0%	30.8%
Iron & Steel Scrap	-15.6%	2.1%	-15.6%	17.8%	29.1%	76.8%	-9.9%	76.2%
Ready Mix Concrete	2.5%	2.7%	2.2%	-0.1%	0.4%	5.2%	12.2%	27.4%
<b>Consumer Price Index</b>	2.2%	3.4%	2.8%	1.6%	2.3%	2.7%	3.4%	19.8%



Source: Bureau of Labor Statistics, Producer and Commodity Price Indices

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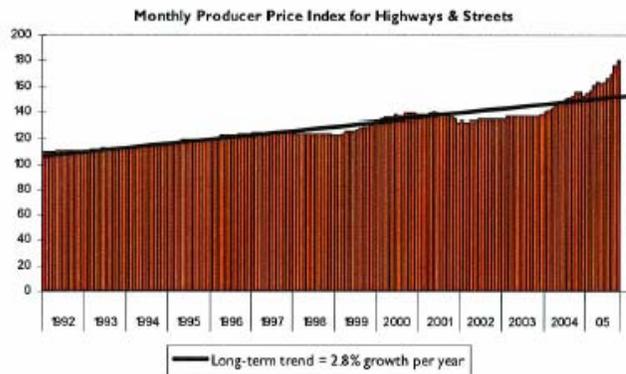
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Annual Percentage Change in Transportation Construction Material Prices								
	1998- 1999	1999- 2000	2000- 2001	2001- 2002	2002- 2003	2003- 2004	2004- 2005	% change, 1998-2005
<b>Highway &amp; Street Construction</b>	2.5%	7.8%	0.4%	-2.4%	2.2%	8.5%	12.6%	35.1%
Asphalt	n/a	n/a	n/a	n/a	n/a	0.6%	15.0%	n/a
Cement	3.4%	-0.3%	0.1%	1.6%	-0.4%	3.0%	12.6%	20.9%
Concrete Block & Brick	2.7%	3.0%	2.4%	1.7%	2.0%	3.0%	8.9%	26.0%
<b>Construction Machinery &amp; Equipment Manufacturing</b>	1.8%	1.1%	0.5%	1.4%	1.4%	3.2%	4.7%	14.8%
<b>Construction Sand, Gravel &amp; Crushed Stone</b>	2.9%	3.8%	3.5%	2.5%	2.4%	3.5%	9.0%	30.8%
Iron & Steel Scrap	-15.6%	2.1%	-15.6%	17.8%	29.1%	76.8%	-9.9%	76.2%
Ready Mix Concrete	2.5%	2.7%	2.2%	-0.1%	0.4%	5.2%	12.2%	27.4%
<b>Consumer Price Index</b>	2.2%	3.4%	2.8%	1.6%	2.3%	2.7%	3.4%	19.8%



Source: Bureau of Labor Statistics, Producer and Commodity Price Indices

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**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 ( <del>\$3,494,448.00</del> <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 <del>2004</del> <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)<sup>n</sup> 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%

<b>LAND USE CATEGORY</b>	<b>Independent Variable</b>	<b>ITE 7th Daily Trip Rates</b>	<b>Percent New Trips</b>	<b>Proposed Fee (05/06)</b>
<b>RESIDENTIAL</b>				
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
<b>NON-RESIDENTIAL</b>				
<b>Miscellaneous</b>				
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
<b>Office</b>				
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
<b>Retail</b>				
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
<b>Services</b>				
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
<b>Industrial</b>				
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

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	4.36	\$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	\$9,260,000
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.	1.136	\$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

<b>TOTAL AVERAGE</b>	<b>\$9,890,000</b>
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Exhibit "A"

EXHIBIT  
A

TRAFFIC IMPACT FEE RATES

Land Use	Unit	ERU	Fee as of 10/1/2005	Fee as of 10/1/2006	Fee as of 10/1/2007	Fee as of 10/1/2008	Fee as of 10/1/2009	Fee as of 10/1/2010	Fee as of 10/1/2011	Fee as of 10/1/2012	Fee as of 10/1/2013	Fee as of 10/1/2014	Fee as of 10/1/2015	Fee as of 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.	0.49	\$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  
 October 12, 2006

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: \_\_\_\_\_ September 14 \_\_\_\_\_, 2006.

SECOND READING: \_\_\_\_\_, 2006.

APPROVED:

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Theo Graham, Mayor Pro Tem

ATTEST:

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Kathy Golden, City Clerk