

06-05-18A10:22 RCVD



Interoffice Memorandum

06-05-18A10:04 RCVD

A handwritten signature in black ink, appearing to be "CJ" or similar, located in the top right corner of the document.

DATE: June 6, 2018

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 III
(407) 836-5549 or steven.thorp@ocfl.net

SUBJECT: First Amendment to the Joint Planning Area (JPA)
Interlocal Agreement between Orange County and the
City of Mount Dora

Applicant: N/A

Type of Hearing: Joint Planning Area (JPA) Agreement

Commission Districts: 2

**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 # 18-764

July 10, 2018
@ 2 pm

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 First Amendment to the Joint Planning Area (JPA) Interlocal Agreement between Orange County and the City of Mount Dora

Special Instructions to the Clerk:

- (1) Please schedule this public hearing for **July 10, 2018**.
- (2) The Assistant County Administrator will submit two originals already executed by the City of Mount Dora 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
Nicolas Thalmueller, Planner II, Planning Division

**FIRST AMENDMENT TO
JOINT PLANNING AREA INTERLOCAL AGREEMENT
BETWEEN
ORANGE COUNTY
AND
THE CITY OF MOUNT DORA**

THIS FIRST AMENDMENT TO THE JOINT PLANNING AREA INTERLOCAL AGREEMENT ("First Amendment") is made and entered into between **ORANGE COUNTY, FLORIDA**, a Charter County and political subdivision of the State of Florida (the "County"), and the **CITY OF MOUNT DORA, FLORIDA**, a Florida municipal corporation (the "City").

RECITALS

WHEREAS, the County and the City entered into a certain Joint Planning Area Interlocal Agreement ("Agreement") on November 19, 1996, with the purpose of engaging in coordinated planning of an approximately 1,265-acre area located in Orange County and adjacent to the City's municipal boundaries; and

WHEREAS, The Parks of Mt. Dora, LLC, has applied to Orange County for a future land use map amendment for an approximately 63-acre property within Orange County, described as Parcel Identification Number 04-20-27-0000-00-001 ("Property"), from Growth Center-Planned Development-Office/Low-Medium Density Residential (GC-PD-O/LMDR) to Growth Center-Planned Development-Commercial/Low-Medium Density Residential (GC-PD-C/LMDR) (Orange County Future Land Use Map Amendment Number 2018-1-A-2-1); and

WHEREAS, the applicant's requested future land use map amendment necessitates that the County and the City amend the existing Joint Planning Area Map ("JPAM"), attached as Exhibit "A" to the Agreement, to change the designation on the JPAM for the Property from a designation of Low-Medium Density and Office to Low-Medium Density and Commercial; and

WHEREAS, the applicant intends to construct up to 75,000 square feet of commercial uses on the Property, instead of the 75,000 square feet of office uses currently permitted pursuant to the Agreement and a 2010 future land use map amendment approved by the County for the Property; and

First Amendment to the Joint Planning Interlocal Agreement between Orange County and the City of Mount Dora

WHEREAS, the applicant also intends to construct up to 280 multifamily dwelling units on the property, instead of 280 multifamily senior housing units currently permitted pursuant to the Agreement and a 2010 future land use map amendment approved by the County for the Property; and

WHEREAS, the approval and adoption of the applicant's pending future land use map amendment application before the County is contingent upon the County and the City entering into this First Amendment; and

WHEREAS, pursuant to Section 163.3171(3), Florida Statutes (2017), this First Amendment has been approved by the Mount Dora City Council and the Orange County Board of County Commissioners at separate advertised public hearings.

NOW THEREFORE, in consideration of the premises and the mutual covenants contained herein, 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 First Amendment is entered into pursuant to (1) Chapters 125, 163 and 166, Florida Statutes (2017), (2) the general authority of Section 163.01, Florida Statutes (2017), relating to interlocal agreements, and (3) the Agreement.

Section 3. Amendment of JPAM as Reflected by New Exhibit "B." The JPAM is hereby amended by adopting a new Exhibit "B" to the Agreement, which new Exhibit "B" is appended hereto as Attachment "1," for the sole purpose of changing the designation for the Property on the JPAM from a designation of Low-Medium Density and Office as currently shown on Exhibit "A" to Low-Medium Density and Commercial. Accordingly, Exhibit "B" shall supersede Exhibit "A" to the extent of any conflict relating to the Property.

Section 4. Amendment to Article 3 of the Agreement. Article 3 of the Agreement, entitled “Approval of Conceptual Plan and Development Requirements,” is hereby amended in part to read as follows, and the amended Article 3 shall be controlling with regard to any inconsistencies with the Land Use Summary table at Exhibit “A” of the JPAM of the Agreement (underlined text indicates an addition; text that is struck through indicates a deletion, and the notation “****” indicates unchanged text):

ARTICLE 3

APPROVAL OF CONCEPTUAL PLAN AND DEVELOPMENT REQUIREMENTS

- A. County and City are respectively required by the provisions of Chapter 163, Florida Statutes, to prepare comprehensive plans for lands located within their respective jurisdictions.
- B. The Conceptual Plan sets forth the following uses and intensities with respect to the Joint Planning Area:

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LAND USE	ACREAGE	SQ. FT.	<u>RESIDENTIAL</u> UNITS	<u>DENSITY</u> <u>DEVELOPMENT</u> <u>INTENSITY</u>
Low Density Residential	1,070		2,461	2.3 DU/AC
Low/Medium Density Residential	90 <u>87.5</u>		450	5.0 DU/AC
Existing Commercial	9 <u>45.8</u>	90,000 <u>345,000</u>		
Additional Comm.	18	180,000		
Office	10 <u>5.78</u>	100,000 <u>25,000</u>		
Elementary School	15			
Park	10			
Conservation/ Wetlands	43			
TOTALS	1,265 <u>1,277.08</u>	370,000	2,911	

* * *

Section 5. No Third Party Beneficiaries. Nothing in this First Amendment, expressed or implied, is intended or shall be construed to confer upon or give any person or entity, including The Parks of Mt. Dora, LLC, or neighboring property owners, any right, remedy, or claim under or by reason of this First Amendment or any provisions or conditions hereof, other than the parties hereto.

Section 6. Remaining Provisions Unchanged. Except as expressly set forth herein, all other provisions of the Agreement remain unchanged and in full force and effect.

First Amendment to the Joint Planning Interlocal Agreement between Orange County and the City of Mount Dora

Section 7. Severability. Should any section, subsection, sentence, clause, phrase or provision of this Amendment be 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, to the extent such remaining portions can be given effect.

Section 8. Effective Date. This First Amendment 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 First Amendment on the dates inscribed below.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Teresa Jacobs
Orange County Mayor

Date: _____, 2018

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

By: _____
Deputy Clerk

First Amendment to the Joint Planning Interlocal Agreement between Orange County and the City of Mount Dora

CITY OF MOUNT DORA, a Florida
Municipal Corporation

ATTEST:

Gwen Keough-Johns, MMC
City Clerk

By: _____
Nick Girone
Mayor of the City of Mount Dora, Florida

Date: _____, 2018

For the use and reliance of City of Mount Dora only.
Approved as to form and legal sufficiency.

By: William Colbert or Jennifer Cockcroft
Stenstrom, McIntosh, Colbert & Whigham, P.A.
City Attorney

ATTACHMENT "1"

[NEW EXHIBIT "B" TO THE AGREEMENT]

City of
Mount Dora

Orange County

N Orange Blossom Trail

Low-Medium Density Residential

Commercial*

Stoneybrook Hills Parkway

Town Hill Boulevard

Legend



The Property



Commercial Area

Note

* The commercial portion of the property shall substantially conform to the location shown on this map and shall not exceed ten (10) gross acres.



0 95 190 380 570 760 Feet