



Interoffice Memorandum

Continue public
hearing to
JAN 23 2018

10-27-17A10:34 RCVD

A handwritten signature in black ink, appearing to be "JH".

DATE: October 25, 2017

TO: Katie A. Smith, Deputy Clerk of the
Board of County Commissioners,
County Comptroller's Office

THROUGH: Cheryl Gillespie, Supervisor,
Agenda Development Office

FROM: Chris Testerman, AICP,
Assistant County Administrator

CONTACT PERSON: Steven Thorp
Planner II
(407) 836-5549 or steven.thorp@ocfl.net

SUBJECT: Fourteenth Amendment to the Joint Planning Area
(JPA) Agreement between Orange County and the
City of Maitland

Applicant: N/A

Type of Hearing: Joint Planning Area (JPA) Agreement

Commission Districts: 2 (partial), 5

BCC Public Hearing
Required by: N/A, however, JPA requires a public hearing

Clerk's Advertising
Requirements: At least 10 days before the BCC public hearing date,
public a regular enactment advertisement in the
Orlando Sentinel in compliance with Florida Statutes
No. 125.66(4)(b)(1)&(2).

LEGISLATIVE FILE # 17-1476

November 29, 2017
@ 2pm

Spanish Contact Person: IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, CONTACT THE ORANGE COUNTY PLANNING DIVISION, Email: planning@ocfl.net or Phone: 407-836-5600

PARA MÁS INFORMACIÓN, REFERENTE A ESTA VISTA PUBLICA CON RESPECTO A UNA AUDENCIA PUBLICA SOBRE PROPIEDAD EN SU AREA/VECINDAD, FAVOR COMUNICARSE CON LA DIVISIÓN DE PLANIFICACION, AL NUMERO, 407-836-5600.

Material Being Submitted As Backup For Public Hearing Request:

- (1) Proposed Fourteenth Amendment to the Joint Planning Area (JPA) Agreement between Orange County and the City of Maitland

Special Instructions to the Clerk:

- (1) Please schedule this public hearing for **November 28, 2017**.
- (2) The Assistant County Administrator will submit two originals already executed by the City of Oakland to the Clerk's office. Please transmit both fully executed originals to the Planning Division upon approval.

c: Joel Prinsell, Deputy County Attorney, County Attorney's Office
Jon V. Weiss, Director, Community Environmental Development Services
Department
Alberto Vargas, MArch, Manager, Planning Division
Susan McCune, AICP, Project Manager, Planning Division
Amy Bradbury, Planner II, Planning Division

**FOURTEENTH AMENDMENT TO
JOINT PLANNING AREA AGREEMENT
BETWEEN ORANGE COUNTY AND
THE CITY OF MAITLAND**

THIS FOURTEENTH AMENDMENT TO THE JOINT PLANNING AREA AGREEMENT (Amendment) is made and entered into as of the ____ day of _____, 2017, by and between **ORANGE COUNTY, FLORIDA**, a Charter County and political subdivision of the State of Florida (the County), and the **CITY OF MAITLAND**, a Florida municipal corporation (the City).

RECITALS

WHEREAS, the County and the City entered into a certain Joint Planning Area Agreement (Agreement), with an effective date of July 31, 1989, as amended by the First Amendment thereto effective September 14, 1993; as amended by the Second Amendment thereto effective September 27, 1994; as amended by the Third Amendment thereto effective July 12, 1996; as amended by the Fourth Amendment thereto effective February 25, 1997; as amended by the Fifth Amendment thereto effective November 17, 1998; as amended by the Sixth Amendment thereto effective December 3, 2002; as amended by the Seventh Amendment thereto effective September 9, 2003; as amended by the Eighth Amendment thereto effective December 14, 2004; as amended by the Ninth Amendment thereto effective April 20, 2007; as amended by the Tenth Amendment thereto effective July 14, 2009; as amended by the Eleventh Amendment thereto effective February 9, 2010; as amended by the Twelfth Amendment thereto effective October 5, 2010; and as amended by the Thirteenth Amendment thereto effective October 2, 2012; and

WHEREAS, the County and the City desire to amend the existing Joint Planning Area Map (JPAM), as amended, to change designation for property described within the plat of Maitland West, from the Medium Density Residential, Conservation and Public/Semi-Public to Office-Commercial and land within Orange County described as (28-21-29-9264-02-171) from a designation of Single-Family detached to General Commercial; and

WHEREAS, in conjunction therewith, the County and the City desire to provide clarification regarding Note 1 of the Special Provisions Study Area 1, to include the Plat of Maitland West; and

WHEREAS, also in conjunction therewith, the County and the City desire to provide clarification regarding paragraph F. of the First Amendment to the JPA to establish a minimum size for a Planned Development within Orange County for properties with an Office Commercial

Designation; and

WHEREAS, lastly, the County and the City desire to extend the term of the Agreement by another five years; and

WHEREAS pursuant to Section 163.3171(3), Florida Statutes, this Amendment has been approved by the Maitland City Council and the Orange County Board of County Commissioners at separate advertised public hearings.

NOW THEREFORE, in consideration of the covenants made by each party to the other and of the mutual advantages to be realized by the parties hereto, the receipt and sufficiency of which is hereby acknowledged, the County and the City hereby agree as follows:

Section 1. Recitals. The above Recitals are true and correct and are incorporated herein by reference.

Section 2. Authority. This Amendment is entered into pursuant to (1) Chapters 125, 163 and 166, Florida Statutes, (2) the general authority of Section 163.01, Florida Statutes, relating to interlocal agreements, (3) the Charters of the County and the City, and (4) the Agreement.

Section 3. "Exhibit A." "Exhibit A" to the Joint Planning Area Map, as adopted on October 2, 2012, in conjunction with the Thirteenth Amendment, is hereby deleted and replaced with "Exhibit A" to this Fourteenth Amendment to the Agreement, which is attached hereto and incorporated herein, for the following two purposes: (1) changing from the Medium Density Residential, Conservation and Public/Semi-Public uses for the property described as the plat of Maitland West, Plat Book 92, pages 77- 79, more particularly described as parcel identification numbers 28-21-29-5499-03-000, 28-21-29-5499- 01-000, and 28-21-29-5499-02-000, to Office-Commercial; and (2) changing from a designation of Single-Family detached to General Commercial for property within Orange County described as parcel identification number 28-21-29-9264-02-171.

Section 4. Amendment to Note 1 of the Special Provisions - Study Area 1. Note 1. Special Provisions - Study Area 1, is amended to read as follows:

1. Multi-Family Residential shall be a permitted use on land designated "office commercial" and which is generally located west of Keller Road, North of Fennell Street and East of Plunkett Avenue and Albermarle Road, and including land area referenced as "Maitland West," according to Plat Book 92, pages 77-79 of the public records of Orange County Florida.

Section 5. Amendment to Paragraph F of the First Amendment. Paragraph F. of the First Amendment to the Agreement is amended by adding the following statement:

For properties designated Office-Commercial within the County, a PD zoning designation is not required for properties that are less than 2 acres in area.

Section 6. Extension of Term of Agreement, as Amended. The County and the City agree to extend the term of the Agreement, as amended, from the expiration date of December 31, 2018, as set forth in Section 3 of the Thirteenth Amendment approved on October 2, 2012, to an expiration date of December 31, 2023, or until this Agreement is superceded by a Restated Joint Planning Area Agreement, whichever occurs first.

Section 7. No Third Party Beneficiaries. Nothing in this Amendment, expressed or implied, is intended or shall be construed to confer upon or give any person or entity any right, remedy, or claim under or by reason of this Amendment or any provisions or conditions hereof, other than the parties hereto and their respective representatives, heirs, successors, and assigns.

Section 8. Remaining Provisions Unchanged. Except as expressly set forth herein, all other provisions of the Agreement, as amended, remain unchanged and in full force and effect.

Section 9. Severability. Should any section, subsection, sentence, clause, phrase or provision of this Amendment is held invalid or unconstitutional by a court of competent jurisdiction such invalidity or unconstitutionality shall not be construed to render the remaining portions of this Amendment invalid or unconstitutional.

Section 10. Effective Date. This Fourteenth Amendment to the Agreement shall become effective upon the date of approval by the Board of County Commissioners or the date of approval by the City Council, whichever date is later.

IN WITNESS WHEREOF, the County and the City have approved and executed this Fourteenth Amendment to the Joint Planning Area Agreement on the dates inscribed below.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Teresa Jacobs
Orange County Mayor

DATE: _____

ATTEST: Phil Diamond, County Comptroller
as Clerk of Board of County Commissioners

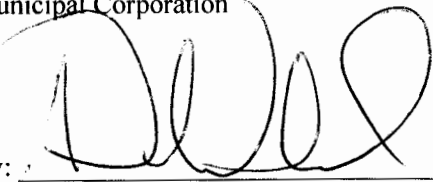
By: _____
Deputy Clerk

ATTEST:



Maria T. Waldrop, City Clerk

CITY OF MAITLAND, a Florida
Municipal Corporation

By: 

A. Dale McDonald, Mayor

RESOLUTION NO. 20-2017

**A RESOLUTION OF THE CITY OF MAITLAND, FLORIDA, ADOPTING
THE FOURTEENTH AMENDMENT TO THE JOINT PLANNING AREA
AGREEMENT BETWEEN THE CITY OF MAITLAND AND ORANGE
COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Council of Maitland, Florida, has agreed to the Fourteenth Amendment to the Joint Planning Area Agreement between the City and Orange County, Florida; and

WHEREAS, the Fourteenth Amendment is consistent with provisions of the Joint Planning Area Agreement and State Statutes governing this Agreement; and

WHEREAS, it is the determination and decision of the City Council that the Fourteenth Amendment to the Joint Planning Area Agreement between Orange County, Florida, and the City of Maitland is in the best interest of the City and its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAITLAND, FLORIDA, that:

SECTION 1. Each and all of the foregoing recitals are true and are incorporated herein.

SECTION 2. The City Council hereby adopts the Fourteenth Amendment to the Joint Planning Area Agreement between Orange County, Florida, and the City of Maitland, Florida, attached hereto and incorporated herein by reference.

SECTION 3. This Resolution shall become effective upon adoption.

APPROVED AND ADOPTED by the City Council of the City of Maitland, Florida,

on the
23rd day of October, 2017.

CITY OF MAITLAND, FLORIDA,
a Florida Municipal Corporation,

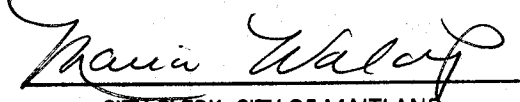
By: 

A. Dale McDonald, Mayor

Attest: 

Maria Waldrop, City Clerk

I CERTIFY THIS IS A TRUE AND CORRECT COPY


CITY CLERK, CITY OF MAITLAND