



**MEETING AGENDA
SESSION OF THE CITY COMMISSION
CITY OF KISSIMMEE
CITY HALL, COMMISSION CHAMBERS
101 CHURCH STREET, KISSIMMEE, FLORIDA 34741-5054
TUESDAY, OCTOBER 18, 2022 AT 6:00 PM**

1. MEETING CALLED TO ORDER

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

3. PROCLAMATIONS AND SPECIAL PRESENTATIONS

- 3.A Proclamation- Domestic Violence Awareness Month
- 3.B Proclamation in recognition of World Polio Day
- 3.C Update from The Opportunity Center, Inc. regarding CDBG funded building improvements
- 3.D Service Awards for July, August and September

4. PUBLIC HEARINGS - FIRST AND SECOND READINGS

- 4.A Public Hearing - Second and Final Reading - Ordinance amending the Future Land Use designation from MF-MDR, MF-HDR, CONS, & CG to CONS and IB: Ramona, LUPA-22-0001 - Proposed Ordinance #22-09

AN ORDINANCE AMENDING ORDINANCE NO. 3050 KNOWN AS THE ORDINANCE ADOPTING THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF KISSIMMEE, FLORIDA, UNDER THE AUTHORITY OF FLORIDA STATUTE 163.3184; DIRECTING THE CITY MANAGER TO AMEND THE COMPREHENSIVE LAND USE PLAN AS HEREIN PROVIDED AFTER THE PASSAGE OF THIS ORDINANCE; PROVIDING FOR A PUBLIC HEARING AS REQUIRED BY LAW; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

- 4.B Public Hearing - First Reading - General Employees' Retirement Plan Amendment: Amending Section 30-84, 30-88, 30-110, 30-111

AN ORDINANCE OF THE CITY OF KISSIMMEE AMENDING CHAPTER 30, PERSONNEL, ARTICLE III, EMPLOYEE RETIREMENT, DIVISION 2, GENERAL EMPLOYEES' RETIREMENT PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF KISSIMMEE; AMENDING SECTION 30-84, DEFINITIONS; AMENDING SECTION 30-88, CONTRIBUTIONS; AMENDING SECTION 30-110, DEFERRED RETIREMENT OPTION PLAN; AMENDING SECTION 30-111, REEMPLOYMENT AFTER RETIREMENT; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

5. PUBLIC HEARINGS

- 5.A Public Hearing - Ramona Planned Unit Development (PUD) Amendment: PUD-22-0001

6. HEAR AUDIENCE

Anything requiring a vote will be heard at a later time.

7. CONSENT AGENDA

The consent agenda is a technique designed to expedite the handling of routine miscellaneous business of the City Commission. The City Commission in one motion may adopt the entire Consent Agenda. The motion for adoption is non-debatable and must receive unanimous approval. By request of any individual member, an item may be removed from the Consent Agenda for discussion.

- 7.A Approval of City Commission Minutes from the September 13, 2022, September 27, 2022, and October 4, 2022 meetings
- 7.B Authorization to Accept the 2022 Bulletproof Vest Partnership Grant from the United States Department of Justice, Office of Justice Programs
- 7.C Authorization to Negotiate with Balfour Beatty for Construction Manager at Risk for the Addition to City Hall for the Building Division of Development Services
- 7.D Osceola Village Center, Phase 1 (DRC# 19-00100) – Major Subdivision, Final Acceptance with Conditions.

8. DISCUSSION ITEMS

- 8.A Approval of a License Agreement for Outdoor Dining within the Dakin Avenue Right-of-Way at 16 E. Dakin Avenue (ROW-22-0003)
- 8.B Social Service and Quality of Life Grant Funding Allocations for FY 2022-2023
- 8.C Charter School Advisory Board Appointment / Reappoint (Parent)
- 8.D Advisory Board Vacancy - Board of Adjustment

9. HEAR CITY OFFICIALS

- 9.A CITY MANAGER
- 9.B CITY ATTORNEY
- 9.C CITY COMMISSION

10. ADJOURNMENT

In accordance with Florida Statutes 286.105: Any person wishing to appeal any decision made by the City Commission with respect to any matter considered at such meeting or hearing will need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is made.

In accordance with Florida State 286.26, persons needing assistance to participate in any of these proceedings should contact the Office of the City Clerk, 101 Church Street, Kissimmee, Florida, (407) 518-2309.

ITEM 3.A

Proclamation- Domestic Violence Awareness Month

Request

The request is for the Commission to present a Proclamation to Tammy Douglass, Executive Director of Help Now of Osceola, in honor of "Domestic Violence Awareness Month".

Explanation

N/A

Department: City Manager
Presenter: Mike Steigerwald

Attachment(s):

1. Proclamation- Domestic Violence Awareness Month 2022

Proclamation



DOMESTIC VIOLENCE AWARENESS MONTH

WHEREAS, Help Now is the certified domestic violence center that has provided services for survivors of domestic violence and their children in Osceola County for the past 39 years; and

WHEREAS, 24 acts of domestic violence occur every 60 seconds in the United States, and in 2020 Florida reported more than 106,515 incidents of domestic violence, of which 2,267 occurred in Osceola County, and 198 murders statewide; and

WHEREAS, the problem of domestic violence is not confined to any group or groups of people, but crosses all economic, racial, gender, educational, religious, and societal barriers, and is sustained by societal indifference; and

WHEREAS, when a family member is abused, it can have a long-term damaging effects on the victim that also leave a mark on family, friends, and the community at large; and

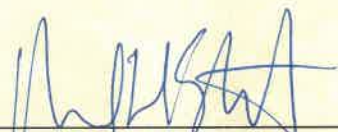
WHEREAS, Domestic Violence Awareness Month provides an excellent opportunity for citizens to learn more about preventing domestic violence and to show support for the numerous organizations and individuals who provide critical advocacy, services, and assistance to victims; and

WHEREAS, we encourage domestic violence survivors and their families to seek assistance from appropriate victims' of domestic violence services and the City of Kissimmee Police Department; and

WHEREAS, the efforts of Help Now of Osceola and the Osceola County Domestic Violence Task Force, and its supporting community member organizations, in combating domestic violence is duly recognized; and

NOW, THEREFORE, we, the City Commission for the City of Kissimmee do hereby proclaim October 2022 as "**National Domestic Violence Awareness Month**" and call upon the citizens of our community to join us in working towards the elimination of personal and institutional violence against all persons.

IN WITNESS, THEREOF, this is signed this 18th day of October, 2022.


CITY MANAGER


MAYOR-COMMISSIONER



ITEM 3.B

Proclamation in recognition of World Polio Day

Request

The request is for the Commission to present a Proclamation to representatives of the Rotary Clubs of Osceola County.

Explanation

N/A

Department: City Manager
Presenter: Mike Steigerwald

Attachment(s):

1. Proclamation- World Polio Day

Proclamation



WORLD POLIO DAY

WHEREAS, The Rotary motto, Service Above Self, inspires members to provide humanitarian service, follow high ethical standards, and promote goodwill and peace in the world; and

WHEREAS, Rotary launched Polio Plus in 1985 and helped establish the Global Polio Eradication Initiative in 1988, which today includes the World Health Organization, the US Centers for Disease Control and Prevention, UNICEF, the Bill Gates & Melinda Gates Foundation and Gavi, the Vaccine Alliance; and

WHEREAS, Rotary helped reduced polio cases by 99.9 percent since their first project to vaccinate children in the Philippines in 1979; and

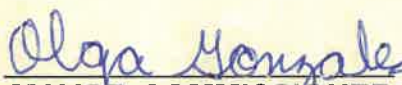
WHEREAS, Rotary awarded \$333 million for global service initiatives in 2020-21 with 47 million volunteer hours per year and has contributed more than 2.1 billion and countless volunteer hours to protect nearly 3 billion children in 122 countries from this paralyzing disease; and

WHEREAS, The Rotary Club of Kissimmee Bay is one of 6 Rotary Clubs within Osceola County, which include Rotary Club of Kissimmee, Rotary Club of Kissimmee West, Rotary Club of St. Cloud, Rotary Club of Celebration and Rotary Club of Poinciana, whose members sponsor service projects to address such critical issues as poverty, health, hunger, illiteracy and the environment in our local communities and abroad; and

NOW, THEREFORE, we, the City Commission for the City of Kissimmee do hereby proclaim October 24, 2022 as **"World Polio Day"** in the City of Kissimmee and encourage all citizens to join Rotary International in the fight for a polio-free world.

IN WITNESS, THEREOF, this is signed this 1st day of October, 2022.


CITY MANAGER


MAYOR-COMMISSIONER



ITEM 3.C**Update from The Opportunity Center, Inc. regarding CDBG funded building improvements****Request**

Request to thank the Commission for granting CDBG (Community Development Block Grant) funds to make building improvements to the Opportunity Center, Inc.

Explanation

The Opportunity Center provides adult day training for developmentally disabled individuals. They are a non-profit that relies on government funding and grants to provide these services. Their building is 52 years old and was in need of upgrades. A CDBG grant allowed them to reroof the entire facility, replace an aging HVAC system, upgrade the inside lighting, and redo all flooring surfaces. The Opportunity Center is grateful to have these upgrades as they have extended the life of their building, which helps provide a safe place for individuals to attend daily. The center would like to thank the Commission for granting this funding, and Frances DeJesus and her staff for processing this grant. They will be extending an invitation to the City Commission for a 'grand reopening' in the coming months.

Department: City Manager
Presenter: Scott Pool

Attachment(s):

None

ITEM 3.D

Service Awards for July, August and September

Request

Request that the City Commission join the City Manager in recognizing employees who have reached milestones in years of service.

Explanation

Five	Kevin Campbell	Information Technology
	Carmen Cantres	Public Works & Engineering
	Frances DeJesus	Development Services
	Edwin Garcia	Police
	Spencer Goodwin	Fire
Ten	Melissa Zayas Moreno	City Manager
	Victor Daboin	Public Works & Engineering
	Pam Lynch	Police
	Ramon Senorans	Airport
	Joe Spady	Parks & Recreation
Fifteen	Chris Breuer	Police
	Jose Flores	Public Works & Engineering
	Amy Meers	Fire
	Charles Wildigg	Police
Twenty Five	Glenn Ford	Police
	Scott Pool	Human Resources

Department: Human Resources & Risk Management

Presenter: Mike Steigerwald

Attachment(s):

None

ITEM 4.A

Public Hearing - Second and Final Reading - Ordinance amending the Future Land Use designation from MF-MDR, MF-HDR, CONS, & CG to CONS and IB: Ramona, LUPA-22-0001 - Proposed Ordinance #22-09

AN ORDINANCE AMENDING ORDINANCE NO. 3050 KNOWN AS THE ORDINANCE ADOPTING THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF KISSIMMEE, FLORIDA, UNDER THE AUTHORITY OF FLORIDA STATUTE 163.3184; DIRECTING THE CITY MANAGER TO AMEND THE COMPREHENSIVE LAND USE PLAN AS HEREIN PROVIDED AFTER THE PASSAGE OF THIS ORDINANCE; PROVIDING FOR A PUBLIC HEARING AS REQUIRED BY LAW; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

Request

Approval to approve a Land Use Plan Amendment to change the Future Land Use Map designation from Multi Family Medium Density Residential (MF-MDR), Multi-Family High Density Residential (MF-HDR), Conservation (CONS), and Commercial General (CG) to Conservation (CONS) and Industrial Business (IB) on 114.25 acres of land west of Florida's Turnpike, east of Bill Beck Blvd., along the north and south sides of E. Osceola Parkway.

Explanation

This item was continued from the August 2, 2022 and August 16, 2022 City Commission meetings.

Approval of a Land Use Map Amendment from Multi Family Medium Density Residential (MF-MDR), Multi-Family High Density Residential (MF-HDR), Conservation (CONS), and Commercial General (CG) to Conservation (CONS) and Industrial Business (IB) on 114.25 acres of land. This is a companion application to the Ramona Planned Unit Development (PUD)(PUD-22-0001) that will accommodate industrial warehouse uses that is also on tonight's City Commission agenda.

Off-site transportation improvements to the segment of Bill Beck Blvd. south of Osceola Parkway have commenced and the project is under construction by Osceola County. Construction includes a 2-lane, undivided urban roadway designed for future expansion to 4 lanes. The improvements also include sidewalks, provisions for street lighting, and a new traffic signal at the Osceola Parkway intersection.

On-site improvements and conditions to mitigate impacts will be addressed with subsequent development review submittals and reviews and are subject to applicable local, state, and federal permitting requirements and standards.

FINDINGS AND REASONS:

1. Compliance with Comprehensive Plan Future Land Use Policy 1.2.4.3, Industrial Business (IN) Future Land Use Designation, that is intended to accommodate a mixture of typical industrial uses and more intense non-industrial uses. Development and redevelopment projects within this future land use designation may be built with an intensity of up to 0.50 FAR. This designation shall be applied to areas appropriate for typical industrial uses or mixed-use development consisting of light-industrial uses and compatible commercial uses.
2. Compliance with Comprehensive Plan Future Land Use Policy 1.2.8.2, Conservation (CONS) Future Land Use Designation, that is intended for those lands, because of their environmental

quality or sensitivity, for protection and is not intended for development activities, and therefore have no allowable FAR. These lands may include wetlands, wildlife habitats, and/or watershed protection areas. The CONS designation shall be applied to portions of major natural resource areas and environmentally sensitive corridors which the City deems appropriate and feasible to protect in order to help implement natural resource conservation goals, objectives, and policies stipulated in the Comprehensive Plan. The designation shall be primarily assigned to publicly owned and restricted privately owned properties.

3. Compliance with Transportation Element Policy, 2.2.2.3: Density Support, in that transportation infrastructure and services shall support residential, non-residential, and mixed-use land uses.
4. Compliance with Land Development Code Section 14-3-26, Comprehensive Plan Text and Map Amendments, in regards to the submittal and review procedures and criteria to support an amendment.

Recommendation

The Development Review Committee (DRC) recommended approval on March 1, 2022.

The Planning Advisory Board (PAB) recommended approval by a vote of 5-0 on April 6, 2022.

The City Commission approved the First Reading on May 3, 2022.

CONDITION:

1. Subject to City Commission approval and transmittal to the Department of Economic Opportunity (DEO).

REQUESTED CITY COMMISSION ACTION:

Approve w/Conditions

Adopt

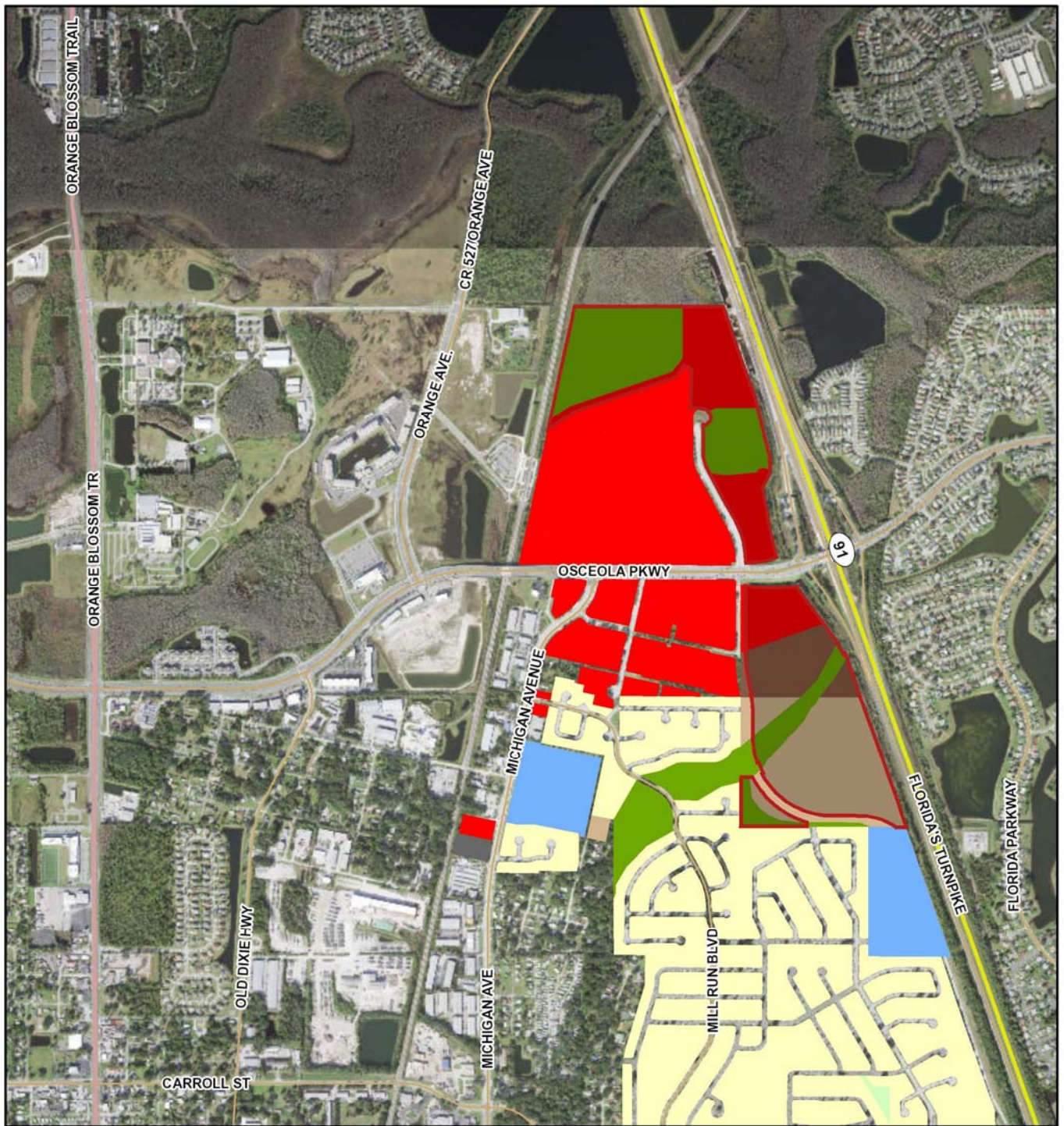
Department: Development Services

Presenter: Brenda Ryan

Attachment(s):

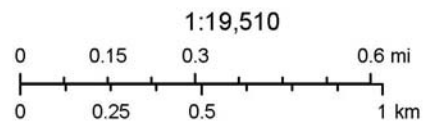
1. LUPA-22-0001 Vicinity Map
2. LUPA-22-0001 Aerial Map
3. LUPA-22-0001 Site Data Tables
4. LUPA-22-0001 Proposed Ordinance 22-09
5. LUPA-22-0001 State Transmittal Comments
6. LUPA-22-0001 Aug. 16, 2022 City Commission Action Summary
7. LUPA-22-0001 Aug. 2, 2022 City Commission Action Summary
8. LUPA-22-0001 City Commission Ad
9. LUPA-22-0001 May 03 2022 City Commission Mtg. Minutes
10. LUPA-22-0001 April 6, 2022 PAB Actions
11. LUPA 22-0001 Planning DRC Comments
12. LUPA-22-0001 School District DRC Comments
13. LUPA-22-0001 PWE DRC Comments
14. LUPA-22-0001 DRC Application

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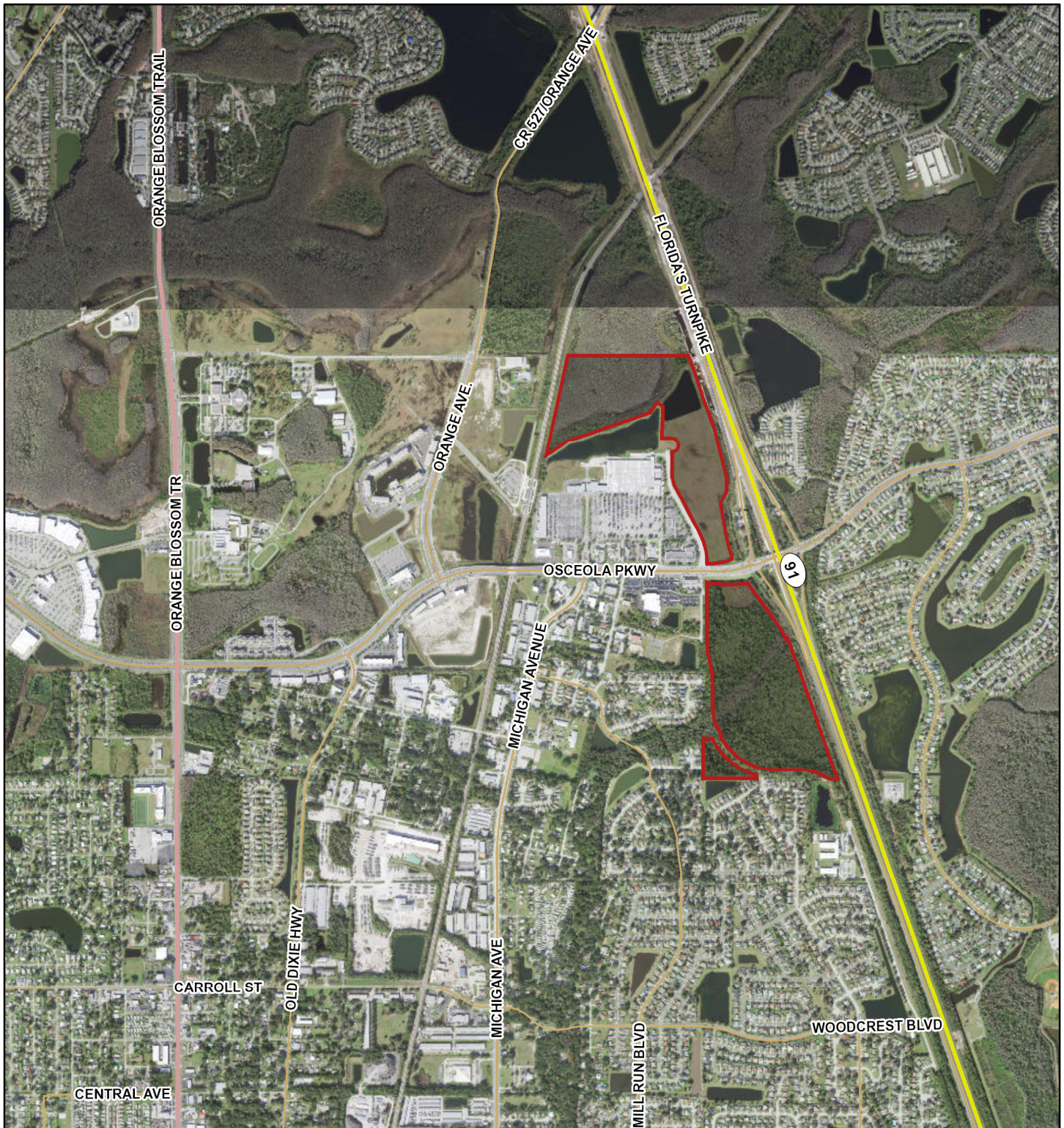


March 22, 2022

- Toll Roads
- US Roads
- Major Roads

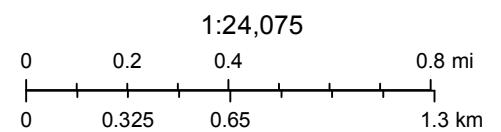


Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



March 22, 2022

- Toll Roads
- US Roads
- Major Roads



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Constellation (formerly Ramona) Land Use Amendment, LUPA-22-0001
Parcel ID# 02-25-29-1448-0001-0090, 02-25-29-00U0-0032-0000, 02-25-29-00U0-0025-0000
North & South of E. Osceola Parkway, East of Bill Beck Blvd., & West of Florida's Turnpike
Site Data Tables

Site Data	
Size	114.25 acres
Future Land Use Designation	Commercial General (CG), Multi-Family High Density Residential (MF-HDR), Multi-Family Medium Density Residential (MF-MDR), & Conservation (CONS) - City
Proposed Future Land Use Designation	Industrial Business (IN) – City Conservation (CONS) - City
Zoning District Designation	Planned Mixed Use Development (PMUD) – City
Proposed Zoning District Designation	N/A
Existing Overlay District	N/A
Existing Use(s)	Vacant, Wetlands
Proposed Use(s)	Industrial, Warehouse
Adjacent Land Use	
North	Planned Development (PD-MDR-CO), Industrial (IND) – Orange County
South	Commercial General (CG), Institutional (INST), Single Family Low Density Residential (SF-LDR) – City
East	Florida's Turnpike, Low Density Residential (LDR), Medium Density/Intensity (MDR) – County
West	Commercial General (CG), Single Family Low Density Residential (SF-LDR), & Conservation (CONS) – City
Adjacent Zoning	
North	Planned Development (PD), Farmland Rural (A-2) – Orange County
South	Planned Mixed Use Development (PMUD), Single Family Residential (RA-3) - City
East	Florida's Turnpike, Planned Development (PD) - County
West	Planned Mixed Use Development (PMUD), Residential Planned Unit Development (RPUD), General Commercial (B-3) – City
Past/Current Project Tracking	91-001 Gateway Commons DRI 96-061 Gateway Commons DRI Amendment 99-099 Gateway Commons DRI Amendment 04-097 Land Use Amendment 04-099 Land Use Amendment 05-146 PUD Amendment 18-00016 Gateway Commons DRI Rescission

	18-017 Land Use Amendment (Ramona) 18-018 PUD Amendment (Ramona) LUPA-22-0001 Land Use Amendment (pending) PUD-22-0001 PUD Amendment (pending)
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Comprehensive Plan Summary	
Policy 1.2.4.3, Industrial Business (IN) Future Land Use Designation: The Industrial Business (IN) land use designation is intended to accommodate a mixture of typical industrial uses and more intense non-industrial uses. Development and redevelopment projects within this future land use designation may be built with an intensity of up to 0.50 FAR. This designation shall be applied to areas appropriate for typical industrial uses or mixed-use development consisting of light-industrial uses and compatible commercial uses.	
Potential Zoning Districts	Industrial Business District - IB
	Business Park District - BP
	Airport Industrial District - AI
	Mixed-Use Planned Unit Development District - MUPUD
Policy 1.2.8.2, Conservation (CONS) Future Land Use Designation: Lands designated for Conservation (CONS) are those lands that, because of their environmental quality or sensitivity, are intended for protection and are not intended for development activities, and therefore have no allowable FAR. These lands may include wetlands, wildlife habitats, and/or watershed protection areas. The CONS designation shall be applied to portions of major natural resource areas and environmentally sensitive corridors which the City deems appropriate and feasible to protect in order to help implement natural resource conservation goals, objectives, and policies stipulated in the Comprehensive Plan. The designation shall be primarily assigned to publicly owned and restricted privately owned properties.	
Potential Zoning Districts	All Zoning Districts

Zoning District Standards District Summary
Land Development Code Section 14-4-8(D), Mixed-Use Planned Unit Development District (PMUD) Intent: The purpose of this district is to permit land under unified control to be planned and developed for a compatible mix of residential and commercial purposes or commercial-light industrial uses with a greater amount of site design flexibility by removing some of the restrictions of conventional zoning. This district is intended for use in suitable areas which have been assigned any of the comprehensive plan future land use designations other than the Mobile Home Medium Density Residential (MH-MDR) designation. The uses, density and intensity allowed in this district shall be consistent with the future land use designation.

Comprehensive Plan Future Land Use & Zoning Comparisons		
	<i>Existing Future Land Use & Zoning</i>	<i>Requested Future Land Use & Zoning</i>
Uses	Commercial General (CG), Multi-Family High Density Residential (MF-HDR), Multi-Family Medium Density Residential (MF-MDR), & Conservation (CONS) – City	Industrial Business (IN) – City Conservation (CONS) – City
	Planned Mixed Use Development (PMUD) – City	Planned Mixed Use Development (PMUD) – City
	Vacant, Wetlands	Vacant, Wetlands

Public Facilities Analysis	
Transportation	
Adjacent street	E. Osceola Pkwy., Bill Beck Blvd., Florida's Turnpike
Street Quality of Service (QOS)	Adjacent Streets are under Osceola County (E. Osceola Pkwy. & Bill Beck Blvd.) & State (Florida's Turnpike) jurisdictions. Construction of access off of Bill Beck Blvd. has commenced and is under construction by Osceola County. Construction includes 2 lane, undivided urban roadway designed for future expansion to 4 lanes. Includes sidewalk, curb & gutter, closed drainage system, provisions for street lighting, & new traffic signal at Osceola Parkway intersection.
Sanitary Sewer	
Is volume less than 98% capacity?	N/A – Compliance
Potable Water	
Is volume less than 98% capacity?	N/A – Compliance
Is water pressure at least 40lbs per square inch?	N/A – Compliance
Solid Waste	
Is volume less than 5.1lbs per person per calendar day?	N/A – Compliance
Recreation	

Is active recreation area at least 2 acres per 1,000 population?	N/A – Compliance
Is urban open space area at least 2 acres per 1,000 population?	N/A – Compliance
Is total recreation area at least 4 acres per 1,000 population?	N/A – Compliance
Drainage	
Is off-site discharge; runoff velocities; roadway drainage; pavement; retention; and flood storage LOS standards met?	N/A- Compliance

PROPOSED ORDINANCE NO. 22-09
ORDINANCE NO. _____

**AN ORDINANCE AMENDING ORDINANCE NO. 3050
KNOWN AS THE ORDINANCE ADOPTING THE
COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY
OF KISSIMMEE, FLORIDA, UNDER THE AUTHORITY OF
FLORIDA STATUTE 163.3184; DIRECTING THE CITY
MANAGER TO AMEND THE COMPREHENSIVE LAND USE
PLAN AS HEREIN PROVIDED AFTER THE PASSAGE OF
THIS ORDINANCE; PROVIDING FOR A PUBLIC HEARING
AS REQUIRED BY LAW; REPEALING ALL ORDINANCES
IN CONFLICT HERewith; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, the City of Kissimmee, Florida, has adopted Ordinance No. 3050 pursuant to the Local Government Comprehensive Planning Act of 1975, as amended, and

WHEREAS, the City of Kissimmee has advertised as required by law for two (2) public hearings prior to adoption of this ordinance, and

WHEREAS, the City has held such public hearings and the records of the City provide that the owners of the land affected have been notified as required by law;

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KISSIMMEE, FLORIDA, IN LAWFUL SESSION, ASSEMBLED, AS FOLLOWS:

SECTION 1. Amend the Land Use Plan as to the following area:

FROM: MF-MDR (Multi Family Medium Density Residential), MF-HDR (Multi-Family High Density Residential), CONS (Conservation), and CG (Commercial General) – City

TO: CONS (Conservation) & IB (Industrial Business) – City

The subject property is located at: Parcel ID: 02-25-29-1448-0001-0090, 02-25-29-00U0-0032-0000, & 02-25-29-00U0-0025-0000

Legal Description:

GATEWAY COMMONS NORTH PB 13 PG 28-32 LOT 9

Together with Parcel 2:

NW 1/4 OF SE 1/4 LYING WLY OF FLA TRNPK LESS RD RW & LESS THAT PORTION LYING WITHIN ABOVE SAID LEGAL: COM AT SW COR OF SE 1/4 OF 02-25-29, N00-11-38E 503.59 FT TO POB; CONT N00-11-38E 1961.47 FT TO PT ON S R/W LINE OF OSCEOLA PKWY, S78-24-46E 51.01 FT, S00-11-38W 694.31 F TO POC, CONC E, RAD 1450.46 FT, CENT ANG 17 DEG, (CH BEARING S08-17-32E 428.08 FT), SLY ALONG

CURVE 429.65 FT, N89-35-38W 7.89 FT TO NON-TAN CURVE, CONC W, RAD 1450.46 FT, CENT ANG 09 DEG, (CH BEARING S04-07-12E 218.20 FT), SLY ALONG CURVE 218.40 FT, S00-11-38W 209.30 FT TO POC, CONC E, RAD 98.83 FT, CENT ANG 19 DEG, (CH BEARING S09-22-34E 265.61 FT), SLY ALONG CURVE 266.85 FT, N71-03-16E 15 FT TO NON-TAN CURVE, CONC NE, RAD 783.83 FT, CENT ANG 08 DEG, (CH BEARING S23-13-46E 117.10 FT), SELY ALONG CURVE 117.21 FT, S57-33-39W 15.05 FT TO NON-TAN CURVE, CONC NE, RAD 864.25 FT, CENT ANG 62 DEG, (CH BEARING S58-36-00E 822.71 FT), SELY ALONG CURVE 864.25 FT, S89-35-38E 312.31 FT TO POC, CONC S, RAD 595.67 FT CENT ANG 36 DEG, (CH BEARING S71-29-35E 370.14 FT), ELY ALONG CURVE 376.37 FT, N89-35-38W 907.74 FT, N00-24-22E 48.64 FT TO NON-TAN CURVE, CONC NE, RAD 898.83 FT, CENT ANG 47 DEG, (CH BEARING N50-17-37W 718.97 FT), NWLY ALONG CURVE 739.66 FT, N89-48-23W 119.04 FT TO POB

Together with Parcel 3:

SW 1/4 OF SE 1/4 LYING WLY OF FLA TURNPIKE & SE 1/4 OF SE 1/4 LYING WLY OF FLA TURNPIKE LESS THAT PORTION LYING WITHIN ABOVE SAID LEGAL: COM AT SW COR OF SE 1/4 OF 02-25-29, N00-11-38E 503.59 FT TO POB; CONT N00-11-38E 1961.47 FT TO PT ON S R/W LINE OF OSCEOLA PKWY, S78-24-46E 51.01 FT, S00-11-38W 694.31 F TO POC, CONC E, RAD 1450.46 FT, CENT ANG 17 DEG, (CH BEARING S08-17-32E 428.08 FT), SLY ALONG CURVE 429.65 FT, N89-35-38W 7.89 FT TO NON-TAN CURVE, CONC W, RAD 1450.46 FT, CENT ANG 09 DEG, (CH BEARING S04-07-12E 218.20 FT), SLY ALONG CURVE 218.40 FT, S00-11-38W 209.30 FT TO POC, CONC E, RAD 98.83 FT, CENT ANG 19 DEG, (CH BEARING S09-22-34E 265.61 FT), SLY ALONG CURVE 266.85 FT, N71-03-16E 15 FT TO NON-TAN CURVE, CONC NE, RAD 783.83 FT, CENT ANG 08 DEG, (CH BEARING S23-13-46E 117.10 FT), SELY ALONG CURVE 117.21 FT, S57-33-39W 15.05 FT TO NON-TAN CURVE, CONC NE, RAD 864.25 FT, CENT ANG 62 DEG, (CH BEARING S58-36-00E 822.71 FT), SELY ALONG CURVE 864.25 FT, S89-35-38E 312.31 FT TO POC, CONC S, RAD 595.67 FT CENT ANG 36 DEG, (CH BEARING S71-29-35E 370.14 FT), ELY ALONG CURVE 376.37 FT, N89-35-38W 907.74 FT, N00-24-22E 48.64 FT TO NON-TAN CURVE, CONC NE, RAD 898.83 FT, CENT ANG 47 DEG, (CH BEARING N50-17-37W 718.97 FT), NWLY ALONG CURVE 739.66 FT, N89-48-23W 119.04 FT TO POB

A map of the area is included with this ordinance.

SECTION 2. That a copy of said Land Use Plan Amendment is filed in the office of the Development Services Department of the City of Kissimmee as a matter of permanent record of the City, and that matters and contents therein are made a part of this ordinance by reference as fully and completely as if set forth herein, and such copy shall remain on file in said office, available for public inspection.

SECTION 3. That the City Manager, after passage of this Ordinance, is hereby directed to indicate the changes adopted in this Ordinance and to reflect the same on the Comprehensive Land Use Plan Map of the City of Kissimmee.

SECTION 4. That all ordinances in conflict herewith are hereby repealed.

SECTION 5. This ordinance shall take effect 10 days after its passage

Commissioner _____ moved the passage and adoption of the above and foregoing Ordinance. Motion was seconded by Commissioner _____ and upon roll call on the motion the vote was as follows:

AYES

NAYS

Said motion having been duly carried, thereupon, Mayor Olga Gonzalez declared said Ordinance duly passed and adopted the 18th day of October 2022.

Mayor - Commissioner

ATTEST:

City Clerk

Ron DeSantis
GOVERNOR



Dane Eagle
SECRETARY

June 14, 2022

The Honorable Olga Gonzalez
Mayor, City of Kissimmee
101 Church Street
Kissimmee, Florida 34741

Dear Mayor Gonzalez:

The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for the City of Kissimmee (Amendment No. 22-01ESR) received on May 17, 2022. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the City is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the City. **If the City receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the City that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.FloridaJobs.org | [www.twitter.com/FLDEO](https://twitter.com/FLDEO) | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

If you have any questions concerning this review, please contact Paul Lim, Planning Analyst, by telephone at (850) 717-8511 or by email at Paul.Lim@deo.myflorida.com.

Sincerely,



Kelly D. Corvin, Regional Planning Administrator
Bureau of Community Planning and Growth

KDC/pl

Enclosure(s): Procedures for Adoption

cc: Brenda Ryan, AICP, Planning Manager, City of Kissimmee

Tara McCue, AICP, Executive Director, East Central Florida Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS
FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit electronically using the Department's electronic amendment submittal portal "**Comprehensive Plan and Amendment Upload**"

(<https://floridajobs.secure.force.com/cp/>) or submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.



Florida Department of Transportation

RON DESANTIS
GOVERNOR

719 S. Woodland Boulevard
DeLand, Florida 32720

JARED W. PERDUE, P.E.
SECRETARY

June 21, 2022

*Ms. Brenda Ryan, AICP
City of Kissimmee, Planning Manager
101 Church Street
Kissimmee, Florida 34741-5054*

***Subject: City of Kissimmee Proposed Comprehensive Plan Amendment 22-01ESR
Response Type: No Remarks***

Dear Ms. Ryan,

Pursuant to Section 163.3184(3), Florida Statutes (F.S.), in its role as a reviewing agency as identified in Section 163.3184(1)(c), F.S., the Florida Department of Transportation (FDOT) reviewed the amendment City of Kissimmee Proposed 22-01ESR, also known as the Constellation property, as requested in your transmittal letter, dated May 18, 2022.

Based on the proposed Comprehensive Plan Amendment (CPA) package, the application is for 116.13-acres and is comprised of three (3) separate parcels: 02-25-29-1448-0001-0090 (55.66-acres), 02-25-29-00U0-0032-0000 (22.63-acres), and 35-25-29-00U0-0025-0000 (37.84-acres).

The three properties are generally located adjacent to, and west of, the Florida's Turnpike, and north and south of Osceola Parkway, within the City of Kissimmee. The location map of the subject property is shown in **Appendix A**. As indicated in the location map, segments of State Road (S.R.) 417, U.S. 441, U.S. 192, John Young Parkway (S.R. 600) and the Florida's Turnpike are located within the 3-mile radius of the property. S.R. 417 and Florida's Turnpike are both identified as Florida Strategic Intermodal System (SIS) facilities and roadways of state importance.

The amendment package proposes to change the adopted FLUM designation for the three parcels; however, there was nothing quantifiable regarding the acreages of each parcel based on the adopted land use designations. Therefore, the acreages were approximated for the purpose of this analysis, using the Osceola County property appraiser's website. It was approximated that the adopted FLUM designations for the property consists of ±31.45-acres of Multi-Family Medium Density Residential (MF-MDR) land use, ±11.14-acres of Multi-Family High Density Residential (MF-HDR), and ±38.51-acres of Commercial General (CG). This resulted in a net ±35.03-acres dedicated to Conservation. In compliance with the City's Future Land Use Policy 1.2.1.3 (MF-MDR), 1.2.1.4 (MF-HDR), and 1.2.3.2 (CG), the maximum allowable densities are 10 to 20 dwelling units (DUs), 20 to 25 DUs, and a 2.5 floor-area ratio (FAR), respectively.

The proposed FLUM designation of Industrial Business (IN), as stated in Future Land Use Element Policy 1.2.4.3, is recommended for the property. The adopted conservation areas will

remain, with the exception of the southwestern non-contiguous portion of Parcel 3, in which the adopted FLUM consisting of both conservation and MF-MDR is proposed to be changed to entirely conservation. The maximum allowable density for the proposed industrial land use is 0.50 FAR.

Appendix B shows the trip generation potential for the adopted and proposed land use scenarios, and the change in trips because of the proposed amendment, based on the maximum allowable development scenario. Based on this analysis, the proposed amendment was determined to significantly reduce the trip generation potential of the subject property by 116,598 daily trips and by 15,783 PM peak hour trips.

The Department does request clarification regarding the total acreage for the property. When calculating the sum of the three parcels ($55.66 + 22.63 + 37.84$), the total property size comes to 116.13 acres, whereas the CPA package identifies a total property size of 114.25. Please confirm which is correct. In addition, please confirm if the Mill Slough environmental area is located within Parcels 2 and 3, as the report (page 49 of 124) identifies it as being located within Parcels 1 and 2.

FDOT has determined the proposed amendment has no significant adverse impact to transportation resources or facilities of state importance. The FDOT requests continued coordination with the City and application regarding copies of all transportation related documents associated with the Constellation property, as the project continues to progress. As well as any documents submitted or produced in associated with any updates to submittals regarding the traffic impacts to the State highway system.

Thank you for coordinating the review of this proposed amendment with FDOT. If you have any questions, you may contact me at 386-943-5077 or by email at Stephen.Browning@dot.state.fl.us.

Sincerely,

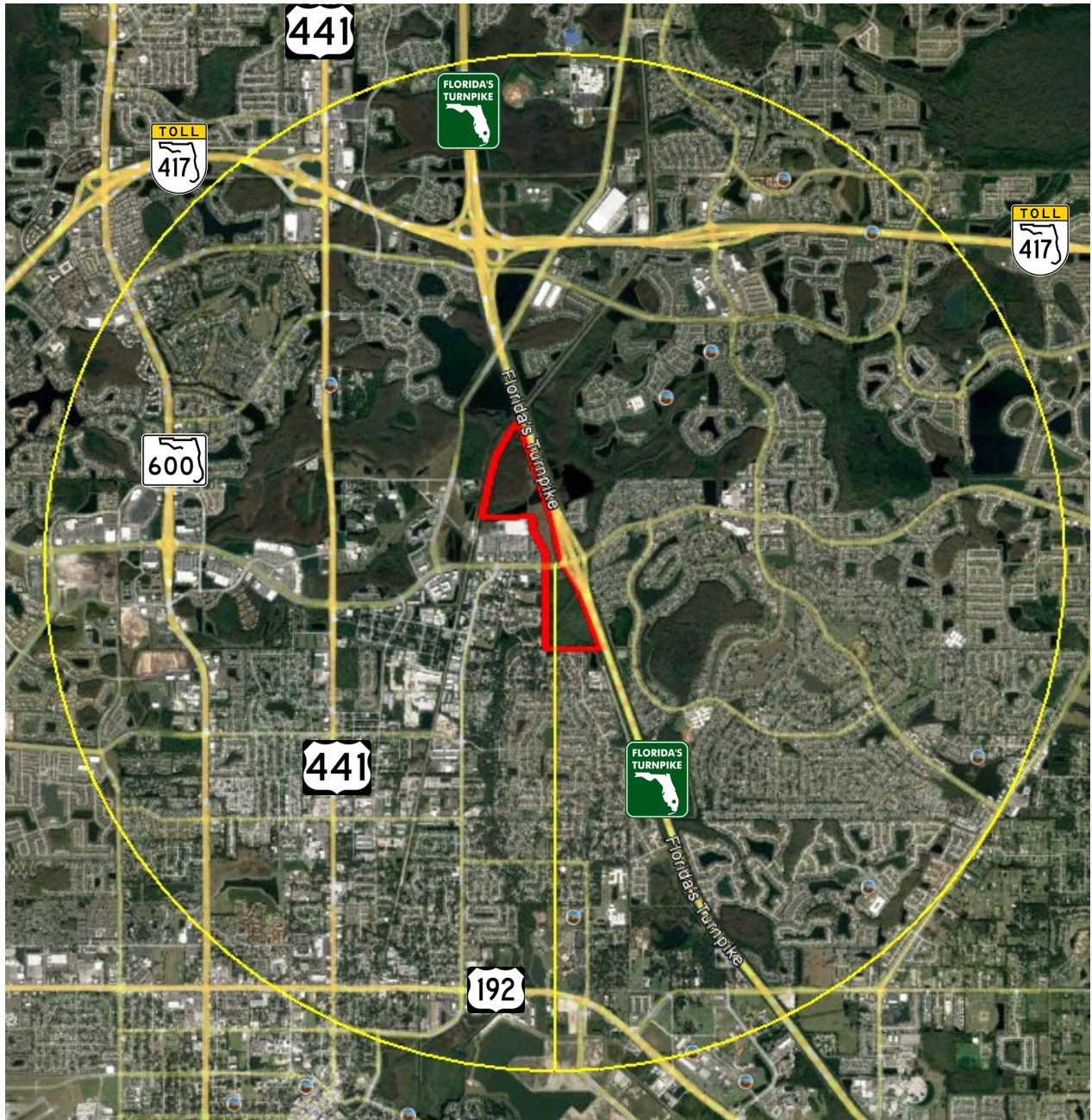


Stephen Browning, P.E.
Systems Planning Coordinator

cc: *Don Fisher, Osceola County*
Kelly Corvin, DEO
D. Ray Eubanks, DEO

Jennifer Carver, FDOT
Tara McCue, ECFRPC

APPENDIX A LOCATION MAP



APPENDIX B TRIP GENERATION ANALYSIS

Trip Generation Potential of Parcel Affected by FLUM Amendment

Scenario	Land Use	Parcel Size ⁽¹⁾		ITE Code	Max Density	Allowed Development		Daily Trips	PM Peak Hour Trips
Adopted ⁽¹⁾	Commercial General (CG)	38.51	Acres	820	2.5 FAR	4,193,739	SF	115,362	15,783
	Multi-Family High Density Residential (MF-HDR)	11.14	Acres	221	25 DU's / Acre	278	DU	1,280	105
	Multi-Family Medium Density Residential (MF-MDR)	31.45	Acres	222	20 DU's / Acre	629	DU	2,742	239
	Conservation (CONS)	35.03	Acres	---	---	---	---	---	---
Proposed	Industrial (IN)	79.84	Acres	110	0.5 FAR	1,738,915	SF	2,786	281
	Conservation (CONS)	36.29	Acres	---	---	---	---	---	---
Difference								(116,598)	(15,783)

Source: ITE Trip Generation Manual, 11th Edition

NOTES:

- (1) The proposed Comprehensive Plan Amendment package did not quantify the acreages for the different land use types within the 116.13-acre property. Therefore, the acreage was approximated using the GIS tools within the Osceola County property appraiser's website. This approximation was performed for this analysis and could vary based on each parcel's survey.

Brenda Ryan

From: Plan_Review <Plan.Review@dep.state.fl.us>
Sent: Friday, June 17, 2022 4:41 PM
To: Brenda Ryan; dcexternalagencycomments@deo.myflorida.com
Cc: Plan_Review
Subject: Kissimmee 22-01ESR Proposed

EXTERNAL EMAIL: This email originated from outside of the organization. DO NOT REPLY, CLICK LINKS, or OPEN ATTACHMENTS unless you recognize the sender and know the content is safe

To: Brenda Ryan, AICP, Planning Manager

Re: Kissimmee 22-01ESR – Expedited State Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please submit all future amendments by email to Plan.Review@FloridaDEP.gov. If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.



Brenda Ryan

From: Gordon, Glennika <ggordon@sfwmd.gov>
Sent: Thursday, June 9, 2022 10:20 AM
To: Brenda Ryan
Subject: City of Kissimmee, DEO #22-1ESR, Comments on Proposed Comprehensive Plan Amendments
Attachments: TA Response_12-17-21.pdf; 2022 Work Plan Update checklist.pdf

EXTERNAL EMAIL: This email originated from outside of the organization. DO NOT REPLY, CLICK LINKS, or OPEN ATTACHMENTS unless you recognize the sender and know the content is safe

Good Morning Brenda,

I'm responding to your voice mail message by email, and I apologize for missing your call yesterday. My colleague Terry Manning had previous discussions with Ashley Cornelison and John Hambley about the City's Work Plan update, and the email thread is attached to this email. Terry also provided an outline of the modifications that need to be made to the City's existing Work Plan. If you require any additional assistance, please contact me if you have any questions, require additional information, or wish to schedule a meeting. District staff are available to meet by teleconference or in person.

From: Gordon, Glennika
Sent: Tuesday, June 7, 2022 1:40 PM
To: Brenda Ryan
Cc: DCPexternalagencycomments ; kelly.corvin@deo.myflorida.com; tmccue@ecfrpc.org
Subject: City of Kissimmee, DEO #22-1ESR, Comments on Proposed Comprehensive Plan Amendments

Dear Ms. Ryan:

The South Florida Water Management District (District) has completed its review of the proposed amendment package submitted by the City of Kissimmee (City). The package includes a Future Land Use Map Amendment to the Comprehensive Plan. There appear to be no regionally significant water resource issues; however, the District offers the following technical guidance regarding Regional Water Supply Planning:

- The City is required to revise its Water Supply Facilities Work Plan (Work Plan) within 18 months after approval of the Central Florida Water Initiative (CFWI) Regional Water Supply Plan Update by the District's Governing Board. The District's Governing Board approved the CFWI Water Supply Plan Update on November 12, 2020. Therefore, the City's Work Plan was to be updated and adopted **by May 2022**; however, the District has not received the updated Work Plan for review to date. The Work Plan must cover at least a 10-year planning period, include updated water demand projections, identify alternative and traditional water supply projects, and describe conservation and reuse activities needed to meet the projected future demands. Planning tools are available on the District's website for your use and District Staff are available to provide technical assistance to update the Work Plan, including reviewing draft Work Plans prior to formal plan amendment submittal. The planning tools are located at this link: <https://www.sfwmd.gov/doing-business-with-us/work-plans>.

The District requests that the City forward a copy of the adopted amendments to the District at the following email mailbox address: SFLOCALGOVPLAN@sfwmd.gov. Please contact me if you have any questions or need additional information.

Sincerely,

Ms. Glennika Gordon, Policy and Planning Analyst.

South Florida Water Management District
Water Supply Implementation Unit
3301 Gun Club Road
West Palm Beach, FL 33406
Phone: 561-682-2544
Fax: 561-681-6264
E-Mail: ggordon@sfwmd.gov



**COMMISSION MEETING ACTION SUMMARY
SESSION OF THE COMMISSION MEETING
CITY OF KISSIMMEE
CITY HALL, COMMISSION CHAMBERS
101 CHURCH STREET, KISSIMMEE, FLORIDA 34741-5054
TUESDAY, AUGUST 16, 2022 AT 6:00 PM**

1. MEETING CALLED TO ORDER

Members Present: Mayor Olga Gonzalez, Felix Ortiz, Carlos Alvarez, III, Jim Fisher

Staff Present: City Manager Mike Steigerwald, City Attorney Olga Sanchez de Fuentes, Deputy City Manager Desiree Matthews, Assistant City Manager Austin Blake, Deputy City Clerk Tameara Crespo

Members Absent: Commissioner Olga Castano, City Clerk Linda Hansell

Mayor Gonzalez called the meeting to order at 6:00 PM.

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

3. PROCLAMATIONS AND SPECIAL PRESENTATIONS

3.A Presentation of Retirement Watch to Michael Carter

4. PUBLIC HEARINGS - FIRST AND SECOND READINGS

4.A Public Hearing - Second and Final Reading - Ordinance amending the Future Land Use designation from MF-MDR, MF-HDR, CONS, & CG to CONS and IB: Constellation (Formerly Ramona), LUPA-22-0001 - Proposed Ordinance #22-09

AN ORDINANCE AMENDING ORDINANCE NO. 3050 KNOWN AS THE ORDINANCE ADOPTING THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF KISSIMMEE, FLORIDA, UNDER THE AUTHORITY OF FLORIDA STATUTE 163.3184; DIRECTING THE CITY MANAGER TO AMEND THE COMPREHENSIVE LAND USE PLAN AS HEREIN PROVIDED AFTER THE PASSAGE OF THIS ORDINANCE; PROVIDING FOR A PUBLIC HEARING AS REQUIRED BY LAW; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE

Motion to approve a continuance of the Public Hearing to October 18, 2022, Passed.

4.B Public Hearing - Second and Final Reading - Ordinance amending the Future Land Use designation to establish MU-V (Mixed Used Vine); LUPA-22-0004 - Proposed Ordinance 22-12

AN ORDINANCE AMENDING ORDINANCE NO. 3050 KNOWN AS THE ORDINANCE ADOPTING THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF KISSIMMEE, FLORIDA, UNDER THE AUTHORITY OF FLORIDA STATUTE 163.3184; DIRECTING THE CITY MANAGER TO AMEND THE COMPREHENSIVE LAND USE PLAN AS HEREIN PROVIDED AFTER THE PASSAGE OF THIS ORDINANCE; PROVIDING FOR A PUBLIC HEARING AS REQUIRED BY LAW; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE

Motion to adopt Ordinance #3063, Passed.

5. PUBLIC HEARINGS

- 5.A Public Hearing - Constellation (Formerly Ramona) Planned Unit Development (PUD)
Amendment: PUD-22-0001

Motion to approve a continuance of the Public Hearing to October 18, 2022, Passed.

6. HEAR AUDIENCE

7. CONSENT AGENDA

- 7.A Approval of City Commission Minutes from the August 2, 2022 meeting

Motion to approve Passed.

- 7.B Agreement with Raftelis Financial Consultants to provide a Municipal Impact Fee Study for Recreation, Police and Fire services.

Motion to approve Passed.

- 7.C Approval of a Resolution Authorizing the Acquisition of Fire Fighting Apparatus

Motion to adopt Resolution 16-2022 Passed.

- 7.D General Employee Organization Budget to be carried forward to FY 2022

Motion to approve GEO Budget carryforwards in the amount of \$17,426.76, Passed.

- 7.E Federal Aviation Administration Airport Improvement Program Grant for the Taxiway E Extension and Installation of Taxiway E Lighting at Kissimmee Gateway Airport

Motion to accept an Aviation Program Grant in the amount of \$5,275,291, Passed.

- 7.F Approval to Contract with Osceola Council on Aging for the Rehabilitation of the House Located at 1124 Lindsay Way, Kissimmee 34744

Motion to approve Passed.

- 7.G Fire Station No.13 Roofing Replacement Project

Motion to approve a work order in the amount of \$194,880, Passed.

8. DISCUSSION ITEMS

- 8.A Toho Water Authority Board Appointment

Motion to appoint John McAllenan to the Toho Water Authority Board, Passed.

9. HEAR CITY OFFICIALS

- 9.A CITY MANAGER

- 9.B CITY ATTORNEY

- 9.C CITY COMMISSION

10. ADJOURNMENT

Meeting adjourned at 6:12 PM.



**COMMISSION MEETING ACTION SUMMARY
SESSION OF THE COMMISSION MEETING
CITY OF KISSIMMEE
CITY HALL, COMMISSION CHAMBERS
101 CHURCH STREET, KISSIMMEE, FLORIDA 34741-5054
TUESDAY, AUGUST 2, 2022 AT 6:00 PM**

1. MEETING CALLED TO ORDER

Members Present: Mayor Olga Gonzalez, Commissioners Olga Castano, Felix Ortiz, Carlos Alvarez, III, Jim Fisher

Staff Present: City Manager Mike Steigerwald, City Attorney Olga Sanchez de Fuentes, Deputy City Manager Desiree Matthews, City Clerk Linda Hansell

Members Absent: Assistant City Manager Austin Blake

Mayor Gonzalez called the meeting to order at 6:00 PM.

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

3. PROCLAMATIONS AND SPECIAL PRESENTATIONS

3.A Employee of the Month for August

4. PUBLIC HEARINGS - FIRST AND SECOND READINGS

4.A Public Hearing - Second and Final Reading - Ordinance amending the Future Land Use designation from MF-MDR, MF-HDR, CONS, & CG to CONS and IB: Constellation (Formerly Ramona), LUPA-22-0001 - Proposed Ordinance #22-09

AN ORDINANCE AMENDING ORDINANCE NO. 3050 KNOWN AS THE ORDINANCE ADOPTING THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF KISSIMMEE, FLORIDA, UNDER THE AUTHORITY OF FLORIDA STATUTE 163.3184; DIRECTING THE CITY MANAGER TO AMEND THE COMPREHENSIVE LAND USE PLAN AS HEREIN PROVIDED AFTER THE PASSAGE OF THIS ORDINANCE; PROVIDING FOR A PUBLIC HEARING AS REQUIRED BY LAW; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve a continuance of the Public Hearing to August 16, 2022, Passed.

5. PUBLIC HEARINGS

5.A Public Hearing - Constellation (Formerly Ramona) Planned Unit Development (PUD) Amendment: PUD-22-0001

Motion to approve a continuance of the Public Hearing to August 16, 2022, Passed.

6. HEAR AUDIENCE

7. CONSENT AGENDA

7.A Approval of City Commission Minutes from the July 19, 2022 meeting and the July 26, 2022 Budget Workshop

Motion to approve Passed.

7.B Helping Emergency Responders Obtain Support (HEROS) Program at the Florida

Commission Meeting Action Summary – August 2, 2022

Department of Health (DOH) for FY2022

Motion to request 200 units of Naloxone valued at \$7,500 Passed.

- 7.C Consent to Sub-Lease between Stallion 51 Maintenance Operations, Inc. and ASAP Aerospace Group, Inc.

Motion to approve Passed.

- 7.D Renewal of Space/Use Permit for Jed Suhl d.b.a. Horse-Riding Orlando, LLC

Motion to approve Passed.

- 7.E Amendment to Purchase Order for legal services associated with right-of-way acquisition for the West Oak Street Widening and Intersection Improvements at John Young Parkway Project

Motion to approve purchase order increase in the amount of \$266,500 Passed.

8. DISCUSSION ITEMS

- 8.A UCF Downtown Kissimmee Business Incubator Annual Update and Contract Renewal

Motion to approve contract renewal Passed.

- 8.B Annual Advisory Board Appointments and Vacancies

Motion to appoint Scott Grenald to the Historic Preservation Board Passed.

9. HEAR CITY OFFICIALS

- 9.A CITY MANAGER

- 9.B CITY ATTORNEY

- 9.C CITY COMMISSION

10. ADJOURNMENT

Meeting adjourned at 6:13 PM.

CITY OF KISSIMMEE

NOTICE OF PUBLIC HEARING

NOTICE OF LAND USE CHANGE

The City of Kissimmee proposes to adopt the following ordinance that would change the use of land as described below. A public hearing on this proposal will be held by the City of Kissimmee City Commission to consider the Second and Final Reading of the proposed ordinance on **Tuesday, August 2, 2022 at 6:00 p.m.** or as soon thereafter as possible, in the Commission Chambers of City Hall, 101 Church Street, Kissimmee, Florida.

PROPOSED ORDINANCE #22-09 : AN ORDINANCE AMENDING ORDINANCE NO. 3050 KNOWN AS THE ORDINANCE ADOPTING THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF KISSIMMEE, FLORIDA, UNDER THE AUTHORITY OF FLORIDA STATUTE 163.3184; DIRECTING THE CITY MANAGER TO AMEND THE COMPREHENSIVE LAND USE PLAN AS HEREIN PROVIDED AFTER THE PASSAGE OF THIS ORDINANCE; PROVIDING FOR A PUBLIC HEARING AS REQUIRED BY LAW; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

The purpose of this Public Hearing is to make a recommendation to the City Commission concerning the request to amend Ordinance No. 3050. The proposed Ordinance would amend the 2025 Future Land Use Map of the Kissimmee Comprehensive Plan by changing the land use classification for the area described below as follows:

FROM: MF-MDR-(Multi-Family Medium Density Residential) MF-HDR (Multi-Family High Density Residential) CONS (Conservation & CG (Commercial General)-City

TO: CONS (Conservation) & IB (Industrial Business)-City

The subject property is located at Parcel **ID: 02-25-29-1448-0001-0090; 02-25-29-00U0-0032-0000; & 02-25-29-00U0-0025-0000**

Legal Description:

GATEWAY COMMONS NORTH PB 13 PG 28-32 LOT 9

Together with Parcel 2:

NW 1/4 OF SE 1/4 LYING WLY OF FLA TRNPK LESS RD RW & LESS THAT PORTION LYING WITHIN ABOVE SAID LEGAL: COM AT SW COR OF SE 1/4 OF 02-25-29, N00-11-38E 503.59 FT TO POB; CONT N00-11-38E 1961.47 FT TO PT ON S R/W LINE OF OSCEOLA PKWY, S78-24-46E 51.01 FT, S00-11-38W 694.31 F TO POC, CONC E, RAD 1450.46 FT, CENT ANG 17 DEG, (CH BEARING S08-17-32E 428.08 FT), SLY ALONG CURVE 429.65 FT, N89-35-38W 7.89 FT TO NON-TAN CURVE, CONC W, RAD 1450.46 FT, CENT ANG 09 DEG, (CH BEARING S04-07-12E 218.20 FT), SLY ALONG CURVE 218.40 FT, S00-11-38W 209.30 FT TO POC, CONC E, RAD 98.83 FT, CENT ANG 19 DEG, (CH BEARING S09-22-34E 265.61 FT), SLY ALONG CURVE 266.85 FT, N71-03-16E 15 FT TO NON-TAN CURVE, CONC NE, RAD 783.83 FT, CENT ANG 08 DEG, (CH BEARING S23-13-46E 117.10 FT), SELY ALONG CURVE 117.21 FT, S57-33-39W 15.05 FT TO NON-TAN CURVE, CONC NE, RAD 864.25 FT, CENT ANG 62 DEG, (CH BEARING S58-36-00E 822.71 FT), SELY ALONG CURVE 864.25 FT, S89-35-38E 312.31 FT TO POC, CONC S, RAD 595.67 FT CENT ANG 36 DEG, (CH BEARING S71-29-35E 370.14 FT), ELY ALONG CURVE 376.37 FT, N89-35-38W 907.74 FT, N00-24-22E 48.64 FT TO NON-TAN CURVE, CONC NE, RAD 898.83 FT, CENT ANG 47 DEG, (CH BEARING N50-17-37W 718.97 FT), NWLY ALONG CURVE 739.66 FT, N89-48-23W 119.04 FT TO POB

Together with Parcel 3:

SW 1/4 OF SE 1/4 LYING WLY OF FLA TURNPIKE & SE 1/4 OF SE 1/4 LYING WLY OF FLA TURNPIKE LESS THAT PORTION LYING WITHIN ABOVE SAID LEGAL: COM AT SW COR OF SE 1/4 OF 02-25-29, N00-11-38E 503.59 FT TO POB; CONT N00-11-38E 1961.47 FT TO PT ON S R/W LINE OF OSCEOLA PKWY, S78-24-46E 51.01 FT, S00-11-38W 694.31 F TO POC, CONC E, RAD 1450.46 FT, CENT ANG 17 DEG, (CH BEARING S08-17-32E 428.08 FT), SLY ALONG CURVE 429.65 FT, N89-35-38W 7.89 FT TO NON-TAN CURVE, CONC W, RAD 1450.46 FT, CENT ANG 09 DEG, (CH BEARING S04-07-12E 218.20 FT), SLY ALONG CURVE 218.40 FT, S00-11-38W 209.30 FT TO POC, CONC E, RAD 98.83 FT, CENT ANG 19 DEG, (CH BEARING S09-22-34E 265.61 FT), SLY ALONG CURVE 266.85 FT, N71-03-16E 15 FT TO NON-TAN CURVE, CONC NE, RAD 783.83 FT, CENT ANG 08 DEG, (CH BEARING S23-13-46E 117.10 FT), SELY ALONG CURVE 117.21 FT, S57-33-39W 15.05 FT TO NON-TAN CURVE, CONC NE, RAD 864.25 FT, CENT ANG 62 DEG, (CH BEARING S58-36-00E 822.71 FT), SELY ALONG CURVE 864.25 FT, S89-35-38E 312.31 FT TO POC, CONC S, RAD 595.67 FT CENT ANG 36 DEG, (CH BEARING S71-29-35E 370.14 FT), ELY ALONG CURVE 376.37 FT, N89-35-38W 907.74 FT, N00-24-22E 48.64 FT TO NON-TAN CURVE, CONC NE, RAD 898.83 FT, CENT ANG 47 DEG, (CH BEARING N50-17-37W 718.97 FT), NWLY ALONG CURVE 739.66 FT, N89-48-23W 119.04 FT TO POB

The proposed amendment and the supporting documents, including a parcel description, may be inspected in the Development Services Department, City Hall, 101 Church Street, Kissimmee, Florida, between 8:00 a.m. and 5:00 p.m., Monday through Friday. Please direct any questions to the Development Services Department, (407) 518-2140 or planning@kissimmee.gov.

Any interested party wanting to be heard on this issue may submit testimony to be read into the official record to CityClerkEmail@kissimmee.gov prior to the start of the meeting or may be heard by participating in person.

Reference # LUPA-22-0001
Constellation (formerly Ramona)

CITY COMMISSION
KISSIMMEE, FLORIDA

In accordance with [Florida Statutes](#) 286.0105: any person wishing to appeal any decision made by the City Commission with respect to any matter considered at such meeting or hearing will need a record of the proceedings, and for such purposes may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is made.

In accordance with [Florida Statute](#) 286.26, persons needing assistance to participate in any of these proceedings should contact the Office of the City Clerk (407) 518-2308 prior to the meeting. (FS286.26)

Constellation Land Use Amendment
LUPA-22-0001





**MEETING MINUTES
SESSION OF THE COMMISSION MEETING
CITY OF KISSIMMEE
CITY HALL, COMMISSION CHAMBERS
101 CHURCH STREET, KISSIMMEE, FLORIDA 34741-5054
TUESDAY, MAY 3, 2022 AT 6:00 PM**

- 1. MEETING CALLED TO ORDER Members Present:** Mayor Olga Gonzalez, Commissioners Olga Castano, Felix Ortiz, Carlos Alvarez, III, Jim Fisher
Staff Present: City Manager Mike Steigerwald, City Attorney Olga Sanchez de Fuentes, Deputy City Manager Desiree Matthews, Assistant City Manager Austin Blake, City Clerk Linda Hansell, Records Specialist Derek Negron
Members Absent: Deputy City Manager Desiree Matthews

Mayor Gonzalez called the meeting to order at 6:00 PM.

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

After a Moment of Silence, Commissioner Fisher led the audience in the Pledge of Allegiance.

3. PROCLAMATIONS AND SPECIAL PRESENTATIONS

3.A Proclamation - National Day of Prayer

The request is for the City Commission to present a Proclamation in honor of the "National Day of Prayer".

City Manager Steigerwald read a proclamation in honor of "National Day of Prayer" as the Mayor and Commissioners presented the proclamation to Randy Law and members of her organization.

3.B Proclamation - Foster Youth Connection

The request is for the City Commission to present a Proclamation in honor of "Foster Youth Connection Month".

City Manager Steigerwald read a proclamation in honor of "Foster Youth Connection" as the Mayor and Commissioners presented the proclamation to Reverend Rupert Henry.

Reverend Henry expressed his gratitude for the proclamation and discussed the importance of child welfare and safety.

3.C Proclamation - Lupus Awareness Month

The request is for the City Commission to present a Proclamation in honor of "Lupus Awareness Month".

City Manager Steigerwald read a proclamation in honor of "Lupus Awareness Month" as the Mayor and Commissioners presented the proclamation to Denise Rivera.

3.D Employee of the Month for May - Melissa Zayas-Moreno

That the City Commission join the City Manager in recognizing Melissa Zayas-Moreno, City Manager's Department, as May's Employee of the Month.

City Manager Steigerwald introduced Communications and Public Affairs Manager Zayas-Moreno and reviewed the attributes that led to her nomination and selection as the May Employee of the Month. A brief overview of her successes and accomplishments during her tenure with the City was reviewed and the City Manager reminded the audience that the Employee of the Month is selected by a committee of peers, and there is no greater honor.

Manager Zayas-Moreno stated she was honored to receive the recognition and thanked her team and supporters for her success.

3.E Service Awards for January, February and March

Request that the City Commission join the City Manager in recognizing employees who have reached milestones in their years of service.

Employees present to receive their Service Awards:

Five Years: Edwin Chavarria, Ashley Putney, Javier Romero, Charles Smith, Ashley Willis

Fifteen Years: Jack Flanary

Twenty-Five Years: Brandon Layne

Thirty-Five Years: Yvette Beltran

4. PUBLIC HEARINGS - FIRST AND SECOND READINGS

4.A Public Hearing - First Reading - Ordinance to Annex 1.19 acres of land: Tangelo Circle, AX-22-0001 - Proposed Ordinance # 22-08

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF CERTAIN HEREIN DESCRIBED LAND, TO THE CITY OF KISSIMMEE, FLORIDA, FURTHER PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH LAND AFTER ITS ANNEXATION, REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE

Approval to annex approximately 1.19 acres of property located east of Old Vineland, and north of W. Vine St.

City Attorney Sanchez de Fuentes read Proposed Ordinance # 22-08 by title.

Planner Brenda Ryan reviewed the request to annex 1.19 acres of property identified as Tangelo Circle.

Mayor Gonzalez announced the Public Hearing with no response from the audience.

Commissioner Fisher moved to approve the First Reading of Proposed Ordinance # 22-08. Commissioner Castano seconded the motion.

Upon roll call, the vote was as follows:

Commissioner Ortiz AYE

Commissioner Alvarez	AYE
Commissioner Fisher	AYE
Commissioner Castano	AYE
Mayor Gonzalez	AYE

Motion carried 5 - 0.

- 4.B Public Hearing - First Reading - Ordinance amending the Future Land Use designation from MF-MDR, MF-HDR, CONS, & CG to CONS AND IB: Constellation (Formerly Ramona), LUPA-22-0001 - Proposed Ordinance #22-09

AN ORDINANCE AMENDING ORDINANCE NO. 3050 KNOWN AS THE ORDINANCE ADOPTING THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF KISSIMMEE, FLORIDA, UNDER THE AUTHORITY OF FLORIDA STATUTE 163.3184; DIRECTING THE CITY MANAGER TO AMEND THE COMPREHENSIVE LAND USE PLAN AS HEREIN PROVIDED AFTER THE PASSAGE OF THIS ORDINANCE; PROVIDING FOR A PUBLIC HEARING AS REQUIRED BY LAW; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

Approval to transmit a Land Use Plan Amendment to change the Future Land Use Map designation from Multi Family Medium Density Residential (MF-MDR), Multi-Family High Density Residential (MF-HDR), Conservation (CONS), and Commercial General (CG) to Conservation (CONS) and Industrial Business (IB) on 114.25 acres of land west of Florida's Turnpike, east of Bill Beck Blvd., along the north and south sides of E. Osceola Parkway.

City Attorney Sanchez de Fuentes read Proposed Ordinance # 22-09 by title.

Planner Ryan reviewed the request and explained the Land Use, if approved, will amend the use from Multi-Family Medium Density to Multi-Family High Density and change from commercial to industrial to accommodate development. Planner Ryan clarified the construction on Bill Beck Boulevard is a County project and not associated with the City's request for this Land Use Amendment.

Mayor Gonzalez announced the Public Hearing with no response from the audience.

Commissioner Fisher moved to approve the Proposed Ordinance #22-09. Commissioner Alvarez seconded the motion.

Upon roll call, the vote was as follows:

Commissioner Alvarez	AYE
Commissioner Fisher	AYE
Commissioner Castano	AYE
Commissioner Ortiz	AYE
Mayor Gonzalez	AYE

Motion carried 5 - 0.

5. PUBLIC HEARINGS

None.

6. HEAR AUDIENCE

Reverend Paul Czigan, 1556 Oak Leaf Lane, Kissimmee, stated he was representing Iglesias Alianza Church and sought to offer quarterly acts of community service to the City.

7. CONSENT AGENDA

The consent agenda is a technique designed to expedite the handling of routine miscellaneous business of the City Commission. The City Commission in one motion may adopt the entire Consent Agenda. The motion for adoption is non-debatable and must receive unanimous approval. By request of any individual member, an item may be removed from the Consent Agenda for discussion.

City Manager Steigerwald requested 7.B. be removed from Consent for Discussion.

Commissioner Fisher made a motion to approve the Consent Agenda minus Item 7.B. Commissioner Ortiz seconded the motion.

Motion to Approve Passed 5 - 0.

- 7.A Approval of City Commission Minutes from the April 5, 2022 meeting
Request Commission approval of the April 5, 2022 Commission Minutes.
- 7.C Agreement between the Kissimmee Police Department and Pinellas County Sheriff's Office for access to Florida's Facial Recognition Network
The Police Department requests Commission approval for the Chief of Police to sign and execute the Agreement between the Kissimmee Police Department and the Pinellas County Sheriff's Office for access to Florida's Facial Recognition Network.
- 7.D Resolution Establishing Qualifying Period for the August 23, 2022 City General Election
Request Commission adoption of a Resolution establishing the qualifying period for the August 23, 2022 City General Election.

Resolution # 05-2022 was adopted.
- 7.E Agreement with Tele911, Inc. to provide Virtual Visits with Emergency Medical Providers during certain Calls for Service
Approval for the Mayor to execute the Telemedicine and Patient Navigation Facilitation Agreement and Business Associate Agreement between the City of Kissimmee and Tele911, Inc. to provide virtual visits with emergency medical providers during certain calls for service.
- 7.F Amendment to the Consulting Services Contract for the Noise Ordinance Project
Approval of Amendment #1 to the consulting services contract with VHB, Inc. to expand the scope and increase public engagement opportunities for the Noise Ordinance revision project.
- 7.G Mill Creek Mall Lot 4 Replat - Final Plat (DRC# SR-22-0001)
Requesting City Commission approval of the final plat known as Mill Creek Mall Lot 4 Replat.
- 7.H Osceola Village Center – Major Subdivision, Final Plat (DRC# 21-00060)
Requesting City Commission approval of the final plat known as Osceola Village Center, with performance guarantee/agreement.

- 7.I Engineering Continuing Services contract extension with RS&H, Inc.
Approval to extend the Engineering Continuing Services contract with RS&H, Inc.
- 7.J Local Agency Program (LAP) agreement with the Florida Department of Transportation (FDOT) for the construction of the West Oak Street at John Young Parkway Intersection Improvement Project
Approval of the attached resolution authorizing the Mayor to execute and deliver the LAP Agreement, authorizing the City Manager to execute and deliver to the FDOT the LAP Agreement for the construction of the West Oak St at John Young Pkwy Intersection Improvements project, and to amend the budget accordingly.

Resolution # 06-2022 was adopted.
- 7.K Agreement with AMH Development LLC to repave Ixora Court in the Sunbelt Phase I Subdivision
Approval of a maintenance bond agreement, hold harmless agreement, and temporary construction easement agreement between AMH Development, LLC, and the City of Kissimmee to repave Ixora Court in the Sunbelt Phase I subdivision.
- 7.L Resolution to Accept a Public Transportation Grant Agreement from the Florida Department of Transportation for the Design of Infrastructure for Parcel 8 at Kissimmee Gateway Airport
Approval of a Resolution to accept a Public Transportation Grant Agreement (PTGA) from the Florida Department of Transportation (FDOT) for the Design of Infrastructure for Parcel 8 at Kissimmee Gateway Airport.

Resolution # 07-2022 was adopted.
- 7.M Amendment No. 12 to the Professional Service Agreement with AVCON, Inc.
Approval of Amendment No. 12 to the professional service agreement between the City of Kissimmee and AVCON, Inc. dated December 19, 2017, for technical design engineering services in connection with Parcel 8 Airpark development site work - design and permitting.
- 7.N Transfer of Funds from Airport Reserves for Design of Infrastructure for Parcel 8 at the Dyer Business Airpark at Kissimmee Gateway Airport
Approval to transfer funds from Airport Reserves to complete the City's funding match for the Design of Infrastructure for Parcel 8 at the Dyer Business Airpark at Kissimmee Gateway Airport.
- 7.O Approval of an Interlocal Agreement between the School District of Osceola County and the City of Kissimmee
Approval of an Interlocal Agreement relating to School Resource Officers at each district public school.

8. DISCUSSION ITEMS

- 7.B HOME American Rescue Plan Allocation Plan - Osceola County HOME Consortium
Approval of the City's portion of the HOME - American Rescue Plan (HOME-ARP) Allocation Plan.

City Manager Steigerwald discussed the rental assistance allocation funding the City receives in their partnership with Osceola County. The proposed plan for tenant-based rental assistance currently includes a limitation of two (2) years of assistance with a "not

to exceed" amount of \$1500 per month for ten (10) households. Staff is recommending expanding the number of assisted households from ten (10) to twenty (20) in exchange for a reduced time period of one (1) year, with a "not to exceed" amount of \$1500 per month.

Commissioner Fisher made a motion to approve Item 7.B. with the staff recommended language changes. Commissioner Castano seconded the motion.

Motion Passed 5 - 0.

8.A Annual Advisory Board Appointments/Reappointments

The Commission is requested to reappoint or replace Board Members with terms expiring May 31, 2022.

Mayor-Commissioner Gonzalez made a motion to reappoint Nilisa Council to the Citizens Police Review Board. Commissioner Fisher seconded the motion.

Motion Passed 5 - 0.

Mayor-Commissioner Gonzalez made a motion to reappoint Robin Wright to the Parks & Recreation Advisory Board. Commissioner Fisher seconded the motion.

Motion Passed 5 - 0.

Commissioner Fisher made a motion to reappoint Edward Kilroy to the Parks & Recreation Advisory Board. Commissioner Alvarez seconded the motion.

Motion Passed 5 - 0.

Commissioner Castano made a motion to reappoint Nina Hill to the Citizens Police Review Board. Commissioner Ortiz seconded the motion.

Motion Passed 5 - 0.

Commissioner Castano made a motion to reappoint Guillermo "Bill" Hansen to the Parks & Recreation Advisory Board. Commissioner Ortiz seconded the motion.

Motion Passed 5 - 0.

Commissioner Alvarez made a motion to reappoint Mary Carr to the Board of Adjustment. Commissioner Ortiz seconded the motion.

Motion Passed 5 - 0.

Commissioner Alvarez made a motion to reappoint Robert Spalding to the Planning Advisory Board. Commissioner Ortiz seconded the motion.

Motion Passed 5 - 0.

Commissioner Ortiz made a motion to reappoint Wilfredo Fonseca to the Board of Adjustment. Commissioner Alvarez seconded the motion.

Motion Passed 5 - 0.

Commissioner Ortiz made a motion to reappoint Scott Brooks to the Historic Preservation Board. Commissioner Fisher seconded the motion.

Motion Passed 5 - 0.

9. HEAR CITY OFFICIALS

9.A CITY MANAGER

City Manager Steigerwald announced the Osceola County Law Enforcement Memorial will be held Wednesday, May 4, 2022 at 9:30 a.m. in front of the Courthouse.

9.B CITY ATTORNEY

Nothing.

9.C CITY COMMISSION

The City Commissioners individually wished everyone a happy Mother's Day.

10. ADJOURNMENT

There being no further business to come before the Commission, Mayor Gonzalez adjourned the meeting at 6:35 PM.



ATTEST:

A handwritten signature in blue ink, reading "Linda Stansell", is written over a horizontal line.

CITY CLERK

A handwritten signature in blue ink, reading "Olga Gonzalez", is written over a horizontal line.
MAYOR-COMMISSIONER



MEETING ACTIONS
SESSION OF THE PLANNING ADVISORY BOARD
CITY OF KISSIMMEE
CITY HALL, COMMISSION CHAMBERS
101 CHURCH STREET, KISSIMMEE, FLORIDA 34741-5054
WEDNESDAY, APRIL 6, 2022 AT 6:00 PM

Board Members Present: Chairman Robert Bussiere (**Absent**), Vice Chairman Wolff, Member Diana Marrero-Pinto, Member Robert Spalding, Member Jackie Espinosa, Member Fatima Santiago, School Board Member Jason Lindsey (**Absent**)

Staff Members Present: Kalanit Oded, Deputy City Attorney, Brenda Ryan, Planning Manager, Cristian Arias, Senior Planner, Yolanda Hazley, Planning Technician

1. **MEETING CALLED TO ORDER**
2. **MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**
3. **MINUTES**

3.A APPROVAL OF THE MARCH 16, 2022 PLANNING ADVISORY BOARD MEETING MINUTES.

ACTION: Member Spalding made a motion to approve the minutes of the March 16, 2022, Planning Advisory Board meeting. Seconded by Member Espinosa.

Vice Chairman Wolff	AYE	Member Santiago	AYE
Member Spalding	AYE	Member Marrero-Pinto	AYE
Member Espinosa	AYE		

MOTION CARRIED 5-0

4. **OLD BUSINESS**
5. **NEW BUSINESS**

5.A PUBLIC HEARING: AX-22-0001 TANGELO CIRCLE: ANNEXATION - PROPOSED ORDINANCE NO. 22-008

Request for approval of an Annexation to annex approximately 1.19 acres of property located at east of Old Vineland, and north of W. Vine St.

ACTION: Member Spalding made a motion for approval. Seconded by Member Marrero-Pinto

Vice Chairman Wolff	AYE	Member Santiago	AYE
Member Spalding	AYE	Member Marrero-Pinto	AYE
Member Espinosa	AYE		

MOTION CARRIED 5-0

5.B PUBLIC HEARING: LUPA-22-0001 - CONSTELLATION (FORMERLY RAMONA): LAND USE PLAN AMENDMENT: LARGE SCALE - CITY MF-MDR, MF-HDR, CONS, & CG TO CITY CONS AND IB - PROPOSED ORDINANCE 22-009

Request approval of a LUPA (Land Use Planned Amendment) to change the Future Land Use Map designation from City-MF-MDR (Multi-Family Medium Density Residential), MF-HDR (Multi-Family High Density Residential), and CONS (Conservation) and (IB) Industrial Business on 114.25 acres of land.

ACTION: Member Spalding made a motion for approval. Seconded by Member Espinosa

Vice Chairman Wolff	AYE	Member Santiago	AYE
Member Spalding	AYE	Member Marrero-Pinto	AYE
Member Espinosa	AYE		

MOTION CARRIED 5-0

5.C PUBLIC HEARING: PUD-22-0001 - CONSTELLATION (FORMERLY RAMONA): PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT: (INDUSTRIAL USES)

Request for approval of a (PUD) Planned Unit development to establish industrial warehouse uses on approximately 114.25 acres of land west of Florida's Turnpike, east of Bill Beck Blvd.; along the north and south sides of E. Osceola Pkwy.

ACTION: Member Marrero-Pinto made a motion for approval. Seconded by Member Spalding

Vice Chairman Wolff	AYE	Member Santiago	AYE
Member Spalding	AYE	Member Marrero-Pinto	AYE
Member Espinosa	AYE		

MOTION CARRIED 5-0

- 6. PUBLIC HEARINGS**
- 7. DISCUSSION**
- 8. HEAR CHAIRMAN AND BOARD MEMBERS**
- 9. ADJOURNMENT**

Vice Chairman Wolff adjourned the meeting at 6:34 p.m.



THE FOLLOWING SHALL BE USED AS AN ADDENDUM TO ANY PLAN, FILE, OR OTHER DOCUMENT REVIEWED IN ENERGОВ & BLUEBEAM

ADDRESS: E. of Bill Beck Blvd.; N. & S. of Osceola Pkwy.
PLAN NUMBER: LUPA-22-0001 - Revised

DATE: 2/26/2022

**Review Status:
APPROVED WITH CONDITIONS.**

PLANNING - Brenda Ryan - 407.518.2104 - Brenda.Ryan@kissimmee.gov

1. The property ownership of the north parcel (02-25-29-1448-0001-0090) includes Wendell E Spears Revocable Trust which is not part of the ownership of the other 2 parcels to the south (Ramona Ann Spears 2008 Irrevocable Trust & James P. Grodecki TR). The ownership of all of the parcels appears to consist of co-trustees. Please provide additional ownership authorizations for all co-trustees or provide additional trust documents that confirm Michael Spears can act as a sole trustee for all trusts.
2. Subject to Planning Advisory Board recommendation and City Commission approval.

If you have any questions regarding the comments/conditions above, please use the contact information provided.

Please login to the Citizen Self Service portal at www.kissimmee.gov.energov to upload a response to comments.

Additional comments may be forthcoming as a result of revisions to the plans, any new changes in the information provided, future plan review up to plan approval and permitting and/or with submittal of supporting documentation. When submitting, please provide a response to comments outlining where and how the comments have been addressed.



THE FOLLOWING SHALL BE USED AS AN ADDENDUM TO ANY PLAN, FILE, OR OTHER DOCUMENT REVIEWED IN ENERGОВ & BLUEBEAM

**ADDRESS: E. Bill Beck Blvd, North & South Osceola Pkwy
PLAN (DRC) NUMBER: LUPA-22-0001**

**DATE: 2/23/2022
SDOC#: 2017/18-0020**

**Review Status:
CHOOSE REVIEW STATUS.**

OSCEOLA COUNTY SCHOOL DISTRICT - Jason Lindsey - 407.518.2964 - Jason.Lindsey@osceolaschools.net

Comments/Conditions (if applicable):

This Land Use Plan Amendment for Industrial Warehouse Center has no impact on public schools.

If you have any questions regarding the comments/conditions above, please use the contact information provided.

Please login to the Citizen Self Service portal at www.kissimmee.gov.energov to upload a response to comments.

Additional comments may be forthcoming as a result of revisions to the plans, any new changes in the information provided, future plan review up to plan approval and permitting and/or with submittal of supporting documentation. When submitting, please provide a response to comments outlining where and how the comments have been addressed.



THE FOLLOWING SHALL BE USED AS AN ADDENDUM TO ANY PLAN, FILE, OR OTHER DOCUMENT REVIEWED IN ENERGОВ & BLUEBEAM

DATE: 2/23/2022
PROJECT: 3151 BILL BECK BLVD
DRC NUMBER: LUPA-22-0001
REVIEW NUMBER: 1

Review Status:
APPROVED WITH CONDITIONS

ENGINEERING DEPARTMENT - Ryan Kilman - 407.518.2279 - ryan.kilman@kissimmee.gov

CONDITIONS OF APPROVAL:

- All applicable code requirements of the City of Kissimmee Code of Ordinances shall be adhered to for any proposed use(s) and its processes.
- If you have any questions regarding the comments/conditions above, please use the contact information provided.

###

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<i>Section 1</i>	<i>Application Documents</i> DRC Application Land Use Plan Amendment Application Owner Authorization Property Legal Description Parcel Record Cards
<i>Section 2</i>	<i>Land Use Plan Amendment Background Data</i> <i>A.</i> Existing Conditions <i>B.</i> Statement of Intended Use
<i>Section 3</i>	<i>Comprehensive Plan Analysis and Justification</i>
<i>Section 4</i>	<i>Public Facilities Analysis</i> Potable Water and Wastewater Solid Waste Transportation Stormwater
<i>Section 5</i>	<i>Environmental & Cultural Information</i>
<i>Section 6</i>	<i>Maps</i> Aerial Map Location Map Existing Future Land Use Map Proposed Future Land Use Map Zoning Map Soils Map FEMA Map
<i>Section 7</i>	<i>Exhibits</i> <i>A.</i> Ordinance 2529 <i>B.</i> Preliminary Ecological Analysis Report (PEA) <i>C.</i> Division of Historical Resources Letter <i>D.</i> Traffic Impact Analysis (To Be Submitted Under Separate Cover) <i>E.</i> Boundary Survey

SECTION 1: APPLICATION DOCUMENTS

APPLICATION FORMS



DISCLAIMER FOR ALL CITY OF KISSIMMEE DEVELOPMENT REVIEW APPLICATIONS

Important note: The Development Review process associated with this request (as outlined in the attached application) is intended to ensure that the request meets the requirements established in the City of Kissimmee Land Development Code and site development criteria for the City of Kissimmee, and other local, regional and state agencies. It is not intended to constitute approval of building construction or permits as required by external agencies.

Other processes, permits, authorizations, and/or fees may be required prior to construction of requested improvements. These may include, but are not limited to:

- ❖ Mobility/Impact Fees (Transportation, Water & Sewer, Recreation, School)
- ❖ Building permits and review fees
- ❖ Right-of-Way Utilization permits
- ❖ South Florida Water Management District (SFWMD) permits
- ❖ Utility permits and/or fees
- ❖ Federal Aviation Administration (FAA) authorizations
- ❖ Business Tax Receipts (BTRs)
- ❖ State Permits and/or Licenses
- ❖ Development Service Agreements (Toho Water Authority)
- ❖ Florida Department of Environmental Protection (FDEP) Permits
- ❖ NPDES Permits (Stormwater permitting)

The Agent of record and/or property owner for the attached request is responsible for coordinating with applicable agencies to ensure all requirements for the requested improvements have been met prior to construction.

Please read all information above and complete the lower portion of this disclaimer. This document must be signed by both agent and property owner and shall be included with the attached application. Failure to submit this form with the completed application will result in Staff finding the application to be insufficient for review and will delay your request.

Project Name: Ramona LUPA/PUD DRC# PUD-22-0001

LUPA-22-0001

I Certify that I have read the above and understand/acknowledge the information contained therein.

Agent Signature: _____ Date: 10.5.2022

Agent Name (Print): Kathy Hattaway

Property Owner Signature: _____ Date: _____

Property Owner Name (Print): See multiple owner agent authorizations



CITY OF KISSIMMEE
APPLICATION FOR DEVELOPMENT REVIEW



PROJECT

Name of Project: Ramona LUPA/PUD Amendment
Location (Address if possible): East of Bill Beck Blvd; north and south of Osceola Parkway
Parcel ID#: 022529144800010090; 02252900U000320000; 02252900U000250000

APPLICANT

Name: Kathy Hattaway
Firm: Predevelopment Advisors, LLC
Address: 1567-B Lake Baldwin Lane, Orlando FL 32814
Phone: (407) 718 0858 E-Mail: kathy@predevadvisors.com

AGENT (Contact Person)

Name: Kathy Hattaway
Firm: Predevelopment Advisors, LLC
Address: 1567-B Lake Baldwin Lane, Orlando FL 32814
Phone: (407) 718 0858 E-Mail: kathy@predevadvisors.com

OWNER

Name: See attached Agent Authorization for Subject Property Parcel Ownership
Firm: _____
Address: _____
Phone: (_____) _____ - _____ E-Mail: _____

LEGAL DESCRIPTION/LOCATION

Provided in previously submitted application package.

Note: Dates are contingent upon previous meeting approval and dependent upon the project type may not require various meetings. For specific processes, please see the project type. Scheduled dates for Public Hearings are subject to notification requirements and may be altered due to advertising requirements.

All requests must be accompanied by a completed application, checklist, fee, folded plan(s), a CD containing PDF(s) of any exhibits and/or plans and any other supporting materials. A sufficiency review will be conducted within 24 hours of submittal. If submittal is insufficient, the request will not be scheduled/distributed for review. Unless specifically noted, deadlines for submittals are **Friday at 4:00 p.m.** on the above listed dates. **No late or incomplete submittal will be accepted.**

FOR OFFICE USE ONLY			
REQUEST _____	FEE COLLECTED _____		
DATE _____	REC'D BY _____	DRC # _____	DRC DATE _____
SUFFICIENCY REVIEW (Y/N) _____		PROJECT MANAGER _____	



CITY OF KISSIMMEE
APPLICATION FOR LAND USE PLAN AMENDMENT REQUEST

Present land use designation: CG, MF-HDR, MF-MDR, CONS

Present zoning district designation: MUPUD

Requested City land use designation: Industrial Business (IN), CONS (Unchanged)

What is the proposed zoning for the subject site: MUPUD (Unchanged)

(Submittal of a zoning map amendment request application is also required to be submitted with this request)

Is this submittal in conjunction with an Annexation request? **YES** () **NO** (X)

Ownership: When was the deed to this property last recorded?

Date: Jan. 4, 2016 Official Record of Deed Book 5816 Page 2674

What covenants, deed restrictions or other private agreement(s) regulate the use and development of this property?

See attached survey

Size (acres) of land included in the property: 114.25 acres

State why the proposed land use change of the property would be appropriate for the property and also the surrounding areas:

The property's strategic location being adjacent to the Florida Turnpike and having direct, signalized access

to Osceola Parkway make it appropriate for Industrial Uses that require a robust regional transportation network.

I Certify that to the best of my knowledge and belief, all information supplied with this application is true and accurate, and that I am:

- () Owner of the property described herein
- () Party to an agreement for purchase of this property*
- () An agent for the owner or purchase of this property
- () Other

*Applications submitted by an applicant other than the owner of the subject property shall be accompanied by written documentation, suitable to the City Attorney, from the property owner authorizing the applicant to submit this request.

Date: _____

Printed Name: _____ Signature: _____

* The applicant will need to attend all city meeting or the request will not be considered. Applicant may be required to provide additional data and analysis during the review process to support this proposed land use plan amendment.

See next page for approximate timing of the review process.

Approximate Review Time for a Land Use Plan Amendment Request:

OWNER AUTHORIZATION

THE RAMONA ANN SPEARS DECLARATION OF TRUST
APPOINTMENT AND ACCEPTANCE OF ADDITIONAL TRUSTEE
OF THE ARTICLE I TRUST

WHEREAS, RAMONA ANN SPEARS was the initial Trustee of the Ramona Ann Spears Revocable Trust (the “Trust”) created under trust agreement dated June 26, 2002 (the “Trust Agreement”); and

WHEREAS, RAMONA ANN SPEARS, JAMES P. GRODECKI and PATRICK F. SPEARS are currently serving as co-Trustees under the Trust Agreement, with James P. Grodecki having been appointed as co-trustee by Ramona Ann Spears by instrument dated June 4, 2008 and Patrick F. Spears having been appointed as co-trustee by Ramona Ann Spears by instrument dated August 8, 2013; and

WHEREAS, Article XI (B) of the Trust Agreement (on page 17) provides as follows:

The settlor, or if the settlor is not living and able to act, the settlor’s husband may, at any time or times, appoint additional or successor trustees of any trust created under this agreement, including appointments that supersede the appointments of successor trustees under Subdivision (A) of this Article; provided, however, that the settlor’s husband may only appoint individuals or corporations who are not related or subordinate to the settlor’s husband (within the meaning of Section 672(c) of the Internal Revenue Code).

; and

WHEREAS, Article XI (G) of the Trust Agreement (on page 18) provides as follows:

Any appointment or removal of a trustee shall be effected by instrument signed and acknowledged by the person or persons authorized to take the action and delivered to the person being appointed or removed. Any appointment of a trustee may be revoked prior to the qualification of the person so appointed by instrument signed and acknowledged by the person or persons who made the appointment and delivered to the appointee.

; and

WHEREAS, RAMONA ANN SPEARS, as settlor desires to exercise the powers granted to her under Article XI (B) of the Trust Agreement to appoint an additional trustee as Co-Trustee under the Trust Agreement of the trust under Article I created under the Trust Agreement.

NOW THEREFORE, pursuant to Article XI (B) of the Trust Agreement, **RAMONA ANN SPEARS** hereby appoints **MICHAEL D. SPEARS** as Co-Trustee under the Trust Agreement of only the trust under Article I thereof, to act together as co-trustee with Ramona Ann Spears, James P. Grodecki and Patrick F. Spears.

MICHAEL D. SPEARS hereby acknowledges receipt of this *Appointment and Acceptance of Additional Trustee* and accepts his appointment as Co-Trustee of the trust under Article I under the Trust Agreement, effective immediately.

IN WITNESS WHEREOF, the undersigned has signed this *Appointment and Acceptance of Additional Trustee* this 27 day of January, 2017.

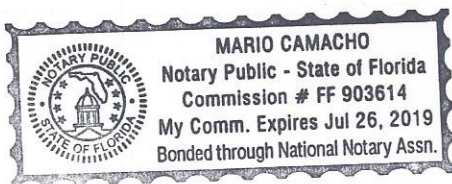
WITNESS:

Samantha Harper Ramona Ann Spears
Print name: Samantha Harper RAMONA ANN SPEARS

Angela Kovalisic
Print name: ANGELA KOVALISIC

STATE OF Florida)
)
COUNTY OF Palm Beach) SS:

The foregoing instrument was acknowledged before me this 27 day of January, 2017, by **RAMONA ANN SPEARS**, who personally appeared before me and ☐ is personally known to me or ☒ produced FDL 9162721316830 as identification.



[Signature]
Notary Public (sign above)
Print Name: MARIO CAMACHO
Notary Public, State of: Florida
My Commission Expires: 7/26/19

IN WITNESS WHEREOF, the undersigned has signed this *Appointment and Acceptance of Additional Trustee* this 27 day of January, 2017.

[Signature]
MICHAEL D. SPEARS

Owner Affidavit/Agent Authorization
For
City of Kissimmee

The Ramona A Spears Revocable Trust ("Trust") is the Property Owner of the following parcel of land in the jurisdiction of the City of Kissimmee, Osceola County, Florida:

Parcel ID# 02-25-29-1448-0001-0090

The Trust has three (3) Trustees:

Michael Spears
Patrick Spears
James Grodecki

As a Trustee of the Ramona A Spears Revocable Trust, I hereby authorize Kathy Hattaway/Predevelopment Advisors, LLC to serve as the Authorized Agent for the above-listed parcel ("Property") in the application, review and approval processes for a Land Use Plan Amendment (LUPA-22-0001) and Planned Unit Development Zoning Amendment (PUD-22-0001) for the Property.



Michael Spears, Trustee

08-05-2022
Date

Owner Affidavit/Agent Authorization
For
City of Kissimmee

The Ramona A Spears Revocable Trust ("Trust") is the Property Owner of the following parcel of land in the jurisdiction of the City of Kissimmee, Osceola County, Florida:

Parcel ID# 02-25-29-1448-0001-0090

The Trust has three (3) Trustees:

Michael Spears
Patrick Spears
James Grodecki

As a Trustee of the Ramona A Spears Revocable Trust, I hereby authorize Kathy Hattaway/Predevelopment Advisors, LLC to serve as the Authorized Agent for the above-listed parcel ("Property") in the application, review and approval processes for a Land Use Plan Amendment (LUPA-22-0001) and Planned Unit Development Zoning Amendment (PUD-22-0001) for the Property.


Patrick Spears, Trustee

3/1/22
Date

**Owner Affidavit/Agent Authorization
For
City of Kissimmee**

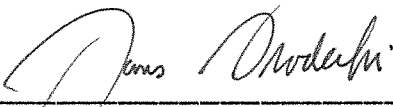
The Ramona A Spears Revocable Trust ("Trust") is the Property Owner of the following parcel of land in the jurisdiction of the City of Kissimmee, Osceola County, Florida:

Parcel ID# 02-25-29-1448-0001-0090

The Trust has three (3) Trustees:

Michael Spears
Patrick Spears
James Grodecki

As a Trustee of the Ramona A Spears Revocable Trust, I hereby authorize Kathy Hattaway/Predevelopment Advisors, LLC to serve as the Authorized Agent for the above-listed parcel ("Property") in the application, review and approval processes for a Land Use Plan Amendment (LUPA-22-0001) and Planned Unit Development Zoning Amendment (PUD-22-0001) for the Property.



James Grodecki, Trustee

3-2-2022

Date

**Owner Affidavit/Agent Authorization
For
City of Kissimmee**

The Ramona A Spears 2008 Irrevocable Trust ("Trust") is the Property Owner of the following parcels of land in the jurisdiction of the City of Kissimmee, Osceola County, Florida:

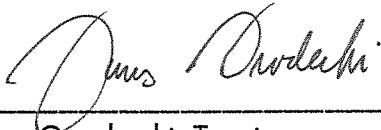
Parcel ID# 02-25-29-00U0-0032-0000

Parcel ID# 02-02-29-00U0-0025-0000

The Trust has one (1) Trustee:

James Grodecki

As the Trustee of the Ramona A Spears 2008 Irrevocable Trust, I hereby authorize Kathy Hattaway/Predevelopment Advisors, LLC to serve as the Authorized Agent for the above-listed parcels ("Property") in the application, review and approval processes for a Land Use Plan Amendment (LUPA-22-0001) and Planned Unit Development Zoning Amendment (PUD-22-0001) for the Property.



James Grodecki, Trustee

3-2-2022

Date

PROPERTY LEGAL DESCRIPTION

Legal Description

Legal Description: (PER COMMITMENT FOR TITLE INSURANCE BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, COMMITMENT NO. 9906038, EFFECTIVE DATE SEPTEMBER 29, 2021, AND WAS PROVIDED BY THE CLIENT)

PARCEL 1:

LOT 9, GATEWAY COMMONS NORTH, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 13, PAGE(S) 28 THROUGH 32, INCLUSIVE, OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA.

PARCEL 2:

A PORTION OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4, LYING WESTERLY OF FLORIDA TURNPIKE AND EASTERLY OF BILL BECK BLVD, LYING IN SECTION 2, TOWNSHIP 25 SOUTH, RANGE 29 EAST, OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA, LESS AND EXCEPT ANY PORTION FOR ROAD RIGHT OF WAY.

PARCEL 3:

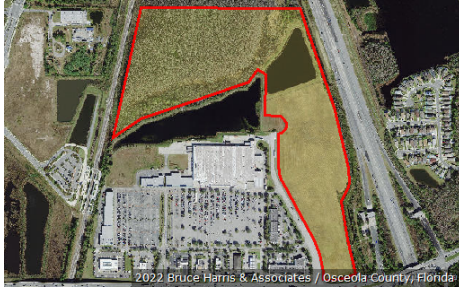
A PORTION OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, LYING WESTERLY OF FLORIDA TURNPIKE AND A PORTION OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, LYING WESTERLY OF FLORIDA TURNPIKE, LYING IN SECTION 2, TOWNSHIP 25 SOUTH, RANGE 29 EAST, OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA, LESS AND EXCEPT ANY PORTION FOR ROAD RIGHT OF WAY.

PROPERTY RECORD CARDS



Katrina S. Scarborough, CFA, CCF, MCF
Osceola County Property Appraiser
www.property-appraiser.org
Osceola County Government Center
2505 East Irlo Bronson Memorial Hwy, Kissimmee, FL 34744
Ph: (407) 742-5000 Fax: (407) 742-4900

Parcel: 02-25-29-1448-0001-0090



Owner Information

Owner Name WENDELL E SPEARS REVOCABLE TRUST
SPEARS RAMONA ANN TR
GRODECKI JAMES P

Mailing Address PO BOX 1780
WINTER PARK, FL 32790

Physical Address E OSCEOLA PKWY, KISSIMMEE FL 34744

Description VACANT COMMERCIAL

Tax District 200 - KISSIMMEE

Tax Values

Current Values

Current Value represents working appraised values as of 01/22/2022, which are subject to change prior to certification

Land	\$1,810,800
AG Benefit	\$0
Extra Features	\$0
Buildings	\$0
Appraised(just)	\$1,810,800
Assessed(estimated)	\$1,810,800
Exemption(estimated)	\$0
Taxable(estimated)	\$1,810,800

* Assessed Values Reflect Adjustments for Agricultural Classification and/or the Save Our Homes Cap

Certified Values

Certified Value represents certified values that appeared on the tax roll as of 10/04/2021

Land	\$1,810,800
AG Benefit	\$0
Extra Features	\$0
Buildings	\$0
Appraised(just)	\$1,810,800
Assessed*	\$1,810,800
Exemption	\$0
Taxable	\$1,810,800

* Assessed Values Reflect Adjustments for Agricultural Classification and/or the Save Our Homes Cap

Sales Information

Seq	ORB-Pg	Price	Date	Deed Type
0		\$0	2007-03-05	OR
1		\$0	2007-02-22	OR
2		\$0	2007-01-16	DC

Land Information - Total Acreage: 55.66

Land Description	Units	Depth	Land Type	Land Value
COM AC	29.00	0.00	AC	\$297,300
COM AC	20.43	0.00	AC	\$1,513,000
SUBMERGED LAND	6.23	0.00	AC	\$600

Legal Description

Legal Description GATEWAY COMMONS NORTH PB 13 PG 28-32 LOT 9



Katrina S. Scarborough, CFA, CCF, MCF
Osceola County Property Appraiser
www.property-appraiser.org
Osceola County Government Center
2505 East Irlo Bronson Memorial Hwy, Kissimmee, FL 34744
Ph: (407) 742-5000 Fax: (407) 742-4900

Parcel: 02-25-29-00U0-0032-0000



Owner Information

Owner Name RAMONA ANN SPEARS 2008 IRREVOCABLE TRUST
GRODECKI JAMES P TR

Mailing Address C/O JAMES P GRODECKI CPA
CHUMAN SIMON & GRODECKI LTD
CHICAGO, IL 60661-5615

Physical Address E OSCEOLA PKWY, KISSIMMEE FL 34744

Description VACANT COMMERCIAL WITH XFOB

Tax District 200 - KISSIMMEE

Tax Values

Current Values

Current Value represents working appraised values as of 01/22/2022, which are subject to change prior to certification

Land	\$1,478,700
AG Benefit	\$0
Extra Features	\$6,600
Buildings	\$0
Appraised(just)	\$1,485,300
Assessed(estimated)	\$1,485,300
Exemption(estimated)	\$0
Taxable(estimated)	\$1,485,300

* Assessed Values Reflect Adjustments for Agricultural Classification and/or the Save Our Homes Cap

Certified Values

Certified Value represents certified values that appeared on the tax roll as of 10/04/2021

Land	\$1,577,000
AG Benefit	\$0
Extra Features	\$7,100
Buildings	\$0
Appraised(just)	\$1,584,100
Assessed*	\$1,584,100
Exemption	\$0
Taxable	\$1,584,100

* Assessed Values Reflect Adjustments for Agricultural Classification and/or the Save Our Homes Cap

Sales Information

Seq	ORB-Pg	Price	Date	Deed Type
0	5816-2674	\$0	2016-05-23	SW
1		\$0	2012-02-10	AF
2		\$0	2007-03-05	OR
3		\$0	2007-02-22	OR
4		\$0	2007-01-16	DC
5	1175-0106	\$27,500	1994-03-07	QC
6	1107-2135	\$0	1992-12-29	WD
7	0905-0007	\$3,200,000	1988-12-30	WD

Land Information - Total Acreage: 22.63

Land Description	Units	Depth	Land Type	Land Value
COM AC	22.63	0.00	AC	\$1,478,700

Extra Features

Extra Feature	Units	Year Built	Feature Value
COMMERCIAL-CHAIN LINK FENCE-6 FT HIGH AVERAGE	1800	2007	\$6,552

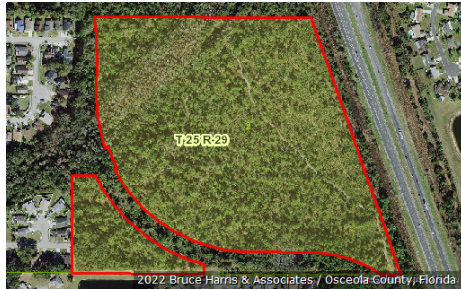
Legal Description

Legal Description	NW 1/4 OF SE 1/4 LYING WLY OF FLA TRNPK LESS RD RW & LESS THAT PORTION LYING WITHIN ABOVE SAID LEGAL: COM AT SW COR OF SE 1/4 OF 02-25-29, N00-11-38E 503.59 FT TO POB; CONT N00-11-38E 1961.47 FT TO PT ON S R/W LINE OF OSCEOLA PKWY, S78-24-46E 51.01 FT, S00-11-38W 694.31 F TO POC, CONC E, RAD 1450.46 FT, CENT ANG 17 DEG, (CH BEARING S08-17-32E 428.08 FT), SLY ALONG CURVE 429.65 FT, N89-35-38W 7.89 FT TO NON-TAN CURVE, CONC W, RAD 1450.46 FT, CENT ANG 09 DEG, (CH BEARING S04-07-12E 218.20 FT), SLY ALONG CURVE 218.40 FT, S00-11-38W 209.30 FT TO POC, CONC E, RAD 98.83 FT, CENT ANG 19 DEG, (CH BEARING S09-22-34E 265.61 FT), SLY ALONG CURVE 266.85 FT, N71-03-16E 15 FT TO NON-TAN CURVE, CONC NE, RAD 783.83 FT, CENT ANG 08 DEG, (CH BEARING S23-13-46E 117.10 FT), SELY ALONG CURVE 117.21 FT, S57-33-39W 15.05 FT TO NON-TAN CURVE, CONC NE, RAD 864.25 FT, CENT ANG 62 DEG, (CH BEARING S58-36-00E 822.71 FT), SELY ALONG CURVE 864.25 FT, S89-35-38E 312.31 FT TO POC, CONC S, RAD 595.67 FT CENT ANG 36 DEG, (CH BEARING S71-29-35E 370.14 FT), ELY ALONG CURVE 376.37 FT, N89-35-38W 907.74 FT, N00-24-22E 48.64 FT TO NON-TAN CURVE, CONC NE, RAD 898.83 FT, CENT ANG 47 DEG, (CH BEARING N50-17-37W 718.97 FT), NWLY ALONG CURVE 739.66 FT, N89-48-23W 119.04 FT TO POB
--------------------------	--



Katrina S. Scarborough, CFA, CCF, MCF
Osceola County Property Appraiser
www.property-appraiser.org
Osceola County Government Center
2505 East Irlo Bronson Memorial Hwy, Kissimmee, FL 34744
Ph: (407) 742-5000 Fax: (407) 742-4900

Parcel: 02-25-29-00U0-0025-0000



Owner Information

Owner Name RAMONA ANN SPEARS 2008 IRREVOCABLE TRUST
GRODECKI JAMES P TR

Mailing Address C/O JAMES P GRODECKI CPA
CHUMAN SIMON & GRODECKI LTD
CHICAGO, IL 60661-5615

Physical Address E OSCEOLA PKWY, KISSIMMEE FL 34744

Description VACANT INDUSTRIAL WITH XFOB

Tax District 200 - KISSIMMEE

Tax Values

Current Values

Current Value represents working appraised values as of 01/22/2022, which are subject to change prior to certification

Land	\$581,000
AG Benefit	\$0
Extra Features	\$5,100
Buildings	\$0
Appraised(just)	\$586,100
Assessed(estimated)	\$586,100
Exemption(estimated)	\$0
Taxable(estimated)	\$586,100

* Assessed Values Reflect Adjustments for Agricultural Classification and/or the Save Our Homes Cap

Certified Values

Certified Value represents certified values that appeared on the tax roll as of 10/04/2021

Land	\$678,800
AG Benefit	\$0
Extra Features	\$5,500
Buildings	\$0
Appraised(just)	\$684,300
Assessed*	\$670,230
Exemption	\$0
Taxable	\$670,230

* Assessed Values Reflect Adjustments for Agricultural Classification and/or the Save Our Homes Cap

Sales Information

Seq	ORB-Pg	Price	Date	Deed Type
0	5816-2674	\$0	2016-05-23	SW
1		\$0	2007-03-05	OR
2		\$0	2007-02-22	OR
3		\$0	2007-01-16	DC
4	1107-2135	\$0	1992-12-29	WD
5	0905-0007	\$3,200,000	1988-12-30	WD

Land Information - Total Acreage: 37.84

Land Description	Units	Depth	Land Type	Land Value
INDUSTRIAL ACREAGE	37.84	0.00	AC	\$581,000

Extra Features

Extra Feature	Units	Year Built	Feature Value
COMMERCIAL-CHAIN LINK FENCE-6 FT HIGH AVERAGE	1400	2007	\$5,096

Legal Description

Legal Description	SW 1/4 OF SE 1/4 LYING WLY OF FLA TURNPIKE & SE 1/4 OF SE 1/4 LYING WLY OF FLA TURNPIKE LESS THAT PORTION LYING WITHIN ABOVE SAID LEGAL: COM AT SW COR OF SE 1/4 OF 02-25-29, N00-11-38E 503.59 FT TO POB; CONT N00-11-38E 1961.47 FT TO PT ON S R/W LINE OF OSCEOLA PKWY, S78-24-46E 51.01 FT, S00-11-38W 694.31 F TO POC, CONC E, RAD 1450.46 FT, CENT ANG 17 DEG, (CH BEARING S08-17-32E 428.08 FT), SLY ALONG CURVE 429.65 FT, N89-35-38W 7.89 FT TO NON-TAN CURVE, CONC W, RAD 1450.46 FT, CENT ANG 09 DEG, (CH BEARING S04-07-12E 218.20 FT), SLY ALONG CURVE 218.40 FT, S00-11-38W 209.30 FT TO POC, CONC E, RAD 98.83 FT, CENT ANG 19 DEG, (CH BEARING S09-22-34E 265.61 FT), SLY ALONG CURVE 266.85 FT, N71-03-16E 15 FT TO NON-TAN CURVE, CONC NE, RAD 783.83 FT, CENT ANG 08 DEG, (CH BEARING S23-13-46E 117.10 FT), SELY ALONG CURVE 117.21 FT, S57-33-39W 15.05 FT TO NON-TAN CURVE, CONC NE, RAD 864.25 FT, CENT ANG 62 DEG, (CH BEARING S58-36-00E 822.71 FT), SELY ALONG CURVE 864.25 FT, S89-35-38E 312.31 FT TO POC, CONC S, RAD 595.67 FT CENT ANG 36 DEG, (CH BEARING S71-29-35E 370.14 FT), ELY ALONG CURVE 376.37 FT, N89-35-38W 907.74 FT, N00-24-22E 48.64 FT TO NON-TAN CURVE, CONC NE, RAD 898.83 FT, CENT ANG 47 DEG, (CH BEARING N50-17-37W 718.97 FT), NWLY ALONG CURVE 739.66 FT, N89-48-23W 119.04 FT TO POB
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SECTION 2: LAND USE PLAN AMENDMENT BACKGROUND DATA

A. Existing Conditions

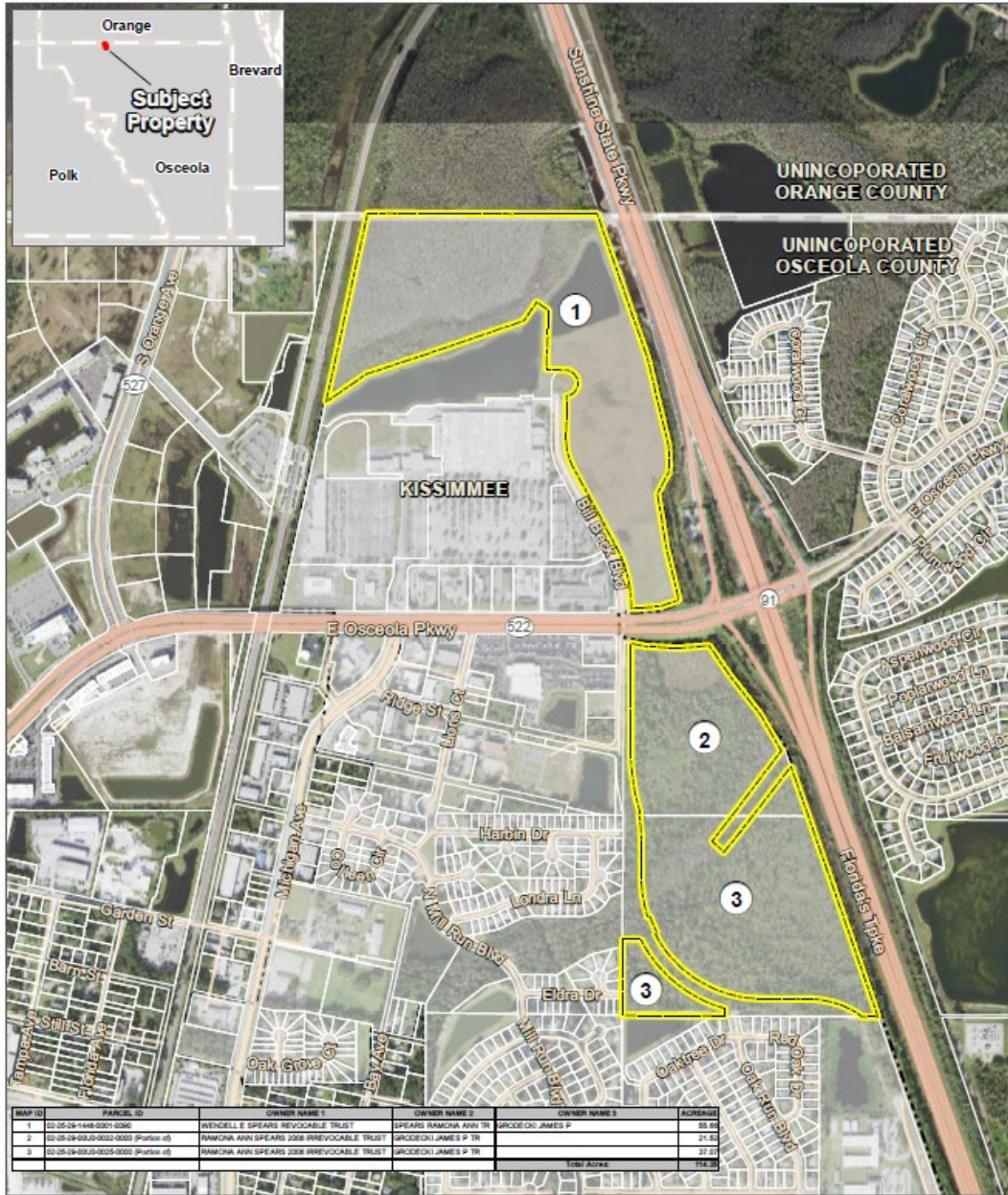
This proposed Land Use Plan Amendment affects three parcels of land totaling 114.25 acres located adjacent to, and west of, the Florida Turnpike, and north and south of Osceola Parkway (“Property”). The Property Location Map is provided below.

The parcel located north of Osceola Parkway (identified as Parcel 1 on the survey included in Section 7.E. of this application package), and identified by the Osceola Property Appraiser as Parcel ID# 02-25-29-1448-0001-0090, is approximately 55.66 acres in size. The northern portion of Parcel 1 is subject to a Conservation Easement in favor of the South Florida Water Management District. The remainder of Parcel 1 has been mass-graded. A stormwater pond was permitted and constructed on the parcel that is sized to accommodate the remaining developable area of the parcel.

Two parcels are located south of Osceola Parkway. The parcel identified on the survey as Parcel 2, and identified by the Osceola County Property Appraiser as Parcel ID# 02-25-29-00U0-0032-0000, is approximately 22.63 acres in size. The parcel identified on the survey as Parcel 3, and identified by the Osceola County Property Appraiser as Parcel ID# 02-25-29-00U0-0025-0000, is approximately 37.84 acres in size. Parcels 1 and 2 each contain a portion of the environmental area known as Mills Slough.

An extension of Bill Beck Boulevard from the southern boundary of Osceola Parkway south past the Property boundary is planned by Osceola County. The roadway extension design plans are complete and construction is scheduled to begin this year.

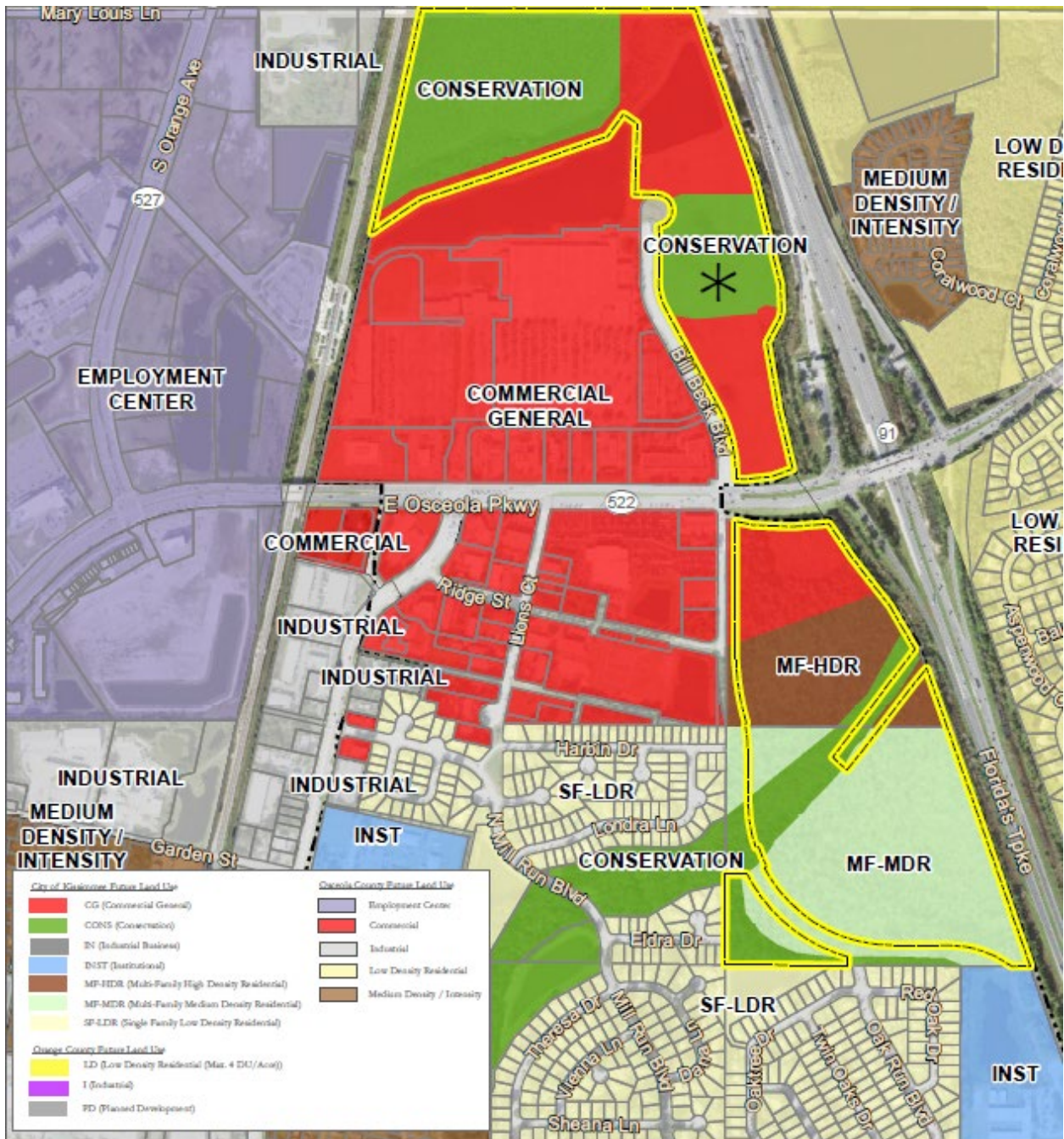
Location Map



The existing Future Land Use designations on the Property are Commercial General (CG), Multi-Family High Density Residential (MF-HDR), Multi-Family Medium Density Residential (MF-MDR) and Conservation (CONS), as illustrated in the Existing Future Land Use Map below.

Note: The Conservation Future Land Use area identified by the asterisk (*) on Parcel 1 was changed to Commercial General Future Land Use by the adoption of Ordinance 2529 on August 7, 2004. A copy of Ordinance 2529 is included in Section 7.A. of this application package. The Future Land Use designations on the below map were downloaded from the City's GIS files.

Existing Future Land Use Map



B. Statement of Intended Use

This Land Use Plan Amendment application requests that the existing Future Land Use designations on all portions of the Property, other than the Conservation Future Land Use areas, be changed to Industrial Business (IN). No change is proposed to the Conservation Future Land Use areas on the Property; noting that the correct Future Land Use designation on the Conservation area in the central portion of Parcel 1 is Commercial General.

The intended use of the Property under the proposed Industrial Business Future Land Use is the development of an up to 1,020,000 square foot Industrial Warehouse Center. The proximity of the Property to the Osceola Parkway interchange on the Florida Turnpike makes the location ideal for the proposed use. A successful warehouse facility of this size relies on a regional roadway network to facilitate the movement of goods throughout our state and the nation.

Industrial development is an important economic catalyst for the City, and this Land Use Plan Amendment will ensure that the industrial sector of the City's economy continues to grow. The proposed development has the full support of the City's Economic Development Department, as evidenced by comments made by Economic Development Director, Belinda Ortiz Kirkegard, at the project's initial meeting with City Officials on November 5, 2021.

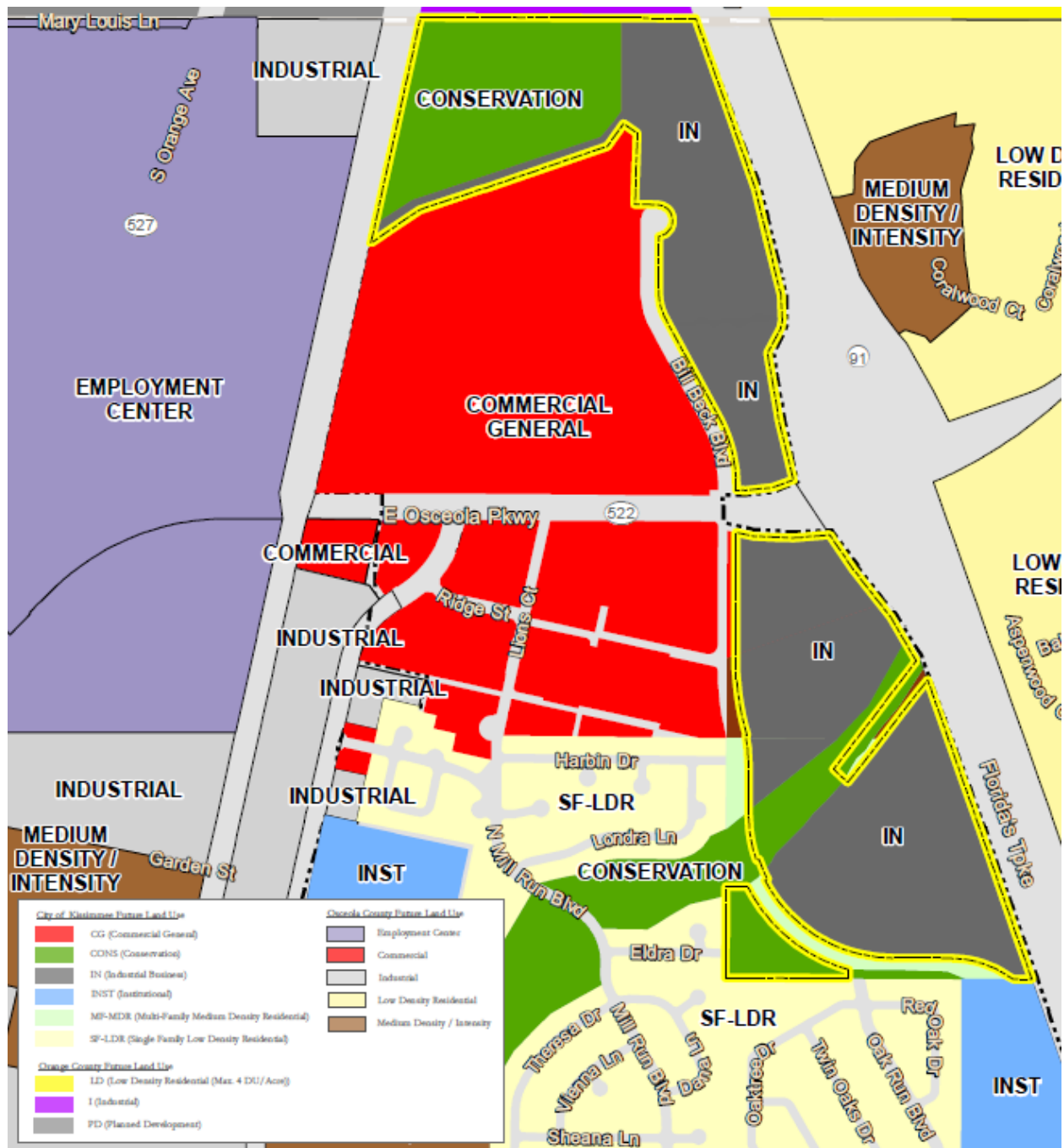
Concurrent with this Land Use Plan Amendment application, the Applicant submitted a PUD Amendment for the Constellation MUPUD (f/k/a Ramona MUPUD) to establish the entitlements for 1,020,000 SF of warehouse uses on the Property.

The table below, and Proposed Future Land Use Map that follows, further illustrate that the proposed IN Future Land Use and MUPUD uses are consistent and compatible with surrounding land uses. The portion of the Property north of Osceola Parkway is located between the Florida Turnpike to the east and Commercial General Future Land Use, developed as a WalMart and a variety of general commercial uses, to the west. The portion of the Property south of Osceola Parkway is also bounded by the Florida Turnpike on the east. The western and southern boundaries are adjacent to a mix of Commercial General, Institutional, Residential and Conservation uses. It is important to note that the fifty-foot (50') Bill Beck Boulevard Extension right-of-way and the Conservation areas on the Property will combine to provide a significant buffer between the Property and the existing residential development.

Surrounding Future Land Use and Zoning Table

	Future Land Use	Zoning
North	Orange County – Industrial	Orange County – A-2
East	Florida Turnpike	Florida Turnpike
South	SF-LDR, INST	RA-3, AC
West	CG, SF-LDR, CONS	B-3, RPUD

Proposed Future Land Use Map



Proposed Future Land Use Acreage

Future Land Use	Acres
Industrial Business (IN)	79.84
Conservation	34.41
Total Property	114.25

SECTION 3: COMPREHENSIVE PLAN ANALYSIS AND JUSTIFICATION

The following section analyzes how the proposed development is consistent with the Goals, Objectives, and Policies in the City of Kissimmee Comprehensive Plan. Those policies from each element of the Comprehensive Plan that are relevant to the proposed development have been included below, with a corresponding statement as to how the proposed development meets the intent of the stated policies. **Responses are provided in BOLD.**

Objective 1.1.3: PLANNING FOR INDUSTRIAL DEVELOPMENT. Sufficient land shall be maintained to accommodate and support industrial development in specific areas of the City.

Policy 1.1.3.1: GENERAL CONSIDERATIONS FOR LOCATING INDUSTRIAL DEVELOPMENT. The allocation of land resources for industrial development shall reflect the location, public facilities, and space requirements of industrial activities and potential fiscal, environmental, and socioeconomic impacts on the City.

Response: The proposed location of the Industrial Business Future Land Use is consistent with the intent of the above Objective and Policy. Industrial development is an important economic catalyst for the City, and this Land Use Plan Amendment will ensure that the industrial sector of the City's economy continues to grow. The location of the Property is in the northeast quadrant of the City, which is located less than a mile from the new Tupperware SunRail station and other existing industrial land uses to the west, and immediately adjacent to the Florida Turnpike on the east, which supports the long-term pattern of development specified in the Comprehensive Plan.

Policy 1.1.3.3: PURSUE SELECTIVE INDUSTRIAL EXPANSION. The City shall pursue a strategy of selective expansion of its industrial base, in accordance with the objectives and policies contained in the Economic Development Element, and other elements of this Plan. The City shall encourage industries that contribute optimally to the City's economy and that of the Central Florida region.

Response: The proposed use of the Property as an Industrial Warehouse Center located in proximity to a transit station and high-intensity corridor provides a significant opportunity for the long-range economic development of the City and supports the broader economy of the Central Florida region.

Policy 1.1.3.4: PURSUE NUISANCE ABATEMENT STANDARDS AND CRITERIA. The City shall prevent nuisance impacts frequently associated with industrial activities by maintaining performance standards for managing emission of noise, air pollutants, odor, vibration, fire or explosive hazard, and glare.

Policy 1.1.3.5: DISCOURAGE INCOMPATIBLE LAND USES. The City shall discourage non-industrial land uses, such as churches and schools, in industrial areas to preserve industrial lands for employment-focused uses.

Response: The proposed Industrial Warehouse Center on the Property will provide clean industrial uses that enhance the City's economy. No non-industrial land uses, such as churches and schools, are requested in the companion PUD Amendment for the Property.

Objective 1.1.5: PROMOTE INNOVATIVE LAND USE STRATEGIES AND URBAN DESIGN PRINCIPLES, AND RESOURCE CONSERVATION. The City shall continue to seek and implement innovative ways to promote and enhance land use and transportation connectivity while conserving natural resources through compact development patterns. Areas of particular focus for the City include major activity centers such as the Downtown Community Redevelopment Area, including the City's Central Business District (CBD), the Vine Street Corridor Community Redevelopment Area, the Medical Arts District, the Lake Tohopekaliga Waterfront, and the whole of the Multimodal Transportation District.

Policy 1.1.5.4: COMMUNITY APPEARANCE AND THE NATURAL ENVIRONMENT. Special emphasis shall be placed on preserving and/or improving the character of major natural features, including the Lake Tohopekaliga shoreline, Mill Slough, and Shingle Creek which serve as focal points and amenities for City residents and visitors.

Policy 1.1.5.5: EFFICIENT USE OF RESOURCES. The efficient use of natural resources, including energy supplies, shall be accomplished through the application of compact development patterns, energy-efficient building and site design, the application of mixed land uses, and support of multimodal transportation options.

Policy 1.1.5.6: RESTRICTION OF LAND USES TO PROTECT WETLANDS AND WATER QUALITY AND QUANTITY. The City will continue to protect water quality through the restriction of land use activities that may adversely affect wetlands and the quality and quantity of water sources, including natural groundwater recharge areas, wellhead protection areas, and surface waters.

Policy 1.1.5.7: LAND USE COORDINATION. The City shall coordinate its future land uses with natural systems, (including topography, soil conditions, vegetation, potable water wellfields, and other environmentally sensitive land and water resources) through the continued implementation of the City's adopted Land Development Regulations. Land use shall also be predicated on availability of infrastructure and service systems required to support land use activities.

Response: Conservation Future Land Use has been established over the existing Mill Slough and wetlands located along the banks thereof, as well as areas of the Property both north and south of Osceola Parkway. No change is proposed to the existing Conservation Future Land Use designations on the Property.

Objective 1.2.2: NON-RESIDENTIAL AND MIXED-USE LAND USES. The City shall provide and maintain non-residential and mixed-use future land use categories in proportion, and with identified intensities and mixes of uses, to satisfy the commercial and office, industrial, institutional, utility, recreation, and conservation needs of residents and visitors. These future land uses shall be identified on the Future Land Use Map.

Policy 1.2.2.1: NON-RESIDENTIAL INTENSITY. The City shall measure non-residential development and redevelopment project intensities using Floor Area Ratio (FAR). FAR shall be expressed as the result of the total square feet of structural development, excluding structured parking and surface parking areas, divided by the gross area of the development or redevelopment site, in square feet.

Policy 1.2.2.3: PROTECTION OF STABLE RESIDENTIAL NEIGHBORHOODS. The City shall discourage the mixture of residential and non-residential future land uses in stable residential neighborhoods, and where uses and associated densities and intensities are incompatible. Compatibility shall be guided by policies contained in this Plan, and the Land Development Code.

Response: The proposed Land Use Plan Amendment and companion PUD Amendment development will not encroach into the residential areas near the Property. The Property is separated from residential areas by the Bill Beck Boulevard Extension right-of-way and Conservation land. Development of the Property under PUD development standards will ensure proper buffering is included in site design.

Policy 1.2.4.1: INDUSTRIAL LAND USE DESIGNATIONS. The allocation of land use designations should provide a high priority to industry's frequent need for strategically located lands which are accessible by air, rail and major transportation thoroughfares, as well as labor markets and necessary urban services. The industrial land use designations are intended to provide strategically located sites principally within the airport environs, adjacent to the SunRail tracks in areas where industrial development already exists, developing areas along John Young Parkway and Thacker Avenue north of Carroll Street, and within newly annexed areas suitable for industrial development due to consistency with the objectives and policies of this element.

Policy 1.2.4.3: INDUSTRIAL BUSINESS LAND USE DESIGNATION (IN). The Industrial Business (IN) land use designation is intended to accommodate a mixture of typical industrial uses and more intense non-industrial uses. Development and redevelopment projects within this future land use designation may be built with an intensity of up to 0.50 FAR. This designation shall be applied to areas appropriate for typical industrial uses or mixed-use development consisting of light-industrial uses and compatible commercial uses. The Land Development Code shall establish the specific permitted uses and applicable restrictions which shall be applied to areas with the Industrial Business land use designation.

Response: The proposed Industrial Future Land Use area is ideally located in a geographic area specifically identified in Policy 1.2.4.1 as having a high priority for industrial development: it is proximate to major transportation thoroughfares, labor markets and necessary urban services. The proposed industrial uses in the companion PUD Amendment are consistent with the term "light industrial" use. The proposed development will meet the requirements of the Land Development Code for permitted uses and development standards.

Objective 1.2.8: MAINTAINING RECREATION AND CONSERVATION LAND USES DESIGNATIONS. The Recreation and Conservation designations have been established to direct the preservation of major open spaces and recreation areas, including golf courses, parks, recreation areas, as well as environmentally sensitive areas such as Lake Tohopekaliga, Shingle Creek, Mill Slough, and major natural systems the City has committed to retain, preserve, and/or conserve as essential systems, excepting approved limited/passive uses as established in the land development regulations.

Policy 1.2.8.2: CONSERVATION LAND USE DESIGNATION (CONS). Lands designated for Conservation (CONS) are those lands that, because of their environmental quality or sensitivity, are intended for protection and are not intended for development activities, and therefore have no allowable FAR. These lands may include wetlands, wildlife habitats, and/or watershed protection areas.

Response: Conservation Future Land Use has been established over the existing Mill Slough and wetlands located along the banks thereof, as well as areas of the Property both north and south of Osceola Parkway. No change is proposed to the existing Conservation Future Land Use designations on the Property.

SECTION 4: PUBLIC FACILITIES ANALYSIS

Per Policy 8.1.3.1 of the Comprehensive Plan, future applications for development shall comply with the levels of services for the water and wastewater systems, solid waste system, stormwater management, recreation, and the transportation systems. Policy 8.1.4.1 provides the Level of Service standards used by the City in reviewing the impact of new development upon public facilities.

Below is the Level of Service established in Policy 8.1.4.1 for public facilities in the proposed project.

Potable Water and Wastewater

<u>Use</u>	<u>Gallons Per Day</u>	
	Water	Wastewater
Industrial – Warehouses (per sanitary plumbing fixture)	150	150

The proposed development will be served by central potable water facilities and shall meet the Level of Service standards for potable water supply established by the Tohopekaliga Water Authority (TWA).

Commercial*	0.1 gpd per gross square ft. of floor area
*No Industrial rate provided	

Solid Waste

5.1 pounds per person per day

Transportation

Compliance with Level of Service standards for Transportation facilities will be analyzed in a Traffic Impact Analysis to be submitted under separate cover.

Stormwater

Compliance with Level of Service standards for Stormwater Management will be analyzed in drainage analyses included with subsequent permitting applications. The proposed development will be served by an onsite stormwater system that meets City of Kissimmee and South Florida Water Management District requirements.

SECTION 5: ENVIRONMENTAL & CULTURAL INFORMATION

Environmental Assessment

A Preliminary Ecological Assessment Report (PEA) for the Property prepared by CPH and dated October 2021 is included in Section 7.B. of this application package.

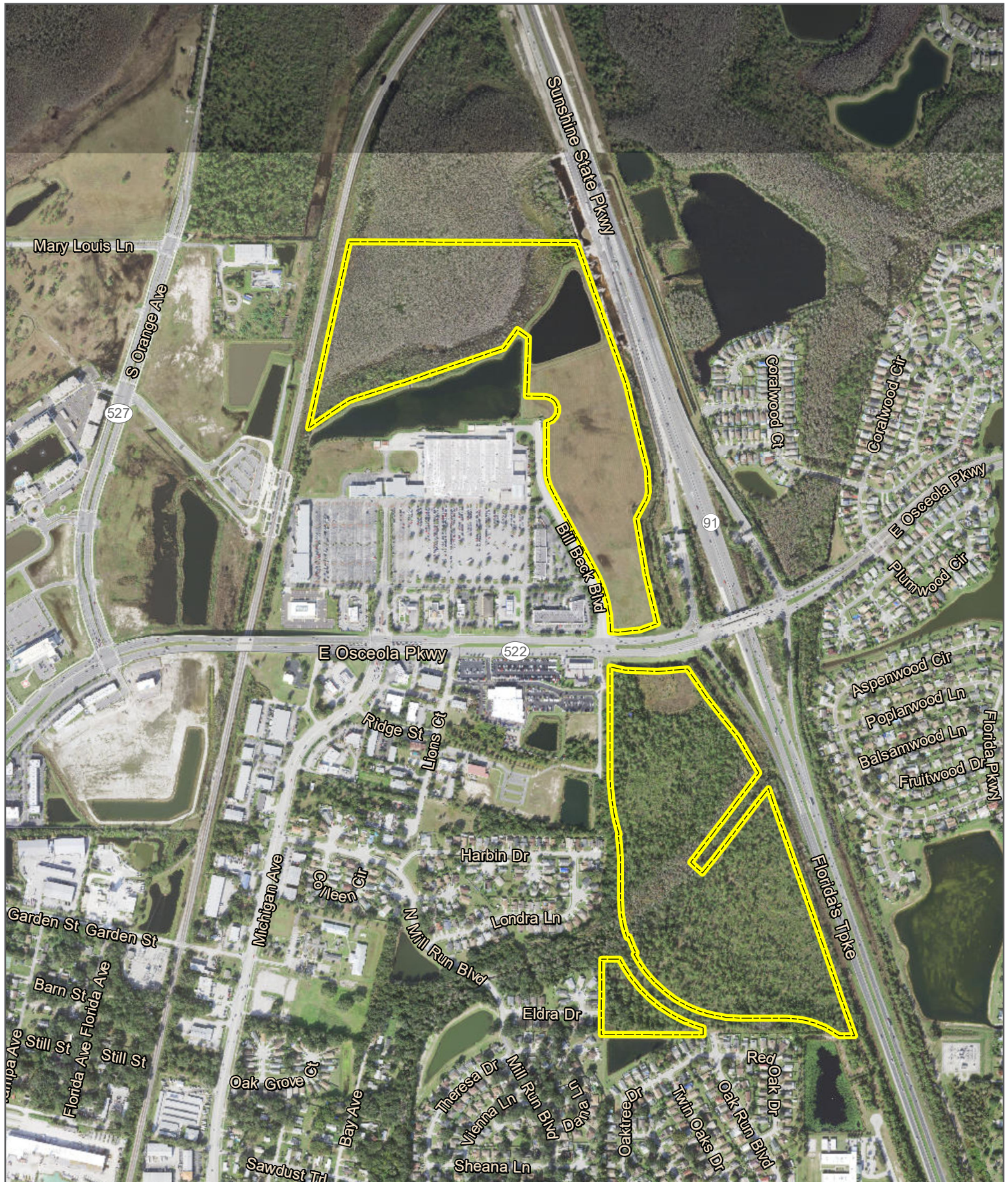
The PEA identified and analyzed the following Property features:

- Soils
- Vegetation and Land Use Types
- Wetlands and Surface Waters (and anticipated permitting requirements)
- Protected Fauna and Flora (and anticipated permitting requirements)

Cultural/Archaeological Information

A letter from the Florida Division of Historical Resources dated January 4, 2022, states that the Florida Master Site File lists no cultural resources on the Property. A copy of the letter is included in Section 7.C. of this application package.

SECTION 6: MAPS



Map Source: Esri, Osceola County

Subject Property

Aerial Map

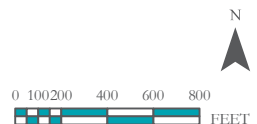
CONSTELLATION FUTURE LAND USE AMENDMENT

12/28/2021
P & B Job No: 21-167

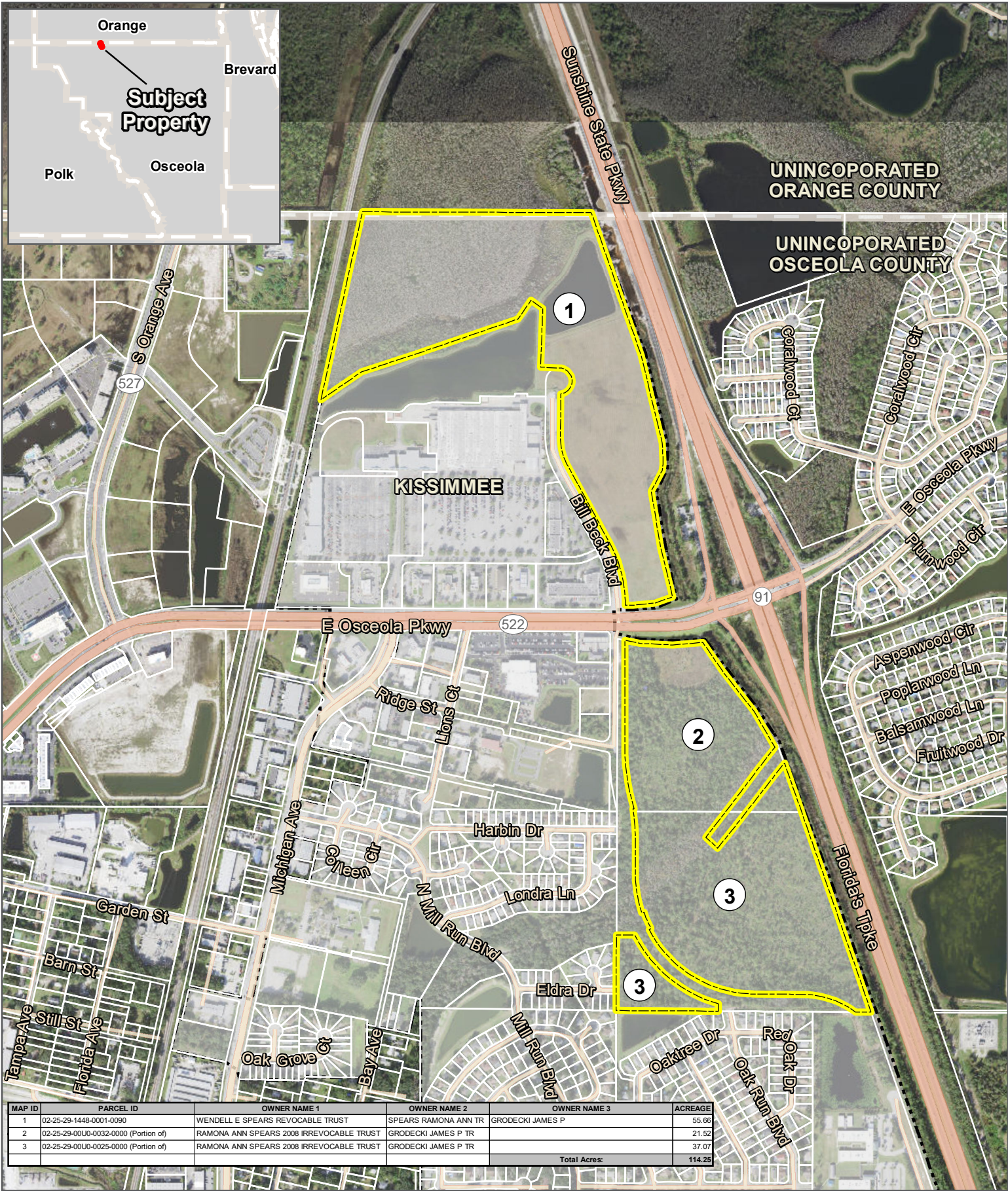
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Orlando, FL 32803 Ph. 407-487-2594

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Planning QA/QC		
Information	Initials	Date
Prepared	NM	1/4/2022
Tracked		



MAP ID	PARCEL ID	OWNER NAME 1	OWNER NAME 2	OWNER NAME 3	ACREAGE
1	02-25-29-1448-0001-0090	WENDELL E SPEARS REVOCABLE TRUST	SPEARS RAMONA ANN TR	GRODECKI JAMES P	55.66
2	02-25-29-00U-0032-0000 (Portion of)	RAMONA ANN SPEARS 2008 IRREVOCABLE TRUST	GRODECKI JAMES P TR		21.52
3	02-25-29-00U-0025-0000 (Portion of)	RAMONA ANN SPEARS 2008 IRREVOCABLE TRUST	GRODECKI JAMES P TR		37.07
Total Acres:					114.25

Map Source: Esri, Osceola County

 Subject Property
 Municipal Boundary

Location Map

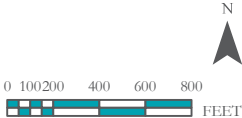
CONSTELLATION FUTURE LAND USE AMENDMENT

12/28/2021
P & B Job No: 21-167

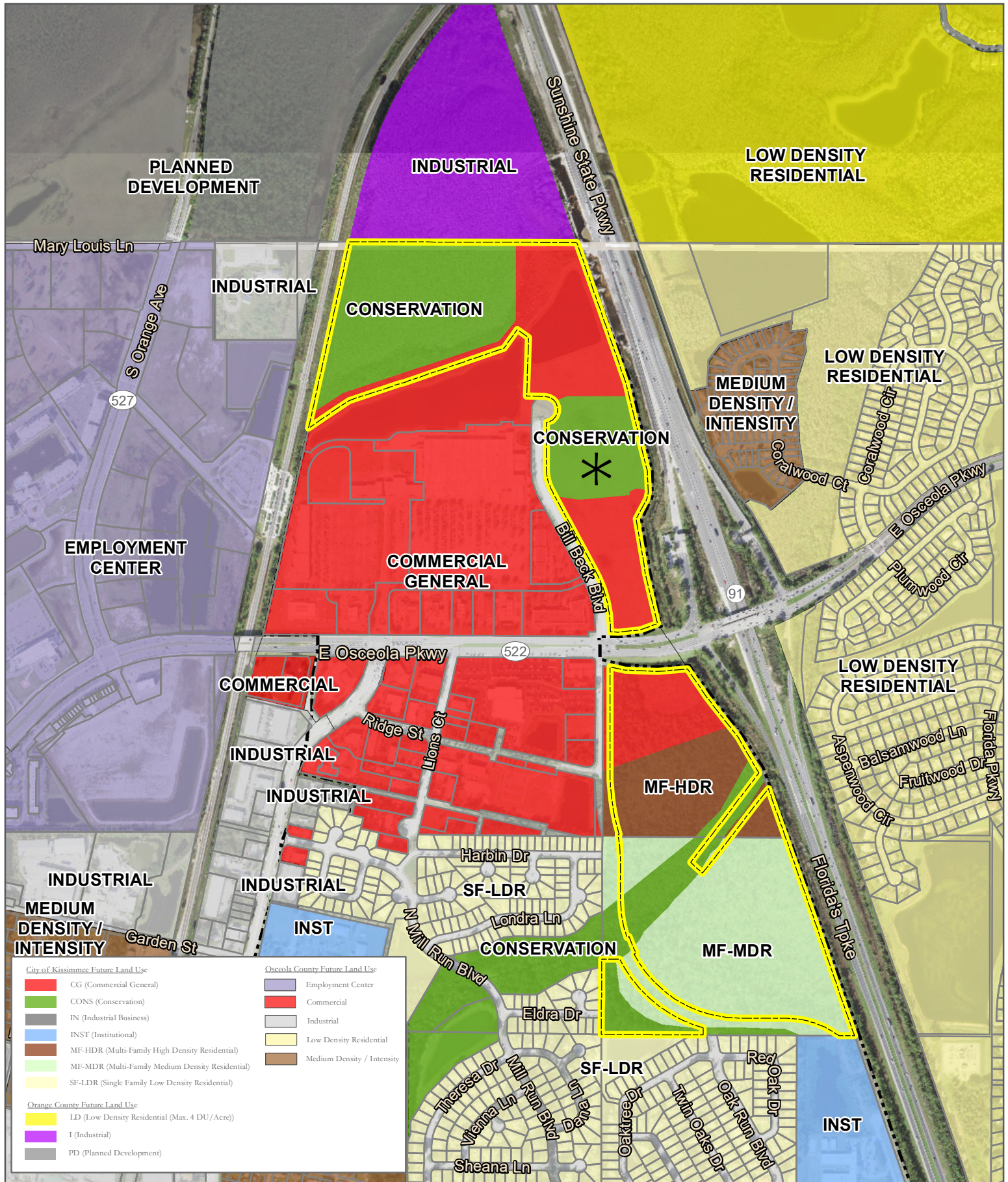
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Planner	NM		1/4/2022
Team Leader			



Map Source: Esri, City of Kissimmee, Osceola County, Orange County
 * changed administratively to CG per Ordinance 2529

Existing Future Land Use Map

CONSTELLATION FUTURE LAND USE AMENDMENT

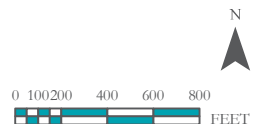
Subject Property
 Municipal Boundary

12/28/2021
 P & B Job No: 21-167

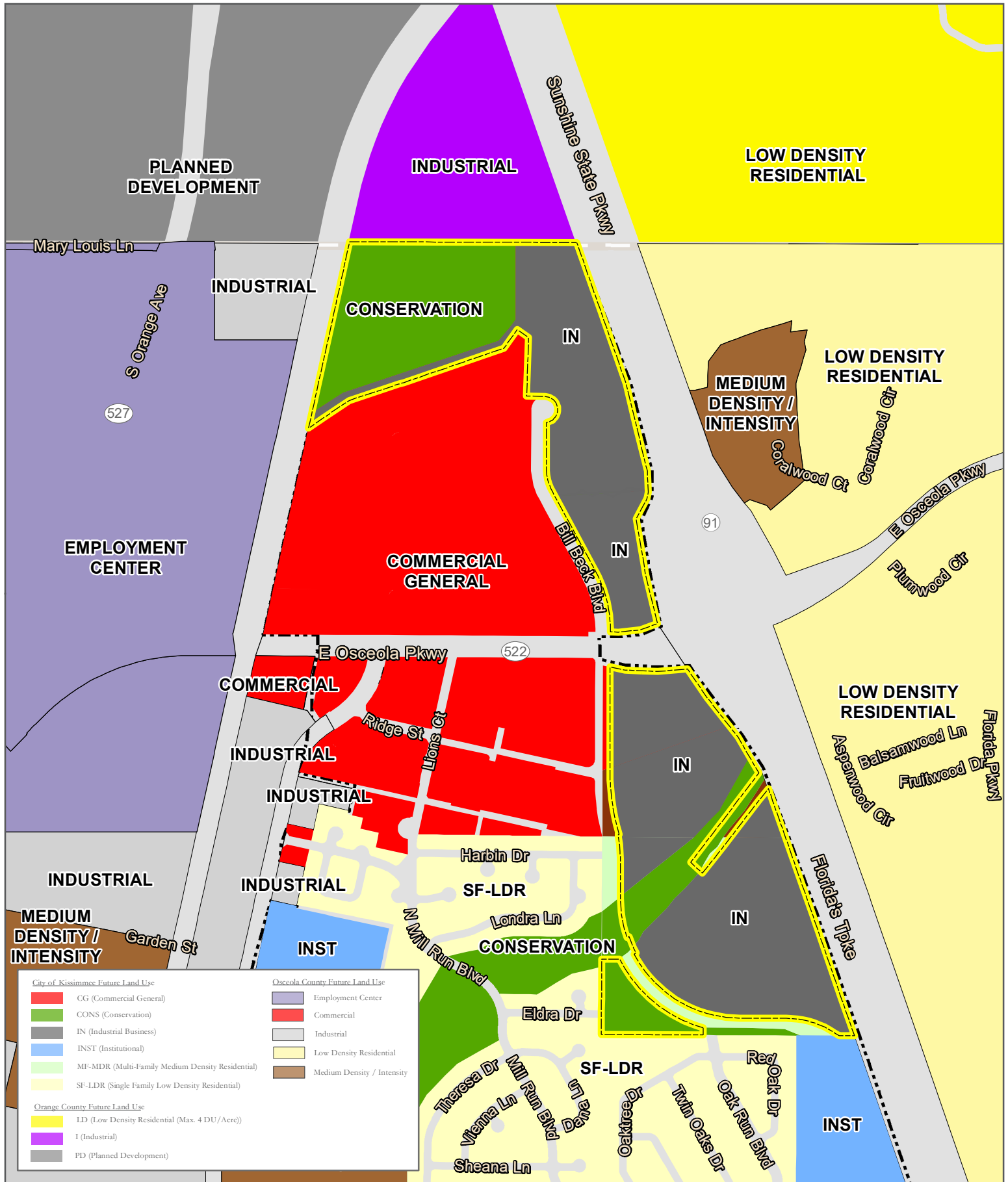
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 Information Initials Date
 Planner NM 1/4/2022
 Title Engineer
 Page 85 of 486



Map Source: Esri, City of Kissimmee, Osceola County, Orange County

Proposed Future Land Use Map

CONSTELLATION FUTURE LAND USE AMENDMENT

- Subject Property
- Municipal Boundary

12/28/2021
P & B Job No: 21-167

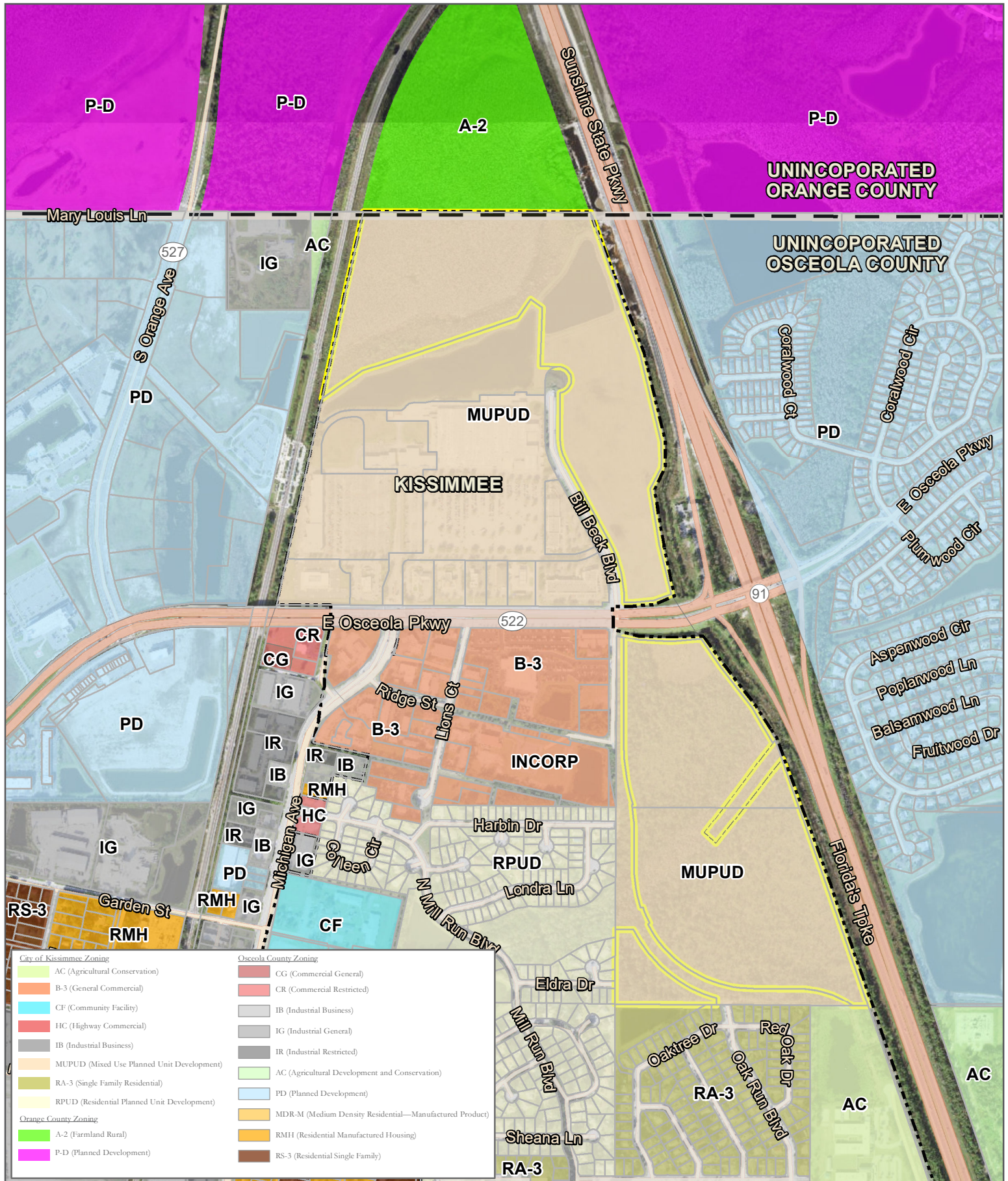
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Information	Initials	Date
Prepared	NM	1/4/2022
Reviewed		

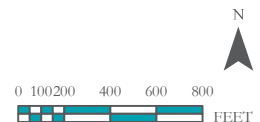


Map Source: Esri, City of Kissimmee, Osceola County, Orange County

- Subject Property
- Municipal Boundary

Zoning

CONSTELLATION FUTURE LAND USE AMENDMENT



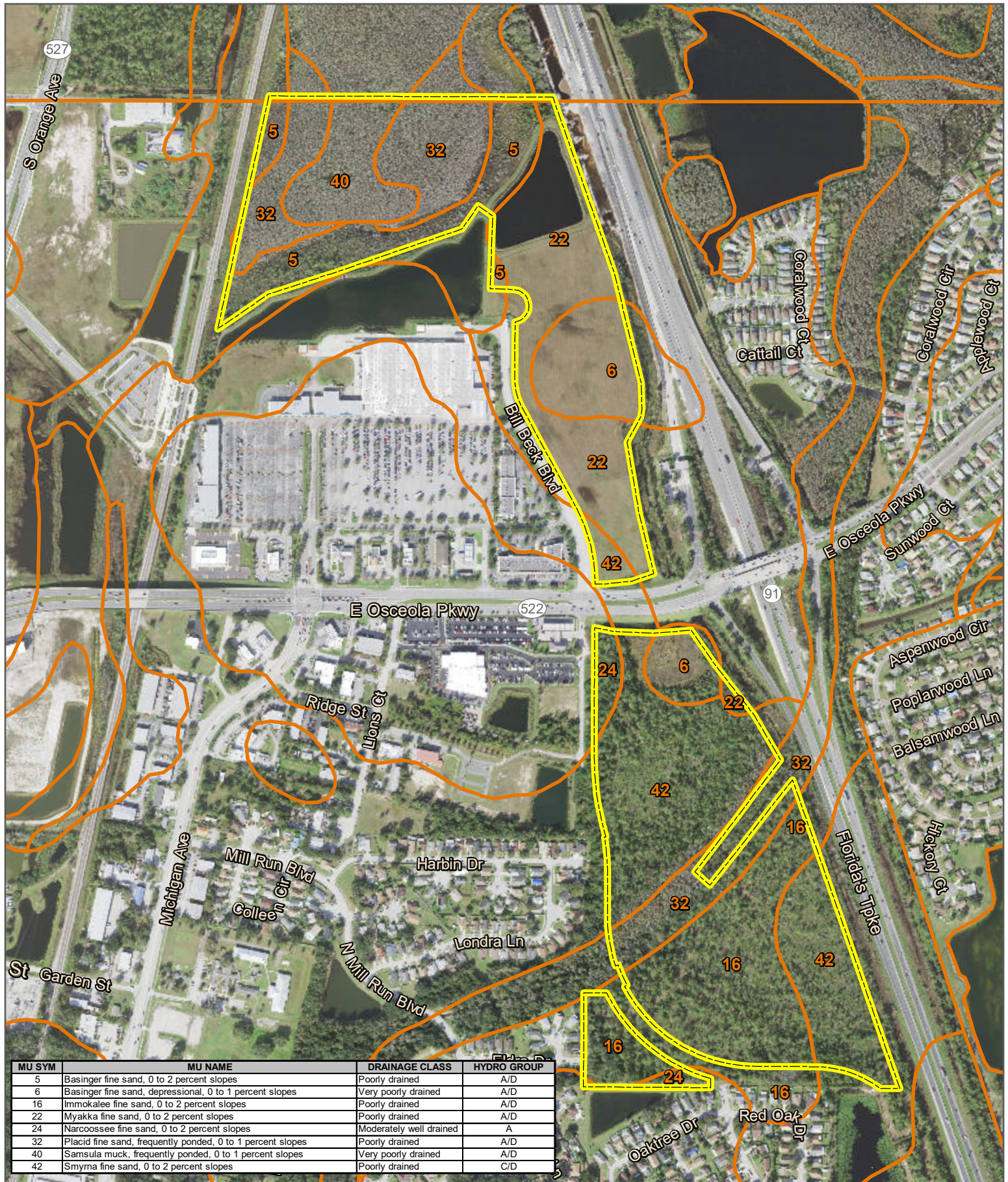
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Prepared	NSM		1/4/2022
Reviewed			
Tracked			



Map Source: Esri, Osceola County, NRCS

- Subject Property
- Soils Boundary

Soils Map

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12/28/2021
P & B Job No: 21-167

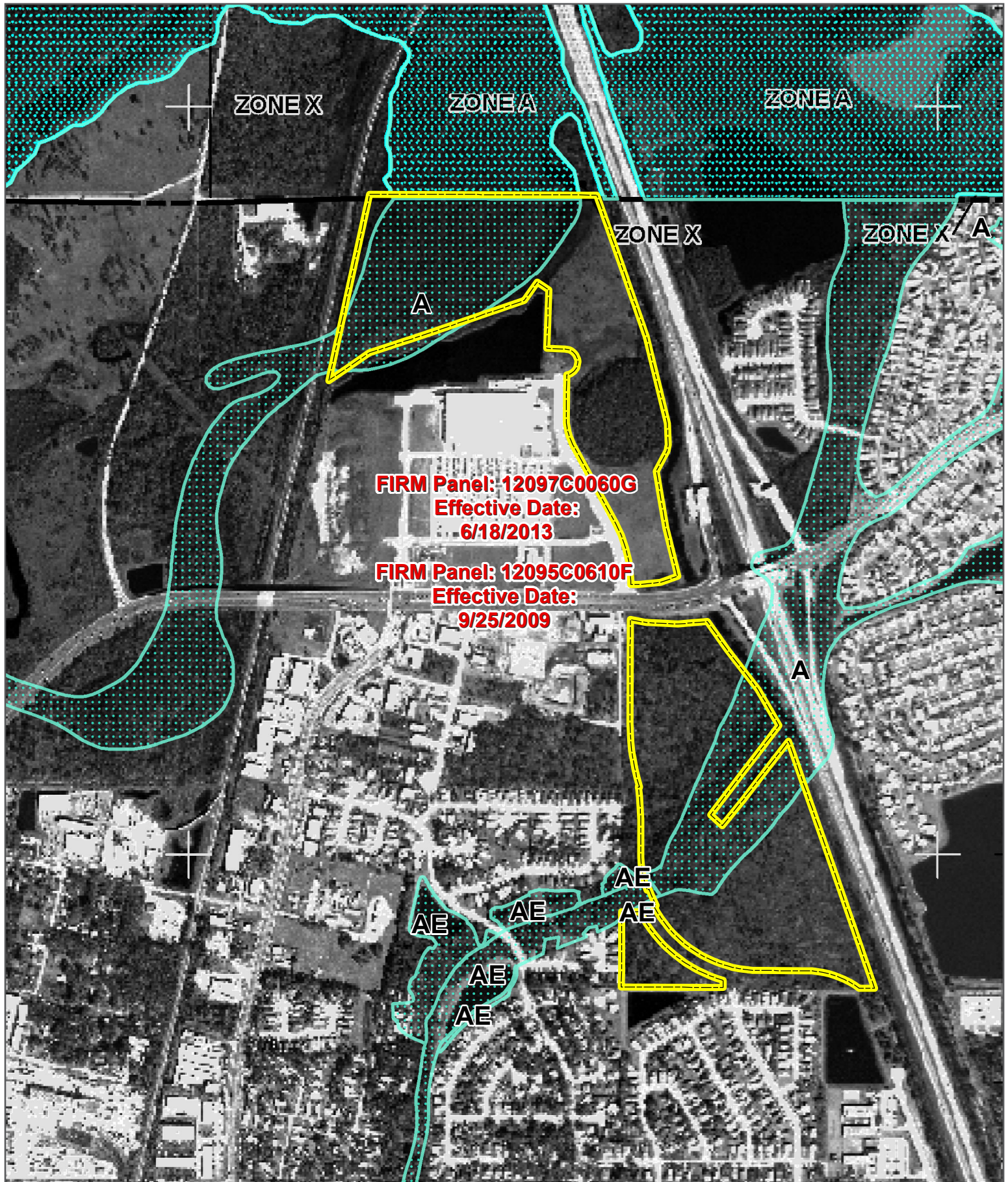
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0 75 150 300 450 600
FEET

Planning QA/QC		
Information	Initials	Date
Planner	NM	1/4/2022
Team Leader		



Map Source: Esri, Osceola County, FEMA

Subject Property

Special Flood Hazard Areas
Subject to Inundation by the
1% Annual Chance Flood

FEMA Floodplains Map

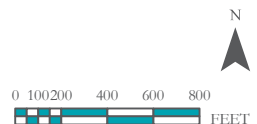
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Information	Initials	Date
Planner	NM	1/4/2022
Team Leader		

SECTION 7: EXHIBITS

ORDINANCE 2529

PROPOSED ORDINANCE NO. 04-37
ORDINANCE NO. 2529

AN ORDINANCE AMENDING ORDINANCE NO. 1760 KNOWN AS THE ORDINANCE ADOPTING THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF KISSIMMEE, FLORIDA, UNDER THE AUTHORITY OF FLORIDA STATUTE 163.3184; DIRECTING THE CITY MANAGER TO AMEND THE COMPREHENSIVE LAND USE PLAN AS HEREIN PROVIDED AFTER THE PASSAGE OF THIS ORDINANCE; PROVIDING FOR A PUBLIC HEARING AS REQUIRED BY LAW; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kissimmee, Florida, has adopted Ordinance No. 1760 pursuant to the Local Government Comprehensive Planning Act of 1975, as amended, and

WHEREAS, the City of Kissimmee has advertised as required by law for public hearings prior to adoption of this ordinance, and

WHEREAS, the City has held such public hearings and the records of the City provide that the owners of the land affected have been notified as required by law;

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KISSIMMEE, FLORIDA, IN LAWFUL SESSION, ASSEMBLED, AS FOLLOWS:

SECTION 1. Amend the Land Use Plan as to the following area:

FROM: OS (Open Space)
TO: CG (Commercial General)

Removal of Open Space designation for two isolated wetlands (Tracts W-2 and W-3) in the Gateway Commons DRI located north and south of Osceola Parkway. Subject areas are approximately 7.87 acres north of Osceola Parkway and 1.96 acres south of Osceola Parkway.

SECTION 2. That a copy of said Land Use Plan Amendment is filed in the office of the City Manager of the City of Kissimmee as a matter of permanent record of the City, and that matters and contents therein are made a part of this ordinance by reference as fully and completely as if set forth herein, and such copy shall remain on file in said office, available for public inspection.

SECTION 3. That the City Manager, after passage of this Ordinance, is hereby directed to indicate the changes adopted in this Ordinance and to reflect the same on the Comprehensive Land Use Plan Map of the City of Kissimmee.

SECTION 4. That all ordinances in conflict herewith are hereby repealed.

8/8/04
DS

SECTION 5. This ordinance shall take effect 10 days after its passage

Commissioner McKinnon moved the passage and adoption of the above
and foregoing Ordinance. Motion was seconded by Commissioner
Goodwin-Nichols and upon roll call on the motion the vote was as follows:

AYES
Commissioner McKinnon
Commissioner Burke
Commissioner Brooks
Commissioner Goodwin-Nichols
Mayor Gant

NAYS

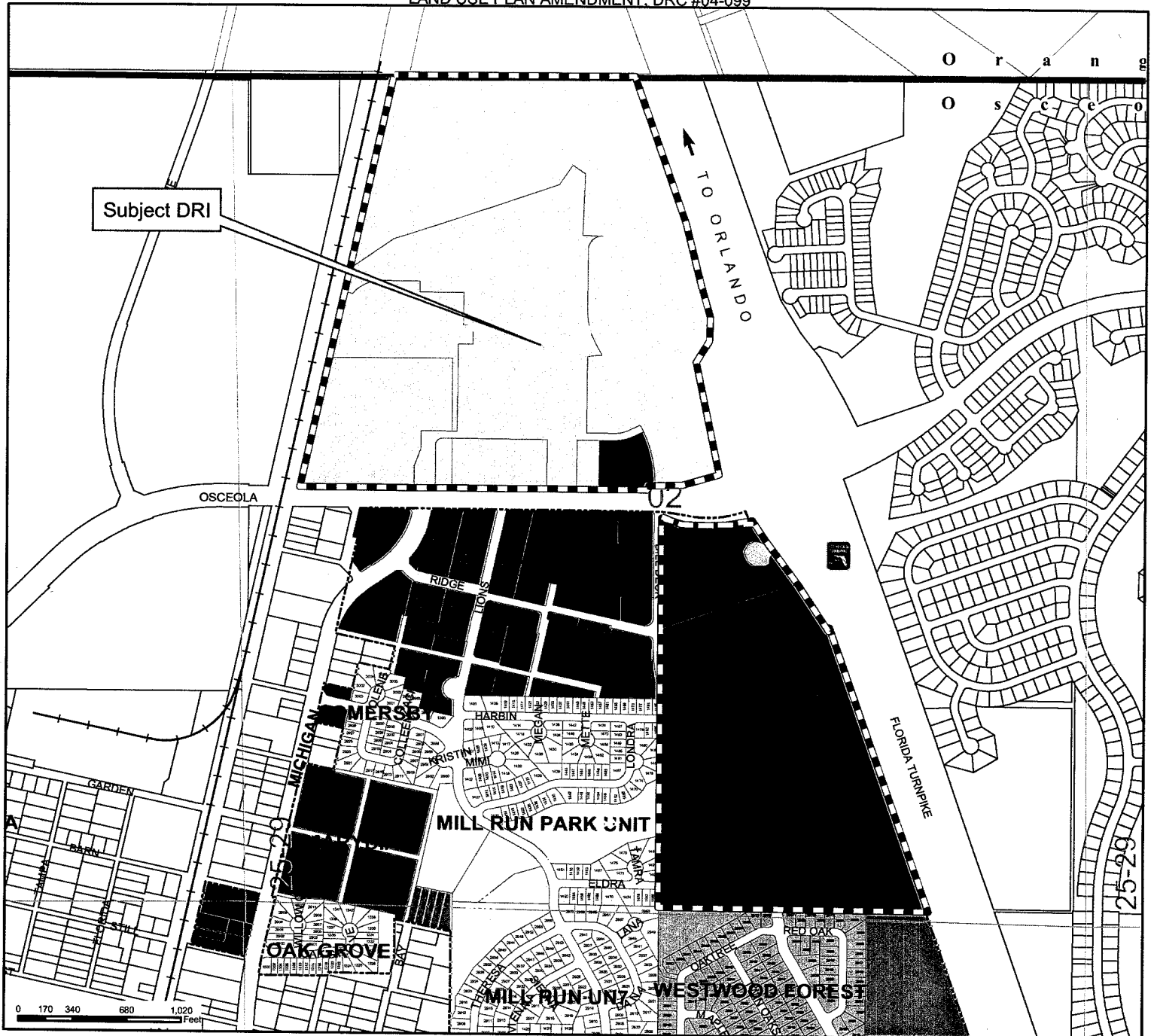
Said motion having been duly carried, thereupon, Mayor George Gant, M.D., declared said
Ordinance duly passed and adopted the 7th day of August, 2004.


Mayor - Commissioner

ATTEST

City Clerk

GATEWAY COMMONS
LAND USE PLAN AMENDMENT, DRC #04-099



City Limit Boundary	MH-2 (Mobile Home 6,000 sqft)	UT (Utilities)
Subject Property	MHP (Mobile Home Park)	OS (Open Space)
Zoning District Designations	RPB (Residential Professional Business)	RPUD (Residential Planned Unit Development)
AC (Agricultural Conservation)	B-1 (Downtown Commercial)	SRPUD (Short Term Rental Planned Unit Development)
RE (Residential Estate)	B-2 (Neighborhood Commercial)	MUPUD (Mixed Use Planned Unit Development)
RA-1 (Single Family Residential 12,000 sqft)	B-3 (General Commercial)	County Boundary
RA-2 (Single Family Residential 9,000 sqft)	HC (Highway Commercial)	CRA District Boundary
RA-3 (Single Family Residential 7,000 sqft)	B-5 (Office Commercial)	Kissimmee Gateway Airport
RA-4 (Single Family Residential 6,000 sqft)	BP (Business Park)	Railroad
RB-1 (Medium Density Residential)	IB (Industrial Business)	Lake Surfaces
RB-2 (Medium Density Residential - Office)	AO (Airport Operations)	
RC-1 (Multiple Family Medium Density Resident	AI (Airport Industrial)	
RC-2 (Multiple Family High Density Residential	CF (Community Facility)	
MH-1 (Mobile Home 9,000 sqft)	HF (Hospital Facility)	



PRELIMINARY ECOLOGICAL ASSESSMENT REPORT (PEA)

PRELIMINARY ECOLOGICAL ASSESSMENT REPORT

GATEWAY COMMONS
OSCEOLA & ORANGE COUNTIES, FLORIDA

OCTOBER 2021



Engineers
Architects
Planners
Surveyors
Landscape Architects
Traffic/Transportation
Environmental Scientists
Construction Management

Prepared by:
CPH, Inc.
1117 E. Robinson Street
Orlando, Florida 32801

PRELIMINARY ECOLOGICAL ASSESSMENT REPORT
GATEWAY COMMONS
OSCEOLA & ORANGE COUNTIES, FLORIDA

OCTOBER 2021

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APPENDIX A – Figures

FIGURE 1	Location Map
FIGURE 2	Soils Map
FIGURE 3	Preliminary Vegetation and Land Use Map
FIGURE 4	Species Map
FIGURE 5	FDEP Impaired Waters/Basins Map
FIGURE 6	Special Environmental Designation Map

1.0 INTRODUCTION

CPH, Inc. (CPH), Environmental Services, conducted a preliminary ecological assessment for J.C. Wilson & Associates, P.A. on parcels known as Gateway Commons located in Section 2, Township 25 South, Range 29 East in Osceola County and Section 35, Township 24 South, Range 29 East, Orange County, Florida to assist with project planning. The purpose of this preliminary assessment is to: 1) provide a general estimate of the type and extent of upland habitat types and confirm the approximate extent and configuration of areas expected to fall within the wetland regulatory jurisdiction of the Florida Department of Environmental Protection (FDEP) and South Florida Water Management District (SFWMD); 2) conduct a public database search for known or probable geographic distribution of protected species within these habitat types; 3) perform a preliminary review for protected wildlife (and plant) species occurrence based on direct observation during the field investigations; 4) assess the quality of the on-site wetland habitats; and 5) identify special environmental designations on, or within close proximity to, the subject project area.

The 159.43 +/- acre project area is located west of Florida's Turnpike, east of Bill Beck Boulevard with the property divided by Osceola Parkway (Figure 1, Appendix A). Vegetation associations and landscape descriptions were identified from aerial photography, the Soil Conservation Service (SCS) *Soil Survey of Osceola County, Florida*, Soil Conservation Service (SCS) *Soil Survey of Orange County, Florida* and groundtruthing. There are eight (8) soil map units in Osceola County and (4) soil map units in Orange County and nine (9) vegetation and land use classifications mapped within the project area boundaries. Vegetation and land uses are generally classified in accordance with the *Florida Land Use, Cover and Forms Classification System* (FLUCFCS) (FDOT 1999). CPH's field investigations were conducted on September 21, 2021 and October 14, 2021.

2.0 METHODOLOGY

In September and October 2021, scientists performed pedestrian surveys of the project area for the presence of protected flora and fauna and wetlands and surface waters. Prior to the reconnaissance level survey, a list of potentially occurring protected flora and fauna was compiled based upon on-

site habitat types and known or probable geographic distribution of protected species within these habitat types.

3.0 EXISTING SITE CONDITIONS

The 159.43 +/-acre Gateway Commons Project consists of improved upland areas, undeveloped uplands and wetlands, a conservation area and a stormwater pond. The project area is adjacent to commercial and residential development to the west and south and Florida's Turnpike to the east. Osceola Parkway divides the subject property.

3.1 Soils

The *Soil Survey of Osceola County, Florida* identifies eight (8) soil map units and the *Soil Survey of Orange County, Florida* identifies four (4) soil map units within the subject project area (Figure 2). A summary of the characteristics of these soil types, as described by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), formerly Soil Conservation Service (SCS) Soil Survey Geographic (SSURGO) database is as follows:

3.1.1 Osceola County Soil Mapping

Basinger fine sand, 0 to 2 percent slopes

The *Hydric Soils of Florida Handbook; Fourth Edition* (Hurt 2007) lists this soil as a hydric soil. This is a poorly drained, nearly level soil in low, broad flats and sloughs in the flatwoods. Slopes are smooth to concave and range from 0 to 2 percent. The soil has a water table at a depth of less than 10 inches for 2 to 6 months during most years and at a depth of 10 to 30 inches during the dry season in most years. In extended dry periods, the water table drops below a depth of 40 inches. Permeability is very rapid throughout. Available water capacity, natural fertility, and organic matter content are low to very low.

Basinger fine sand, depressional, 0 to 1 percent slopes

This is a poorly drained, nearly level soil in shallow depressions and poorly defined drainageways in the flatwoods. Water stands on the surface for 6 to 12 months during most years. Available water capacity, natural fertility, and organic matter content are low to very low. The *Hydric Soils of Florida Handbook; Fourth Edition* (Hurt, 2007) lists this soil as hydric. Hydric soils typically support wetland habitats.

Immokalee fine sand, 0 to 2 percent slopes

This is poorly drained, nearly level soil in broad flatwoods areas. Slopes range from 0 to 2 percent. The water table is at a depth of less than 10 inches for 2 months in most years and within a depth of 10 to 40 inches for 8 months or more in most years. It is at a depth of more than 40 inches during dry periods. Permeability is rapid in the surface and subsurface layers, moderate to moderately rapid in the subsoil, and rapid below.

Myakka fine sand, 0 to 2 percent slopes

This is a poorly drained, nearly level soil in broad areas in the flatwoods. The water table is at a depth of less than 10 inches for 1 to 4 months in most years and a depth of more than 40 inches during very dry seasons. Permeability is rapid in the surface and subsurface layers, moderate to moderately rapid in the subsoil and rapid in the substratum. Available water capacity is very low above the subsoil, medium in the subsoil, and very low below the subsoil. Natural fertility and organic matter content are low.

Narcoossee fine sand, 0 to 2 percent slopes

This somewhat poorly drained soil is on low hammocks and ridges on flatwoods. Slopes are smooth to convex and are 0 to 2 percent. This Narcoossee soil has a seasonal high water table at a depth of 24 to 40 inches for 4 to 6 months during most years. Permeability is moderately rapid in the subsoil. The available water capacity is low.

Placid fine sand, frequently ponded, 0 to 1 percent slopes

The *Hydric Soils of Florida Handbook; Fourth Edition* (Hurt, 2007) lists this soil as being a hydric soil. Hydric soils typically support wetland habitats. This is a very poorly drained, nearly level soil in low, wet depressions and swamps in the flatwoods. Slopes are less than

1 percent. Water stands on the surface for 6 to 9 months or more in most years. Available water capacity is high in the surface layer and low in the underlying layers. Permeability is rapid throughout. Natural fertility is moderate in the surface layer and low in the underlying layers. Organic matter content is moderate.

Samsula muck, frequently ponded, 0 to 1 percent slopes

The *Hydric Soils of Florida Handbook, Fourth Edition* (Hurt 2007), lists this soil as hydric. This soil is nearly level and very poorly drained. It is in freshwater marshes and swamps. Undrained areas are ponded for 6 to 9 months or more each year. The slopes are smooth and are less than 1 percent. A seasonal high water table fluctuates between depths of about 10 inches and the surface. The available water capacity is very high in the organic material and is very low in the underlying sandy material. The permeability is rapid throughout. Natural fertility is medium. The organic matter content is very high.

Smyrna fine sand, 0 to 2 percent slopes

This is a nearly level, poorly drained soil in broad flat areas in the flatwoods. The water table is at a depth of less than 10 inches for 1 to 4 months and between depths of 10 and 40 inches for more than 6 months in most years. In rainy seasons, the water table rises above the surface briefly. Permeability is rapid in the surface and subsurface layers, moderate to moderately rapid in the upper subsoil, rapid in the next layer, and moderate to moderately rapid in the lower subsoil. Available water capacity is very low to low in the surface and subsurface layers, medium in the upper subsoil, very low to low in the next layer, and medium in the lower subsoil. Natural fertility is low, and organic matter content is moderately low or moderate.

3.1.2 Orange County Soil Mapping

Basinger fine sand, depressional, 0 to 1 percent slopes

This is a poorly drained, nearly level soil in shallow depressions and poorly defined drainageways in the flatwoods. Water stands on the surface for 6 to 12 months during most years. Permeability is very rapid throughout. Available water capacity, natural fertility, and organic matter content are low to very low. The *Hydric Soils of Florida Handbook; Fourth*

Edition (Hurt, 2007) lists this soil as hydric. Hydric soils typically support wetland habitats.

St. Johns fine sand

The *Hydric Soils of Florida Handbook, Fourth Edition* (Hurt 2007), lists this soil as containing 30 percent hydric inclusions. This nearly level soil is poorly drained and found on broad flats on the flatwoods. Slopes are smooth to concave and range from 0 to 2 percent. The seasonal high water table is within 10 inches of the surface for 6 to 12 months and between depths of 10 and 40 inches for more than 6 months. In rainy periods, the water table can rise to the surface for brief periods. The available water capacity is medium in the surface layer, very low to low in the subsurface layer and medium to very high in the subsoil. Permeability is rapid in the surface and subsurface layers and moderately slow to moderate in the subsoil. The organic matter content is moderate and the natural fertility is low.

Samsula-Hontoon-Basinger associations, depressional

The *Hydric Soils of Florida Handbook, Fourth Edition* (Hurt 2007), lists this soil as hydric. This nearly level and very poorly drained soil type is found in freshwater swamps, depressions, sloughs and broad, poorly defined drainageways. Slopes are smooth to concave and range from 0 to 1 percent. Undrained areas can be ponded for 6 to 9 months out of the year. The water table is within 10 inches of the surface for the remainder of the year. The available water capacity is very high in organic layers and very low in the sandy Samsula soil. Permeability is rapid to very rapid throughout. The organic matter and natural fertility are low in the Basinger soils and medium fertility and very high organic matter content in the Samsula and Hontoon soils.

Smyrna-Smyrna, wet, fine sand, 0 to 2 percent slopes

The *Hydric Soils of Florida Handbook, Fourth Edition* (Hurt 2007), lists this soil as containing 26 percent hydric inclusions. This nearly level, poorly drained soil type is found on broad flatwoods. The slopes are smooth and range from 0 to 2 percent. The seasonal high water table is within 10 inches of the surface for 1 to 4 months and recedes to a depth of 10 to 40 inches for more than 6 months. The available water capacity is low to very low in the surface and subsurface layers and medium in the subsoil. Permeability is rapid in the surface and moderately rapid in the subsoil.

3.2 Vegetation and Land Use Types

There are nine (9) vegetation and land use classifications mapped within the subject project boundaries. Vegetation and land use classifications are generally classified in accordance with the *Florida Land Use, Cover and Forms Classification System* (FLUCFCS) (FDOT 1999). The following descriptive titles and FLUCFCS numbers assess the project's vegetation and land uses and are presented on Figure 3.

Other Open Land (FLUCFCS No. 194)

This land use classification describes an areas improved by previous development activities associated with the mass grading of Gateway Commons. Vegetation observed included bahia grass (*Paspalum notatum*), beggar's tick (*Bidens alba*), cabbage palm (*Sabal palmetto*), slash pine (*Pinus elliotii*), cogon grass (*Imperata cylindrica*), Brazilian pepper (*Schinus terebinthifolius*), wax myrtle (*Morella cerifera*), Caesarweed (*Urena lobata*) and various grasses and weeds.

Pine Flatwoods (FLUCFCS No. 411)

This habitat classification is common in Florida consisting of an open pine canopy. Predominant species observed included slash pine, longleaf pine (*Pinus palustris*), laurel oak (*Quercus laurifolia*), saw palmetto (*Serenoa repens*), live oak (*Quercus virginiana*), fetter bush (*Lyonia ferruginea*), bracken fern (*Pteridium aquilinum*) and gallberry (*Ilex glabra*). Other species observed included red maple (*Acer rubrum*), dahoon holly (*Ilex cassine*), greenbriar (*Smilax* sp.), grapevine (*Vitis* sp.), winged sumac (*Rhus copallinum*), wax myrtle, beauty berry (*Callicarpa americana*), reindeer lichen (*Cladonia rangiferina*) and the occasional loblolly bay (*Gordonia lasianthus*).

Brazilian Pepper (FLUCFCS No. 422)

This habitat classification describes disturbed land adjacent to Bill Beck Boulevard predominantly vegetated with exotic plant species. Vegetation observed included Brazilian pepper, wax myrtle, cogon grass, blackberry (*Rubus* sp.), Caesar weed, laurel oak, broom sedge (*Andropogon virginicus*), saw palmetto, rattlebox (*Crotalaria* sp.) and various weeds

and grasses. There were numerous urban outdoorsmen camps and debris throughout this area.

Stormwater Pond (FLUCFCS No. 531)

This land use classification describes an area designed and constructed to treat stormwater run-off.

Inland Ponds and Sloughs (FLUCFCS No. 616)

This habitat classification describes Mill Slough which flows from the northeast to the southwest through the middle of the project area south of Osceola Parkway. Vegetation observed included cypress (*Taxodium* sp.), dahoon holly, red maple, black gum (*Nyssa biflora*), royal fern (*Osmunda regalis*), staggerbush (*Lyonia lucida*), loblolly bay (*Pinus taeda*), wax myrtle, gallberry, saw palmetto, laurel oak, lemon bacopa (*Bacopa caroliniana*), willow (*Salix* sp.), maiden cane (*Panicum hemitomon*), chain fern (*Woodwardia* sp.), and various rushes and sedges.

Cypress (FLUCFCS No. 621)

This habitat classification describes a wetland predominantly vegetated with cypress. Other vegetation observed included dahoon holly, wax myrtle, Brazilian pepper, stagger bush, willow, chain fern, royal fern, black gum, red maple and various herbaceous plants.

Hydric Pine Flatwoods (FLUCFCS No. 625)

This habitat is described as a wetland forest with sparse canopy of slash pine. The understory included gall berry, dahoon holly, chain fern, wax myrtle, stink weed (*Pluchea* sp.), spike rush (*Eleocharis* sp.), redroot (*Lachnanthes caroliniana*), sphagnum moss (*Sphagnum* sp.), marsh pennywort (*Hydrocotyle* sp.), broomsedge and various sedges and grasses.

Wetland Forested Mixed (FLUCFCS No. 630)

This habitat classification includes mixed wetland forest communities in which neither hardwoods or conifers achieve a 66 percent dominance of the crown canopy composition. Vegetation observed included slash pine, cypress, red maple, laurel oak, blackberry, wax

myrtle, grape vine and various weeds and vines. This isolated wetland area is located on the southern property boundary.

Wet Prairie (FLUCFCS No. 643)

This habitat classification is characterized as a seasonally inundated herbaceous depression. This habitat is composed of predominately grassy vegetation on hydric soils and is distinguished from marshes by having less water and shorter herbage. Vegetation observed included torpedo grass (*Panicum repens*), spikerush, yellow-eyed grass (*Xyris* sp.), wire grass (*Aristida stricta*), red root, dog fennel (*Eupatorium capillifolium*) and various rushes and grasses.

3.3 Wetlands & Surface Waters

According to wetland delineation methodologies outlined in the *Corps of Engineers Wetland Delineation Manual* (1987), the *2008 Corps Interim Regional Supplement to the Corps Wetland Delineation Manual: Atlantic & Gulf Coastal Plain Region* and the State of Florida Unified Wetland Delineation Methodology (Section 62-340, F.A.C.), wetland areas (FLUCFCS Nos. 616, 621, 625, 630 & 643) were observed within the project boundaries during the field investigations (Figure 3). It is recommended to delineate the wetland boundaries to determine their extent prior to site plan development.

4.0 REGULATORY CONSIDERATIONS

4.1 South Florida Water Management District

The SFWMD regulates wetlands that are isolated and those considered within or connected to “Waters of the State” pursuant to Chapter 403 of the Florida Statutes, Rules 62-302 and 62-330 of the Florida Administrative Code (F.A.C.). Development activities altering wetlands and/or drainage will require a Statewide Environmental Resource Permit (SWERP) from the SFWMD. Different ERP Permits for various activities, General Permits and exemptions can be found in the *State of Florida Environmental Resource Permit Applicant’s Handbook*,

Volume I. Specific design standards, basin specific criteria and procedures can be found in the *State of Florida Environmental Resource Permit Applicant's Handbook, Volume II.* Typical protocol for a project includes a SFWMD representative reviewing and approving the delineation of the landward extent of wetlands and surface waters subsequent to the submittal of a permit application for construction.

Applicants must provide reasonable assurances that a regulated activity will not cause adverse secondary impacts to the water resources, specifically aquatic or wetland dependent fish and wildlife that are listed as threatened, endangered or of special concern. Secondary impacts to the habitat functions of wetlands associated with adjacent upland activities will not be considered adverse if upland buffers with a minimum width of 15 feet and an average width of 25 feet are provided abutting those wetlands to remain under the permitted design.

In most circumstances, SFWMD will require mitigation to compensate for direct and secondary impacts to the water resources (wetlands and surface waters). There are exceptions to this requirement and each project is evaluated on a case-by-case basis. Isolated wetlands less than 0.5 acres as long as they are not utilized by protected species typically do not require mitigation. This permit exemption may apply to several of the isolated wetlands if the wetland delineation efforts determine the wetland size to be less than 0.5 acres.

4.2 U.S. Army Corps of Engineers

The ACOE regulates wetlands connected to “Waters of the United States” and “Adjacent Waters” pursuant to Section 404 of the Clean Water Act. Based on the U.S. Supreme Court decision Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers, No. 99-1178 (January 9, 2001) (SWANCC) isolated wetlands are considered non-jurisdictional for the ACOE. Based on the U.S. Supreme Court decision consolidated cases Rapanos v. United States and Carabell v. United States, 126 S. Ct. 2208 (2006) (RAPNOS) the ACOE is required to establish a physical, biological, or chemical nexus of connection to traditional navigable waters (TNW) of the United States to claim jurisdiction.

On December 17, 2020, the U.S. Environmental Protection Agency (EPA) delegated responsibility to the Florida Department of Environmental Protection (FDEP) to administer dredge and fill applications within “Assumed Waters” that fall under the jurisdiction of Section 404 within the State of Florida. Assumed Waters generally include non-navigable freshwaters and wetlands that fall beyond 300 feet from a “Retained Water”. Dredge and fill applications that include Retained Waters will continue to be processed by the ACOE. Retained Waters generally include traditional navigable waters (TNW), tidal wetlands and jurisdictional areas within 300 feet of Retained Waters.

After a preliminary review of the subject property, areas meeting the jurisdictional definition of Retained Waters, (**“Waters of the United States”** and **“Adjacent Waters”**) pursuant to Section 404 of the Clean Water Act were not observed within the subject project limits. Therefore, proposed impacts to wetlands would not require authorization from the ACOE under current regulations.

4.3 Florida Department of Environmental Protection

4.3.1 Stormwater Pollution Prevention Plan

The U.S. Environmental Protection Agency (EPA) requires coverage under the National Pollutant Discharge Elimination System (NPDES) generic permit for discharge from large and small construction activities for any project that results in the clearing of one or more acres, pursuant to 40 CFR parts 122 and 124 and the Florida Department of Environmental Protection (FDEP), pursuant to rule 62-621.300 (4), F.A.C. The EPA has delegated responsibility to the FDEP to administer the NPDES permits for the State of Florida. In association with this permit, a Stormwater Pollution Prevention Plan (SWPPP), which will be implemented during the construction of the project, will also be required. The primary functions of the NPDES requirements are to ensure that sediment and erosion is controlled during construction of the project. The NPDES permit typically requires use of Best Management Practices to ensure compliance with water quality standards. In addition, coverage under the generic permit for discharge of produced ground water

from a non-contaminated site activity must be secured for any construction-related dewatering activity pursuant to Rule 62-621.302.

4.3.2 State 404 Program

The EPA has delegated responsibility to the Florida Department of Environmental Protection (FDEP) to administer dredge and fill applications within “Assumed Waters” that fall under the jurisdiction of Section 404 within the State of Florida pursuant to rule 62-331, F.A.C., “State 404 Program”. The State 404 Program rule was created to include federal requirements that were not addressed by the Florida SWERP program. The State 404 Program is a separate program from the existing SWERP program and projects within Assumed Waters will require both a SWERP and State 404 authorizations. The State 404 Program became effective on December 22, 2020. Once an application is confirmed by FDEP to include jurisdictional wetland areas, the application will be assessed to determine if those areas will require authorization for any proposed impacts per Section 404. After a preliminary review of the subject property, areas meeting the jurisdictional definition of Assumed Waters, (**“Waters of the United States” and “Adjacent Waters”**) pursuant to Section 404 of the Clean Water Act were observed within the subject project limits.

Dredge and fill activities within "Waters of the United States" and “Adjacent Waters” will require a State 404 Permit or verification to use permits issued through the General or Nationwide Permit Program. The State 404 guidelines request that all impacts associated with a particular project be submitted for consideration under one permit application. Typical protocol for a project would include a FDEP representative reviewing and approving the delineation of the landward extent of wetlands after the submittal of a permit application. If less than 0.5 acres of impact are proposed, a Nationwide Permit will be required to authorize wetland impacts. However, if more than a 0.5-acre impact is proposed, an Individual Permit will be required to authorize wetland impacts. If proposed impacts are minor, less than 0.10 acre, the FDEP can be notified of the proposed construction through a pre-construction notification (PCN) letter.

In most circumstances, FDEP will require mitigation to compensate for direct and secondary impacts to the water resources (wetlands and surface waters). There are exceptions to this requirement and each project is evaluated on a case-by-case basis. Federal jurisdiction over isolated wetland areas is typically not exerted, as long as the wetland areas are not considered “Adjacent Waters”.

5.0 PROTECTED FAUNA AND FLORA

Preliminary ecological investigations included review of published and unpublished literature concerning the subject project and surrounding area, solicitation of databases on protected species, field investigations to generally delineate and characterize the habitats and a preliminary field survey for the occurrence of protected flora and fauna.

5.1 Records Search

Prior to initiation of fieldwork, a records review of documented wildlife observations (Wildlife Occurrence Database System) maintained by the Florida Fish and Wildlife Conservation Commission (FFWCC) was conducted. Other resources used as aids included the following: aeriels, *Soil Survey of Orange County, Florida*, *Soil Survey of Osceola County, Florida*; and Official Lists of Endangered and Potentially Endangered Fauna and Flora in Florida (FFWCC). According to the public databases the subject project area is located within the USFWS Crested Caracara Consultation Area, USFWS Florida Scrub Jay Consultation Area, USFWS Everglades Snail Kite Consultation Area, USFWS Florida Grasshopper Sparrow Consultation Area and USFWS Sand Skink Consultation Area (Figure 4). The USFWS has a caracara nest as occurring in the cleared Florida Turnpike right-of-way adjacent to the subject project area. During the field investigations a nest was not observed in the recorded location depicted on Figure 4.

5.2 Field Investigation

CPH biologists conducted field investigations of the subject project area in September and October 2021. General reconnaissance of the project area was conducted, looking for the occurrence of federal or state-listed flora and fauna as well as general wildlife utilization.

Regulatory oversight for protected fauna and flora is the responsibility of the U.S. Fish and Wildlife Service (USFWS), FFWCC and the Florida Department of Agriculture and Consumer Services (DACS). The USFWS is the federal agency responsible for protecting the nation's fish and wildlife resources through implementation of the Endangered Species Act of 1973, as amended. ("ESA," 16 U.S.C. 1513-1543). Species (or their signs) protected under the ESA were not observed on the subject project area during the field investigations.

The Florida Fish and Wildlife Conservation Commission (FFWCC) regulate the taking of species listed as endangered, threatened or of special concern and their nests through Rules listed in 68A-27 Florida Administrative Code. The FFWCC also provides technical assistance to other agencies that have regulatory authority over activities, which may affect fish and wildlife and their habitat. State protected species protected under Rules 68A-27, Florida Administrative Code, were not observed within, or adjacent to, the subject project during the field investigations.

Section 581.185, Florida Statutes and Chapter 5B-40, F.A.C., delegates authority to the Florida Department of Agriculture and Consumer Services (DACS) to designate and regulate plants listed as "endangered," "commercially exploited" and "threatened." It is unlawful for an individual to harvest endangered or commercially exploited plants from the private land of another or any public land without first obtaining written permission of the landowner and a permit from DACS. It is unlawful for an individual to harvest a threatened plant from private land or public land without first obtaining written permission of the landowner. One DACS protected plant, **Catesby's lily** (*Lilium catesbaei*), listed as a threatened, was observed within the subject project area during the field investigations. The presence of this species will not adversely affect development of the subject project.

Wildlife utilization is a measure of direct observations or evidence of animals' presence (e.g. scat, tracks, dens, etc.). Potential wildlife utilization was evaluated on the basis of food sources, nesting areas, roosting areas, den areas and protective covering. During the field investigations, direct observations or signs of wildlife on the subject project included Northern cardinal (*Cardinalis cardinalis*), osprey (*Pandion haliaetus*), grey squirrel (*Sciurus carolinensis*), black vulture (*Coragyps atratus*), red-shouldered hawk (*Buteo lineatus*) and opossum (*Didelphis virginiana*) tracks.

5.3 Protected Fauna and Flora Regulatory Considerations

Below is a discussion of select species or groups of wildlife, that frequently affect development sites or can affect a project even though these species are not physically located on the development site.

5.3.1 Migratory Bird Treaty Act

The USFWS also administers and enforces the Migratory Bird Treaty Act (MBTA) of 1918, as amended, (16 USC 703-712) which makes it unlawful to pursue, hunt, take, capture, kill or sell birds listed therein ("migratory birds"). The statute does not discriminate between live or dead birds and also grants full protection to any bird parts including feathers, eggs and nests. A migratory bird is any species or family of birds that live, reproduce or migrate within or across international borders at some point during their annual life cycle. The current list of birds protected under the MBTA was published in the *Federal Register* on April 16, 2020 which became effective on May 18, 2020. In total, 1,093 bird species are protected by the MBTA. Several species protected under the MBTA were observed on, or within the vicinity of, the subject project during the field investigations. Provided construction activities do not directly kill or harm birds, their nests or eggs, development of the subject project has a low probability of violating the MBTA.

5.3.2 Bald Eagle

The Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d) and the regulations derived therefrom (50 CFR 22) state, in part, that no person shall take any bald eagle or any golden eagle, alive or dead, or any part, nest, or egg thereof with “take” meaning to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb. Both Federal and State laws and regulations make it unlawful to take any listed species with “take” meaning to harass, harm pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct.

According to the Florida Audubon Society Eagle Nest database, active nests are not documented as occurring within the subject project boundary (Figure 4) and eagle nests were not observed during the field investigations.

5.3.3 Wood Stork Core Foraging Area

The wood stork (*Mycteria americana*) is listed as Endangered by the USFWS and the FFWCC. The wood stork is protected under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.* and Florida Chapter 68A, Florida Administrative Code. Inundated forested wetlands, cypress strands and domes, mixed hardwood swamps and sloughs provide nesting habitat. Shallow freshwater marshes, ponds, flooded pastures and ditches provide suitable foraging habitat. Wood storks nest in colonies and will return to the same colony site for many years so long as the site and the surrounding feeding habitat continue to supply the needs for the birds. The USFWS has determined the extent of the Core Foraging Area (CFA) as approximately 15 miles from the nesting colony for central Florida counties.. The subject project area is located within a Wood Stork Core Foraging Area (Figure 4).

USFWS and FFWCC regulate impacts to the wood stork by requiring a one to one mitigation ratio and the mitigation wetlands need to mimic the historical hydroperiod of the impacted wetland to provide habitat compensation for the wood stork. Typically, habitat compensation is provided for as part of the project’s wetland mitigation plan either through the purchase of mitigation bank credits or on-site and

off-site mitigation plans during the SFWMD and FDEP 404 Program permitting process.

5.3.4 USFWS Grasshopper Sparrow Consultation Area

The grasshopper sparrow (*Ammodramus savannarum floridanus*) is listed as Endangered by the USFWS and FFWCC. The grasshopper sparrow is protected under the U.S. ESA of 1973, as amended, 16 U.S.C. 1531 *et seq.* and Florida Chapter 68A-27, F.A.C. Suitable habitat for the grasshopper sparrow is dry prairie that is relatively open and low in stature, treeless, relatively poorly-drained grasslands that have a history of frequent fires. The optimum time to survey for Florida grasshopper sparrows is between April and June when peak nesting activity occurs. The recommended survey protocol for determining presence is a three-event survey during the nesting season (April 1 through June 15). The minimum time between events is two weeks. Surveys outside of the nesting season may be non-conclusive and not acceptable to the USFWS.

The USFWS and the FFWCC typically require a property owner to conduct surveys prior to development to ensure the grasshopper sparrow receives sufficient protection in the development plan. Once these surveys are conducted, and the extent of sparrow use (if any) is determined, measures can be taken to obtain a Biological Opinion or incorporate management of the caracara within the development plan. The grasshopper sparrow was not observed within, or adjacent to, the subject project area during the field investigations. CPH recommends conducting an informal consultation with the USFWS to obtain written confirmation from USFWS of the **“no effect” determination for the grasshopper sparrow.**

5.3.5 USFWS Crested Caracara Consultation Area

The crested caracara (*Caracara cheriway audubonii*) is listed as Threatened by the USFWS and FFWCC and is protected under the U.S. ESA of 1973, as amended, 16 U.S.C. 1531 *et seq.* and Florida Chapter 68A-27, F.A.C. The subject project area is located within the USFWS Crested Caracara Consultation Area (Figure

4). The caracara is documented as occurring in the general vicinity of the subject property by USFWS database. The nearest documented nest site is adjacent to, and east of, the project area within the Florida Turnpike right-of-way. However, a nest was not observed during the field investigations at this recorded location.

Large expanses of pastures, grasslands, or prairies dotted with numerous shallow ponds and sloughs and single clumps of live oaks, cabbage palms and cypress provide nesting habitat. Improved pastures, extensive networks of drainage canals, stock ponds, agricultural ditches and marshes provide foraging habitat.

The crested caracara is non-migratory. Adult pairs stay year-round on territory which may be maintained for years. The presence of adult individuals in an area can usually be assumed to indicate the existence of a breeding territory. Should the caracara reside on a subject property, a development plan should be designed to buffer disturbance activities. Should it become necessary to provide caracara nest protection during development activities, protection of caracara nests is described in the FFWCC *Recommended Management Practices and Survey Protocols for Audubon's Crested Caracara (Caracara cheriway audobonii) in Florida Technical Report No. 18*.

The USFWS and the FFWCC typically require a property owner to conduct surveys prior to development to ensure the crested caracara receives sufficient protection in the development plan. These surveys should occur every two (2) weeks during January through April, starting by January 10th. Once these surveys are conducted, and the extent of caracara use (if any) is determined, measures can be taken to incorporate management of the caracara within the development plan.

The crested caracara was not observed within, or adjacent to, the subject project area during the field investigations. CPH recommends an informal consultation with the USFWS to confirm if a caracara survey is required and, if so, the limits of the survey area defined or to obtain written confirmation

from the USFWS that the subject project development is “not likely to adversely affect” the caracara. The caracara nest survey is time sensitive and needs to commence by January 10th and continues through April.

5.3.6 USFWS Florida Scrub Jay Consultation Area

The Florida scrub jay (*Aphelocoma coerulescens coerulescens*) is listed as a Threatened species by the USFWS through the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.* The USFWS issues a Biological Opinion (BO) for projects and its effects on the threatened Florida scrub jay in accordance with Section 7 or Section 10 of the Endangered Species Act of 1973, as amended (ESA) (87 stat. 884; 16 U.S.C. 1531 *et seq.*). The BO will spell out the negotiated mitigation measures taken by the project to ensure the listed species is not adversely affected.

If scrub habitat is located within ¼ mile of the site, regardless of the type of habitat on the subject project, the USFWS considers the on-site habitat Type III scrub jay habitat. However, scrub habitat is not observed within ¼ mile of the subject project.

According to the USFWS database, the closest known scrub jay territory is located 0.5 miles northeast of the subject project (Figure 4). Based upon field observations, scrub jays and suitable scrub jay habitat were not observed within the subject project area during the field investigations. CPH recommends conducting an informal consultation with the USFWS to obtain written confirmation from USFWS of the “no effect” determination for the Florida scrub jay.

5.3.7 USFWS Sand Skink Consultation Area

The sand skink (*Neoseps reynoldsi*) and blue-tailed mole skink (*Eumeces egregius lividus*) were listed as threatened under the Endangered Species Act (ESA) in 1987. Individuals or entities intending to conduct activities that may affect listed species may lawfully incidentally take those species after consulting with the U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 or 10 of the ESA. When a property is conducted, funded or authorized by a Federal agency, listed species consultation

occurs pursuant to Section 7 of the ESA. If there is no Federal nexus (e.g., federal funding or authorization), a non-Federal entity who wishes to conduct an activity may legally “take” listed species after obtaining an Incidental Take Permit (ITP) from the USFWS in accordance with Section 10 of the ESA.

No critical habitat has been designated for the sand skink or blue-tailed mole skink. However, the USFWS has delineated a “Sand Skink and Blue-tailed Mole Skink Consultation Area” based on known locations of skinks, location of skink habitat as defined by appropriate soils and elevation, and natural and developed ecosystems that are known to support sand skinks or blue-tailed mole skinks. Proposed activities within the consultation area are more likely to affect sand skinks and blue-tailed mole skinks, while activities outside the consultation area are less likely to affect skinks. The consultation area provides an initial analysis tool; it should not be considered the only factor in determining if consultation with the USFWS is required.

Both sand skinks and blue-tailed mole skinks are endemic to the sandy ridges of central Florida. Sand skinks have been documented to occur in Highlands, Lake, Marion, Orange, Osceola, Polk and Putnam Counties. Blue-tailed mole skinks seem to be restricted to the Lake Wales Ridge in Highlands, Polk and Osceola Counties. They are generally found at, or above, elevations of 82 feet above sea level and in excessively drained, well-drained and moderately well-drained sandy soils.

Research indicates that blue-tailed mole skinks typically occur with sand skinks. Only sand skinks leave visible signs, or tracks on sandy soil surfaces. Therefore, sand skink occurrence is used as an indicator of blue-tailed mole skink occurrence where the two species overlap in distribution. According to the USFWS *Sand Skink & Blue-tailed Mole Skink Conservation Guidelines* surveys must be conducted between March 1st and May 1st. Negative survey results (no skink tracts detected) obtained by surveys conducted outside of this time period will not be considered valid by the USFWS. Surveys should be conducted a minimum of four times in consecutive weeks within the survey time period to conclude that skinks are not

present. Cover boards must be lifted and checked for tracks a minimum of once per week.

The subject project is located within the USFWS Sand Skink and Blue-tailed Mole Skink Consultation Area, contains soil types preferred by skinks, and is at approximately 83-90 feet in elevation, which meets the 82-foot minimum elevation requirement. The subject project does not contain suitable skink habitat. Due to the historical development activities, the densely-rooted grasses and thick vegetation growth which prohibit skink movement and survival, a cover board survey may not be warranted for this property. Sandy open areas typically used by skinks were not observed during the field investigations.

During the field investigation, sand skink tracks were not observed on the subject project. CPH recommends conducting an informal consultation with the USFWS to confirm if a sand skink survey is required and, if so, what areas of the project should be subject to a survey or to obtain written confirmation **from the USFWS that the subject project development is “not likely to adversely affect” the sand skink.**

5.3.8 USFWS Everglades Snail Kite Consultation Area

The Everglades snail kite (*Rostrhamus sociabilis plumbeus*) is listed as Endangered by the USFWS and the FFWCC. The Everglades snail kite is protected under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.* Typical Everglades snail kite habitat consists of freshwater marshes and the shallow vegetated edges of lakes (natural and man-made) where apple snails (*Pomacea paludosa*) can be found. Everglades snail kites require suitable foraging areas that are relatively clear and open in order to visually search for their specialized diet (apple snails). If suitable habitat is present or snail kites are reported on site the survey procedures should be conducted in January to May during the breeding season.

During the September and October 2021 preliminary field investigations, suitable nesting and foraging habitat was not observed within the subject project boundaries. CPH recommends conducting an informal consultation **with the USFWS to obtain written confirmation from USFWS of the “no effect”** determination for the Everglades snail kite or to determine if a survey is warranted.

5.3.9 Gopher Tortoise

The gopher tortoise (*Gopherus polyphemus*) is listed as a “Threatened” species by the FFWCC and is protected by state law under Chapter 68A-27, Florida Administrative Code. If the gopher tortoise is observed, or signs of the tortoise such as burrows are observed, their presence must be addressed prior to on-site construction activities. The FFWCC is the state agency responsible for overseeing the management of this species including permitting. According the FFWCC there are several options to address sites slated for development with active gopher tortoise populations. These options include avoidance, on-site relocation and off-site relocation. All FFWCC permit scenarios will require local government approval of the development prior to permit issuance and tortoise relocation. According to FFWCC regulations, gopher tortoise surveys are valid for 90 days. Gopher tortoises and their burrows were not observed during the field investigations. CPH recommends conducting a tortoise survey to ascertain the full extent of the tortoise population at least 90 days prior to site construction in order to apply and process a permit with FFWCC, as appropriate.

6.0 IMPAIRED WATERS

Under federal law the Environmental Protection Agency (EPA) requires that states develop lists of waterways to be designated as Impaired Waters. Impaired Waters are those that do not meet water quality standards set by the states as stated in subsection 303(d) of the Clean Water Act (CWA). In

1999, the Florida Watershed Restoration Act (FWRA) was approved to develop the listing criteria and methodology (Chapter 62.303, F.A.C.). Total Maximum Daily Loads (TMDL) and the science-based approach to guiding the identification and verification of listed waterways is being developed. The EPA approved Impaired Waters list is on a five (5) year rotation for assessment.

The FDEP verified the impaired waters assessment by conducting specific studies. The FDEP's most recent mapping data (January 2020) for impaired waters in the vicinity of the subject project is shown on Figure 5. The subject project is not located within an impaired or a TMDL basin. FDEP and the five water management districts intend to limit the discharge of nutrients to prevent violations of water quality standards and perceived man-induced nutrient enrichment. It is anticipated each new development project will have to demonstrate, through stormwater management design that the project will not adversely affect downstream receiving waters.

7.0 PRELIMINARY WETLAND MITIGATION ASSESSMENT

As part of the permitting process, avoidance and minimization criteria must be addressed. Before mitigation to compensate for wetland impacts is accepted, an applicant must clearly show that all alternatives to avoid and minimize impacts to wetlands are exhausted. If it is determined that impacts to wetlands are unavoidable, then proposed mitigation options will be evaluated by the regulatory agencies. The subject project area is located in the Upper Kissimmee River Planning Unit, Lake Tohopekaliga Drainage Basin.

The subject project is located within the Mitigation Service Area (MSA) for eight (8) mitigation banks: Bullfrog Bay, Collany, Southport Ranch, Lucky L, Shingle Creek, Twin Oaks, Reedy Creek and Hatchineha Ranch. The subject project is eligible to use these eight (8) mitigation banks as a compensatory mitigation solution for proposed wetland impacts. Lucky L, Lake X Ranch, Twin Oaks, Reedy Creek and Hatchineha Ranch are not selling federal credits at this time.

Table No. 1 provided below summarizes credit availability, credit type and credit pricing for the eight (8) mitigation banks.

Table 1: Mitigation Bank Options (2021)

Mitigation Bank Name	State Credits Availability & Type	ACOE Credits Availability & Type	Price per Credit	Comments
Bullfrog Bay	Yes / UMAM	No	\$120,000	Forested & Herbaceous
Collany	Yes / UMAM	Yes / UMAM	\$95,000	Herbaceous credits
Southport Ranch	Yes / UMAM	Yes / UMAM	\$135,000 Dual	Forested & Herbaceous
Lucky L	Yes / UMAM	Pending	\$125,000	Forested & Herbaceous
Shingle Creek	Yes / UMAM	No	\$125,000	Forested & Herbaceous
Twin Oaks	Yes / UMAM	No	\$125,000	Herbaceous credits
Reedy Creek	Yes / UMAM	No / M-WRAP **	\$135,000 Dual \$125,000 State \$25,000 Federal	Forested credits
Hatchineha Ranch	Yes / UMAM	No	\$125,000	Forested & Herbaceous

* = Uniform Mitigation Assessment Method (UMAM)

** = Modified Wetland Rapid Assessment Procedure (M-WRAP)

Credit prices may vary depending on supply and demand. The mitigation banks may be willing to provide a discounted price on large credit purchases. Proposed impacts to wetlands or other surface waters shall be reviewed during the permitting process by evaluating the impacts to water quality along with other factors, such as fish, wildlife and protected species and their associated habitats. The quality of the on-site wetlands and surface water areas would not be characterized as pristine and may be described as fair as some form of disturbance has occurred.

Under current permitting guidelines mitigation options are limited to on-site and/or off-site mitigation through preservation, restoration, enhancement or creation of wetlands (type-for-type preferably). There are options for on-site mitigation including preservation and enhancement of wetlands. It should be noted that the Federal policy (FDEP 404 Program) is to accept mitigation bank credits before other mitigation options.

8.0 PAST REGULATORY AUTHORIZATIONS

A SFWMD public records search was conducted for the subject project to discover what previous and/or existing regulatory approvals had occurred. The preliminary search of readily available public databases found previous SFWMD permit authorizations for the project area. The project area was part of a development of regional impact (DRI) known as Gateway Commons.

According to the SFWMD, the Gateway Commons project has 18 permits associated with all, or part of, the project development footprint. The first SFWMD Permit #49-00614-S (Application #901228-5) issued conceptual approval for a general development plan and wetland mitigation plan over 166.4 acres on December 12, 1991.

The most recent permits #49-00614-S-05 (Application #140225-20) & #49-00614-S-09 (Application #140221-17) were issued on March 17, 2014 authorizing permit extensions. SFWMD Permit # 49-00614-S (Application # 010824-12) authorized the construction of the stormwater pond (FLUCFCS No. 531) and the clearing and improvement of areas north of Osceola Parkway (26.27 acres) and a small area (2.07 acres) immediately south of Osceola Parkway. Based on historical aerial photographs the site improvements authorized by this SFWMD permit occurred in 2008.

The mass grading permit authorized impact to several wetland areas and impacts were compensated for by on-site (Figure 6) mitigation and off-site mitigation. Figure 6 depicts the location of a conservation easement within the project area.

There have been several permit modifications and permit extensions issued since the mass grading occurred. The SFWMD conceptual permit initially approved incorporation of wetland areas located throughout the property into a mitigation plan. The conceptual approval is followed by the applicant submitting construction level design for each development phase. Each development phase is evaluated as a “stand alone” project. Any future proposed development would need to authorize wetland impacts and stormwater management design under current regulatory rules and policy.

Provided below is a list of SFWMD permits issued to Gateway Commons including the application number, permit approval date and the acreage associated with the permit.

APPLICATION NO	PERMIT NO	APPROVED DATE	PROJECT ACRES
130114-14	49-00614-S	1-Feb-13	96.58
111228-25	49-00614-S	30-Jan-12	96.58
091123-14	49-00614-S	23-Dec-09	96.58
961204-5	49-00614-S	13-Feb-97	166.4
951108-4	49-00614-S	11-Jan-96	166.4
941118-2	49-00614-S	9-Feb-95	166.4
930924-2	49-00614-S	9-Dec-93	209.2
901228-5	49-00614-S	12-Dec-91	166.4
050207-20	49-00614-S-03	9-May-05	6.67
140225-20	49-00614-S-05	17-Mar-14	2.5
070212-7	49-00614-S-05	23-May-07	2.5
140225-21	49-00614-S-06	17-Mar-14	3.4
070419-6	49-00614-S-06	1-Oct-07	3.4
140221-17	49-00614-S-09	17-Mar-14	96.58
061115-34	49-00614-S-09	11-Jan-07	96.58
020408-32	49-00614-S-09	10-Jun-02	96.58
010824-12	49-00614-S-09	14-Mar-02	96.58
970121-6	49-00855-P	27-Feb-97	2

The highlighted permits in the above list were discussed in the report narrative.

9.0 SUMMARY & RECOMMENDATIONS

The 159.43 +/- acre Gateway Commons project area is west of Florida's Turnpike, east of Bill Beck Boulevard and north and south of Osceola Parkway and is located in Section 2, Township 25 South, Range 29 East in Osceola County and Section 35, Township 24 South, Range 29 East, Orange County, Florida. The project is composed of upland and wetland habitats, improved areas, a conservation area and a stormwater management pond.

According to wetland delineation methodologies outlined in the *Corps of Engineers Wetland Delineation Manual* (1987), the *2008 Corps Interim Regional Supplement to the Corps Wetland*

Delineation Manual: Atlantic & Gulf Coastal Plain Region and the State of Florida Unified Wetland Delineation Methodology (Section 62-340, F.A.C.), habitats classified as wetlands (FLUCFCS Nos. 616, 621, 625, 630 & 643) were observed within the subject project area during the field investigations. CPH recommends conducting a wetland delineation prior to site plan design to assist with project planning.

Development activities altering wetlands and/or drainage will require a Statewide Environmental Resource Permit (SWERP) from the SFWMD. Different ERP Permits for various activities, General Permits and exemptions can be found in the *State of Florida Environmental Resource Permit Applicant's Handbook, Volume I*. Specific design standards, basin specific criteria and procedures can be found in the *State of Florida Environmental Resource Permit Applicant's Handbook, Volume II*.

Dredge and fill activities within "Waters of the United States" and "Adjacent Waters" will require a FDEP 404 Permit or verification to use permits issued through the General or Nationwide Permit Program. The FDEP 404 guidelines request that all impacts associated with a particular project be submitted for consideration under one permit application.

The subject project area is located within the Mitigation Service Area (MSA) for eight (8) mitigation banks available to provide credits. Collany and Southport Ranch Mitigation Banks both have State and Federal credits available as a compensatory mitigation solution for proposed wetland impacts. Credit prices may vary depending on supply and demand. The mitigation banks may be willing to provide a discounted price on large credit purchases. There are options for on-site mitigation including preservation and enhancement of wetlands. On-site mitigation options are available and would be considered by SFWMD. It should be noted that it is Federal policy (FDEP 404 Program) to accept mitigation bank credits before other mitigation options.

CPH biologists conducted field investigations of the subject project area in September and October 2021. General reconnaissance of the site was conducted, looking for the occurrence of federal or state-listed flora and fauna as well as general wildlife utilization. A state threatened plant, Catesby's lily was observed within the project limits. This presence of this plant will not adversely affect development.

The subject project area is located within the USFWS Consultation Areas for the crested caracara, Florida scrub jay, Florida grasshopper sparrow, sand skink and Everglades snail kite. CPH recommends conducting an informal consultation with the USFWS to solicit their review of the existing conditions of the subject project and field investigation observations to determine if formal surveys will be required to confirm species presence or absence. The survey for these species is time sensitive. If a survey is required for the caracara, the survey will need to begin by January 10th and end in April. The scrub jay survey timeframes are March, July, September and October. The sand skink survey timeframe is March 1st through May 1st. The Florida grasshopper sparrow survey timeframe is between April and June. The Everglades snail kite survey timeframe is from January to May. Survey's conducted outside of these timeframes will not be accepted by the USFWS. Conducting an informal consultation with the USFWS prior to development and conducting formal surveys, if required, typically expedite the permit process.

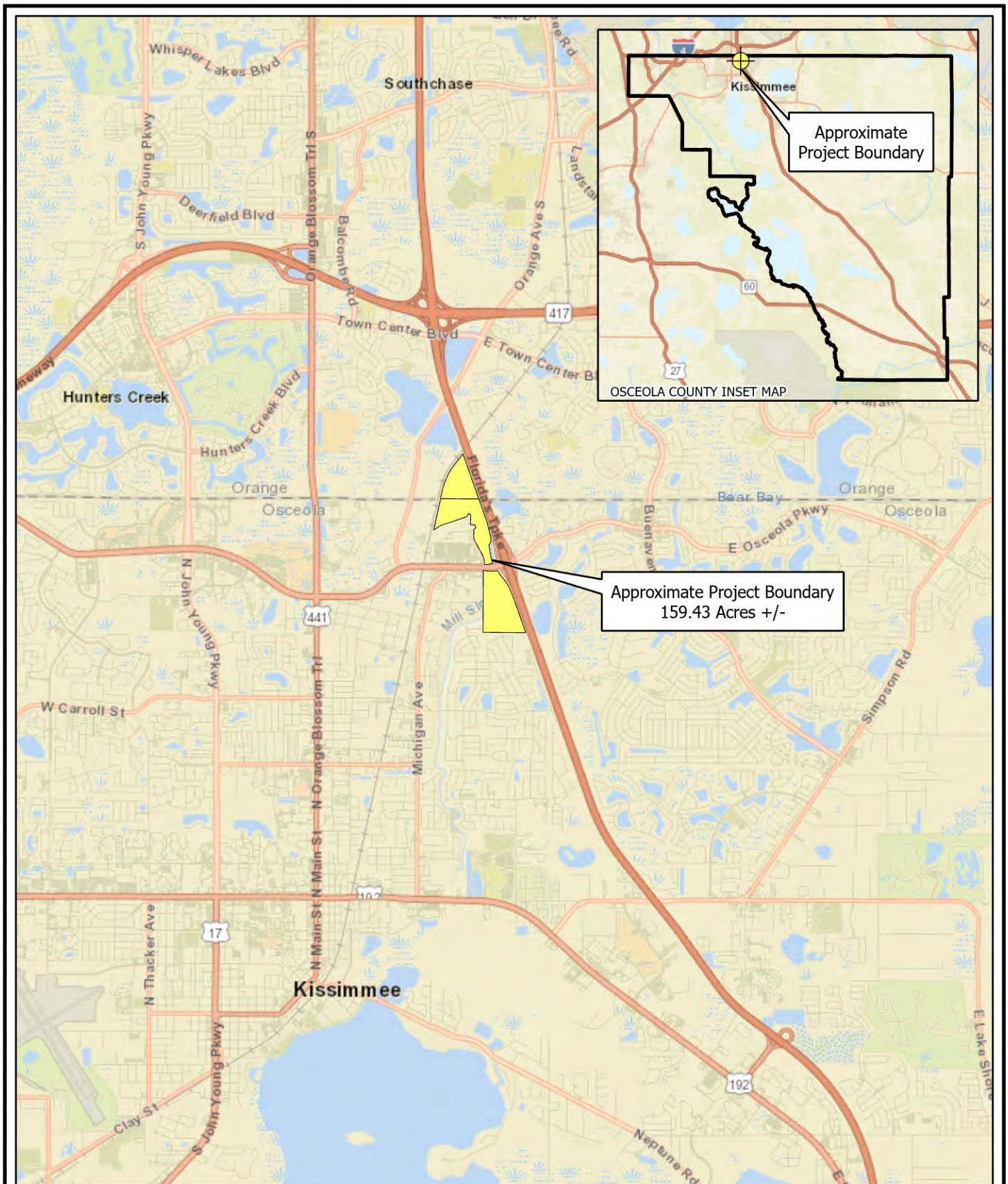
There have been several permit modifications and permit extensions issued since the SFWMD conceptual permit was issued for Gateway Commons. Mass grading and design of a stormwater pond was approved by SFWMD on a portion of the project. The mass grading and stormwater pond construction was completed in 2008. Each development phase is evaluated as a "stand alone" project. Any future proposed development would need to authorize wetland impacts and stormwater management design under current regulatory rules and policy.

As a preliminary assessment, the findings of this report concerning native vegetation and land use may be subject to change upon more detailed analysis. Additionally, failure to detect a listed species does not necessarily infer species absence as wildlife are mobile, exhibit seasonality of occurrence and generally have low population levels. Further, nothing in this report regarding environmental laws, rules and regulations is intended to be a legal interpretation or opinion, thus readers of this report should contact an attorney concerning any matters of law.



APPENDIX A Figures

Gateway Commons Preliminary Ecological Assessment Report Osceola & Orange Counties, Florida



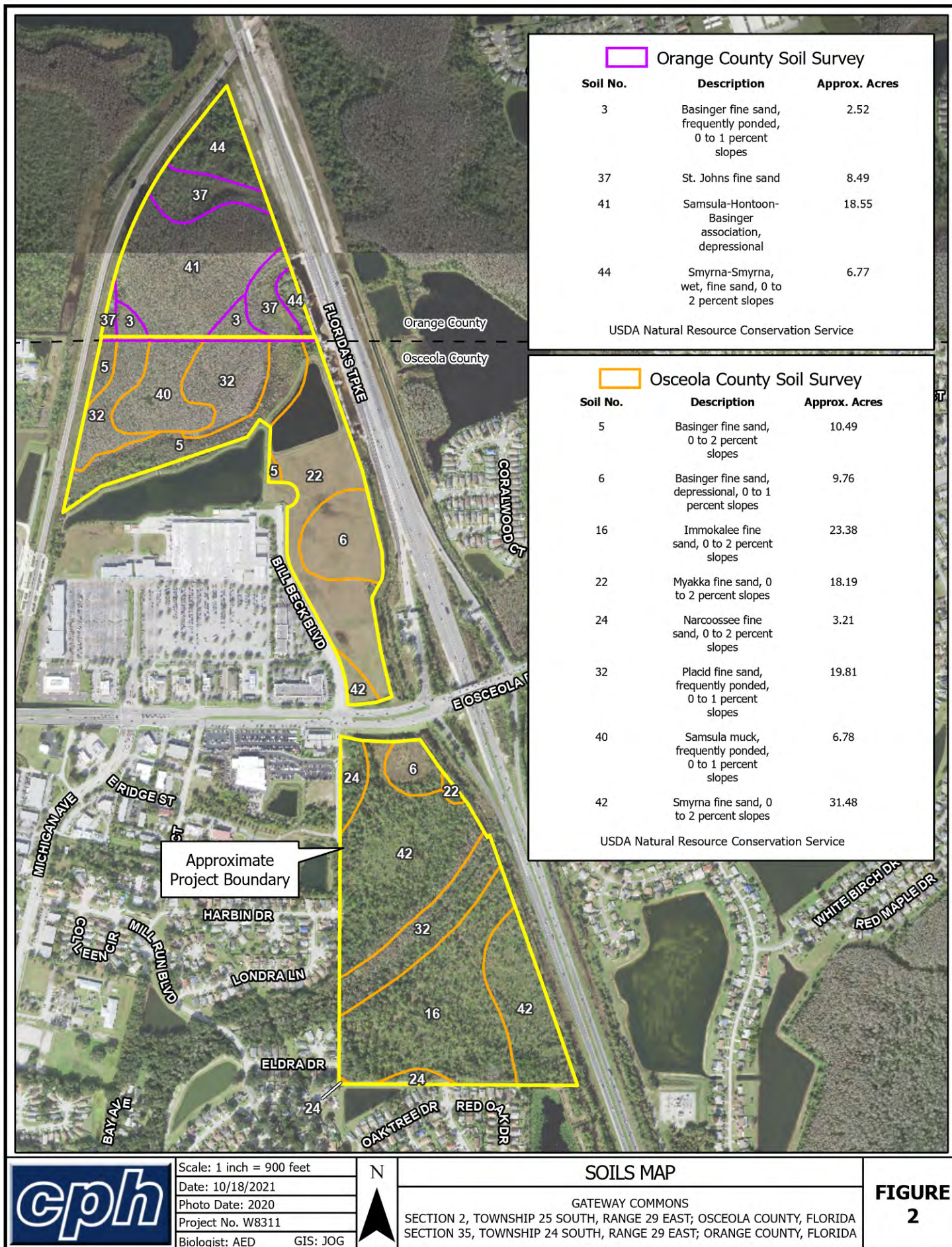
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 Date: 10/18/2021
 Photo Date: N/A
 Project No. W8311
 Biologist: AED GIS: JOG

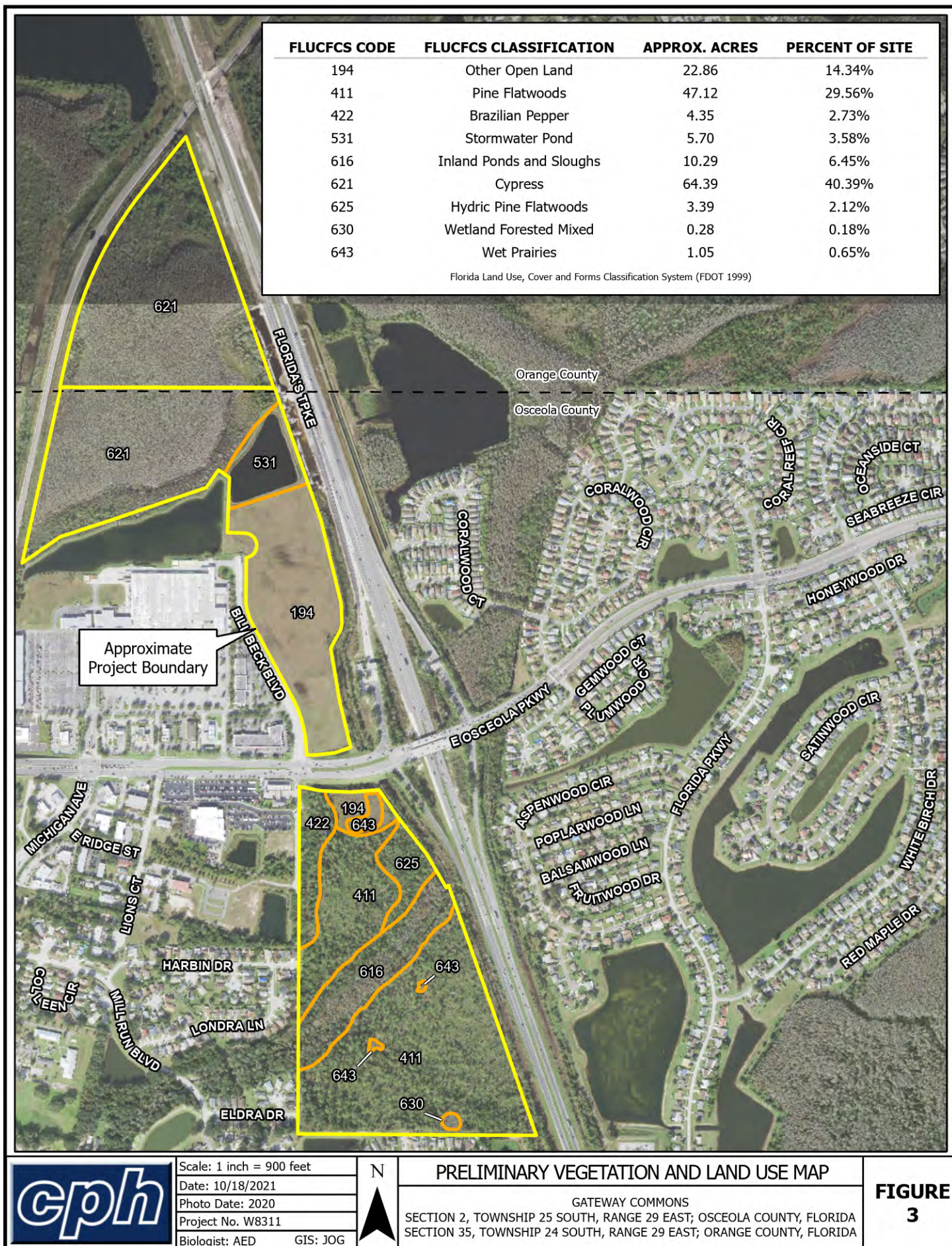


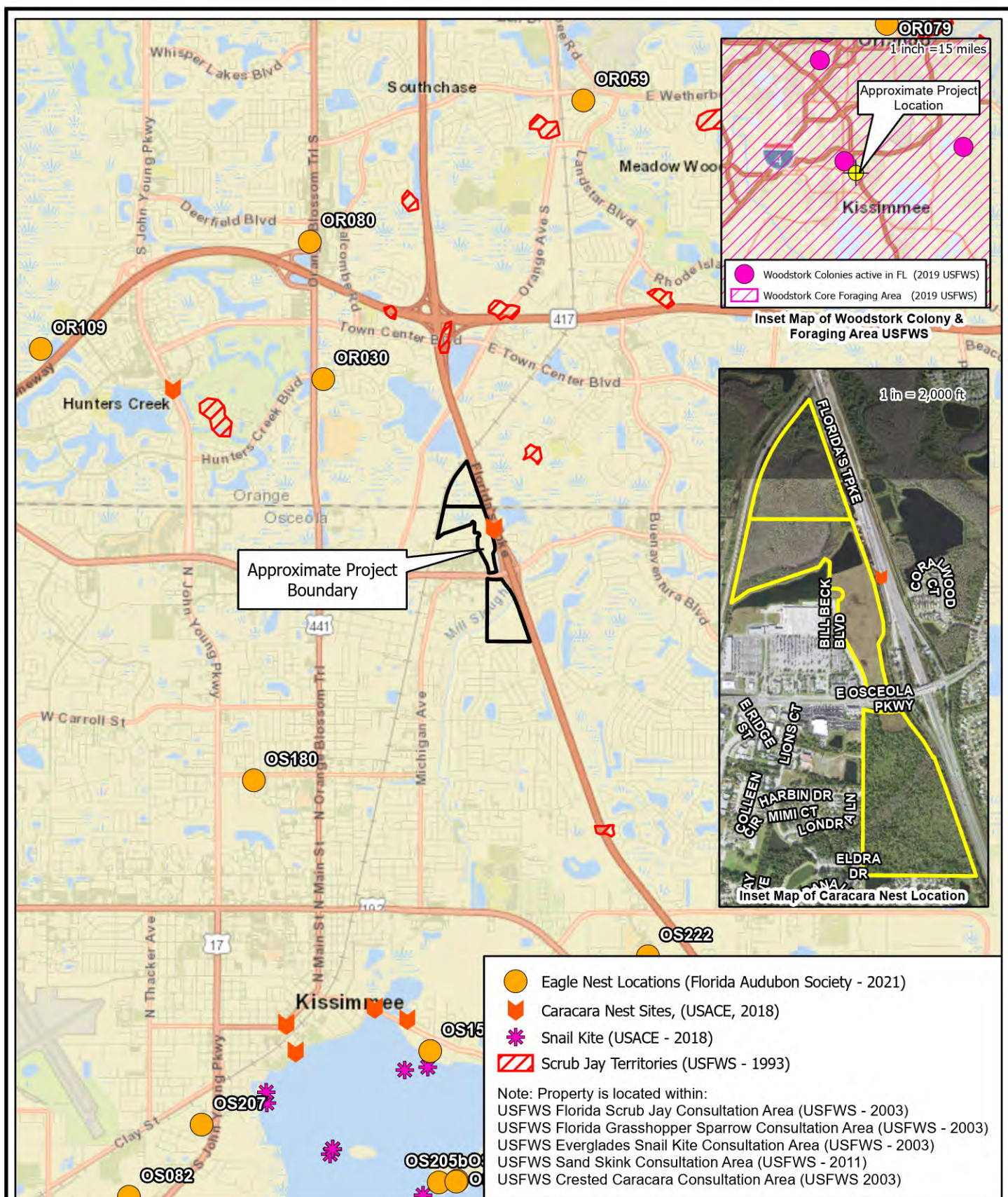
LOCATION MAP

GATEWAY COMMONS
 SECTION 2, TOWNSHIP 25 SOUTH, RANGE 29 EAST; OSCEOLA COUNTY, FLORIDA
 SECTION 35, TOWNSHIP 24 SOUTH, RANGE 29 EAST; ORANGE COUNTY, FLORIDA

**FIGURE
1**







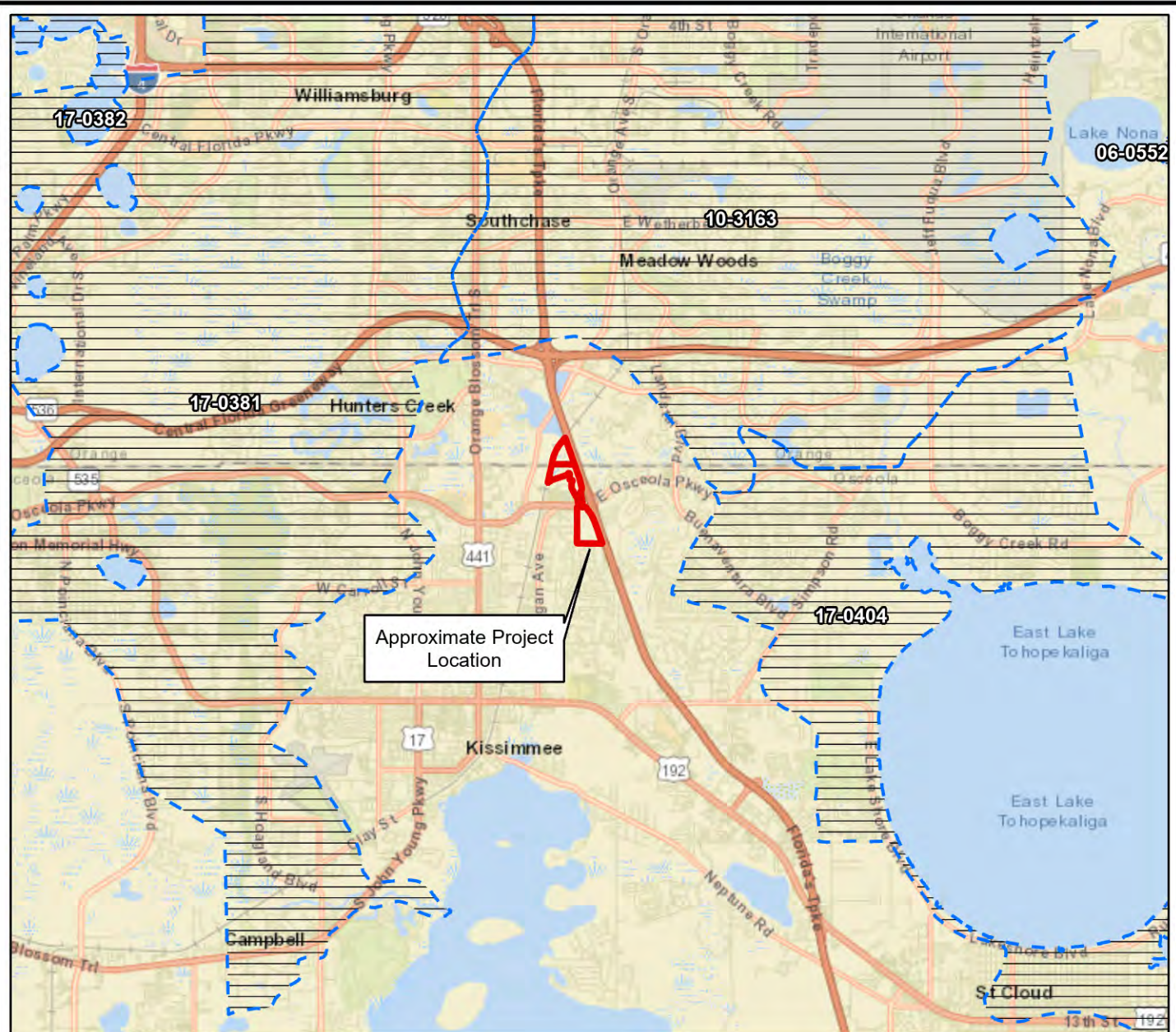
Scale: 1 inch = 1 mile
 Date: 10/18/2021
 Photo Date: N/A
 Project No. W8311
 Biologist: AED GIS: JOG



SPECIES MAP

GATEWAY COMMONS
 SECTION 2, TOWNSHIP 25 SOUTH, RANGE 29 EAST; OSCEOLA COUNTY, FLORIDA
 SECTION 35, TOWNSHIP 24 SOUTH, RANGE 29 EAST; ORANGE COUNTY, FLORIDA

FIGURE 4



 FDEP Verified Impaired Water Bodies (January 2020)

WBID	OGC NUMBER	GROUP NAME	BASIN NAME	WATERBODY	PARAMETER
3169C	17-0382	Kissimmee River	Upper Kissimmee Planning Unit	Big Sand Lake	Lead
3168B	10-3163	Kissimmee River	Upper Kissimmee Planning Unit	Boggy Creek	Fecal Coliform
3171C	06-0552	Kissimmee River	Upper Kissimmee Planning Unit	Red Lake	Copper
3172C	17-0404	Kissimmee River	Upper Kissimmee Planning Unit	East Lake Tohopekaliga Drain	Nutrients (Macrophytes)
3169A	17-0381	Kissimmee River	Upper Kissimmee Planning Unit	Shingle Creek	Nutrients (Macrophytes)



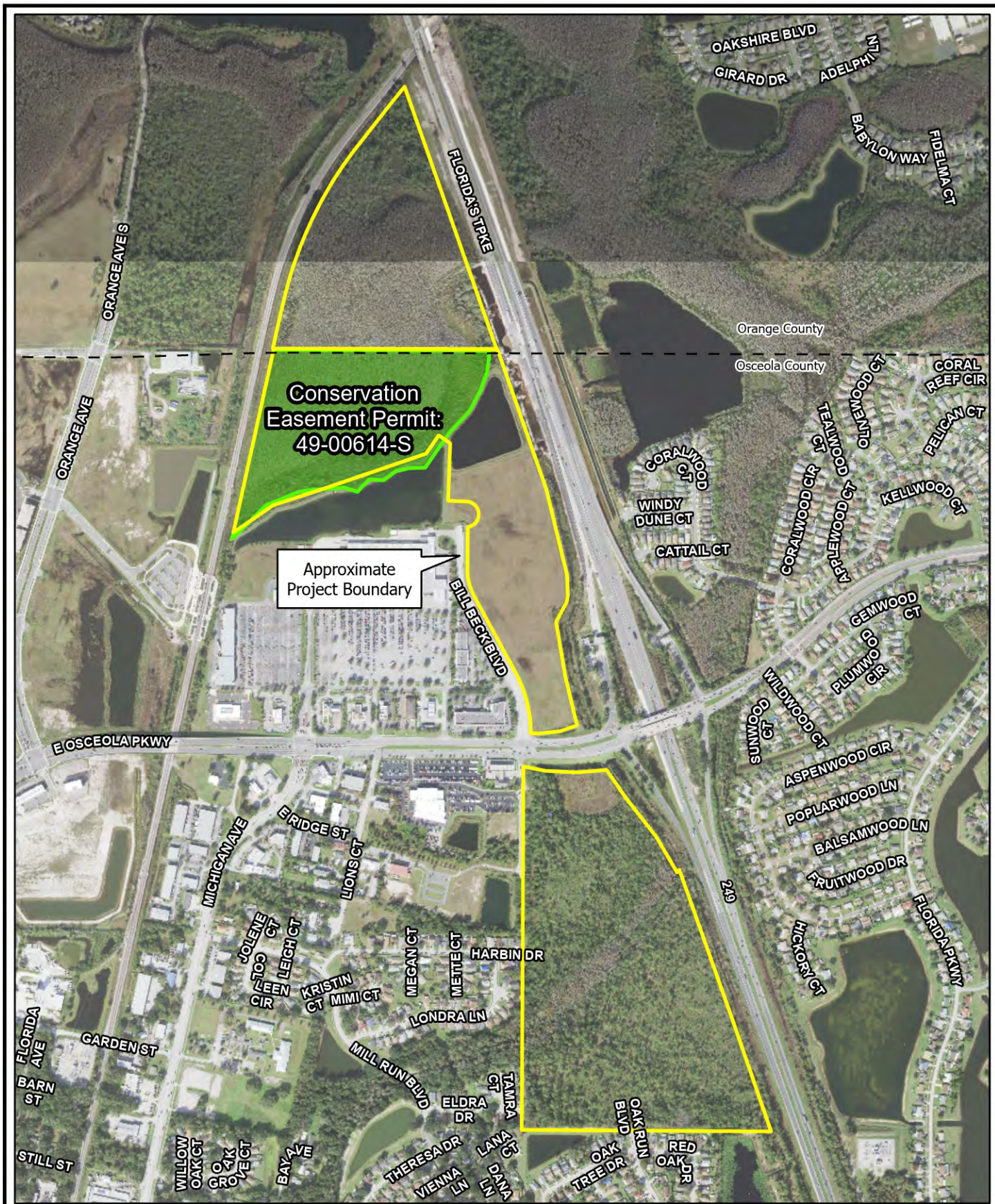
Scale: 1 inch = 2 mile
 Date: 10/18/2021
 Photo Date: N/A
 Project No. W8311
 Biologist: AED GIS: JOG



FDEP IMPAIRED WATERS/BASINS MAP

GATEWAY COMMONS
 SECTION 2, TOWNSHIP 25 SOUTH, RANGE 29 EAST; OSCEOLA COUNTY, FLORIDA
 SECTION 35, TOWNSHIP 24 SOUTH, RANGE 29 EAST; ORANGE COUNTY, FLORIDA

**FIGURE
5**



Scale: 1 inch = 900 feet
 Date: 10/18/2021
 Photo Date: 2020
 Project No. W8311
 Biologist: AED GIS: JOG



SPECIAL ENVIRONMENTAL DESIGNATION MAP

GATEWAY COMMONS
 SECTION 2, TOWNSHIP 25 SOUTH, RANGE 29 EAST; OSCEOLA COUNTY, FLORIDA
 SECTION 35, TOWNSHIP 24 SOUTH, RANGE 29 EAST; ORANGE COUNTY, FLORIDA

**FIGURE
6**

**DIVISION OF HISTORICAL RESOURCES
LETTER**



This record search is for informational purposes only and does NOT constitute a project review. This search only identifies resources recorded at the Florida Master Site File and does NOT provide project approval from the Division of Historical Resources. Contact the Compliance and Review Section of the Division of Historical Resources at CompliancePermits@dos.MyFlorida.com for project review information.

January 4, 2022

Tatum Jordan-Madden
Planner



2602 E. Livingston St.#
Orlando, FL 32803
Office: 407.487.2594
Fax: 407.289.5280

In response to your request on January 4, 2022, the Florida Master Site File lists no cultural resources at the Kissimmee designated area om Osceola County Florida.

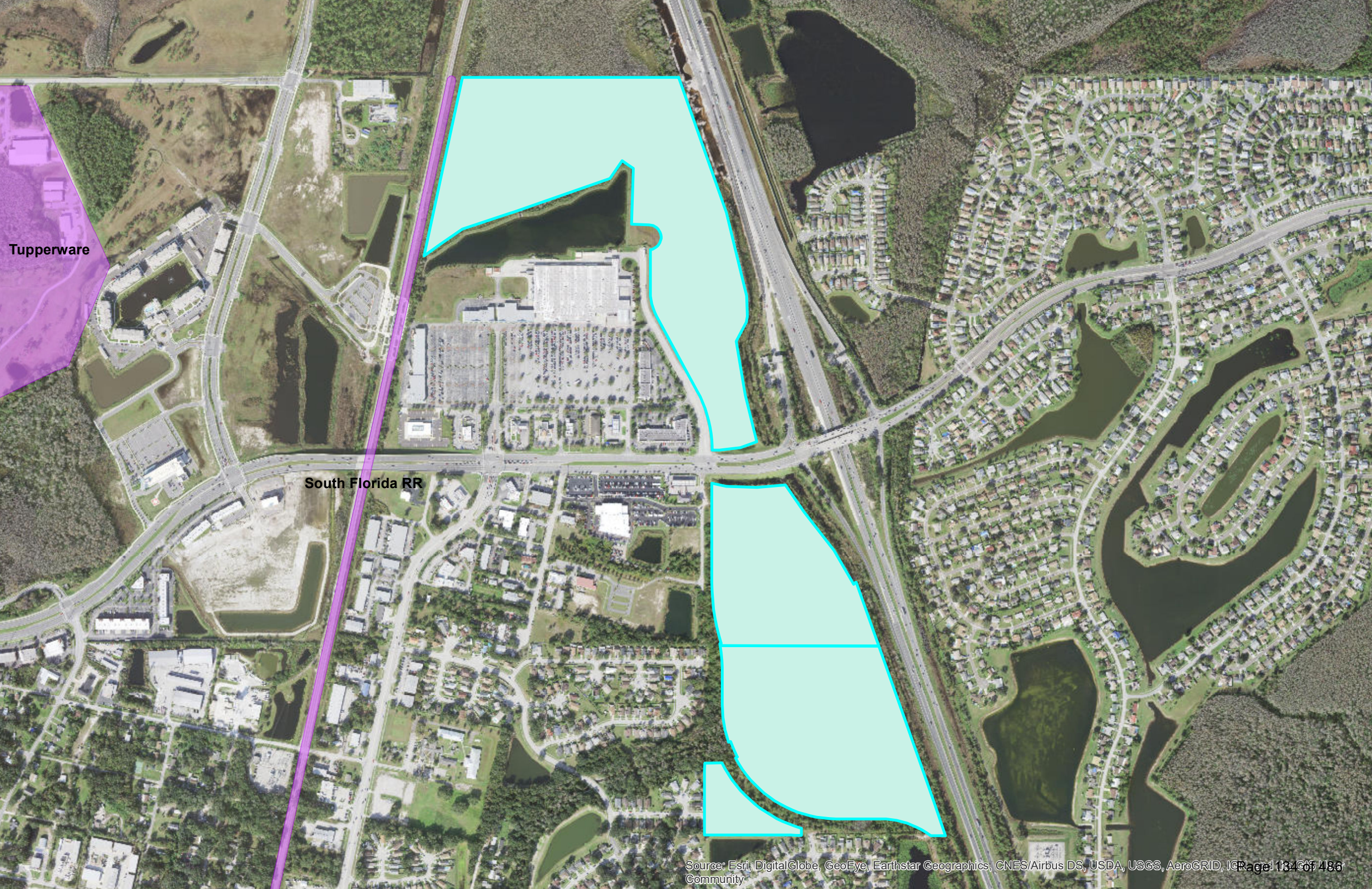
When interpreting the results of our search, please consider the following information:

- **This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.**
- **Because vandalism and looting are common at Florida sites, we ask that you limit the distribution of location information on archaeological sites.**
- **While many of our records document historically significant resources, the documentation of a resource at the Florida Master Site File does not necessarily mean the resource is historically significant.**
- **Federal, state and local laws require formal environmental review for most projects. This search DOES NOT constitute such a review. If your project falls under these laws, you should contact the Compliance and Review Section of the Division of Historical Resources at CompliancePermits@dos.MyFlorida.com.**

Please do not hesitate to contact us if you have any questions regarding the results of this search.

Sincerely,

Eman M. Vovsi, Ph.D.
Florida Master Site File
Eman.Vovsi@DOS.MyFlorida.com



Tupperware

South Florida RR

TRAFFIC IMPACT ANALYSIS
(To Be Submitted Under Separate Cover)

Boundary Survey

SCHEDULE B-SECTION II PER FIDELITY NATIONAL
TITLE INSURANCE COMPANY
ORDER NO. 9906038, REVISION# 1 - 10/7/21
EFFECTIVE DATE SEPTEMBER 29, 2021 AT 5:00 P.M.

OSCEOLA COUNTY PROPERTY:

6. RESERVATION OF ROAD RIGHTS OF WAY IN FAVOR OF THE STATE OF FLORIDA, THROUGH THE TRUSTEES OF THE
INTERNAL IMPROVEMENT FUND, AS SET FORTH IN THAT CERTAIN DEED RECORDED IN DEED BOOK 104, PAGE 96,
PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA. (PARCELS 2 AND 3)
(DOES NOT AFFECT-AFFECTS AS TO ADJACENT RIGHT-OF-WAY)

7. EASEMENT GRANT TO HOUSTON TEXAS GAS AND OIL CORPORATION, A DELAWARE CORPORATION
RECORDED OCTOBER 29, 1958, IN OFFICIAL RECORDS BOOK 31, PAGE 179; MODIFICATION RECORDED JULY 13
1966, IN OFFICIAL RECORDS BOOK 150, PAGE 504, PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA. (PARCEL 1)
(DOES NOT AFFECT-PLOTS OFFSITE)

8. RESTRICTIONS, COVENANTS, CONDITIONS, EASEMENTS AND OTHER MATTERS AS CONTAINED ON THE PLAT OF
GATEWAY COMMONS NORTH, RECORDED IN PLAT BOOK 13, PAGE(S) 28 THROUGH 32, INCLUSIVE, OF THE PUBLIC
RECORDS OF OSCEOLA COUNTY, FLORIDA. (PARCEL 1)
(AFFECTS SUBJECT PARCEL, BLANKET IN NATURE AS TO PARCEL 1)

9. DEVELOPMENT ORDER GATEWAY COMMONS DEVELOPMENT OF REGIONAL IMPACT RECORDED AUGUST 9, 1991, IN
OFFICIAL RECORDS BOOK 1026, PAGE 2907; FIRST AMENDMENT RECORDED SEPTEMBER 12, 1996, IN OFFICIAL
RECORDS BOOK 1349, OL 1479; SECOND AMENDMENT RECORDED JANUARY 10, 2000, IN OFFICIAL RECORDS
BOOK 1690, PAGE 1594; ALLOCATION AND ASSIGNMENT OF LAND USE AND DEVELOPMENT RIGHTS RECORDED
MARCH 1, 2000, IN OFFICIAL RECORDS BOOK 1708, PAGE 1724; PROPOSED ORDER APPROVING REVISION OF
GATEWAY COMMONS DRI DEVELOPMENT ORDER RECORDED AUGUST 5, 2019, IN OFFICIAL RECORDS BOOK 5568,
PAGE 541; PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA. (PARCELS 1, 2 AND 3)
(AFFECTS SUBJECT PARCEL, BLANKET IN NATURE AS TO PARCELS 1, 2, AND 3)

10. DEED OF CONSERVATION EASEMENT BY AND BETWEEN DART ROAD LIMITED PARTNERSHIP AND SOUTH FLORIDA
WATER MANAGEMENT DISTRICT RECORDED JUNE 19, 2000, IN OFFICIAL RECORDS BOOK 1747, PAGE 1631, PUBLIC
RECORDS OF OSCEOLA COUNTY, FLORIDA. (PARCEL 1)
(AFFECTS SUBJECT PARCEL, AS SHOWN, AS TO PARCEL 1)

11. EASEMENT WITH COVENANTS AND RESTRICTIONS AFFECTING LAND ("ECR") BY AND BETWEEN WAL-MART STORES
EAST, INC., AN ARKANSAS CORPORATION AND WENDELL E. SPEARS, A HARRISBURG, PENNSYLVANIA, INC., AN ARKANSAS CORPORATION, OSCEOLA
COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA RECORDED APRIL 12, 2001, IN OFFICIAL RECORDS
BOOK 3497, PAGE 1044; AFFIDAVIT REGARD ELABORATION OF RIGHTS AGREEMENT RECORDED AUGUST
30, 2007, IN OFFICIAL RECORDS BOOK 3550, PAGE 2496, PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA.
(PARCEL 1)
(AFFECTS SUBJECT PARCEL, BLANKET IN NATURE, AS TO PARCEL 1)

12. OSCEOLA COUNTY AND CITY OF KISSIMMEE JOINT FACILITATION OF PUBLIC INFRASTRUCTURE FOR MICHIGAN
AVENUE AND BILL BECK BOULEVARD BETWEEN DART ROAD LIMITED PARTNERSHIP AND WENDELL E. SPEARS, A HARRISBURG, PENNSYLVANIA, INC., AN ARKANSAS CORPORATION, OSCEOLA
COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA RECORDED APRIL 12, 2001, IN OFFICIAL RECORDS
BOOK 1650, PAGE 1676; FIRST AMENDMENT RECORDED MARCH 18, 2002, IN OFFICIAL RECORDS BOOK 2016,
PAGE 1625, PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA. (PARCELS 1, 2 AND 3)
(AFFECTS SUBJECT PARCEL, BLANKET IN NATURE AS TO PARCELS 1, 2 AND 3)

13. EASEMENT DEED BY AND BETWEEN WENDELL E. SPEARS AND KISSIMMEE UTILITY AUTHORITY, A BODY POLITIC
RECORDED JUNE 1, 2021, IN OFFICIAL RECORDS BOOK 1876, PAGE 2020, PUBLIC RECORDS OF OSCEOLA
COUNTY, FLORIDA. (PARCEL 1)
(AFFECTS SUBJECT PARCEL, AS SHOWN, AS TO PARCEL 1)

14. UTILITY EASEMENT BY AND BETWEEN RAMONA A. SPEARS, FOR THE ESTATE OF WENDELL E. SPEARS TO
TOPOKAUGA WATER AUTHORITY RECORDED JUNE 20, 2007, IN OFFICIAL RECORDS BOOK 3504, PAGE 2103,
PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA. (PARCEL 2)
(AFFECTS SUBJECT PARCEL, AS SHOWN, AS TO PARCEL 2)

15. UTILITY EASEMENT BY AND BETWEEN RAMONA A. SPEARS, FOR THE ESTATE OF WENDELL E. SPEARS AND
TOPOKAUGA WATER AUTHORITY RECORDED JUNE 20, 2007, IN OFFICIAL RECORDS BOOK 3504, PAGE 2109,
PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA. (PARCELS 2 AND 3)
(AFFECTS SUBJECT PARCEL, AS SHOWN, AS TO PARCEL 3)

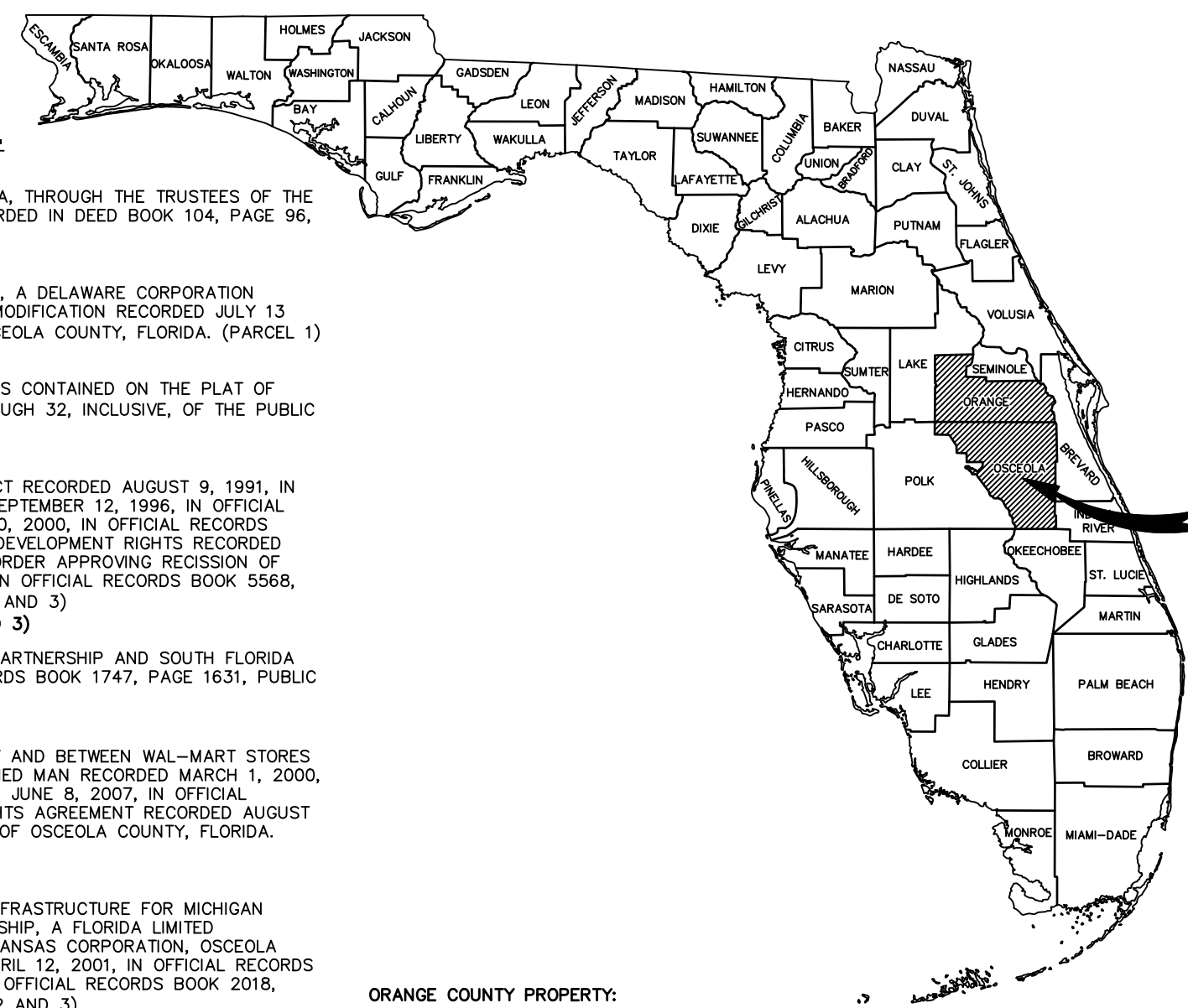
16. EASEMENT DEED BY COURT ORDER SETTLEMENT OF LANDOWNER ACTION RECORDED OCTOBER 17, 2013, IN
OFFICIAL RECORDS BOOK 4517, PAGE 2718 AND AS AFFECTED BY NOTICE OF SUBSTITUTION OF EASEMENT DEED
BY COURT ORDER IN SETTLEMENT OF LANDOWNER ACTION RECORDED NOVEMBER 18, 2013, IN OFFICIAL RECORDS
BOOK 4533, PAGE 479, PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA. (PARCEL 1)
(AFFECTS SUBJECT PARCEL, BLANKET AS TO PARCEL 1)

17. INTERLOCAL AGREEMENT BETWEEN OSCEOLA COUNTY BOARD OF COUNTY COMMISSIONERS AND CITY OF
KISSIMMEE PROVIDING FOR FIRE/EMS SERVICE FOR A PORTION OF OSCEOLA COUNTY FROM KISSIMMEE FIRE
STATION NO. 14 RECORDED OCTOBER 2017, IN OFFICIAL RECORDS BOOK 5135, PAGE 1410, PUBLIC RECORDS OF
OSCEOLA COUNTY, FLORIDA. (PARCELS 1, 2 AND 3)
(AFFECTS SUBJECT PARCEL, BLANKET AS TO PARCELS 1, 2 AND 3)

18. TERMS, CONDITIONS, COVENANTS, RESTRICTIONS, EASEMENTS, MASTER AGREEMENTS, RESERVATIONS, LEASES,
RULES, BYLAWS, ASSESSMENTS AND/OR FEES AND OTHER PROVISIONS WHICH MAY BE CONTAINED IN AND
ESTABLISHED BY THE DECLARATION OF CONDITIONS, COVENANTS, EASEMENTS AND RESTRICTIONS FOR GATEWAY
COMMONS RECORDED SEPTEMBER 12, 2002, IN OFFICIAL RECORDS BOOK 2109, PAGE 2846, PUBLIC RECORDS OF
OSCEOLA COUNTY, FLORIDA, AND ANY AMENDMENTS THERETO. (PARCELS 1, 2 AND 3)
(AFFECTS SUBJECT PARCEL, BLANKET AS TO PARCELS 1, 2 AND 3)

Abbreviation Legend:

(A)	= ACTUAL	MBX	= MAILBOX
A/C	= AIR CONDITIONER	MS	= MITERED END SECTION
ACSM	= AMERICAN CONGRESS ON SURVEYING & MAPPING	MH	= MANHOLE
ADA	= AMERICANS WITH DISABILITIES ACT	MLP	= METAL LIGHT POLE
ALTA	= AMERICAN LAND TITLE ASSOCIATION	MPH	= MILES PER HOUR
APPROX	= APPROXIMATE	MPP	= METAL POWER POLE
ARV	= AIR RELEASE VALVE	N/A	= NOT APPLICABLE
AV	= AVENUE	NAD	= NORTH AMERICAN VERTICAL DATUM
AVG	= AVERAGE	NAD	= NORTH AMERICAN DATUM
(BB)	= BEARING BASIS	N-E	= NON-EXCLUSIVE
BLK	= BACK FLOW PREVENTER	NG	= NATURAL GROUND
BLD	= BUILDING	NGS	= NATIONAL GEODETIC SURVEY
BMD	= BENCHMARK	NGVD	= NATIONAL GEODETIC VERTICAL DATUM
BM	= BENCH MARK	N & D	= NAIL AND DISK
BMC	= BACK OF CURB	NR	= NON-RADIAL
BOW	= BACK WALK	NSPS	= NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS
BSL	= BUILDING SETBACK LINE	NT	= NON-TANGENT
BWF	= BARBED WIRE FENCE	NTS	= NOT TO SCALE
C-X	= CALCULATED	OD	= OVERHEAD DIAMETER
C	= CHORD	ORB	= OFFICIAL RECORDS BOOK
CATV	= CABLE TELEVISION RISER	OR	= OFFICIAL RECORDS BOOK
CB	= CHORD BEARING	OTL	= OVERHEAD UTILITY LINES
CBS	= CONCRETE BLOCK STRUCTURE	OTL	= OVERHEAD TRAFFIC LINES
C.A.R.	= CERTIFIED CORNER RECORD	PS	= PLAT BOOK
C&G	= CURB & GUTTER	PC	= POINT OF CURVATURE
C/I	= CATCH INLET	PCC	= POINT OF COMPOUND CURVATURE
C/L	= CENTERLINE	PERM	= PERMANENT CONTROL POINT
CM	= CHAIN LINK FENCE	PFF	= PROPOSED FINISHED FLOOR
CM	= CONCRETE MONUMENT	PG	= PAGE
CMP	= CORRUGATED METAL PIPE	PAGES	= PAGES
CO	= CLEANOUT	PIS	= POINT OF INTERSECTION
CONC	= CONCRETE	PIV	= POST INDICATOR VALVE
CONC	= CORNER	PK	= PARKER KAYLON
CR	= CORRUPTED PLASTIC PIPE	POB	= POINT OF BEGINNING
QUE	= COUNTY UTILITY EASEMENT	POC	= POINT OF COMMENCEMENT
CVS	= CAN'T VERIFY SIZE	POI	= POINT ON LINE
CVS&T	= CAN'T VERIFY SIZE & TYPE	PP	= POWER POLE
CWS	= CROSSWALK SIGNAL	PRC	= POINT OF REVERSE CURVATURE
Δ	= DELTA	PRM	= PERMANENT REFERENCE MONUMENT
(D)	= DESCRIPTION	PSM	= PROFESSIONAL SURVEYOR & MAPPER
DB	= DEED BOOK	PT	= POINT OF TANGENCY
DBH	= DIAMETER AT BREAST HEIGHT IN INCHES	PT	= POLYVINYL CHLORIDE PIPE
DE	= DRAINAGE EASEMENT	PMT	= PAVEMENT
DEPT	= DEPARTMENT	R29E	= RANGE 29 EAST
DIP	= DUCTILE IRON PIPE	R	= RADIAL
DR	= DRIVE	RD	= RADIAL
D/U	= DRAINAGE AND UTILITY EASEMENT	RC	= REINFORCED CONCRETE PIPE
D/V	= DRAINAGE PLAN	REC	= RECOVERED
EJB	= ELECTRIC JUNCTION BOX	REV	= REVISION
ELC	= UNDERGROUND ELECTRICAL LINES	RP	= RADIUS POINT
ELEV	= ELEVATION	R/W	= RIGHT-OF-WAY
EL	= ELECTRIC	RS	= REGISTERED LAND SURVEYOR
ELEV	= ELEVATION	RP	= RADIUS POINT
ELUP	= ELLIPTICAL	RWL	= UNDERGROUND RECLAIM WATER LINE
EO	= END OF INFORMATION	RWM	= RECLAIMED WATER METER
EOP	= EDGE OF PAVEMENT	SE	= SPECIAL EASEMENT
ESMT	= EASEMENT	SEC 2	= SECTION 2
FB	= FIELD BOOK	SHM	= SANITARY SEWER MANHOLE
FDC	= FIRE DEPARTMENT CONNECTION	(SP)	= STATE PLANE
FDOT	= FLORIDA DEPARTMENT OF TRANSPORTATION	SQ	= SQUARE
FF	= FINISH FLOOR	SQ FT	= SQUARE FEET
FGI	= FLAT GRATE INLET	ST	= STREET
FLP	= FIBERGLASS LIGHT POLE	STMH	= STORM DRAINAGE MANHOLE
FHYD	= FIRE HYDRANT	S/W	= SIDEWALK
FM	= FORCE MAIN	T&B	= TANGENT BEARING
FND	= FOUND	T25S	= TOWNSHIP 25 SOUTH
FP&L	= FOUND POWER AND LIGHT	TELE	= TELEPHONE
FS	= FLORIDA STATUTES	TL	= TOP OF SLOPE
(G)	= GRID (STATE PLANE)	TOB	= TOP OF BANK
GL	= UNDERGROUND GAS LINES	TOE	= TOE OF SLOPE
GOVT	= GOVERNMENT	TR	= TELEPHONE RISER
GPR	= GROUND PENETRATING RADAR	TRANS	= TRANSFORMER
GTMH	= GREASE TRAP MANHOLE	TSB	= TRAFFIC SIGNAL BOX
HDPE	= HIGH DENSITY POLYETHYLENE PIPE	TSSP	= TRAFFIC SIGNAL SUPPORT POLE
HWF	= HOG WIRE FENCE	TVL	= UNDERGROUND CABLE TV LINES
ID	= IDENTIFICATION	(TYP)	= TYPICAL
IR	= IRRIGATION CONTROL VALVE	UE	= UTILITY EASEMENT
INFO	= INFORMATION	UNK	= UNKNOWN
INV	= INVERT	UNK	= UNKNOWN
IPAC	= IRON PIPE	UNK	= UNKNOWN
IP&C	= IRON PIPE & CAP	UNK	= UNKNOWN
IR	= IRON ROD	UNK	= UNKNOWN
IR&C	= IRON ROD & CAP	UNK	= UNKNOWN
IRR	= IRRIGATION	UNK	= UNKNOWN
L	= ARC LENGTH	UNK	= UNKNOWN
LP	= LICENSED BUSINESS NUMBER	UNK	= UNKNOWN
LP	= LIGHT POLE	UNK	= UNKNOWN
(M)	= MEASURED	UNK	= UNKNOWN
MB	= MAP BOOK	UNK	= UNKNOWN



ORANGE COUNTY PROPERTY:

19. EASEMENT GRANTED TO FLORIDA POWER CORPORATION RECORDED JUNE 9, 1972, IN OFFICIAL RECORDS BOOK
2234, PAGE 241, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. (PARCEL 4)
(AFFECTS SUBJECT PARCEL, BLANKET IN NATURE AS TO PARCEL 4)

20. ORANGE COUNTY/ORANGE-OSCEOLA MANAGEMENT CORPORATION/COMMUNITY DEVELOPERS OF ORANGE
COUNTY, INC., FINAL SUBREGIONAL WASTEWATER FACILITIES AGREEMENT CONTRACT NO. 5-83-4 RECORDED
SEPTEMBER 6, 1983, IN OFFICIAL RECORDS BOOK 3415, PAGE 1912, PUBLIC RECORDS OF ORANGE COUNTY,
FLORIDA. (PARCEL 4)
(DOES NOT AFFECT, PLOTS OFFSITE)

21. ORANGE COUNTY/ORANGE-OSCEOLA MANAGEMENT CORPORATION/COMMUNITY DEVELOPERS OF ORANGE
COUNTY, INC., WATER UTILITIES AGREEMENT CONTRACT NO. W-85-5 RECORDED FEBRUARY 20, 1985, IN
OFFICIAL RECORDS BOOK 3609, PAGE 1295; FIRST AMENDMENT RECORDED APRIL 9, 1984, IN OFFICIAL
RECORDS BOOK 3676, PAGE 2345; SECOND AMENDMENT RECORDED MAY 24, 1986, IN OFFICIAL RECORDS
BOOK 5064, PAGE 1043, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. (PARCEL 4)
(DOES NOT AFFECT, PLOTS OFFSITE)

22. ORANGE COUNTY/ORANGE-OSCEOLA MANAGEMENT CORPORATION/COMMUNITY DEVELOPERS OF ORANGE
COUNTY, INC., REVISED WASTEWATER UTILITIES AGREEMENT CONTRACT NO. W-85-5 RECORDED FEBRUARY 20,
1985, IN OFFICIAL RECORDS BOOK 3609, PAGE 1334, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.
(PARCEL 4)
(DOES NOT AFFECT, PLOTS OFFSITE)

23. USE AGREEMENT BY AND BETWEEN COMMUNITY DEVELOPERS OF ORANGE COUNTY, INC., A FLORIDA
CORPORATION AND ORANGE COUNTY, FLORIDA RECORDED APRIL 9, 1985, IN OFFICIAL RECORDS BOOK 3627,
PAGE 1267, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. (PARCEL 4)
(DOES NOT AFFECT, PLOTS OFFSITE)

24. NOTICE OF ADOPTION OF AMENDED DEVELOPMENT ORDER RECORDED JULY 31, 1999, IN OFFICIAL RECORDS
BOOK 4204, PAGE 3892; FIRST AMENDMENT RECORDED JUNE 18, 1991, IN OFFICIAL RECORDS BOOK 4236,
PAGE 532; SECOND AMENDMENT RECORDED FEBRUARY 10, 1992, IN OFFICIAL RECORDS BOOK 4372, PAGE
3712; THIRD AMENDMENT RECORDED MARCH 3, 1993, IN OFFICIAL RECORDS BOOK 4531, PAGE 1684, PUBLIC
RECORDS OF ORANGE COUNTY, FLORIDA. (PARCEL 4)
(DOES NOT AFFECT, PLOTS OFFSITE)

25. TERMS, CONDITIONS, COVENANTS, RESTRICTIONS, EASEMENTS, MASTER AGREEMENTS, RESERVATIONS, LEASES,
RULES, BYLAWS, ASSESSMENTS AND/OR FEES AND OTHER PROVISIONS WHICH MAY BE CONTAINED IN AND
ESTABLISHED BY THE DECLARATION OF CONDITIONS, COVENANTS, EASEMENTS AND RESTRICTIONS FOR
GATEWAY COMMONS RECORDED SEPTEMBER 12, 2002, IN OFFICIAL RECORDS BOOK 2109, PAGE 2846, PUBLIC
RECORDS OF ORANGE COUNTY, FLORIDA, AND ANY AMENDMENTS THERETO. (PARCEL 4)
(AFFECTS SUBJECT PARCEL, BLANKET AS TO PARCEL 4, EXCEPT UPLAND AREA AS SHOWN)

26. EASEMENT DEED BY COURT ORDER IN SETTLEMENT OF LANDOWNER ACTION RECORDED JUNE 10, 2013, IN
OFFICIAL RECORDS BOOK 4204, PAGE 3892; FIRST AMENDMENT RECORDED JUNE 18, 1991, IN OFFICIAL RECORDS BOOK 4236,
PAGE 532; SECOND AMENDMENT RECORDED FEBRUARY 10, 1992, IN OFFICIAL RECORDS BOOK 4372, PAGE
3712; THIRD AMENDMENT RECORDED MARCH 3, 1993, IN OFFICIAL RECORDS BOOK 4531, PAGE 1684, PUBLIC
RECORDS OF ORANGE COUNTY, FLORIDA. (PARCEL 4)
(AFFECTS SUBJECT PARCEL, BLANKET AS TO PARCEL 4)

Symbol Legend:

NOT TO SCALE

---	= 1 FOOT CONTOURS	ARV	= AIR RELEASE VALVE
---	= 5 FOOT CONTOURS	BH	= BORING HOLE LOCATION
---	= ADJOINER PROPERTY LINES	BP	= BRICK PAVERS
---	= BARBED WIRE FENCE	CTV	= CABLE TV RISER
---	= BROKEN LINE	CA	= CENTRAL ANGLE
---	= BURIED CABLE	CO	= CLEAN OUT
---	= BURIED CABLE TELEVISION	CMH	= COMMUNICATION MANHOLE
---	= BURIED ELECTRIC	CONC	= CONCRETE
---	= BURIED FIBER OPTICS	CP	= CONCRETE LIGHT POLE
---	= BURIED GAS	CP	= CONCRETE LIGHT POLE (DUAL)
---	= BURIED RECLAIMED WATER LINE	CP	= CONCRETE LIGHT POLE (TRIPLE)
---	= BURIED SANITARY LINES	CP	= CONCRETE LIGHT POLE (QUAD)
---	= BURIED SANITARY SEWER FORCE MAIN LINE	CP	= CONCRETE MITERED END SECTION
---	= BURIED TRAFFIC CONTROL	CP	= CONCRETE MITERED END SECTION
---	= BURIED TELEPHONE LINE	CP	= CONCRETE MITERED END SECTION
---	= BURIED WATER LINES	CP	= CONCRETE MITERED END SECTION
---	= CENTER LINE R/W	CP	= CONCRETE MITERED END SECTION
---	= CHAIN LINK FENCE	CP	= CONCRETE MITERED END SECTION
---	= EASEMENT LINES (EXISTING)	CP	= CONCRETE MITERED END SECTION
---	= EASEMENT LINES (PROPOSED)	CP	= CONCRETE MITERED END SECTION
---	= EDGE OF WATER LINES	CP	= CONCRETE MITERED END SECTION
---	= EXISTING DRAINAGE PIPES	CP	= CONCRETE MITERED END SECTION
---	= EXISTING DRAINAGE PIPES	CP	= CONCRETE MITERED END SECTION
---	= (TERMINUS & ANGLE UNKNOWN)	CP	= CONCRETE MITERED END SECTION
---	= FIRE WATER MAIN LINES	CP	= CONCRETE MITERED END SECTION
---	= HOT WATER SUPPLY LINES	CP	= CONCRETE MITERED END SECTION
---	= IRRIGATION LINES	CP	= CONCRETE MITERED END SECTION
---	= OVERHEAD TRAFFIC LINES	CP	= CONCRETE MITERED END SECTION
---	= OVERHEAD UTILITY LINES	CP	= CONCRETE MITERED END SECTION
---	= RAILROAD TRACKS	CP	= CONCRETE MITERED END SECTION
---	= RIGHT-OF-WAY LINES	CP	= CONCRETE MITERED END SECTION
---	= SECTION LINES	CP	= CONCRETE MITERED END SECTION
---	= STONE WALL LINES	CP	= CONCRETE MITERED END SECTION
---	= TOP OF BANK LINES	CP	= CONCRETE MITERED END SECTION
---	= TOE OF SLOPE LINES	CP	= CONCRETE MITERED END SECTION
---	= TREE LINES	CP	= CONCRETE MITERED END SECTION
---	= TRAVERSE LINES	CP	= CONCRETE MITERED END SECTION
---	= UNKNOWN BURIED LINES	CP	= CONCRETE MITERED END SECTION
---	= VINYL FENCE	CP	= CONCRETE MITERED END SECTION
---	= WOOD FENCE	CP	= CONCRETE MITERED END SECTION
---	= WETLAND LINE	CP	= CONCRETE MITERED END SECTION
---	= ORANGE PAINT LINE	CP	= CONCRETE MITERED END SECTION
---	= GREEN PAINT LINE	CP	= CONCRETE MITERED END SECTION
---	= RED PAINT LINE	CP	= CONCRETE MITERED END SECTION
---	= WHITE PAINT LINE	CP	= CONCRETE MITERED END SECTION
---	= PURPLE PAINT LINE	CP	= CONCRETE MITERED END SECTION
---	= BLUE PAINT LINE	CP	= CONCRETE MITERED END SECTION
---	= YELLOW PAINT LINE	CP	= CONCRETE MITERED END SECTION

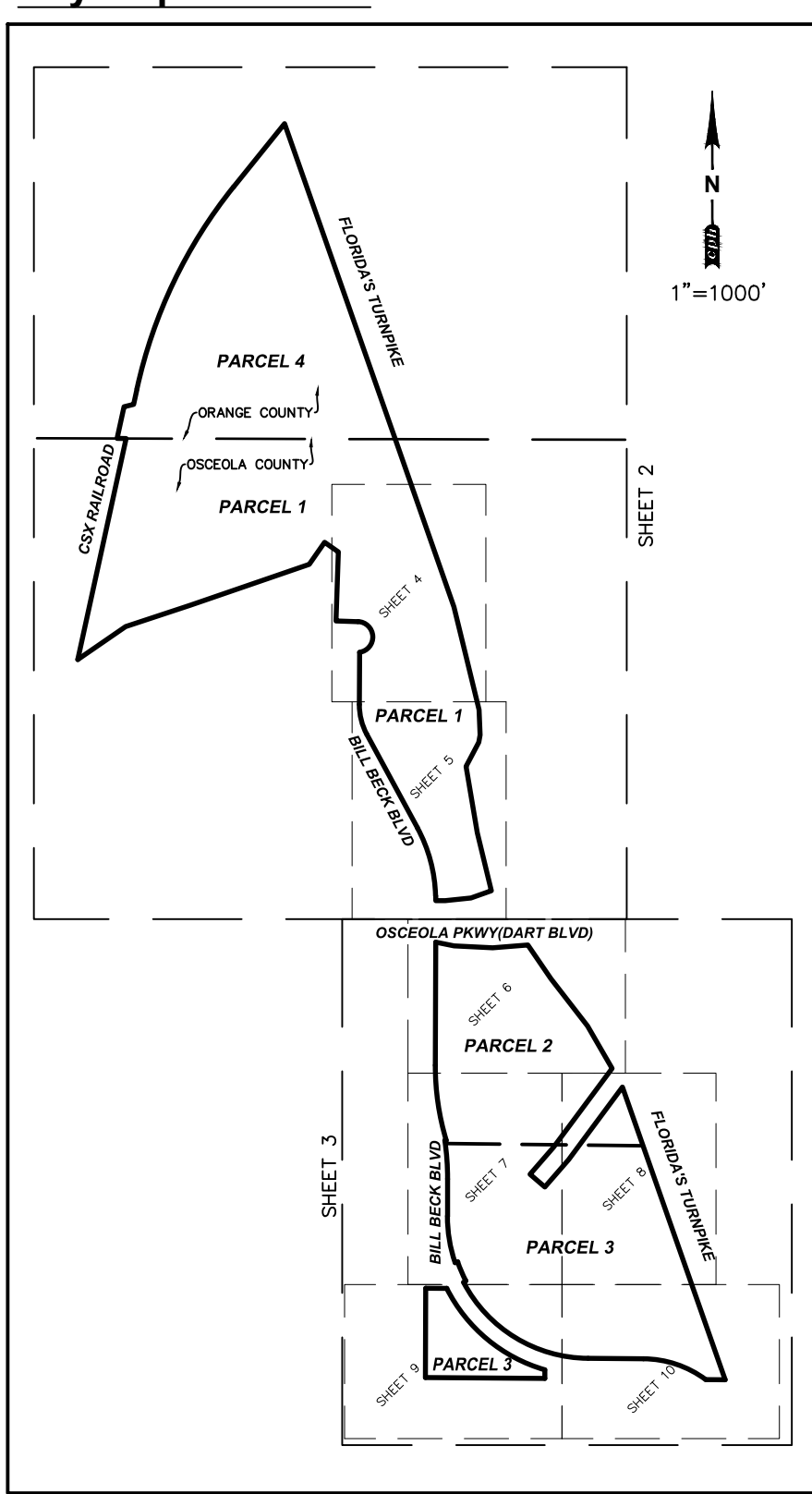
PARCEL	SQUARE FEET	ACREAGE
1	2,424,477 SQ FT	55.658 ACRES±
2	937,346 SQ FT	21.519 ACRES±
3	1,614,757 SQ FT	37.069 ACRES±
4	1,555,702 SQ FT	35.714 ACRES±
TOTAL	6,532,282 SQ FT	149.960 ACRES±

Sign Legend:

NOT TO SCALE

(R1)	= ROAD NUMBER SIGN
(B)	= BUS STOP SIGN
(DE)	= DEAD END SIGN
(DNE)	= DO NOT ENTER SIGN (R5-1)
(HC)	= HANDICAP SIGN
(HC)	= DUAL HANDICAP SIGN
(FDC)	= FIRE DEPARTMENT CONNECTION
(INFO)	= INFORMATION SIGN
(KR)	= KEEP RIGHT SIGN
(LTO)	= LEFT TURN ONLY
(ME)	= MEDIAN SIGN
(ND)	= NO DUMPING SIGN
(NL)	= NO LEFT TURN SIGN (R3-2)
(NLJ)	= NO LITTERING SIGN
(NO)	= NO OUTLET SIGN
(FL)	= NO PARKING FIRE LANE SIGN
(NOR)	= NO RIGHT TURN SIGN (R3-1)
(NTT)	= NO THRU TRAFFIC SIGN
(NOT)	= NO TRUCKS (R5-2)
(NP)	= NO PARKING SIGN
(1W)	= ONE WAY SIGN (R6-2)
(PE)	= PEDESTRIAN CROSSING SIGN
(RTO)	= RIGHT TURN ONLY
(SL)	= SPEED LIMIT SIGN
(ST)	= STOP SIGN (R1-1)
(SS)	= STREET SIGN
(TZ)	= TOW AWAY ZONE SIGN
(TE)	= TRUCK ENTRANCE SIGN
(U)	= UNKNOWN SIGN
(WL)	= WEIGHT LIMIT SIGN
(WW)	= WRONG WAY SIGN
(Y)	= YIELD SIGN

Key Map of Sheets



Index of Survey Sheets

1. ALTA/NSPS LAND TITLE SURVEY (COVER SHEET)
- 2-3 ALTA/NSPS LAND TITLE SURVEY (BOUNDARY SURVEY)
- 4-10 ALTA/NSPS LAND TITLE SURVEY (IMPROVEMENTS)

Reference Material

1. GATEWAY COMMONS NORTH, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 13, PAGE(S) 28 THROUGH 32, INCLUSIVE, OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA.
2. BILL BECK BOULEVARD, RIGHT-OF-WAY VARIES PER ORB 6070, PG 0062, OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA.
3. FLORIDA'S TURNPIKE, RIGHT-OF-WAY WIDTH VARIES PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION NO. 97920-2342, REVISED 11/22/94.

Eng. = ENGINEERING	Arch. = ARCHITECTURAL
C.O.A. = CERTIFICATE OF AUTHORIZATION	Landsc. = LANDSCAPE
Landsc. = LANDSCAPE	N/A = NOT APPLICABLE
No. = NUMBER	P.O. = POST OFFICE
	© = COPYRIGHT

BOUNDARY SURVEY
ALSO BEING AN
(ALTA/NSPS LAND TITLE SURVEY)

FOR
JC WILSON & ASSOCIATES, PA
AT
BILL BECK BOULEVARD
LYING IN
SECTION 2-TOWNSHIP 25 SOUTH-RANGE 29 EAST
OSCEOLA COUNTY, FLORIDA &
SECTION 35-TOWNSHIP 24 SOUTH-RANGE 29 EAST
ORANGE COUNTY, FLORIDA

Legal Description: (PER COMMITMENT FOR TITLE INSURANCE BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, COMMITMENT NO. 9906038, EFFECTIVE DATE SEPTEMBER 29, 2021, AND WAS PROVIDED BY THE CLIENT)

PARCEL 1:
LOT 9, GATEWAY COMMONS NORTH, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 13, PAGE(S) 28 THROUGH 32, INCLUSIVE, OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA.

PARCEL 2:
A PORTION OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4, LYING WESTERLY OF FLORIDA TURNPIKE AND EASTERLY OF BILL BECK BLVD, LYING IN SECTION 2, TOWNSHIP 25 SOUTH, RANGE 29 EAST, OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA, LESS AND EXCEPT ANY PORTION FOR ROAD RIGHT OF WAY.

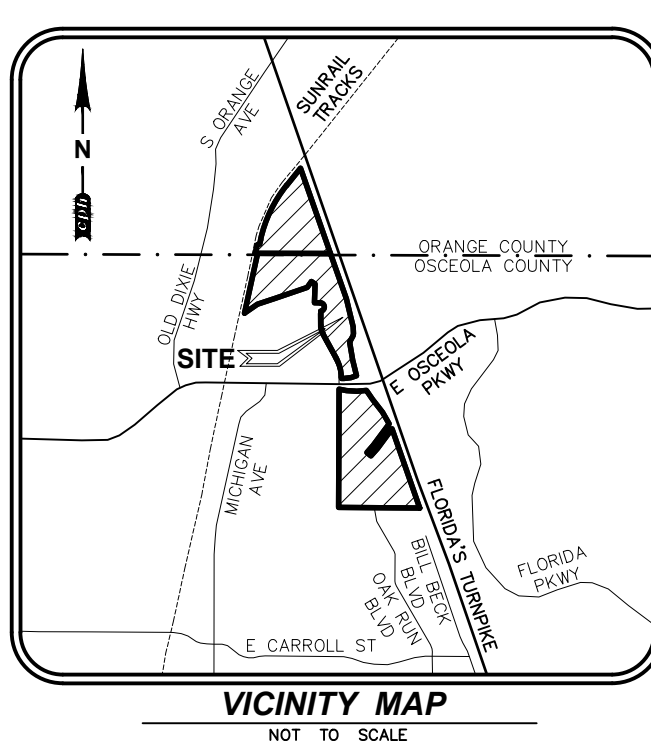
PARCEL 3:
A PORTION OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, LYING WESTERLY OF FLORIDA TURNPIKE AND A PORTION OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, LYING WESTERLY OF FLORIDA TURNPIKE, LYING IN SECTION 2, TOWNSHIP 25 SOUTH, RANGE 29 EAST, OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA, LESS AND EXCEPT ANY PORTION FOR ROAD RIGHT OF WAY.

PARCEL 4:
ALL THAT PORTION OF SECTION 35, TOWNSHIP 24 SOUTH, RANGE 29 EAST, LYING SOUTHWESTERLY OF THE FLORIDA TURNPIKE AND SOUTHEASTERLY OF THE SEABOARD COASTLINE RAILROAD, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

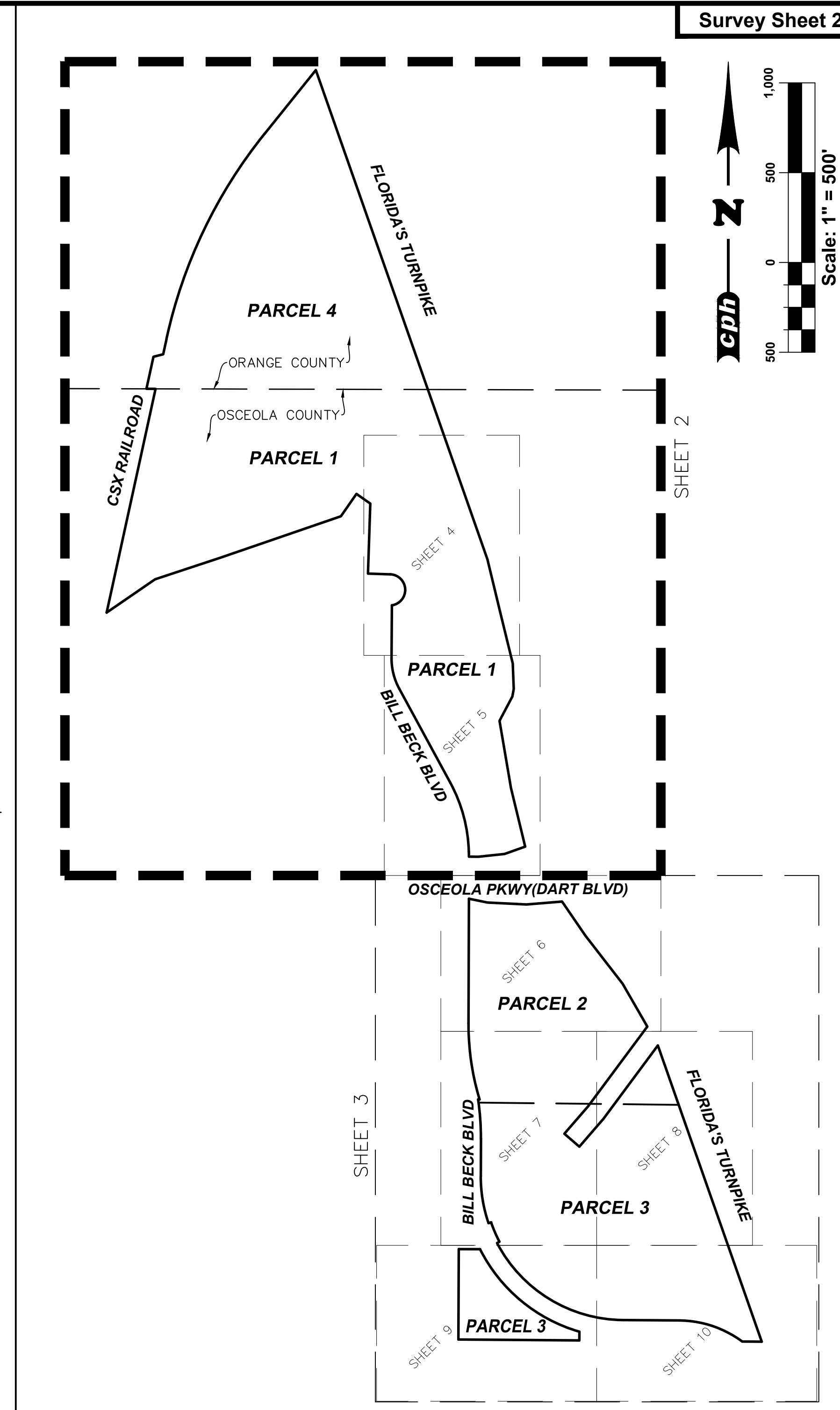
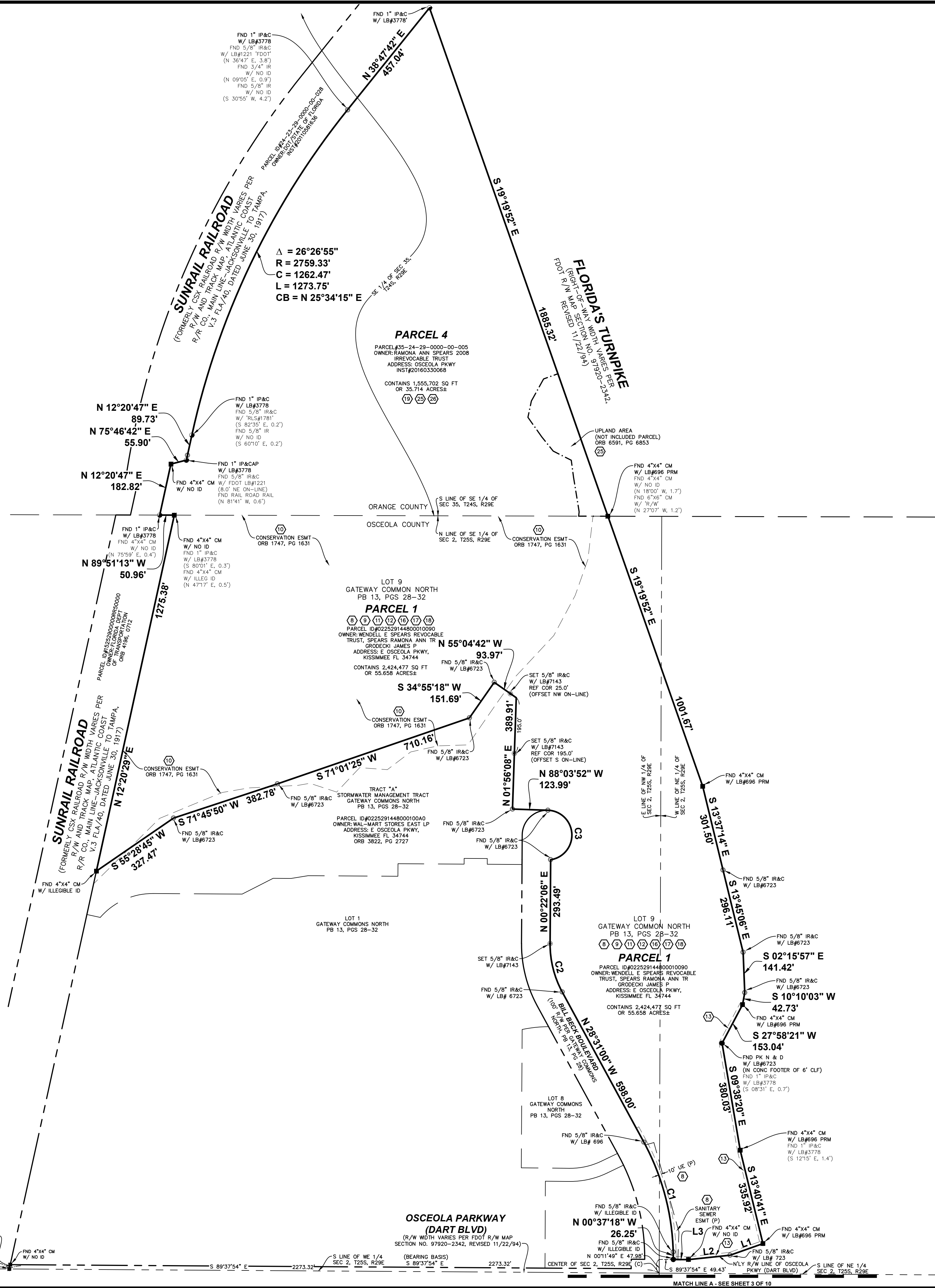
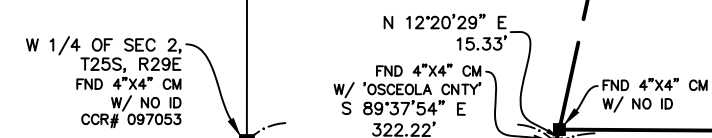
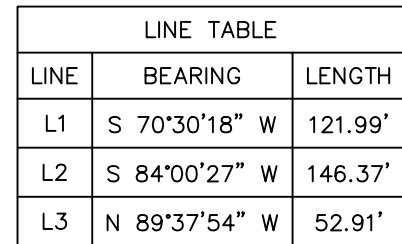
Items Not Included in Commitment

(ITEMS LISTED BELOW WERE NOT INCLUDED IN CLIENT PROVIDED TITLE AND WERE RESEARCHED AND DEPICTED BY SURVEYOR)

1. LATERAL DITCH PER ORB 109, PG 296 OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA. (AFFECTS SUBJECT PARCEL, AS TO PARCELS 2 AND 3 AS SHOWN)
2. NON-EXCLUSIVE STORMWATER DRAINAGE EASEMENT, ORB 6070, PG 70 OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA. (AFFECTS SUBJECT PARCEL, AS TO PARCELS 2 AND 3 AS SHOWN)
3. NON-EXCLUSIVE STORMWATER DRAINAGE EASEMENT, ORB 6070, PG 52 OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA. (AFFECTS SUBJECT PARCEL, AS TO PARCELS 2 AND 3 AS SHOWN)
4. NON-EXCLUSIVE STORMWATER DRAINAGE EASEMENT, ORB 6070, PG 697 OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA. (AFFECTS SUBJECT PARCEL, AS TO PARCELS 2 AND 3 AS SHOWN)
5. BILL BECK BOULEVARD, RIGHT-OF-WAY PER ORB 6070, PG 62, OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA. (AFFECTS SUBJECT PARCEL, AS TO PARCELS 2 AND 3 AS SHOWN)



Survey Notes:



cph

www.cphcorp.com

***A Full Service
A & E Firm***

500 West Fulton Street
Sanford, FL 32771
Ph: 407.322.6841

Plans Prepared By:
CPH, Inc.

State of Florida Licenses:
Engineer No. 3215
Surveyor No. LB7143
Architect No. AA2600926
Landscape No. LC000298

[illegible]

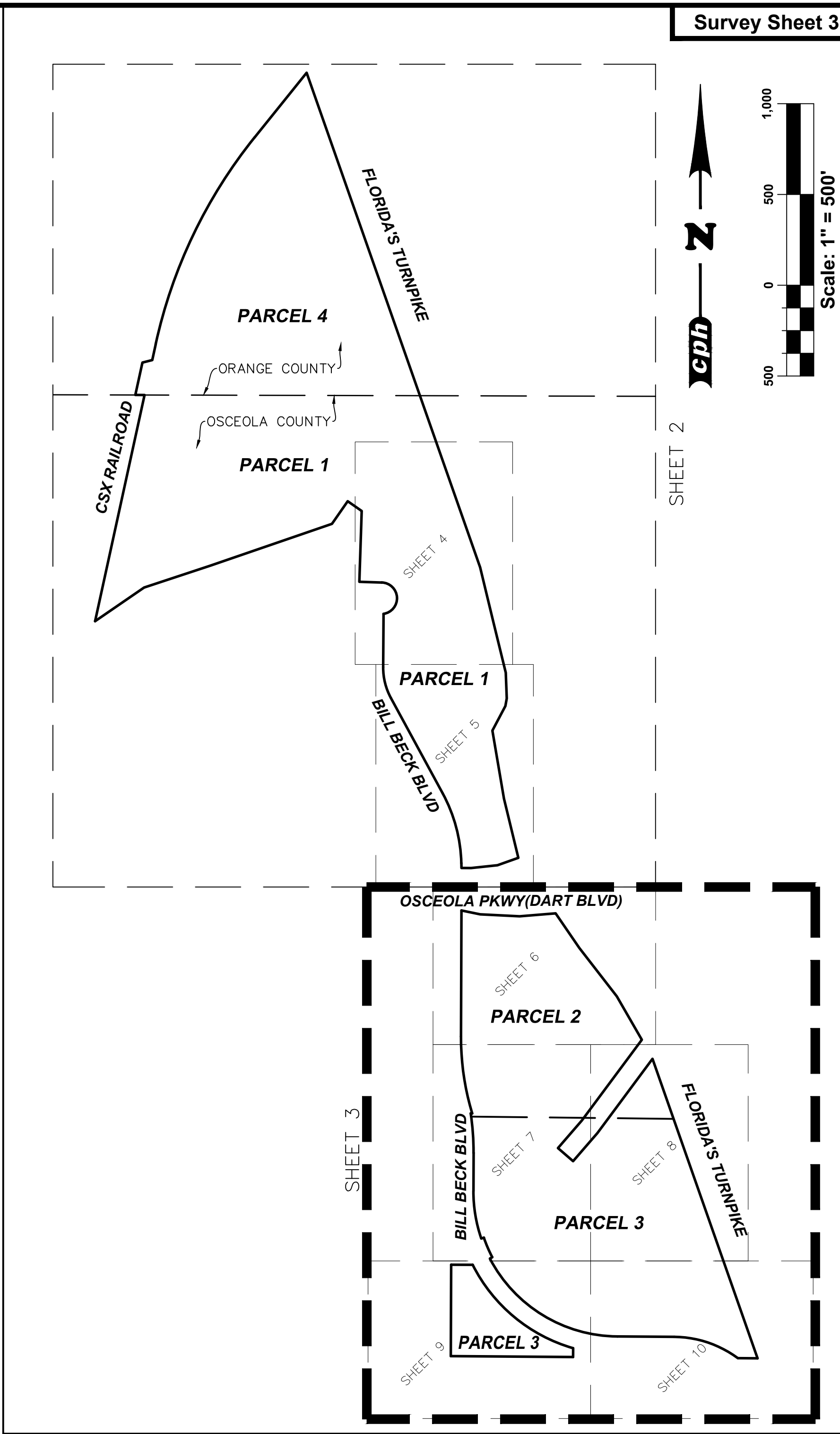
Field Crew: L. Stoffell	
Drawn By: J. Fleming	
Checked By: R. Roberts	
Approved By: P. Katrek	
Job No.: W8311.1	
Date: 11/19/2021	© 2021

BOUNDARY SURVEY
ALSO BEING AN
(ALTA/INSPS LAND TITLE SURVEY)

JC WILSON & ASSOCIATES
BILL BECK BOULEVARD
SECTION 2: TOWNSHIP 25 SOUTH-RANGE 29 EAST
OSCEOLA COUNTY, FLORIDA &
SECTION 35-TOWNSHIP 21 SOUTH-RANGE 29 EAST
ORANGE COUNTY, FLORIDA

THIS SURVEY IS NOT VALID
WITHOUT SURVEY SHEETS
1 THROUGH 10 OF 10.

Sheet No.
V1.1

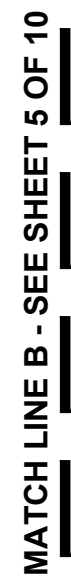


OWNERSHIP TABLE			
NO.	PARCEL ID#	OWNER	ADDRESS
①	02252917210001080	HORDUBAY EDWARD P. HORDUBAY PATRICIA B	1487 TAMRA CT KISSIMEE, FL
②	02252917210001090	LAUREUX ROBERT J LAUREUX SHAWN R	1491 TAMRA CT KISSIMEE, FL
③	02252917210001100	RODRIGUEZ RAMIREZ LILLEN	1495 TAMRA CT KISSIMEE, FL
④	02252917210001110	OLIVERAS BALBINO	1486 ELDRA DR KISSIMEE, FL
⑤	1125292357000100A0	CITY OF KISSIMEE	OKTREE DR, KISSIMEE FL
⑥	112529235700010380	SAINTFORT TIFORD SAINTFORT ROSETE	2972 OKTREE DR, KISSIMEE FL
⑦	112529235700010390	PROGRESS RESIDENTIAL BORROWER 17 LLC	2976 OKTREE DR, KISSIMEE FL

[illegible]

**THIS SURVEY IS NOT VALID
WITHOUT SURVEY SHEETS
1 THROUGH 10 OF 10.**

Sheet No.
V1.2



100.00' -

FLORIDA'S TURNPIKE
(RIGHT-OF-WAY WIDTH VARIES PER
FDOT R/W MAP SECTION NO. 97920-2342,
REVISED 11/22/94)

No.	Date	Revision	By
A			
B			
C			
D			
E			
F			
G			
H			
I			
J			
K			
L			
M			
N			
O			
P			
Q			
R			
S			
T			
U			
V			
W			
X			
Y			
Z			

Job No.: W8311.1

2021

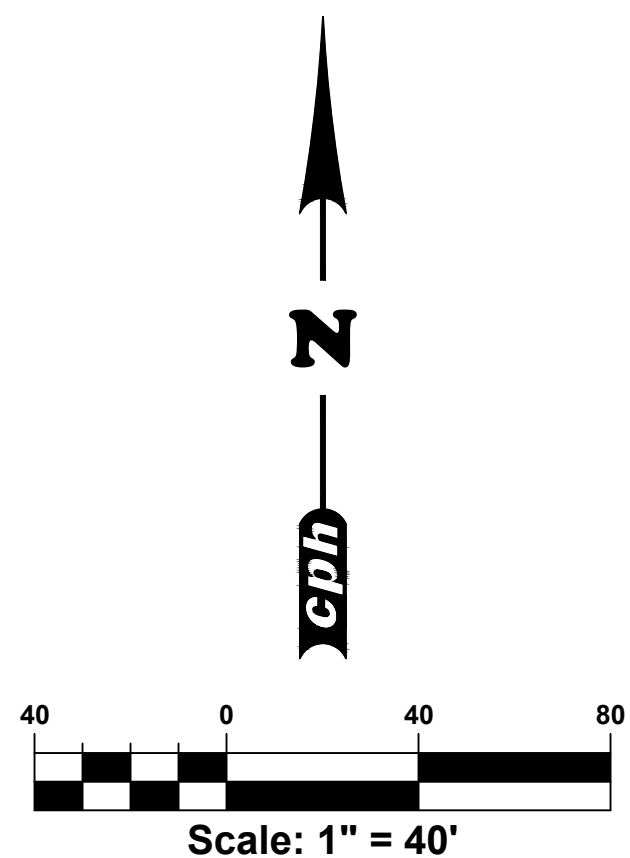
JC WILSON & ASSOCIATES
BILL BECK BOULEVARD
SECTION 2-TOWNSHIP 25 SOUTH-RANGE 29 EAST
OSCEOLA COUNTY, FLORIDA &

SECTION 35-TOWNSHIP 24 SOUTH-RANGE 29 EAST
ORANGE COUNTY, FLORIDA

**THIS SURVEY IS NOT VALID
WITHOUT SURVEY SHEETS
1 THROUGH 10 OF 10.**

Sheet No.
V1.3

TITLE BLOCK ABBREVIATIONS			
Eng. = ENGINEERING	L.B. = LICENSED BUSINESS		
C.O.A. = CERTIFICATE OF AUTHORIZATION	Arch. = ARCHITECTURAL		
Landscp. = LANDSCAPE	N/A = NOT APPLICABLE	Lic. = LICENSED	
No. = NUMBER	P.O. = POST OFFICE	© = COPYRIGHT	



(RIGHT-OF-WAY WIDTH VARIES PER FDOT R/W
MAP SECTION NO. 97920-2342, REVISED 11/22/94)

(R/W WIDTH VARIES PER ORB 6070, PG 0062)

—AREA WOODED/VACANT

— AREA WOODED/VACANT

FLORIDA'S TURNPIKE
(RIGHT-OF-WAY WIDTH VARIES PER
FDOT R/W MAP SECTION NO. 97920-2342,
REVISED 11/22/94)

**BOUNDARY SURVEY
ALSO BEING AN
(ALTA/NSPS LAND TITLE SURVEY)**

JC WILSON & ASSOCIATES

BILL BECK BOULEVARD
SECTION 2-TOWNSHIP 25 SOUTH-RANGE 29 EAST
OSCEOLA COUNTY, FLORIDA &
SECTION 35-TOWNSHIP 24 SOUTH-RANGE 29 EAST
ORANGE COUNTY, FLORIDA

**THIS SURVEY IS NOT VALID
WITHOUT SURVEY SHEETS
1 THROUGH 10 OF 10.**

Sheet No.
V1.5



**A Full Service
A & E Firm**

500 West Fulton Street
Sanford, FL 32771
Ph: 407.322.6841

Plans Prepared By:
CPH, Inc.
State of Florida License
Engineer No. 3215
Surveyor No. LB7143
Architect. No. AA260009
Landscape No. LC00025

[illegible]

Field Crew: L. Stoffell

Drawn By: J. Fleming

Checked By: R. Roberts

Approved By: P. Katrek

Job No.: W8311.1

Date: 11/19/2021

© 202

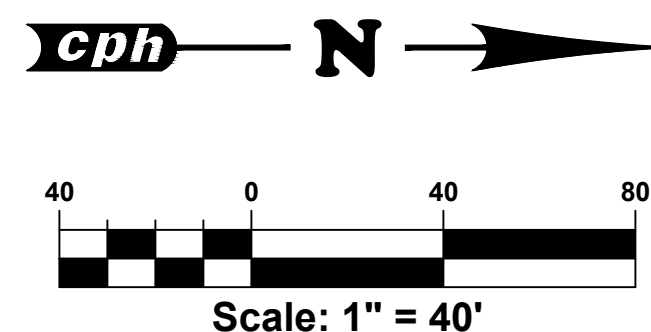
BOUNDARY SURVEY
ALSO BEING AN
(ALTA/NSPS LAND TITLE SURVEY)

JC WILSON & ASSOCIATES
BILL BECK BOHLE EVARD

BILL BECK BOULEVARD
SECTION 2-TOWNSHIP 25 SOUTH-RANGE 29 EAST
OSCEOLA COUNTY, FLORIDA &
SECTION 35-TOWNSHIP 24 SOUTH-RANGE 29 EAST
OSCEOLA COUNTY, FLORIDA

**THIS SURVEY IS NOT VALID
WITHOUT SURVEY SHEETS
1 THROUGH 10 OF 10.**

Sheet No.
V1.6



TITLE BLOCK ABBREVIATIONS

Eng. = ENGINEERING	L.B. = LICENSED BUSINESS
C.O.A. = CERTIFICATE OF AUTHORIZATION	Arch. = ARCHITECTURAL
Landscp. = LANDSCAPE	N/A = NOT APPLICABLE Lic. = LICENSED
No. = NUMBER	P.O. = POST OFFICE © = COPYRIGHT

Survey Sheet 7

HARBIN DR

BILL BECK BOULEVARD

(R/W WIDTH VARIES PER ORB 6070, PG 0062)
(UNIMPROVED AS OF 11/19/2021)
(NOT OPEN)

MATCH LINE G - SEE SHEET 9 OF 10

————— MATCH LINE D - SEE SHEET 6 OF 10

MATCH LINE F - SEE SHEET 7 OF 10

[illegible]

© 2021

**BOUNDARY SURVEY
ALSO BEING AN
(ALTA/NSPS LAND TITLE SURVEY)**

JC WILSON & ASSOCIATES
BILL BECK BOULEVARD
SECTION 2-TOWNSHIP 25 SOUTH-RANGE 29 EAST

SECTION 35-TOWNSHIP 24 SOUTH-RANGE 29 EAST
ORANGE COUNTY, FLORIDA

**SURVEY IS NOT VALID
WITHOUT SURVEY SHEETS
THROUGH 10 OF 10.**

Sheet No.
V1.7

TITLE BLOCK ABBREVIATIONS			
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MATCH LINE F - SEE SHEET 7 OF 10

MATCH LINE I - SEE SHEET 10 OF 10

MATCH LINE E - SEE SHEET 6 OF 10

FLORIDA'S TURNPIKE
(RIGHT-OF-WAY WIDTH VARIES PER
FDOT R/W MAP SECTION NO. 97920-2342.
REVISED 11/22/94)

ITEM 4.B

Public Hearing - First Reading - General Employees' Retirement Plan Amendment: Amending Section 30-84, 30-88, 30-110, 30-111

AN ORDINANCE OF THE CITY OF KISSIMMEE AMENDING CHAPTER 30, PERSONNEL, ARTICLE III, EMPLOYEE RETIREMENT, DIVISION 2, GENERAL EMPLOYEES' RETIREMENT PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF KISSIMMEE; AMENDING SECTION 30-84, DEFINITIONS; AMENDING SECTION 30-88, CONTRIBUTIONS; AMENDING SECTION 30-110, DEFERRED RETIREMENT OPTION PLAN; AMENDING SECTION 30-111, REEMPLOYMENT AFTER RETIREMENT; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

Request

Approval of the first reading of the Proposed Ordinance for the General Employees' Retirement Plan.

Explanation

This is a request to amend the following sections within the General Employees' Retirement Plan:

Section 30-84 is being amended to clarify the definition of salary. This change is provided by the Internal Revenue Code.

Section 30-88 is being amended for Toho members of the plan to no longer make member contributions to the plan upon completion of 30 years of credited service.

Section 30-110 is being amended to change the eligibility to enter the Drop at age 55 with the completion of 30 years of credited service. The early retirement reduction factor will still apply, and the Drop members will continue to make member contributions for their selected tier until they reach the age of 60 or end their Drop participation.

Section 30-111 amends and clarifies the reemployment language.

The attached impact statement from the Actuary indicates the \$37,900 annual cost to the plan for these changes, which has been included with the adopted FY 2023 budget. The General Employees Pension Board voted unanimously to recommend these changes to the plan at their August 25, 2022 meeting.

Recommendation

Staff recommends approval of the first reading of proposed ordinance 22-19.

REQUESTED CITY COMMISSION ACTION:

Approve

Department: Human Resources & Risk Management

Presenter: Mike Steigerwald

Attachment(s):

City of Kissimmee

1. Proposed Ordinance 22-19
2. Proposed Ordinance 22-19 Affidavit
3. Actuarial Impact Statement Proposed Ordinance 22-19

PROPOSED ORDINANCE NO. 22-19
ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KISSIMMEE
AMENDING CHAPTER 30, PERSONNEL, ARTICLE III,
EMPLOYEE RETIREMENT, DIVISION 2, GENERAL
EMPLOYEES' RETIREMENT PLAN, OF THE CODE OF
ORDINANCES OF THE CITY OF KISSIMMEE; AMENDING
SECTION 30-84, DEFINITIONS; AMENDING SECTION 30-88,
CONTRIBUTIONS; AMENDING SECTION 30-110,
DEFERRED RETIREMENT OPTION PLAN; AMENDING
SECTION 30-111, REEMPLOYMENT AFTER RETIREMENT;
PROVIDING FOR SEVERABILITY OF PROVISIONS;
REPEALING ALL ORDINANCES IN CONFLICT HERewith
AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KISSIMMEE,
FLORIDA:**

SECTION 1: That Chapter 30, Personnel, Article III, Employee Retirement, Division 2, General Employees' Retirement Plan, of the Code of Ordinances of the City of Kissimmee, is hereby amended to by amending Section 30-84, Definitions, to amend the definition of *Salary*, subsection (3), to read as follows:

* * * * *

- (3) Compensation in excess of the limitations set forth in Internal Revenue Code § 401(a)(17) as of the first day of the plan year shall be disregarded for any purpose, including employee contributions or any benefit calculations. The annual compensation of each member taken into account in determining benefits or employee contributions for any plan year beginning on or after January 1, 2002, may not exceed \$200,000.00, as adjusted for cost of living increases in accordance with Internal Revenue Code § 401(a)(17)(B). The term "compensation" means compensation during the fiscal year, and the fiscal year is considered the determination period. The cost of living adjustment in effect for a calendar year applies to annual compensation for the determination period that begins with or within such calendar year. If the determination period consists of fewer than 12 months for all members, the annual compensation limit is an amount equal to the otherwise applicable annual compensation limit multiplied by a fraction, the numerator of which is the number of months in the short determination period, and the denominator of which is 12, as provided for in Treas. Reg. Section 1.401(a)(17)-1(b)(3)(iii)(B). If the compensation for any prior determination period is taken into account in determining a member's contributions or benefits for the current plan year, the compensation for such prior determination period is subject to the applicable annual compensation limit in effect for that prior period. The limitation on compensation for an eligible employee shall not be less than the amount which was allowed to be taken into account hereunder as in effect on July 1, 1993. The term "eligible employee" means an individual who was a member before the first plan year beginning after December 31, 1995.

* * * * *

SECTION 2: That Chapter 30, Personnel, Article III, Employee Retirement, Division 2, General Employees' Retirement Plan, of the Code of Ordinances of the City of Kissimmee, is hereby amended to by amending Section 30-88, Contributions, subsection (a)(1), *Amount*, to read as follows:

* * * * *

(a)(1) *Amount.* Each member of the system shall be required to make regular contributions to the fund as follows:

- a. Tier 1 members shall be required to contribute 3.69 percent of salary;
- b. Effective October 1, 2016, Tier 2 members shall be required to contribute 6.99 percent of salary. The contribution rate for Tier 2 members shall not be increased above 7.5 percent, except to fund additional benefits. The contribution rate for Tier 2 members shall be reevaluated every three years and adjusted by resolution of the board of trustees, if the current contribution rates are less than or greater than the required funding for the increased benefit being received by Tier 2 members subject to the maximum rates set forth above. A copy of each resolution of the board shall be provided to the city.
- c. Members of the system who are employed by TOHO shall not be required to make member contributions to the fund after the completion of thirty (30) years of credited service.
- d. Members of the system who are employed by the City who have completed thirty (30) years of credited service and are at least age fifty-five (55), and enter the DROP pursuant to Sec. 30-110(b)(1), shall continue to make member contributions for either Tier 1 or Tier 2 until they reach age sixty (60) or end DROP participation and terminate employment.

Member contributions withheld by the city or authority on behalf of the member shall be deposited with the board immediately after each pay period. The contributions made by each member to the fund shall be designated as employer contributions pursuant to Internal Revenue Code § 414(h). Such designation is contingent upon the contributions being excluded from the member's gross income for federal income tax purposes. For all other purposes of the system, such contributions shall be considered to be member contributions. A member's new contribution rate (based upon selected Tier) to the plan shall commence, the first pay period following employment, at the Tier 1 contribution rate, and upon timely election to be a Tier 2 member, the higher contribution rate shall commence the first pay period following the election.

* * * * *

SECTION 3: That Chapter 30, Personnel, Article III, Employee Retirement, Division 2, General Employees' Retirement Plan, of the Code of Ordinances of the City of Kissimmee, is hereby amended to by amending Section 30-110, Deferred Retirement Option Plan, subsections (b)(1), *Eligibility to participate*, and subsection (b)(2), *Period of participation*, to read as follows:

* * * * *

- (b) (1) *Eligibility to participate.* In lieu of terminating his employment as a general employee, any member who is eligible for normal retirement under the system may elect to defer receipt of such service retirement pension and to participate in the DROP. Notwithstanding the previous sentence, a member who is a City employee may elect to enter the DROP upon the attainment of age fifty-five (55) and the completion of thirty (30) years of credited service, with the early retirement reduction factor applied, as provided for in Sec. 30-89 (d)(2).

* * * * *

- (b) (3) *Period of participation.* A member who elects to participate in the DROP under subsection (b)(2) of this section, shall participate in the DROP for a period not to exceed 60 months beginning at the time his election to participate in the DROP first becomes effective. In no event, however, may a member participate in the DROP beyond the date which is five years from the date on which the member first becomes eligible for normal retirement. ~~In addition, any member who became eligible for normal retirement as a result of the reduction of the normal retirement age from age 62 to age 60, shall be permitted to participate in the DROP for a period not to exceed 60 months from October 19, 2004.~~ An election to participate in the DROP shall constitute an irrevocable election to resign from the service of the city or authority not later than the date provided for in the previous sentence. A member may participate only once. An election to participate in the DROP shall not constitute a change in the participant's right to continued employment.

* * * * *

SECTION 4: That Chapter 30, Personnel, Article III, Employee Retirement, Division 2, General Employees' Retirement Plan, of the Code of Ordinances of the City of Kissimmee, is hereby amended to by amending Section 30-111, Reemployment after retirement, to read as follows:

Sec. 30-111. - Reemployment after retirement.

- (a) *Compensation by other employer does not affect benefits.* Any retiree who is retired under this system may be reemployed by any public or private employer, and may receive compensation from that employment without limiting or restricting in any way the retirement benefits payable under this system. Notwithstanding the previous sentence, reemployment by the city or authority shall be subject to the limitations set forth in this section.
- (b) *After normal retirement.* Any retiree who is retired under normal retirement pursuant to this system and who is reemployed by the city or authority in any capacity, shall upon being reemployed, continue receipt of retirement benefits during any such employment period if he is at least age 59.5, otherwise the system shall discontinue receipt of benefits until he reaches age 59.5. A retiree who returns to work under the provisions of this section and, by virtue of that reemployment, is eligible to participate in this system, shall not accumulate additional credited service for subsequent periods of employment described in this section, shall not be required to make contributions to the system, nor shall he or she be eligible for any other benefit other than the retiree's normal retirement benefit. Regardless of any other provision of this system, any retired and reemployed retiree continuing to receive retirement benefits shall not be an active member of the system.
- (c) *Reemployment after normal retirement.* Any retiree who is retired under normal retirement pursuant to this system and who is reemployed by the city or authority after that retirement and, by virtue of that reemployment is ineligible to participate in this system, shall, during the period of such reemployment, continue to receive retirement benefits previously earned if he is at least age 59.5, otherwise the system shall discontinue receipt of benefits until he reaches age 59.5.
- (d) *After early or disability retirement.* Any retiree who is retired under early or disability retirement pursuant to this system and who subsequently becomes an employee of the city or authority in any capacity, shall discontinue receipt of benefits from the system until the earlier of termination of employment or such time as the

reemployed retiree reaches age 59.5. A retiree who returns to work under the provisions of this section shall not be eligible for membership in the system, and, therefore, shall not accumulate additional credited service for subsequent periods of employment described in this section, shall not be required to make contributions to the system, nor shall he or she be eligible for any other benefit other than the retiree's early retirement benefit when he or she again becomes eligible as provided herein. Retirement pursuant to an early retirement incentive program shall be deemed early retirement for purposes of this section if the member was permitted to retire prior to the customary retirement date provided for in the system at the time of retirement.

- (e) *Reemployment of terminated vested persons.* Reemployed terminated vested persons shall not be subject to the provisions of this section until such time as they begin to actually receive benefits. Upon receipt of benefits, terminated vested persons shall be treated as normal or early retirees for purposes of applying the provisions of this section and their status as an early or normal retiree shall be determined by the date they elect to begin to receive their benefit.
- (f) *DROP participants.* Retirees who are or were in the deferred retirement option plan shall, following termination of employment after DROP participation, have the options provided for in this section for reemployment.

SECTION 5: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 6: If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 7: That this Ordinance shall become effective upon adoption.

Commissioner _____ moved the passage and adoption of the above and foregoing Ordinance. Motion was seconded by Commissioner _____ and upon roll call on the motion of the vote was as follows:

AYES:

NAYS:

Said motion having been duly carried, thereupon, Mayor Olga Gonzalez declared said Ordinance duly passed and adopted the ____ day of _____, 20____.

Olga Gonzalez, Mayor

ATTEST:

City Clerk

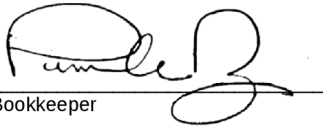
Osceola News-Gazette
22 W Monument Ave, Ste 5
(407) 846-7600

I, Pamela Bikowicz, of lawful age, being duly sworn upon oath, deposes and says that I am the Bookkeeper of Osceola News-Gazette, a publication that is a "legal newspaper" as that phrase is defined for the city of Kissimmee, for the County of Osceola, in the state of Florida, that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

PUBLICATION DATES:
6 Oct 2022

Notice ID: h8diXQJkejM4IfCfts3R
Notice Name: CH PROPOSED ORDINANCE 22-19

PUBLICATION FEE: \$77.96

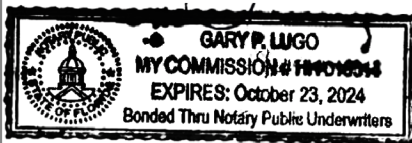

Bookkeeper

VERIFICATION

STATE OF FLORIDA
COUNTY OF OSCEOLA

Signed or attested before me on this

September 27, 2022




Notary Public
My Commission Expires: 10/23/2024

**NOTICE OF PUBLIC HEARING
AND SECOND READING**

The City Commission of the City of Kissimmee, Florida will meet on **Tuesday, October 18, 2022, at 6:00 p.m.** in the City Commission Chambers, Municipal Administration Building, 101 Church Street, Kissimmee, Florida, to hear the **FIRST READING** and will meet on **Tuesday, November 1, 2022, at 6:00 p.m.** to hear the **SECOND AND FINAL READING** and consider the passage of the proposed ordinance as set forth below. The proposed Ordinance may be inspected in the Office of the City Clerk at the Municipal Administration Building, 101 Church Street, Kissimmee, Florida. All interested parties may appear and be heard on the above dates.

PROPOSED ORDINANCE # 22-19
AN ORDINANCE OF THE CITY OF KISSIMMEE AMENDING CHAPTER 30, PERSONNEL, ARTICLE III, EMPLOYEE RETIREMENT, DIVISION 2, GENERAL EMPLOYEES' RETIREMENT PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF KISSIMMEE; AMENDING SECTION 30-84, DEFINITIONS; AMENDING SECTION 30-88, CONTRIBUTIONS; AMENDING SECTION 30-110, DEFERRED RETIREMENT OPTION PLAN; AMENDING SECTION 30-111, REEMPLOYMENT AFTER RETIREMENT; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE

CITY COMMISSION
KISSIMMEE, FLORIDA

IN ACCORDANCE WITH FLORIDA STATUTE 286.0105: ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSES MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS MADE.

IN ACCORDANCE WITH FLORIDA STATUTE 286.26, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDING SHOULD CONTACT THE OFFICE OF THE CITY CLERK 407-518-2308 AT 101 CHURCH STREET, KISSIMMEE, FL 34741, PRIOR TO THE MEETING (FS 286.26)

October 6, 2022



October 10, 2022

Ms. Linda Gomez
Pension Coordinator
City of Kissimmee
101 North Church Street
Kissimmee, Florida 34741

**Re: City of Kissimmee General Employees' Retirement Plan
Actuarial Impact Statement**

Dear Linda:

As requested, we have prepared the enclosed Actuarial Impact Statement showing the first-year financial impact of the proposed ordinance which would amend the City of Kissimmee General Employees' Retirement Plan (Plan) as follows:

- Toho members of the Plan will no longer be required to make member contributions to the Plan upon the completion of 30 years of credited service.
- City employee members of the Plan will be eligible to enter the DROP at age 55 with the completion of 30 years of credited service. The early retirement reduction factor will still apply to the member's benefit. Members who enter the DROP under this eligibility will continue to make member contributions for either tier until they reach age 60 or end DROP participation and terminate employment.

Please note that the impact of the proposed Plan changes is being shown on the October 1, 2021 valuation results for illustrative purposes only. If the proposed ordinance is adopted, the upcoming actuarial valuation as of October 1, 2022 would determine the actuarially determined contribution for the fiscal year ending September 30, 2024 reflecting the plan amendment.

The Statement must be filed with the Division of Retirement before the final public hearing on the ordinance. Please have a member of the Board of Trustees sign the Statement. Then send the Statement along with a copy of the proposed ordinance to Tallahassee.

Summary of Findings

The impact of the above changes on the required employer contribution and funded ratio in the first year is summarized in the table below for City of Kissimmee and Toho employees.

City of Kissimmee Employees	Valuation	Proposed Ordinance	Difference
Actuarial Determined Employer Contribution (ADEC)			
Dollar Amount	\$ 3,930,258	\$ 3,968,158	\$ 37,900
% of Covered Payroll	20.74%	20.94%	0.20%
Funded Ratio	87.1%	86.7%	(0.4)%

Toho Water Authority	Valuation	Proposed Ordinance	Difference
Actuarial Determined Employer Contribution (ADEC)			
Dollar Amount	\$ 1,496,304	\$ 1,538,418	\$ 42,114
% of Covered Payroll	27.09%	27.85%	0.76%
Funded Ratio	90.6%	90.6%	0.0%

Additional Changes Included in the Proposed Ordinance

The proposed ordinance also amends the Plan as follows:

- Amend Section 30-84, Definitions, to clarify the determination period for maximum annual compensation for members who leave the City with less than 12 months of service completed during a fiscal year. This change is provided for in the Internal Revenue Code and its associated Treasury Regulations.
- Amend Section 30-110, Deferred Retirement Option Plan, to remove language that is no longer applicable.
- Amend Section 30-111, Reemployment After Retirement, to clarify that reemployment applies to reemployment with either the City or the Toho Water Authority.

In our opinion, these additional changes will not have an actuarial impact on the current cost of the Retirement Plan for advance funding purposes.

Assumptions and Methods Used

The actuarial assumptions and methods used for this impact statement are the same as those used for the October 1, 2021 Actuarial Valuation Report, with the exception of the early retirement rates for City of Kissimmee employees. For City of Kissimmee employees, the assumed early retirement rates used in the valuation were doubled for members who are at least age 55 with 30 or more years of service (from



10%/12.5% to 20%/25%). The rates were increased to reflect an anticipated increase in members retiring early due to the availability of entering the DROP. If the proposed ordinance is adopted, we recommend that the retirement rates be monitored and revised periodically to reflect emerging experience.

Additional Disclosures

Please refer to the last two pages of this report for a discussion of risks associated with measuring the accrued liability and actuarially determined contribution.

This report was prepared at the request of the Board of Trustees and is intended for use by the Board and those designated or approved by the Board. This report may be provided to parties other than the Plan only in its entirety and only with the permission of the Board.

The purpose of this report is to describe the financial effect of the proposed plan changes. This report should not be relied on for any purpose other than the purpose described above.

The calculations in this report are based upon information furnished by the Plan Administrator for the October 1, 2021 Actuarial Valuation concerning Plan benefits, financial transactions, plan provisions and active members, terminated members, retirees and beneficiaries. We reviewed this information for internal and year-to-year consistency, but did not audit the data. We are not responsible for the accuracy or completeness of the information provided by the Plan Administrator.

The calculations are based upon assumptions regarding future events, which may or may not materialize. They are also based on the assumptions, methods, and plan provisions outlined in this report. Future actuarial measurements may differ significantly from the current measurements presented in this report due to such factors as the following: plan experience differing from that anticipated by the economic or demographic assumptions; changes in economic or demographic assumptions; increases or decreases expected as part of the natural operation of the methodology used for these measurements (such as the end of an amortization period or additional cost or contribution requirements based on the plan's funded status); and changes in plan provisions or applicable law. If you have reason to believe that the assumptions that were used are unreasonable, that the plan provisions are incorrectly described, that important plan provisions relevant to this proposal are not described, or that conditions have changed since the calculations were made, you should contact the author of the report prior to relying on information in the report.

This report was prepared using our proprietary valuation model and related software which in our professional judgement has the capability to provide results that are consistent with the purposes of the valuation and has no material limitations or known weaknesses. We performed tests to ensure that the model reasonably represents that which is intended to be modeled.

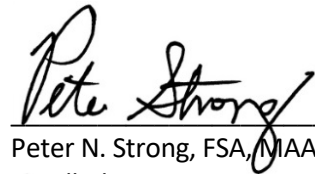


Peter N. Strong and Trisha Amrose are members of the American Academy of Actuaries and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinions contained herein. The undersigned actuaries are independent of the plan sponsor.

This report has been prepared by actuaries who have substantial experience valuing public employee retirement systems. To the best of our knowledge the information contained in this report is accurate and fairly presents the actuarial position of the Plan as of the valuation date. All calculations have been made in conformity with generally accepted actuarial principles and practices, and with the Actuarial Standards of Practice issued by the Actuarial Standards Board and with applicable statutes.

We welcome your questions and comments.

Respectfully submitted,
Gabriel, Roeder, Smith & Company



Peter N. Strong, FSA, MAAA, FCA
Enrolled Actuary No. 20-6975



Trisha Amrose, MAAA, FCA
Enrolled Actuary No. 20-8010

Enclosures

This communication shall not be construed to provide tax advice, legal advice or investment advice.



CITY OF KISSIMMEE GENERAL EMPLOYEES' RETIREMENT PLAN

Impact Statement – October 10, 2022

Description of Amendments

The proposed Ordinance would amend the Plan as follows:

- Amend Section 30-84, Definitions, to clarify the determination period for maximum annual compensation for members who leave the City with less than 12 months of service completed during a fiscal year. This change is provided for in the Internal Revenue Code and its associated Treasury Regulations.
- Amend Section 30-88, Contributions, to provide that (i), Toho members of the Plan will no longer be required to make member contributions to the Plan upon the completion of 30 years of credited service, and (ii), City employee members of the Plan who enter the DROP at age 55 with the completion of 30 years of credited service, shall continue to make member contributions for either tier until they reach age 60 or end DROP participation and terminate employment.
- Amend Section 30-110, Deferred Retirement Option Plan, to provide that City employee members may enter the DROP upon the attainment of age 55 with the completion of 30 years of credited service. The early retirement reduction factor will still apply to the member's benefit. This section is also being amended to remove language that is no longer applicable.
- Amend Section 30-111, Reemployment After Retirement, to clarify that reemployment applies to reemployment with either the City or the Toho Water Authority.

Funding Implications of Amendment

An actuarial cost estimate is attached.

Certification of Administrator

I believe the amendment to be in compliance with Part VII, Chapter 112, Florida Statutes and Section 14, Article X of the Constitution of the State of Florida.

For the Board of Trustees
as Plan Administrator



SUPPLEMENTAL ACTUARIAL VALUATION REPORT

Plan

City of Kissimmee General Employees Retirement Plan

Valuation Date

October 1, 2021

Date of Report

October 10, 2022

Report Requested by

Board of Trustees

Prepared by

Gabriel, Roeder, Smith & Company

Group Valued

All active and inactive members of the Plan as of October 1, 2021.

Benefit Provisions Being Considered for Change

- Toho members of the Plan will no longer be required to make member contributions to the Plan upon the completion of 30 years of credited service.
- City employee members of the Plan will be eligible to enter the DROP at age 55 with the completion of 30 years of credited service. The early retirement reduction factor will still apply to the member's benefit. Members who enter the DROP under this eligibility will continue to make member contributions for either tier until they reach age 60 or end DROP participation and terminate employment.

Participants Affected

Current and future active members of the Plan on or after the effective date of the ordinance.

Actuarial Assumptions and Methods

Same as October 1, 2021 Actuarial Valuation Report, with the exception of the retirement rates for City of Kissimmee employees. For City of Kissimmee employees, the assumed early retirement rates used in the valuation were doubled for members who are at least age 55 with 30 or more years of service (from 10%/12.5% to 20%/25%). The rates were increased to reflect an anticipated increase in members retiring early due to the availability of entering the DROP. If the proposed ordinance is adopted, we recommend that the retirement rates be monitored and revised periodically to reflect emerging experience.

Some of the key assumptions/methods are:

Investment Return	6.80%
Salary Increase	3.40% to 6.50% per year depending on service for City Employees and 3.70% to 5.75% per year depending on service for Toho Employees



Cost Method	City of Kissimmee – Individual Entry-Age Normal Toho Water Authority – Aggregate
-------------	---

Amortization Period for Change in Actuarial Accrued Liability Associated with Proposed Changes

City of Kissimmee – 20 Years Toho Water Authority – N/A
--

Summary of Data Used in Report

See attached page; same as the data used for the October 1, 2021 Actuarial Valuation Report.

Actuarial Impact of Proposal(s)

See attached page(s)

Other Cost Considerations

None

Special Risks Involved with the Proposal That the Plan Has Not Been Exposed to Previously

None



ACTUARIALLY DETERMINED EMPLOYER CONTRIBUTION (ADEC) BOTH GROUPS COMBINED			
A. Valuation Date	October 1, 2021 <i>Valuation</i>	October 1, 2021 <i>Proposed Ordinance</i>	<i>Difference</i>
B. ARC to Be Paid During Fiscal Year Ending	9/30/2023	9/30/2023	
C. Assumed Date of Employer Contrib.	12/31/2022	12/31/2022	
D. Annual Payment to Amortize Unfunded Actuarial Liability	\$ 1,761,092	\$ 1,794,777	\$ 33,685
E. Employer Normal Cost	3,436,429	3,480,962	44,533
F. ADEC if Paid on the Valuation Date: D+E	5,197,521	5,275,739	78,218
G. ADEC Adjusted for Frequency of Payments	5,283,711	5,363,226	79,515
H. Covered Payroll	23,788,736	23,788,736	0
I. ADEC as % of Covered Payroll	22.21 %	22.55 %	0.34 %
J. Assumed Rate of Increase in Covered Payroll to Contribution Year	3.75%/0.00 %	3.75%/0.00 %	0.00 %
K. Covered Payroll for Contribution Year	24,473,681	24,473,681	0
L. ADEC for Contribution Year	5,426,562	5,506,576	80,014
M. ADEC as % of Covered Payroll in Contribution Year	22.17 %	22.50 %	0.33 %



ACTUARIALLY DETERMINED EMPLOYER CONTRIBUTION (ADEC)			
CITY EMPLOYEES			
A. Valuation Date	October 1, 2021 <i>Valuation</i>	October 1, 2021 <i>Proposed Ordinance</i>	<i>Difference</i>
B. ARC to Be Paid During Fiscal Year Ending	9/30/2023	9/30/2023	
C. Assumed Date of Employer Contrib.	12/31/2022	12/31/2022	
D. Annual Payment to Amortize Unfunded Actuarial Liability	\$ 1,761,092	\$ 1,794,777	\$ 33,685
E. Employer Normal Cost	1,964,533	1,967,639	3,106
F. ADEC if Paid on the Valuation Date: D+E	3,725,625	3,762,416	36,791
G. ADEC Adjusted for Frequency of Payments	3,787,407	3,824,808	37,401
H. Covered Payroll	18,265,189	18,265,189	0
I. ADEC as % of Covered Payroll	20.74 %	20.94 %	0.20 %
J. Assumed Rate of Increase in Covered Payroll to Contribution Year	3.75 %	3.75 %	0.00 %
K. Covered Payroll for Contribution Year	18,950,134	18,950,134	0
L. ADEC for Contribution Year: I x K	3,930,258	3,968,158	37,900
M. ADEC as % of Covered Payroll in Contribution Year: L ÷ K	20.74 %	20.94 %	0.20 %



ACTUARIALLY DETERMINED EMPLOYER CONTRIBUTION (ADEC) TOHO EMPLOYEES			
A. Valuation Date	October 1, 2021 <i>Valuation</i>	October 1, 2021 <i>Proposed Ordinance</i>	<i>Difference</i>
B. ARC to Be Paid During Fiscal Year Ending	9/30/2023	9/30/2023	
C. Assumed Date of Employer Contrib.	12/31/2022	12/31/2022	
D. Annual Payment to Amortize Unfunded Actuarial Liability	\$ 0	\$ 0	\$ 0
E. Employer Normal Cost	1,471,896	1,513,323	41,427
F. ADEC if Paid on the Valuation Date: D+E	1,471,896	1,513,323	41,427
G. ADEC Adjusted for Frequency of Payments	1,496,304	1,538,418	42,114
H. Covered Payroll	5,523,547	5,523,547	0
I. ADEC as % of Covered Payroll	27.09 %	27.85 %	0.76 %
J. Assumed Rate of Increase in Covered Payroll to Contribution Year	0.00 %	0.00 %	0.00 %
K. Covered Payroll for Contribution Year	5,523,547	5,523,547	0
L. ADEC for Contribution Year: I x K	1,496,304	1,538,418	42,114
M. ADEC as % of Covered Payroll in Contribution Year: L ÷ K	27.09 %	27.85 %	0.76 %



ACTUARIAL VALUE OF BENEFITS AND ASSETS BOTH GROUPS COMBINED			
A. Valuation Date	October 1, 2021 <i>Valuation</i>	October 1, 2021 <i>Proposed Ordinance</i>	<i>Difference</i>
B. Actuarial Present Value of All Projected Benefits for			
1. Active Members			
a. Service Retirement Benefits	\$ 85,742,021	\$ 86,109,513	\$ 367,492
b. Vesting Benefits	6,579,575	6,579,533	(42)
c. Disability Benefits	2,081,596	2,050,134	(31,462)
d. Preretirement Death Benefits	1,871,220	1,837,493	(33,727)
e. Return of Member Contributions	198,730	198,730	-
f. Total	96,473,142	96,775,403	302,261
2. Inactive Members			
a. Service Retirees & Beneficiaries	82,089,537	82,089,537	-
b. Disability Retirees	1,343,319	1,343,319	-
c. Terminated Vested Members	7,163,856	7,163,856	-
d. Total	90,596,712	90,596,712	-
3. Total for All Members	187,069,854	187,372,115	302,261
C. Actuarial Accrued (Past Service) Liability (Entry Age Normal)	161,488,675	161,875,751	387,076
D. Actuarial Value of Accumulated Plan Benefits per FASB No. 35	N/A	N/A	N/A
E. Plan Assets			
1. Market Value	157,111,991	157,111,991	-
2. Actuarial Value	142,612,397	142,612,397	-
F. Unfunded Actuarial Accrued Liability (Entry Age Normal): C - E2	18,876,278	19,263,354	387,076
G. Actuarial Present Value of Projected Covered Payroll	180,888,345	179,223,049	(1,665,296)
H. Actuarial Present Value of Projected Member Contributions	7,065,863	6,883,657	(182,206)
I. Accumulated Contributions of Active Members	7,276,025	7,276,025	-
J. Funded Ratio: E2/C	88.3 %	88.1 %	(0.2) %



ACTUARIAL VALUE OF BENEFITS AND ASSETS			
CITY EMPLOYEES			
A. Valuation Date	October 1, 2021 <i>Valuation</i>	October 1, 2021 <i>Proposed Ordinance</i>	<i>Difference</i>
B. Actuarial Present Value of All Projected Benefits for			
1. Active Members			
a. Service Retirement Benefits	\$ 56,590,330	\$ 56,957,822	\$ 367,492
b. Vesting Benefits	5,351,466	5,351,466	-
c. Disability Benefits	1,174,272	1,142,810	(31,462)
d. Preretirement Death Benefits	1,287,286	1,253,559	(33,727)
e. Return of Member Contributions	198,730	198,730	-
f. Total	64,602,084	64,904,387	302,303
2. Inactive Members			
a. Service Retirees & Beneficiaries	53,511,654	53,511,654	-
b. Disability Retirees	469,515	469,515	-
c. Terminated Vested Members	5,080,680	5,080,680	-
d. Total	59,061,849	59,061,849	-
3. Total for All Members	123,663,933	123,966,236	302,303
C. Actuarial Accrued (Past Service) Liability (Entry Age Normal)	103,663,785	104,050,903	387,118
D. Actuarial Value of Accumulated Plan Benefits per FASB No. 35	N/A	N/A	N/A
E. Plan Assets			
1. Market Value	99,377,131	99,377,131	-
2. Actuarial Value	90,251,679	90,251,679	-
F. Unfunded Actuarial Accrued Liability (Entry Age Normal): C - E2	13,412,106	13,799,224	387,118
G. Actuarial Present Value of Projected Covered Payroll	144,659,410	142,994,114	(1,665,296)
H. Actuarial Present Value of Projected Member Contributions	5,498,075	5,587,841	89,766
I. Accumulated Contributions of Active Members	4,495,427	4,495,427	-
J. Funded Ratio: E2/C	87.1 %	86.7 %	(0.4) %



ACTUARIAL VALUE OF BENEFITS AND ASSETS TOHO EMPLOYEES			
A. Valuation Date	October 1, 2021 <i>Valuation</i>	October 1, 2021 <i>Proposed Ordinance</i>	<i>Difference</i>
B. Actuarial Present Value of All Projected Benefits for			
1. Active Members			
a. Service Retirement Benefits	\$ 29,151,691	\$ 29,151,691	\$ -
b. Vesting Benefits	1,228,109	1,228,067	(42)
c. Disability Benefits	907,324	907,324	-
d. Preretirement Death Benefits	583,934	583,934	-
e. Return of Member Contributions	-	-	-
f. Total	<u>31,871,058</u>	<u>31,871,016</u>	<u>(42)</u>
2. Inactive Members			
a. Service Retirees & Beneficiaries	28,577,883	28,577,883	-
b. Disability Retirees	873,804	873,804	-
c. Terminated Vested Members	<u>2,083,176</u>	<u>2,083,176</u>	<u>-</u>
d. Total	<u>31,534,863</u>	<u>31,534,863</u>	<u>-</u>
3. Total for All Members	63,405,921	63,405,879	(42)
C. Actuarial Accrued (Past Service) Liability (Entry Age Normal)	57,824,890	57,824,848	(42)
D. Actuarial Value of Accumulated Plan Benefits per FASB No. 35	N/A	N/A	N/A
E. Plan Assets			
1. Market Value	57,734,860	57,734,860	-
2. Actuarial Value	52,360,718	52,360,718	-
F. Unfunded Actuarial Accrued Liability (Entry Age Normal): C - E2	5,464,172	5,464,130	(42)
G. Actuarial Present Value of Projected Covered Payroll	36,228,935	36,228,935	-
H. Actuarial Present Value of Projected Member Contributions	1,567,788	1,295,816	(271,971)
I. Accumulated Contributions of Active Members	2,780,598	2,780,598	-
J. Funded Ratio: E2/C	90.6 %	90.6 %	0.0 %



CALCULATION OF EMPLOYER NORMAL COST (ENTRY AGE NORMAL) CITY EMPLOYEES			
A. Valuation Date	October 1, 2021 <i>Valuation</i>	October 1, 2021 <i>Proposed Ordinance</i>	<i>Difference</i>
B. Normal Cost for			
1. Service Retirement Benefits	\$ 2,032,987	\$ 2,042,351	\$ 9,364
2. Vesting Benefits	378,331	379,261	930
3. Disability Benefits	78,053	77,495	(558)
4. Preretirement Death Benefits	59,675	59,234	(441)
5. Return of Member Contributions	<u>70,338</u>	<u>70,449</u>	<u>111</u>
6. Total for Future Benefits	2,619,384	2,628,790	9,406
7. Assumed Amount for Administrative Expenses	<u>45,589</u>	<u>45,589</u>	<u>-</u>
8. Total Normal Cost	2,664,973	2,674,379	9,406
As % of Covered Payroll	14.59 %	14.64 %	0.05 %
C. Expected Member Contribution	700,440	706,740	6,300
D. Net Employer Normal Cost: B8-C	1,964,533	1,967,639	3,106
As % of Covered Payroll	10.76 %	10.77 %	0.01 %



CALCULATION OF EMPLOYER NORMAL COST (AGGREGATE) TOHO EMPLOYEES			
A. Valuation Date	October 1, 2021 <i>Valuation</i>	October 1, 2021 <i>Proposed Ordinance</i>	<i>Difference</i>
B. Actuarial Present Value of Projected Benefits	\$ 63,405,921	\$ 63,405,879	\$ (42)
C. Actuarial Value of Assets	52,360,718	52,360,718	0
D. Actuarial Present Value of Projected Member Contributions	1,567,788	1,295,816	(271,971)
E. Actuarial Present Value of Projected Employer Normal Costs: B-C-D	9,477,415	9,749,345	271,929
F. Actuarial Present Value of Projected Covered Payroll	36,228,935	36,228,935	0
G. Employer Normal Cost Rate: E/F	26.16 %	26.91 %	0.75 %
H. Covered Annual Payroll	5,523,547	5,523,547	0
I. Employer Normal Cost: G x H	1,444,960	1,486,387	41,427
J. Assumed Amount of Administrative Expenses	26,936	26,936	0
K. Total Employer Normal Cost: I+J	1,471,896	1,513,323	41,427
L. Employer Normal Cost as % of Covered Payroll	26.65 %	27.40 %	0.75 %

PARTICIPANT DATA			
BOTH GROUPS COMBINED			
	October 1, 2021 <i>Valuation</i>	October 1, 2021 <i>Proposed Ordinance</i>	<i>Difference</i>
ACTIVE MEMBERS			
Number	424	424	0
Covered Annual Payroll	\$ 23,788,736	\$ 23,788,736	\$ 0
Average Annual Payroll	\$ 56,106	\$ 56,106	\$ 0
Average Age	45.0	45.0	0.0
Average Past Service	10.2	10.2	0.0
Average Age at Hire	34.8	34.8	0.0
RETIREES, BENEFICIARIES & DROP			
Number	350	350	0
Annual Benefits	\$ 7,625,986	\$ 7,625,986	\$ 0
Average Annual Benefit	\$ 21,789	\$ 21,789	\$ 0
Average Age	68.0	68.0	0.0
DISABILITY RETIREES			
Number	6	6	0
Annual Benefits	\$ 139,605	\$ 139,605	\$ 0
Average Annual Benefit	\$ 23,268	\$ 23,268	\$ 0
Average Age	60.6	60.6	0.0
TERMINATED VESTED MEMBERS			
Number	112	112	0
Annual Benefits	\$ 1,215,904	\$ 1,215,904	\$ 0
Average Annual Benefit	\$ 10,856	\$ 10,856	\$ 0
Average Age	50.8	50.8	0.0

PARTICIPANT DATA			
CITY EMPLOYEES			
	October 1, 2021 <i>Valuation</i>	October 1, 2021 <i>Proposed Ordinance</i>	<i>Difference</i>
ACTIVE MEMBERS			
Number	349	349	0
Covered Annual Payroll	\$ 18,265,189	\$ 18,265,189	\$ 0
Average Annual Payroll	\$ 52,336	\$ 52,336	\$ 0
Average Age	43.7	43.7	0.0
Average Past Service	8.4	8.4	0.0
Average Age at Hire	35.3	35.3	0.0
RETIREES, BENEFICIARIES & DROP			
Number	253	253	0
Annual Benefits	\$ 4,990,870	\$ 4,990,870	\$ 0
Average Annual Benefit	\$ 19,727	\$ 19,727	\$ 0
Average Age	68.3	68.3	0.0
DISABILITY RETIREES			
Number	3	3	0
Annual Benefits	\$ 46,122	\$ 46,122	\$ 0
Average Annual Benefit	\$ 15,374	\$ 15,374	\$ 0
Average Age	61.5	61.5	0.0
TERMINATED VESTED MEMBERS			
Number	81	81	0
Annual Benefits	\$ 793,864	\$ 793,864	\$ 0
Average Annual Benefit	\$ 9,801	\$ 9,801	\$ 0
Average Age	51.7	51.7	0.0

PARTICIPANT DATA			
TOHO EMPLOYEES			
	October 1, 2021 <i>Valuation</i>	October 1, 2021 <i>Proposed Ordinance</i>	<i>Difference</i>
ACTIVE MEMBERS			
Number	75	75	0
Covered Annual Payroll	\$ 5,523,547	\$ 5,523,547	\$ 0
Average Annual Payroll	\$ 73,647	\$ 73,647	\$ 0
Average Age	50.6	50.6	0.0
Average Past Service	18.7	18.7	0.0
Average Age at Hire	31.9	31.9	0.0
RETIREES, BENEFICIARIES & DROP			
Number	97	97	0
Annual Benefits	\$ 2,635,116	\$ 2,635,116	\$ 0
Average Annual Benefit	\$ 27,166	\$ 27,166	\$ 0
Average Age	67.2	67.2	0.0
DISABILITY RETIREES			
Number	3	3	0
Annual Benefits	\$ 93,483	\$ 93,483	\$ 0
Average Annual Benefit	\$ 31,161	\$ 31,161	\$ 0
Average Age	59.7	59.7	0.0
TERMINATED VESTED MEMBERS			
Number	31	31	0
Annual Benefits	\$ 422,040	\$ 422,040	\$ 0
Average Annual Benefit	\$ 13,614	\$ 13,614	\$ 0
Average Age	48.6	48.6	0.0

Risks Associated with Measuring the Accrued Liability and Actuarially Determined Contribution

The determination of the accrued liability and the actuarially determined contribution requires the use of assumptions regarding future economic and demographic experience. Risk measures are intended to aid in the understanding of the effects of future experience differing from the assumptions used in the course of the actuarial valuation. Risk measures may also help with illustrating the potential volatility in the accrued liability and the actuarially determined contribution that result from the differences between actual experience and the actuarial assumptions.

Future actuarial measurements may differ significantly from the current measurements presented in this report due to such factors as the following: Plan experience differing from that anticipated by the economic or demographic assumptions; changes in economic or demographic assumptions due to changing conditions; increases or decreases expected as part of the natural operation of the methodology used for these measurements (such as the end of an amortization period, or additional cost or contribution requirements based on the Plan's funded status); and changes in Plan provisions or applicable law. The scope of an actuarial valuation does not include an analysis of the potential range of such future measurements.

Examples of risk that may reasonably be anticipated to significantly affect the Plan's future financial condition include:

1. Investment risk – actual investment returns may differ from the either assumed or forecasted returns;
2. Contribution risk – actual contributions may differ from expected future contributions. For example, actual contributions may not be made in accordance with the Plan's funding policy or material changes may occur in the anticipated number of covered employees, covered payroll, or other relevant contribution base;
3. Salary and Payroll risk – actual salaries and total payroll may differ from expected, resulting in actual future accrued liability and contributions differing from expected;
4. Longevity risk – members may live longer or shorter than expected and receive pensions for a period of time other than assumed;
5. Other demographic risks – members may terminate, retire or become disabled at times or with benefits other than assumed resulting in actual future accrued liability and contributions differing from expected.

The effects of certain trends in experience can generally be anticipated. For example if the investment return is less (or more) than the assumed rate, the cost of the Plan can be expected to increase (or decrease). Likewise if longevity is improving (or worsening), increases (or decreases) in cost can be anticipated.

The computed contribution amounts may be considered as a minimum contribution that complies with the pension Board's funding policy and the State statutes. The timely receipt of the actuarially determined contributions is critical to support the financial health of the Plan. Users of this report should be aware that contributions made at the actuarially determined rate do not necessarily guarantee benefit security.



Risk Assessment

Risk assessment was outside the scope of this report. Risk assessment may include scenario tests, sensitivity tests, stochastic modeling, stress tests, and a comparison of the present value of accrued benefits at low-risk discount rates with the actuarial accrued liability. We are prepared to perform such assessment to aid the Board in the decision making process.

ITEM 5.A

Public Hearing - Ramona Planned Unit Development (PUD) Amendment: PUD-22-0001

Request

Approval of a Planned Unit Development (PUD) Amendment to establish industrial warehouse uses on approximately 114.25 acres of land west of Florida's Turnpike, east of Bill Beck Blvd., along the north and south sides of E. Osceola Parkway.

Explanation

This item was continued from the August 2, 2022 and August 16, 2022 City Commission meetings.

This PUD Amendment will establish 1,020,000 sq. ft. of industrial warehouse uses and remove the previously approved 720 residential units, 182,000 sq. ft. commercial, 300 hotel rooms, and assisted living facility uses from the Ramona PUD (DRC#18-0018). The amendment will specifically include Industrial Business (IB) Zoning permitted uses such as warehouse and distribution, wholesale trade, light and medium manufacturing, as well as ancillary office uses. The new uses are compatible with the concurrent Ramona Industrial Land Use Amendment (LUPA-22-0001).

The parcels were previously part of the Gateway Commons Development of Regional Impact (DRI)(DRC#18-0016) that was rescinded at the May 7, 2019 City Commission Meeting.

Off-site transportation improvements to the segment of Bill Beck Blvd. south of Osceola Parkway have commenced and the project is under construction by Osceola County. Construction includes a 2 lane, undivided urban roadway designed for future expansion to 4 lanes. The improvements also include sidewalks, provisions for street lighting, and a new traffic signal at the Osceola Parkway intersection. A trip generation analysis has been included within the PUD Narrative that demonstrates a decrease of daily transportation trips with the new industrial entitlements compared to the previously approved Ramona PUD mixed uses.

On-site improvements and conditions to mitigate impacts will be addressed with subsequent development review submittals and reviews and are subject to applicable local, state, and federal permitting requirements and standards.

FINDINGS AND REASONS:

1. Compliance with Land Development Code Section 14-3-28(G), Zoning Map Amendment to Planned Unit Development, in regards to the submittal and review procedures and criteria to support PUD conceptual plan amendments.
2. Compliance with the site design regulations such as density, lot area, setbacks, building separation, height, and other general standards such as internal circulation, access and other conditions as outlined in Section 14-4-8(D)(4).
3. Compliance with Policy 1.2.4.3, Industrial Business (IN) Future Land Use Designation, intended to accommodate a mixture of typical industrial uses and more intense non-industrial uses. Development and redevelopment projects within this future land use designation may be built with an intensity of up to 0.50 FAR. This designation shall be applied to areas appropriate for typical industrial uses or mixed-use development consisting of light-industrial uses and compatible commercial uses.

Recommendation

City of Kissimmee

REQUESTED PLANNING ADVISORY BOARD ACTION:

Approve w/Conditions

The Development Review Committee (DRC) recommended approval on March 1, 2022.

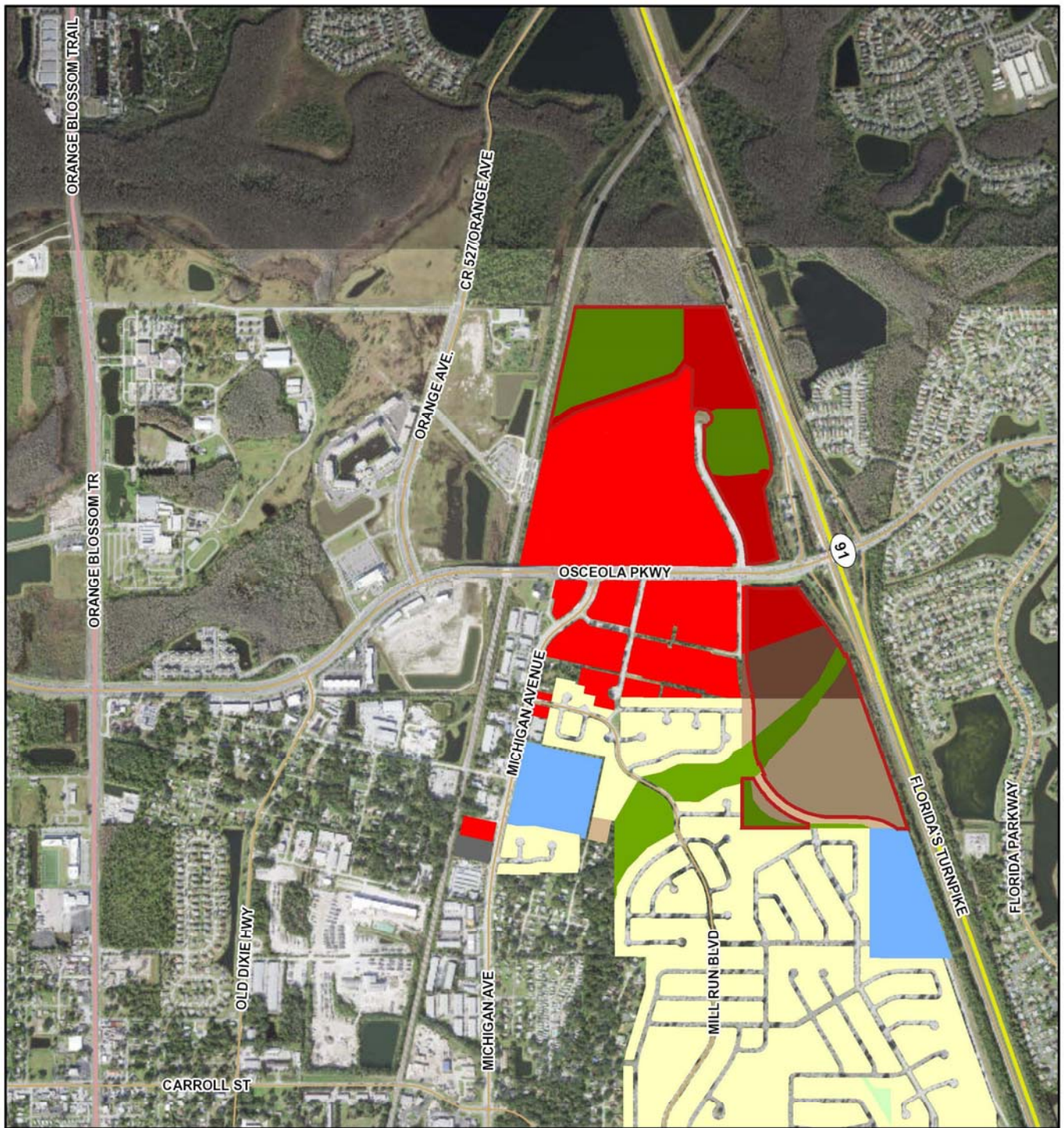
The Planning Advisory Board (PAB) recommended approval by a vote of 5-0 on April 6, 2022.

CONDITION:

1. Subject to City Commission approval of the Ramona Land Use Amendment (LUPA-22-0001).

Attachment(s):

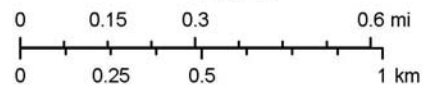
1. PUD-22-0001 Vicinity Map
2. PUD-22-0001 Aerial Map
3. PUD-22-0001 PUD Narrative
4. PUD-22-0001 Site Data Tables
5. PUD-22-0001 Aug. 16, 2022 City Commission Action Summary
6. PUD-22-0001 Aug. 2, 2022 City Commission Action Summary
7. PUD-22-0001 April 6, 2022 PAB Actions
8. PUD-22-0001 Planning DRC Comments
9. PUD-22-0001 School District DRC Comments
10. PUD-22-0001 PWE DRC Comments
11. PUD-22-0001 DRC Application Supporting Documents



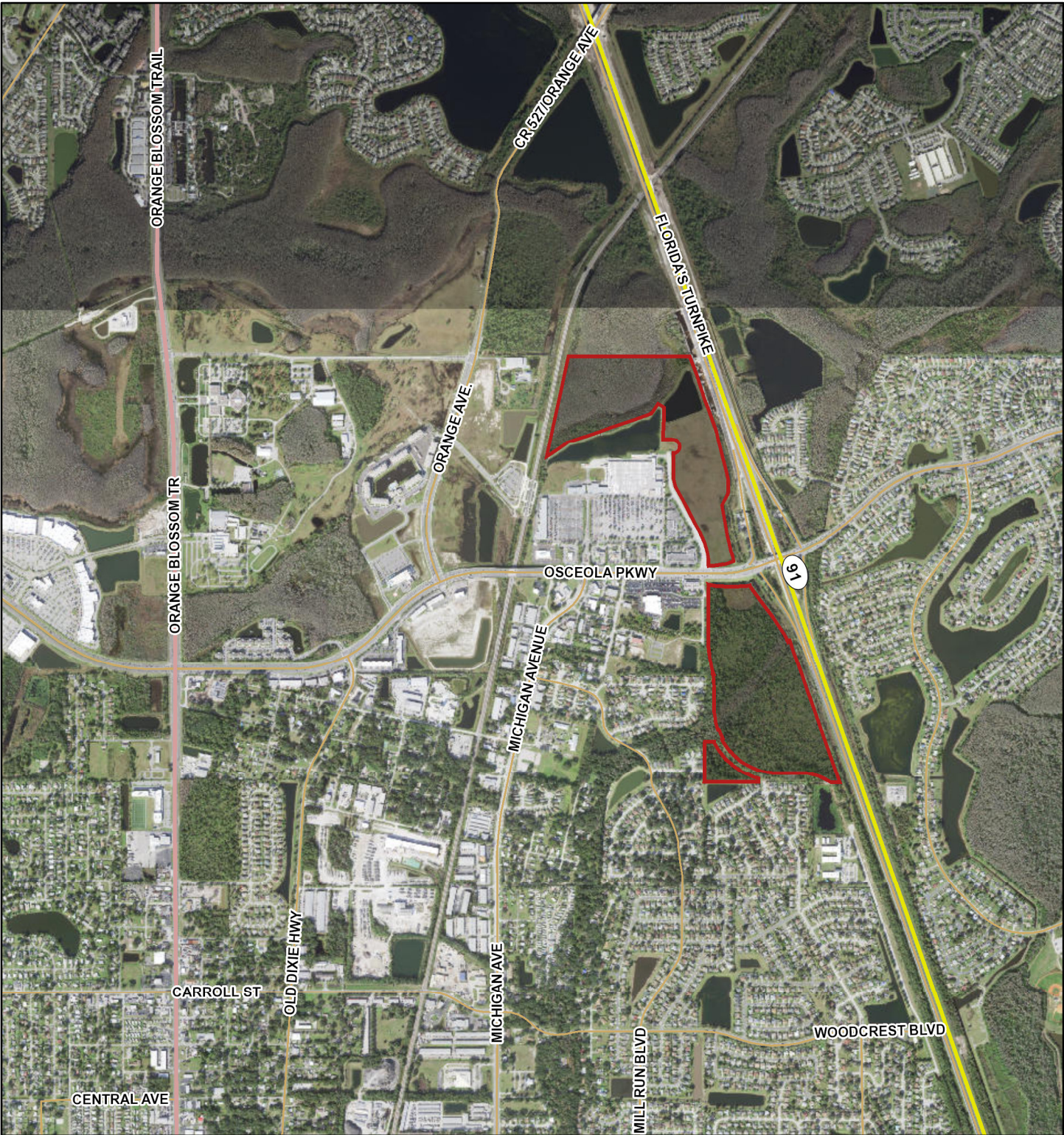
March 22, 2022

1:19,510

- Toll Roads
- US Roads
- Major Roads



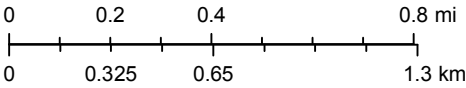
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



March 22, 2022

1:24,075

- Toll Roads
- US Roads
- Major Roads



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

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<i>Section 7</i>	<i>Boundary Survey</i>

SECTION 1: APPLICATION DOCUMENTS

APPLICATION FORMS



DISCLAIMER FOR ALL CITY OF KISSIMMEE DEVELOPMENT REVIEW APPLICATIONS

Important note: The Development Review process associated with this request (as outlined in the attached application) is intended to ensure that the request meets the requirements established in the City of Kissimmee Land Development Code and site development criteria for the City of Kissimmee, and other local, regional and state agencies. It is not intended to constitute approval of building construction or permits as required by external agencies.

Other processes, permits, authorizations, and/or fees may be required prior to construction of requested improvements. These may include, but are not limited to:

- ❖ Mobility/Impact Fees (Transportation, Water & Sewer, Recreation, School)
- ❖ Building permits and review fees
- ❖ Right-of-Way Utilization permits
- ❖ South Florida Water Management District (SFWMD) permits
- ❖ Utility permits and/or fees
- ❖ Federal Aviation Administration (FAA) authorizations
- ❖ Business Tax Receipts (BTRs)
- ❖ State Permits and/or Licenses
- ❖ Development Service Agreements (Toho Water Authority)
- ❖ Florida Department of Environmental Protection (FDEP) Permits
- ❖ NPDES Permits (Stormwater permitting)

The Agent of record and/or property owner for the attached request is responsible for coordinating with applicable agencies to ensure all requirements for the requested improvements have been met prior to construction.

Please read all information above and complete the lower portion of this disclaimer. This document must be signed by both agent and property owner and shall be included with the attached application. Failure to submit this form with the completed application will result in Staff finding the application to be insufficient for review and will delay your request.

Project Name: Ramona LUPA/PUD DRC# PUD-22-0001

LUPA-22-0001

I Certify that I have read the above and understand/acknowledge the information contained therein.

Agent Signature: _____ Date: 10.5.2022

Agent Name (Print): Kathy Hattaway

Property Owner Signature: _____ Date: _____

Property Owner Name (Print): See multiple owner agent authorizations



CITY OF KISSIMMEE
APPLICATION FOR DEVELOPMENT REVIEW



PROJECT

Name of Project: Ramona LUPA/PUD Amendment
Location (Address if possible): East of Bill Beck Blvd; north and south of Osceola Parkway
Parcel ID#: 022529144800010090; 02252900U000320000; 02252900U000250000

APPLICANT

Name: Kathy Hattaway
Firm: Predevelopment Advisors, LLC
Address: 1567-B Lake Baldwin Lane, Orlando FL 32814
Phone: (407) 718 0858 E-Mail: kathy@predevadvisors.com

AGENT (Contact Person)

Name: Kathy Hattaway
Firm: Predevelopment Advisors, LLC
Address: 1567-B Lake Baldwin Lane, Orlando FL 32814
Phone: (407) 718 0858 E-Mail: kathy@predevadvisors.com

OWNER

Name: See attached Agent Authorization for Subject Property Parcel Ownership
Firm: _____
Address: _____
Phone: (_____) _____ - _____ E-Mail: _____

LEGAL DESCRIPTION/LOCATION

Provided in previously submitted application package.

Note: Dates are contingent upon previous meeting approval and dependent upon the project type may not require various meetings. For specific processes, please see the project type. Scheduled dates for Public Hearings are subject to notification requirements and may be altered due to advertising requirements.

All requests must be accompanied by a completed application, checklist, fee, folded plan(s), a CD containing PDF(s) of any exhibits and/or plans and any other supporting materials. A sufficiency review will be conducted within 24 hours of submittal. If submittal is insufficient, the request will not be scheduled/distributed for review. Unless specifically noted, deadlines for submittals are **Friday at 4:00 p.m.** on the above listed dates. **No late or incomplete submittal will be accepted.**

FOR OFFICE USE ONLY			
REQUEST _____	FEE COLLECTED _____		
DATE _____	REC'D BY _____	DRC # _____	DRC DATE _____
SUFFICIENCY REVIEW (Y/N) _____		PROJECT MANAGER _____	



CITY OF KISSIMMEE
ZONING MAP AMENDMENT APPLICATION

Project Name: Ramona LUPA/PUD

Property Location: east of Bill Beck Blvd; north and south of Osceola Pkwy Acreage: 114.25

Requested zoning district designation: MUPUD (unchanged)

To be rezoned for the following specific use or uses: Industrial Warehouse Uses

State the reasons why the proposed zoning map change of the property would be appropriate for the property and also the surrounding areas: The subject property is immediately west of the Florida Turnpike and located at the Osceola Pkwy/FL Turnpike interchange; a premier location for warehouse distribution.

Is subject property currently in the City? YES ☒ NO ☐

Current zoning designation: MUPUD

Is this request in conjunction with an annexation or land use change request? YES ☒ NO ☐

If so, what is the **current** land use designation?: CG, MF-HDR, MF-MDR, CONS

What is the **proposed** land use?: IN (Industrial Business), CONS

(A Land Use amendment application may be required if a change of land use is also requested.)

Ownership: When was the deed to this property last recorded? Date: 6/27/2016

Official Record of Deed Book: 5816 Page: 2674

What covenants, deed restrictions or other private agreement(s) regulate the use and development of this property? See survey previously submitted.

Supportive Material Required for All Zoning Requests

Development Report: The City requires the applicant to submit a report to include findings regarding compatibility with the Comprehensive Plan, justification for the proposed amendment, location map of the subject property, and map indicating the Future Land Use and zoning designations for the subject and adjacent properties.

Additional Material Required for All Planned Unit Development Zoning Requests

Preliminary Plan: The City requires the applicant to submit a preliminary plan at an appropriate size scale. The objectives of this requirement are to ensure that the development of the property will occur according to the limitations of housing types, uses, site design, density, building coverage, improvement standards, and construction phasing. See attached preliminary plan checklist for a list of items to be included on the plans.

Ownership and Control: The applicant shall agree to the following:

(a) **Conditions:** To proceed with the proposed development according to the provisions of the Land Development Code, the conditions attached to the rezoning of the property, and the approved preliminary plan.

(b) **Legal Documents:** To provide agreements, contracts, covenants, deed restrictions, or sureties acceptable to the City for completion of the development according to the plans approved at the time of rezoning and for continuing operation and maintenance of such areas, functions and facilities which are not proposed to be operated or maintained at public expense or through a property owner's association.

(c) **City Review:** To bind successors in title to any of the commitments made under the above. All agreements and evidence of unified control shall be examined by City Staff, and no rezoning of land shall be adopted without a certification by the City Attorney that such agreements and evidence on unified control meet the requirements of the Land Development Code. Unified control shall be maintained for each phase until all required infrastructure improvements for the phase are completed or suitably guaranteed.

(d) **Property Owner's or Condominium Association:** The common open space shall be administered by the City or through an association or nonprofit corporation, said organization shall conform to the applicable laws of the State of Florida.

I Certify that to the best of my knowledge and belief, all information supplied with this application is true and accurate, and that I am:

☐
☐ 718
☐ 0858
☐ 718

Owner of the property described herein
 Party to an agreement for purchase of this property
 An agent for the owner or purchase of this property
 Other _____

Applications submitted by an applicant other than the owner of the subject property shall be accompanied by written documentation, suitable to the City Attorney, from the property owner authorizing the applicant to submit this request.

Date: 10.5.2022 _____

Printed Name: Kathy Hattaway Signature: _____

Approximate Review Time for a Zoning Map Amendment Request:

<i>Review Type</i>	<i>Progressive Review Time</i>
- Submittal of Application and necessary documents (see DRC schedule for submittal dates. DRC meets every other Tuesday.)	
- Development Review Committee meeting with the applicant * - 2 weeks	2 Weeks
- 14 day notification period for advertisement - 2 weeks	4 Weeks
- Planning Advisory Board meeting - (meets every 1st & 3rd Wednesday of each month)	
- 10 day notification period for advertisement – 10 days	5 ½ Weeks
- City Commission meeting (meets every 1 st & 3 rd Tuesday)	6 Weeks
Approximate Time of Review Total	6 - 8 Weeks *

* Estimations may vary. Dependent upon necessary revisions, resubmittals, required advertisement dates, and any other required documentation.

Note: Dates are contingent upon previous meeting approval and dependent upon the project type may not require various meetings. For specific processes, please see the project type. Scheduled dates for Public Hearings are subject to notification requirements and may be altered due to advertising requirements.

All requests must be accompanied by a completed application, checklist, fee, folded plan(s), a PDF of any exhibits and/or plans and any other supporting materials. A sufficiency review will be conducted within 24 hours of submittal. If submittal is insufficient, the request will not be scheduled/distributed for review. Unless specifically noted, deadlines for submittals are **Friday at 4:00 p.m.** on the above listed dates. **No late or incomplete submittal will be accepted.**

OWNER AUTHORIZATIONS

Owner Affidavit/Agent Authorization
For
City of Kissimmee

The Ramona A Spears Revocable Trust ("Trust") is the Property Owner of the following parcel of land in the jurisdiction of the City of Kissimmee, Osceola County, Florida:

Parcel ID# 02-25-29-1448-0001-0090

The Trust has three (3) Trustees:

Michael Spears
Patrick Spears
James Grodecki

As a Trustee of the Ramona A Spears Revocable Trust, I hereby authorize Kathy Hattaway/Predevelopment Advisors, LLC to serve as the Authorized Agent for the above-listed parcel ("Property") in the application, review and approval processes for a Land Use Plan Amendment (LUPA-22-0001) and Planned Unit Development Zoning Amendment (PUD-22-0001) for the Property.



Michael Spears, Trustee

08-05-2022
Date

Owner Affidavit/Agent Authorization
For
City of Kissimmee

The Ramona A Spears Revocable Trust ("Trust") is the Property Owner of the following parcel of land in the jurisdiction of the City of Kissimmee, Osceola County, Florida:

Parcel ID# 02-25-29-1448-0001-0090

The Trust has three (3) Trustees:

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Patrick Spears
James Grodecki

As a Trustee of the Ramona A Spears Revocable Trust, I hereby authorize Kathy Hattaway/Predevelopment Advisors, LLC to serve as the Authorized Agent for the above-listed parcel ("Property") in the application, review and approval processes for a Land Use Plan Amendment (LUPA-22-0001) and Planned Unit Development Zoning Amendment (PUD-22-0001) for the Property.


Patrick Spears, Trustee

3/1/22
Date

**Owner Affidavit/Agent Authorization
For
City of Kissimmee**

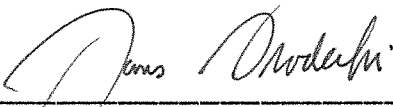
The Ramona A Spears Revocable Trust ("Trust") is the Property Owner of the following parcel of land in the jurisdiction of the City of Kissimmee, Osceola County, Florida:

Parcel ID# 02-25-29-1448-0001-0090

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Michael Spears
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James Grodecki

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James Grodecki, Trustee

3-2-2022

Date

**Owner Affidavit/Agent Authorization
For
City of Kissimmee**

The Ramona A Spears 2008 Irrevocable Trust ("Trust") is the Property Owner of the following parcels of land in the jurisdiction of the City of Kissimmee, Osceola County, Florida:

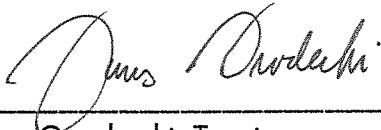
Parcel ID# 02-25-29-00U0-0032-0000

Parcel ID# 02-02-29-00U0-0025-0000

The Trust has one (1) Trustee:

James Grodecki

As the Trustee of the Ramona A Spears 2008 Irrevocable Trust, I hereby authorize Kathy Hattaway/Predevelopment Advisors, LLC to serve as the Authorized Agent for the above-listed parcels ("Property") in the application, review and approval processes for a Land Use Plan Amendment (LUPA-22-0001) and Planned Unit Development Zoning Amendment (PUD-22-0001) for the Property.



James Grodecki, Trustee

3-2-2022

Date

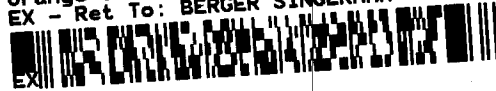
DEED



This Instrument Prepared by and Return to:

Marian Pearlman Nease, Esq.
Berger Singerman LLP
One Town Center Road, Suite 301
Boca Raton, Florida 33486

DOC# 20160330066
06/27/2016 01:35:29 PM Page 1 of 6
Rec Fee: \$52.50
Deed Doc Tax: \$0.00
DOR Admin Fee: \$0.00
Intangible Tax: \$0.02
Mortgage Stamp: \$0.35
Martha O. Haynie, Comptroller
Orange County, FL
EX - Ret To: BERGER SINGERMAN



Parcel ID No.: 02-25-29-00U0-0032-0000

NOTE RE FLORIDA DOCUMENTARY STAMP TAX: PURSUANT TO RULE 12B-4.013(28)(a) MINIMAL DOCUMENTARY STAMP TAXES IN THE AMOUNT OF \$0.70 HAVE BEEN PAID IN CONJUNCTION WITH THE RECORDING OF THIS DEED AS THE TRANSFER OF THE PROPERTY IS NOT MADE IN EXCHANGE FOR ANY CONSIDERATION AND THE BENEFICIARY OF THE GRANTOR TRUST AND THE BENEFICIARY OF THE GRANTEE TRUST ARE IDENTICAL.

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (this "**Deed**") is made as of the 4th day of January, 2016 from JAMES P. GRODECKI, PATRICK F. SPEARS and MICHAEL D. SPEARS, as trustees of the WENDELL E. SPEARS MARITAL TRUST, as established under Article VI of that certain REVOCABLE TRUST AGREEMENT OF WENDELL E. SPEARS dated June 26, 2002, with full power and authority either to protect, conserve and to sell, or to lease, or to encumber or otherwise to manage and dispose of the real property described below pursuant to F.S. 689.073, whose address is c/o James P. Grodecki, CPA, Schuman Simon & Grodecki, Ltd., 626 W. Jackson Blvd., Suite 550, Chicago, IL 60661-5615 ("**Grantor**"), to JAMES P. GRODECKI, as trustee of the RAMONA ANN SPEARS 2008 IRREVOCABLE TRUST dated March 4, 2008, with full power and authority either to protect, conserve and to sell, or to lease, or to encumber or otherwise to manage and dispose of the real property described below pursuant to F.S. 689.073, whose address is c/o James P. Grodecki, CPA, Schuman Simon & Grodecki, Ltd., 626 W. Jackson Blvd., Suite 550, Chicago, IL 60661-5615 ("**Grantee**").

WITNESSETH:

THAT Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration paid to Grantor by Grantee, the receipt of which is hereby acknowledged, by these presents does grant, bargain, sell and convey to Grantee, its successors and assigns forever, all the right, title and interest in and to that certain real property located and situate in Osceola County, Florida described as follows:

SEE EXHIBIT "A" ATTACHED HERETO (THE "PROPERTY").

TOGETHER WITH all tenements, hereditaments, easements and appurtenances belonging to or in any way appertaining to the Property.

TO HAVE AND TO HOLD the same in fee simple forever.

SUBJECT TO (a) taxes and assessments accruing subsequent to December 31, 2015, and (b) conditions, restrictions, covenants, limitations, easements, agreements, reservations and other matters of record; provided, however, this instrument shall not operate to reimpose any of the same.

GRANTOR hereby specially warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but none other.

The preparer of this instrument was neither furnished with, nor requested to review an abstract on the described property and therefore expresses no opinion as to condition of title.

IN WITNESS WHEREOF, the Grantor has executed this instrument as of the date first above written.

WITNESSES:

Shirley Bennett
Print Name: SHIRLEY BENNETT
Mary M Reed
Print Name: MARY M. REED

GRANTOR:

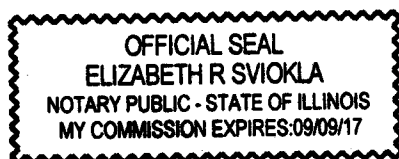
James P. Grodecki
James P. Grodecki

STATE OF Illinois

COUNTY OF Cook

The foregoing instrument was acknowledged before me on May 23, 2016 by James P. Grodecki, as a Co-Trustee of the Wendell E. Spears Marital Trust, as established under Article VI of that certain Revocable Trust Agreement of Wendell E. Spears dated June 26, 2002, on behalf of the trust. He is personally known to me or produced _____ as identification.

SEAL



Elizabeth R. Sviokla
NOTARY PUBLIC,
Printed Notary Name: Elizabeth R. Sviokla
My Commission Expires: 09-09-17

IN WITNESS WHEREOF, Grantor has duly executed this instrument as of the date first written above.

WITNESSES:

Jenette Dimmett
Print Name: Jenette Dimmett

Ken Milliard
Print Name: Ken Milliard

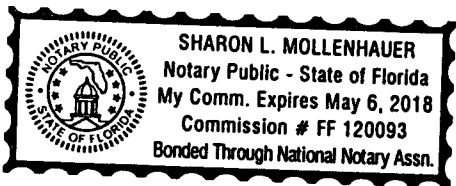
GRANTOR:

Patrick F. Spears
Patrick F. Spears

STATE OF Florida
COUNTY OF Palmer Beach

The foregoing instrument was acknowledged before me on May 23, 2016 by Patrick F. Spears, as a Co-Trustee of the Wendell E. Spears Marital Trust, as established under Article VI of that certain Revocable Trust Agreement of Wendell E. Spears dated June 26, 2002, on behalf of the trust. He is personally known to me or produced DL Pl. Exp 2024 as identification.

SEAL



Sharon L. Mollenhauer
NOTARY PUBLIC,
Printed Notary Name:
My Commission Expires:

IN WITNESS WHEREOF, Grantor has duly executed this instrument as of the date first written above.

WITNESSES:

Antoinella Mesuraca
Print Name: Antoinella Mesuraca

Marina Braccio
Print Name: Marina Braccio

GRANTOR:

Michael D. Spears
Michael D. Spears

STATE OF NEW YORK

COUNTY OF NEW YORK

The foregoing instrument was acknowledged before me on JUNE 15, 2016 by Michael D. Spears, as a Co-Trustee of the Wendell E. Spears Marital Trust, as established under Article VI of that certain Revocable Trust Agreement of Wendell E. Spears dated June 26, 2002, on behalf of the trust. He is personally known to me or produced DRIVER'S LICENSE as identification.

SEAL

Patricia A. Smyth
NOTARY PUBLIC,
Printed Notary Name:
My Commission Expires:

Patricia A. Smyth
Notary Public, State of New York
No. 01SM4884628
Qualified in Bronx County
Certificate Filed in New York County
Commission Expires June 4, 2019

OR BK 1107 PG2137

EXHIBIT "A"
(PAGE 1 of 2)

EXHIBIT "A"

That certain land in Osceola County, Florida more particularly described as follows:

PARCEL #1:

The North 1/2 of Section 2, Township 25 South, Range 29 East lying easterly of the SCL Railroad right-of-way and westerly of the Florida Turnpike right-of-way;

AND

PARCEL #2:

The Southeast 1/4 of Section 2, Township 25 South, Range 29 East, lying westerly of the Florida Turnpike right-of-way;

AS TO PARCEL #1 and PARCEL #2

LESS: that certain right-of-way granted to Osceola County in O.R. Book 805, Page 1462, Public Records of Osceola County, Florida;

AND

AS TO PARCEL #1

LESS: the following described real property in the North 1/2 of Section 2, Township 25, South Range 29 E, to-wit:

Begin at a point on the South line of the North 1/2 of Section 2, Township 25 South, Range 29 East at its intersection with the Easterly right-of-way line of the SCL Railroad right-of-way, thence run Easterly along said South line 995 feet; thence run Northerly perpendicular to said South line 827 feet; thence run Westerly parallel to said South line to a point on the Easterly right-of-way of the SCL Railroad right-of-way and thence run Southwesterly along said SCL Railroad right-of-way line to the Point of Beginning.

AND

The following described real property located in Orange County, Florida, more particularly described as:

PARCEL #3:

All that portion of Section 35, Township 24 South, Range 29 East, lying Southwesterly of the Florida Turnpike and Southeasterly of the Seaboard Coastline Railroad, Orange County, Florida.

FILED, RECORDED AND
RECORD VERIFIED
MEL WILLS, JR., CLK. CIR. CT.
OSCEOLA COUNTY

BY JS D.C.

OR4506 PG4945

RECORDED & RECORD VERIFIED
Master R. Haynie
County Controller, Orange Co., FL

930008560

93 JUN 29 PM 2:29

EXHIBIT "A"
PAGE 2 of 2

EXHIBIT A

A tract of land being a portion of the Northwest Quarter of Section 2, Township 25 South, Range 22 East, Osceola County, Florida, being more particularly described as follows:

Commence at the Southwest corner of the Northwest Quarter of said Section 2; thence South 89 degrees 37 minutes 45 seconds East along the South line of the Northwest Quarter for 2196.00 feet; thence North 00 degrees 16 minutes 07 seconds East, 15.00 feet to the North right of way of Osceola Parkway and the POINT OF BEGINNING; thence continue North 00 degrees 16 minutes 07 seconds East, 304.07 feet; thence South 89 degrees 35 minutes 10 seconds East, 83.29 feet to the point of curvature of a curve concave Northerly having a radius of 300.00 feet; thence along the arc of said curve through a central angle of 26 degrees 16 minutes 35 seconds for 117.50 feet to the point of tangency; thence North 64 degrees 10 minutes 15 seconds East, 63.20 feet to a point lying on a curve concave Westerly having a tangent bearing of South 25 degrees 41 minutes 45 seconds East and a radius of 750.00 feet; thence Southerly along the arc of said curve and along the proposed West right of way of Bill Beck Boulevard through a central angle of 27 degrees 15 minutes 45 seconds for 317.60 feet to the point of tangency; thence South 00 degrees 37 minutes 09 seconds East, 23.10 feet; thence North 89 degrees 37 minutes 45 seconds West along the North right of way of Osceola Parkway, 47.46 feet; thence South 00 degrees 09 minutes 50 seconds West, 33.00 feet; thence North 89 degrees 37 minutes 45 seconds West, 301.42 feet to the POINT OF BEGINNING.

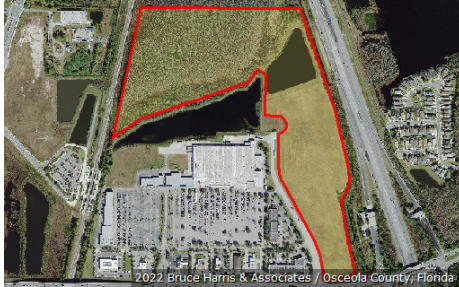
BOOK 1340 PAGE 0608

PROPERTY RECORD CARDS



Katrina S. Scarborough, CFA, CCF, MCF
Osceola County Property Appraiser
www.property-appraiser.org
Osceola County Government Center
2505 East Irlo Bronson Memorial Hwy, Kissimmee, FL 34744
Ph: (407) 742-5000 Fax: (407) 742-4900

Parcel: 02-25-29-1448-0001-0090



Owner Information

Owner Name WENDELL E SPEARS REVOCABLE TRUST
SPEARS RAMONA ANN TR
GRODECKI JAMES P

Mailing Address PO BOX 1780
WINTER PARK, FL 32790

Physical Address E OSCEOLA PKWY, KISSIMMEE FL 34744

Description VACANT COMMERCIAL

Tax District 200 - KISSIMMEE

Tax Values

Current Values

Current Value represents working appraised values as of 01/22/2022, which are subject to change prior to certification

Land	\$1,810,800
AG Benefit	\$0
Extra Features	\$0
Buildings	\$0
Appraised(just)	\$1,810,800
Assessed(estimated)	\$1,810,800
Exemption(estimated)	\$0
Taxable(estimated)	\$1,810,800

* Assessed Values Reflect Adjustments for Agricultural Classification and/or the Save Our Homes Cap

Certified Values

Certified Value represents certified values that appeared on the tax roll as of 10/04/2021

Land	\$1,810,800
AG Benefit	\$0
Extra Features	\$0
Buildings	\$0
Appraised(just)	\$1,810,800
Assessed*	\$1,810,800
Exemption	\$0
Taxable	\$1,810,800

* Assessed Values Reflect Adjustments for Agricultural Classification and/or the Save Our Homes Cap

Sales Information

Seq	ORB-Pg	Price	Date	Deed Type
0		\$0	2007-03-05	OR
1		\$0	2007-02-22	OR
2		\$0	2007-01-16	DC

Land Information - Total Acreage: 55.66

Land Description	Units	Depth	Land Type	Land Value
COM AC	29.00	0.00	AC	\$297,300
COM AC	20.43	0.00	AC	\$1,513,000
SUBMERGED LAND	6.23	0.00	AC	\$600

Legal Description

Legal Description GATEWAY COMMONS NORTH PB 13 PG 28-32 LOT 9



Katrina S. Scarborough, CFA, CCF, MCF
Osceola County Property Appraiser
www.property-appraiser.org
Osceola County Government Center
2505 East Irlo Bronson Memorial Hwy, Kissimmee, FL 34744
Ph: (407) 742-5000 Fax: (407) 742-4900

Parcel: 02-25-29-00U0-0032-0000



Owner Information

Owner Name RAMONA ANN SPEARS 2008 IRREVOCABLE TRUST
GRODECKI JAMES P TR

Mailing Address C/O JAMES P GRODECKI CPA
CHUMAN SIMON & GRODECKI LTD
CHICAGO, IL 60661-5615

Physical Address E OSCEOLA PKWY, KISSIMMEE FL 34744

Description VACANT COMMERCIAL WITH XFOB

Tax District 200 - KISSIMMEE

Tax Values

Current Values

Current Value represents working appraised values as of 01/22/2022, which are subject to change prior to certification

Land	\$1,478,700
AG Benefit	\$0
Extra Features	\$6,600
Buildings	\$0
Appraised(just)	\$1,485,300
Assessed(estimated)	\$1,485,300
Exemption(estimated)	\$0
Taxable(estimated)	\$1,485,300

* Assessed Values Reflect Adjustments for Agricultural Classification and/or the Save Our Homes Cap

Certified Values

Certified Value represents certified values that appeared on the tax roll as of 10/04/2021

Land	\$1,577,000
AG Benefit	\$0
Extra Features	\$7,100
Buildings	\$0
Appraised(just)	\$1,584,100
Assessed*	\$1,584,100
Exemption	\$0
Taxable	\$1,584,100

* Assessed Values Reflect Adjustments for Agricultural Classification and/or the Save Our Homes Cap

Sales Information

Seq	ORB-Pg	Price	Date	Deed Type
0	5816-2674	\$0	2016-05-23	SW
1		\$0	2012-02-10	AF
2		\$0	2007-03-05	OR
3		\$0	2007-02-22	OR
4		\$0	2007-01-16	DC
5	1175-0106	\$27,500	1994-03-07	QC
6	1107-2135	\$0	1992-12-29	WD
7	0905-0007	\$3,200,000	1988-12-30	WD

Land Information - Total Acreage: 22.63

Land Description	Units	Depth	Land Type	Land Value
COM AC	22.63	0.00	AC	\$1,478,700

Extra Features

Extra Feature	Units	Year Built	Feature Value
COMMERCIAL-CHAIN LINK FENCE-6 FT HIGH AVERAGE	1800	2007	\$6,552

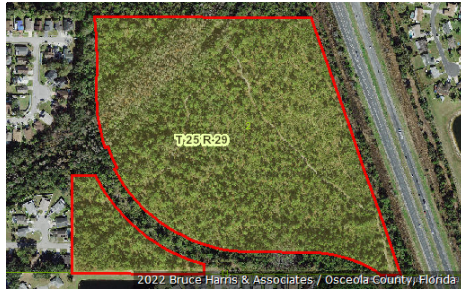
Legal Description

Legal Description	NW 1/4 OF SE 1/4 LYING WLY OF FLA TRNPK LESS RD RW & LESS THAT PORTION LYING WITHIN ABOVE SAID LEGAL: COM AT SW COR OF SE 1/4 OF 02-25-29, N00-11-38E 503.59 FT TO POB; CONT N00-11-38E 1961.47 FT TO PT ON S R/W LINE OF OSCEOLA PKWY, S78-24-46E 51.01 FT, S00-11-38W 694.31 F TO POC, CONC E, RAD 1450.46 FT, CENT ANG 17 DEG, (CH BEARING S08-17-32E 428.08 FT), SLY ALONG CURVE 429.65 FT, N89-35-38W 7.89 FT TO NON-TAN CURVE, CONC W, RAD 1450.46 FT, CENT ANG 09 DEG, (CH BEARING S04-07-12E 218.20 FT), SLY ALONG CURVE 218.40 FT, S00-11-38W 209.30 FT TO POC, CONC E, RAD 98.83 FT, CENT ANG 19 DEG, (CH BEARING S09-22-34E 265.61 FT), SLY ALONG CURVE 266.85 FT, N71-03-16E 15 FT TO NON-TAN CURVE, CONC NE, RAD 783.83 FT, CENT ANG 08 DEG, (CH BEARING S23-13-46E 117.10 FT), SELY ALONG CURVE 117.21 FT, S57-33-39W 15.05 FT TO NON-TAN CURVE, CONC NE, RAD 864.25 FT, CENT ANG 62 DEG, (CH BEARING S58-36-00E 822.71 FT), SELY ALONG CURVE 864.25 FT, S89-35-38E 312.31 FT TO POC, CONC S, RAD 595.67 FT CENT ANG 36 DEG, (CH BEARING S71-29-35E 370.14 FT), ELY ALONG CURVE 376.37 FT, N89-35-38W 907.74 FT, N00-24-22E 48.64 FT TO NON-TAN CURVE, CONC NE, RAD 898.83 FT, CENT ANG 47 DEG, (CH BEARING N50-17-37W 718.97 FT), NWLY ALONG CURVE 739.66 FT, N89-48-23W 119.04 FT TO POB
--------------------------	--



Katrina S. Scarborough, CFA, CCF, MCF
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2505 East Irlo Bronson Memorial Hwy, Kissimmee, FL 34744
Ph: (407) 742-5000 Fax: (407) 742-4900

Parcel: 02-25-29-00U0-0025-0000



Owner Information

Owner Name RAMONA ANN SPEARS 2008 IRREVOCABLE TRUST
GRODECKI JAMES P TR

Mailing Address C/O JAMES P GRODECKI CPA
CHUMAN SIMON & GRODECKI LTD
CHICAGO, IL 60661-5615

Physical Address E OSCEOLA PKWY, KISSIMMEE FL 34744

Description VACANT INDUSTRIAL WITH XFOB

Tax District 200 - KISSIMMEE

Tax Values

Current Values

Current Value represents working appraised values as of 01/22/2022, which are subject to change prior to certification

Land	\$581,000
AG Benefit	\$0
Extra Features	\$5,100
Buildings	\$0
Appraised(just)	\$586,100
Assessed(estimated)	\$586,100
Exemption(estimated)	\$0
Taxable(estimated)	\$586,100

* Assessed Values Reflect Adjustments for Agricultural Classification and/or the Save Our Homes Cap

Certified Values

Certified Value represents certified values that appeared on the tax roll as of 10/04/2021

Land	\$678,800
AG Benefit	\$0
Extra Features	\$5,500
Buildings	\$0
Appraised(just)	\$684,300
Assessed*	\$670,230
Exemption	\$0
Taxable	\$670,230

* Assessed Values Reflect Adjustments for Agricultural Classification and/or the Save Our Homes Cap

Sales Information

Seq	ORB-Pg	Price	Date	Deed Type
0	5816-2674	\$0	2016-05-23	SW
1		\$0	2007-03-05	OR
2		\$0	2007-02-22	OR
3		\$0	2007-01-16	DC
4	1107-2135	\$0	1992-12-29	WD
5	0905-0007	\$3,200,000	1988-12-30	WD

Land Information - Total Acreage: 37.84

Land Description	Units	Depth	Land Type	Land Value
INDUSTRIAL ACREAGE	37.84	0.00	AC	\$581,000

Extra Features

Extra Feature	Units	Year Built	Feature Value
COMMERCIAL-CHAIN LINK FENCE-6 FT HIGH AVERAGE	1400	2007	\$5,096

Legal Description

Legal Description	SW 1/4 OF SE 1/4 LYING WLY OF FLA TURNPIKE & SE 1/4 OF SE 1/4 LYING WLY OF FLA TURNPIKE LESS THAT PORTION LYING WITHIN ABOVE SAID LEGAL: COM AT SW COR OF SE 1/4 OF 02-25-29, N00-11-38E 503.59 FT TO POB; CONT N00-11-38E 1961.47 FT TO PT ON S R/W LINE OF OSCEOLA PKWY, S78-24-46E 51.01 FT, S00-11-38W 694.31 F TO POC, CONC E, RAD 1450.46 FT, CENT ANG 17 DEG, (CH BEARING S08-17-32E 428.08 FT), SLY ALONG CURVE 429.65 FT, N89-35-38W 7.89 FT TO NON-TAN CURVE, CONC W, RAD 1450.46 FT, CENT ANG 09 DEG, (CH BEARING S04-07-12E 218.20 FT), SLY ALONG CURVE 218.40 FT, S00-11-38W 209.30 FT TO POC, CONC E, RAD 98.83 FT, CENT ANG 19 DEG, (CH BEARING S09-22-34E 265.61 FT), SLY ALONG CURVE 266.85 FT, N71-03-16E 15 FT TO NON-TAN CURVE, CONC NE, RAD 783.83 FT, CENT ANG 08 DEG, (CH BEARING S23-13-46E 117.10 FT), SELY ALONG CURVE 117.21 FT, S57-33-39W 15.05 FT TO NON-TAN CURVE, CONC NE, RAD 864.25 FT, CENT ANG 62 DEG, (CH BEARING S58-36-00E 822.71 FT), SELY ALONG CURVE 864.25 FT, S89-35-38E 312.31 FT TO POC, CONC S, RAD 595.67 FT CENT ANG 36 DEG, (CH BEARING S71-29-35E 370.14 FT), ELY ALONG CURVE 376.37 FT, N89-35-38W 907.74 FT, N00-24-22E 48.64 FT TO NON-TAN CURVE, CONC NE, RAD 898.83 FT, CENT ANG 47 DEG, (CH BEARING N50-17-37W 718.97 FT), NWLY ALONG CURVE 739.66 FT, N89-48-23W 119.04 FT TO POB
--------------------------	---

SECTION 2: PROPERTY DATA & EXISTING CONDITIONS

This proposed amendment to the previously-approved Ramona MUPUD, henceforth to be known as the Constellation MUPUD, affects three parcels of land totaling 114.25 acres located adjacent to, and west of, the Florida Turnpike, and north and south of Osceola Parkway (“Property”). The Property Location Map is provided below.

The parcel located north of Osceola Parkway (identified on the PUD Concept Plan in Section 5 as Parcel 1), and identified by the Osceola Property Appraiser as Parcel ID# 02-25-29-1448-0001-0090, is approximately 55.66 acres in size. The northern portion of Parcel 1, approximately 29 acres, is subject to a Conservation Easement in favor of the South Florida Water Management District. The remainder of the parcel has been mass-graded. A stormwater pond was permitted and constructed on the parcel that is sized to accommodate the remaining developable area of the parcel.

Two parcels are located south of Osceola Parkway. The parcel identified on the PUD Concept Plan as Parcel 2, and identified by the Osceola County Property Appraiser as Parcel ID# 02-25-29-00U0- 0032-0000, is approximately 22.63 acres in size. The parcel identified on the PUD Concept Plan as Parcel 3, and identified by the Osceola County Property Appraiser as Parcel ID# 02-25-29-00U0- 0025-0000, is approximately 37.84 acres in size. Parcels 1 and 2 each contain a portion of the environmental area known as Mills Slough.

An extension of Bill Beck Boulevard from the southern boundary of Osceola Parkway south past the PUD boundary is planned by Osceola County. The roadway extension design plans are complete and construction has begun.



SECTION 3: SUMMARY OF REQUEST

The current MUPUD development program was approved in 2019 as the Ramona MUPUD with a mix of uses including Commercial, Hotel, Apartments and Townhomes.

Due to changing market conditions resulting in an increased demand for warehouse uses, the Applicant wishes to develop up to 1,020,000 SF of regional Industrial Warehouse Center uses on the Property and rename the development the Constellation MUPUD. The proximity of the Property to the Osceola Parkway interchange on the Florida Turnpike makes the location ideal for the proposed use. A successful warehouse facility of this size relies on a regional roadway network to facilitate the movement of goods throughout our state and the nation.

The extension of Bill Beck Boulevard includes the construction of a signalized intersection at Bill Beck Boulevard and Osceola Parkway, further enhancing the transportation network serving the Property.

The MUPUD zoning is compatible with the Land Development Code Intent of the Mixed Use Planned Unit Development District *for commercial-light industrial uses with a greater amount of site design flexibility by removing some of the restrictions of conventional zoning.*

Proposed Development Program

Industrial Warehouse Uses	1,020,000 SF
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Concurrent with this PUD Amendment application, the Applicant has submitted a Land Use Plan Amendment Application to change the Future Land Use designation on the developable portion of the Property to Industrial Business (IN).

(PUD Concept Plan Provided in Section 5)

Proposed Development Program Trip Generation

Below is a Trip Generation Comparison Table prepared by Traffic Mobility Consultants, Inc. comparing the Trip Generation of the previously-approved Ramona MUPUD development program to the Trip Generation of the proposed Constellation MUPUD development program. The proposed Constellation MUPUD development program generates significantly fewer trips than the previously-approved development program.

ITE Code	Land Use	Size	Daily		PM Peak Hour			
			Rate	Trips	Rate	Total	Enter	Exit
Allowable Development - Current Ramona PUD								
220	Multi-Family (Low Rise) Townhomes-Apartments	720 DU	6.51	4,691	0.46	330	208	122
310	Hotel	300 RMS	9.43	2,828	0.65	194	99	95
820	Retail/Commercial	182.000 KSF	37.01	6,736	3.40	619	297	322
Total Trip Generation Existing FLU				14,255		1,143	604	539
Retail/Commercial Non-Primary Trips (34%)				2,290		210	101	109
Net Trip Generation				11,965		933	503	430
Proposed PUD								
130	General Light Industrial	1,020.000 KSF	3.37	3,437	0.34	347	76	271
Total Trip Generation				3,437		347	76	271
Net Change in Trips				-8,528		-586	-427	-159

Source: ITE Trip Generation Manual, 11th Edition & Trip Generation Handbook 3rd Edition

The difference in total daily trips between the proposed PUD and the current approved Ramona PUD

SECTION 4: DEVELOPMENT STANDARDS

The Applicant wishes to establish PUD standards that are compatible with the proposed Industrial Warehouse Center use.

The proposed development will generally comply with the development standards in the Industrial Business (IB) Zoning District with minor variations, as reflected below.

Minimum Building Setbacks and Minimum Lot Standards

Building Setback	
Front	25'
Side	10'
Rear	10'

Major Roadway Building Setback	
Front – Osceola Parkway (Principal Arterial)	35'

Lot Standard	
Min. Lot Width	150'
Min. Lot Depth	100'
Min. Lot Area	15,000 square feet
Max. Impervious Area	85%
Max. Height	N/A

Parking Requirement

1 space per 2,000 sf of GFA

Common Open Space Requirement

10% of the gross acreage of the Industrial FLU area of the Property

Permitted Uses

The following Uses are Permitted in the Constellation MUPUD:

Primary Uses⁽¹⁾

- Warehouse and Distribution⁽²⁾
- Light Manufacturing⁽²⁾
- Medium Manufacturing⁽²⁾
- Wholesale Trade Establishments⁽²⁾
- All Permitted Uses in the IB Zoning District as provided in LDC Sec. 14-4-5., Table 4-2: Schedule of Uses for Non-Residential Standard Districts
- Other Similar and Compatible Uses as Approved by the Development Services Director or Designee

⁽¹⁾ All repair and manufacturing activities conducted within 300 feet of a residential district shall be in completely enclosed buildings. Processes located at a greater distance may be located outdoors if approved as a conditional use and shall be enclosed by a solid wall or fence at least six (6) feet high.

⁽²⁾ These Permitted Uses include the loading, unloading and parking of semi-trailer trucks (i.e., a combination of a tractor unit and one or more semi-trailers) for the distribution of goods. The parking of semi-trailer trucks and/or semi-trailers on site associated with these Permitted Uses in the ordinary course of business is not considered to be Outdoor Storage as defined or regulated in the Land Development Code.

Secondary Uses

Office Ancillary to Primary Uses

Site and Building Design Waiver Request – LDC Sec. 14-4-6.D.3

A waiver is requested from the requirements of Land Development Code Section 14-4-6.D.3:

Loading/unloading bay & non-residential garage doors. No loading/unloading bay, non-residential door, or similar opening intended for vehicular access or movement of large materials shall be visible from public rights-of-way or adjacent residential uses or districts.

Wetlands Permitting

Save and except for wetlands which have received to date, or receive in the future, permits for removal and for which mitigation has been provided, the Constellation MUPUD on-site wetlands systems, other conservation tracts, and mitigation areas shall be regarded as preservation areas for the purpose of protecting their natural attributes and shall have their developmental uses restricted by easement as provided in Section 704.06, Florida Statutes. This condition does not preclude the applicant from including these lands in fulfilling MUPUD open space requirements of the City of Kissimmee.

SECTION 5: PUD CONCEPT PLAN



Land Use Designation

- Parcel 1 - Industrial Warehouse Center
- Parcel 2 - Industrial Warehouse Center
- Parcel 3 - Industrial Warehouse Center
- Conservation

Development Data

Site Details

Gross PUD Area	114.25 Acres
Parcel 1	30.22 Acres
Parcel 2	21.26 Acres
Parcel 3	28.36 Acres
Conservation	34.41 Acres

Proposed Development

Proposed Industrial	1,000,000 Sq. Ft.
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Map Source: Esri, City of Kissimmee, Osceola County

Subject Property

Municipal Boundary

PUD Concept Plan

CONSTELLATION PUD AMENDMENT

1/6/2021
P & B Job No: 21-167

2602 E. Livingston Street
Orlando, FL 32803 Ph. 407-487-2594

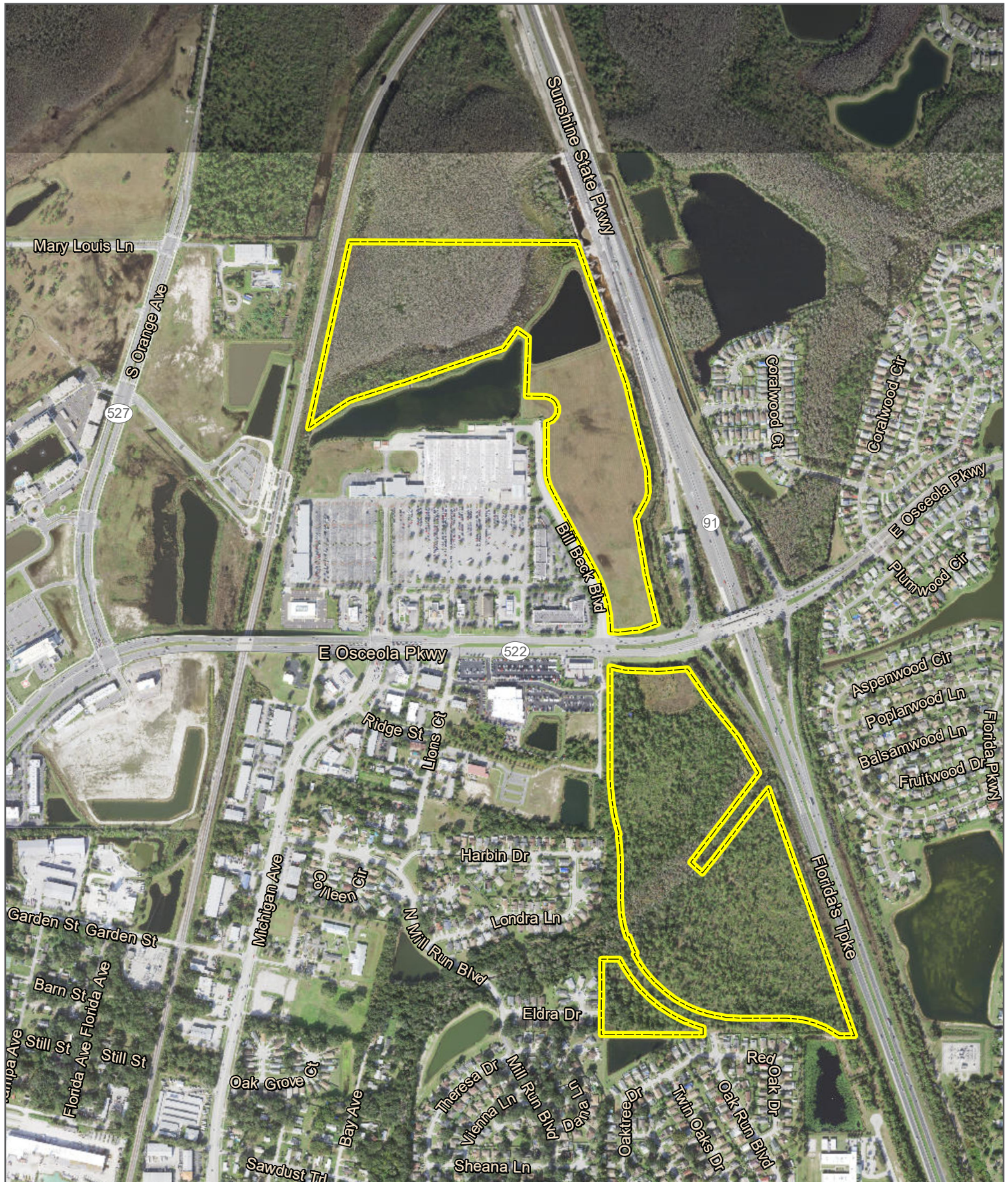
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Planning QA/QC		
Information	Initials	Date
Planner	NM	1/6/2022
Team Leader		

SECTION 6: MAPS



Map Source: Esri, Osceola County

Subject Property

Aerial Map

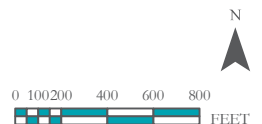
CONSTELLATION PUD AMENDMENT

12/28/2021
P & B Job No: 21-167

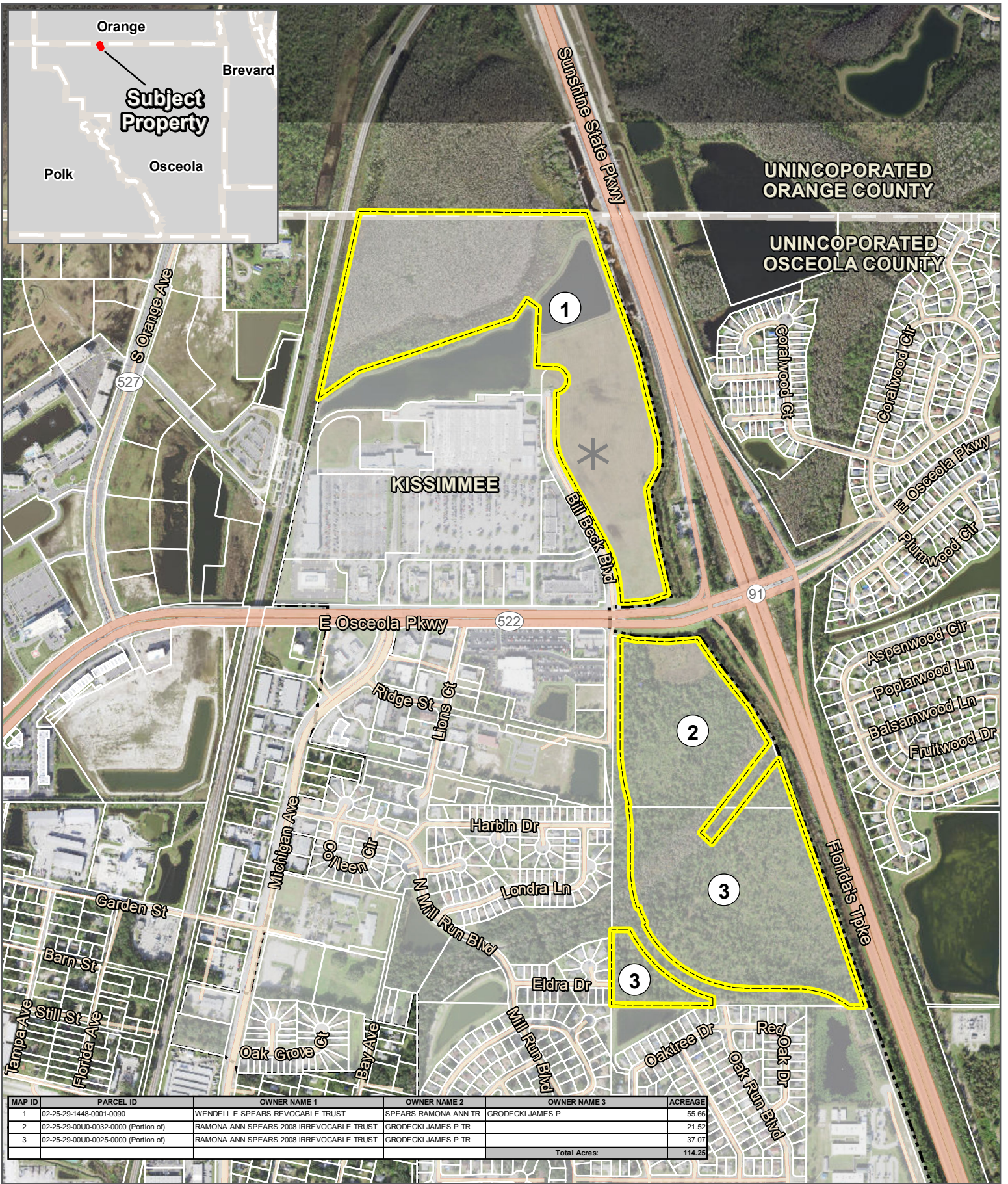
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Planning QA/QC		
Information	Initials	Date
Planner	NM	4/4/2022
Project Engineer		



MAP ID	PARCEL ID	OWNER NAME 1	OWNER NAME 2	OWNER NAME 3	ACREAGE
1	02-25-29-1448-0001-0090	WENDELL E SPEARS REVOCABLE TRUST	SPEARS RAMONA ANN TR	GRODECKI JAMES P	55.66
2	02-25-29-00U-0032-0000 (Portion of)	RAMONA ANN SPEARS 2008 IRREVOCABLE TRUST	GRODECKI JAMES P TR		21.52
3	02-25-29-00U-0025-0000 (Portion of)	RAMONA ANN SPEARS 2008 IRREVOCABLE TRUST	GRODECKI JAMES P TR		37.07
Total Acres:					114.25

Map Source: Esri, Osceola County

- Subject Property
- Municipal Boundary

Location Map

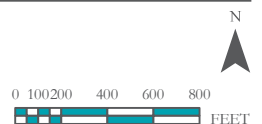
CONSTELLATION PUD AMENDMENT

12/28/2021
P & B Job No: 21-167

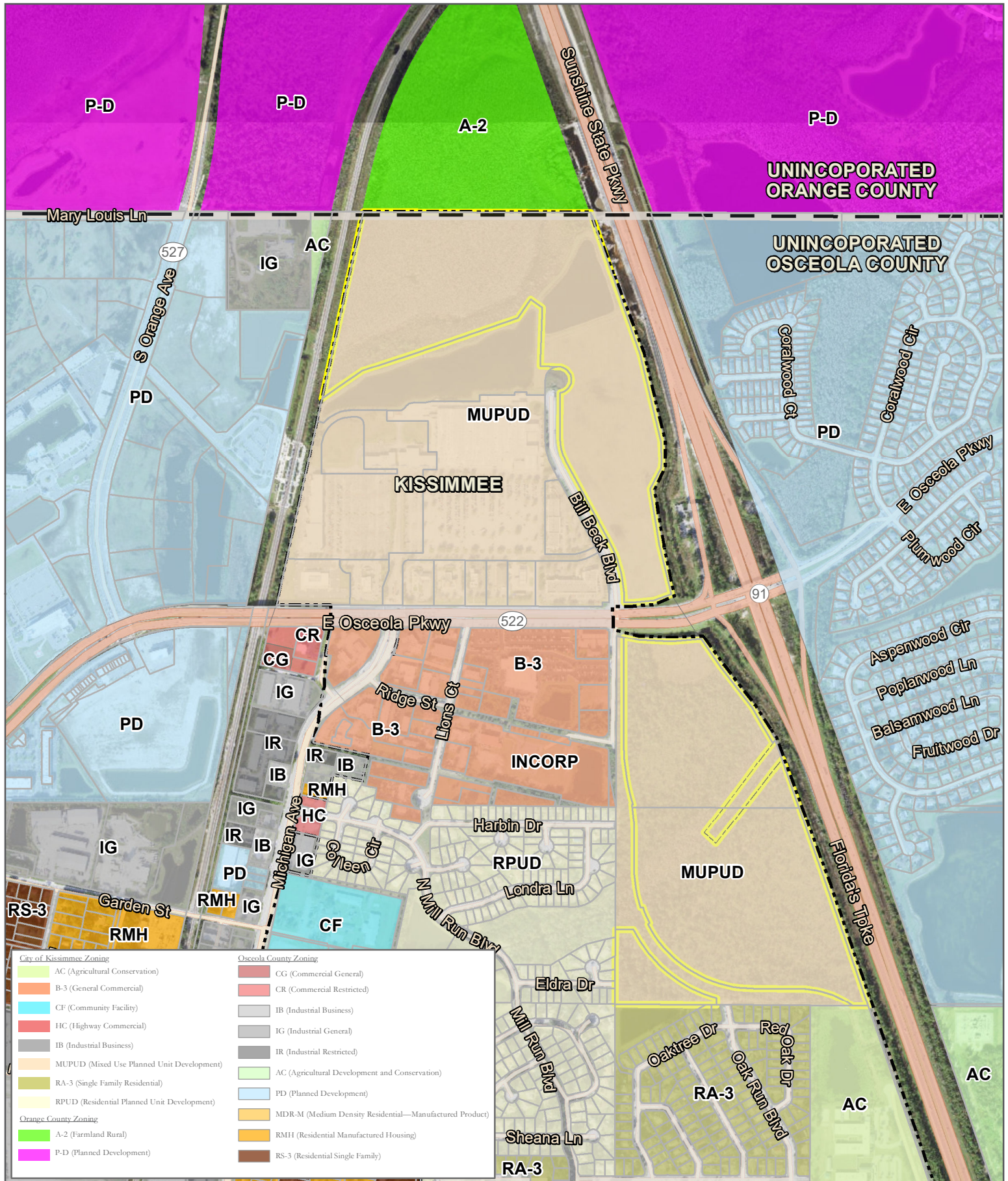
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Planning QA/QC	Information	Initials	Date
Planner	NM		1/4/2022
Team Leader			



Map Source: Esri, City of Kissimmee, Osceola County, Orange County

- Subject Property
- Municipal Boundary

Zoning

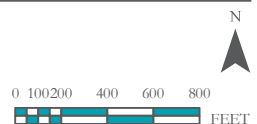
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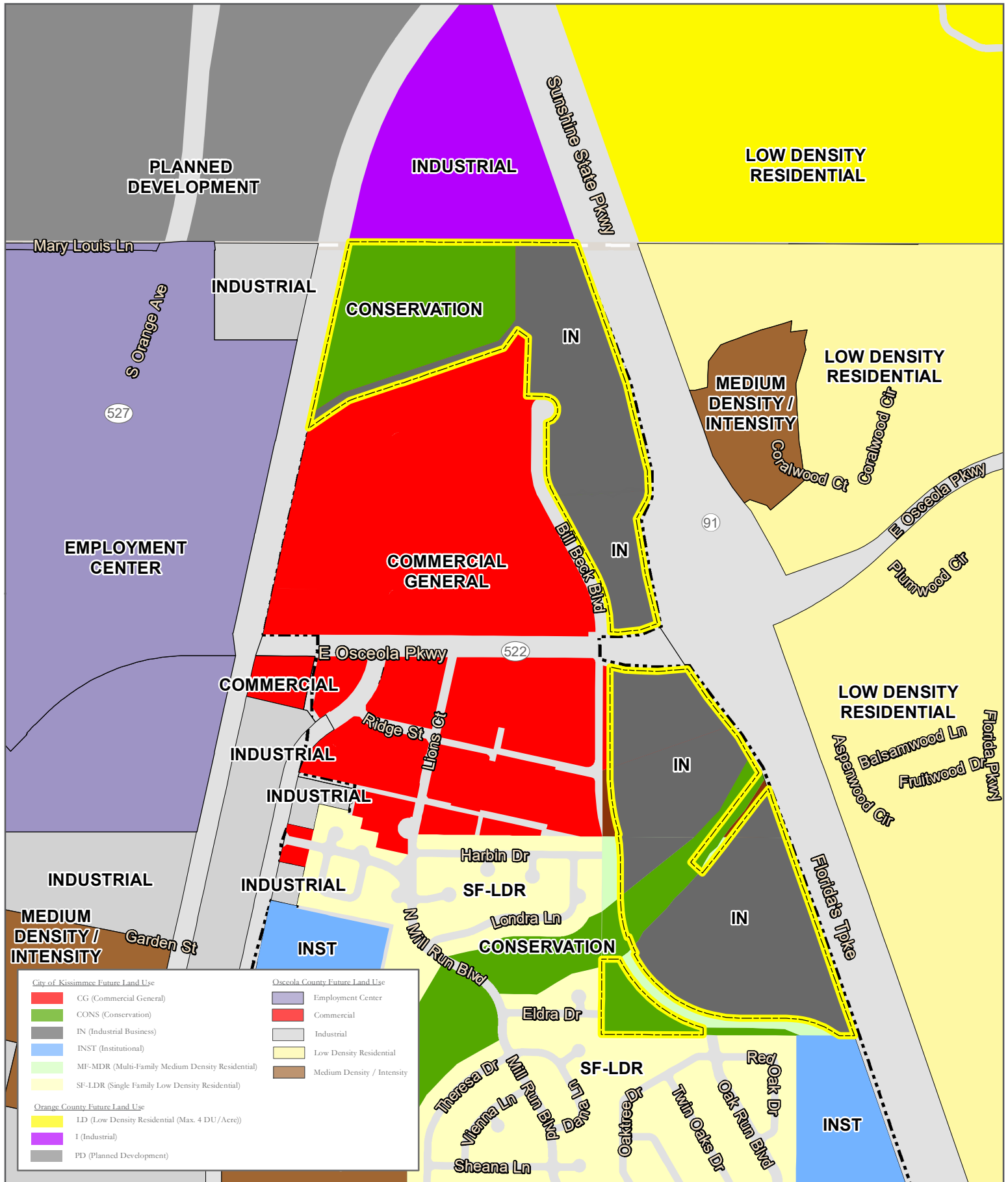
12/28/2021
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Map Source: Esri, City of Kissimmee, Osceola County, Orange County

Proposed Future Land Use Map

CONSTELLATION PUD AMENDMENT

Subject Property

Municipal Boundary

12/28/2021
P & B Job No: 21-167

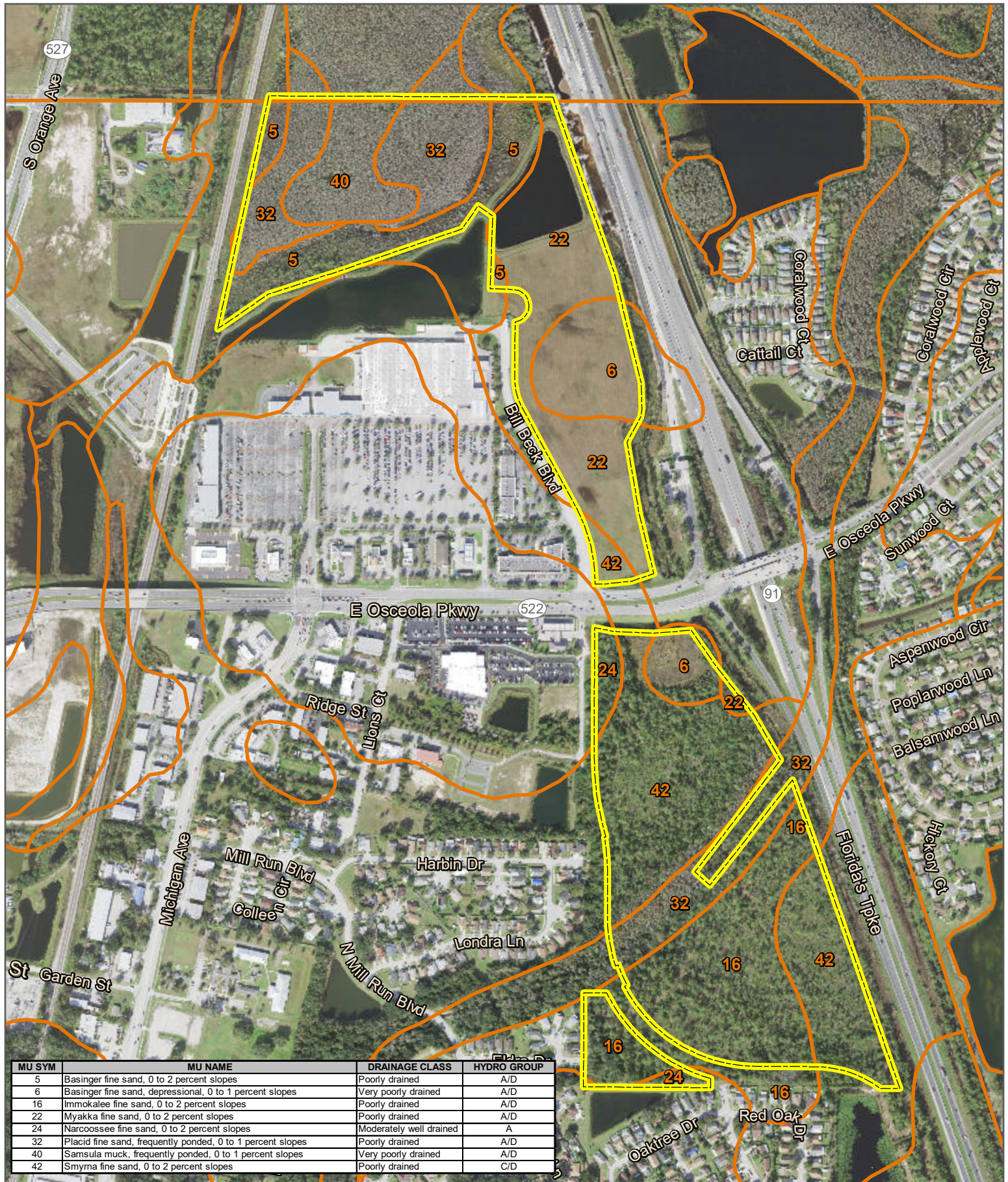
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0 100 200 400 600 800
FEET

Planning QA/QC		
Information	Initials	Date
Planner	NM	1/14/2022
Project Engineer		



Map Source: Esri, Osceola County, NRCS

- Subject Property
- Soils Boundary

Soils Map

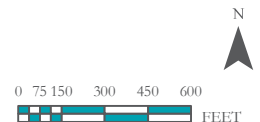
CONSTELLATION PUD AMENDMENT

12/28/2021
P & B Job No: 21-167

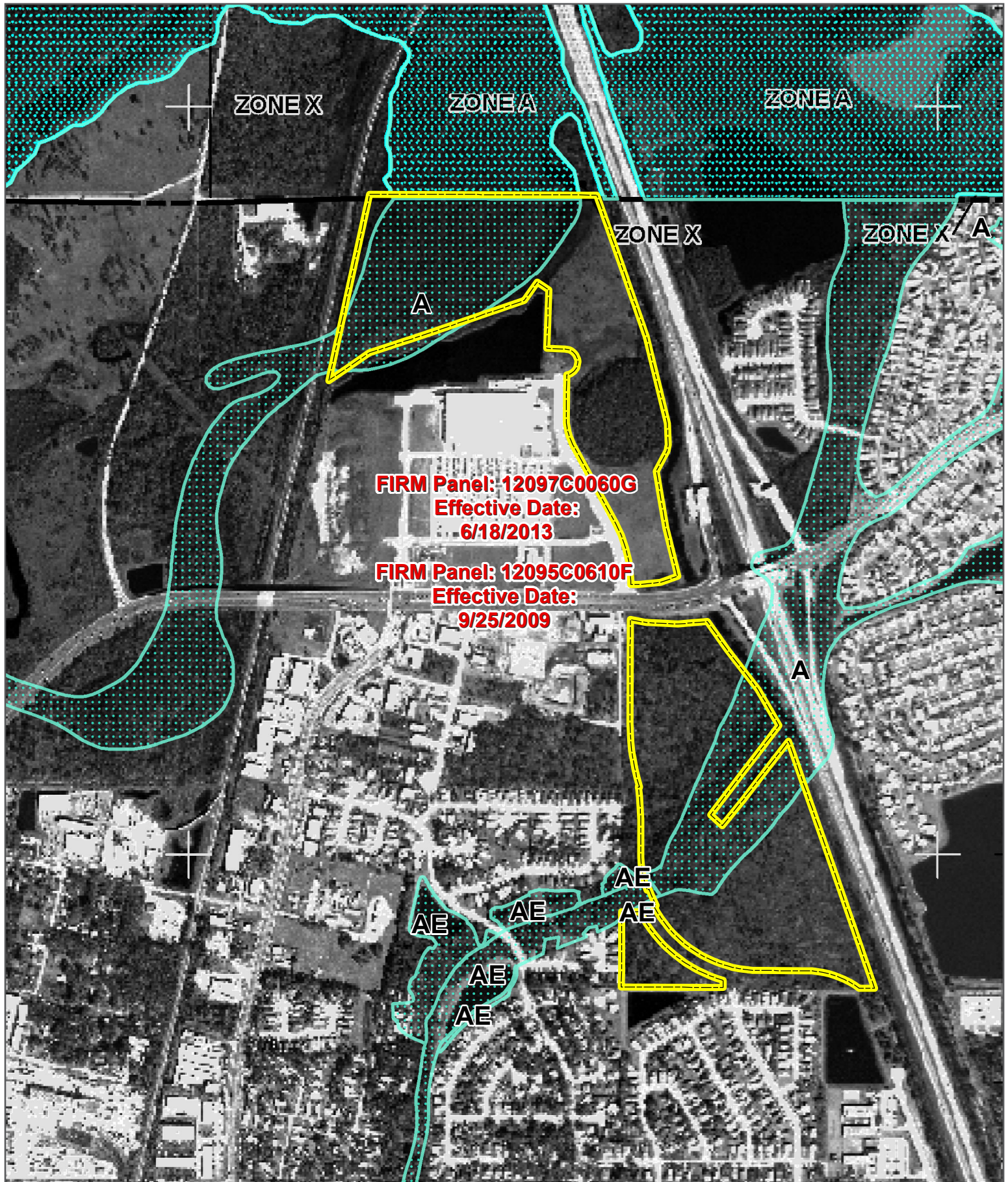
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Planning QA/QC		
Information	Initials	Date
Planner	NM	1/4/2022
Team Leader		



Map Source: Esri, Osceola County, FEMA

Subject Property

Special Flood Hazard Areas
Subject to Inundation by the
1% Annual Chance Flood

FEMA Floodplains Map

CONSTELLATION PUD AMENDMENT

12/28/2021
P & B Job No: 21-167

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0 100 200 400 600 800
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Planning QA/QC		
Information	Initials	Date
Planner	NM	1/4/2022
Team Leader		

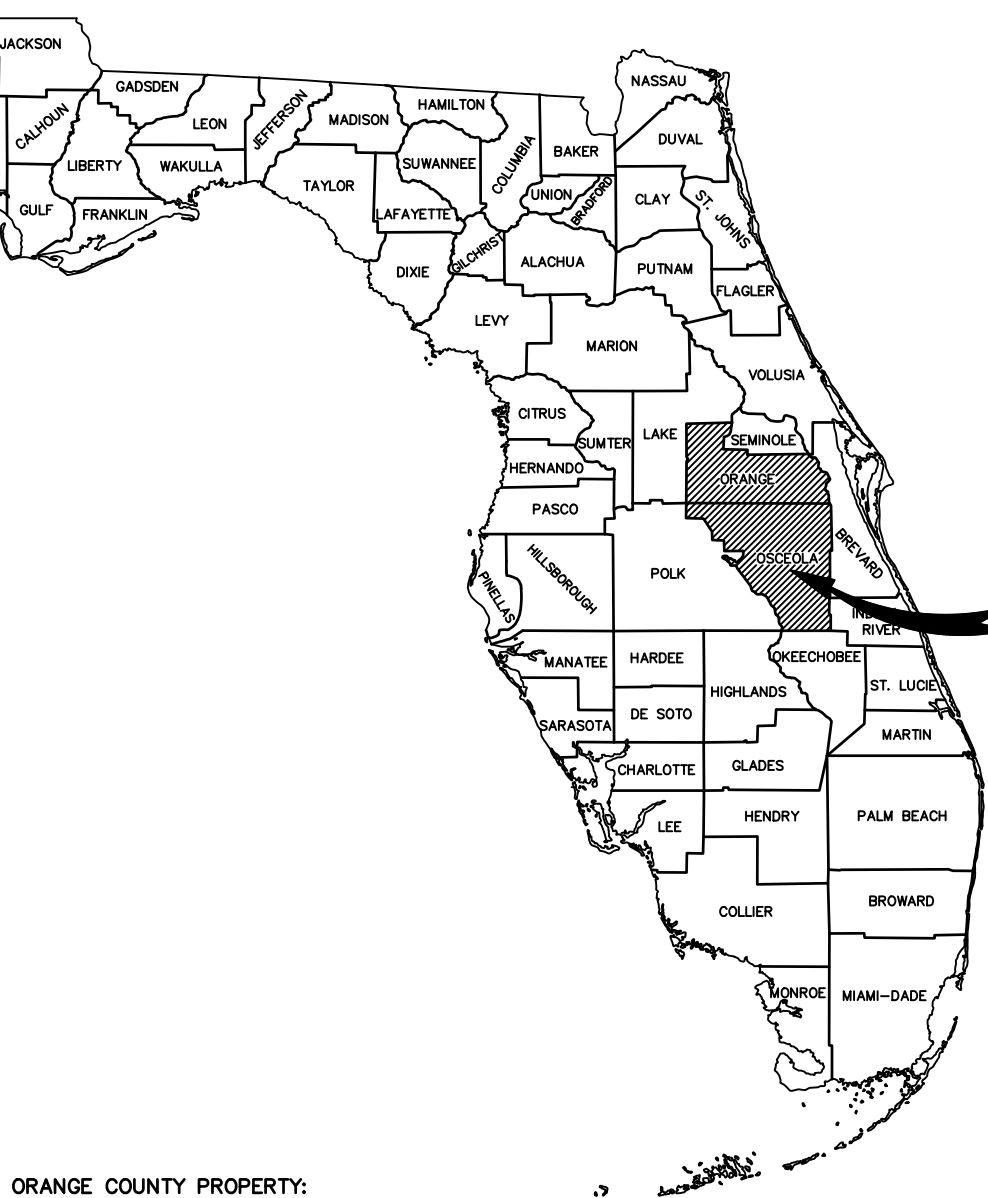
SECTION 7: BOUNDARY SURVEY

SCHEDULE B-SECTION II PER FIDELITY NATIONAL
TITLE INSURANCE COMPANY
ORDER NO. 9906038, REVISION# 1 - 10/7/21
EFFECTIVE DATE SEPTEMBER 29, 2021 AT 5:00 P.M.

- OSCEOLA COUNTY PROPERTY:
6. RESERVATION OF ROAD RIGHTS OF WAY IN FAVOR OF THE STATE OF FLORIDA, THROUGH THE TRUSTEES OF THE INTERNAL IMPROVEMENT FUND, AS SET FORTH IN THAT CERTAIN DEED RECORDED IN DEED BOOK 104, PAGE 96, PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA. (PARCELS 2 AND 3)
(DOES NOT AFFECT-AFFECTS AS TO ADJACENT RIGHT-OF-WAY)
7. EASEMENT GRANT TO HOUSTON TEXAS GAS AND OIL CORPORATION, A DELAWARE CORPORATION RECORDED OCTOBER 29, 1958, IN OFFICIAL RECORDS BOOK 31, PAGE 179; MODIFICATION RECORDED JULY 13 1966, IN OFFICIAL RECORDS BOOK 150, PAGE 504, PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA. (PARCEL 1)
(DOES NOT AFFECT-PLOTS OFFSITE)
8. RESTRICTIONS, COVENANTS, CONDITIONS, EASEMENTS AND OTHER MATTERS AS CONTAINED ON THE PLAT OF GATEWAY COMMONS NORTH, RECORDED IN PLAT BOOK 13, PAGE(S) 28 THROUGH 32, INCLUSIVE, OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA. (PARCEL 1)
(AFFECTS SUBJECT PARCEL, BLANKET IN NATURE AS TO PARCEL 1)
9. DEVELOPMENT ORDER GATEWAY COMMONS DEVELOPMENT OF REGIONAL IMPACT RECORDED AUGUST 9, 1991, IN OFFICIAL RECORDS BOOK 1026, PAGE 2907; FIRST AMENDMENT RECORDED SEPTEMBER 12, 1996, IN OFFICIAL RECORDS BOOK 1349, OL 1479; SECOND AMENDMENT RECORDED JANUARY 10, 2000, IN OFFICIAL RECORDS BOOK 1690, PAGE 1594; ALLOCATION AND ASSIGNMENT OF LAND USE AND DEVELOPMENT RIGHTS RECORDED MARCH 1 2000, IN OFFICIAL RECORDS BOOK 1708, PAGE 1724; PROPOSED ORDER APPROVING RECOGNITION OF GATEWAY COMMONS DRI DEVELOPMENT ORDER RECORDED AUGUST 5, 2019, IN OFFICIAL RECORDS BOOK 5568, PAGE 541; PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA. (PARCELS 1, 2 AND 3)
(AFFECTS SUBJECT PARCEL, BLANKET IN NATURE AS TO PARCELS 1, 2, AND 3)
10. DEED OF CONSERVATION EASEMENT BY AND BETWEEN DART ROAD LIMITED PARTNERSHIP AND SOUTH FLORIDA WATER MANAGEMENT DISTRICT RECORDED JUNE 19, 2000, IN OFFICIAL RECORDS BOOK 1747, PAGE 1631, PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA. (PARCEL 1)
(AFFECTS SUBJECT PARCEL, AS SHOWN, AS TO PARCEL 1)
11. EASEMENT WITH COVENANTS AND RESTRICTIONS AFFECTING LAND ("ECR") BY AND BETWEEN WAL-MART STORES EAST, INC., AN ARKANSAS CORPORATION AND WENDELL E. SPEARS, A HARRISBURG RECORDED MARCH 1, 2000, IN OFFICIAL RECORDS BOOK 1708, PAGE 1706; FIRST AMENDMENT RECORDED JUNE 8, 2007, IN OFFICIAL RECORDS BOOK 3497, PAGE 1044; AFFIDAVIT REGARD ELABORATION OF RIGHTS AGREEMENT RECORDED AUGUST 30, 2007, IN OFFICIAL RECORDS BOOK 3550, PAGE 2496, PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA. (PARCEL 1)
(AFFECTS SUBJECT PARCEL, BLANKET IN NATURE, AS TO PARCEL 1)
12. OSCEOLA COUNTY AND CITY OF KISSIMMEE JOINT FACILITATION OF PUBLIC INFRASTRUCTURE FOR MICHIGAN AVENUE AND BILL BECK BOULEVARD BETWEEN DART ROAD LIMITED PARTNERSHIP AND WENDELL E. SPEARS, A HARRISBURG RECORDED MARCH 1, 2000, IN OFFICIAL RECORDS BOOK 1708, PAGE 1706; FIRST AMENDMENT RECORDED APRIL 12, 2001, IN OFFICIAL RECORDS BOOK 1650, PAGE 1676; FIRST AMENDMENT RECORDED MARCH 18, 2002, IN OFFICIAL RECORDS BOOK 2016, PAGE 1625, PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA. (PARCELS 1, 2 AND 3)
(AFFECTS SUBJECT PARCEL, BLANKET IN NATURE AS TO PARCELS 1, 2 AND 3)
13. EASEMENT DEED BY AND BETWEEN WENDELL E. SPEARS AND KISSIMMEE UTILITY AUTHORITY, A BODY POLITIC RECORDED JUNE 1, 2021, IN OFFICIAL RECORDS BOOK 1876, PAGE 2020, PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA. (PARCEL 1)
(AFFECTS SUBJECT PARCEL, AS SHOWN, AS TO PARCEL 1)
14. UTILITY EASEMENT BY AND BETWEEN RAMONA A. SPEARS, FOR THE ESTATE OF WENDELL E. SPEARS TO TOPOKAUGA WATER AUTHORITY RECORDED JUNE 20, 2007, IN OFFICIAL RECORDS BOOK 3504, PAGE 2103, PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA. (PARCEL 2)
(AFFECTS SUBJECT PARCEL, AS SHOWN, AS TO PARCEL 2)
15. UTILITY EASEMENT BY AND BETWEEN RAMONA A. SPEARS, FOR THE ESTATE OF WENDELL E. SPEARS AND TOPOKAUGA WATER AUTHORITY RECORDED JUNE 20, 2007, IN OFFICIAL RECORDS BOOK 3504, PAGE 2109, PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA. (PARCELS 2 AND 3)
(AFFECTS SUBJECT PARCEL, AS SHOWN, AS TO PARCEL 3)
16. EASEMENT DEED BY COURT ORDER SETTLEMENT OF LANDOWNER ACTION RECORDED OCTOBER 17, 2013, IN OFFICIAL RECORDS BOOK 4517, PAGE 2718 AND AS AFFECTED BY NOTICE OF SUBSTITUTION OF EASEMENT DEED BY COURT ORDER IN SETTLEMENT OF LANDOWNER ACTION RECORDED NOVEMBER 18, 2013, IN OFFICIAL RECORDS BOOK 4533, PAGE 479, PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA. (PARCEL 1)
(AFFECTS SUBJECT PARCEL, BLANKET AS TO PARCEL 1)
17. INTERLOCAL AGREEMENT BETWEEN OSCEOLA COUNTY BOARD OF COUNTY COMMISSIONERS AND CITY OF KISSIMMEE PROVIDING FOR FIRE/EMS SERVICE FOR A PORTION OF OSCEOLA COUNTY FROM KISSIMMEE FIRE STATION NO. 14 RECORDED JUNE 20, 2017, IN OFFICIAL RECORDS BOOK 5135, PAGE 1410, PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA. (PARCELS 1, 2 AND 3)
(AFFECTS SUBJECT PARCEL, BLANKET AS TO PARCELS 1, 2 AND 3)
18. TERMS, CONDITIONS, COVENANTS, RESTRICTIONS, EASEMENTS, MASTER AGREEMENTS, RESERVATIONS, LEASES, RULES, BYLAWS, ASSESSMENTS AND/OR FEES AND OTHER PROVISIONS WHICH MAY BE CONTAINED IN AND ESTABLISHED BY THE DECLARATION OF CONDITIONS, COVENANTS, EASEMENTS AND RESTRICTIONS FOR GATEWAY COMMONS RECORDED SEPTEMBER 12, 2002, IN OFFICIAL RECORDS BOOK 2109, PAGE 2846, PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA, AND ANY AMENDMENTS THERETO. (PARCELS 1, 2 AND 3)
(AFFECTS SUBJECT PARCEL, BLANKET AS TO PARCELS 1, 2 AND 3)

Abbreviation Legend:

(A)	= ACTUAL	MBX	= MAILBOX
A/C	= AIR CONDITIONER	MS	= MITERED END SECTION
ACSM	= AMERICAN CONGRESS ON SURVEYING & MAPPING	MH	= MANHOLE
ADA	= AMERICANS WITH DISABILITIES ACT	MLP	= METAL LIGHT POLE
ALTA	= AMERICAN LAND TITLE ASSOCIATION	MPH	= MILES PER HOUR
APPROX	= APPROXIMATE	MPP	= METAL POWER POLE
ARV	= AIR RELEASE VALVE	N/A	= NOT APPLICABLE
AV	= AVENUE	NAD	= NORTH AMERICAN VERTICAL DATUM
AVG	= AVERAGE	NAD	= NORTH AMERICAN DATUM
(BB)	= BEARING BASIS	N-EX	= NON-EXCLUSIVE
BLK	= BACK FLOW PREVENTER	NG	= NATURAL GROUND
BLK	= BLOCK	NGS	= NATIONAL GEODETIC SURVEY
BLDG	= BUILDING	NGVD	= NATIONAL GEODETIC VERTICAL DATUM
BLVD	= BOULEVARD	N & D	= NAIL AND DISK
BM	= BENCH MARK	NR	= NON-RADIAL
BCC	= BACK OF CURB	NSPS	= NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS
BCK	= BACK WALK	NT	= NON-TANGENT
BSL	= BUILDING SETBACK LINE	NTS	= NOT TO SCALE
BWF	= BARBED WIRE FENCE	OD	= OVERHEAD DIAMETER
C-X	= CALCULATED	ORB	= OFFICIAL RECORDS BOOK
C	= CHORD	OR	= OFFICIAL RECORDS BOOK
CATV	= CABLE TELEVISION RISER	OTL	= OVERHEAD TRAFFIC LINES
CBS	= CONCRETE BLOCK STRUCTURE	OTL	= OVERHEAD TRAFFIC LINES
C.A.R.	= CERTIFIED CORNER RECORD	OTL	= OVERHEAD TRAFFIC LINES
C&G	= CURB & GUTTER	OTL	= OVERHEAD TRAFFIC LINES
C/I	= CATCH INLET	PC	= POINT OF CURVATURE
C/L	= CENTERLINE	PCC	= POINT OF COMPOUND CURVATURE
CL	= CHAIN LINK FENCE	PERM	= PERMANENT CONTROL POINT
CM	= CONCRETE MONUMENT	PFF	= PROPOSED FINISHED FLOOR
CMP	= CORRUGATED METAL PIPE	PG	= PAGE
CO	= CONCRETE	PAGES	= PAGES
CONC	= CONCRETE	PIS	= POINT OF INTERSECTION
COR	= CORNER	PIV	= POST INDICATOR VALVE
CORR	= CORRUGATED PLASTIC PIPE	PK	= PARKER KAYLON
QUE	= COUNTY UTILITY EASEMENT	POB	= POINT OF BEGINNING
CVS	= CAN'T VERIFY SIZE	POC	= POINT OF COMMENCEMENT
CVS&T	= CAN'T VERIFY SIZE & TYPE	POC	= POINT OF COMMENCEMENT
CWS	= CROSSWALK SIGNAL	PP	= POWER POLE
Δ	= DELTA	PRC	= POINT OF REVERSE CURVATURE
(D)	= DESCRIPTION	PRC	= POINT OF REVERSE CURVATURE
DB	= DEED BOOK	PRC	= POINT OF REVERSE CURVATURE
DBH	= DIAMETER AT BREAST HEIGHT IN INCHES	PRC	= POINT OF REVERSE CURVATURE
DE	= DRAINAGE EASEMENT	PSM	= PROFESSIONAL SURVEYOR & MAPPER
DEPT	= DEPARTMENT	PT	= POINT OF TANGENCY
DIP	= DUCTILE IRON PIPE	PT	= POINT OF TANGENCY
DR	= DRIVE	PMT	= POLYVINYL CHLORIDE PIPE
D/R	= DRAINAGE AND UTILITY EASEMENT	R22E	= RANGE 29 EAST
D/U	= DRAINAGE AND UTILITY EASEMENT	R	= RADIAL
ENG	= ENGINEERING PLAN	RC	= REINFORCED CONCRETE PIPE
EJB	= ELECTRIC JUNCTION BOX	RC	= REINFORCED CONCRETE PIPE
ELEC	= UNDERGROUND ELECTRICAL LINES	REC	= RECOVERED
EL	= ELEVATION	REV	= REVISION
ELEV	= ELEVATION	RP	= RADIUS POINT
ELUP	= ELEVATION	R/W	= RIGHT-OF-WAY
EO	= END OF INFORMATION	RP	= RADIUS POINT
EOP	= EDGE OF PAVEMENT	RWL	= UNDERGROUND RECLAIM WATER LINE
ESMT	= EASEMENT	RWL	= UNDERGROUND RECLAIM WATER LINE
FB	= FIELD BOOK	RS	= SPECIAL EASEMENT
FDC	= FIRE DEPARTMENT CONNECTION	SEC 2	= SECTION 2
FDOT	= FLORIDA DEPARTMENT OF TRANSPORTATION	SHM	= SANITARY SEWER MANHOLE
FDOT	= FINISH FLOOR	(SP)	= STATE PLANE
FGI	= FLAT GRATE INLET	SQ	= SQUARE
FLP	= FIBERGLASS LIGHT POLE	SQ FT	= SQUARE FEET
FHYD	= FIRE HYDRANT	ST	= STREET
FM	= FORCE MAIN	STMH	= STORM DRAINAGE MANHOLE
FND	= FOUND	S/W	= SIDEWALK
FL	= FLORIDA	T&B	= TANGENT BEARING
FL	= FLORIDA	T25S	= TOWNSHIP 25 SOUTH
FL	= FLORIDA	TELE	= TELEPHONE
(GL)	= GRID (STATE PLANE)	TEL	= TELEPHONE
GL	= UNDERGROUND GAS LINES	TEL	= TELEPHONE
GOVT	= GOVERNMENT	TEL	= TELEPHONE
GPR	= GROUND PENETRATING RADAR	TEL	= TELEPHONE
GTHM	= GREASE TRAP MANHOLE	TEL	= TELEPHONE
HDPE	= HIGH DENSITY POLYETHYLENE PIPE	TEL	= TELEPHONE
HWF	= HOG WIRE FENCE	TEL	= TELEPHONE
ID	= IDENTIFICATION	TEL	= TELEPHONE
IR	= IRRIGATION	TEL	= TELEPHONE
IRV	= IRRIGATION CONTROL VALVE	TEL	= TELEPHONE
INV	= INVERT	TEL	= TELEPHONE
IP	= IRON PIPE	TEL	= TELEPHONE
IP&C	= IRON PIPE & CAP	TEL	= TELEPHONE
IR	= IRON ROD	TEL	= TELEPHONE
IR&C	= IRON ROD & CAP	TEL	= TELEPHONE
IRR	= IRRIGATION	TEL	= TELEPHONE
L	= ARC LENGTH	TEL	= TELEPHONE
L#	= LICENSED BUSINESS NUMBER	TEL	= TELEPHONE
LP	= LIGHT POLE	TEL	= TELEPHONE
(M)	= MEASURED	TEL	= TELEPHONE
MB	= MAP BOOK	TEL	= TELEPHONE



ORANGE COUNTY PROPERTY:

19. EASEMENT GRANTED TO FLORIDA POWER CORPORATION RECORDED JUNE 9, 1972, IN OFFICIAL RECORDS BOOK 2234, PAGE 241, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. (PARCEL 4)
(AFFECTS SUBJECT PARCEL, BLANKET IN NATURE AS TO PARCEL 4)
20. ORANGE COUNTY/ORANGE-OSCEOLA MANAGEMENT CORPORATION/COMMUNITY DEVELOPERS OF ORANGE COUNTY, INC., FINAL SUBREGIONAL WASTEWATER FACILITIES AGREEMENT CONTRACT NO. 5-83-4 RECORDED SEPTEMBER 6, 1983, IN OFFICIAL RECORDS BOOK 3415, PAGE 1912, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. (PARCEL 4)
(DOES NOT AFFECT, PLOTS OFFSITE)
21. ORANGE COUNTY/ORANGE-OSCEOLA MANAGEMENT CORPORATION/COMMUNITY DEVELOPERS OF ORANGE COUNTY, INC., WATER UTILITIES AGREEMENT CONTRACT NO. W-85-5 RECORDED FEBRUARY 20, 1985, IN OFFICIAL RECORDS BOOK 3609, PAGE 1295; FIRST AMENDMENT RECORDED APRIL 9, 1984, IN OFFICIAL RECORDS BOOK 3676, PAGE 2345; SECOND AMENDMENT RECORDED MAY 24, 1986, IN OFFICIAL RECORDS BOOK 5064, PAGE 1043, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. (PARCEL 4)
(DOES NOT AFFECT, PLOTS OFFSITE)
22. ORANGE COUNTY/ORANGE-OSCEOLA MANAGEMENT CORPORATION/COMMUNITY DEVELOPERS OF ORANGE COUNTY, INC., REVISED WASTEWATER UTILITIES AGREEMENT CONTRACT NO. W-85-5 RECORDED FEBRUARY 20, 1985, IN OFFICIAL RECORDS BOOK 3609, PAGE 1334, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. (PARCEL 4)
(DOES NOT AFFECT, PLOTS OFFSITE)
23. USE AGREEMENT BY AND BETWEEN COMMUNITY DEVELOPERS OF ORANGE COUNTY, INC., A FLORIDA CORPORATION AND ORANGE COUNTY, FLORIDA RECORDED APRIL 9, 1985, IN OFFICIAL RECORDS BOOK 3627, PAGE 1267, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. (PARCEL 4)
(DOES NOT AFFECT, PLOTS OFFSITE)
24. NOTICE OF ADOPTION OF AMENDED DEVELOPMENT ORDER RECORDED JULY 31, 1999, IN OFFICIAL RECORDS BOOK 4204, PAGE 3892; FIRST AMENDMENT RECORDED JUNE 18, 1991, IN OFFICIAL RECORDS BOOK 4236, PAGE 532; SECOND AMENDMENT RECORDED FEBRUARY 10, 1992, IN OFFICIAL RECORDS BOOK 4372, PAGE 3712; THIRD AMENDMENT RECORDED MARCH 3, 1993, IN OFFICIAL RECORDS BOOK 4531, PAGE 1684, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. (PARCEL 4)
(DOES NOT AFFECT, PLOTS OFFSITE)
25. TERMS, CONDITIONS, COVENANTS, RESTRICTIONS, EASEMENTS, MASTER AGREEMENTS, RESERVATIONS, LEASES, RULES, BYLAWS, ASSESSMENTS AND/OR FEES AND OTHER PROVISIONS WHICH MAY BE CONTAINED IN AND ESTABLISHED BY THE DECLARATION OF CONDITIONS, COVENANTS, EASEMENTS AND RESTRICTIONS FOR GATEWAY COMMONS RECORDED SEPTEMBER 12, 2002, IN OFFICIAL RECORDS BOOK 2109, PAGE 2846, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND ANY AMENDMENTS THERETO. (PARCEL 4)
(AFFECTS SUBJECT PARCEL, BLANKET AS TO PARCEL 4, EXCEPT UPLAND AREA AS SHOWN)
26. EASEMENT DEED BY COURT ORDER IN SETTLEMENT OF LANDOWNER ACTION RECORDED JUNE 10, 2013, IN OFFICIAL RECORDS BOOK 10649, PAGE 7705, AND AS AFFECTED BY NOTICE OF SUBSTITUTION OF EASEMENT DEED BY COURT ORDER IN SETTLEMENT OF LANDOWNER ACTION RECORDED NOVEMBER 19, 2013, IN OFFICIAL RECORDS BOOK 10665, PAGE 7817, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. (PARCEL 4)
(AFFECTS SUBJECT PARCEL, BLANKET AS TO PARCEL 4)

Line Legend:

---	= 1 FOOT CONTOURS
---	= 5 FOOT CONTOURS
---	= ADJOINER PROPERTY LINES
---	= BARBED WIRE FENCE
---	= BROKEN LINE
---	= BURIED CABLE
---	= BURIED CABLE TELEVISION
---	= BURIED ELECTRIC
---	= BURIED FIBER OPTICS
---	= BURIED GAS
---	= BURIED RECLAIMED WATER LINE
---	= BURIED SANITARY LINES
---	= BURIED SANITARY SEWER FORCE MAIN LINE
---	= BURIED TRAFFIC CONTROL
---	= BURIED TELEPHONE LINE
---	= BURIED WATER LINES
---	= CENTER LINE R/W
---	= CHAIN LINK FENCE
---	= EASEMENT LINES (EXISTING)
---	= EASEMENT LINES (PROPOSED)
---	= EDGE OF WATER LINES
---	= EXISTING DRAINAGE PIPES
---	= EXISTING DRAINAGE PIPES (TERMINUS & ANGLE UNKNOWN)
---	= FIRE WATER MAIN LINES
---	= HOT WATER SUPPLY LINES
---	= IRRIGATION LINES
---	= OVERHEAD TRAFFIC LINES
---	= OVERHEAD UTILITY LINES
---	= RAILROAD TRACKS
---	= RIGHT-OF-WAY LINES
---	= SECTION LINES
---	= STONE WALL LINES
---	= TOP OF BANK LINES
---	= TOE OF SLOPE LINES
---	= TREE LINES
---	= TRAVERSE LINES
---	= UNKNOWN BURIED LINES
---	= VINYL FENCE
---	= WOOD FENCE
---	= WETLAND LINE
---	= ORANGE PAINT LINE
---	= GREEN PAINT LINE
---	= RED PAINT LINE
---	= WHITE PAINT LINE
---	= PURPLE PAINT LINE
---	= BLUE PAINT LINE
---	= YELLOW PAINT LINE

Symbol Legend:

NOT TO SCALE

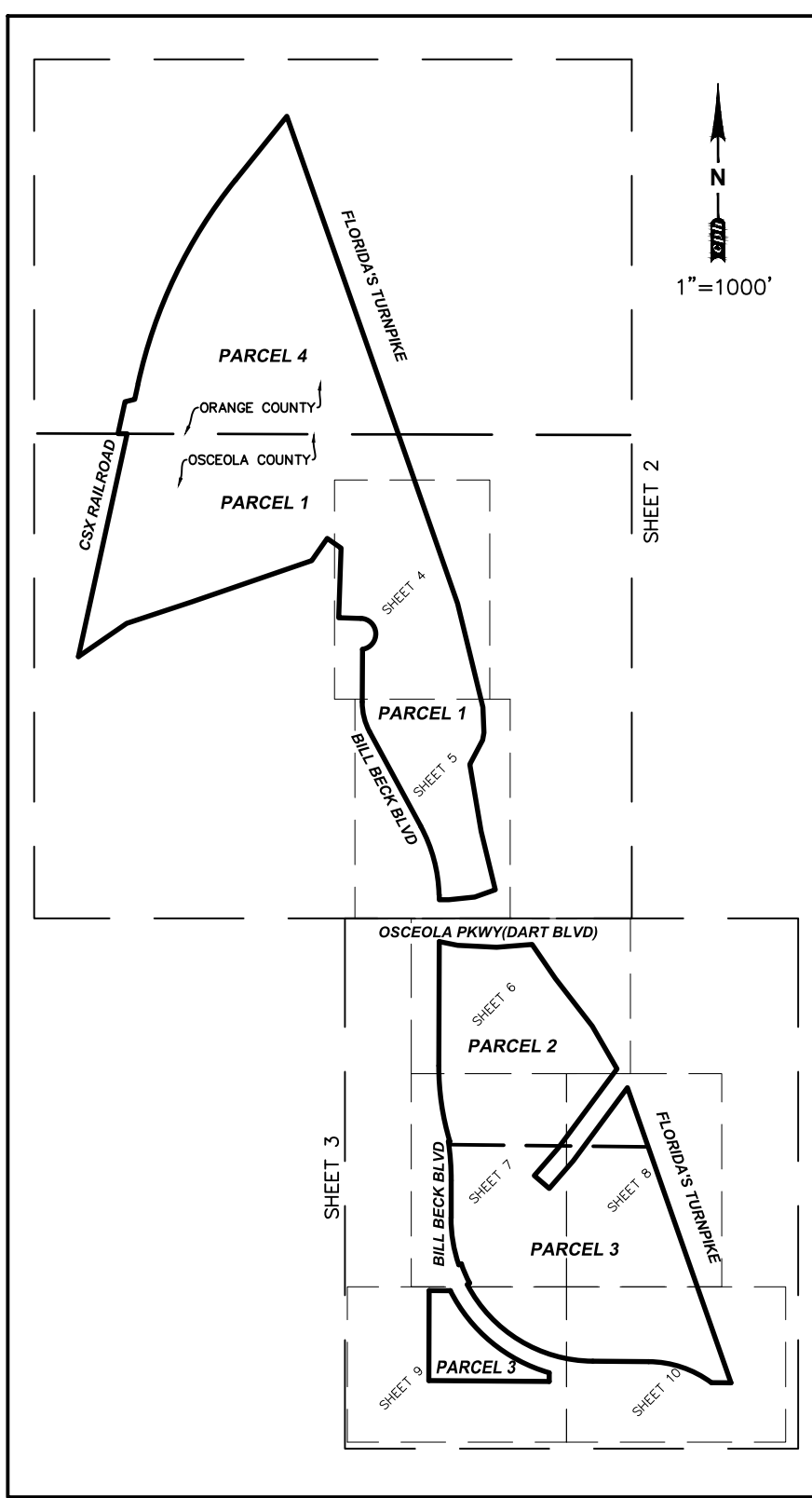
---	= AIR RELEASE VALVE
---	= BORING HOLE LOCATION
---	= BRICK PAVERS
---	= CABLE TV RISER
---	= CENTRAL ANGLE
---	= CLEAN OUT
---	= COMMUNICATION MANHOLE
---	= CONCRETE
---	= CONCRETE LIGHT POLE
---	= CONCRETE LIGHT POLE (DUAL)
---	= CONCRETE LIGHT POLE (TRIPLE)
---	= CONCRETE LIGHT POLE (QUAD)
---	= CONCRETE MITERED END SECTION
---	= CONCRETE PAVERS
---	= CONCRETE RIP RAP
---	= CONCRETE UTILITY POLE
---	= COUNTY ROAD SYMBOL
---	= CROSSWALK SIGNAL POLE
---	= DETECTABLE WARNING AREA
---	= DUAL SUPPORT SIGN
---	= ELECTRICAL MANHOLE
---	= ELECTRIC METER
---	= ELECTRICAL JUNCTION BOX
---	= ELECTRIC OUTLET
---	= ELECTRIC RISER
---	= FIBER OPTIC MARKER
---	= FIRE DEPARTMENT CONNECTION
---	= FIRE HYDRANT
---	= FLOOD LIGHT
---	= FOUND CONCRETE MONUMENT (AS NOTED)
---	= FOUND IRON PIPE (AS NOTED)
---	= FOUND IRON REBAR (AS NOTED)
---	= FOUND/SET NAIL (AS NOTED)
---	= GARBAGE CAN
---	= GAS MARKER
---	= GAS VALVE
---	= GOPHER TORTOISE HOLE
---	= GRATE INLET
---	= GRAVEL/DIRT
---	= GREASE TRAP MANHOLE
---	= GROUND LIGHT
---	= GUY ANCHOR
---	= HANDICAP PARKING SPACE
---	= INTERSTATE SYMBOL
---	= IRRIGATION CONTROL VALVE
---	= LIGHT POLE
---	= WIRE HEIGHTS (SEE CHART)
---	= PARCEL/OWNERSHIP INFO (SEE CHART)

Sign Legend:

NOT TO SCALE

(R1)	= ROW NUMBER SIGN
(B)	= BUS STOP SIGN
(DE)	= DEAD END SIGN
(DNE)	= DO NOT ENTER SIGN (R5-1)
(HC)	= HANDICAP SIGN
(HC)	= DUAL HANDICAP SIGN
(FDC)	= FIRE DEPARTMENT CONNECTION
(INFO)	= INFORMATION SIGN
(KR)	= KEEP RIGHT SIGN
(LTO)	= LEFT TURN ONLY
(ME)	= MEDIAN SIGN
(ND)	= NO DUMPING SIGN
(NL)	= NO LEFT TURN SIGN (R3-2)
(NL)	= NO LITTERING SIGN
(NO)	= NO OUTLET SIGN
(FL)	= NO PARKING FIRE LANE SIGN
(NOR)	= NO RIGHT TURN SIGN (R3-1)
(NTT)	= NO THRU TRAFFIC SIGN
(NOT)	= NO TRUCKS (R5-2)
(NP)	= NO PARKING SIGN
(1W)	= ONE WAY SIGN (R6-2)
(PE)	= PEDESTRIAN CROSSING SIGN
(RTO)	= RIGHT TURN ONLY
(SL)	= SPEED LIMIT SIGN
(ST)	= STOP SIGN (R1-1)
(SS)	= STREET SIGN
(TZ)	= TOW AWAY ZONE SIGN
(TE)	= TRUCK ENTRANCE SIGN
(U)	= UNKNOWN SIGN
(WL)	= WEIGHT LIMIT SIGN
(WW)	= WRONG WAY SIGN
(Y)	= YIELD SIGN

Key Map of Sheets



Index of Survey Sheets

1. ALTA/NSPS LAND TITLE SURVEY (COVER SHEET)
2-3 ALTA/NSPS LAND TITLE SURVEY (BOUNDARY SURVEY)
4-10 ALTA/NSPS LAND TITLE SURVEY (IMPROVEMENTS)

Reference Material

1. GATEWAY COMMONS NORTH, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 13, PAGE(S) 28 THROUGH 32, INCLUSIVE, OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA.
2. BILL BECK BOULEVARD, RIGHT-OF-WAY VARIES PER ORB 6070, PG 0062, OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA.
3. FLORIDA'S TURNPIKE, RIGHT-OF-WAY WIDTH VARIES PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION NO. 97920-2342, REVISED 11/22/94.

Eng. = ENGINEERING	Arch. = ARCHITECTURAL
C.O.A. = CERTIFICATE OF AUTHORIZATION	Landsc. = LANDSCAPE
N/A = NOT APPLICABLE	P.O. = POST OFFICE
No. = NUMBER	© = COPYRIGHT

BOUNDARY SURVEY
ALSO BEING AN
(ALTA/NSPS LAND TITLE SURVEY)

FOR
JC WILSON & ASSOCIATES, PA
AT
BILL BECK BOULEVARD
LYING IN
SECTION 2-TOWNSHIP 25 SOUTH-RANGE 29 EAST
OSCEOLA COUNTY, FLORIDA &
SECTION 35-TOWNSHIP 24 SOUTH-RANGE 29 EAST
ORANGE COUNTY, FLORIDA

Legal Description: (PER COMMITMENT FOR TITLE INSURANCE BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, COMMITMENT NO. 9906038, EFFECTIVE DATE SEPTEMBER 29, 2021, AND WAS PROVIDED BY THE CLIENT)

PARCEL 1:
LOT 9, GATEWAY COMMONS NORTH, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 13, PAGE(S) 28 THROUGH 32, INCLUSIVE, OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA.

PARCEL 2:
A PORTION OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4, LYING WESTERLY OF FLORIDA TURNPIKE AND EASTERLY OF BILL BECK BLVD, LYING IN SECTION 2, TOWNSHIP 25 SOUTH, RANGE 29 EAST, OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA, LESS AND EXCEPT ANY PORTION FOR ROAD RIGHT OF WAY.

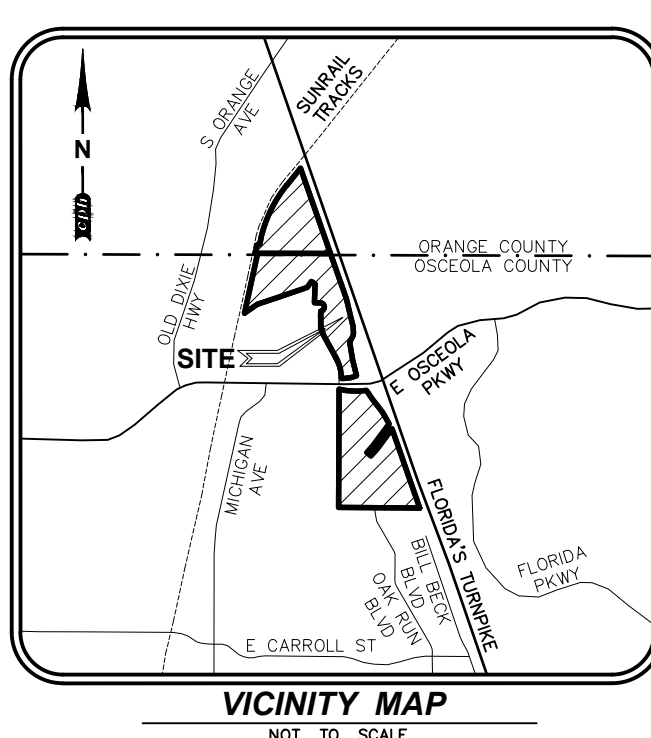
PARCEL 3:
A PORTION OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, LYING WESTERLY OF FLORIDA TURNPIKE AND A PORTION OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, LYING WESTERLY OF FLORIDA TURNPIKE, LYING IN SECTION 2, TOWNSHIP 25 SOUTH, RANGE 29 EAST, OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA, LESS AND EXCEPT ANY PORTION FOR ROAD RIGHT OF WAY.

PARCEL 4:
ALL THAT PORTION OF SECTION 35, TOWNSHIP 24 SOUTH, RANGE 29 EAST, LYING SOUTHWESTERLY OF THE FLORIDA TURNPIKE AND SOUTHEASTERLY OF THE SEABOARD COASTLINE RAILROAD, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

Items Not Included in Commitment

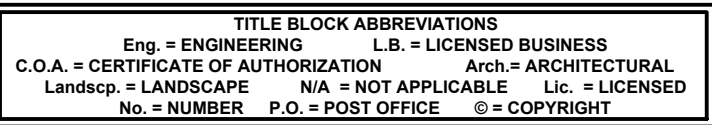
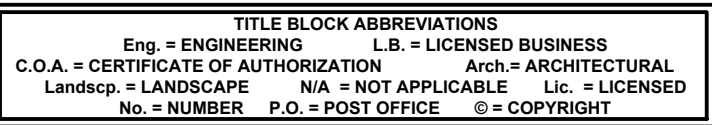
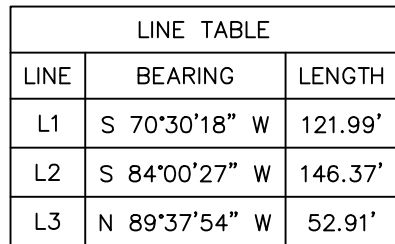
(ITEMS LISTED BELOW WERE NOT INCLUDED IN CLIENT PROVIDED TITLE AND WERE RESEARCHED AND DEPICTED BY SURVEYOR)

1. LATERAL DITCH PER ORB 109, PG 296 OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA.
(AFFECTS SUBJECT PARCEL, AS TO PARCELS 2 AND 3 AS SHOWN)
2. NON-EXCLUSIVE STORMWATER DRAINAGE EASEMENT, ORB 6070, PG 70 OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA.
(AFFECTS SUBJECT PARCEL, AS TO PARCELS 2 AND 3 AS SHOWN)
3. NON-EXCLUSIVE STORMWATER DRAINAGE EASEMENT, ORB 6070, PG 52 OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA.
(AFFECTS SUBJECT PARCEL, AS TO PARCELS 2 AND 3 AS SHOWN)
4. NON-EXCLUSIVE STORMWATER DRAINAGE EASEMENT, ORB 6070, PG 697 OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA.
(AFFECTS SUBJECT PARCEL, AS TO PARCELS 2 AND 3 AS SHOWN)
5. BILL BECK BOULEVARD, RIGHT-OF-WAY PER ORB 6070, PG 62, OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA.
(AFFECTS SUBJECT PARCEL, AS TO PARCELS 2 AND 3 AS SHOWN)

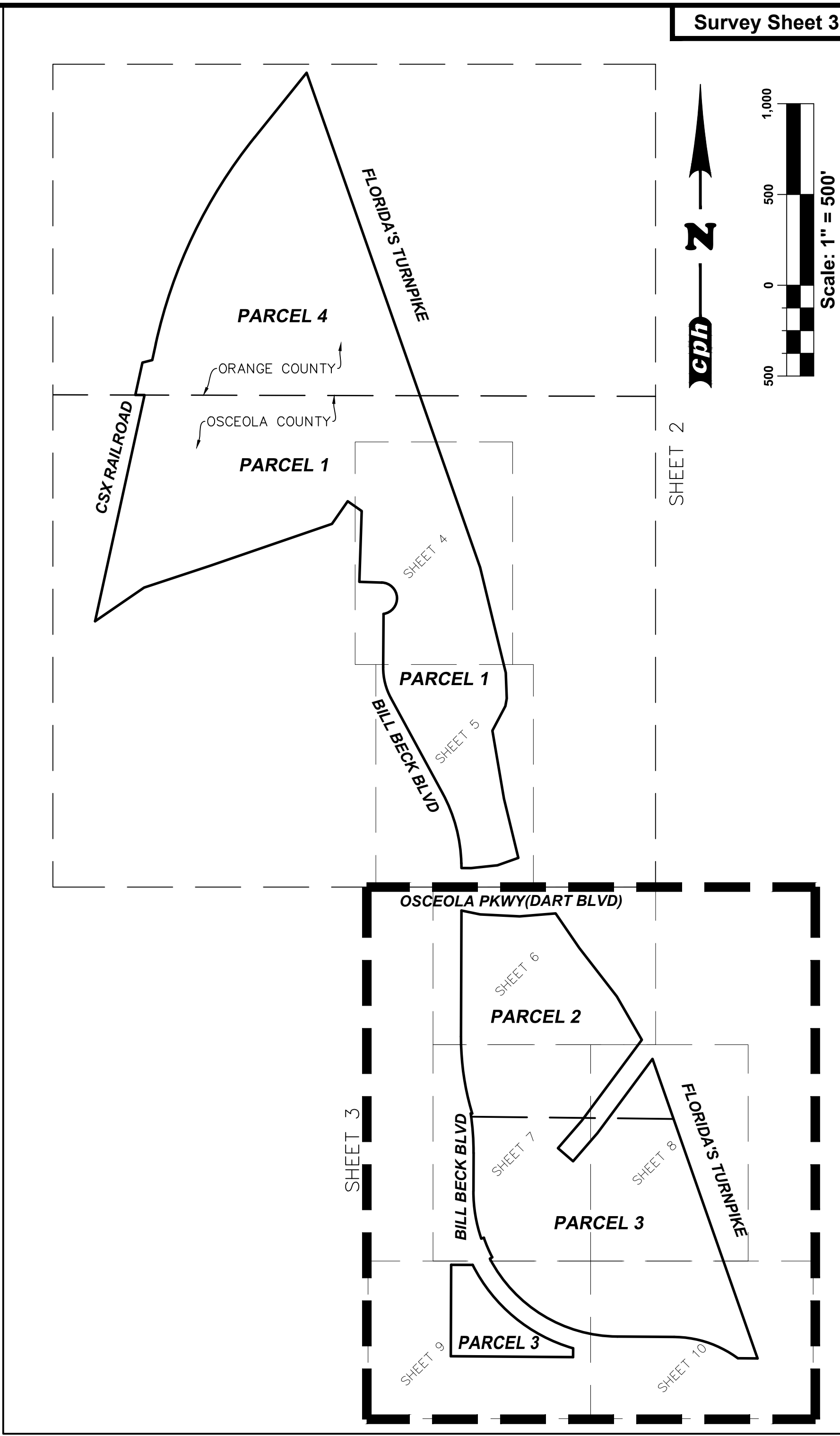


Survey Notes:

1. COPIES OF THIS SURVEY ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
3. THIS SURVEY IS NOT VALID WITHOUT SHEETS 1 THROUGH 10 OF 10.
4. THE LAST DAY FIELD WORK WAS PERFORMED WAS 11/19/2021; ALL BOUNDARY CORNERS WERE RECOVERED OR SET AS NOTED HEREON.
5. THE "LEGAL DESCRIPTION" IS PER THE COMMITMENT FOR TITLE INSURANCE BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, COMMITMENT NO. 9906038, EFFECTIVE DATE SEPTEMBER 29, 2021, AND WAS PROVIDED BY CLIENT.
6. BEARINGS SHOWN HEREON ARE RELATIVE TO THE NORTH RIGHT-OF-WAY LINE OSCEOLA PARKWAY (DART BOULEVARD), GATEWAY COMMONS NORTH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13, PAGE 28 THROUGH 32 AS BEING N 89°37'54" W.
7. HAVING CONSULTED THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 120179 0610 F, MAP NUMBER 120950C0610F, ORANGE COUNTY, REVISED DATE SEPTEMBER 25, 2009, AND COMMUNITY PANEL NO. 120179 0060 F, MAP NUMBER 120970C0060F, OSCEOLA COUNTY, REVISED DATE JUNE 18, 2013, THE SUBJECT PROPERTY APPEARS TO LIE IN ZONE X, ZONE A, ZONE AE, ZONE X (OTHER FLOOD AREAS) (NAVD '88), THIS DETERMINATION WAS BASED ON A GRAPHIC INTERPOLATION OF SAID MAP AND NOT ON ACTUAL FIELD MEASUREMENTS.
8. HORIZONTAL WELL-IDENTIFIED FEATURES IN THIS SURVEY AND MAP HAVE BEEN MEASURED TO AN ESTIMATED HORIZONTAL POSITIONAL ACCURACY OF 0.05 (FT). THE EQUIPMENT USED TO LOCATE THE FEATURES WAS A TOPCON GPS HIPER VR.
9. ORANGE COUNTY PROPERTY APPRAISER INFORMATION DISPLAYED HEREON AS PARCEL# IS PER THE ORANGE COUNTY PROPERTY APPRAISER'S WEBSITE (HTTPS://OCPAWEB.CCPAFI.ORG) AS OF NOVEMBER 30, 2021. OSCEOLA COUNTY PROPERTY APPRAISER INFORMATION DISPLAYED HEREON AS PARCEL ID# IS PER THE OSCEOLA COUNTY PROPERTY APPRAISER'S WEBSITE (HTTPS://IRA.PROPERTY-APPRAISER.ORG/) AS OF NOVEMBER 30, 2021.
10. UNLESS OTHERWISE NOTED, ALL RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION CONTAINED IN THE COMMITMENT FOR TITLE INSURANCE BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, COMMITMENT NO. 9906038, EFFECTIVE DATE SEPTEMBER 29, 2021, AND WAS PROVIDED BY THE CLIENT.
11. NO UNDERGROUND UTILITIES, FOUNDATIONS OR IMPROVEMENTS, IF ANY, HAVE BEEN LOCATED EXCEPT AS SHOWN



Sheet No.
V1.1



OWNERSHIP TABLE			
NO.	PARCEL ID #	OWNER	ADDRESS
①	02252917210001080	HORDUABY EDWARD P HORDUABY PATRICIA B	1487 TAMRA CT KISSIMMEE, FL
②	02252917210001090	LAMOREUX ROBERT J LAMOREUX SHAWN R	1491 TAMRA CT KISSIMMEE, FL
③	02252917210001100	RODRIGUEZ RAMIREZ LILLEN	1495 TAMRA CT KISSIMMEE, FL
④	02252917210001110	OLIVERAS BALBINO	1486 ELDIRA DR KISSIMMEE, FL
⑤	1125292357000100A0	CITY OF KISSIMMEE	OAKTREE DR, KISSIMMEE FL
⑥	112529235700010380	SANTOFORT TIFORD SANTOFORT ROSEETTE	2972 OAKTREE DR, KISSIMMEE FL
⑦	112529235700010390	PROGRESS RESIDENTIAL BORROWER 17 LLC	2976 OAKTREE DR, KISSIMMEE FL

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A & E Firm**
500 West Fulton Street
Sanford, FL 32771
Ph: 407.322.6841
Plans Prepared By:
CPH, Inc.
State of Florida Licenses:
Engineer No. 3215
Surveyor No. LB7143
Architect. No. AA26000926
Landscape No. LC000298

[illegible]

BOUNDARY SURVEY
ALSO BEING AN
(ALT/ANSPS LAND TITLE SURVEY)

JC WILSON & ASSOCIATES
BILL BECK BOULEVARD
SECTION 2, TOWNSHIP 35 SOUTH-RANGE 29 EAST
OSCEOLA COUNTY, FLORIDA
SECTION 35, TOWNSHIP 24 SOUTH-RANGE 29 EAST
ORANGE COUNTY, FLORIDA

**THIS SURVEY IS NOT VALID
WITHOUT SURVEY SHEETS
1 THROUGH 10 OF 10.**

Sheet No.
V1.2

J:\W8311.1\Survey\W8311.1\W8311.1.dwg, 12/13/2021 11:37:10 AM, Katrek, Pau

Ramona PUD Amendment, PUD-22-0001

Parcel ID# 02-25-29-1448-0001-0090, 02-25-29-00U0-0032-0000, 02-25-29-00U0-0025-0000

North & South of E. Osceola Parkway, East of Bill Beck Blvd., & West of Florida's Turnpike

Site Data Tables

Site Data	
Size	114.25 acres
Future Land Use Designation	Commercial General (CG), Multi-Family High Density Residential (MF-HDR), Multi-Family Medium Density Residential (MF-MDR), & Conservation (CONS) - City
Proposed Future Land Use Designation	Industrial Business (IN) – City Conservation (CONS) - City
Zoning District Designation	Planned Mixed Use Development (PMUD) – City
Proposed Zoning District Designation	N/A
Existing Overlay District	N/A
Existing Use(s)	Vacant, Wetlands
Proposed Use(s)	Industrial, Warehouse
Adjacent Land Use	
North	Planned Development (PD-MDR-CO), Industrial (IND) – Orange County
South	Commercial General (CG), Institutional (INST), Single Family Low Density Residential (SF-LDR) – City
East	Florida's Turnpike, Low Density Residential (LDR), Medium Density/Intensity (MDR) – County
West	Commercial General (CG), Single Family Low Density Residential (SF-LDR), & Conservation (CONS) – City
Adjacent Zoning	
North	Planned Development (PD), Farmland Rural (A-2) – Orange County
South	Planned Mixed Use Development (PMUD), Single Family Residential (RA-3) - City
East	Florida's Turnpike, Planned Development (PD) - County
West	Planned Mixed Use Development (PMUD), Residential Planned Unit Development (RPUD), General Commercial (B-3) – City
Past/Current Project Tracking	91-001 Gateway Commons DRI 96-061 Gateway Commons DRI Amendment 99-099 Gateway Commons DRI Amendment 04-097 Land Use Amendment 04-099 Land Use Amendment 05-146 PUD Amendment 18-00016 Gateway Commons DRI Rescission

	18-017 Land Use Amendment (Ramona) 18-018 PUD Amendment (Ramona) LUPA-22-0001 Land Use Amendment (pending) PUD-22-0001 PUD Amendment (pending)
--	---

Comprehensive Plan Summary	
Policy 1.2.4.3, Industrial Business (IN) Future Land Use Designation: The Industrial Business (IN) land use designation is intended to accommodate a mixture of typical industrial uses and more intense non-industrial uses. Development and redevelopment projects within this future land use designation may be built with an intensity of up to 0.50 FAR. This designation shall be applied to areas appropriate for typical industrial uses or mixed-use development consisting of light-industrial uses and compatible commercial uses.	
Potential Zoning Districts	Industrial Business District - IB
	Business Park District - BP
	Airport Industrial District - AI
	Mixed-Use Planned Unit Development District - MUPUD
Policy 1.2.8.2, Conservation (CONS) Future Land Use Designation: Lands designated for Conservation (CONS) are those lands that, because of their environmental quality or sensitivity, are intended for protection and are not intended for development activities, and therefore have no allowable FAR. These lands may include wetlands, wildlife habitats, and/or watershed protection areas. The CONS designation shall be applied to portions of major natural resource areas and environmentally sensitive corridors which the City deems appropriate and feasible to protect in order to help implement natural resource conservation goals, objectives, and policies stipulated in the Comprehensive Plan. The designation shall be primarily assigned to publicly owned and restricted privately owned properties.	
Potential Zoning Districts	All Zoning Districts

Zoning District Standards District Summary
Land Development Code Section 14-4-8(D), Mixed-Use Planned Unit Development District (PMUD) Intent: The purpose of this district is to permit land under unified control to be planned and developed for a compatible mix of residential and commercial purposes or commercial-light industrial uses with a greater amount of site design flexibility by removing some of the restrictions of conventional zoning. This district is intended for use in suitable areas which have been assigned any of the comprehensive plan future land use designations other than the Mobile Home Medium Density Residential (MH-MDR) designation. The uses, density and intensity allowed in this district shall be consistent with the future land use designation.

Zoning Comparisons		
	<i>Existing PUD Standards</i>	<i>Proposed PUD Standards</i>
Uses	720 MF Units 182,000 sq. ft. Commercial 300 Hotel Rooms Assisted Living Facility (<i>with use of the Equivalency Matrix</i>)	1,020,000 sq. ft. Warehouse/Distribution Light Manufacturing Medium Manufacturing Wholesale Trade Permitted IB Zoning Uses Office Ancillary to Primary Uses
Lot Width	100 ft. Apts. & Condos 20 ft. Townhomes 200 ft. Commercial*	150 ft.
Lot Area	10,000 sq. ft. Apts. & Condo 2,000 sq. ft. Townhomes 40,000 sq. ft. Commercial*	15,000 sq. ft.
Lot Depth	100 ft. Apts. & Condos 150 ft. Commercial*	100 ft.
Max. Impervious Area	75% Apts. & Condos 80% Commercial*	85%
Max. Height	3 stories (40 ft.) Apts/Condos** 6 stories (70 ft.) Apts/Condos** 4 stories (50 ft.) Apts/Condos** 3 stories (40 ft.) Townhomes	N/A
Setbacks		
Front	15 ft. (<i>Bill Beck Blvd.</i>) 35 ft. (<i>FL Turnpike</i>) 10-20 ft. (<i>Interior Front</i>) 5 ft. (<i>Front Porch</i>)	25 ft. (<i>Bill Beck Blvd.</i>) 35 ft. (<i>Osceola Pkwy.</i>)
Side	Zero (<i>Internal Bldgs.</i>) 10ft. (<i>Internal ROWs</i>) 15ft. (<i>PUD Boundary</i>)	10 ft.
Rear	Zero (<i>Apts/Condos</i>) 15 ft. (<i>Townhomes</i>)	10 ft.

*HC Zoning Development Standards

**3 stories/40ft. within 150ft. of single family zoned properties; more than 150ft. from single family zoned properties can be increased to 6 stories/70ft. on Parcel R1 and 4 stories/50ft. on Parcel R2.

Public Facilities Analysis	
Transportation	
Adjacent street	E. Osceola Pkwy., Bill Beck Blvd., Florida's Turnpike
Street Quality of Service (QOS)	Adjacent Streets are under Osceola County (E. Osceola Pkwy. & Bill Beck Blvd.) & State (Florida's Turnpike) jurisdictions.

	Construction of access off of Bill Beck Blvd. has commenced and is under construction by Osceola County. Construction includes 2 lane, undivided urban roadway designed for future expansion to 4 lanes. Includes sidewalk, curb & gutter, closed drainage system, provisions for street lighting, & new traffic signal at Osceola Parkway intersection.
Sanitary Sewer	
Is volume less than 98% capacity?	N/A – Compliance
Potable Water	
Is volume less than 98% capacity?	N/A – Compliance
Is water pressure at least 40lbs per square inch?	N/A – Compliance
Solid Waste	
Is volume less than 5.1lbs per person per calendar day?	N/A – Compliance
Recreation	
Is active recreation area at least 2 acres per 1,000 population?	N/A – Compliance
Is urban open space area at least 2 acres per 1,000 population?	N/A – Compliance
Is total recreation area at least 4 acres per 1,000 population?	N/A – Compliance
Drainage	
Is off-site discharge; runoff velocities; roadway drainage; pavement; retention; and flood storage LOS standards met?	N/A- Compliance



**COMMISSION MEETING ACTION SUMMARY
SESSION OF THE COMMISSION MEETING
CITY OF KISSIMMEE
CITY HALL, COMMISSION CHAMBERS
101 CHURCH STREET, KISSIMMEE, FLORIDA 34741-5054
TUESDAY, AUGUST 16, 2022 AT 6:00 PM**

1. MEETING CALLED TO ORDER

Members Present: Mayor Olga Gonzalez, Felix Ortiz, Carlos Alvarez, III, Jim Fisher

Staff Present: City Manager Mike Steigerwald, City Attorney Olga Sanchez de Fuentes, Deputy City Manager Desiree Matthews, Assistant City Manager Austin Blake, Deputy City Clerk Tameara Crespo

Members Absent: Commissioner Olga Castano, City Clerk Linda Hansell

Mayor Gonzalez called the meeting to order at 6:00 PM.

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

3. PROCLAMATIONS AND SPECIAL PRESENTATIONS

3.A Presentation of Retirement Watch to Michael Carter

4. PUBLIC HEARINGS - FIRST AND SECOND READINGS

4.A Public Hearing - Second and Final Reading - Ordinance amending the Future Land Use designation from MF-MDR, MF-HDR, CONS, & CG to CONS and IB: Constellation (Formerly Ramona), LUPA-22-0001 - Proposed Ordinance #22-09

AN ORDINANCE AMENDING ORDINANCE NO. 3050 KNOWN AS THE ORDINANCE ADOPTING THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF KISSIMMEE, FLORIDA, UNDER THE AUTHORITY OF FLORIDA STATUTE 163.3184; DIRECTING THE CITY MANAGER TO AMEND THE COMPREHENSIVE LAND USE PLAN AS HEREIN PROVIDED AFTER THE PASSAGE OF THIS ORDINANCE; PROVIDING FOR A PUBLIC HEARING AS REQUIRED BY LAW; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE

Motion to approve a continuance of the Public Hearing to October 18, 2022, Passed.

4.B Public Hearing - Second and Final Reading - Ordinance amending the Future Land Use designation to establish MU-V (Mixed Used Vine); LUPA-22-0004 - Proposed Ordinance 22-12

AN ORDINANCE AMENDING ORDINANCE NO. 3050 KNOWN AS THE ORDINANCE ADOPTING THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF KISSIMMEE, FLORIDA, UNDER THE AUTHORITY OF FLORIDA STATUTE 163.3184; DIRECTING THE CITY MANAGER TO AMEND THE COMPREHENSIVE LAND USE PLAN AS HEREIN PROVIDED AFTER THE PASSAGE OF THIS ORDINANCE; PROVIDING FOR A PUBLIC HEARING AS REQUIRED BY LAW; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE

Motion to adopt Ordinance #3063, Passed.

5. PUBLIC HEARINGS

- 5.A Public Hearing - Constellation (Formerly Ramona) Planned Unit Development (PUD)
Amendment: PUD-22-0001

Motion to approve a continuance of the Public Hearing to October 18, 2022, Passed.

6. HEAR AUDIENCE

7. CONSENT AGENDA

- 7.A Approval of City Commission Minutes from the August 2, 2022 meeting

Motion to approve Passed.

- 7.B Agreement with Raftelis Financial Consultants to provide a Municipal Impact Fee Study for Recreation, Police and Fire services.

Motion to approve Passed.

- 7.C Approval of a Resolution Authorizing the Acquisition of Fire Fighting Apparatus

Motion to adopt Resolution 16-2022 Passed.

- 7.D General Employee Organization Budget to be carried forward to FY 2022

Motion to approve GEO Budget carryforwards in the amount of \$17,426.76, Passed.

- 7.E Federal Aviation Administration Airport Improvement Program Grant for the Taxiway E Extension and Installation of Taxiway E Lighting at Kissimmee Gateway Airport

Motion to accept an Aviation Program Grant in the amount of \$5,275,291, Passed.

- 7.F Approval to Contract with Osceola Council on Aging for the Rehabilitation of the House Located at 1124 Lindsay Way, Kissimmee 34744

Motion to approve Passed.

- 7.G Fire Station No.13 Roofing Replacement Project

Motion to approve a work order in the amount of \$194,880, Passed.

8. DISCUSSION ITEMS

- 8.A Toho Water Authority Board Appointment

Motion to appoint John McAllenan to the Toho Water Authority Board, Passed.

9. HEAR CITY OFFICIALS

- 9.A CITY MANAGER

- 9.B CITY ATTORNEY

- 9.C CITY COMMISSION

10. ADJOURNMENT

Meeting adjourned at 6:12 PM.



**COMMISSION MEETING ACTION SUMMARY
SESSION OF THE COMMISSION MEETING
CITY OF KISSIMMEE
CITY HALL, COMMISSION CHAMBERS
101 CHURCH STREET, KISSIMMEE, FLORIDA 34741-5054
TUESDAY, AUGUST 2, 2022 AT 6:00 PM**

1. MEETING CALLED TO ORDER

Members Present: Mayor Olga Gonzalez, Commissioners Olga Castano, Felix Ortiz, Carlos Alvarez, III, Jim Fisher

Staff Present: City Manager Mike Steigerwald, City Attorney Olga Sanchez de Fuentes, Deputy City Manager Desiree Matthews, City Clerk Linda Hansell

Members Absent: Assistant City Manager Austin Blake

Mayor Gonzalez called the meeting to order at 6:00 PM.

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

3. PROCLAMATIONS AND SPECIAL PRESENTATIONS

3.A Employee of the Month for August

4. PUBLIC HEARINGS - FIRST AND SECOND READINGS

4.A Public Hearing - Second and Final Reading - Ordinance amending the Future Land Use designation from MF-MDR, MF-HDR, CONS, & CG to CONS and IB: Constellation (Formerly Ramona), LUPA-22-0001 - Proposed Ordinance #22-09

AN ORDINANCE AMENDING ORDINANCE NO. 3050 KNOWN AS THE ORDINANCE ADOPTING THE COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF KISSIMMEE, FLORIDA, UNDER THE AUTHORITY OF FLORIDA STATUTE 163.3184; DIRECTING THE CITY MANAGER TO AMEND THE COMPREHENSIVE LAND USE PLAN AS HEREIN PROVIDED AFTER THE PASSAGE OF THIS ORDINANCE; PROVIDING FOR A PUBLIC HEARING AS REQUIRED BY LAW; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

Motion to approve a continuance of the Public Hearing to August 16, 2022, Passed.

5. PUBLIC HEARINGS

5.A Public Hearing - Constellation (Formerly Ramona) Planned Unit Development (PUD) Amendment: PUD-22-0001

Motion to approve a continuance of the Public Hearing to August 16, 2022, Passed.

6. HEAR AUDIENCE

7. CONSENT AGENDA

7.A Approval of City Commission Minutes from the July 19, 2022 meeting and the July 26, 2022 Budget Workshop

Motion to approve Passed.

7.B Helping Emergency Responders Obtain Support (HEROS) Program at the Florida

Commission Meeting Action Summary – August 2, 2022

Department of Health (DOH) for FY2022

Motion to request 200 units of Naloxone valued at \$7,500 Passed.

- 7.C Consent to Sub-Lease between Stallion 51 Maintenance Operations, Inc. and ASAP Aerospace Group, Inc.

Motion to approve Passed.

- 7.D Renewal of Space/Use Permit for Jed Suhl d.b.a. Horse-Riding Orlando, LLC

Motion to approve Passed.

- 7.E Amendment to Purchase Order for legal services associated with right-of-way acquisition for the West Oak Street Widening and Intersection Improvements at John Young Parkway Project

Motion to approve purchase order increase in the amount of \$266,500 Passed.

8. DISCUSSION ITEMS

- 8.A UCF Downtown Kissimmee Business Incubator Annual Update and Contract Renewal

Motion to approve contract renewal Passed.

- 8.B Annual Advisory Board Appointments and Vacancies

Motion to appoint Scott Grenald to the Historic Preservation Board Passed.

9. HEAR CITY OFFICIALS

- 9.A CITY MANAGER

- 9.B CITY ATTORNEY

- 9.C CITY COMMISSION

10. ADJOURNMENT

Meeting adjourned at 6:13 PM.



MEETING ACTIONS
SESSION OF THE PLANNING ADVISORY BOARD
CITY OF KISSIMMEE
CITY HALL, COMMISSION CHAMBERS
101 CHURCH STREET, KISSIMMEE, FLORIDA 34741-5054
WEDNESDAY, APRIL 6, 2022 AT 6:00 PM

Board Members Present: Chairman Robert Bussiere (**Absent**), Vice Chairman Wolff, Member Diana Marrero-Pinto, Member Robert Spalding, Member Jackie Espinosa, Member Fatima Santiago, School Board Member Jason Lindsey (**Absent**)

Staff Members Present: Kalanit Oded, Deputy City Attorney, Brenda Ryan, Planning Manager, Cristian Arias, Senior Planner, Yolanda Hazley, Planning Technician

1. **MEETING CALLED TO ORDER**
2. **MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**
3. **MINUTES**

3.A APPROVAL OF THE MARCH 16, 2022 PLANNING ADVISORY BOARD MEETING MINUTES.

ACTION: Member Spalding made a motion to approve the minutes of the March 16, 2022, Planning Advisory Board meeting. Seconded by Member Espinosa.

Vice Chairman Wolff	AYE	Member Santiago	AYE
Member Spalding	AYE	Member Marrero-Pinto	AYE
Member Espinosa	AYE		

MOTION CARRIED 5-0

4. **OLD BUSINESS**
5. **NEW BUSINESS**

5.A PUBLIC HEARING: AX-22-0001 TANGELO CIRCLE: ANNEXATION - PROPOSED ORDINANCE NO. 22-008

Request for approval of an Annexation to annex approximately 1.19 acres of property located at east of Old Vineland, and north of W. Vine St.

ACTION: Member Spalding made a motion for approval. Seconded by Member Marrero-Pinto

Vice Chairman Wolff	AYE	Member Santiago	AYE
Member Spalding	AYE	Member Marrero-Pinto	AYE
Member Espinosa	AYE		

MOTION CARRIED 5-0

5.B PUBLIC HEARING: LUPA-22-0001 - CONSTELLATION (FORMERLY RAMONA): LAND USE PLAN AMENDMENT: LARGE SCALE - CITY MF-MDR, MF-HDR, CONS, & CG TO CITY CONS AND IB - PROPOSED ORDINANCE 22-009

Request approval of a LUPA (Land Use Planned Amendment) to change the Future Land Use Map designation from City-MF-MDR (Multi-Family Medium Density Residential), MF-HDR (Multi-Family High Density Residential), and CONS (Conservation) and (IB) Industrial Business on 114.25 acres of land.

ACTION: Member Spalding made a motion for approval. Seconded by Member Espinosa

Vice Chairman Wolff	AYE	Member Santiago	AYE
Member Spalding	AYE	Member Marrero-Pinto	AYE
Member Espinosa	AYE		

MOTION CARRIED 5-0

- 5.C PUBLIC HEARING: PUD-22-0001 - CONSTELLATION (FORMERLY RAMONA): PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT: (INDUSTRIAL USES)
Request for approval of a (PUD) Planned Unit development to establish industrial warehouse uses on approximately 114.25 acres of land west of Florida's Turnpike, east of Bill Beck Blvd.; along the north and south sides of E. Osceola Pkwy.

ACTION: Member Marrero-Pinto made a motion for approval. Seconded by Member Spalding

Vice Chairman Wolff	AYE	Member Santiago	AYE
Member Spalding	AYE	Member Marrero-Pinto	AYE
Member Espinosa	AYE		

MOTION CARRIED 5-0

- 6. PUBLIC HEARINGS**
- 7. DISCUSSION**
- 8. HEAR CHAIRMAN AND BOARD MEMBERS**
- 9. ADJOURNMENT**

Vice Chairman Wolff adjourned the meeting at 6:34 p.m.



THE FOLLOWING SHALL BE USED AS AN ADDENDUM TO ANY PLAN, FILE, OR OTHER DOCUMENT REVIEWED IN ENERGVO & BLUEBEAM

ADDRESS: N. & S. of Osceola Pkwy., w. of FL Turnpike, e. of Bill Beck Blvd.

DATE: 2/28/2022

PLAN NUMBER: PUD-22-0001 Constellation (fka Ramona) PUD Amendment – REVISED

**Review Status:
REVISE & RESUBMIT.**

PLANNING - Brenda Ryan - 407.518.2104 - Brenda.Ryan@kissimmee.gov

GENERAL

1. The property ownership of the north parcel (02-25-29-1448-0001-0090) includes Wendell E Spears Revocable Trust which is not part of the ownership of the other 2 parcels to the south (Ramona Ann Spears 2008 Irrevocable Trust & James P. Grodecki TR). The ownership of all of the parcels appears to consists of co-trustees. Please provide additional ownership authorizations for all co-trustees or provide additional trust documents that confirms Michael Spears can act as a sole trustee for all trusts.

USES & DEVELOPMENT STANDARDS

2. Review the definition of manufacturing in the LDC and the different intensities to confirm whether light manufacturing will be the only type of manufacturing considered with this PUD Amendment.
3. Consider including prohibited (e.g., motor vehicle repair) and conditional uses (e.g. outdoor activities and storage).
4. Include that all repair and manufacturing activities conducted within 300 feet of a residential district shall be in completely enclosed buildings. Processes located at a greater distance may be located outdoors if approved as a conditional use and shall be enclosed by a solid wall or fence at least six feet high.
5. Revise the front setback and establish a separate front setback requirement from Bill Beck Blvd. and Osceola Parkway to 35ft. (arterial & collector roadways).
6. Retain Condition 10 pertaining to on-site wetlands from the rescinded Gateway Commons DRI that is included in the existing Ramona PUD with this PUD Amendment.

ARCHITECTUAL/DESIGN STANDARDS

7. There were master sign standards in the Ramona PUD. Include these standards in this PUD amendment or defer sign standards to the LDC in the PUD narrative.
8. A waiver to the loading/unloading bay/garage doors visible from ROWs and adjacent residential uses, is subject to proper mitigation of the bay/loading doors to be addressed at the Site Plan review process. ([LDC 14-3-50](#)).

PARKING & ROADWAYS

9. Include a trip generation table comparing the current uses in the Ramona PUD with the new uses of this PUD Amendment.

10. The parking ratio of 1 space per 2,000 sq. ft. of gross floor area is a deviation from all of the parking standards for the proposed uses in this PUD Amendment. Revise to state parking standards must be consistent with LDC standards. Parking deviations may be considered with a parking study ([LDC 14-7-22A](#)) that can be submitted with subsequent PUD Site Plan reviews as an administrative waiver.
11. The Bill Beck Blvd. roadway improvements shall be consistent with the Osceola County Joint Facilitation of Public Infrastructure for Michigan Ave and Bill Beck Blvd. (OR Book 1859, Page 1676; April 12, 2001).

If you have any questions regarding the comments/conditions above, please use the contact information provided.

Please login to the Citizen Self Service portal at www.kissimmee.gov.energov to upload a response to comments.

Additional comments may be forth coming as a result of revisions to the plans, any new changes in the information provided, future plan review up to plan approval and permitting and/or with submittal of supporting documentation. When submitting, please provide a response to comments outlining where and how the comments have been addressed.



THE FOLLOWING SHALL BE USED AS AN ADDENDUM TO ANY PLAN, FILE, OR OTHER DOCUMENT REVIEWED IN ENERGОВ & BLUEBEAM

**ADDRESS: E. Bill Beck Blvd, North & South Osceola Pkwy
PLAN (DRC) NUMBER: PUD-22-0001**

**DATE: 2/23/2022
SDOC#: 2017/18-0020**

**Review Status:
CHOOSE REVIEW STATUS.**

OSCEOLA COUNTY SCHOOL DISTRICT - Jason Lindsey - 407.518.2964 - Jason.Lindsey@osceolaschools.net

Comments/Conditions (if applicable):

This PUD Amendment for a Industrial Warehouse has no impact on public schools.

If you have any questions regarding the comments/conditions above, please use the contact information provided.

Please login to the Citizen Self Service portal at www.kissimmee.gov.energov to upload a response to comments.

Additional comments may be forth coming as a result of revisions to the plans, any new changes in the information provided, future plan review up to plan approval and permitting and/or with submittal of supporting documentation. When submitting, please provide a response to comments outlining where and how the comments have been addressed.



THE FOLLOWING SHALL BE USED AS AN ADDENDUM TO ANY PLAN, FILE, OR OTHER DOCUMENT REVIEWED IN ENERGОВ & BLUEBEAM

DATE: 2/23/2022
PROJECT: 3151 BILL BECK BLVD PUD Amendment
DRC NUMBER: PUD-22-0001
REVIEW NUMBER: 1

**Review Status:
REVISE & RESUBMIT**

ENGINEERING DEPARTMENT - Ryan Kilman - 407.518.2279 - ryan.kilman@kissimmee.gov

MINIMUM LOT STANDARDS:

1. The Maximum Impervious Area listed in the PUD lot standards is 85%. Will the master stormwater pond(s) be designed for 85% impervious coverage? If not, please revise this number to indicate a percentage no greater than what the master stormwater pond is designed for.

ADVISORY COMMENTS (No Responses Necessary):

- All applicable code requirements of the City of Kissimmee Code of Ordinances shall be adhered to for any proposed use(s) and its processes.
- Please login to the Citizen Self Service portal at <http://www.kissimmee.gov/energov> to upload revisions to plans and/or response to comments.
- If you have any questions regarding the comments/conditions above, please use the contact information provided.

###

Exhibit B

Gateway Commons DRI Rescission Order



CITY OF KISSIMMEE

Office of the City Clerk

101 Church Street . Kissimmee, Florida 34741-5054 . Phone 407-518-2308 . FAX 407-518-2260

July 26, 2019

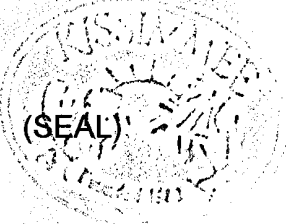


CFN 2019100669
Bk 5568 Pgs 541-644 (105 Pgs)
DATE: 08/05/2019 10:40:48 AM
ARMANDO RAMIREZ, CLERK OF COURT
OSCEOLA COUNTY
RECORDING FEES \$894.00

I HEREBY CERTIFY that the attached is a true and correct copy of the
**RESOLUTION # 09-2019 ORDER APPROVING RESCISSION OF GATEWAY
COMMONS DRI DEVELOPMENT ORDER** as approved by the City of Kissimmee
Commission on May 7, 2019.

By:

Linda S. Hansell
City Clerk



RESOLUTION # 09-2019
REQUEST FOR RESCISSION OF
GATEWAY COMMONS DRI DEVELOPMENT ORDER

THIS REQUEST FOR RESCISSION OF THE GATEWAY COMMONS DRI DEVELOPMENT ORDER (this "Request") is submitted on behalf of WENDELL E. SPEARS REVOCABLE TRUST ("Trust"), whose address is Post Office Box 1780, Winter Park, Florida 32790, by and through its undersigned attorney, Hal Kantor, Lowndes, Drosdick, Doster, Kantor & Reed, P.A., 215 N. Eola Drive, Orlando, Florida 32801.

FACTUAL BACKGROUND

1. Dart Road Limited Partnership, a Florida limited partnership, was the original developer of that certain real property in the City of Kissimmee, Florida (the "City"), commonly known as the Gateway Commons Development of Regional Impact (the "Gateway Commons DRI" or "DRI"), which is more particularly described in the Gateway Commons DRI Development Order (as hereinafter defined). A legal description of the DRI is included as **EXHIBIT A**.
2. The Gateway Commons DRI is approved for 700 hotel rooms, 695,000 square feet of commercial development and 265,000 square feet of business park on 195.7 acres. The attached **EXHIBIT B** provides a list of all development, and approved development, to date within the DRI.
3. Wendell E. Spears Revocable Trust, ("Trust"), is the landowner of the undeveloped parcels within the DRI, which are approved for 700 hotel rooms and 200,000 square feet of commercial development and 250,000 square feet of business park. The undeveloped parcels are identified on **EXHIBIT C**.
4. The City issued the Original Development Order for the Gateway Commons DRI on August 6, 1991, which is recorded at Official Records Book 1026, Page 2967, in the Public Records of Osceola County, Florida. The City amended the Gateway Commons Development Order on July 30, 1996, which is recorded at Official Records Book 1349, Page 1479, and, again, on September 30, 1999, which is recorded at Official Records Book 1690, Page 1594. The Original Development Order and the two amendments combined are the Gateway

Commons DRI Development Order (the "DRI Development Order").

5. The DRI Development Order specifies the required mitigation for the development of the Gateway Commons DRI.
6. The City of Kissimmee meets the population and density criteria related to exemptions for dense urban land area pursuant to Section 380.0651(3)(a), Florida Statutes, and is identified on the State of Florida list of qualifying communities as published by the Florida Legislature, Office of Economic and Demographic Research.
7. As a dense urban land area the City of Kissimmee is exempt from Chapter 380.06 (the DRI law) and is authorized to rescind any existing DRI approvals upon request. Pursuant to Section 380.115(2), Florida Statutes, "If requested by the developer or landowner, the development-of-regional-impact development order shall be rescinded by the local government having jurisdiction upon a showing that all required mitigation related to the amount of development that existed on the date of rescission has been completed or will be completed under an existing permit or equivalent authorization issued by a governmental agency as defined in s. 380.031(6), provided such permit or authorization is subject to enforcement through administrative or judicial remedies."
8. All required mitigation has been completed for the developed, and approved for development, portion of the Gateway Commons DRI as set forth in the Gateway Commons DRI Development Order. The developed, and approved for development, portion is 450,659 square feet of commercial development.
9. Since all required mitigation under the Gateway Commons DRI Development Order has been performed for the amount of development that exists in the Gateway Commons DRI, Trust hereby requests that the City rescind the Gateway Commons DRI.
10. As specified in the DRI Development Order and save and except for wetlands which have received permits for removal and for which mitigation has been provided, the Gateway Commons on-site wetlands systems, other conservation tracts, and mitigation areas shall be regarded as preservation areas for the purpose of protecting their natural attributes and shall

have their developmental uses restricted by easement as provided in Section 704.06, Florida Statutes. That condition does not preclude the applicant from including these land in fulfilling open space requirements of the City of Kissimmee. This rescission order retains this provision for all of the DRI property as identified in Exhibit A, including the Trust parcels.

REQUEST FOR RESCISSION

1. FACTUAL BACKGROUND INCORPORATED. The facts set forth in the Factual Background above are true and correct and are hereby incorporated into this Request by this reference.
2. GATEWAY COMMONS MITIGATION. The Gateway Commons DRI Development Order mitigation requirements are included as **ATTACHMENT A** which documents that the Conditions of Approval required for development of **450,659 square feet of commercial development** within the Gateway Commons DRI have been met.
3. GATEWAY COMMONS TRAFFIC ANALYSIS. As further confirmation that the mitigation requirements for the development, and development approved to date, have been fulfilled, a traffic analysis was submitted that documents that the amount of development, including that approved to date, is within Phase 1 of the DRI Development Order. The Traffic Analysis is included as **ATTACHMENT B**.
4. GATEWAY COMMONS DRI RESCISSION. Based on the information presented herein, Trust hereby requests rescission of the Gateway Commons DRI Development Order.
5. PROPOSED ORDER APPROVING DRI RESCISSION. Included as **ATTACHMENT C** is a proposed form of an Order Approving Rescission of the Gateway Commons DRI Development Order that the City may wish to use once it has determined that all of the required mitigation for the amount of existing development has been performed.

Date

6/27/19

Respectfully submitted,

Hal Kantor

Lowndes, Drosdick, Doster, Kantor & Reed
215 North Eola Drive
Orlando, FL 32801
Attorney for Wendell E. Spears Revocable Trust

ATTACHMENT A

**STATUS OF CONDITIONS OF APPROVAL WITHIN
THE GATEWAY COMMONS DRI DEVELOPMENT ORDER**

30022337.1

**Gateway Commons Development of Regional Impact
Development Order - 1991**

Section I. Findings of Fact:

1. Dart Road Limited Partnership, a Florida limited partnership (hereafter "Developer") filed an application for a Development of Regional Impact called Gateway Commons pursuant to Section 380.06, Florida Statutes, relating to real property located in Kissimmee, Florida, more particularly described in Exhibit 1 attached to and incorporated herein by this reference.
2. The developer is the owner of and has the authority to file the Application for Development Approval ("ADA") and obtain a Development Order with respect to the Property in accordance with Section 380.06, Florida Statutes.
3. The Property does not lie within an area of critical state concern.
4. The application has been reviewed by and recommendations for approval have been received from the City of Kissimmee Planning Advisory Board sitting as the Local Planning Agency.
5. All public hearings as required by Section 380.06, Florida Statutes, have been duly noticed and held.
6. The Developer's authorized agent is Mr. Joel Ivey, Ivey Harris & Walls, 122 E. Colonial Dr., Orlando, FL 32801.

Section II. Conclusions of Law:

1. The development of the Gateway Commons is consistent with the achievement of the objectives of the adopted State Land Development Plan.
2. The development of the Gateway Commons is consistent with the City of Kissimmee Growth Management Plan ("GMP") and other City Land Development Regulations.
3. The development of the Gateway Commons is consistent with the report and recommendations of the East Central Florida Regional Planning Council received pursuant to Section 380.06(14), Florida Statutes.
4. ~~The Development Order constitutes final approval of use of the Property for a total of 1,050 hotel rooms, 532,000 square feet of commercial, and 600,000 square feet of business park on 208.3 acres, as more particularly detailed in the Findings of Fact above and as described in the ADA/DRI and incorporated by this reference, and subsequently amended by sufficiency responses and as may be amended by the terms and conditions of this Order.~~

Status: This information was revised with the 1999 2nd Amendment to the DRI DO.

Section III. Development Order:

1. The project shall be developed in accordance with the information, data, plans and commitments contained in the Gateway Commons DRI/ADA and supplemental information unless otherwise directed by the conditions enumerated below. For the purpose of this condition, the Application for Development Approval shall consist of the following items:
 - a. Application for Development Approval dated September 1990;
 - b. First Sufficiency Responses dated December 1990;
 - c. Second Sufficiency Response dated January 1991;
 - d. Commitments made during the review as presented as condition 38.

Status: In compliance.

- ~~2. The project shall consist of a total of 1,050 hotel rooms, 532,000 square feet of commercial, and 600,000 square feet of business park on 208.3 acres.~~

Status: This condition was revised with the 1996 1st Amendment to the DRI DO.

- ~~3. If five percent of phase I of the project (26,600 square feet of commercial space or any combination which equals five percent of the development) is not constructed within five years of the effective date of the Development Order, then the Development Order shall expire.~~

Status: This condition was revised with the 1996 1st Amendment to the DRI DO.

4. Project construction personnel shall be notified, through posted advisories or other methods, of the potential for artifact discoveries on the site and to report suspected findings to the project manager. In the event of discovery of artifacts of historical or archaeological significance during project construction, the applicant shall stop construction at the site of discovery and notify the City of Kissimmee and the Division of Historic Resources of the Florida Department of State. From the date of notification, construction shall be suspended within a 100 foot radius of the site of discovery for a period of up to 120 days to allow evaluation of the site.

Status: In compliance. No sites discovered to date.

5. To minimize dependence on ground irrigation and to promote retention of wildlife habitat, xeriscape principles using native vegetation (see xeriscape plant guide published by South Florida Water Management District) shall be utilized in landscaping of areas not subject to reclaimed water irrigation. Ecologically viable portions of natural upland plant communities should be preserved and maintained in their original state to the greatest extent practicable.

Status: In compliance. Reclaimed water is used on site.

6. Site development related activities shall not result in the harming, pursuit or harassment of wildlife species classified as endangered, threatened or a species of special concern by either the state or federal government in contravention of applicable state or federal laws. Should such species be determined to be residing on, or be otherwise significantly

dependent upon the project site, the developer shall cease all activities which might negatively affect that individual or population and immediately notify the Florida Game and Fresh Water Fish Commission and the United States Fish and Wildlife Service. Proper protection and habitat management, to the satisfaction of the above agencies, shall be provided by the developer.

"Harming" and "harassment" as used in this condition shall be defined in the same manner as "harm" and "harass" respectively are defined in 50 CFR Section 17.3.

Status: In compliance. All site work has been conducted in compliance with state and federal permits.

7. Prior to development activities the developer shall coordinate with the FGFWFC to determine the potential for relocation of the existing gopher tortoise population present on the Gateway Common site. FGFWFC guidelines for gopher tortoise relocation shall be followed. Progress and status relocation shall be reported by the ECFRPC.

Status: In compliance. All site work has been conducted in compliance with state and federal permits.

8. Losses of viable wetlands shall be mitigated through restoration of wetlands, creation of wetlands or preservation of functional wetlands within the same watershed in accordance with the Master Development Plan (Map H, ADA) and in accordance with adopted rules and policies of Osceola County, Florida Department of Environmental Regulation, South Florida Water Management District, and U.S. Army Corps of Engineers. Wetlands to be created or upland to be retained as mitigation shall be located coterminously with one or more major habitat areas to be preserved so as to provide a continuity or expansion of natural habitat areas. Detention ponds, preservation of viable on-site wetlands, lakes or open water areas shall not be acceptable for wetland mitigation. However, littoral zones created around detention ponds and lakes may qualify as newly created wetlands for mitigation purposes.

Status: In compliance. Three wetlands were removed in compliance with state and federal permits and mitigated through near-site and off-site mitigation. This work was completed in 2001 and 2008.

9. Buffer areas of native upland vegetation averaging 50 feet wide and with a minimum width of 25 feet shall be retained around all regionally significant wetlands. Upland buffers between on-site wetlands/marshes/lakes and any type of development or land alteration shall be delineated with temporary construction fencing prior to construction to allow these areas to be maintained with existing native vegetation or be re-planted with native, transitional zone or upland vegetation. Use of these buffers shall be limited to nature trails and other passive recreation. The only component of the stormwater system within these buffers shall be a dispersion swale discharge system which shall not be permitted within the first 25 feet of buffer from the wetlands and shall be limited to a total length of no greater than ten percent (10%) of the wetland perimeter. The use of pesticides, herbicides or fertilizers shall be prohibited in these buffers and the wetlands they protect.

Status: The buffers are in compliance with water management district permits.

10. ~~The on-site wetlands systems, other conservation tracts, and mitigation areas shall be regarded as preservation areas for the purpose of protecting their natural attributes and shall have their developmental uses restricted by easement as provided in Section 704.06,~~

Florida Statutes. This condition does not preclude the applicant from including these lands in fulfilling open space requirements of the City of Kissimmee. This easement shall be conveyed to the South Florida Water Management District, the City of Kissimmee or other state or federal agency or the East Central Florida Regional Planning Council. Lands designated for upland preservation for mitigation purposes only are so designed by the applicant as compensation for losses to wildlife resources of state and regional concern and shall therefore be used exclusively for the purpose of wildlife and habitat preservation and shall be considered to have no value for other than that purpose.

Status: In compliance. Easements have been conveyed as required.

11. Any losses to lands designated as conservation or preservation, whether proposed by the applicant, his successors or other private or public entities shall be the responsibility of the party causing the loss to the extent permitted by law. Any substantial deviation of the development order that might occur pursuant to 380.06(19), Florida Statutes shall be performed by the party causing the deviation. Any such losses to wetland areas shall be resolved according to applicable regulatory programs. Any such losses to all other areas shall be compensated for by preserving habitat of equal or greater value, on an acre for acre basis, at another location judged to be able to remain viable as wildlife habitat. Any alternations to the flow or channel of Mill Slough shall result in a watercourse that resembles natural conditions in terms of bank stabilization, bank vegetation and meandering course.

Status: In compliance. Three wetlands were removed in compliance with state and federal permits and mitigated through near-site and off-site mitigation. This work was completed in 2001 and 2008.

12. For the purpose of potable water conservation, the project shall utilize low water use plumbing fixtures, self-closing and/or metered water faucets, and/or other water conserving devices. The fixtures shall be at a minimum, consistent with the State Water Conservation Act (Florida Statutes, 553.14).

Status: Fixtures uses are in compliance with City requirements.

13. The applicant (or owners/successors) shall establish and implement an inspection and maintenance program for all components of the surface water management system for the project site, to include schedules for the performance of:
 - a. Stormwater facility operating inspections on a regular bases (e.g. quarterly) and following major rainfall events (e.g. 1 inch of rainfall, 1 year/24 hour) for the removal of excessive sediment, debris or other flow obstructions;
 - b. Routine maintenance activities (e.g. moving, trash removal, etc.)
 - c. Ongoing education programs for maintenance staff personnel regarding the correct usage of and application rates for fertilizers and chemicals (e.g. herbicides) near the stormwater management facilities, the removal off noxious weeds and retention of desirable aquatic vegetation, and correct procedures for other maintenance/landscaping related activities which have the potential for adversely affecting water quality conditions on the project site.

Status: In project is in compliance with the conditions of the stormwater management permit. The systems are maintained privately through recorded ECR documents and Association.

14. The applicant (or owner/successors) will incorporate additional water quality treatment and/or water management system to correct or mitigate any degradation if the measures implemented by the applicant/owners are found to be ineffective or to adversely impact water quality/quantity conditions on or downstream of the project site.

Status: In compliance.

15. The applicant (or owners/successors) shall ensure that no direct overland runoff from developed or landscaped areas on the project site will be able to enter Mill Slough, its tributaries or adjacent wetland areas without receiving treatment equivalent to the retention or detention with filtration of the first one-half inch of rainfall runoff in order to prevent the direct, untreated entry of fertilizers, herbicides, pesticides and other pollutants from the project site.

Status: In project is in compliance with the conditions of the stormwater management permit.

16. In order to effectively monitor the project's impacts on surface water quality conditions in Mill Slough, the applicant (or successors) shall establish and operate a surface water quality monitoring program consisting of the following components:

(a) Surface water samples shall be collected at the following locations:

1. At sample location #1, as depicted on page 7 (Map G1) of Applicant's Information Response date January 24, 1991;
2. On Mill Slough at the proposed road alignment adjacent to the site's west property line; and
3. At the outfall from the preserved wetland in Basin 202 into the Florida Turnpike drainage ditch.

Status: In project is in compliance with the conditions of the stormwater management permit.

(b) The water samples shall be collected and analyzed at least four times annually on a seasonal basis. Sample collection at the two locations in Mill Slough shall commence immediately following the issuance of the D.O. for the purpose of obtaining additional background data. Sample collection in the stormwater pond/wetland shall commence upon the completion of the pond/berm and its discharge structure (at the time of initial rainfall runoff). The sampling period shall extend at least four (4) years following project buildout.

Status: In project is in compliance with the conditions of the stormwater management permit.

(c) Water quality parameters to be measure will be determined by the South Florida Water Management District with input from the jurisdictional government, but should include, at a minimum, all of the parameters analyzed by the applicant's consultants, as contained on pages 6 and 9 of the Applicant's Information Response date January 24, 1991. Collected data shall be furnished to the jurisdictional government and the water management district.

Status: In project is in compliance with the conditions of the stormwater management permit.

17. The applicant shall ensure that, if a property owner's association is proposed to assume drainage system operation and maintenance responsibilities, then the proposed property owner's association shall be created with defined duties and responsibilities regarding the operation and maintenance of the surface water management system, and have sufficient legal authority and power to establish the mandatory collection of fees and/or assessments from all property owners for use in financing the operation, replacement and maintenance of the project's surface water management system.

Status: The project stormwater ponds are owned and managed by private entities. Requirements are met through recorded documents. The existing large retention pond is maintained by Wal-Mart per recorded agreement.

18. Any shoreline banks created along on-site stormwater wet detention lakes greater than five acres in area shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in, or allowed to be colonized by, native emergent and submergent vegetation excluding cattails. The applicant shall ensure by replanting if necessary, that at least 80 percent cover by native aquatic vegetation is established within the littoral zone (to include at a minimum the area between ordinary high water and ordinary low water for the duration of the project).

Status: In project is in compliance with the conditions of the stormwater management permit.

19. The proposed surface water management system shall be designed, constructed and operated so as to ensure that the natural functions and hydroperiods of the on-site and off-site wetlands will not be adversely impacted or diminished.

Status: In project is in compliance with the conditions of the stormwater management permit.

20. Floodplain impact compensatory storage sites shall be provided for the 100-year flood in order to provide for effective storage volume within the floodplain.

Status: In project is in compliance with the conditions of the stormwater management permit.

21. The following minimum distances to adjacent wetland areas will be adhered to in project design and construction:

Stormwater wet detention ponds/flowways – no closer than 200 feet, and
Roadways with underdrains – no closer than 50 feet; unless one or more of the following conditions are met;

- (a) Adverse impacts on affected wetland vegetative communities from excessive drying out due in part to lateral subsurface seepage from the wetland area(s) into pond(s) during drought or low water periods have been determined not be an applicable issue of concern by the South Florida Water Management District and the jurisdictional government; or
- (b) The South Florida Water Management District and the jurisdictional government accept tests, calculations or other information (e.g. the use of preventative

measures such as clay berms) furnished by the applicant through the permitting and project review processes which demonstrate that deviations from the 50 and 200 foot distances are appropriate; or

- (c) The elevations of the bottoms of the stormwater wet/detention lakes/ponds, flowways or roadway underdrains are higher than the ordinary low water elevation in each potentially impacted wetland area.

Status: In project is in compliance with the conditions of the stormwater management permit.

- 22. The applicant shall design the project's surface water management system to provide for the following use of the historic Mill Slough flowage-way:

- (a) The re-routing of Mill Slough shall be in accordance with the requirements of the City Engineering Department at the time of Development Plan submittal.

Status: No re-routing of Mill Slough has occurred.

- (b) Retention of the channelized flowage-way for the conveyance of flood flows and other flows exceeding the 10 year storm event capacity of the historic flowage-way; and

Status: No permitting affecting the flowage-way of Mill Slough has occurred.

- (c) Discharge of treated stormwater discharges from Basin 302 into the historic flowage-way.

Status: No permitting affecting the flowage-way of Mill Slough has occurred.

- (d) The intention of condition #22 is to enhance the Mill Slough wetlands from the Turnpike to the west property line of the Gateway Commons project. The rerouting of Mill Slough through this area shall not reduce the carrying capacity of Mill Slough for any storm event.

Status: No re-routing of Mill Slough has occurred.

- 23. The applicant shall support, along with other area DRI's and other parties, an ozone modeling study for the Orlando metropolitan area. This study will be directed toward assessing the extent of ozone pollution in the area, the significance of identified problem areas. The study shall be coordinated by the ECFRPC in consultation with local governments and applicable state and federal agencies. The applicant's participation in this effort shall be limited to \$3,511.00 (\$0.10 per average daily external trip generated). Any results of this study applicable to Gateway Commons shall be given formal consideration by the applicant and the City of Kissimmee for implementation.

Payment of the applicant's share of this impact study shall be made to the University of Central Florida, Ozone Modeling Study account at the time that the Gateway Commons development order becomes effective and shall be held in escrow for eventual disbursement to cover study costs. If the ozone study has not begun within 24 months of payment then the developer shall be entitled to a refund of the amount paid.

Status: Status unknown.

24. Toward the achievement of energy conservation, the Gateway Commons project shall perform or require the following actions:
- thermal storage cooling systems for non-residential buildings shall be considered.
 - developers shall consult with the Florida Solar Energy Center and obtain guidelines for site development.
 - construction materials used shall be chosen with consideration of energy savings.
 - landscaping shall be provided which will optimize energy conservation.

Status: Development is in compliance with the Florida Building Code and City of Kissimmee requirements.

25. ~~For the purpose of the transportation conditions, the Gateway Commons DRI project shall be divided into the following phases based upon anticipated external trip generation. These external trip volumes are based upon development level equivalents as calculated from Trip Generation, 4th Edition published by the Institute of Transportation Engineers, with the exclusion of internally capture trips. Monitoring is required when the external trip generation volume for each phase is met.~~

Phase	Per Phase	Cumulative
1a	15,300	15,300
1b	7,700	23,000
2a	7,380	30,380
2b	7,380	37,760

Status: This condition was revised with the 1999 2nd Amendment to the DRI DO.

26. ~~Prior to the initiation of Phase 1b and subsequent phases as identified in the previous condition, a monitoring and modelling program shall be performed to ascertain the LOS on facilities where the Gateway Commons project is estimated to contribute an amount of traffic greater than or equal to ten percent of the roadway's LOS "C" service volume. The methodology of the monitoring/modelling program shall be agreed upon by the East Central Florida Regional Planning Council, Osceola County, the City of Kissimmee, the Florida Department of Transportation, the Department of Community Affairs and the applicant. A list of facilities (*) may include but shall not be limited to the following:~~

~~Roadway and Roadway Links~~

~~Buenaventura Boulevard~~

- ~~— Boggy Creek Road to Florida Parkway~~
- ~~— Florida Parkway to Dart Boulevard~~
- ~~— Dart Boulevard to the Southern Connector~~

~~Florida Parkway~~

- ~~— Buenaventura Boulevard to Dart Boulevard~~

~~Florida's Turnpike~~

- ~~— Dart Boulevard to Southern Connector~~

~~Osceola Boulevard~~

- ~~— Michigan Avenue to Dart Boulevard~~
- ~~— Dart Boulevard to CR-530~~

Michigan Avenue

- ~~Osceola Boulevard to Dart Boulevard~~
- ~~Dart Boulevard to Carroll Street~~
- ~~Carroll Street to Donegan Avenue~~
- ~~Donegan Avenue to US 192~~

Dart Boulevard

- ~~Buenaventura Boulevard to Florida Parkway~~
- ~~Florida Parkway to Florida's Turnpike~~
- ~~Florida's Turnpike to Osceola Boulevard~~
- ~~Osceola Boulevard to Michigan Avenue~~
- ~~Michigan Avenue to CR 527 north~~
- ~~CR 527 north to CR 527 south~~
- ~~CR 527 south to US 441~~
- ~~US 441 to Bermuda Avenue~~

Donegan Street

- ~~Michigan Avenue to Old Dixie Highway (CR 527)~~
- ~~Old Dixie Highway (CR 527) to US 441~~

- * ~~to include intersections of these roadways and other collector and high classified roadways which intersect these roadways and interchange ramps.~~

Status: This condition was revised with the 1999 2nd Amendment to the DRI DO.

- 27. ~~The Gateway Commons project shall not commence beyond phase 1a, or beyond and equivalent 15,300 external average daily trips (ADT), into phase 1b when service levels are below service level "D" peak hour (LOS "C" on rural designated roadways) and the project contributes ten percent or greater to the LOS "C" service volume of the roadway or intersection as determined by the monitoring program required in the preceding condition, unless mitigation measures and/or improvements are secure and committed to occur on deficient facilities during the next sub phase.~~

- ~~Prior to the commencement of sub phase 1b and all subsequent phases, the applicant must also demonstrate, by means of a monitoring/modeling study which assesses current conditions and satisfaction of the East Central Florida Regional Planning Council, Osceola County, Orange County, the City of Kissimmee, the Florida Department of Transportation and the Department of Community Affairs that, where the project contributes ten percent or greater to the LOS "C" service volume of a facility, the next applicable suphase of traffic (along with cumulative project traffic) will not adversely affect service levels (below service level "D" peak hour on urban roadways and service level "C" on rural roadways) or demonstrate that the necessary improvements are committed to occur during said applicable phase. Proof of mitigation must include identification of committed funding sources and a reasonable guarantee of scheduling within the required time frame. Otherwise, further building permits shall not be issued by the jurisdictional government.~~

Status: This condition was revised with the 1999 2nd Amendment to the DRI DO.

- 28. Toward the achievement of the objectives in the two preceding condition, an agreement(s) among Osceola County, Orange County, the City of Kissimmee, the Florida Department of Transportation and the applicant shall be entered into within twelve months of the issuance of a development order for this project by the jurisdictional government. Said

agreement(s) shall address and clarify such issues related to equity in the application of fees for roadway improvements. Said fees shall be based on a fair-share basis with respect to the improvements to be constructed and not solely on the basis of impact fees. However, such an agreement would not alter or waive the provisions of the two preceding conditions as a mitigative measure for the aforementioned conditions.

In the event that one of the designated parties to the agreement (other than the applicant) fails to execute said interlocal agreement within the specified time, then the applicant may proceed with the project based upon the monitoring/modeling schedule and all other conditions specified herein as it affects the non-participating party. Separate agreements may be entered with one or more parties and the applicant.

Status: The referenced agreement was not executed during the specified time.

29. The applicant shall construct an on-street, on-site system of bikeways to connect with external on-street bicycle systems as available in conjunction with new project interior roadway construction. Bikeway construction standards shall conform to the latest state criteria and/or City code.

In conjunction with the building development, bicycle support facilities (e.g. parking) shall be made available at commercial centers hotels and employment centers.

Status: The project meets the requirements of the City of Kissimmee for bicycle connectivity and parking provision requirements.

30. Bicycle lookers or bicycle racks, transit passenger shelters and transit parking bays shall be constructed where necessary to augment and facilitate the operations of off-site transit and bicycle facilities. Transit bays and areas for shelters shall be reserved for future transit service and constructed when transit is available. Siting and construction of transit facilities shall be approved by the applicant or successors, jurisdictional government and Tri-County Transit. The applicant shall make known to tenants and residents that the Gateway Commons area is service by an existing ridesharing program. Future transit (when available) and current ridesharing information shall be prominently displayed in all on-site public gathering areas, employment centers and/or commercial center areas. After Phase 1b the Gateway Commons project shall provide for a part-time ridesharing coordinator who will be responsible for coordinating with the area transit provider, conducting ridesharing campaigns within the project, publicity, transit information, etc.

Status: In compliance. The project is still within Phase 1.

31. The plan of development shall provide for the development of a child care center on the site. This requirement shall be implemented prior to Phase 2, unless the Applicant can show that adequate day care facilities in the vicinity are provided off site, or the provision of a day care center will be a hardship on the Applicant.

Status: The project is still within Phase 1.

32. The applicant shall fund the construction of left and right-turn deceleration lanes at all project entrance. These improvements shall be constructed when such project entrances are created. The applicant shall fund, on a pro-rata basis, the cost of future signalization at project entrances and internal site intersections when deemed warranted by the appropriate governmental entity. Access along Dart Boulevard, Michigan Avenue and

Osceola Boulevard shall be limited to the access standards outlined in the project ADA and later information submissions.

Status: Required operational improvements have been constructed at all entrances.

33. The following roadway improvements shall be constructed at the specified project generated ADT level phases. It is understood that these improvements may not be needed or may be insufficient based upon actual areawide development levels. Accordingly, some of these improvements may be delayed or eliminated or alternative improvements may be constructed, so long as adequate levels of service are maintained on significantly impacted facilities. Prior to the time-frame required, the Applicant or successors may demonstrate that the improvement is not necessary as listed within this condition; however, the burden of proof rests with the applicant and the final decision rests with Osceola County and the Department of Transportation on state facilities.

Phase 1

1. Osceola Boulevard from Dart Boulevard to Michigan Avenue; 4 lanes prior to phase 1b. *
2. Michigan Avenue from Dart Boulevard to Carroll Street; 4 lanes prior to phase 1b.
3. Dart Boulevard from Buenaventura Boulevard to Florida Parkway; 4 lanes prior to phase 1b.
4. Dart Boulevard and Florida's Turnpike; new interchange prior to phase 1b.

Phase 2

1. Michigan Avenue from Dart Boulevard to Carroll Street; 6 lanes prior to phase 2a.
2. Michigan Avenue from Carroll Street to Donegan Avenue; 6 lanes prior to phase 2a.
3. Michigan Avenue from Donegan Avenue to US 192; 6 lanes prior to phase 2b.
4. Dart Boulevard from Buenaventura Boulevard to Florida's Turnpike and from Osceola Boulevard to US 441; 6 lanes prior to phase 2b.
5. Dart Boulevard from Florida's Turnpike to Osceola Boulevard; 8 lane capacity improvement prior to phase 2b.

* Alternate interchange design may negate this improvement.

Status: The project is in compliance with all required transportation improvements.

34. All hotels on site shall operate or have access to transit shuttles which will service the Orlando International Airport and local attractions.

Status: There are no hotels on site.

- ~~35. Parcel 1 of the Master Development Plan (Map H) shall be subject to a 50' building setback from the future north right-of-way line of Dart Boulevard (proposed 160' total roadway right-of-way).~~

Status: This condition was deleted with the 1999 2nd Amendment to the DRI DO.

36. The Florida Department of Transportation has initiated plans to construct an interchange at the intersection of Dart Boulevard and Florida's Turnpike. The precise land area required for the interchange shall be designated by FDOT within 45 days of the applicant's signing of the development order, but shall in no event exceed 10.9 acres (6.8 acres in the northwest quadrant and 4.1 acres in the southwest quadrant). The applicant agrees

to refrain from construction activity within the potential interchange area for a period of one (1) year commencing on the date of applicant signing of the development order. With regard to anything contained herein to the contrary notwithstanding, this provision shall not be construed by any third party to diminish the value of the lands covered.

Status: The project met this condition.

37. As it relates to the project' primary traffic impact area, the applicant shall pay a fair share cost to the Florida Department of Transportation for impacts to State maintained facilities consistent with the provisions of ECFRPC Rule 28F-3.11(3)(g), 380.06 (15)(e)(1), Florida Administrative Code. Said impacts and fees may be resolved through development order condition #28, contained herein.

Status: In compliance; see Condition #28.

38. Development is approved to occur in conformance with the following commitments and plan characteristics made by the applicant:

Stormwater Management

- The wet season water levels in the preserved wetlands will be controlled at natural pre-development levels (SFWMD conceptual application, p. 4-2)
- The use of wet detention ponds represents the primary means of stormwater treatment on the project site (ADA P. 22-12)

Floodplains

- Sufficient compensatory storage volume will be provided in the stormwater detention pond system such that project construction will not result in a net loss of basin storage volume for the 100 year/24 hour storm event (ADA, p. 22-5)

Wastewater Management

- The land uses proposed for the project are not anticipated to produce any pollutants that would vary from normal domestic wastewater (ADA, p. 21-1)
- On site wastewater treatment is not planned (ADA, p. 21-1)
- No septic tanks are planned for the project (ADA, p. 21-3)
- If hazardous waste producing tenants locate on-site, the applicant will require that all necessary precautions are taken to comply with CRPP regional issue 50 and all local, state, and federal requirements regarding the disposal of hazardous wastes (First Sufficiency Response, p. 29)

Water Supply

- Irrigation of road right-of-way and open space areas will be met using non-potable water. The xeriscape concept will be used in the landscaping (ADA, p. 23-1)
- If any water wells are observed on the site, they will be capped and abandoned (ADA, p. 23-3)
- The applicant will use treated wastewater effluent for irrigation when such a water source is made available to the site (First Sufficiency Response, p. 25)

Solid Waste

- On site disposal will not occur (ADA, p. 24-3)

Fire Protection

- Property sized pipes and pumping systems will be utilized to ensure adequate water flow and pressure are available for fire protection. An engineering analysis of all pipe sizes and hydraulic properties of the proposed system will be conducted to assure that all requirements are met. Fire protection systems for the project will be provided in accordance with the latest recommendations of the National Fire Protection Association, in conformance with the standard building code and standard plumbing code and the

requirements of utility and governmental agencies exercising jurisdiction over work at the project (ADA, p. 23-5)

Environment

- Average 50 foot, minimum 25 foot upland buffers are proposed along the upland limits of wetland #1 (north cypress swamp) and #2 (march fringe of northern swamp) combined and wetland #6 (Mill Slough). Wetland #4 (cypress dome next to Turnpike) is proposed to be utilized for stormwater detention and only a minimum 15' upland buffer is proposed (1st response – Dec. 7, 1990, page 9)
- All of wetlands #1, #2, and #4, all of wetland #5 (adjacent to Turnpike and south of Dart Blvd.), and most of wetland #6 will be preserved in their existing state or enhanced to improve their wetland function (ADA, page 16-6).

Status: In compliance.

39. The applicant agrees to work with the City to develop guidelines to be incorporated in the new City Development Regulations which will be mutually beneficial to both the Applicant and the City.

Status: In compliance.

40. Development shall occur in accordance with the City of Kissimmee Subdivision Regulations.

Status: In compliance.

41. ~~Period of Effectiveness~~

~~The development order shall take effect after execution by the Mayor and the City Commission of the City of Kissimmee and the appeal period provided in Florida Statutes Section 380.7, Florida Statutes. The development order shall remain in effect for a period of 15 years, with the exception that if development equal to five percent of Phase 1 of the project has not been constructed within five years of issuance of the development order, then the development order shall expire unless extended by the City. The effectiveness of this development order may be extended upon a showing by the Developer that the completed portions and remaining portions of the development comply with the conditions of this development order and the provisions of Chapter 380.06, Florida Statutes.~~

Status: This condition was revised with the 1996 1st Amendment to the DRI DO.

42. Annual Report Requirements

The Developer, its successors or assigns, will submit an annual report on or before the anniversary date of this order of each calendar year during the buildout of the development plan. Said annual report will be submitted to the City of Kissimmee, the East Central Florida Regional Planning Council, the Florida Department of Community Affairs, the Florida Department of Environmental Regulation, the Florida Department of Transportation, the South Florida Water Management District and any other affected permit agencies. The report shall include the information required under the conditions of approval and the information enumerated below and in the format specified in Form #BLWM-07-85 of the Florida Department of Community Affairs. The report to the City of Kissimmee shall also include a statement that all persons/agencies listed above have been sent copies of the Annual Report. In accordance with Chapter 380.06(18), Florida Statutes, failure to timely file an Annual Report may result in the temporary suspension of this Development Order. The report shall address the following:

- (a) Changes in the plan of development or in the representations contained in the ADA, or in the phasing for the reporting year and for the next year;
- (b) A summary comparison of development activity proposed and actually conducted for the year;
- (c) Undeveloped tracts of land other than individual single-family lots, that have been sold to a separate entity or developer;
- (d) Identification and intended use of lands purchased, leased or optioned by the Development adjacent to the Development site indicated in the Application for Development Order, since this Development Order was issued;
- (e) An assessment of the Development's and local government's compliance with conditions of approval contained in this Development Order and the commitments which are contained in the Application for Development Approval and which have been identified by local government, the Regional Planning Council or the Department of Community Affairs as being significant.
- (f) Any known incremental development of regional impact ("DRI") applications for development approval or requests for a substantial deviation determination that were filed during the reporting year, or to be filed during the next year, relating to the development;
 - 1) An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;
 - 2) A list of significant local, state, and federal permits which have been obtained or which are pending by agency.
- (g) A statement that all person/entities have been sent copies of the Annual Report in conformance with subsections 380.06(15) (f) and (18), Florida Statutes;
- (i) The final annual report shall include a statement indicating that all development authorized by the Development Order has been completed and all conditions of approval have been satisfied.

Status: This Annual Report is submitted as part of the application for rescission of the DRI Development Order. The last known Annual Report was submitted for the Reporting Period 2007-2008.

43. Monitoring Mechanism

Compliance with the terms and conditions of this Development Order shall be monitored through the provisions of the established review and approval process for development pursuant to City of Kissimmee Monitoring Procedures. The Administrative Official, as set forth in the City of Kissimmee's Land Development Regulations, shall be the official responsible for monitoring compliance by the developer with this Development Order.

Status: Acknowledged.

44. ~~Restrictions on Down Zoning~~

~~This Development of Regional Impact will not be subject to down zoning, unit density reduction or intensity reduction for a period of five years from the effective date of this Development Order unless it is demonstrated that substantial changes in the conditions underlying the approval of this Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by the City of Kissimmee to be essential to the public health, safety or welfare.~~

Status: This condition was revised with the 1996 1st Amendment to the DRI DO.

45. Modifications to the Development Order

The Developer shall submit, simultaneously, to the City of Kissimmee, the East Central Florida Regional Planning Council and the Florida Department of Community Affairs (DA) any requests for approval of a proposed change to this Development Order. This submission shall be in a format established by the DCA and shall include as a minimum the precise language which is proposed for deletion or addition to the development order and a statement summarizing all previous changes that have been made to the development order.

Status: Acknowledged.

1st Amendment to Gateway Commons Development of Regional Impact Development Order - 1996

Section I. Findings of Fact:

1. The Developer's authorized agent is Joseph G. Kern, Esquire, Lowndes, Drosdick, Doster, Kantor & Reed, P.A. 215 North Eola Drive, Orlando, FL 32801.

Section III. Development Order:

- ~~2. The project shall consist of a total of 1,050 hotel rooms, 532,000 square feet of retail development, and 600,000 square feet of business park on 208.2 acres. Phase 1 of the project shall consist of 532,000 square feet with a phase buildout of December 30, 2000. Phase 2 shall consist of 1,050 hotel rooms and 600,000 square feet of business park with a phase/project buildout of December 30, 2005. The amended conceptual development program is attached hereto as Exhibit "B".~~

Status: This information was revised with the 1999 2nd Amendment to the DRI DO.

- ~~3. If five percent of Phase 1 of the project (26,600 square feet of commercial space of any combination which equals five percent of development) is not constructed by August 5, 2001, then the Development Order shall expire.~~

Status: This information was revised with the 1999 2nd Amendment to the DRI DO.

41. This Development Order shall take effect after execution by the Mayor and the City Commission of the City of Kissimmee and the appeal period provided in Section 380.07, Florida Statutes. The Development Order shall remain in effect until August 5, 2012, with the exception that if development equal to five percent of Phase I of the project has not been constructed by August 5, 2001, then the development order shall expire unless extended by the City. The effectiveness of this development order may be extended upon a showing by the Developer that the completed portions and remaining portions of this development order comply with the conditions of this development order and the provisions of Chapter 380.06, Florida Statutes.

Status: In compliance.

44. Restrictions on Down Zoning This Development of Regional Impact will not be subject to down zoning, unit intensity reduction or intensity reduction until August 5, 2001 unless it is demonstrated that substantial changes in the conditions underlying the approval of this Development Order have occurred, or that this Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by the City of Kissimmee to be essential to the public health, safety and welfare.

Status: In compliance.

2nd Amendment to Gateway Commons Development of Regional Impact Development Order - 1999

1. The legal description to the Project attached to the Development Order as Exhibit "1" is hereby deleted in its entirety and the legal description attached hereto as Exhibit "A" is inserted in lieu, in place and instead thereof.
2. Paragraph 4 of Section II, Conclusions of Law, of the Development Order is hereby deleted in its entirety and the following new Paragraph 4 of Section II, is hereby inserted in lieu, in place and instead therefore to wit:

"This Development Order constitutes final approval of use of the Property for a total of 700 hotel rooms, 695,000 square feet of commercial development and 265,000 square feet of business park on 195.7 acres, as more particularly detained in the Findings of Fact above and as described in the ADA/DRI and incorporated by the reference, and subsequently amended by sufficiency responses, and the NOPC filed with the City and as may be amended by the terms and conditions of this Development Order."

3. Paragraphs 2 and 3 of Section III, of the Development Order are hereby deleted in their entirety and the following Paragraphs 2 and 3 are hereby inserted in lieu, in place and instead thereof, to-wit:

"2. The project shall consist of a total of 700 hotel rooms, 695,000 square feet of commercial development and 265,000 square feet of business park on 195.7 acres. Phase 1 of the project shall consist of 585,000 square feet of commercial and 15,000 square feet of business park and 300 hotel rooms with a phase buildout of December 30, 2000. Phase 2 shall consist of 110,000 square feet of commercial, 400 hotel rooms and 250,000 square feet of business park with a phase/project buildout of December 30, 2005.

3. If five percent of Phase 1 of the project (34,750 square feet of commercial space or any combination which equals five percent of development) is not constructed by August 5, 2001 then the Development Order shall expire."

Status: In compliance.

4. Paragraph 8 of the Development Order shall be amended by adding the following sentence at the end of said paragraph:

"Off-site mitigation shall be included as an acceptable method of mitigating on-site losses of viable wetlands, subject to meeting all applicable governmental rules and regulations."

Status: In compliance.

5. Paragraph 25 of Section III of the Development Order is hereby deleted in its entirety and the following Paragraph 25 is hereby inserted in lieu, in place and instead thereof, to wit:

"25. For the purpose of the transportation conditions, the Gateway Commons DRI project shall be divided into the following phases based upon anticipated daily

Poulos & Bennett, LLC • 2602 E. Livingston Street • Orlando, Florida 32803 • (407) 487-2594 • www.poulosandbennett.com

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Status document.docx

external trip generation. These daily external trip volumes are based upon development level equivalents as calculated from Trip Generation, 6th Edition published by the Institute of Transportation Engineers. Monitoring is required when the external trip generation volume for each phase is met.

Phase	Per Phase	Cumulative
1	28,774	28,774
2	12,807	41,581

* Note: No certificate of occupancy shall be issued for any development of the project unless (i) construction has commenced on the widening of Michigan Avenue to four (4) lanes between Osceola Parkway and Carroll Street or (ii) the agreement referenced in the last paragraph or Condition #28 of Section III is fully executed.

Status: In compliance.

6. Paragraph 26 of Section III, is hereby deleted in its entirety, and the following Paragraph 26 is hereby inserted, in lieu, in place and instead thereof, to wit:

"26. Prior to the initiation of Phase 2, a monitoring and modeling program shall be performed to ascertain the LOS on facilities where the Gateway Commons project is estimated to contribute an amount of traffic greater than or equal to ten percent of the roadway's LOS "C" service volume. The methodology of the monitoring modeling program shall be agreed upon by the East Central Florida Regional Planning Council, Osceola County, Orange County, the City of Kissimmee, the Florida Department of Transportation, the Department of Community Affairs and the applicant. A list of facilities (*) may include but shall not be limited to the following:

Roadway and Roadway Links

US 441
US 192 to Donegan Avenue
Donegan Avenue to Carroll Street
Carroll Street to Osceola Parkway

John Young Parkway

Osceola Parkway to Hunter's Creek Boulevard
Buenaventura Boulevard
Boggy Creek Road to Florida Parkway
Florida Parkway to the SR 417

Florida Parkway

Buenaventura Boulevard to Osceola Parkway
Florida's Turnpike
US 17/92 to Osceola Parkway to Southern Connector
Osceola Parkway to US 192

CR 527 (Old Dixie Highway)

Carroll Street to Osceola Parkway
Osceola Parkway to Town Center Boulevard
Town Center Boulevard to SR 417

Michigan Avenue

Osceola Parkway to Carroll Street
Carroll Street to Donegan Avenue
Donegan Avenue to US 192

Osceola Parkway

Boggy Creek Road to Buenaventura Boulevard
Buenaventura Boulevard to Florida Parkway
Florida Parkway to Florida's Turnpike
Florida's Turnpike to Michigan Avenue
Michigan Avenue to CR 527 north
CR 527 north to CR 527 south
CR 527 south to US 441
US 441 to Bermuda Avenue

Donegan Street

Michigan Avenue to Old Dixie Highway (CR 527)
Old Dixie Highway (CR 527) to US 441

Bill Beck Boulevard (the constructed portion)

Woodcrest to Osceola Parkway

* to include intersections of these roadways and other collector and high classified roadways which intersect these roadways and interchange ramps."

Status: The project is in Phase 1.

7. Paragraph 27 of Section III of the Development Order is hereby deleted in its entirety and inserted in lieu, in place and instead thereof is the following new Paragraph 27, to wit:

"27. The Gateway Commons project shall not commence beyond Phase 1, or beyond and equivalent 28,774 external average daily trips (ADT), into Phase 2 when service levels are below service level "D" peak hour (LOS "C" on rurally designated roadways) and the project contributes ten percent or greater to the LOS "C" service volume of the roadway or intersection as determined by the monitoring program required in the preceding condition, unless mitigation measures and/or improvements are secured and committed to occur on deficient facilities during the next phase.

Prior to the commencement of Phase 2, the applicant must also demonstrate, by means of a monitoring/modeling study which assesses current conditions and projects the impacts of the next phase of traffic, to the satisfaction of the East Central Florida Regional Planning Council, Osceola County, Orange County, the City of Kissimmee, the Florida Department of Transportation and the Department of Community Affairs that where the project contributes ten percent or greater to the LOS "C" service volume of a facility, the next applicable phase of traffic (along with cumulative project traffic) will not adversely affect service levels (below service level "D" peak hour on urban roadways and service level "C" on rural roadways) or demonstrate that the necessary improvements are committed to occur during said phase. Proof of mitigation must include identification of committed funding sources, and a reasonable guarantee of scheduling within the required time frame.

Otherwise, further building permits shall not be issued by the jurisdictional government.”

Status: The project is in Phase 1.

8. Paragraph 28 of Section III of the Development Order is hereby modified by adding the following paragraph at the end of the existing Paragraph 28 to wit:

In addition to the agreement set forth hereinabove, the applicant shall use his best efforts to enter into an agreement with the City of Kissimmee and Osceola County, said agreement to be entered into within three months of the issuance of this Development Order for this project. Said agreement shall address the funding mechanisms (to include transportation impact fee credits), for improvements to widen Michigan Avenue to a four lane urban section from Carroll Street to Osceola Parkway. Said agreement shall also address the construction of Bill Beck Blvd. from Osceola Parkway to Woodcrest in a two lane rural configuration.

Status: A Joint Facilitation of Public Infrastructure Agreement was executed in 2001, and subsequently amended in 2002.

9. Paragraph 33 of Section III of the Development Order is hereby deleted in tis entirely in lieu, in place and instead thereof is hereby substituted the following Paragraph 33, to wit:

“33. The following roadway improvements shall be constructed at the specified project generated ADT levels or phases. It is understood that these improvements may not be needed or may be insufficient based upon the actual area wide development levels. Accordingly, some of these improvements may be delayed or eliminated or alternative improvements may be constructed, so long as adequate levels of service are maintained on significantly impacted facilities. Prior to the time-frame or intensity of development which requires construction of the improvements, the Applicant or successors may demonstrate that the improvement is not necessary as listed within this condition; however, the burden of proof rests with the applicant and the final decision rest with Osceola County and the Department of Transportation on state facilities.

Phase 1

Michigan Avenue from Osceola Parkway to Carroll Street; this shall be completed as a 4 lane urban roadway section prior development which results in an anticipated external trip generation exceeding 15,300 ADT. No building permits shall be issued for development which results in an anticipated net new external trip generation exceeding 10,000 ADT until contracts have been let for the commencement of the construction of Michigan Avenue as a four lane urban section from Carroll Street to Osceola Parkway. Certificates of occupancy for use anticipated to generate greater than 15,300 ADT shall not be issued until the substantial completion of Michigan Avenue as provided herein. For the purposed of this development order condition, “substantial completion of Michigan Avenue” shall mean the opening up for traffic of Michigan Avenue as a four lane urban section from Osceola Parkway to Carroll Street.

Phase 2

1. Bill Beck Boulevard for Osceola Parkway to Woodcrest; 2 lanes with right-of-way reserved for 4 lanes, two lanes prior to Phase 2.

2. Osceola Parkway from Buenaventura Boulevard to Florida's Turnpike and from Bill Beck Boulevard to US 441; 6 lanes prior to Phase 2.
3. Osceola Parkway from Florida's Turnpike to Bill Beck Boulevard; 8 lane capacity improvement prior to Phase 2.
4. Michigan Avenue from Carroll Street to US 192, 6 lanes prior to Phase 2.

It is acknowledged that the City of Kissimmee's Comprehensive Plan is in compliance with Chapter 163, Part II, F.S., and the plan includes a transportation concurrency management system that recognizes improvements scheduled within the first three years of the capital improvements schedule (pursuant to Rule 9J-5.0055(2)(c), FAC). Therefore, those scheduled improvements and those improvements identified as scheduled for construction within the first three years of the current Florida Department of Transportation improvement program may be counted as committed for the purposes of this Development Order. Committed improvements may also include (i) a binding financially secured and irrevocable commitment by the Developer or other applicable persons or entities for the design engineering and actual construction of the necessary improvements (with the posting of cash bond, surety bond, irrevocable letter of credit or other security in a form satisfactory to the City of Kissimmee (or the applicable government of jurisdiction)), which requires construction to occur during the applicable phase and must be in accordance with the requirements of the City of Kissimmee (or the applicable government of jurisdiction) Comprehensive Plan, or (ii) any alternative agreed upon by the City of Kissimmee (and any other applicable government jurisdiction), the ECFRPC, the DCA and the Developer and incorporated into the Development Order by amendment.

Status: In compliance.

10. The Gateway Commons Master Development Plan (Map H) of the Project dated April 12, 1999, attached hereto as Exhibit "B" is hereby incorporated into the Development Order.

Status: In compliance.

11. The Gateway Commons Conceptual Development Program for the Project attached to the Development Order is hereby deleted in its entirety and lieu, in place and instead thereof is substituted the Conceptual Development Program as shown on the Master Development Plan (Map H) attached hereto as Exhibit "B".

Status: In compliance.

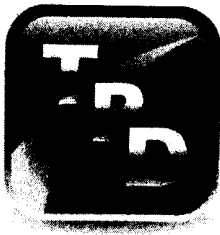
12. Paragraph 35, of Section III of the Development Order is hereby deleted in its entirety.

Status: Acknowledged.

13. With the exception of the forgoing modifications, all other conditions of the Development Order shall remain in full force and effect and shall be binding upon the Developer's heirs, assigns, transferees, devisees and successors in interest, by whatever means, and shall run with, burden and be a servitude upon the Project.

Status: Acknowledged.

ATTACHMENT B
TRAFFIC ANALYSIS



Gateway Commons DRI Trip Generation Counts and Analysis

As per the "Proposed Transportation Methodology" outline by Kimley-Horn, copy attached, daily trip generation counts were made at the four entrances serving Gateway Commons. **Figure 1** depicts the existing Gateway Commons development and site entrances. The counts were made with the use of mechanical traffic counters which recorded entering and exiting traffic by 15-minute intervals. The counts were made on two weekdays, October 25 (Wednesday) and October 26 (Thursday) 2017. From these counts which are appended to this document, the daily and PM peak hour counts of entering and exiting traffic were determined as summarized in **Table 1**. The two weekday counts resulted the following average daily and PM peak hour trip generation for Gateway Commons:

- Daily Generation37,071 vph
- PM Peak Hour Generation2,664 vph

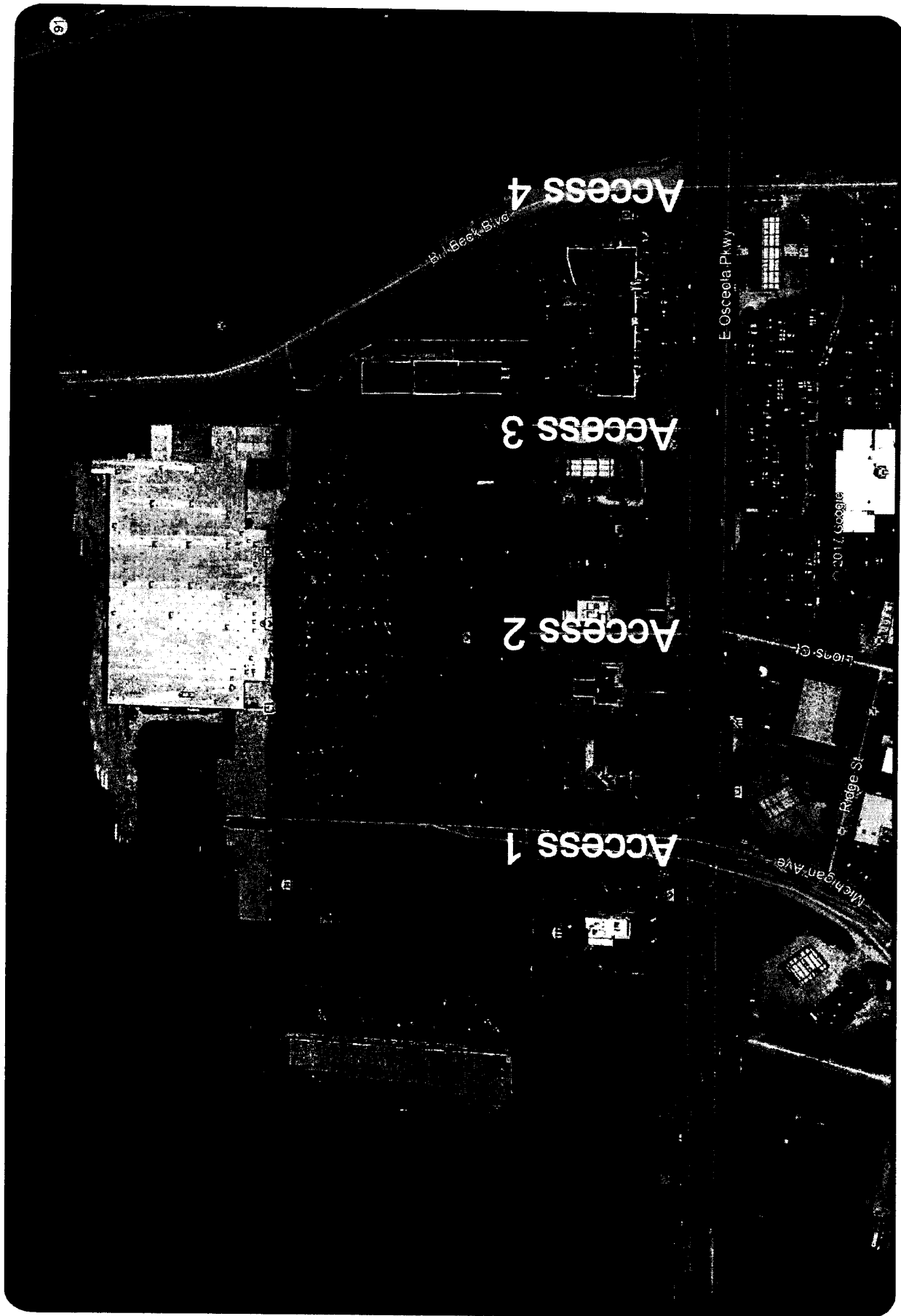
As per ITE, 34% of the generated trips are pass-by trips attracted from the existing traffic stream on Osceola parkway. This very same percentage is used by the City in its Mobility Fee Calculator in the assessment of impact fees. Kimley-Horn proposed the use of the ITE equation, $\ln(T) = (-) 0.29 \ln(x) + 5$ in determining the pass by trip capture from the 2nd Edition of the ITE Trip Generation Handbook (June 2004). Due to the low coefficient of determination ($R^2 = 0.37$), the 3rd Edition of the ITE Trip Generation Handbook no longer includes this equation.

Applying a pass-by trip capture of 34% results in 24,467 new net daily trips generated by the existing Gateway Commons development. The Phase 1 of the Gateway Commons DRI has a new net trip threshold of 28,774 vehicles. This volume threshold is greater than the actual trips of 24,467 vehicles measured in the field at the site entrances. Since the actual trips are less than 28,774, all required mitigation has been completed for Phase 1 of the DRI.

**TPD# 4886
November 13, 2017**

Traffic Planning and Design, Inc.

535 Versailles Drive, Maitland, Florida 32751 ■ Phone (407) 628-9955 ■ Fax (407) 628-8850 ■ www.tpdtraffic.com



Gateway Commons
Project No 4886

Figure 1



Existing Gateway Commons & Site Entrances

Table 1
Gateways Commons Traffic Counts Summary

Address Location			October 25, 2017		October 26, 2017		Two-Day Average	
			ADT	P.M.	ADT	P.M.	ADT	P.M.
1	McDonald's	Enter	10,006	696	9,959	762	9,983	729
		Exit	11,777	879	11,854	863	11,816	871
2	Chase Bank	Enter	1,890	150	1,881	181	1,886	166
		Exit	1,702	128	1,945	155	1,824	142
3	Panera	Enter	3,523	210	3,884	217	3,704	214
		Exit	2,571	154	2,672	170	2,622	162
4	Plaza Entrance	Enter	2,729	207	2,910	223	2,824	215
		Exit	2,432	175	2,391	154	2,412	165
	Driveways	Enter	18,157	1,263	18,634	1,383	18,397	1,324
		Exit	18,482	1,336	18,862	1,342	18,674	1,340
	Total	-----	36,639	2,599	37,496	2,725	37,071	2,664

Kimley»Horn

October 4, 2017

Mr. Bob Wright
Project Coordinator
Development Services Department
City of Kissimmee
101 Church Street
Kissimmee, Florida 34741

RE: Gateway DRI – Proposed Transportation Methodology

Dear Mr. Wright:

This proposed methodology outline was developed in response to the 9/25/17 meeting on the DRI.

DRI Status:

- Based on the original DRI Regional Report prepared by the ECFRPC (1991), Phase 1 was to be complete by 1995 and Phase 2 by 2000.
- The 1st amendment changed the Phase 1 buildout date to 2000, the Phase 2 buildout date to 2005, and the development order expiration date to August 5, 2011.
- The 2nd amendment changed the Phase 1 mitigation requirements to only include Michigan Avenue, from Osceola Parkway to Carroll Street as a 4-lane roadway.
- The Joint Facilitation of Public Infrastructure for Michigan Avenue and Bill Beck Boulevard from 2001 was an agreement for the developer to construct improvements to Michigan Avenue (as a 5-lane roadway) in exchange for impact fee credits. The developer agreed to provide additional right-of-way for the Bill Beck Boulevard extension, and the City agreed to donate a short portion of Bill Beck Boulevard (from Woodcrest Boulevard to the southern property line of Gateway DRI). The County agreed to construct Bill Beck Boulevard from Woodcrest Boulevard to Osceola Parkway.

Traffic Analysis and Process:

- Count daily trips accessing the DRI, summarizing by daily and peak-hour. Provide raw count data in the appendix with information summarized for hourly and 15-minute intervals.
- Apply ITE pass-by percentage based on the equation: $\text{Ln}(T) = -0.29 \text{Ln}(X) + 5$. Assuming that 407,609 square feet of retail has been built, this results in a pass-by percentage of 26%.
- Calculate daily trip generation (not including pass-by trips).
- Compare to Phase 1 trip threshold of 28,774.
- If actual trips are less than 28,774, all required mitigation has been completed.
- If actual trips are more than 28,774, document the history of payments (by year) of impact fees and other payments, including the recipient of the payments. The City will review this information to determine if this provides sufficient mitigation or if additional steps need to be taken.

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kimley-horn.com

3600 Maguire Blvd. Suite 200, Orlando, FL 32803

407-898-1511

Appendix
Raw Traffic Count Data

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025005.PRN
 Station : 000000000001
 Identification : 000000000001
 Start date : Oct 25, 17
 Stop date : Oct 26, 17
 City/Town :
 Location : 4 MCDONALDS ENTRANCE IN
 Interval : 15 minutes
 Start time : 00:00
 Stop time : 24:00
 County :

Oct 25 Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	31	10	13	8	12	14	56	79	99	153	163	170
30	20	3	10	7	8	20	42	77	119	169	168	170
45	16	11	9	10	12	25	48	68	141	145	186	188
00	13	13	14	8	8	40	80	90	148	158	154	217

Hr Total	80	37	46	33	40	99	226	314	507	625	671	745
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End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	214	186	158	222	171	162	118	179	141	86	58	37
30	185	198	192	181	178	186	135	147	98	111	61	38
45	232	155	153	189	173	173	176	132	97	62	30	44
00	196	180	152	208	174	132	133	120	96	69	33	32

Hr Total	827	719	655	800	696	653	562	578	432	328	182	151
----------	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----

24 Hour Total : 10006

AM peak hour begins : 11:30 AM peak volume : 804 Peak hour factor : 0.87

PM peak hour begins : 12:00 PM peak volume : 827 Peak hour factor : 0.89

Oct 26 Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	37	18	8	10	14	19	39	82	97	133	126	149
30	13	14	6	7	6	17	35	57	100	175	140	188
45	22	8	7	2	7	26	52	80	119	133	139	179
00	18	12	10	16	19	35	82	76	125	162	180	191

Hr Total	90	52	31	35	46	97	208	295	441	603	585	707
----------	----	----	----	----	----	----	-----	-----	-----	-----	-----	-----

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	202	193	178	169	229	186	150	135	134	72	60	39
30	175	232	201	164	186	164	155	152	102	81	34	44
45	189	198	149	172	175	171	174	132	127	91	60	39
00	221	185	195	122	172	187	183	128	92	89	39	42

Hr Total	787	808	723	627	762	708	662	547	455	333	193	164
----------	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----

24 Hour Total : 9959

AM peak hour begins : 11:15 AM peak volume : 760 Peak hour factor : 0.94

PM peak hour begins : 12:45 PM peak volume : 844 Peak hour factor : 0.91

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025006.PRN
 Station : 000000000005
 Identification : 000000000005
 Start date : Oct 25, 17
 Stop date : Oct 26, 17
 City/Town :
 Location : 4 MCDONALDS ENTRANCE OUT
 Interval : 15 minutes
 Start time : 00:00
 Stop time : 24:00
 County :

Oct 25 Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	60	24	22	18	10	6	30	93	65	118	141	177
30	31	13	18	14	10	18	31	112	107	141	155	220
45	38	9	8	12	11	20	41	84	127	157	221	189
00	23	9	12	8	14	25	48	83	124	132	209	237
Hr Total	152	55	60	52	45	69	150	372	423	548	726	823
End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	196	225	207	194	232	199	194	191	161	134	81	81
30	248	226	230	201	220	213	186	194	168	108	95	45
45	238	234	187	236	205	200	189	203	159	130	74	49
00	224	239	201	210	222	178	186	185	127	108	52	37
Hr Total	906	924	825	841	879	790	755	773	615	480	302	212

24 Hour Total : 11777

AM peak hour begins : 11:30 AM peak volume : 870 Peak hour factor : 0.88

PM peak hour begins : 12:15 PM peak volume : 935 Peak hour factor : 0.94

Oct 26 Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	25	26	17	12	10	21	19	81	74	145	145	188
30	33	24	11	9	10	11	39	114	109	130	169	184
45	26	10	7	6	4	14	52	76	110	118	169	190
00	23	14	5	11	13	22	49	83	117	134	166	194
Hr Total	107	74	40	38	37	68	159	354	410	527	649	756
End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	205	224	216	214	184	201	208	175	189	132	157	84
30	251	217	257	213	239	206	192	190	145	114	268	78
45	189	225	230	221	222	198	214	191	169	116	99	47
00	197	224	221	195	218	191	184	154	152	102	81	36
Hr Total	842	890	924	843	863	796	798	710	655	464	605	245

24 Hour Total : 11854

AM peak hour begins : 11:30 AM peak volume : 840 Peak hour factor : 0.84

PM peak hour begins : 13:45 PM peak volume : 927 Peak hour factor : 0.90

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025004.PRN
Station : 000000000001
Identification : 000000000001
Start date : Oct 25, 17
Stop date : Oct 26, 17
City/Town :
Location : 3 CHACE BANK ENTRANCE IN

Interval : 15 minutes
Start time : 00:00
Stop time : 24:00
County :

Oct 25

Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	11	0	6	4	6	3	7	19	16	29	27	27
30	5	0	0	4	2	4	12	12	27	36	54	28
45	6	0	2	2	4	8	3	11	21	39	29	41
00	5	0	3	2	10	3	17	13	33	47	24	53
Hr Total	27	0	11	12	22	18	39	55	97	151	134	149

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	39	26	32	30	36	30	37	34	24	24	10	4
30	35	30	30	47	48	36	37	19	29	10	12	3
45	18	31	25	47	32	29	36	29	23	11	6	3
00	25	31	22	26	34	34	10	20	12	5	0	4
Hr Total	117	118	109	150	150	129	120	102	88	50	28	14

24 Hour Total : 1890

AM peak hour begins : 11:30

AM peak volume : 168

Peak hour factor : 0.79

PM peak hour begins : 15:30

PM peak volume : 157

Peak hour factor : 0.82

Oct 26

Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	4	0	3	4	0	2	5	14	23	31	30	31
30	0	0	2	0	0	4	13	15	23	34	28	29
45	4	4	2	3	0	5	12	29	26	45	46	35
00	12	0	0	3	2	4	11	17	42	27	55	29
Hr Total	20	4	7	10	2	15	41	75	114	137	159	124

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	27	35	25	24	41	26	35	29	23	10	5	4
30	25	27	15	34	61	38	33	39	17	12	4	9
45	27	29	29	19	38	17	29	15	30	21	11	5
00	28	30	26	32	41	33	21	32	16	24	18	4
Hr Total	107	121	95	109	181	114	118	115	86	67	38	22

24 Hour Total : 1881

AM peak hour begins : 10:30

AM peak volume : 161

Peak hour factor : 0.73

PM peak hour begins : 16:00

PM peak volume : 181

Peak hour factor : 0.74

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025001.PRN
 Station : 000000000005
 Identification : 000000000005
 Start date : Oct 25, 17
 Stop date : Oct 26, 17
 City/Town :
 Location : 3 CHACE BANK ENTRANCE OUT
 Interval : 15 minutes
 Start time : 00:00
 Stop time : 24:00
 County :

Oct 25 Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	0	3	0	0	3	0	6	8	14	4	37	34
30	0	3	0	5	0	0	8	3	20	33	39	34
45	4	0	0	3	0	9	9	13	11	20	28	44
00	6	3	0	0	6	3	8	11	15	34	17	51
Hr Total	10	9	0	8	9	12	31	35	60	91	121	163

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	23	67	27	23	28	21	15	15	22	11	10	12
30	34	27	32	32	43	55	14	13	19	13	6	0
45	35	50	20	43	27	18	32	36	10	12	5	5
00	117	29	16	17	27	34	16	9	21	0	2	10
Hr Total	209	173	95	115	125	128	77	73	72	36	23	27

24 Hour Total : 1702

AM peak hour begins : 11:00 AM peak volume : 163 Peak hour factor : 0.80

PM peak hour begins : 12:45 PM peak volume : 261 Peak hour factor : 0.56

Oct 26 Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	3	6	3	0	0	2	3	3	1	25	23	22
30	4	2	3	2	0	4	9	1	9	32	11	44
45	6	0	0	0	3	0	6	21	14	32	16	27
00	3	6	0	1	0	0	0	3	26	20	32	45
Hr Total	16	14	6	3	3	6	18	28	50	109	82	138

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	33	29	54	33	25	31	46	19	26	19	20	7
30	47	38	28	43	41	24	12	17	15	17	163	6
45	32	68	39	39	54	26	27	19	25	15	30	5
00	35	34	25	35	35	33	35	26	8	13	5	16
Hr Total	147	169	146	150	155	114	120	81	74	64	218	34

24 Hour Total : 1945

AM peak hour begins : 11:30 AM peak volume : 152 Peak hour factor : 0.81

PM peak hour begins : 21:45 PM peak volume : 226 Peak hour factor : 0.35

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025002.PRN
 Station : 000000000001
 Identification : 000000000001
 Start date : Oct 25, 17
 Stop date : Oct 26, 17
 City/Town :
 Location : 2 PANERA ENTRANCE IN
 Interval : 15 minutes
 Start time : 00:00
 Stop time : 24:00
 County :

Oct 25 Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	10	1	3	0	2	4	18	50	55	48	80	77
30	6	3	0	9	3	6	21	38	56	80	44	82
45	4	7	2	2	7	7	18	53	33	47	68	69
00	4	1	4	0	2	7	33	40	52	86	60	63

Hr Total	24	12	9	11	14	24	90	181	196	261	252	291
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End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	72	44	64	55	57	70	49	64	25	21	17	9
30	78	46	47	80	46	55	65	47	39	29	7	7
45	67	60	53	77	63	34	56	62	46	29	23	9
00	51	90	49	39	44	47	47	54	31	12	11	11

Hr Total	268	240	213	251	210	206	217	227	141	91	58	36
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24 Hour Total : 3523

AM peak hour begins : 09:15 AM peak volume : 293 Peak hour factor : 0.85

PM peak hour begins : 12:00 PM peak volume : 268 Peak hour factor : 0.86

Oct 26 Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	0	4	3	0	0	6	12	49	45	48	57	43
30	7	1	2	3	5	4	42	25	54	62	55	71
45	1	4	2	0	2	5	30	28	54	45	60	82
00	4	2	2	5	3	10	43	64	68	68	52	60

Hr Total	12	11	9	8	10	25	127	166	221	223	224	256
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End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	64	42	64	52	27	61	52	78	46	31	121	9
30	64	66	58	48	43	44	41	55	37	27	323	13
45	93	62	59	49	61	52	64	59	25	36	27	6
00	90	72	49	64	43	60	53	45	22	17	12	6

Hr Total	311	242	230	213	174	217	210	237	130	111	483	34
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24 Hour Total : 3884

AM peak hour begins : 11:15 AM peak volume : 277 Peak hour factor : 0.84

PM peak hour begins : 21:30 PM peak volume : 497 Peak hour factor : 0.38

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025003.PRN
 Station : 000000000005
 Identification : 000000000005
 Start date : Oct 25, 17
 Stop date : Oct 27, 17
 City/Town :
 Location : 2 PANERA ENTRANCE OUT
 Interval : 15 minutes
 Start time : 10:15
 Stop time : 10:15
 County :

Oct 25/Oct 26 Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	5	0	5	0	0	3	11	19	45	30	45	32
30	0	3	2	4	0	2	10	18	30	36	48	49
45	0	0	0	0	0	4	15	26	24	35	52	51
00	0	3	4	2	0	1	15	31	30	34	38	49
Hr Total	5	6	11	6	0	10	51	94	129	135	183	181

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	66	57	50	23	46	36	30	28	37	26	19	16
30	36	67	75	45	43	45	49	34	36	14	3	5
45	56	78	42	42	28	35	43	39	29	14	22	10
00	91	54	52	49	37	33	32	38	30	11	8	1
Hr Total	249	256	219	159	154	149	154	139	132	65	52	32

24 Hour Total : 2571

AM peak hour begins : 11:15 AM peak volume : 215 Peak hour factor : 0.81

PM peak hour begins : 12:45 PM peak volume : 293 Peak hour factor : 0.80

Oct 26/Oct 27 Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	0	0	0	0	0	0	15	28	33	37	38	24
30	0	6	0	3	2	3	16	16	22	36	55	42
45	3	0	2	0	0	3	20	17	25	32	37	57
00	0	3	0	4	2	0	19	42	33	44	42	72
Hr Total	3	9	2	7	4	6	70	103	113	149	172	195

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	66	53	42	28	51	45	71	39	49	30	19	7
30	53	66	66	40	30	46	36	35	24	14	2	15
45	50	65	41	41	67	34	45	23	28	29	5	7
00	73	53	49	79	22	39	46	35	34	26	17	4
Hr Total	242	237	198	188	170	164	198	132	135	99	43	33

24 Hour Total : 2672

AM peak hour begins : 11:30 AM peak volume : 248 Peak hour factor : 0.86

PM peak hour begins : 12:45 PM peak volume : 257 Peak hour factor : 0.88

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025007.PRN
 Station : 000000000001
 Identification : 000000000001
 Start date : Oct 25, 17
 Stop date : Oct 26, 17
 City/Town :
 Location : 1 PLAZA ENTRANCE IN
 Interval : 15 minutes
 Start time : 00:00
 Stop time : 24:00
 County :

Oct 25

Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	5	4	6	3	4	4	12	24	30	39	45	43
30	9	4	4	1	9	2	7	17	28	34	36	38
45	3	3	1	2	4	8	14	20	19	30	35	48
00	4	6	6	5	3	9	11	36	36	53	44	60

Hr Total	21	17	17	11	20	23	44	97	113	156	160	189
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End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	62	54	52	42	53	41	47	52	29	21	15	13
30	60	40	49	48	56	43	53	46	39	26	13	9
45	43	34	39	43	47	38	46	58	27	32	16	8
00	54	50	38	52	51	55	55	37	27	35	16	6

Hr Total	219	178	178	185	207	177	201	193	122	114	60	36
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24 Hour Total : 2738

AM peak hour begins : 11:30 AM peak volume : 230 Peak hour factor : 0.93

PM peak hour begins : 12:00 PM peak volume : 219 Peak hour factor : 0.88

Oct 26

Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	7	8	1	6	3	2	7	22	18	39	54	36
30	9	8	5	3	0	7	16	12	21	44	57	54
45	5	3	2	2	3	11	10	22	56	33	58	47
00	4	0	3	10	3	12	19	22	37	50	50	52

Hr Total	25	19	11	21	9	32	52	78	132	166	219	189
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End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	37	54	40	46	51	42	42	40	32	31	32	12
30	50	50	43	43	54	42	53	36	37	26	68	14
45	47	50	53	51	49	38	48	39	30	18	36	15
00	52	58	61	48	69	53	49	34	36	22	10	16

Hr Total	186	212	197	188	223	175	192	149	135	97	146	57
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24 Hour Total : 2910

AM peak hour begins : 09:45 AM peak volume : 219 Peak hour factor : 0.94

PM peak hour begins : 16:00 PM peak volume : 223 Peak hour factor : 0.81

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025008.PRN
 Station : 000000000005
 Identification : 000000000005
 Start date : Oct 25, 17
 Stop date : Oct 26, 17
 City/Town :
 Location : 1 PLAZA ENTRANCE OUT
 Interval : 15 minutes
 Start time : 00:00
 Stop time : 24:00
 County :

Oct 25 Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	17	8	4	0	1	6	11	11	14	14	27	35
30	12	3	9	3	1	6	14	12	17	25	25	36
45	11	8	2	3	4	8	4	13	15	20	23	31
00	15	10	4	4	5	4	7	13	11	19	29	40
Hr Total	55	29	19	10	11	24	36	49	57	78	104	142
End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	49	45	48	40	49	39	54	41	46	35	25	28
30	42	47	40	39	46	37	33	43	37	37	41	18
45	39	32	29	34	41	38	29	37	48	40	31	11
00	54	38	47	38	39	37	37	44	45	38	20	13
Hr Total	184	162	164	151	175	151	153	165	176	150	117	70

24 Hour Total : 2432

AM peak hour begins : 11:30 AM peak volume : 162 Peak hour factor : 0.83

PM peak hour begins : 12:30 PM peak volume : 185 Peak hour factor : 0.86

Oct 26 Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	8	6	7	0	2	1	11	26	6	32	31	38
30	17	8	6	2	2	1	4	10	12	17	34	41
45	13	6	2	6	2	4	11	5	9	17	18	33
00	8	4	2	6	3	12	9	8	15	20	35	46
Hr Total	46	24	17	14	9	18	35	49	42	86	118	158
End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	29	43	42	38	45	40	42	37	36	28	38	26
30	46	49	53	36	37	38	44	56	51	33	32	18
45	36	45	44	41	35	39	36	32	60	19	31	10
00	40	47	38	34	23	37	39	39	39	30	26	18
Hr Total	151	184	177	149	140	154	161	164	186	110	127	72

24 Hour Total : 2391

AM peak hour begins : 11:00 AM peak volume : 158 Peak hour factor : 0.86

PM peak hour begins : 13:30 PM peak volume : 187 Peak hour factor : 0.88

ATTACHMENT C

PROPOSED FORM ORDER APPROVING RESCISSION OF GATEWAY COMMONS DRI DEVELOPMENT ORDER

THIS ORDER APPROVING RESCISSION OF GATEWAY COMMONS DRI DEVELOPMENT ORDER is issued by the City of Kissimmee, a political subdivision of the State of Florida, whose address is 101 N. Church Street, Kissimmee, FL 34741-5054.

FACTUAL BACKGROUND

Dart Road Limited Partnership, a Florida limited partnership, was the original developer of that certain real property in the City of Kissimmee, Florida (the "City"), commonly known as the Gateway Commons Development of Regional Impact (the "Gateway Commons DRI" or "DRI"), which is more particularly described in the Gateway Commons DRI Development Order (as hereinafter defined). A legal description of the DRI is included as **EXHIBIT A**.

The Gateway Commons DRI is approved for 700 hotel rooms, 695,000 square feet of commercial development and 265,000 square feet of business park on 195.7 acres. The attached **EXHIBIT B** provides a list of all development to date within the DRI.

Wendell E. Spears Revocable Trust, ("Trust"), is the landowner of the undeveloped parcels within the DRI, which are approved for 700 hotel rooms and 200,000 square feet of commercial development and 250,000 square feet of business park. The undeveloped parcels are identified on **EXHIBIT C**.

The City issued the Original Development Order for the Gateway Commons DRI on August 6, 1991, which is recorded at Official Records Book 1026, Page 2967, in the Public Records of Osceola County, Florida. The City amended the Gateway Commons Development Order on July 30, 1996, which is recorded at Official Records Book 1349, Page 1479, and, again, on September 30, 1999, which is recorded at Official Records Book 1690, Page 1594. The Original Development Order and the two amendments combined are the Gateway Commons DRI Development Order (the "DRI Development Order").

The City of Kissimmee meets the criteria of a “dense urban land area” pursuant to s.380.06(29) and is identified on the State of Florida list of qualifying communities as published by the Department of Economic Opportunity.

As a dense urban land area the City of Kissimmee is exempt from Chapter 380.06 (the DRI law) and is authorized to rescind any existing DRI approvals. Pursuant to Section 380.115(b), Florida Statutes, "If requested by the developer or landowner, the development-of-regional-impact development order shall be rescinded by the local government having jurisdiction upon a showing that all required mitigation related to the amount of development that existed on the date of rescission has been completed or will be completed under an existing permit or equivalent authorization issued by a governmental agency as defined in s. 380.031(6), provided such permit or authorization is subject to enforcement through administrative or judicial remedies."

A Request for Rescission of the Gateway Commons DRI Development Order (the "Request") dated February 8, 2018, was submitted to the City on behalf of Trust, which provided documentation that all required mitigation has been completed for 450,659 square feet of commercial development, all of which comprise the developed, and approved for development, portion of the DRI. A copy of the Request is attached hereto as **EXHIBIT D**.

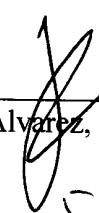
Based on the information contained in the Request, the City has verified the completion of required mitigation for the amount of development existing in the Gateway Commons DRI.

Based on the information presented herein, the City hereby rescinds the Gateway Commons DRI Development Order as identified on Exhibit A. The property is no longer considered a DRI pursuant to Chapter 380.06 and the City acknowledges that the terms "Gateway Commons Development of Regional Impact" or "Gateway Commons DRI" as used in any applicable approval, agreement, development order, document or permit shall mean and refer to the Gateway Commons PUD.

As specified in the DRI Development Order and save and except for wetlands which have received permits for removal and for which mitigation has been provided , the Gateway Commons on-site wetlands systems, other conservation tracts, and mitigation areas shall be regarded as preservation areas for the purpose of protecting their natural attributes and shall have their

developmental uses restricted by easement as provided in Section 704.06, Florida Statutes. That condition does not preclude the applicant from including these land in fulfilling open space requirements of the City of Kissimmee. This rescission order retains this provision for all of the DRI property as identified in Exhibit A, including the Trust parcels.

CITY OF KISSIMMEE, FLORIDA

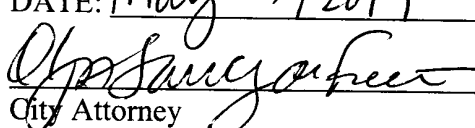
By: 
Jose Alvarez, Mayor

DATE: 5.7.2019


ATTEST:

Linda Shansel
City Clerk

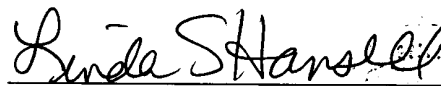
FOR THE USE AND RELIANCE OF THE CITY OF KISSIMMEE
ONLY. APPROVED AS TO FORM AND LEGAL SUFFICIENCY

DATE: May 7, 2019

City Attorney

Olga Sanchez de Fuentes
Print Name

CERTIFICATE OF SERVICE

A certified copy of this Order Approving Rescission of the Gateway Commons DRI Development Order has been sent by U.S. Mail to the Florida Department of Economic Opportunity, Division of Community Development, 107 East Madison Street, Caldwell Building, MSC 160, Tallahassee, FL 32399 and to the East Central Florida Regional Planning Council at 455 North Garland Avenue, Fourth Floor, Orlando, FL 32801 this 26th day of July, 2018.
2019


City Clerk

CERTIFICATE OF SERVICE

A certified copy of this Order Approving Rescission of the Gateway Commons DRI Development Order has been sent by U.S. Mail to the Florida Department of Economic Opportunity, Division of Community Development, 107 East Madison Street, Caldwell Building, MSC 160, Tallahassee, FL 32399 and to the East Central Florida Regional Planning Council at 455 North Garland Avenue, Fourth Floor, Orlando, FL 32801 this 26th day of

July, ~~2018~~.
2019

Linda Hansell
City Clerk

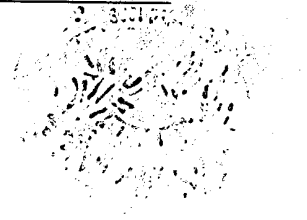


EXHIBIT A

DRI LEGAL DESCRIPTION

N 1/2 OF SEC LYING EASTERLY OF RR AND WESTERLY OF FLA TURNPIKE AND NW 1/4 OF SE 1/4 LYING WESTERLY OF FLA TURNPIKE

LESS RD R/W ORD# 1759, AND

LESS BEGINNING AT THE SOUTH LINE OF N 1/2 OF SEC W/ EASTERLY R/W OF RR, EASTERLY 995 FT, NORTHERLY 827 FT, WESTERLY TO EASTERLY R/W OF RR, SOUTHWESTERLY ALONG R/W TO POB, AND

LESS BEGINNING AT THE SW CORNER OF NW 1/4 OF SEC, SOUTH 89 DEGREES, EAST 2196.08 FT, NORTH 15 FT TO POB; N 304.07 FT, S 89 DEGREES EAST 83.29 FT TO POINT OF COMMENCEMENT, COMMENCE NORTHERLY, RAD 300 FT, CENT ANG 26 DEGREES, ALONG CURVE 137.58 FT, N 64 DEGREES E 63.20 FT TO POINT OF COMMENCEMENT, COMMENCE WESTERLY, RAD 750 FT, CENT ANG 27 DEGREES, ALONG CURVE 371.60 FT, S 23.10 FT, N 89 DEGREES W 47.46 FT, S 33 FT, N 89 DEGREES W 301.42 FT TO POB AND LESS THE FOLLOWING LYING WITHIN ABOVE DESCRIBED LEGAL:

COM AT W 1/4 CORNER 2-25-29, E 1032.60 FT, N 15 FT TO NORTHERLY R/W OF OSCEOLA PKWY & POB; N 125.88 FT, N 20 DEGREES E 117.05 FT, N 114.01 FT, E 225.83 FT, N 554.85 FT, E 91.04 FT, N 121.38 FT, W 60 FT, N 207.31 FT, W 275.54 FT, N 68.55 FT, W 237.26 FT TO POINT OF COMMENCEMENT, COMMENCE SOUTHEASTERLY, RAD 242.50 FT, (RADIUS BEARS S 0 DEGREES W), CENT ANG 49 DEGREES, SOUTHWESTERLY ALONG CURVE 209.23 FT, N 77 DEGREES W 47.88 FT TO PT ON ELY R/W CSX RAILROAD, N 12 DEGREES E 155.33 FT, N 55 DEGREES E 327.47 FT, N 71 DEGREES E 1092.94 FT, N 34 DEGREES E 151.69 FT, S 55 DEGREES E 93.97 FT, S 01 DEGREES W 389.91 FT, S 88 DEGREES E 123.99 FT TO PT OF CUSP, NON-TAN CURVE, COMMENCE SOUTHEASTERLY, RAD 87 FT, (RAD BEARS S 01 DEGREES W), CENT ANG 91 DEGREES, SOUTHWESTERLY ALONG CURVE 139.04 FT, S 379.52 FT TO POINT OF COMMENCEMENT, COMMENCE NORTHEASTERLY, RAD 450 FT, (RAD BEARS S 89 DEGREES E) CENT ANG 28 DEGREES, SOUTHEASTERLY ALONG CURVE 226.86 FT, S 28 DEGREES E 83.91 FT TO POINT OF COMMENCEMENT, NON-TANG CURVE, COMMENCE SOUTHEASTERLY, RAD 441.41 FT, (RAD BEARS S 00 DEGREES E), CENT ANG 12 DEGREES, SOUTHWESTERLY ALONG CURVE 92.99 FT, S 484.10 FT, E 168.06 FT TO POINT OF COMMENCEMENT, COMMENCE NORTHWESTERLY, RAD 254 FT, (RAD BEARS N 00 DEGREES E), CENT ANG 26 DEGREES, NORTHEASTERLY ALONG CURVE 116.49 FT, N 64 DEGREES E 61.84 FT, S 28 DEGREES E 9.16 FT TO POINT OF COMMENCEMENT, COMMENCE SOUTHWESTERLY, RAD 750 FT, (RAD BEARS S 61 DEGREES W), CENT ANG 02 DEGREES, SOUTHEASTERLY ALONG CURVE 36.87 FT, S 64 DEGREES W 63.20 FT TO POINT OF COMMENCEMENT, COMMENCE NORTHWESTERLY, RAD 300 FT, (RAD BEARS N 25 DEGREES W), CENT ANG 26 DEGREES, SOUTHWESTERLY ALONG CURVE 137.58 FT, W 226.55 FT, S 304.07 FT TO PT ON R/W OSCEOLA PKWY, W ALONG R/W 188.03 FT, N 304.07 FT, W 659.82 FT, TO POINT OF COMMENCEMENT, COMMENCE SOUTHEASTERLY, RAD 39.50 FT, (RAD BEARS S 00 DEGREES W), CENT ANG 90 DEGREES, SLY ALONG CURVE 62.05 FT, S 264.57 FT TO NORTHERLY R/W OSCEOLA PKWY, W 132.85 FT TO POB AND LESS GATEWAY COMMONS NORTH PB 13 PG 28-32.

TOGETHER WITH

SW 1/4 OF SE 1/4 LYING WESTERLY OF FLA TURNPIKE & SE 1/4 OF SE 1/4 LYING
WESTERLY OF FLA TURNPIKE ORD# 1759

SECTION 2: FINAL ANNUAL REPORT

Gateway Commons DRI

Final DRI Annual Report

Kissimmee, Florida

Prepared For

Wendell E. Spears Revocable Trust
Michael D. Spears
Post Office Box 1780
Winter Park, FL 32789

February 9, 2018

POULOS & BENNETT

2602 E. Livingston Street | Orlando, Florida 32803 | Tel: 407.487.2594 | www.poulosandbennett.com
FBPE Certificate of Authorization No. 2856

ANNUAL REPORT FORM

FORM DEO-BCP-BIENNIAL REPORT-1
Rule 73C-40.010, FAC. Effective 6-01-03
(Renumbered 10-01-11)

STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY
DIVISION OF COMMUNITY PLANNING & DEVELOPMENT
The Caldwell Building, MSC 160
107 East Madison Street
Tallahassee, Florida 32399

**DEVELOPMENT OF REGIONAL IMPACT
BIENNIAL REPORT**

Subsection 380.06(18), Florida Statutes, (F.S.) places the responsibility on the developer of an approved development of regional impact (DRI) for submitting an biennial report to the local government, the regional planning agency, the Department of Economic Opportunity, and to all affected permit agencies, on the date specified in the development order. The failure of a developer to submit the report on the date specified in the development order may result in the temporary suspension of the development order by the local government until the biennial report is submitted to the review agencies. This requirement applies to all developments of regional impact which have been approved since August 6, 1980. If you have any questions about this required report, call the DRI Planner at (850) 717-8475.

Send the original completed annual report to the designated local government official stated in the development order with one copy to each of the following:

- a) The regional planning agency of jurisdiction;
- b) All affected permitting agencies;
- c) Division of Community Development
Bureau of Comprehensive Planning
107 East Madison
Caldwell Building, MSC 160
Tallahassee, Florida 32399

BIENNIAL STATUS REPORT

Reporting Period: Final Annual Report through December 2017
Month/Day/Year Month/Day/Year

Development: Gateway Commons
Name of DRI

Location: Kissimmee, Osceola
City County

Developer: Name: Ramona Ann Spears and James P. Grodecki, as Trustees of the Wendell E. Spears Revocable Trust, dated June 26, 2002, successors in interest to Wendell E. Spears, deceased

Address: P.O. Box 1780
Street Location

Winter Park, FL 32790
City, State, Zip

1. Describe any changes made in the proposed plan of development, phasing, or in the representations contained in the Application for Development Approval since the Development of Regional Impact received approval. Note any actions (substantial deviation determinations) taken by local government to address these changes.

Note: If a response is to be more than one sentence, attach as Exhibit A a detailed description of each change and copies of the modified site plan drawings. Exhibit A should also address the following additional items if applicable:

- a) Describe changes in the plan of development or phasing for the reporting year and for the subsequent years;
Response: There were no changes to the plan of development for the reporting year. The plan of development is proposed for change through the Planned Development zoning process concurrent with the DRI Rescission.
- b) State any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;
Response: No DRI applications were filed during 2017.

- c) Attach a copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Paragraph 380.06(15)(f), F.S.

Response: No Development Order modifications were recorded during 2017.

2. Has there been a change in local government jurisdiction for any portion of the development since the development order was issued? If so, has the annexing local government adopted a new DRI development order for the project? Provide a copy of the order adopted by the annexing local government.

Response: There has been no change in local government jurisdiction.

3. Provide copies of any revised master plans, incremental site plans, etc., not previously submitted.

Response: Please see Exhibit B for the incremental site plan approved in 2017.

Note: If a response is to be more than one or two sentences, attach as Exhibit B.

4. Provide a summary comparison of development activity proposed and actually conducted for the reporting year as well as a cumulative total of development proposed and actually conducted to date.

Example: Number of dwelling units constructed, site improvements, lots sold, acres mined, gross floor area constructed, barrels of storage capacity completed, permits obtained, etc.

Response: Please see Exhibit C.

Note: If a response is to be more than one sentence, attach as Exhibit C.

5. Have any undeveloped tracts of land in the development (other than individual single-family lots) been sold to a separate entity or developer? If so, identify tract, its size, and the buyer. Provide maps which show the tracts involved.

Response: No undeveloped tracts were sold by the developer in 2017.

Note: If a response is to be more than one sentence, attach as Exhibit D.

6. Describe any lands purchased or optioned adjacent to the original DRI site subsequent to issuance of the development order. Identify such land, its size, and intended use on a site plan and map.

Response: No lands were purchased or optioned adjacent to the DRI.

Note: If a response is to be more than one sentence, attach as Exhibit E.

Tract

7. List any substantial local, state and federal permits which have been obtained, applied for, or denied during this reporting period. Specify the agency, type of permit, and duty for each.

Response: Please see Exhibit F for a summary of SFWMD Permits.

Note: If a response is to be more than one sentence, attach as Exhibit F.

8. Provide a list specifying each development order conditions and each developer commitment as contained in the ADA. State how and when each condition or commitment has been complied with during the annual report reporting period.

Response: Please see Exhibit G.

Note: Attach as Exhibit G.

9. Provide any information that is specifically required by the development order to be included in the annual report.

Response: No additional information if required by the Development Order.

10. Provide a statement certifying that all persons have sent copies of the biennial report in conformance with Subsections 380.06(15) and (18), F.S.

Response: Not applicable, as this Final Annual Report is submitted to the City of Kissimmee as part of the DRI Development Order Rescission request.

Person completing the questionnaire: Kathy Hattaway, AICP, Poulos & Bennett, LLC

Title: Planning Group Leader _____

Representing: Developer _____

EXHIBIT B
INCREMENTAL SITE PLAN
2017

FOR PUD/DRC SITE PLAN

COMMERCIAL CENTER

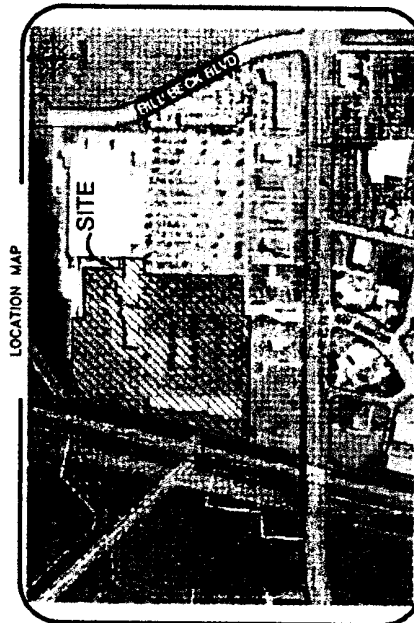
JULY 2017

Pl: 02-25-29-1448-0001-0020
SECTION 2, TOWNSHIP 25 SOUTH, RANGE 29

	INDEX SHEET
	DESCRIPTION
01	COVER SHEET
02	BOUNDARY & TOPOGRAPHIC SURVEY
03	BOUNDARY & TOPOGRAPHIC SURVEY
04	SITE PLAN

THE FOLLOWING LIST OF CONTRACTS IS BASED UPON INFORMATION FROM SOURCE
STATE ONE CALL OF FLORIDA, INC. AND THE BEST AVAILABLE INFORMATION AT THE
THE CONTRACTOR SHALL COMPLETE THEIR OWN DUE DILIGENCE TO ENSURE THERE
NO ADDITIONAL UTILITIES WITHIN THE LIMITS OF CONSTRUCTION IF ADDITIONAL UTILITIES
ARE DISCOVERED, CONTACT THE ENGINEER PRIOR TO CONSTRUCTION THE
CONTRACTOR SHALL CONTACT THE FOLLOWING AGENCIES AT LEAST 48 HOURS PRIOR TO
CONSTRUCTION:

- 1. KROGER WOODLAND/CENTRAL FLORIDA PIPELINE**
MARK CLARK
2101 GATY DR
TAMPA, FLORIDA 33605
- 2. CHANNELS/SPECTRUM COMMUNICATIONS**
JOHN W. HARRIS
3767 ALI, AMERICAN BLVD
ORLANDO, FLORIDA 32810
Ph: (407) 532-8509
- 3. FLORIDA GAS TRANSMISSION-QUINCY**
JOSEPH E. SANCHEZ
2405 LUCEN WAY, SUITE 200
WINTER GARDEN, FLORIDA 32751
Ph: (407) 838-7771
Fax: (407) 838-7772
- 4. LUTER, S. COMMUNICATIONS LLO**
JOHN W. LUTER
1075 ELDRADO BLVD
BROOKFIELD, COLORADO 80021
Ph: (877) 368-8344 EXT: 2
- 5. MGR**
DEAN BOYERS
2400 N GLENVIEW DRIVE
SUITE 104
PHOENIX, ARIZONA 85022
Ph: (602) 725-6332
- 7. COUNTRYLINK**
JIM LESLIE, SR
33 LESLIE ST ROOM 144
WINTER GARDEN, FLORIDA 32787
Ph: (407) 814-2593

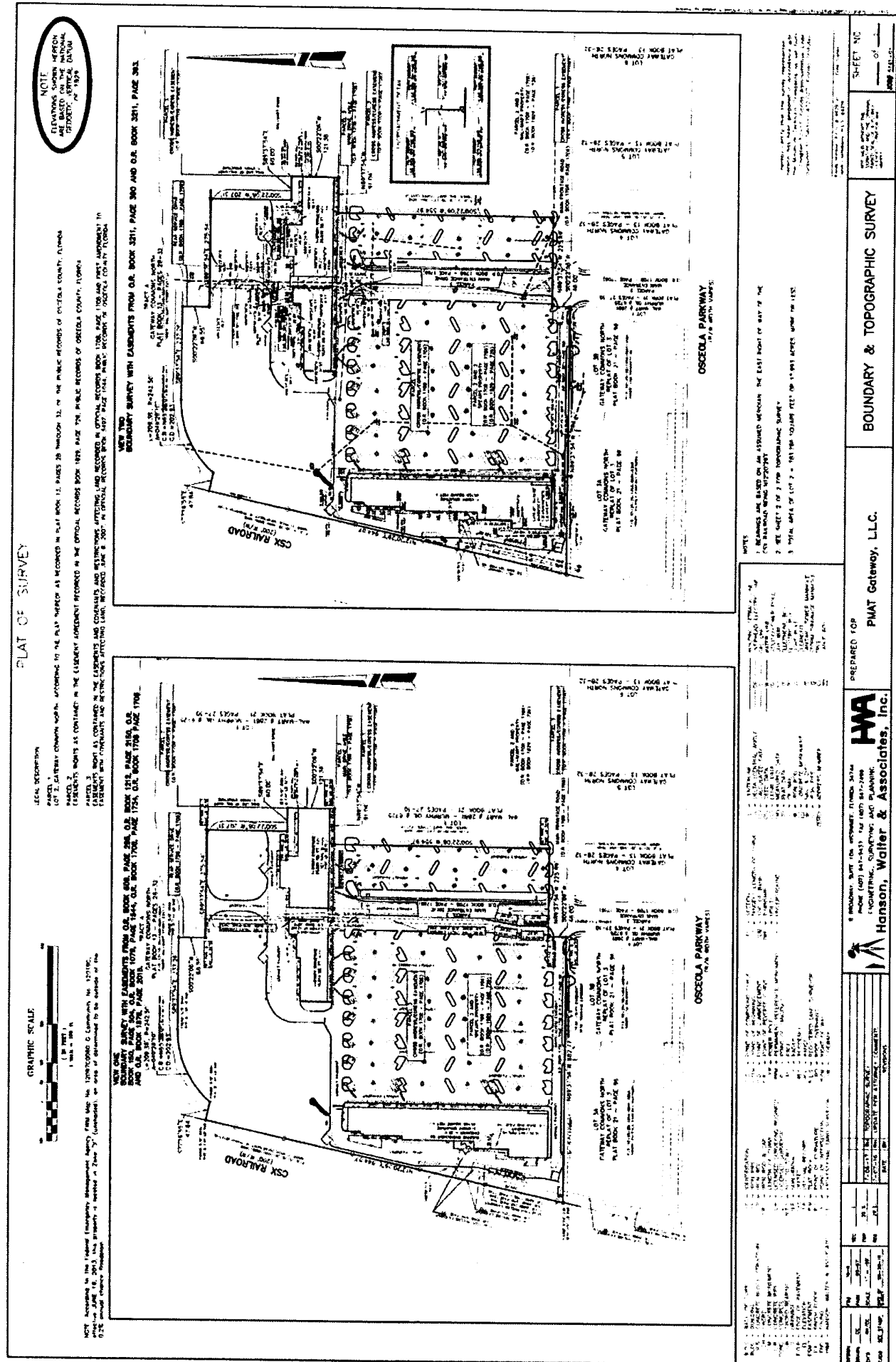


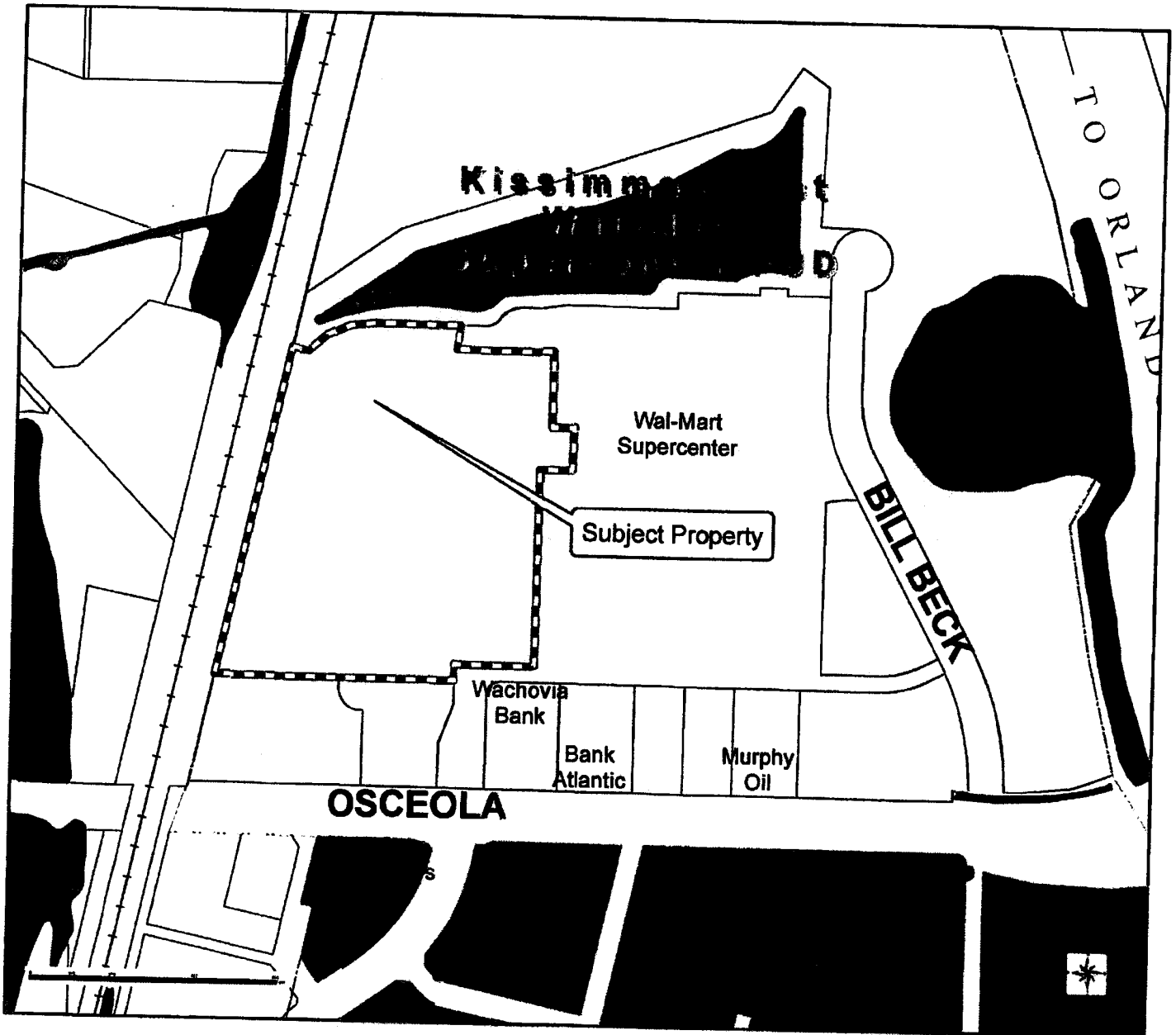
LOCATION MAP

[illegible]

HWA
8 BROADWAY, SUITE 104 KISSIMMEE, FLORIDA 34741-5481
PHONE: (407) 847-9433 FAX: (407) 847-2409
ENG. CERT. OF AUTHOR No. 3593/SUB. CERT. OF AUTHOR No. 3270
ENGINEERING, SURVEYING AND PLANNING
Hanson, Walter & Associates, Inc.

HWA JOB #5141-02
SHEET 01 OF 04

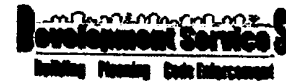




Subject Property	RA-4 (Single Family Residential 6,000 sqft)	HC (Highway Commercial)
CRA District Boundary	RB-1 (Medium Density Residential)	B-5 (Office Commercial)
Railroad	RB-2 (Medium Density Residential - Office)	BP (Business Park)
City Limit Boundary	RC-1 (Multiple Family Medium Density Residential)	IB (Industrial Business)
Kissimmee Gateway Airport	RC-2 (Multiple Family High Density Residential)	AO (Airport Operations)
Lake Surfaces	MH-1 (Mobile Home 9,000 sqft)	AI (Airport Industrial)
Zoning Districts	MH-2 (Mobile Home 8,000 sqft)	CF (Community Facility)
Zoning District Designations	MHP (Mobile Home Park)	HF (Hospital Facility)
AC (Agricultural Conservation)	RPB (Residential Professional Business)	UT (Utilities)
RE (Residential Estate)	B-1 (Downtown Commercial)	OS (Open Space)
RA-1 (Single Family Residential 12,000 sqft)	B-2 (Neighborhood Commercial)	RPUD (Residential Planned Unit Development)
RA-2 (Single Family Residential 9,000 sqft)	B-3 (General Commercial)	SRPUD (Short Term Rental Planned Unit Development)
RA-3 (Single Family Residential 7,000 sqft)	B-4 (Main Street Commercial)	MUPUD (Mixed Use Planned Unit Development)



CITY OF KISSIMMEE
APPLICATION FOR DEVELOPMENT REVIEW



PROJECT

Name of Project: gateway commons phased expansion

Location (Address if possible): 1307 E. Osceola Parkway Kiss. Fl. 34744

Parcel ID#: 02-25-29-1448-0001-0020

APPLICANT

Name: Mr Jason Reibert

Firm: Gulf States Construction Services, Inc.

Address: 109 New Camellia Blvd. Suite 100 Covington, LA 70433

Phone: (985) 792 4389

E-Mail: jreibert@gsres.com

AGENT (Contact Person)

Name: Craig Zetwo

Firm: Hanson Walter & Associates, Inc.

Address: 8 Broadway Kissimmee, fl. 34741

Phone: (407) 847 9433

E-Mail: czetwo@hansonwalter.com

OWNER

Name: Mr. Bob Whelan

Firm: PMAT Gateway LLC

Address: 2215 Lakeshore Dr. Mandeville LA 70448

Phone: (504) 228 2800

E-Mail: bob@pmat.net

LEGAL DESCRIPTION/LOCATION

Please refer to included survey

Note: Dates are contingent upon previous meeting approval and dependent upon the project type may not require various meetings. For specific processes, please see the project type. Scheduled dates for Public Hearings are subject to notification requirements and may be altered due to advertising requirements.

All requests must be accompanied by a completed application, checklist, fee, folded plan(s), a PDF of any exhibits and/or plans and any other supporting materials. A sufficiency review will be conducted within 24 hours of submittal. If submittal is insufficient, the request will not be scheduled/distributed for review. Unless specifically noted, deadlines for submittals are Friday at 4:00 p.m. on the above listed dates. No late or incomplete submittal will be accepted.

FOR OFFICE USE ONLY			
REQUEST	<u>PUD w/ Site Plan</u>	FEE COLLECTED	<u>Check</u>
DATE	<u>7/16/17</u>	REC'D BY	<u>Derrick Harris</u>
		DRC #	<u>17-00094</u>
		DRC DATE	<u>07/25/17</u>
SUFFICIENCY REVIEW (Y/N)	<u>Yes</u>	PROJECT MANAGER	<u>D. HARRIS</u>



**CITY OF KISSIMMEE DEVELOPMENT SERVICES
SITE PLAN AND SITE SPECIFIC REDEVELOPMENT PLAN
REVIEW CRITERIA CHECKLIST**

Project Name: gateway commons phased expansion

Subject Property Address: 1307 E. Osceola Parkway Kiss. Fl. 34744

Subject Property Parcel ID #: 02-25-29-1448-0001-0020

Site Plan review requires 15 – 24"x36" black or blue line prints to include the following criteria below to be shown on submitted site plans and accompanying maps, drawn to a scale no smaller than 1-inch = 100-feet, and prepared by the appropriate combination of qualified professionals. (NOTE: Site Development Construction plans shall be prepared by a civil engineer licensed by the State of Florida). Please include this site plan review checklist in addition to other required submittals to the Development Services Department Planning Division. Indicate (NA) for items that are not applicable to the review. 2 copies of conceptual building elevations will need to accompany this checklist if Site Specific Redevelopment Plan is requested.

Note: All paper plans shall be accompanied by a PDF of the drawings, submitted via email or CD-ROM

General Information

X

Owner and Professional Agent: The name, address, and phone number of the owner and the professional agent.

X

Location Map: Map indicating the location of the proposed development in relation to surrounding streets, and existing zoning and land use on adjacent land.

X

Traffic: For larger projects, any data or analysis the City may require to supplement concurrency review.

X

Intent of use or development: Statement of objectives, general proposed, and the proposed use(s) to be accommodated within the proposed project.

X

Land Use and Zoning Designations: Comprehensive Plan Future Land Use and Zoning Map Designations for the subject site and adjacent properties.

X

Density and/or Intensity: Project acreage, density by dwelling unit type; types of non-residential uses and their gross floor areas.

X

Legal Description: The subject site's legal description.

X

Topo and Boundary Survey: A signed and sealed topography and boundary survey of the subject site.

X

Phasing: If any, including the time, rationale, density and other impacts on public facilities, by phase.

Existing and Proposed Site Improvements

X

Structures: Location of existing and proposed structures (including structures located within 25-feet of the property line) plus approximate building dimensions, building height, setbacks, square footage, finish floor elevations, proposed uses and whether sprinkler systems are proposed.

n/a

Dedications Rights-of-Way and Easements: On-site and adjacent dedications, rights-of-way and easements.

X

Streets, Circulation, & Parking: Existing and proposed streets, pedestrian and bike path, parking areas and driveways, including any connections to off-site facilities within 25-feet; location and dimensions of access points; location and number of required and provided parking spaces and loading spaces, including parking requirement data and dimensions, handicapped parking, access aisle, ramps, signage; curbing; and existing and proposed turn lanes.

n/a

Walls: Location of existing and proposed walls, fences, and entrance features, and their height, type and size.

- ☒ **Utilities:** Existing and conceptual utility layout, including water, sewer, gas and on-site lighting; connections to off-site facilities within 25-feet.
- ☒ **Signs:** Conceptual type, size, height and locations of all site identification signage.
- ☒ **Conceptual Landscape and Irrigation Plan:** Plan showing type and location of natural vegetation to be preserved and to be removed, location of proposed landscape and buffer areas in accordance with the City Code and City Plant List, sight triangles, and proposed landscaping and buffering concept (including approximate location of proposed walls, berms, hedges, and trees), drawn to the same scale as the site plan.
- ☒ **Open Space:** Location, percentages, and purpose of open space and impervious areas, including any proposed recreation area and amenities.
- ☒ **Slopes:** Unusual grading affecting relationship of building shall be shown on a preliminary grading plan.
- ☒ **Drainage:** Direction of stormwater flow and method of disposition of surface drainage (including retention/detention areas), including location of any existing stormwater facilities within 25-feet of the property.
- ☒ **Fire Protection:** Existing and conceptual location of fire hydrants, fire lanes and fire engine accessibility.
- ☒ **Solid Waste:** Garbage storage provisions, including full enclosure, a minimum of 6-feet in height and constructed in like manner of the building.
- ☒ **Soils:** Soil conditions and muck depths (where applicable) based upon the Soil Survey of Osceola County.
- ☒ **Flooding, Wetlands and Other Environmentally Sensitive Lands:** 100-year floodplain and floodway boundaries; location of any wetlands, wellfield protection areas and other environmentally sensitive areas, including the soil and vegetation basis for such a determination.

I certify that all of the information listed above has been provided if applicable on the site plan and/or accompanying documents. Lack of information provided may constitute as an incomplete submittal, thus delaying the review process.

Signed: [Signature]

Date: 6-30-17

Please Note: The list is provided to ensure that all site plans submitted are uniform and contained the minimum information required for review under Section 14-2-191 of the City of Kissimmee Land Development Code. It is not intended to be an inclusive list of all ordinance requirements. Please direct questions concerning site plan review to the City of Kissimmee Development Services Department at (407)518-2140.

Approximate Review Time for a Site Plan Request:

Review Type	Approximate Review Time
- Submittal of Application and necessary documents (see DRC schedule for submittal dates. DRC meets every other Tuesday.)	
- Development Review Committee meeting with the applicant - 2 weeks	2 Weeks
- Submittal Site Development Plans**	
- Preliminary Site Development Review (Construction Plans) - 3 weeks	5 Weeks
- Resubmittal of Site Development Plans	
- Final Site Development Review (Construction Plans) *** - 3 weeks	8 Weeks
- Development Order Issued	
Approximate Time of Review Total	8 - 10 Weeks

Estimation does not include review time for PUD Site Plan, and Minor Site Plan requests. Estimations may vary. Dependent upon necessary revisions, resubmittals, permits and any other required documentation. ** Process does not include building construction plan. See Building Division for submittal requirements. *** Dependent upon if all preliminary site development comments have been addressed and revised.



DISCLAIMER FOR ALL CITY OF KISSIMMEE DEVELOPMENT REVIEW APPLICATIONS

Important note: The Development Review process associated with this request (as outlined in the attached application) is intended to ensure that the request meets the requirements established in the City of Kissimmee Land Development Code and site development criteria for the City of Kissimmee, and other local, regional and state agencies. It is not intended to constitute approval of building construction or permits as required by external agencies.

Other processes, permits, authorizations, and/or fees may be required prior to construction of requested improvements. These may include, but are not limited to:

- ❖ Mobility/Impact Fees (Transportation, Water & Sewer, Recreation, School)
- ❖ Building permits and review fees
- ❖ Right-of-Way Utilization permits
- ❖ South Florida Water Management District (SFWMD) permits
- ❖ Utility permits and/or fees
- ❖ Federal Aviation Administration (FAA) authorizations
- ❖ Business Tax Receipts (BTRs)
- ❖ State Permits and/or Licenses
- ❖ Development Service Agreements (Toho Water Authority)
- ❖ Florida Department of Environmental Protection (FDEP) Permits
- ❖ NPDES Permits (Stormwater permitting)

RECEIVED

JUL 06 2017

DEVELOPMENT SERVICES

DH

The Agent of record and/or property owner for the attached request is responsible for coordinating with applicable agencies to ensure all requirements for the requested improvements have been met prior to construction.

Please read all information above and complete the lower portion of this disclaimer. This document must be signed by both agent and property owner and shall be included with the attached application. Failure to submit this form with the completed application will result in Staff finding the application to be insufficient for review and will delay your request.

Project Name: gateway commons phased expansion DRC# 17-094

I Certify that I have read the above and understand/acknowledge the information contained therein.

Agent Signature: Jim A. Vick Date: _____

Agent Name (Print): Jim Vick

Property Owner Signature: Robert Whelan Date: 6-30-17

Property Owner Name (Print): Robert Whelan

EXHIBIT C
DEVELOPMENT SUMMARY TABLE

Gateway Commons DRI Development Status

DRI Phase and Planned Use	DRI Tract #	DRI Entitlements	PUD Lot #	Acreage	Parcel ID #	Owner	Property Appraiser SF	Use	Comments
Commercial (SF)	1	436,000	1	34.7	02-25-29-2311-0001-001C	Wal-Mart Stores East LP	225,714	Wal-Mart Retail	
			2	18.0	02-25-29-1448-0001-002C	PMAT Gateway LLC	17,580	Retail	
							26,040	Retail	
							21,344	Retail	
							25,970	Retail	
							43,050	Retail	
			3a	4.8	02-25-29-1454-0001-03AC	Osceola Parkway Partners LLC		Vacant	
			3b		02-25-29-1454-0001-03BC	LSM Property Inc.	5,003	McDonald's	
			8	2.5	02-25-29-1448-0001-008C	Osceola Gateway LLC	23,309	Multi-Tenant Retail	
Commercial (SF)	2	27,000	4	1.4	02-25-29-1448-0001-004C	Wachovia Bank Nat'l Assoc.	6,477	Bank	
			5	1.5	02-25-29-1448-0001-005C	TD Bank NA	5,911	Bank	
						UCSF Coussan Charitable			
Commercial (SF)	3	27,000	6a	2.0	02-25-29-1453-0001-064D	Remainder Trust 12 etc.	4,373	Bank	
			6b		02-25-29-1453-0001-068C	SMBC Leasing & Finance Inc.	7,585	Firestone	
			?	1.3	02-25-29-2311-0001-010C	Murphy Oil USA Inc.	5,586		
Commercial (SF)	4	5,000	7	1.0	02-25-29-1448-0001-007C	The Gateway LLC	32,717	Multi-Tenant Retail	
Business Park (SF)	5	15,000		2.4	02-25-29-1448-0001-007C	The Gateway LLC			
						Wendell E. Spears Revocable Trust		Pond	
Hotel (Rooms)	6	300	9	5.2	02-25-29-1448-0001-009D	etc.			
						Wendell E. Spears Revocable Trust			
Commercial (SF)	8	65,000	9	7.1	02-25-29-1448-0001-009D	etc.		Vacant	
						Wendell E. Spears Revocable Trust			
Commercial (SF)	9a	25,000	n/a	5.4	02-25-29-0010-0032-0000	etc.		Vacant	
						Wendell E. Spears Revocable Trust			
Commercial (SF)	7	75,000	9	7.0	02-25-29-1448-0001-009D	etc.		Vacant	
						Wendell E. Spears Revocable Trust			
Commercial (SF)	9b	35,000	n/a	3.2	02-25-29-0010-0032-0000	etc.		Vacant	
						Wendell E. Spears Revocable Trust			
Hotel (Rooms)	10	400	n/a	11.0	02-25-29-0010-0032-0000	etc.		Vacant	
						Wendell E. Spears Revocable Trust			
Business Park (SF)	11	250,000	n/a	28.0	02-25-29-0010-0025-0000	etc.		Vacant	
						Wendell E. Spears Revocable Trust			
							450,659		Total Built/Planned

Commercial (SF)	585,000
Business Park (SF)	15,000
Hotel (Rooms)	300
Commercial (SF)	110,000
Business Park (SF)	250,000
Hotel (Rooms)	400

EXHIBIT F
SUMMARY OF SFWMD PERMITS

APPLICATION NO	PERMIT NO	APPROVED DATE	RECEIVED DATE	ISSUING OFFICE	STATUS	PERMIT TYPE	PERMIT STATUS	EXPIRATION DATE	PROJECT ACRES	PROJECT NAME
1710722	49-00614-5-04	29-Nov-17	7-Nov-17	WPB	Complete	Environmental Resource (General Permit Transfer)	ACTIVE		1.47	Td Bank At Gateway Commons Lot 5
170705-20	49-00614-5-03	25-Jul-17	5-Jul-17	WPB	Complete	Environmental Resource (General Permit Transfer)	ACTIVE		6.67	Gateway Station At Gateway Commons
160727-20	49-00614-5-07	17-Feb-16	27-Jan-16	WPB	Complete	Environmental Resource (General Permit Transfer)	ACTIVE		1.76	Kissimmee Midlands
150925-10	49-00614-5-02	28-Oct-15	25-Sep-15	WPB	Complete	Environmental Resource (General Permit Transfer)	ACTIVE		1.43	Wachovia At Gateway Commons
141009-4	49-00614-5-11	21-Nov-14	9-Oct-14	ORL	Complete	Environmental Resource (Minor Mod W/Transfer)	ACTIVE		33.84	Wal-Mart Store No 2881-220- Kissimmee
140417-2	49-00614-5-10	19-May-14	17-Apr-14	WPB	Complete	Environmental Resource (General Permit Transfer)	ACTIVE		0.98	Frostone Gateway Commons
140225-21	49-00614-5-06	17-Mar-14	25-Feb-14	WPB	Complete	Environmental Resource (General Permit Transfer)	ACTIVE		3.4	Gateway Commons - Lot 7 & Osceola County Tourism Parcel
140225-20	49-00614-5-09	17-Mar-14	21-Feb-14	WPB	Complete	Environmental Resource (General Permit Transfer)	ACTIVE		2.5	Gateway Commons Lot 8 (Fla - Lot 9)
140221-17	49-00614-5-05	11-Apr-13	14-Jan-13	ORL	Complete	Environmental Resource (Standard General Permit Extension)	ACTIVE	13-Feb-15	96.58	Gateway Commons
130114-14	49-00614-5-07	11-Apr-12	25-Jan-12	ORL	Complete	Environmental Resource (General Permit Modification)	ACTIVE	11-Apr-17	96.58	Gateway Commons
120125-5	49-00614-5-10	30-Jan-12	28-Dec-11	ORL	Complete	Environmental Resource (Standard General Permit Extension Hb7207)	ACTIVE	13-Jun-14	1.76	McDonalds Gateway Commons
110610-13	49-00614-5-10	9-Aug-11	10-Jun-11	ORL	Complete	Surface Water Management (General Permit Modification)	ACTIVE	9-Aug-16	0.98	Frostone - Gateway Commons
091123-14	49-00614-5-08	23-Dec-09	23-Nov-09	ORL	Complete	Surface Water Management (General Permit Modification)	ACTIVE		96.58	Gateway Commons
080422-15	49-00614-5-08	13-Jun-08	22-Apr-08	ORL	Complete	Surface Water Management (Compliance Minor Mod)	ACTIVE		0.11	Uia Auto Wash @ Murphy Usa (#6725) Osceola Parkway
070608-12	49-00614-5-07	21-Mar-08	14-Mar-08	ORL	Complete	Surface Water Management (General Permit Modification)	ACTIVE		1.76	Regions Bank At Gateway Commons
070419-6	49-00614-5-06	1-Oct-07	8-Apr-07	ORL	Complete	Surface Water Management (General Permit Modification)	ACTIVE		3.4	Gateway Commons - Lot 7 & Osceola County Tourism Parcel
070212-7	49-00614-5-05	23-Mar-07	12-Feb-07	ORL	Complete	Environmental Resource (Permit Extension)	ACTIVE		2.5	Gateway Commons Lot 8 (Fla - Lot 9)
061115-34	49-00614-5-09	11-Jan-07	15-Nov-06	ORL	Complete	Surface Water Management (General Permit Modification)	ACTIVE		96.58	Gateway Commons Mass Grading
060724-10	49-00614-5-03	24-Aug-06	24-Jul-06	ORL	Complete	Surface Water Management (General Permit Modification)	ACTIVE		1.47	Td Bank (7/K/A Bank Atlantic) At Gateway Commons
050914-18	49-00614-5-04	10-Oct-05	8-Dec-05	ORL	Complete	Surface Water Management (Compliance Minor Mod)	ACTIVE		1.47	Td Bank (7/K/A Bank Atlantic) At Gateway Commons
050712-11	49-00614-5-03	6-Sep-05	12-Jul-05	ORL	Complete	Surface Water Management (General Permit Modification)	ACTIVE		1.47	Td Bank (7/K/A Bank Atlantic) At Gateway Commons
050207-20	49-00614-5-03	9-May-05	7-Feb-05	ORL	Complete	Surface Water Management (General Permit Modification)	ACTIVE		0.11	Uia Auto Wash At Osceola Parkway Walmart Supercenter
031201-31	49-00614-5-02	24-Feb-04	3-Dec-03	ORL	Complete	Surface Water Management (General Permit Modification)	ACTIVE		6.67	Gateway Commons Retail Addition
020408-32	49-00614-5-09	10-Jun-02	8-Apr-02	ORL	Complete	Surface Water Management (General Permit Modification)	ACTIVE		1.43	Wachovia Bank
010824-12	49-00614-5-09	14-Mar-02	24-Aug-01	ORL	Complete	Surface Water Management (Nrm Minor Mod)	ACTIVE		96.58	Gateway Commons Mass Grading
010814-13	49-00614-5-09	19-Sep-01	14-Aug-01	ORL	Complete	Surface Water Management (Compliance Minor Mod)	ACTIVE		79.63	Wal-Mart Supercenter Store Number 2883
010306-25	49-00614-5-05	27-Apr-01	6-Mar-01	ORL	Complete	Surface Water Management (General Permit Modification)	ACTIVE		1.31	Murphy Oil At Wal-Mart Supercenter Kissimmee
991217-19	49-00614-5-05	29-Feb-00	17-Dec-99	ORL	Complete	Environmental Resource (Early Work)	ACTIVE		73.63	Wal-Mart Supercenter Store No 2881 Kissimmee East
990503-3	49-00614-5-05	13-Apr-00	3-May-99	ORL	Complete	Surface Water Management (Conceptual Approval Modification And New Construction/Operation)	ACTIVE		0.97	Bill Back Boulevard Extension
990720-5	49-00614-5-05	22-Jan-99	20-Jul-98	ORL	Complete	Surface Water Management (General Permit Modification)	ACTIVE		166.4	Gateway Commons
961204-5	49-00614-5-05	13-Feb-97	8-Dec-96	ORL	Complete	Surface Water Management (Individual Extension)	ACTIVE		166.4	Gateway Commons
951108-4	49-00614-5-05	11-Jan-96	8-Nov-95	ORL	Complete	Surface Water Management (Individual Extension)	ACTIVE		166.4	Gateway Commons
941118-2	49-00614-5-05	9-Feb-95	18-Nov-94	ORL	Complete	Surface Water Management (Individual Extension)	ACTIVE		209.2	Gateway Commons
930924-2	49-00614-5-05	9-Dec-93	24-Sep-93	ORL	Complete	Surface Water Management (Conceptual Approval)	ACTIVE		166.4	Gateway Commons
901228-5	49-00614-5-05	12-Dec-91	28-Dec-90	ORL	Complete	Surface Water Management (Conceptual Approval)	ACTIVE		166.4	Gateway Commons

THIS APP ONLY EXPIRED/CANCELLED

EXHIBIT G
DEVELOPMENT ORDER CONDITIONS
COMPLIANCE

**Gateway Commons Development of Regional Impact
Development Order - 1991**

Section I. Findings of Fact:

1. Dart Road Limited Partnership, a Florida limited partnership (hereafter "Developer") filed an application for a Development of Regional Impact called Gateway Commons pursuant to Section 380.06, Florida Statutes, relating to real property located in Kissimmee, Florida, more particularly described in Exhibit 1 attached to and incorporated herein by this reference.
2. The developer is the owner of and has the authority to file the Application for Development Approval ("ADA") and obtain a Development Order with respect to the Property in accordance with Section 380.06, Florida Statutes.
3. The Property does not lie within an area of critical state concern.
4. The application has been reviewed by and recommendations for approval have been received from the City of Kissimmee Planning Advisory Board sitting as the Local Planning Agency.
5. All public hearings as required by Section 380.06, Florida Statutes, have been duly noticed and held.
6. The Developer's authorized agent is Mr. Joel Ivey, Ivey Harris & Walls, 122 E. Colonial Dr., Orlando, FL 32801.

Section II. Conclusions of Law:

1. The development of the Gateway Commons is consistent with the achievement of the objectives of the adopted State Land Development Plan.
2. The development of the Gateway Commons is consistent with the City of Kissimmee Growth Management Plan ("GMP") and other City Land Development Regulations.
3. The development of the Gateway Commons is consistent with the report and recommendations of the East Central Florida Regional Planning Council received pursuant to Section 380.06(14), Florida Statutes.
4. ~~The Development Order constitutes final approval of use of the Property for a total of 1,050 hotel rooms, 532,000 square feet of commercial, and 600,000 square feet of business park on 208.3 acres, as more particularly detailed in the Findings of Fact above and as described in the ADA/DRI and incorporated by this reference, and subsequently amended by sufficiency responses and as may be amended by the terms and conditions of this Order.~~

Status: This information was revised with the 1999 2nd Amendment to the DRI DO.

Section III. Development Order:

1. The project shall be developed in accordance with the information, data, plans and commitments contained in the Gateway Commons DRI/ADA and supplemental information unless otherwise directed by the conditions enumerated below. For the purpose of this condition, the Application for Development Approval shall consist of the following items:
 - a. Application for Development Approval dated September 1990;
 - b. First Sufficiency Responses dated December 1990;
 - c. Second Sufficiency Response dated January 1991;
 - d. Commitments made during the review as presented as condition 38.

Status: In compliance.

- ~~2. The project shall consist of a total of 1,050 hotel rooms, 532,000 square feet of commercial, and 600,000 square feet of business park on 208.3 acres.~~

Status: This condition was revised with the 1996 1st Amendment to the DRI DO.

- ~~3. If five percent of phase I of the project (26,600 square feet of commercial space or any combination which equals five percent of the development) is not constructed within five years of the effective date of the Development Order, then the Development Order shall expire.~~

Status: This condition was revised with the 1996 1st Amendment to the DRI DO.

4. Project construction personnel shall be notified, through posted advisories or other methods, of the potential for artifact discoveries on the site and to report suspected findings to the project manager. In the event of discovery of artifacts of historical or archaeological significance during project construction, the applicant shall stop construction at the site of discovery and notify the City of Kissimmee and the Division of Historic Resources of the Florida Department of State. From the date of notification, construction shall be suspended within a 100 foot radius of the site of discovery for a period of up to 120 days to allow evaluation of the site.

Status: In compliance. No sites discovered to date.

5. To minimize dependence on ground irrigation and to promote retention of wildlife habitat, xeriscape principles using native vegetation (see xeriscape plant guide published by South Florida Water Management District) shall be utilized in landscaping of areas not subject to reclaimed water irrigation. Ecologically viable portions of natural upland plant communities should be preserved and maintained in their original state to the greatest extent practicable.

Status: In compliance. Reclaimed water is used on site.

6. Site development related activities shall not result in the harming, pursuit or harassment of wildlife species classified as endangered, threatened or a species of special concern by either the state or federal government in contravention of applicable state or federal laws. Should such species be determined to be residing on, or be otherwise significantly

dependent upon the project site, the developer shall cease all activities which might negatively affect that individual or population and immediately notify the Florida Game and Fresh Water Fish Commission and the United States Fish and Wildlife Service. Proper protection and habitat management, to the satisfaction of the above agencies, shall be provided by the developer.

"Harming" and "harassment" as used in this condition shall be defined in the same manner as "harm" and "harass" respectively are defined in 50 CFR Section 17.3.

Status: In compliance. All site work has been conducted in compliance with state and federal permits.

7. Prior to development activities the developer shall coordinate with the FGFWFC to determine the potential for relocation of the existing gopher tortoise population present on the Gateway Common site. FGFWFC guidelines for gopher tortoise relocation shall be followed. Progress and status relocation shall be reported by the ECFRPC.

Status: In compliance. All site work has been conducted in compliance with state and federal permits.

8. Losses of viable wetlands shall be mitigated through restoration of wetlands, creation of wetlands or preservation of functional wetlands within the same watershed in accordance with the Master Development Plan (Map H, ADA) and in accordance with adopted rules and policies of Osceola County, Florida Department of Environmental Regulation, South Florida Water Management District, and U.S. Army Corps of Engineers. Wetlands to be created or upland to be retained as mitigation shall be located coterminously with one or more major habitat areas to be preserved so as to provide a continuity or expansion of natural habitat areas. Detention ponds, preservation of viable on-site wetlands, lakes or open water areas shall not be acceptable for wetland mitigation. However, littoral zones created around detention ponds and lakes may qualify as newly created wetlands for mitigation purposes.

Status: In compliance. Three wetlands were removed in compliance with state and federal permits and mitigated through near-site and off-site mitigation. This work was completed in 2001 and 2008.

9. Buffer areas of native upland vegetation averaging 50 feet wide and with a minimum width of 25 feet shall be retained around all regionally significant wetlands. Upland buffers between on-site wetlands/marshes/lakes and any type of development or land alteration shall be delineated with temporary construction fencing prior to construction to allow these areas to be maintained with existing native vegetative or be re-planted with native, transitional zone or upland vegetation. Use of these buffers shall be limited to nature trails and other passive recreation. The only component of the stormwater system within these buffers shall be a dispersion swale discharge system which shall not be permitted within the first 25 feet of buffer from the wetlands and shall be limited to a total length of no greater than ten percent (10%) of the wetland perimeter. The use of pesticides, herbicides or fertilizers shall be prohibited in these buffers and the wetlands they protect.

Status: The buffers are in compliance with water management district permits.

10. The on-site wetlands systems, other conservation tracts, and mitigation areas shall be regarded as preservation areas for the purpose of protecting their natural attributes and shall have their developmental uses restricted by easement as provided in Section 704.06,

Florida Statutes. This condition does not preclude the applicant from including these lands in fulfilling open space requirements of the City of Kissimmee. This easement shall be conveyed to the South Florida Water Management District, the City of Kissimmee or other state or federal agency or the East Central Florida Regional Planning Council. Lands designated for upland preservation for mitigation purposes only are so designed by the applicant as compensation for losses to wildlife resources of state and regional concern and shall therefore be used exclusively for the purpose of wildlife and habitat preservation and shall be considered to have no value for other than that purpose.

Status: In compliance. Easements have been conveyed as required.

11. Any losses to lands designated as conservation or preservation, whether proposed by the applicant, his successors or other private or public entities shall be the responsibility of the party causing the loss to the extent permitted by law. Any substantial deviation of the development order that might occur pursuant to 380.06(19), Florida Statutes shall be performed by the party causing the deviation. Any such losses to wetland areas shall be resolved according to applicable regulatory programs. Any such losses to all other areas shall be compensated for by preserving habitat of equal or greater value, on an acre for acre basis, at another location judged to be able to remain viable as wildlife habitat. Any alternations to the flow or channel of Mill Slough shall result in a watercourse that resembles natural conditions in terms of bank stabilization, bank vegetation and meandering course.

Status: In compliance. Three wetlands were removed in compliance with state and federal permits and mitigated through near-site and off-site mitigation. This work was completed in 2001 and 2008.

12. For the purpose of potable water conservation, the project shall utilize low water use plumbing fixtures, self-closing and/or metered water faucets, and/or other water conserving devices. The fixtures shall be at a minimum, consistent with the State Water Conservation Act (Florida Statutes, 553.14).

Status: Fixtures uses are in compliance with City requirements.

13. The applicant (or owners/successors) shall establish and implement an inspection and maintenance program for all components of the surface water management system for the project site, to include schedules for the performance of:
 - a. Stormwater facility operating inspections on a regular bases (e.g. quarterly) and following major rainfall events (e.g. 1 inch of rainfall, 1 year/24 hour) for the removal of excessive sediment, debris or other flow obstructions;
 - b. Routine maintenance activities (e.g. moving, trash removal, etc.)
 - c. Ongoing education programs for maintenance staff personnel regarding the correct usage of and application rates for fertilizers and chemicals (e.g. herbicides) near the stormwater management facilities, the removal off noxious weeds and retention of desirable aquatic vegetation, and correct procedures for other maintenance/landscaping related activities which have the potential for adversely affecting water quality conditions on the project site.

Status: In project is in compliance with the conditions of the stormwater management permit. The systems are maintained privately through recorded ECR documents and Association.

14. The applicant (or owner/successors) will incorporate additional water quality treatment and/or water management system to correct or mitigate any degradation if the measures implemented by the applicant/owners are found to be ineffective or to adversely impact water quality/quantity conditions on or downstream of the project site.

Status: In compliance.

15. The applicant (or owners/successors) shall ensure that no direct overland runoff from developed or landscaped areas on the project site will be able to enter Mill Slough, its tributaries or adjacent wetland areas without receiving treatment equivalent to the retention or detention with filtration of the first one-half inch of rainfall runoff in order to prevent the direct, untreated entry of fertilizers, herbicides, pesticides and other pollutants from the project site.

Status: In project is in compliance with the conditions of the stormwater management permit.

16. In order to effectively monitor the project's impacts on surface water quality conditions in Mill Slough, the applicant (or successors) shall establish and operate a surface water quality monitoring program consisting of the following components:

(a) Surface water samples shall be collected at the following locations:

1. At sample location #1, as depicted on page 7 (Map G1) of Applicant's Information Response date January 24, 1991;
2. On Mill Slough at the proposed road alignment adjacent to the site's west property line; and
3. At the outfall from the preserved wetland in Basin 202 into the Florida Turnpike drainage ditch.

Status: In project is in compliance with the conditions of the stormwater management permit.

(b) The water samples shall be collected and analyzed at least four times annually on a seasonal basis. Sample collection at the two locations in Mill Slough shall commence immediately following the issuance of the D.O. for the purpose of obtaining additional background data. Sample collection in the stormwater pond/wetland shall commence upon the completion of the pond/berm and its discharge structure (at the time of initial rainfall runoff). The sampling period shall extend at least four (4) years following project buildout.

Status: In project is in compliance with the conditions of the stormwater management permit.

(c) Water quality parameters to be measure will be determined by the South Florida Water Management District with input from the jurisdictional government, but should include, at a minimum, all of the parameters analyzed by the applicant's consultants, as contained on pages 6 and 9 of the Applicant's Information Response date January 24, 1991. Collected data shall be furnished to the jurisdictional government and the water management district.

Status: In project is in compliance with the conditions of the stormwater management permit.

17. The applicant shall ensure that, if a property owner's association is proposed to assume drainage system operation and maintenance responsibilities, then the proposed property owner's association shall be created with defined duties and responsibilities regarding the operation and maintenance of the surface water management system, and have sufficient legal authority and power to establish the mandatory collection of fees and/or assessments from all property owners for use in financing the operation, replacement and maintenance of the project's surface water management system.

Status: The project stormwater ponds are owned and managed by private entities. Requirements are met through recorded documents. The existing large retention pond is maintained by Wal-Mart per recorded agreement.

18. Any shoreline banks created along on-site stormwater wet detention lakes greater than five acres in area shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in, or allowed to be colonized by, native emergent and submergent vegetation excluding cattails. The applicant shall ensure by replanting if necessary, that at least 80 percent cover by native aquatic vegetation is established within the littoral zone (to include at a minimum the area between ordinary high water and ordinary low water for the duration of the project).

Status: In project is in compliance with the conditions of the stormwater management permit.

19. The proposed surface water management system shall be designed, constructed and operated so as to ensure that the natural functions and hydroperiods of the on-site and off-site wetlands will not be adversely impacted or diminished.

Status: In project is in compliance with the conditions of the stormwater management permit.

20. Floodplain impact compensatory storage sites shall be provided for the 100-year flood in order to provide for effective storage volume within the floodplain.

Status: In project is in compliance with the conditions of the stormwater management permit.

21. The following minimum distances to adjacent wetland areas will be adhered to in project design and construction:

Stormwater wet detention ponds/flowways – no closer than 200 feet, and
Roadways with underdrains – no closer than 50 feet; unless one or more of the following conditions are met;

- (a) Adverse impacts on affected wetland vegetative communities from excessive drying out due in part to lateral subsurface seepage from the wetland area(s) into pond(s) during drought or low water periods have been determined not be an applicable issue of concern by the South Florida Water Management District and the jurisdictional government; or
- (b) The South Florida Water Management District and the jurisdictional government accept tests, calculations or other information (e.g. the use of preventative

measures such as clay berms) furnished by the applicant through the permitting and project review processes which demonstrate that deviations from the 50 and 200 foot distances are appropriate; or

- (c) The elevations of the bottoms of the stormwater wet/detention lakes/ponds, flowways or roadway underdrains are higher than the ordinary low water elevation in each potentially impacted wetland area.

Status: In project is in compliance with the conditions of the stormwater management permit.

22. The applicant shall design the project's surface water management system to provide for the following use of the historic Mill Slough flowage-way:

- (a) The re-routing of Mill Slough shall be in accordance with the requirements of the City Engineering Department at the time of Development Plan submittal.

Status: No re-routing of Mill Slough has occurred.

- (b) Retention of the channelized flowage-way for the conveyance of flood flows and other flows exceeding the 10 year storm event capacity of the historic flowage-way; and

Status: No permitting affecting the flowage-way of Mill Slough has occurred.

- (c) Discharge of treated stormwater discharges from Basin 302 into the historic flowage-way.

Status: No permitting affecting the flowage-way of Mill Slough has occurred.

- (d) The intention of condition #22 is to enhance the Mill Slough wetlands from the Turnpike to the west property line of the Gateway Commons project. The rerouting of Mill Slough through this area shall not reduce the carrying capacity of Mill Slough for any storm event.

Status: No re-routing of Mill Slough has occurred.

23. The applicant shall support, along with other area DRI's and other parties, an ozone modeling study for the Orlando metropolitan area. This study will be directed toward assessing the extent of ozone pollution in the area, the significance of identified problem areas. The study shall be coordinated by the ECFRPC in consultation with local governments and applicable state and federal agencies. The applicant's participation in this effort shall be limited to \$3,511.00 (\$0.10 per average daily external trip generated). Any results of this study applicable to Gateway Commons shall be given formal consideration by the applicant and the City of Kissimmee for implementation.

Payment of the applicant's share of this impact study shall be made to the University of Central Florida, Ozone Modeling Study account at the time that the Gateway Commons development order becomes effective and shall be held in escrow for eventual disbursement to cover study costs. If the ozone study has not begun within 24 months of payment then the developer shall be entitled to a refund of the amount paid.

Status: Status unknown.

24. Toward the achievement of energy conservation, the Gateway Commons project shall perform or require the following actions:
- thermal storage cooling systems for non-residential buildings shall be considered.
 - developers shall consult with the Florida Solar Energy Center and obtain guidelines for site development.
 - construction materials used shall be chosen with consideration of energy savings.
 - landscaping shall be provided which will optimize energy conservation.

Status: Development is in compliance with the Florida Building Code and City of Kissimmee requirements.

25. ~~For the purpose of the transportation conditions, the Gateway Commons DRI project shall be divided into the following phases based upon anticipated external trip generation. These external trip volumes are based upon development level equivalents as calculated from Trip Generation, 4th Edition published by the Institute of Transportation Engineers, with the exclusion of internally capture trips. Monitoring is required when the external trip generation volume for each phase is met.~~

Phase	Per Phase	Cumulative
1a	15,300	15,300
1b	7,700	23,000
2a	7,380	30,380
2b	7,380	37,760

Status: This condition was revised with the 1999 2nd Amendment to the DRI DO.

26. ~~Prior to the initiation of Phase 1b and subsequent phases as identified in the previous condition, a monitoring and modelling program shall be performed to ascertain the LOS on facilities where the Gateway Commons project is estimated to contribute an amount of traffic greater than or equal to ten percent of the roadway's LOS "C" service volume. The methodology of the monitoring/modelling program shall be agreed upon by the East Central Florida Regional Planning Council, Osceola County, the City of Kissimmee, the Florida Department of Transportation, the Department of Community Affairs and the applicant. A list of facilities (*) may include but shall not be limited to the following:~~

~~Roadway and Roadway Links~~

~~Buena Ventura Boulevard~~

- ~~— Boggy Creek Road to Florida Parkway~~
- ~~— Florida Parkway to Dart Boulevard~~
- ~~— Dart Boulevard to the Southern Connector~~

~~Florida Parkway~~

- ~~— Buena Ventura Boulevard to Dart Boulevard~~

~~Florida's Turnpike~~

- ~~— Dart Boulevard to Southern Connector~~

~~Osceola Boulevard~~

- ~~— Michigan Avenue to Dart Boulevard~~
- ~~— Dart Boulevard to CR 530~~

Michigan Avenue

- ~~Osceola Boulevard to Dart Boulevard~~
- ~~Dart Boulevard to Carroll Street~~
- ~~Carroll Street to Donegan Avenue~~
- ~~Donegan Avenue to US 192~~

Dart Boulevard

- ~~Buena Ventura Boulevard to Florida Parkway~~
- ~~Florida Parkway to Florida's Turnpike~~
- ~~Florida's Turnpike to Osceola Boulevard~~
- ~~Osceola Boulevard to Michigan Avenue~~
- ~~Michigan Avenue to CR 527 north~~
- ~~CR 527 north to CR 527 south~~
- ~~CR 527 south to US 441~~
- ~~US 441 to Bermuda Avenue~~

Donegan Street

- ~~Michigan Avenue to Old Dixie Highway (CR 527)~~
- ~~Old Dixie Highway (CR 527) to US 441~~

- ~~* to include intersections of these roadways and other collector and high classified roadways which intersect these roadways and interchange ramps.~~

Status: This condition was revised with the 1999 2nd Amendment to the DRI DO.

- 27. ~~The Gateway Commons project shall not commence beyond phase 1a, or beyond and equivalent 15,300 external average daily trips (ADT), into phase 1b when service levels are below service level "D" peak hour (LOS "C" on rural designated roadways) and the project contributes ten percent or greater to the LOS "C" service volume of the roadway or intersection as determined by the monitoring program required in the preceding condition, unless mitigation measures and/or improvements are secure and committed to occur on deficient facilities during the next sub-phase.~~

- ~~Prior to the commencement of sub-phase 1b and all subsequent phases, the applicant must also demonstrate, by means of a monitoring/modeling study which assesses current conditions and satisfaction of the East Central Florida Regional Planning Council, Osceola County, Orange County, the City of Kissimmee, the Florida Department of Transportation and the Department of Community Affairs that, where the project contributes ten percent or greater to the LOS "C" service volume of a facility, the next applicable subphase of traffic (along with cumulative project traffic) will not adversely affect service levels (below service level "D" peak hour on urban roadways and service level "C" on rural roadways) or demonstrate that the necessary improvements are committed to occur during said applicable phase. Proof of mitigation must include identification of committed funding sources and a reasonable guarantee of scheduling within the required time frame. Otherwise, further building permits shall not be issued by the jurisdictional government.~~

Status: This condition was revised with the 1999 2nd Amendment to the DRI DO.

- 28. Toward the achievement of the objectives in the two preceding condition, an agreement(s) among Osceola County, Orange County, the City of Kissimmee, the Florida Department of Transportation and the applicant shall be entered into within twelve months of the issuance of a development order for this project by the jurisdictional government. Said

agreement(s) shall address and clarify such issues related to equity in the application of fees for roadway improvements. Said fees shall be based on a fair-share basis with respect to the improvements to be constructed and not solely on the basis of impact fees. However, such an agreement would not alter or waive the provisions of the two preceding conditions as a mitigative measure for the aforementioned conditions.

In the event that one of the designated parties to the agreement (other than the applicant) fails to execute said interlocal agreement within the specified time, then the applicant may proceed with the project based upon the monitoring/modeling schedule and all other conditions specified herein as it affects the non-participating party. Separate agreements may be entered with one or more parties and the applicant.

Status: The referenced agreement was not executed during the specified time.

29. The applicant shall construct an on-street, on-site system of bikeways to connect with external on-street bicycle systems as available in conjunction with new project interior roadway construction. Bikeway construction standards shall conform to the latest state criteria and/or City code.

In conjunction with the building development, bicycle support facilities (e.g. parking) shall be made available at commercial centers hotels and employment centers.

Status: The project meets the requirements of the City of Kissimmee for bicycle connectivity and parking provision requirements.

30. Bicycle lockers or bicycle racks, transit passenger shelters and transit parking bays shall be constructed where necessary to augment and facilitate the operations of off-site transit and bicycle facilities. Transit bays and areas for shelters shall be reserved for future transit service and constructed when transit is available. Siting and construction of transit facilities shall be approved by the applicant or successors, jurisdictional government and Tri-County Transit. The applicant shall make known to tenants and residents that the Gateway Commons area is service by an existing ridesharing program. Future transit (when available) and current ridesharing information shall be prominently displayed in all on-site public gathering areas, employment centers and/or commercial center areas. After Phase 1b the Gateway Commons project shall provide for a part-time ridesharing coordinator who will be responsible for coordinating with the area transit provider, conducting ridesharing campaigns within the project, publicity, transit information, etc.

Status: In compliance. The project is still within Phase 1.

31. The plan of development shall provide for the development of a child care center on the site. This requirement shall be implemented prior to Phase 2, unless the Applicant can show that adequate day care facilities in the vicinity are provided off site, or the provision of a day care center will be a hardship on the Applicant.

Status: The project is still within Phase 1.

32. The applicant shall fund the construction of left and right-turn deceleration lanes at all project entrance. These improvements shall be constructed when such project entrances are created. The applicant shall fund, on a pro-rata basis, the cost of future signalization at project entrances and internal site intersections when deemed warranted by the appropriate governmental entity. Access along Dart Boulevard, Michigan Avenue and

Osceola Boulevard shall be limited to the access standards outlined in the project ADA and later information submissions.

Status: Required operational improvements have been constructed at all entrances.

33. The following roadway improvements shall be constructed at the specified project generated ADT level phases. It is understood that these improvements may not be needed or may be insufficient based upon actual areawide development levels. Accordingly, some of these improvements may be delayed or eliminated or alternative improvements may be constructed, so long as adequate levels of service are maintained on significantly impacted facilities. Prior to the time-frame required, the Applicant or successors may demonstrate that the improvement is not necessary as listed within this condition; however, the burden of proof rests with the applicant and the final decision rests with Osceola County and the Department of Transportation on state facilities.

Phase 1

1. Osceola Boulevard from Dart Boulevard to Michigan Avenue; 4 lanes prior to phase 1b. *
2. Michigan Avenue from Dart Boulevard to Carroll Street; 4 lanes prior to phase 1b.
3. Dart Boulevard from Buenaventura Boulevard to Florida Parkway; 4 lanes prior to phase 1b.
4. Dart Boulevard and Florida's Turnpike; new interchange prior to phase 1b.

Phase 2

1. Michigan Avenue from Dart Boulevard to Carroll Street; 6 lanes prior to phase 2a.
2. Michigan Avenue from Carroll Street to Donegan Avenue; 6 lanes prior to phase 2a.
3. Michigan Avenue from Donegan Avenue to US 192; 6 lanes prior to phase 2b.
4. Dart Boulevard from Buenaventura Boulevard to Florida's Turnpike and from Osceola Boulevard to US 441; 6 lanes prior to phase 2b.
5. Dart Boulevard from Florida's Turnpike to Osceola Boulevard; 8 lane capacity improvement prior to phase 2b.

* Alternate interchange design may negate this improvement.

Status: The project is in compliance with all required transportation improvements.

34. All hotels on site shall operate or have access to transit shuttles which will service the Orlando International Airport and local attractions.

Status: There are no hotels on site.

- ~~35. Parcel 1 of the Master Development Plan (Map H) shall be subject to a 50' building setback from the future north right-of-way line of Dart Boulevard (proposed 160' total roadway right-of-way).~~

Status: This condition was deleted with the 1999 2nd Amendment to the DRI DO.

36. The Florida Department of Transportation has initiated plans to construct an interchange at the intersection of Dart Boulevard and Florida's Turnpike. The precise land area required for the interchange shall be designated by FDOT within 45 days of the applicant's signing of the development order, but shall in no event exceed 10.9 acres (6.8 acres in the northwest quadrant and 4.1 acres in the southwest quadrant). The applicant agrees

to refrain from construction activity within the potential interchange area for a period of one (1) year commencing on the date of applicant signing of the development order. With regard to anything contained herein to the contrary notwithstanding, this provision shall not be construed by any third party to diminish the value of the lands covered.

Status: The project met this condition.

37. As it relates to the project' primary traffic impact area, the applicant shall pay a fair share cost to the Florida Department of Transportation for impacts to State maintained facilities consistent with the provisions of ECFRPC Rule 28F-3.11(3)(g), 380.06 (15)(e)(1), Florida Administrative Code. Said impacts and fees may be resolved through development order condition #28, contained herein.

Status: In compliance; see Condition #28.

38. Development is approved to occur in conformance with the following commitments and plan characteristics made by the applicant:

Stormwater Management

- The wet season water levels in the preserved wetlands will be controlled at natural pre-development levels (SFWMD conceptual application, p. 4-2)
- The use of wet detention ponds represents the primary means of stormwater treatment on the project site (ADA P. 22-12)

Floodplains

- Sufficient compensatory storage volume will be provided in the stormwater detention pond system such that project construction will not result in a net loss of basin storage volume for the 100 year/24 hour storm event (ADA, p. 22-5)

Wastewater Management

- The land uses proposed for the project are not anticipated to produce any pollutants that would vary from normal domestic wastewater (ADA, p. 21-1)
- On site wastewater treatment is not planned (ADA, p. 21-1)
- No septic tanks are planned for the project (ADA, p. 21-3)
- If hazardous waste producing tenants locate on-site, the applicant will require that all necessary precautions are taken to comply with CRPP regional issue 50 and all local, state, and federal requirements regarding the disposal of hazardous wastes (First Sufficiency Response, p. 29)

Water Supply

- Irrigation of road right-of-way and open space areas will be met using non-potable water. The xeriscape concept will be used in the landscaping (ADA, p. 23-1)
- If any water wells are observed on the site, they will be capped and abandoned (ADA, p. 23-3)
- The applicant will use treated wastewater effluent for irrigation when such a water source is made available to the site (First Sufficiency Response, p. 25)

Solid Waste

- On site disposal will not occur (ADA, p. 24-3)

Fire Protection

- Property sized pipes and pumping systems will be utilized to ensure adequate water flow and pressure are available for fire protection. An engineering analysis of all pipe sizes and hydraulic properties of the proposed system will be conducted to assure that all requirements are met. Fire protection systems for the project will be provided in accordance with the latest recommendations of the National Fire Protection Association, in conformance with the standard building code and standard plumbing code and the

requirements of utility and governmental agencies exercising jurisdiction over work at the project (ADA, p. 23-5)

Environment

- Average 50 foot, minimum 25 foot upland buffers are proposed along the upland limits of wetland #1 (north cypress swamp) and #2 (march fringe of northern swamp) combined and wetland #6 (Mill Slough). Wetland #4 (cypress dome next to Turnpike) is proposed to be utilized for stormwater detention and only a minimum 15' upland buffer is proposed (1st response – Dec. 7, 1990, page 9)
- All of wetlands #1, #2, and #4, all of wetland #5 (adjacent to Turnpike and south of Dart Blvd.), and most of wetland #6 will be preserved in their existing state or enhanced to improve their wetland function (ADA, page 16-6).

Status: In compliance.

39. The applicant agrees to work with the City to develop guidelines to be incorporated in the new City Development Regulations which will be mutually beneficial to both the Applicant and the City.

Status: In compliance.

40. Development shall occur in accordance with the City of Kissimmee Subdivision Regulations.

Status: In compliance.

41. Period of Effectiveness

~~The development order shall take effect after execution by the Mayor and the City Commission of the City of Kissimmee and the appeal period provided in Florida Statutes Section 380.7, Florida Statutes. The development order shall remain in effect for a period of 15 years, with the exception that if development equal to five percent of Phase 1 of the project has not been constructed within five years of issuance of the development order, then the development order shall expire unless extended by the City. The effectiveness of this development order may be extended upon a showing by the Developer that the completed portions and remaining portions of the development comply with the conditions of this development order and the provisions of Chapter 380.06, Florida Statutes.~~

Status: This condition was revised with the 1996 1st Amendment to the DRI DO.

42. Annual Report Requirements

The Developer, its successors or assigns, will submit an annual report on or before the anniversary date of this order of each calendar year during the buildout of the development plan. Said annual report will be submitted to the City of Kissimmee, the East Central Florida Regional Planning Council, the Florida Department of Community Affairs, the Florida Department of Environmental Regulation, the Florida Department of Transportation, the South Florida Water Management District and any other affected permit agencies. The report shall include the information required under the conditions of approval and the information enumerated below and in the format specified in Form #BLWM-07-85 of the Florida Department of Community Affairs. The report to the City of Kissimmee shall also include a statement that all persons/agencies listed above have been sent copies of the Annual Report. In accordance with Chapter 380.06(18), Florida Statutes, failure to timely file an Annual Report may result in the temporary suspension of this Development Order. The report shall address the following:

- (a) Changes in the plan of development or in the representations contained in the ADA, or in the phasing for the reporting year and for the next year;
- (b) A summary comparison of development activity proposed and actually conducted for the year;
- (c) Undeveloped tracts of land other than individual single-family lots, that have been sold to a separate entity or developer;
- (d) Identification and intended use of lands purchased, leased or optioned by the Development adjacent to the Development site indicated in the Application for Development Order, since this Development Order was issued;
- (e) An assessment of the Development's and local government's compliance with conditions of approval contained in this Development Order and the commitments which are contained in the Application for Development Approval and which have been identified by local government, the Regional Planning Council or the Department of Community Affairs as being significant.
- (f) Any known incremental development of regional impact ("DRI") applications for development approval or requests for a substantial deviation determination that were filed during the reporting year, or to be filed during the next year, relating to the development;
 - 1) An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;
 - 2) A list of significant local, state, and federal permits which have been obtained or which are pending by agency.
- (g) A statement that all person/entities have been sent copies of the Annual Report in conformance with subsections 380.06(15) (f) and (18), Florida Statutes;
- (i) The final annual report shall include a statement indicating that all development authorized by the Development Order has been completed and all conditions of approval have been satisfied.

Status: This Annual Report is submitted as part of the application for rescission of the DRI Development Order. The last known Annual Report was submitted for the Reporting Period 2007-2008.

43. Monitoring Mechanism

Compliance with the terms and conditions of this Development Order shall be monitored through the provisions of the established review and approval process for development pursuant to City of Kissimmee Monitoring Procedures. The Administrative Official, as set forth in the City of Kissimmee's Land Development Regulations, shall be the official responsible for monitoring compliance by the developer with this Development Order.

Status: Acknowledged.

44. ~~Restrictions on Down Zoning~~

~~This Development of Regional Impact will not be subject to down zoning, unit density reduction or intensity reduction for a period of five years from the effective date of this Development Order unless it is demonstrated that substantial changes in the conditions underlying the approval of this Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by the City of Kissimmee to be essential to the public health, safety or welfare.~~

Status: This condition was revised with the 1996 1st Amendment to the DRI DO.

45. **Modifications to the Development Order**

The Developer shall submit, simultaneously, to the City of Kissimmee, the East Central Florida Regional Planning Council and the Florida Department of Community Affairs (DA) any requests for approval of a proposed change to this Development Order. This submission shall be in a format established by the DCA and shall include as a minimum the precise language which is proposed for deletion or addition to the development order and a statement summarizing all previous changes that have been made to the development order.

Status: Acknowledged.

1st Amendment to Gateway Commons Development of Regional Impact Development Order - 1996

Section I. Findings of Fact:

1. The Developer's authorized agent is Joseph G. Kern, Esquire, Lowndes, Drosdick, Doster, Kantor & Reed, P.A. 215 North Eola Drive, Orlando, FL 32801.

Section III. Development Order:

- ~~2. The project shall consist of a total of 1,050 hotel rooms, 532,000 square feet of retail development, and 600,000 square feet of business park on 208.2 acres. Phase 1 of the project shall consist of 532,000 square feet with a phase buildout of December 30, 2000. Phase 2 shall consist of 1,050 hotel rooms and 600,000 square feet of business park with a phase/project buildout of December 30, 2005. The amended conceptual development program is attached hereto as Exhibit "B".~~

Status: This information was revised with the 1999 2nd Amendment to the DRI DO.

- ~~3. If five percent of Phase 1 of the project (26,600 square feet of commercial space of any combination which equals five percent of development) is not constructed by August 5, 2001, then the Development Order shall expire.~~

Status: This information was revised with the 1999 2nd Amendment to the DRI DO.

41. This Development Order shall take effect after execution by the Mayor and the City Commission of the City of Kissimmee and the appeal period provided in Section 380.07, Florida Statutes. The Development Order shall remain in effect until August 5, 2012, with the exception that if development equal to five percent of Phase I of the project has not been constructed by August 5, 2001, then the development order shall expire unless extended by the City. The effectiveness of this development order may be extended upon a showing by the Developer that the completed portions and remaining portions of this development order comply with the conditions of this development order and the provisions of Chapter 380.06, Florida Statutes.

Status: In compliance.

44. Restrictions on Down Zoning This Development of Regional Impact will not be subject to down zoning, unit intensity reduction or intensity reduction until August 5, 2001 unless it is demonstrated that substantial changes in the conditions underlying the approval of this Development Order have occurred, or that this Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by the City of Kissimmee to be essential to the public health, safety and welfare.

Status: In compliance.

2nd Amendment to Gateway Commons Development of Regional Impact Development Order - 1999

1. The legal description to the Project attached to the Development Order as Exhibit "1" is hereby deleted in its entirety and the legal description attached hereto as Exhibit "A" is inserted in lieu, in place and instead thereof.
2. Paragraph 4 of Section II, Conclusions of Law, of the Development Order is hereby deleted in its entirety and the following new Paragraph 4 of Section II, is hereby inserted in lieu, in place and instead therefore to wit:

"This Development Order constitutes final approval of use of the Property for a total of 700 hotel rooms, 695,000 square feet of commercial development and 265,000 square feet of business park on 195.7 acres, as more particularly detained in the Findings of Fact above and as described in the ADA/DRI and incorporated by the reference, and subsequently amended by sufficiency responses, and the NOPC filed with the City and as may be amended by the terms and conditions of this Development Order."

3. Paragraphs 2 and 3 of Section III, of the Development Order are hereby deleted in their entirety and the following Paragraphs 2 and 3 are hereby inserted in lieu, in place and instead thereof, to-wit:

"2. The project shall consist of a total of 700 hotel rooms, 695,000 square feet of commercial development and 265,000 square feet of business park on 195.7 acres. Phase 1 of the project shall consist of 585,000 square feet of commercial and 15,000 square feet of business park and 300 hotel rooms with a phase buildout of December 30, 2000. Phase 2 shall consist of 110,000 square feet of commercial, 400 hotel rooms and 250,000 square feet of business park with a phase/project buildout of December 30, 2005.

3. If five percent of Phase 1 of the project (34,750 square feet of commercial space or any combination which equals five percent of development) is not constructed by August 5, 2001 then the Development Order shall expire."

Status: In compliance.

4. Paragraph 8 of the Development Order shall be amended by adding the following sentence at the end of said paragraph:

"Off-site mitigation shall be included as an acceptable method of mitigating on-site losses of viable wetlands, subject to meeting all applicable governmental rules and regulations."

Status: In compliance.

5. Paragraph 25 of Section III of the Development Order is hereby deleted in its entirety and the following Paragraph 25 is hereby inserted in lieu, in place and instead thereof, to wit:

"25. For the purpose of the transportation conditions, the Gateway Commons DRI project shall be divided into the following phases based upon anticipated daily

Poulos & Bennett, LLC • 2602 E. Livingston Street • Orlando, Florida 32803 • (407) 487-2594 • www.poulosandbennett.com

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Status document.docx

external trip generation. These daily external trip volumes are based upon development level equivalents as calculated from Trip Generation, 6th Edition published by the Institute of Transportation Engineers. Monitoring is required when the external trip generation volume for each phase is met.

Phase	Per Phase	Cumulative
1	28,774	28,774
2	12,807	41,581

* Note: No certificate of occupancy shall be issued for any development of the project unless (i) construction has commenced on the widening of Michigan Avenue to four (4) lanes between Osceola Parkway and Carroll Street or (ii) the agreement referenced in the last paragraph or Condition #28 of Section III is fully executed.

Status: In compliance.

6. Paragraph 26 of Section III, is hereby deleted in its entirety, and the following Paragraph 26 is hereby inserted, in lieu, in place and instead thereof, to wit:

"26. Prior to the initiation of Phase 2, a monitoring and modeling program shall be performed to ascertain the LOS on facilities where the Gateway Commons project is estimated to contribute an amount of traffic greater than or equal to ten percent of the roadway's LOS "C" service volume. The methodology of the monitoring modeling program shall be agreed upon by the East Central Florida Regional Planning Council, Osceola County, Orange County, the City of Kissimmee, the Florida Department of Transportation, the Department of Community Affairs and the applicant. A list of facilities (*) may include but shall not be limited to the following:

Roadway and Roadway Links

US 441
US 192 to Donegan Avenue
Donegan Avenue to Carroll Street
Carroll Street to Osceola Parkway

John Young Parkway

Osceola Parkway to Hunter's Creek Boulevard
Buenaventura Boulevard
Boggy Creek Road to Florida Parkway
Florida Parkway to the SR 417

Florida Parkway

Buenaventura Boulevard to Osceola Parkway
Florida's Turnpike
US 17/92 to Osceola Parkway to Southern Connector
Osceola Parkway to US 192

CR 527 (Old Dixie Highway)

Carroll Street to Osceola Parkway
Osceola Parkway to Town Center Boulevard
Town Center Boulevard to SR 417

Michigan Avenue

Osceola Parkway to Carroll Street
Carroll Street to Donegan Avenue
Donegan Avenue to US 192

Osceola Parkway

Boggy Creek Road to Buenaventura Boulevard
Buenaventura Boulevard to Florida Parkway
Florida Parkway to Florida's Turnpike
Florida's Turnpike to Michigan Avenue
Michigan Avenue to CR 527 north
CR 527 north to CR 527 south
CR 527 south to US 441
US 441 to Bermuda Avenue

Donegan Street

Michigan Avenue to Old Dixie Highway (CR 527)
Old Dixie Highway (CR 527) to US 441

Bill Beck Boulevard (the constructed portion)

Woodcrest to Osceola Parkway

* to include intersections of these roadways and other collector and high classified roadways which intersect these roadways and interchange ramps."

Status: The project is in Phase 1.

7. Paragraph 27 of Section III of the Development Order is hereby deleted in its entirety and inserted in lieu, in place and instead thereof is the following new Paragraph 27, to wit:

"27. The Gateway Commons project shall not commence beyond Phase 1, or beyond and equivalent 28,774 external average daily trips (ADT), into Phase 2 when service levels are below service level "D" peak hour (LOS "C" on rural designated roadways) and the project contributes ten percent or greater to the LOS "C" service volume of the roadway or intersection as determined by the monitoring program required in the preceding condition, unless mitigation measures and/or improvements are secured and committed to occur on deficient facilities during the next phase.

Prior to the commencement of Phase 2, the applicant must also demonstrate, by means of a monitoring/modeling study which assesses current conditions and projects the impacts of the next phase of traffic, to the satisfaction of the East Central Florida Regional Planning Council, Osceola County, Orange County, the City of Kissimmee, the Florida Department of Transportation and the Department of Community Affairs that where the project contributes ten percent or greater to the LOS "C" service volume of a facility, the next applicable phase of traffic (along with cumulative project traffic) will not adversely affect service levels (below service level "D" peak hour on urban roadways and service level "C" on rural roadways) or demonstrate that the necessary improvements are committed to occur during said phase. Proof of mitigation must include identification of committed funding sources, and a reasonable guarantee of scheduling within the required time frame.

Otherwise, further building permits shall not be issued by the jurisdictional government.”

Status: The project is in Phase 1.

8. Paragraph 28 of Section III of the Development Order is hereby modified by adding the following paragraph at the end of the existing Paragraph 28 to wit:

In addition to the agreement set forth hereinabove, the applicant shall use his best efforts to enter into an agreement with the City of Kissimmee and Osceola County, said agreement to be entered into within three months of the issuance of this Development Order for this project. Said agreement shall address the funding mechanisms (to include transportation impact fee credits), for improvements to widen Michigan Avenue to a four lane urban section from Carroll Street to Osceola Parkway. Said agreement shall also address the construction of Bill Beck Blvd. from Osceola Parkway to Woodcrest in a two lane rural configuration.

Status: A Joint Facilitation of Public Infrastructure Agreement was executed in 2001, and subsequently amended in 2002.

9. Paragraph 33 of Section III of the Development Order is hereby deleted in tis entirely in lieu, in place and instead thereof is hereby substituted the following Paragraph 33, to wit:

“33. The following roadway improvements shall be constructed at the specified project generated ADT levels or phases. It is understood that these improvements may not be needed or may be insufficient based upon the actual area wide development levels. Accordingly, some of these improvements may be delayed or eliminated or alternative improvements may be constructed, so long as adequate levels of service are maintained on significantly impacted facilities. Prior to the time-frame or intensity of development which requires construction of the improvements, the Applicant or successors may demonstrate that the improvement is not necessary as listed within this condition; however, the burden of proof rests with the applicant and the final decision rest with Osceola County and the Department of Transportation on state facilities.

Phase 1

Michigan Avenue from Osceola Parkway to Carroll Street; this shall be completed as a 4 lane urban roadway section prior development which results in an anticipated external trip generation exceeding 15,300 ADT. No building permits shall be issued for development which results in an anticipated net new external trip generation exceeding 10,000 ADT until contracts have been let for the commencement of the construction of Michigan Avenue as a four lane urban section from Carroll Street to Osceola Parkway. Certificates of occupancy for use anticipated to generate greater than 15,300 ADT shall not be issued until the substantial completion of Michigan Avenue as provided herein. For the purposed of this development order condition, “substantial completion of Michigan Avenue” shall mean the opening up for traffic of Michigan Avenue as a four lane urban section from Osceola Parkway to Carroll Street.

Phase 2

1. Bill Beck Boulevard for Osceola Parkway to Woodcrest; 2 lanes with right-of-way reserved for 4 lanes, two lanes prior to Phase 2.

2. Osceola Parkway from Buenaventura Boulevard to Florida's Turnpike and from Bill Beck Boulevard to US 441; 6 lanes prior to Phase 2.
3. Osceola Parkway from Florida's Turnpike to Bill Beck Boulevard; 8 lane capacity improvement prior to Phase 2.
4. Michigan Avenue from Carroll Street to US 192, 6 lanes prior to Phase 2.

It is acknowledged that the City of Kissimmee's Comprehensive Plan is in compliance with Chapter 163, Part II, F.S., and the plan includes a transportation concurrency management system that recognizes improvements scheduled within the first three years of the capital improvements schedule (pursuant to Rule 9J-5.0055(2)(c), FAC). Therefore, those scheduled improvements and those improvements identified as scheduled for construction within the first three years of the current Florida Department of Transportation improvement program may be counted as committed for the purposes of this Development Order. Committed improvements may also include (i) a binding financially secured and irrevocable commitment by the Developer or other applicable persons or entities for the design engineering and actual construction of the necessary improvements (with the posting of cash bond, surety bond, irrevocable letter of credit or other security in a form satisfactory to the City of Kissimmee (or the applicable government of jurisdiction)), which requires construction to occur during the applicable phase and must be in accordance with the requirements of the City of Kissimmee (or the applicable government of jurisdiction) Comprehensive Plan, or (ii) any alternative agreed upon by the City of Kissimmee (and any other applicable government jurisdiction), the ECFRPC, the DCA and the Developer and incorporated into the Development Order by amendment.

Status: In compliance.

10. The Gateway Commons Master Development Plan (Map H) of the Project dated April 12, 1999, attached hereto as Exhibit "B" is hereby incorporated into the Development Order.

Status: In compliance.

11. The Gateway Commons Conceptual Development Program for the Project attached to the Development Order is hereby deleted in its entirety and lieu, in place and instead thereof is substituted the Conceptual Development Program as shown on the Master Development Plan (Map H) attached hereto as Exhibit "B".

Status: In compliance.

12. Paragraph 35, of Section III of the Development Order is hereby deleted in its entirety.

Status: Acknowledged.

13. With the exception of the forgoing modifications, all other conditions of the Development Order shall remain in full force and effect and shall be binding upon the Developer's heirs, assigns, transferees, devisees and successors in interest, by whatever means, and shall run with, burden and be a servitude upon the Project.

Status: Acknowledged.

SECTION 3: DRI TRANSPORTATION ANALYSIS



Gateway Commons DRI Trip Generation Counts and Analysis

As per the "Proposed Transportation Methodology" outline by Kimley-Horn, copy attached, daily trip generation counts were made at the four entrances serving Gateway Commons. **Figure 1** depicts the existing Gateway Commons development and site entrances. The counts were made with the use of mechanical traffic counters which recorded entering and exiting traffic by 15-minute intervals. The counts were made on two weekdays, October 25 (Wednesday) and October 26 (Thursday) 2017. From these counts which are appended to this document, the daily and PM peak hour counts of entering and exiting traffic were determined as summarized in **Table 1**. The two weekday counts resulted the following average daily and PM peak hour trip generation for Gateway Commons:

- Daily Generation37,071 vph
- PM Peak Hour Generation2,664 vph

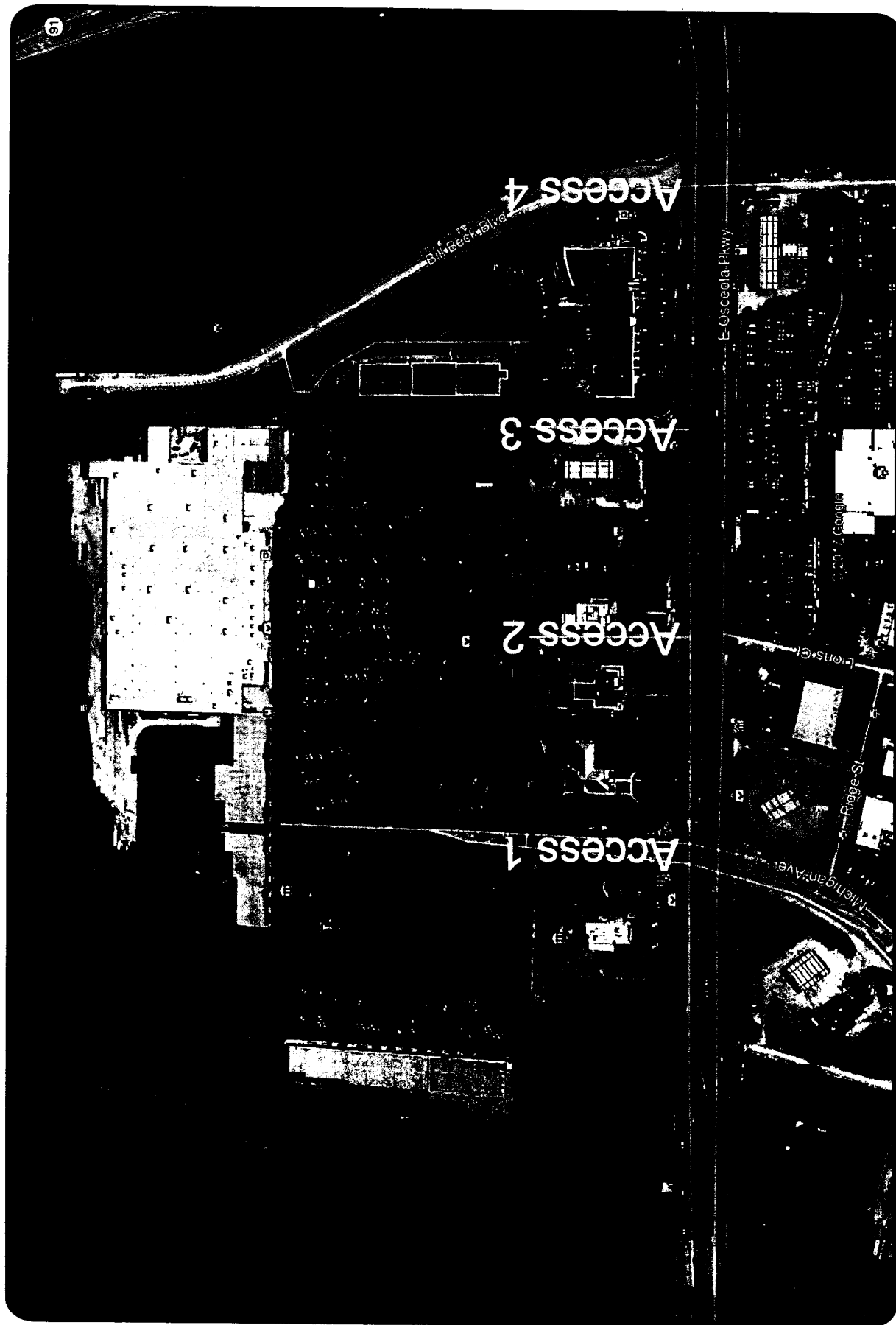
As per ITE, 34% of the generated trips are pass-by trips attracted from the existing traffic stream on Osceola parkway. This very same percentage is used by the City in its Mobility Fee Calculator in the assessment of impact fees. Kimley-Horn proposed the use of the ITE equation, $\ln(T) = (-) 0.29 \ln(x) + 5$ in determining the pass by trip capture from the 2nd Edition of the ITE Trip Generation Handbook (June 2004). Due to the low coefficient of determination ($R^2 = 0.37$), the 3rd Edition of the ITE Trip Generation Handbook no longer includes this equation.

Applying a pass-by trip capture of 34% results in 24,467 new net daily trips generated by the existing Gateway Commons development. The Phase 1 of the Gateway Commons DRI has a new net trip threshold of 28,774 vehicles. This volume threshold is greater than the actual trips of 24,467 vehicles measured in the field at the site entrances. Since the actual trips are less than 28,774, all required mitigation has been completed for Phase 1 of the DRI.

**TPD# 4886
November 13, 2017**

Traffic Planning and Design, Inc.

535 Versailles Drive, Maitland, Florida 32751 ■ Phone (407) 628-9955 ■ Fax (407) 628-8850 ■ www.tpdtraffic.com



Existing Gateway Commons & Site Entrances

Gateway Commons
Project No 4886
Figure 1



Table 1
Gateways Commons Traffic Counts Summary

1	McDonald's	Enter	10,006	696	9,959	762	9,983	729
		Exit	11,777	879	11,854	863	11,816	871
2	Chase Bank	Enter	1,890	150	1,881	181	1,886	166
		Exit	1,702	128	1,945	155	1,824	142
3	Panera	Enter	3,523	210	3,884	217	3,704	214
		Exit	2,571	154	2,672	170	2,622	162
4	Plaza Entrance	Enter	2,729	207	2,910	223	2,824	215
		Exit	2,432	175	2,391	154	2,412	165
	Driveways	Enter	18,157	1,263	18,634	1,383	18,397	1,324
		Exit	18,482	1,336	18,862	1,342	18,674	1,340
	Total	-----	36,639	2,599	37,496	2,725	37,071	2,664

Kimley»Horn

October 4, 2017

Mr. Bob Wright
Project Coordinator
Development Services Department
City of Kissimmee
101 Church Street
Kissimmee, Florida 34741

RE: Gateway DRI – Proposed Transportation Methodology

Dear Mr. Wright:

This proposed methodology outline was developed in response to the 9/25/17 meeting on the DRI.

DRI Status:

- Based on the original DRI Regional Report prepared by the ECFRPC (1991), Phase 1 was to be complete by 1995 and Phase 2 by 2000.
- The 1st amendment changed the Phase 1 buildout date to 2000, the Phase 2 buildout date to 2005, and the development order expiration date to August 5, 2011.
- The 2nd amendment changed the Phase 1 mitigation requirements to only include Michigan Avenue, from Osceola Parkway to Carroll Street as a 4-lane roadway.
- The Joint Facilitation of Public Infrastructure for Michigan Avenue and Bill Beck Boulevard from 2001 was an agreement for the developer to construct improvements to Michigan Avenue (as a 5-lane roadway) in exchange for impact fee credits. The developer agreed to provide additional right-of-way for the Bill Beck Boulevard extension, and the City agreed to donate a short portion of Bill Beck Boulevard (from Woodcrest Boulevard to the southern property line of Gateway DRI). The County agreed to construct Bill Beck Boulevard from Woodcrest Boulevard to Osceola Parkway.

Traffic Analysis and Process:

- Count daily trips accessing the DRI, summarizing by daily and peak-hour. Provide raw count data in the appendix with information summarized for hourly and 15-minute intervals.
- Apply ITE pass-by percentage based on the equation: $\text{Ln}(T) = -0.29 \text{Ln}(X) + 5$. Assuming that 407,609 square feet of retail has been built, this results in a pass-by percentage of 26%.
- Calculate daily trip generation (not including pass-by trips).
- Compare to Phase 1 trip threshold of 28,774.
- If actual trips are less than 28,774, all required mitigation has been completed.
- If actual trips are more than 28,774, document the history of payments (by year) of impact fees and other payments, including the recipient of the payments. The City will review this information to determine if this provides sufficient mitigation or if additional steps need to be taken.

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kimley-horn.com

3600 Maguire Blvd, Suite 200, Orlando, FL 32803

407-898-1511

Appendix
Raw Traffic Count Data

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025005.PRN

Station : 000000000001

Identification : 000000000001

Interval : 15 minutes

Start date : Oct 25, 17

Start time : 00:00

Stop date : Oct 26, 17

Stop time : 24:00

City/Town :

County :

Location : 4 MCDONALDS ENTRANCE IN

Oct 25 Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	31	10	13	8	12	14	56	79	99	153	163	170
30	20	3	10	7	8	20	42	77	119	169	168	170
45	16	11	9	10	12	25	48	68	141	145	186	188
00	13	13	14	8	8	40	80	90	148	158	154	217

Hr Total 80 37 46 33 40 99 226 314 507 625 671 745

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	214	186	158	222	171	162	118	179	141	86	58	37
30	185	198	192	181	178	186	135	147	98	111	61	38
45	232	155	153	189	173	173	176	132	97	62	30	44
00	196	180	152	208	174	132	133	120	96	69	33	32

Hr Total 827 719 655 800 696 653 562 578 432 328 182 151

24 Hour Total : 10006

AM peak hour begins : 11:30

AM peak volume : 804

Peak hour factor : 0.87

PM peak hour begins : 12:00

PM peak volume : 827

Peak hour factor : 0.89

Oct 26 Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	37	18	8	10	14	19	39	82	97	133	126	149
30	13	14	6	7	6	17	35	57	100	175	140	188
45	22	8	7	2	7	26	52	80	119	133	139	179
00	18	12	10	16	19	35	82	76	125	162	180	191

Hr Total 90 52 31 35 46 97 208 295 441 603 585 707

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	202	193	178	169	229	186	150	135	134	72	60	39
30	175	232	201	164	186	164	155	152	102	81	34	44
45	189	198	149	172	175	171	174	132	127	91	60	39
00	221	185	195	122	172	187	183	128	92	89	39	42

Hr Total 787 808 723 627 762 708 662 547 455 333 193 164

24 Hour Total : 9959

AM peak hour begins : 11:15

AM peak volume : 760

Peak hour factor : 0.94

PM peak hour begins : 12:45

PM peak volume : 844

Peak hour factor : 0.91

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025006.PRN
 Station : 000000000005
 Identification : 000000000005
 Start date : Oct 25, 17
 Stop date : Oct 26, 17
 City/Town :
 Location : 4 MCDONALDS ENTRANCE OUT
 Interval : 15 minutes
 Start time : 00:00
 Stop time : 24:00
 County :

Oct 25 Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	60	24	22	18	10	6	30	93	65	118	141	177
30	31	13	18	14	10	18	31	112	107	141	155	220
45	38	9	8	12	11	20	41	84	127	157	221	189
00	23	9	12	8	14	25	48	83	124	132	209	237

Hr Total	152	55	60	52	45	69	150	372	423	548	726	823
----------	-----	----	----	----	----	----	-----	-----	-----	-----	-----	-----

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	196	225	207	194	232	199	194	191	161	134	81	81
30	248	226	230	201	220	213	186	194	168	108	95	45
45	238	234	187	236	205	200	189	203	159	130	74	49
00	224	239	201	210	222	178	186	185	127	108	52	37

Hr Total	906	924	825	841	879	790	755	773	615	480	302	212
----------	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----

24 Hour Total : 11777

AM peak hour begins : 11:30 AM peak volume : 870 Peak hour factor : 0.88

PM peak hour begins : 12:15 PM peak volume : 935 Peak hour factor : 0.94

Oct 26 Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	25	26	17	12	10	21	19	81	74	145	145	188
30	33	24	11	9	10	11	39	114	109	130	169	184
45	26	10	7	6	4	14	52	76	110	118	169	190
00	23	14	5	11	13	22	49	83	117	134	166	194

Hr Total	107	74	40	38	37	68	159	354	410	527	649	756
----------	-----	----	----	----	----	----	-----	-----	-----	-----	-----	-----

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	205	224	216	214	184	201	208	175	189	132	157	84
30	251	217	257	213	239	206	192	190	145	114	268	78
45	189	225	230	221	222	198	214	191	169	116	99	47
00	197	224	221	195	218	191	184	154	152	102	81	36

Hr Total	842	890	924	843	863	796	798	710	655	464	605	245
----------	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----

24 Hour Total : 11854

AM peak hour begins : 11:30 AM peak volume : 840 Peak hour factor : 0.84

PM peak hour begins : 13:45 PM peak volume : 927 Peak hour factor : 0.90

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025004.PRN
 Station : 000000000001
 Identification : 000000000001
 Start date : Oct 25, 17
 Stop date : Oct 26, 17
 City/Town :
 Location : 3 CHACE BANK ENTRANCE IN
 Interval : 15 minutes
 Start time : 00:00
 Stop time : 24:00
 County :

Oct 25 Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	11	0	6	4	6	3	7	19	16	29	27	27
30	5	0	0	4	2	4	12	12	27	36	54	28
45	6	0	2	2	4	8	3	11	21	39	29	41
00	5	0	3	2	10	3	17	13	33	47	24	53
Hr Total	27	0	11	12	22	18	39	55	97	151	134	149

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	39	26	32	30	36	30	37	34	24	24	10	4
30	35	30	30	47	48	36	37	19	29	10	12	3
45	18	31	25	47	32	29	36	29	23	11	6	3
00	25	31	22	26	34	34	10	20	12	5	0	4
Hr Total	117	118	109	150	150	129	120	102	88	50	28	14

24 Hour Total : 1890

AM peak hour begins : 11:30

AM peak volume : 168

Peak hour factor : 0.79

PM peak hour begins : 15:30

PM peak volume : 157

Peak hour factor : 0.82

Oct 26 Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	4	0	3	4	0	2	5	14	23	31	30	31
30	0	0	2	0	0	4	13	15	23	34	28	29
45	4	4	2	3	0	5	12	29	26	45	46	35
00	12	0	0	3	2	4	11	17	42	27	55	29
Hr Total	20	4	7	10	2	15	41	75	114	137	159	124

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	27	35	25	24	41	26	35	29	23	10	5	4
30	25	27	15	34	61	38	33	39	17	12	4	9
45	27	29	29	19	38	17	29	15	30	21	11	5
00	28	30	26	32	41	33	21	32	16	24	18	4
Hr Total	107	121	95	109	181	114	118	115	86	67	38	22

24 Hour Total : 1881

AM peak hour begins : 10:30

AM peak volume : 161

Peak hour factor : 0.73

PM peak hour begins : 16:00

PM peak volume : 181

Peak hour factor : 0.74

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025001.PRN
 Station : 000000000005
 Identification : 000000000005
 Start date : Oct 25, 17
 Stop date : Oct 26, 17
 City/Town :
 Location : 3 CHACE BANK ENTRANCE OUT
 Interval : 15 minutes
 Start time : 00:00
 Stop time : 24:00
 County :

Oct 25 Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	0	3	0	0	3	0	6	8	14	4	37	34
30	0	3	0	5	0	0	8	3	20	33	39	34
45	4	0	0	3	0	9	9	13	11	20	28	44
00	6	3	0	0	6	3	8	11	15	34	17	51
Hr Total	10	9	0	8	9	12	31	35	60	91	121	163
End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	23	67	27	23	28	21	15	15	22	11	10	12
30	34	27	32	32	43	55	14	13	19	13	6	0
45	35	50	20	43	27	18	32	36	10	12	5	5
00	117	29	16	17	27	34	16	9	21	0	2	10
Hr Total	209	173	95	115	125	128	77	73	72	36	23	27

24 Hour Total : 1702
 AM peak hour begins : 11:00 AM peak volume : 163 Peak hour factor : 0.80
 PM peak hour begins : 12:45 PM peak volume : 261 Peak hour factor : 0.56

Oct 26 Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	3	6	3	0	0	2	3	3	1	25	23	22
30	4	2	3	2	0	4	9	1	9	32	11	44
45	6	0	0	0	3	0	6	21	14	32	16	27
00	3	6	0	1	0	0	0	3	26	20	32	45
Hr Total	16	14	6	3	3	6	18	28	50	109	82	138
End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	33	29	54	33	25	31	46	19	26	19	20	7
30	47	38	28	43	41	24	12	17	15	17	163	6
45	32	68	39	39	54	26	27	19	25	15	30	5
00	35	34	25	35	35	33	35	26	8	13	5	16
Hr Total	147	169	146	150	155	114	120	81	74	64	218	34

24 Hour Total : 1945
 AM peak hour begins : 11:30 AM peak volume : 152 Peak hour factor : 0.81
 PM peak hour begins : 21:45 PM peak volume : 226 Peak hour factor : 0.35

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025002.PRN
 Station : 000000000001
 Identification : 000000000001
 Start date : Oct 25, 17
 Stop date : Oct 26, 17
 City/Town :
 Location : 2 PANERA ENTRANCE IN

Interval : 15 minutes
 Start time : 00:00
 Stop time : 24:00
 County :

Oct 25 Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	10	1	3	0	2	4	18	50	55	48	80	77
30	6	3	0	9	3	6	21	38	56	80	44	82
45	4	7	2	2	7	7	18	53	33	47	68	69
00	4	1	4	0	2	7	33	40	52	86	60	63
Hr Total	24	12	9	11	14	24	90	181	196	261	252	291

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	72	44	64	55	57	70	49	64	25	21	17	9
30	78	46	47	80	46	55	65	47	39	29	7	7
45	67	60	53	77	63	34	56	62	46	29	23	9
00	51	90	49	39	44	47	47	54	31	12	11	11
Hr Total	268	240	213	251	210	206	217	227	141	91	58	36

24 Hour Total : 3523

AM peak hour begins : 09:15 AM peak volume : 293 Peak hour factor : 0.85

PM peak hour begins : 12:00 PM peak volume : 268 Peak hour factor : 0.86

Oct 26 Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	0	4	3	0	0	6	12	49	45	48	57	43
30	7	1	2	3	5	4	42	25	54	62	55	71
45	1	4	2	0	2	5	30	28	54	45	60	82
00	4	2	2	5	3	10	43	64	68	68	52	60
Hr Total	12	11	9	8	10	25	127	166	221	223	224	256

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	64	42	64	52	27	61	52	78	46	31	121	9
30	64	66	58	48	43	44	41	55	37	27	323	13
45	93	62	59	49	61	52	64	59	25	36	27	6
00	90	72	49	64	43	60	53	45	22	17	12	6
Hr Total	311	242	230	213	174	217	210	237	130	111	483	34

24 Hour Total : 3884

AM peak hour begins : 11:15 AM peak volume : 277 Peak hour factor : 0.84

PM peak hour begins : 21:30 PM peak volume : 497 Peak hour factor : 0.38

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025003.PRN
 Station : 000000000005
 Identification : 000000000005 Interval : 15 minutes
 Start date : Oct 25, 17 Start time : 10:15
 Stop date : Oct 27, 17 Stop time : 10:15
 City/Town : County :
 Location : 2 PANERA ENTRANCE OUT

Oct 25/Oct 26

Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	5	0	5	0	0	3	11	19	45	30	45	32
30	0	3	2	4	0	2	10	18	30	36	48	49
45	0	0	0	0	0	4	15	26	24	35	52	51
00	0	3	4	2	0	1	15	31	30	34	38	49
Hr Total	5	6	11	6	0	10	51	94	129	135	183	181

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	66	57	50	23	46	36	30	28	37	26	19	16
30	36	67	75	45	43	45	49	34	36	14	3	5
45	56	78	42	42	28	35	43	39	29	14	22	10
00	91	54	52	49	37	33	32	38	30	11	8	1
Hr Total	249	256	219	159	154	149	154	139	132	65	52	32

24 Hour Total : 2571

AM peak hour begins : 11:15 AM peak volume : 215 Peak hour factor : 0.81

PM peak hour begins : 12:45 PM peak volume : 293 Peak hour factor : 0.80

Oct 26/Oct 27

Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	0	0	0	0	0	0	15	28	33	37	38	24
30	0	6	0	3	2	3	16	16	22	36	55	42
45	3	0	2	0	0	3	20	17	25	32	37	57
00	0	3	0	4	2	0	19	42	33	44	42	72
Hr Total	3	9	2	7	4	6	70	103	113	149	172	195

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	66	53	42	28	51	45	71	39	49	30	19	7
30	53	66	66	40	30	46	36	35	24	14	2	15
45	50	65	41	41	67	34	45	23	28	29	5	7
00	73	53	49	79	22	39	46	35	34	26	17	4
Hr Total	242	237	198	188	170	164	198	132	135	99	43	33

24 Hour Total : 2672

AM peak hour begins : 11:30 AM peak volume : 248 Peak hour factor : 0.86

PM peak hour begins : 12:45 PM peak volume : 257 Peak hour factor : 0.88

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025007.PRN
 Station : 000000000001
 Identification : 000000000001
 Start date : Oct 25, 17
 Stop date : Oct 26, 17
 City/Town :
 Location : 1 PLAZA ENTRANCE IN
 Interval : 15 minutes
 Start time : 00:00
 Stop time : 24:00
 County :

Oct 25 Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	5	4	6	3	4	4	12	24	30	39	45	43
30	9	4	4	1	9	2	7	17	28	34	36	38
45	3	3	1	2	4	8	14	20	19	30	35	48
00	4	6	6	5	3	9	11	36	36	53	44	60
Hr Total	21	17	17	11	20	23	44	97	113	156	160	189

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	62	54	52	42	53	41	47	52	29	21	15	13
30	60	40	49	48	56	43	53	46	39	26	13	9
45	43	34	39	43	47	38	46	58	27	32	16	8
00	54	50	38	52	51	55	55	37	27	35	16	6
Hr Total	219	178	178	185	207	177	201	193	122	114	60	36

24 Hour Total : 2738
 AM peak hour begins : 11:30 AM peak volume : 230 Peak hour factor : 0.93
 PM peak hour begins : 12:00 PM peak volume : 219 Peak hour factor : 0.88

Oct 26 Northbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	7	8	1	6	3	2	7	22	18	39	54	36
30	9	8	5	3	0	7	16	12	21	44	57	54
45	5	3	2	2	3	11	10	22	56	33	58	47
00	4	0	3	10	3	12	19	22	37	50	50	52
Hr Total	25	19	11	21	9	32	52	78	132	166	219	189

End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	37	54	40	46	51	42	42	40	32	31	32	12
30	50	50	43	43	54	42	53	36	37	26	68	14
45	47	50	53	51	49	38	48	39	30	18	36	15
00	52	58	61	48	69	53	49	34	36	22	10	16
Hr Total	186	212	197	188	223	175	192	149	135	97	146	57

24 Hour Total : 2910
 AM peak hour begins : 09:45 AM peak volume : 219 Peak hour factor : 0.94
 PM peak hour begins : 16:00 PM peak volume : 223 Peak hour factor : 0.81

VERSATILE TRAFFIC DATA, INC

Volume Report with 24 Hour Totals

Page 1

Data File : D1025008.PRN
 Station : 000000000005
 Identification : 000000000005
 Start date : Oct 25, 17
 Stop date : Oct 26, 17
 City/Town :
 Location : 1 PLAZA ENTRANCE OUT
 Interval : 15 minutes
 Start time : 00:00
 Stop time : 24:00
 County :

Oct 25 Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	17	8	4	0	1	6	11	11	14	14	27	35
30	12	3	9	3	1	6	14	12	17	25	25	36
45	11	8	2	3	4	8	4	13	15	20	23	31
00	15	10	4	4	5	4	7	13	11	19	29	40
Hr Total	55	29	19	10	11	24	36	49	57	78	104	142
End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	49	45	48	40	49	39	54	41	46	35	25	28
30	42	47	40	39	46	37	33	43	37	37	41	18
45	39	32	29	34	41	38	29	37	48	40	31	11
00	54	38	47	38	39	37	37	44	45	38	20	13
Hr Total	184	162	164	151	175	151	153	165	176	150	117	70

24 Hour Total : 2432

AM peak hour begins : 11:30 AM peak volume : 162 Peak hour factor : 0.83

PM peak hour begins : 12:30 PM peak volume : 185 Peak hour factor : 0.86

Oct 26 Southbound Volume

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	8	6	7	0	2	1	11	26	6	32	31	38
30	17	8	6	2	2	1	4	10	12	17	34	41
45	13	6	2	6	2	4	11	5	9	17	18	33
00	8	4	2	6	3	12	9	8	15	20	35	46
Hr Total	46	24	17	14	9	18	35	49	42	86	118	158
End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	29	43	42	38	45	40	42	37	36	28	38	26
30	46	49	53	36	37	38	44	56	51	33	32	18
45	36	45	44	41	35	39	36	32	60	19	31	10
00	40	47	38	34	23	37	39	39	39	30	26	18
Hr Total	151	184	177	149	140	154	161	164	186	110	127	72

24 Hour Total : 2391

AM peak hour begins : 11:00 AM peak volume : 158 Peak hour factor : 0.86

PM peak hour begins : 13:30 PM peak volume : 187 Peak hour factor : 0.88

Exhibit C

Requested Parking Ratio Support Documentation

Osceola County Warehouse Parking Ratios

Osceola County LDC Sec. 4.7.8

Table 4.7.8 REQUIRED OFF-STREET PARKING			
Number Reference	Specific Uses	Parking Spaces per Unit	Unit
21	Wholesaling, Warehousing, Storage and Distribution — Less than 20,000 GSF	1	2,000 GSF
	Wholesaling: Warehousing, Storage and Distribution — 20,000 GSF to 40,000 GSF	1	2,500 GSF
22	Wholesaling, Warehousing, Storage and Distribution — Greater than 40,000 GSF	1	3,000 GSF

Current Warehouse Sites on the Market (marketing brochures attached)

Project Name	Jurisdiction	Parking Ratio
Horizon West Logistics Park	Osceola County	0.7/1,000 sf
Mid FL Logistics Park	City of Apopka	0.6/1,000 sf
University Park at Bridgewater	City of Lakeland	.036-.90/1,000 sf
Topline Logistics Center	City of Ocala	0.6/1,000 sf
Trailhead Logistics Park	Marion County	0.5/1,000 sf

Horizon West Logistics Park Osceola County



HORIZON WEST

LOGISTICS PARK

PREMIER STATE-OF-THE-ART CLASS A WAREHOUSE

831 N OLD LAKE WILSON RD., ORLANDO MSA | HORIZONWESTCFL.COM



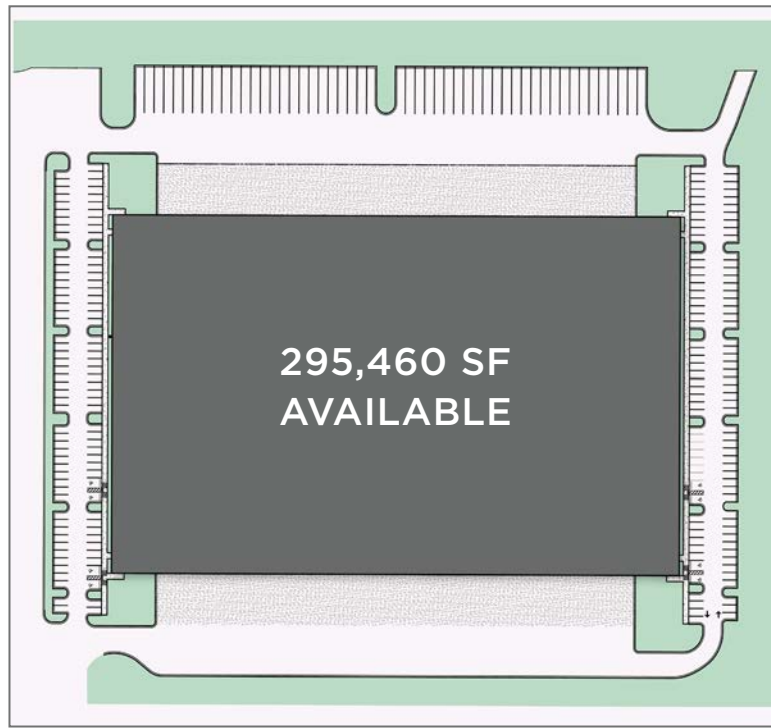
JARED BONSHIRE, SIOR
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+1 407 541 4414
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DAVID PEREZ
Executive Director
+1 407 541 4435
david.perez@cushwake.com

TAYLOR ZAMBITO
Associate
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taylor.zambito@cushwake.com

PHASE ONE

831 N Old Lake Wilson Rd



BUILDING 4 HIGHLIGHTS:

Rental Rate	\$6.95/SF NNN
OPEX	\$2.10/SF
Tenant Improvements	\$5.00/SF
Total Building SF	295,460 SF
Available SF	295,460 SF
Building Configuration	Cross dock
Clear Height	36'
Column Spacing	54' x 50' with two 60' speed bays
Status	Under Construction
Anticipated Delivery	September 1, 2022

Office Build-Out	To suit
Parking	0.7/1,000
Trailer Parking	51
Electrical	1600 Amps/480v - 3-phase
Roof	60 mil TPO
Fire Protection	ESFR
Dock Doors	75 (9' x 10')
Drive - In Doors	4 (12' x 14')
Concrete Truck Apron	60'
Building Dimensions	420' wide x 705' long

Mid FL Logistics Park City of Apopka



MID FLORIDA
LOGISTICS PARK



For Sale or Lease

Mid Florida Logistics Park, Building 5

Development overview

Mid Florida Logistics Park is a Class A industrial park located in the city of Apopka with immediate access to the Western Beltway (State Road 429) and US Highway 441 (Orange Blossom Trail). Apopka has a number of amenities surrounding Mid Florida Logistics Park, which includes rail access - one of the only locations in Orlando with active rail to the site. Users include Goya Foods, Coca Cola, Universal/Loews Hotels, and Amazon.

Goya Building



Hermit Smith Road Apopka, FL 32703

Matt Sullivan, SIOR, CCIM

Managing Director
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+1 407 930 1802

Wilson McDowell, SIOR, CCIM

Managing Director
wilson.mcdowell@am.jll.com
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Bobby Isola, SIOR, CCIM

Managing Director
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Jones Lang LaSalle Brokerage, Inc.



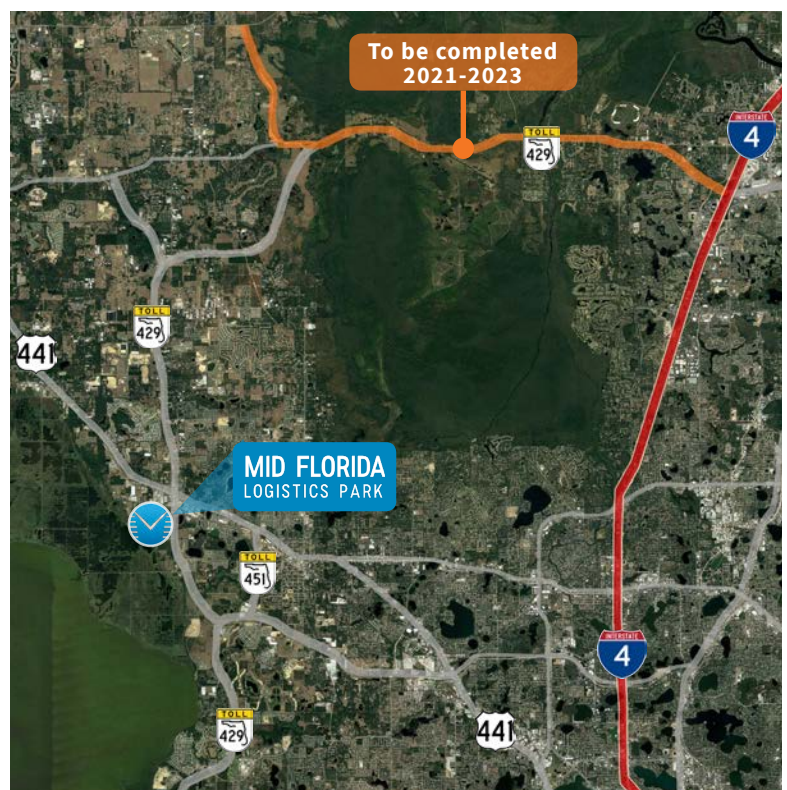
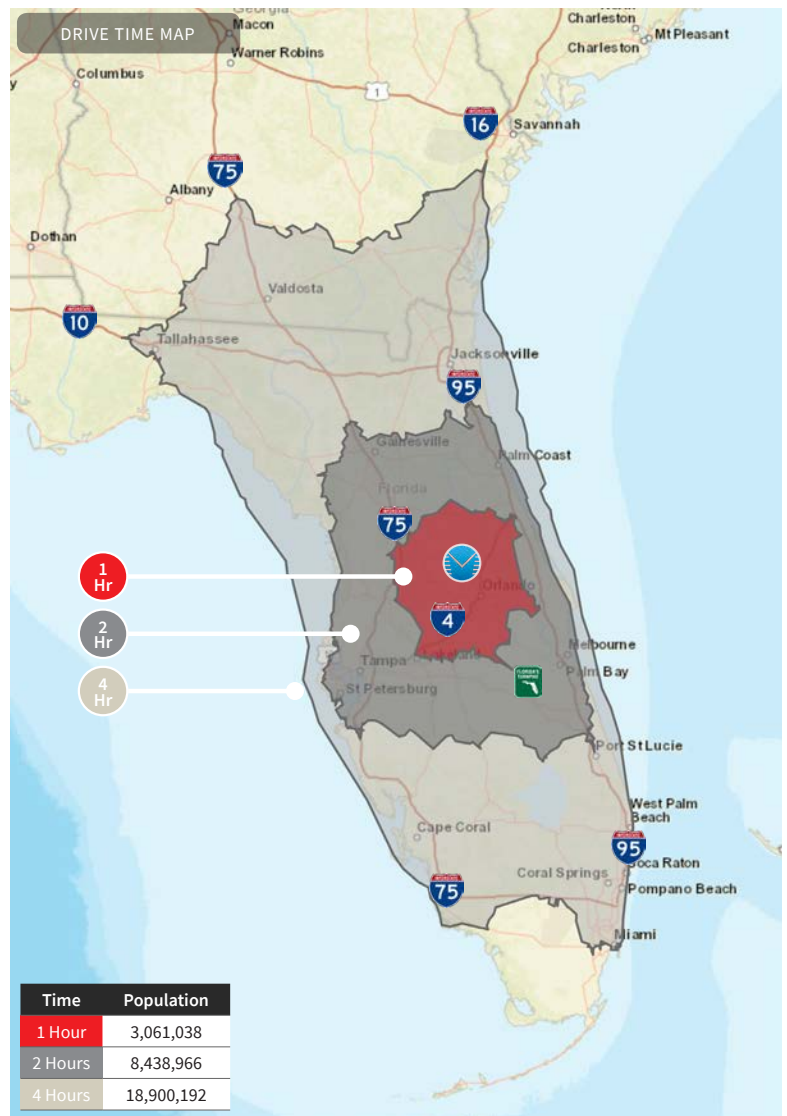
Overall project specifications

- Buildings range from 246,000 to 656,500 s.f.
- Development total of over 2,300,000 s.f.
- Build-to-suit office
- Clear heights of 30'+
- Dock high and grade level access
- Cross dock and rear load
- Tilt wall construction
- Rail served
- 143.51 acres
- 2,425' of frontage on the Western Beltway (SR 429)
- Zoned I-1, Restricted Industrial, City of Apopka

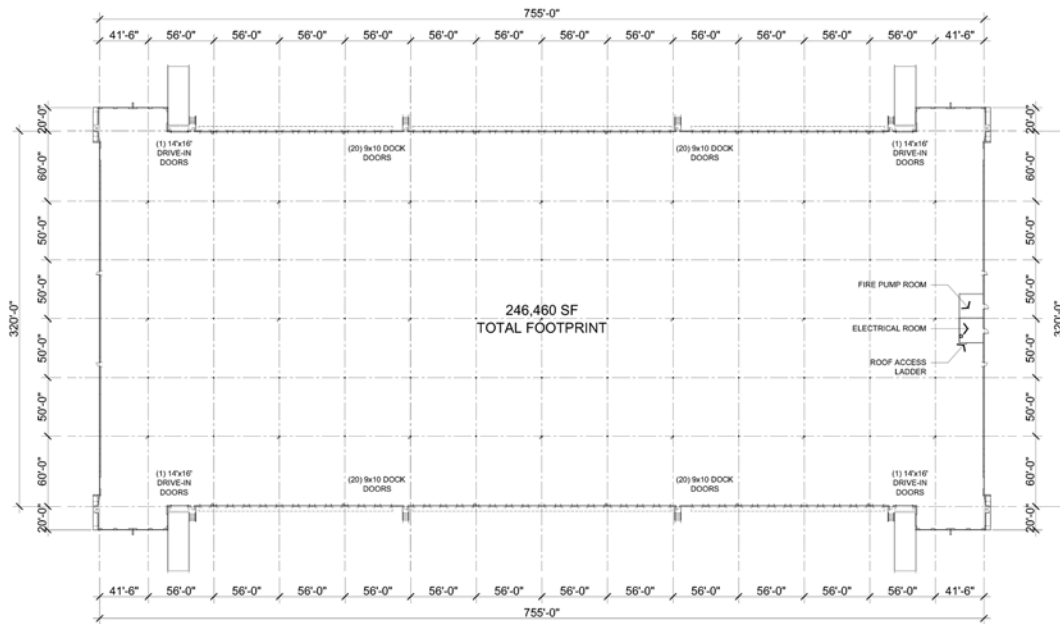
Why Mid Florida Logistics Park?

Mid Florida Logistics Park offers users immediate access to highways, an abundant amount of amenities, an excellent labor force, and higher quality of life for employees. Located in Northwest Orange County, one of the fastest growing, highly desirable submarkets in Orlando, Mid Florida Logistics Park offers users many amenities that other sites cannot offer. Other benefits include:

- Immediate Access to Highways
- Proximity to Labor
- Proximity to Customers
- Proximity to Executive Housing
- Frontage on 429
- Local Amenities
- Flexible Deal Structure



Building floor plan



Building details

- 246,460 s.f.
- Divisible to 123,230s.f.
- BTS office
- 36' clear height
- 80 - 9' x 10' dock doors
- 4 - 14' x 16' ramp doors
- Cross dock
- 50' x 56' column spacing, typ.
- 320' building depth
- 185' truck courts
- 155 car parking spaces
- 0.64/1,000 s.f. parking ratio
- 96 trailer spaces
- Q3 2021 delivery
- \$6.25/s.f. NNN

Site plan



Access to State Road 429



DISCLAIMER
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University Park at Bridgewater City of Lakeland



Building Specs

Site Layout

Lakeland Logistics Hub

Statewide Distribution

Labor Demographics

Contact Info

UNIVERSITY
PARK
AT BRIDGEWATER

EXPANSION UNDER CONSTRUCTION





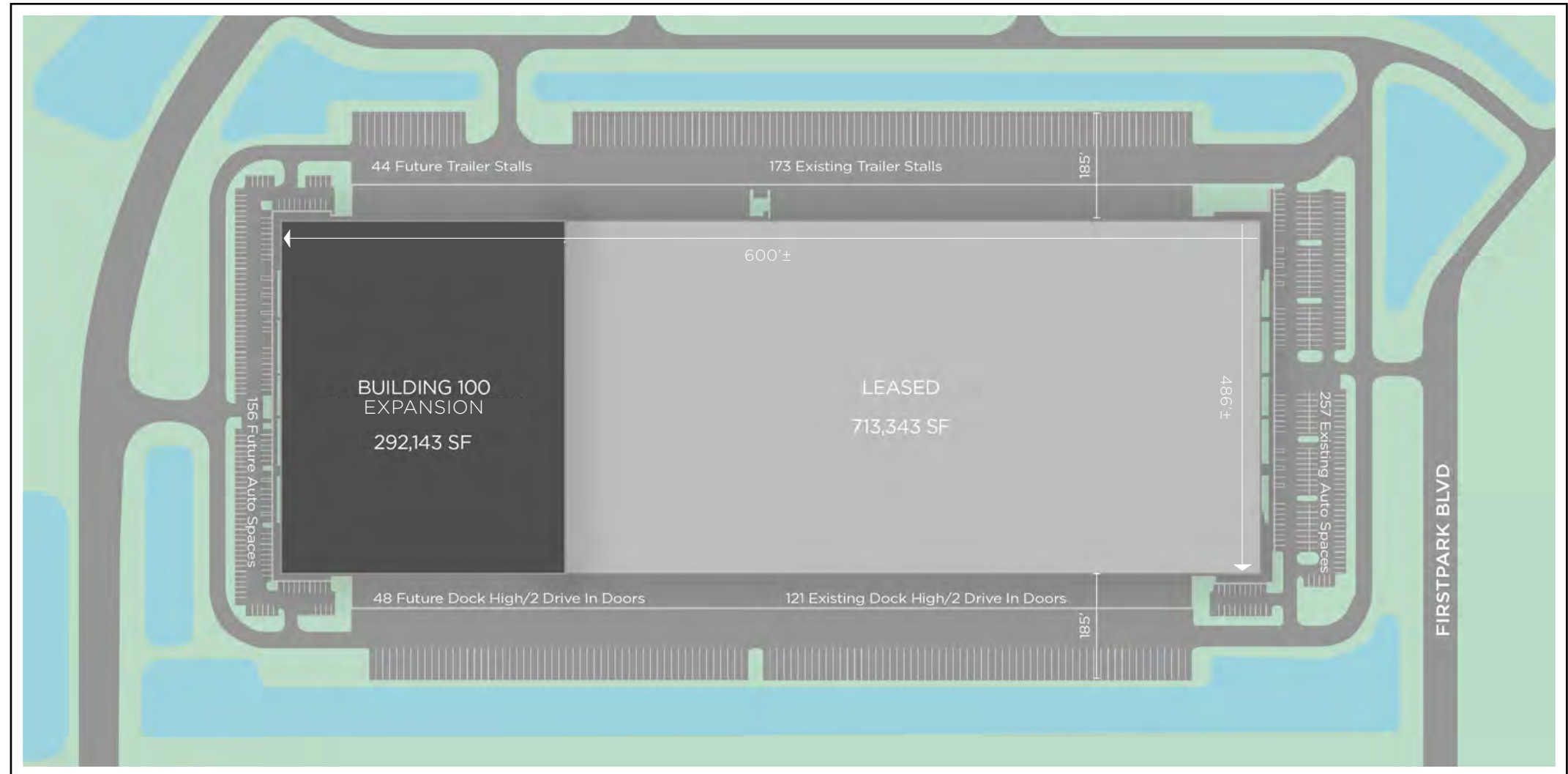
292,143 SF AVAILABLE

CROSS DOCK

36' CLEAR HEIGHT

HIGHLIGHTS - BUILDING 100B (EXPANSION)

Anticipated Delivery	September 2022
Rental Rate	\$6.25/SF NNN
Operating Expenses	\$1.49/SF
Space Available	292,143 SF
Site Size	59.91 acres
Overall Building Dimensions	600'± x 486'±
Ceiling Height	36'
Dock Doors	48
Drive-in doors	2
Column spacing	54'w x 48'd
Sprinklers	ESFR
Construction	Tilt-wall
Electrical Service	3,000 amps
Jurisdiction	Lakeland
Truck court	185'
Parking	156
Trailer Parking	70

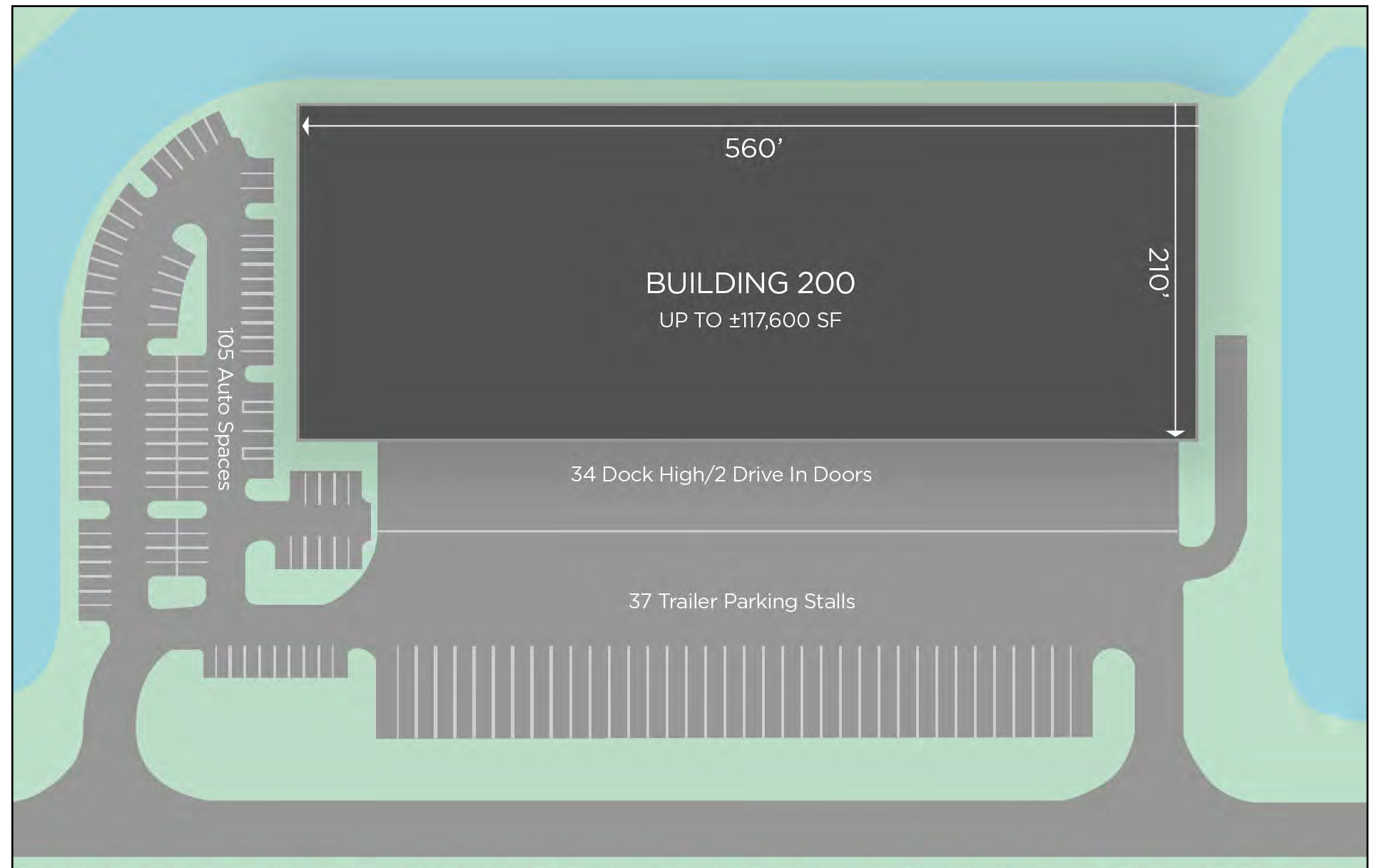


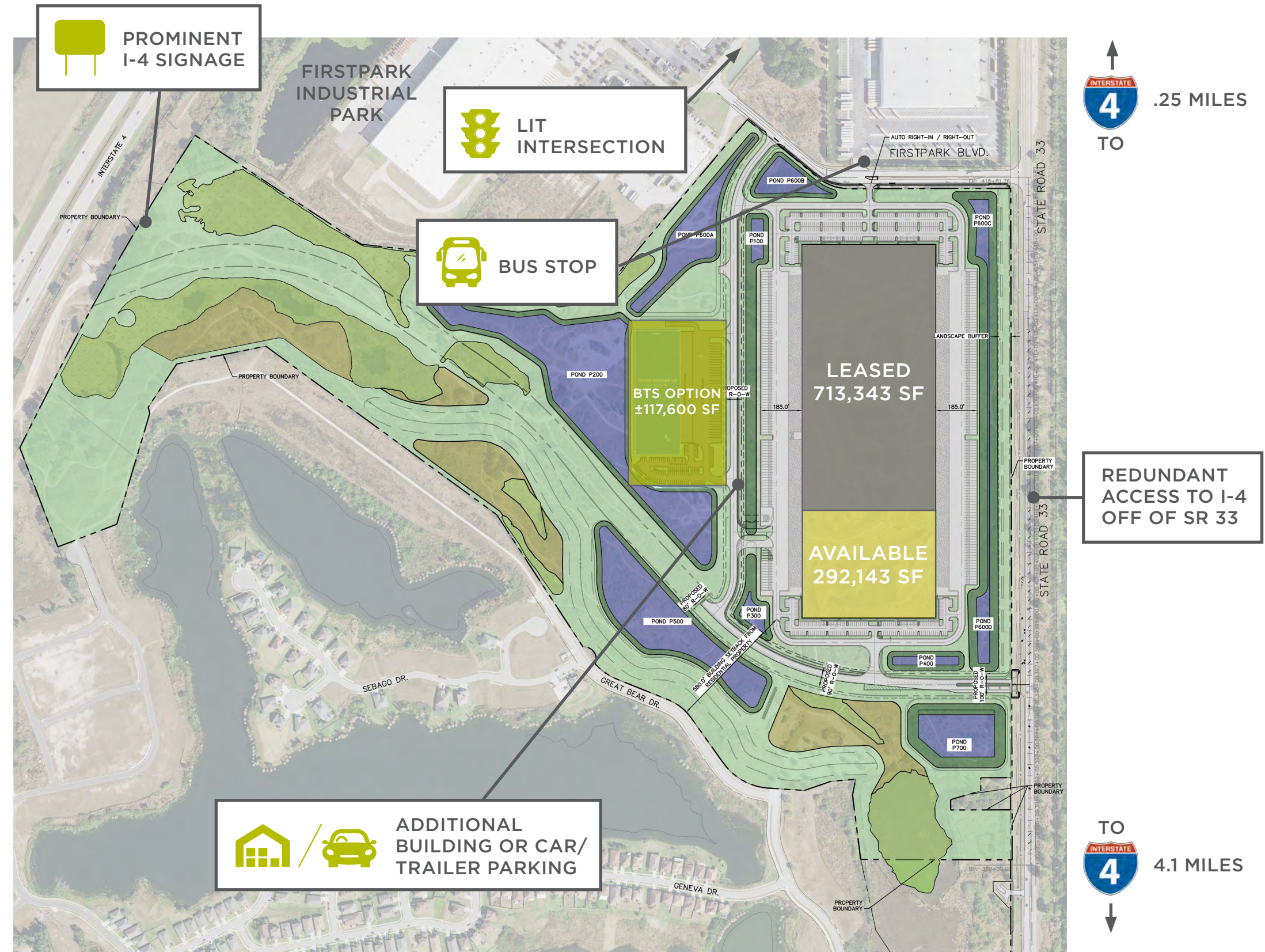


117,600 SF SIDE LOAD 32' CLEAR HEIGHT BUILD-TO-SUIT

HIGHLIGHTS - BUILDING 200 (BTS)

Rental Rate	Negotiable
Operating Expenses	\$1.55/SF
Space Available	Up to 117,600 SF
Site Size	7.14 acres
Overall Building Dimensions	210'± x 560'±
Ceiling Height	32'
Dock Doors	34
Drive-in Doors	2
Column Spacing	50'w x 50'd
Sprinklers	ESFR
Construction	Tilt-wall
Electrical Service	To-suit
Jurisdiction	Lakeland
Truck Court	185'
Parking	105 including 4 HC
Trailer Parking	37



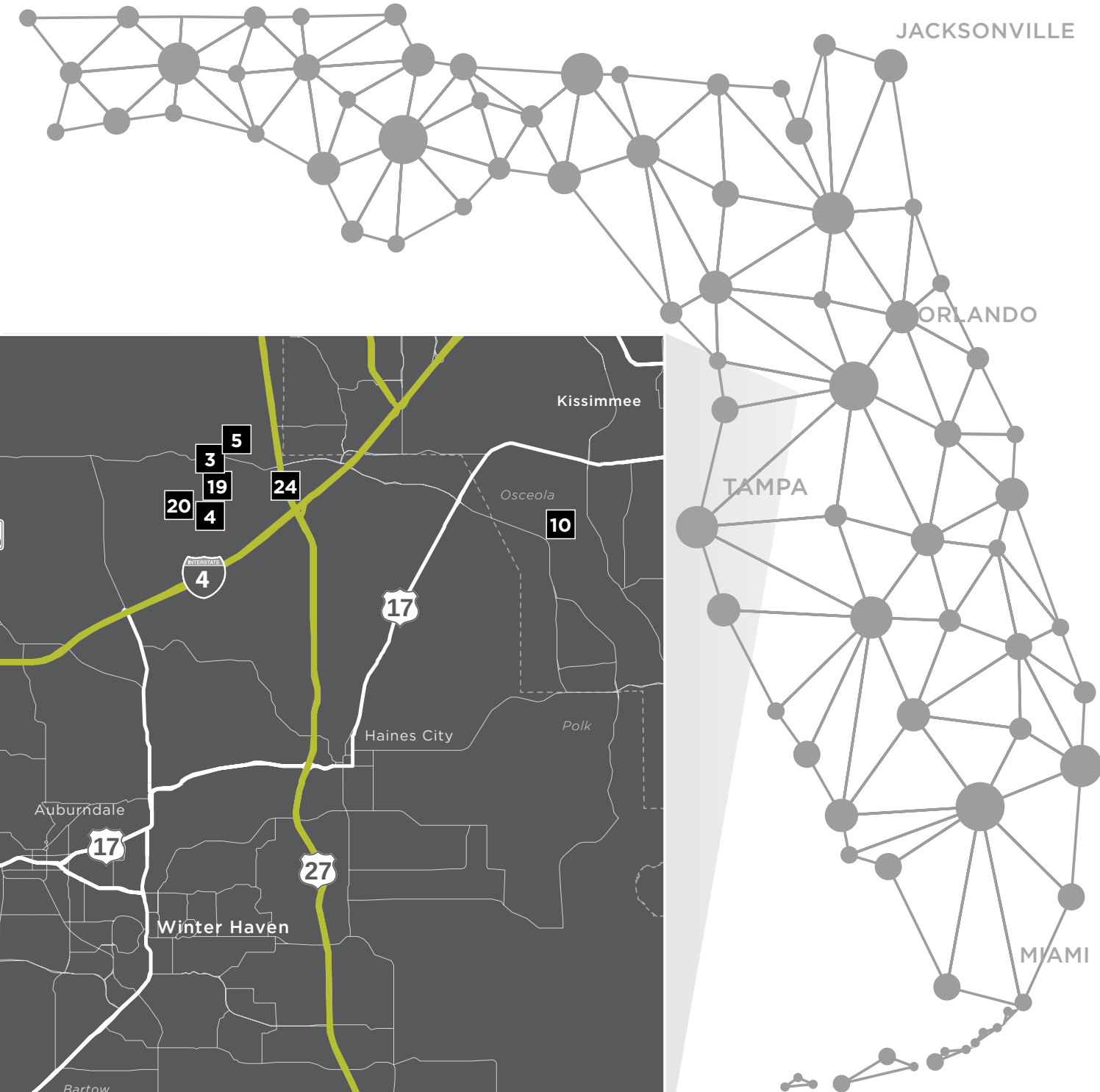
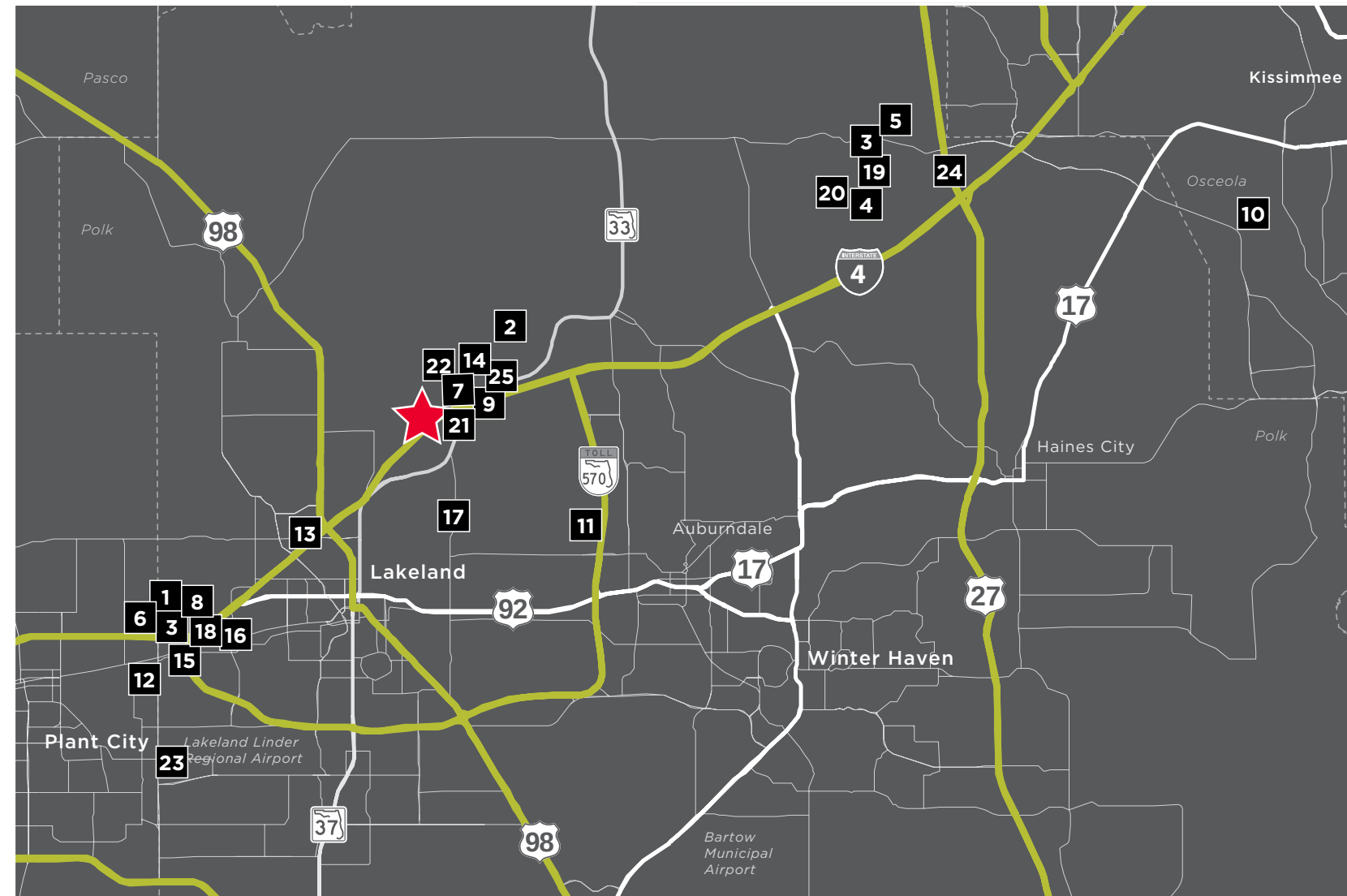


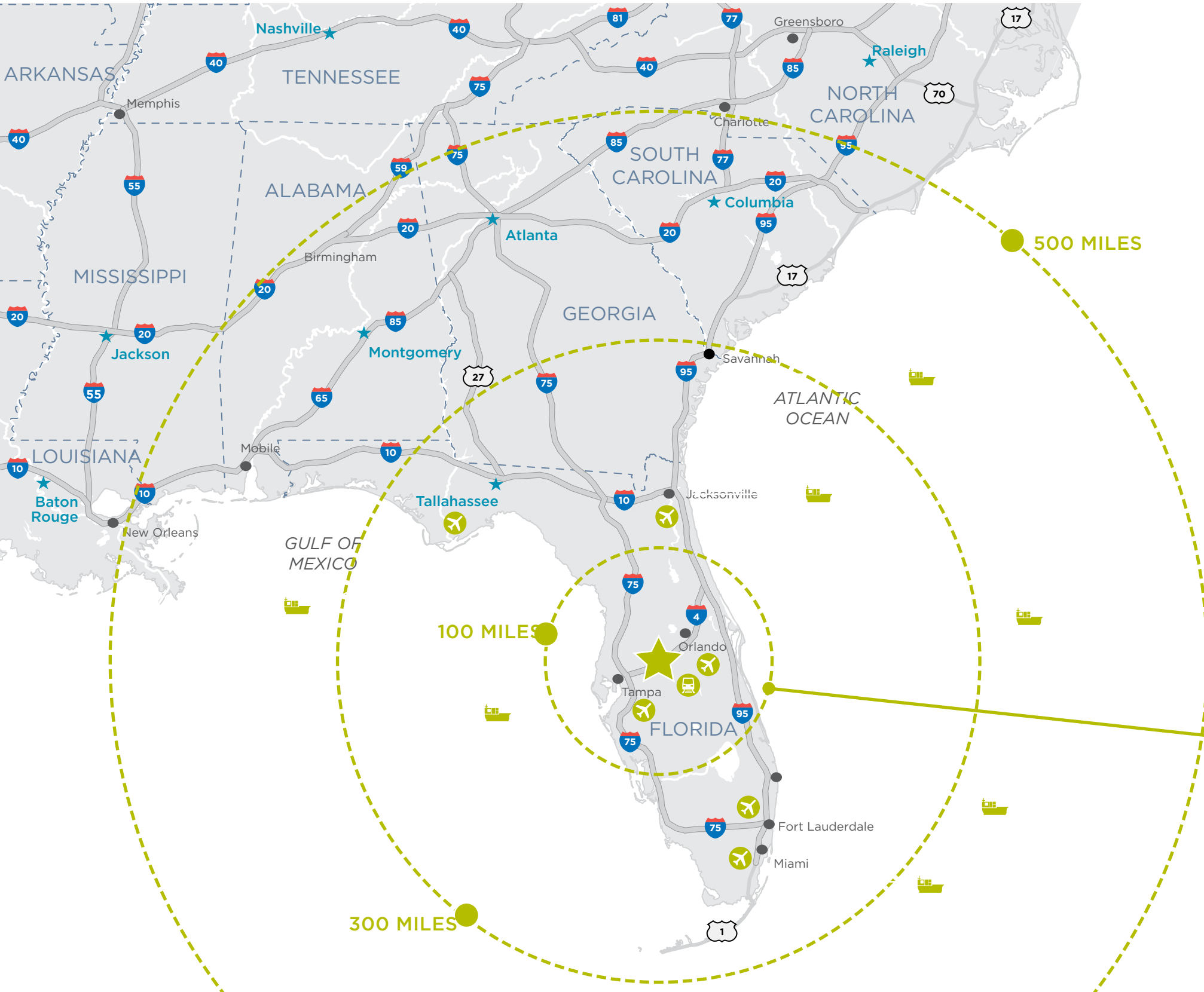


LAKELAND FOR LOGISTICS

Lakeland is home to over 28 million square feet of industrial/warehouse space with over 12,500 employed in the Distribution, Supply Chain & Logistics Business. Companies with large investments in the Lakeland market include:

- | | |
|--|----------------------|
| 1. Advanced Auto Parts | 20. Walmart |
| 2. Best Buy | 21. HCA |
| 3. E-Commerce Company
(2 locations) | 22. Amazon |
| 4. FedEx | 23. Ace Hardware |
| 5. Ford Motor Company | 24. Amazon |
| 6. Plastipak | 25. Conn's Home Plus |
| 7. HD Supply | |
| 8. IKEA | |
| 9. Haverty's | |
| 10. Lowe's | |
| 11. Medline Industries | |
| 12. O'Reilly Auto Parts | |
| 13. Pepperidge Farm | |
| 14. Pepsi/Gatorade | |
| 15. Publix | |
| 16. Rooms to Go | |
| 17. Saddle Creek Logistics Services | |
| 18. Southern Wine & Spirits | |
| 19. UPS | |



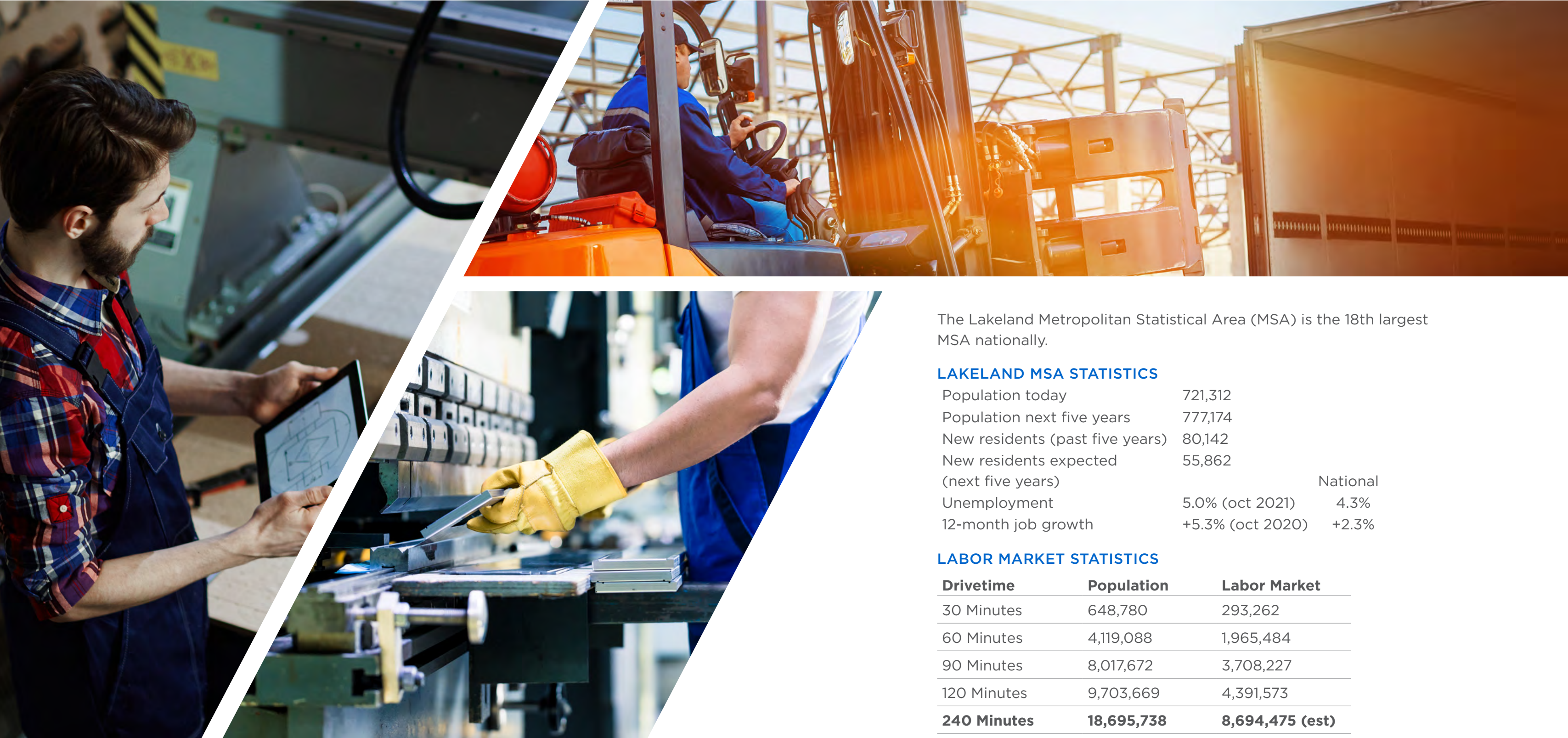


IN THE CENTER OF IT ALL

University Park at Bridgewater is a bulk distribution park that is centrally located in the “Logistical Center” of the State of Florida. The site features access to nearly 9 million consumers within a 100-mile radius, and is situated within four hours’ drive-time of every major city in Florida. The property offers excellent access to Tampa-Orlando via Interstate 4, and offers abundant access to labor. The site is also in close proximity to the new CSX intermodal facility in Winter Haven.

Florida itself has a robust wholesale trade and transportation sector. The State features one of the world’s most extensive multi-modal transportation systems, including international airports, deep-water shipping ports, and extensive highway and railway networks—all of which are within easy access of Lakeland.

**9 MILLION CONSUMERS
WITHIN A 100-MILE RADIUS**



The Lakeland Metropolitan Statistical Area (MSA) is the 18th largest MSA nationally.

LAKELAND MSA STATISTICS

Population today	721,312	
Population next five years	777,174	
New residents (past five years)	80,142	
New residents expected (next five years)	55,862	National
Unemployment	5.0% (oct 2021)	4.3%
12-month job growth	+5.3% (oct 2020)	+2.3%

LABOR MARKET STATISTICS

Drivetime	Population	Labor Market
30 Minutes	648,780	293,262
60 Minutes	4,119,088	1,965,484
90 Minutes	8,017,672	3,708,227
120 Minutes	9,703,669	4,391,573
240 Minutes	18,695,738	8,694,475 (est)



For more information, contact:

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cushmanwakefield.com

Topline Logistics Center City of Ocala



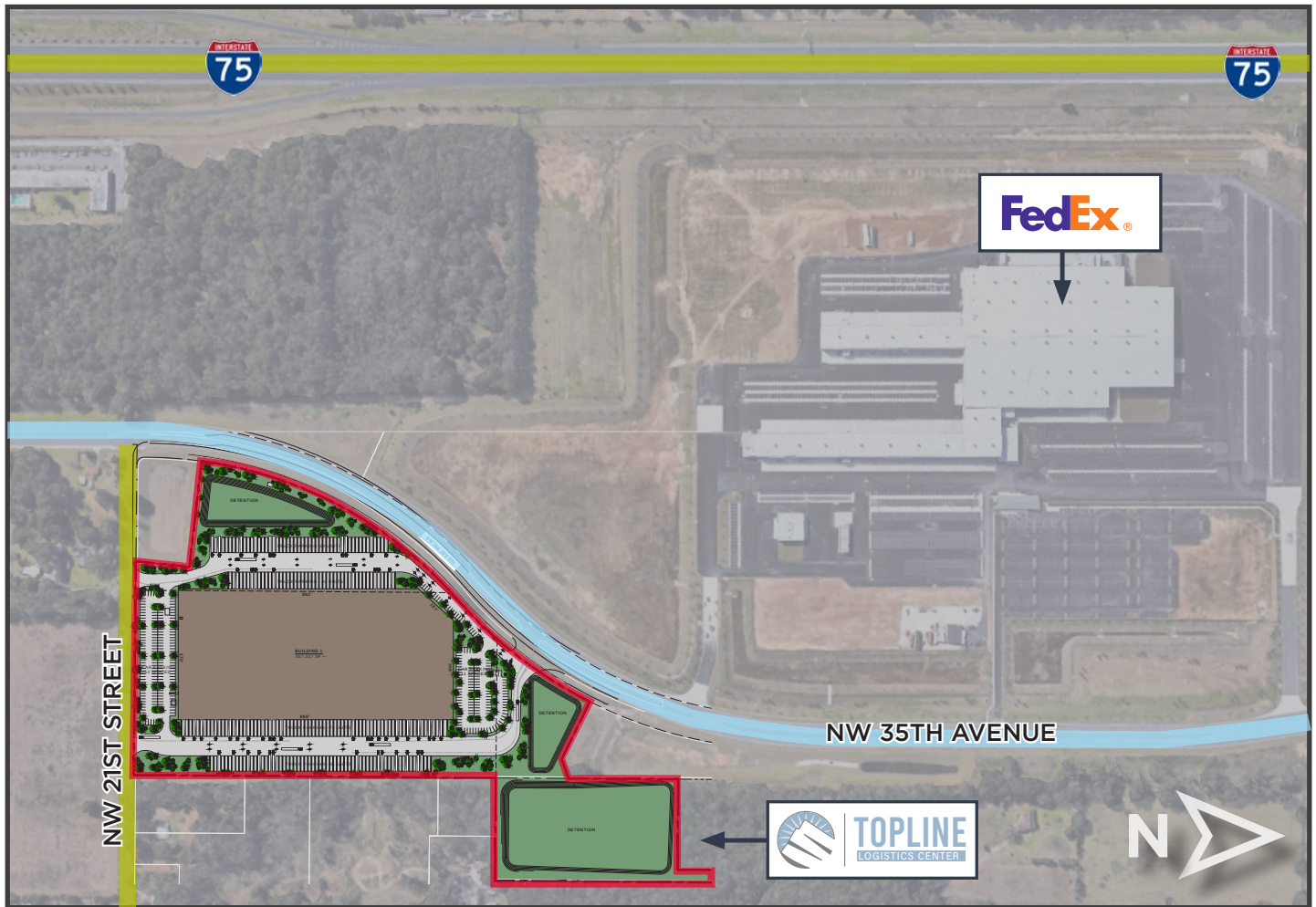
TOPLINE

LOGISTICS CENTER

AVAILABLE FOR LEASE
457,217 SF



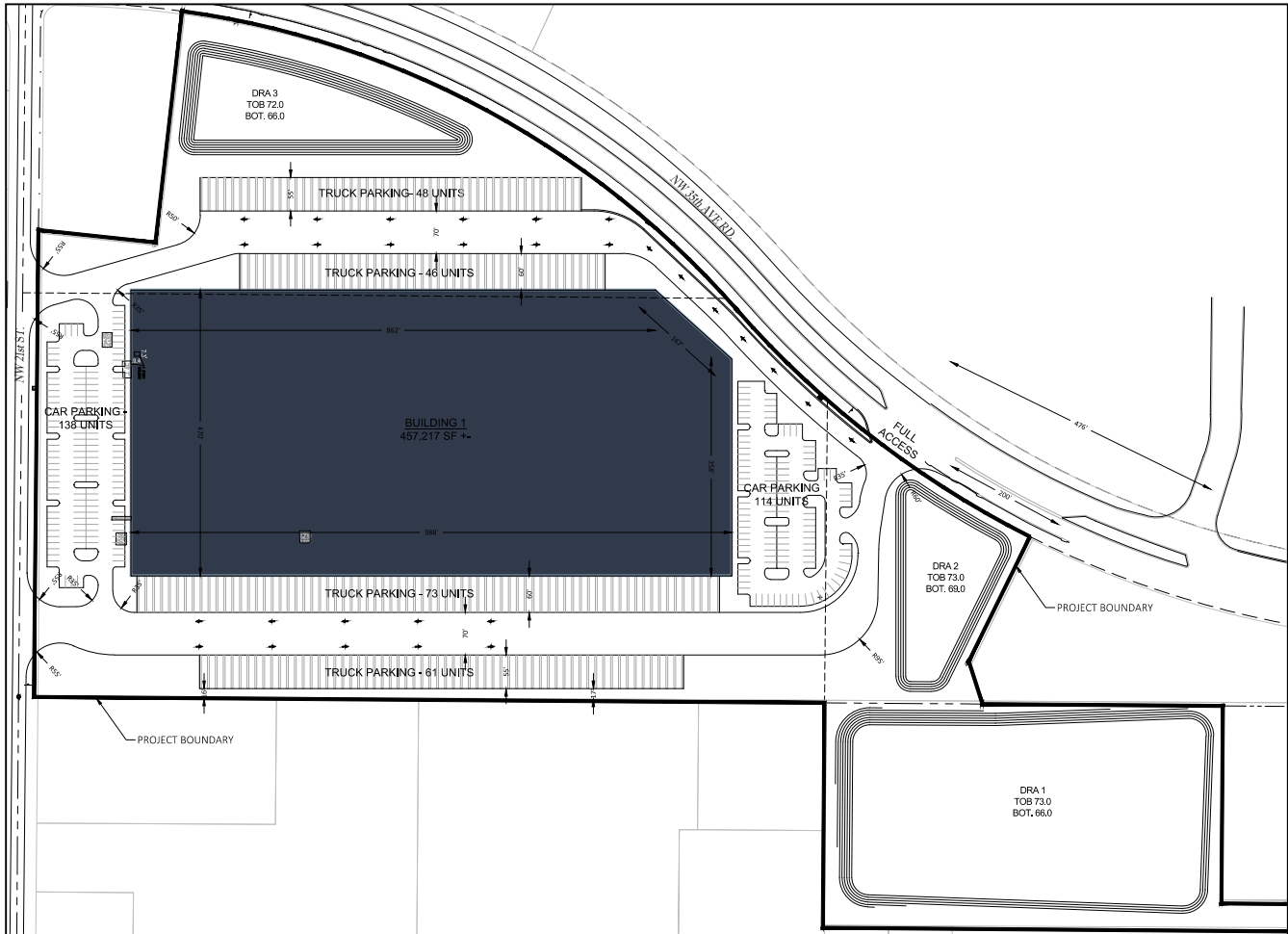
PROPERTY OVERVIEW



TOPLINE LOGISTICS CENTER

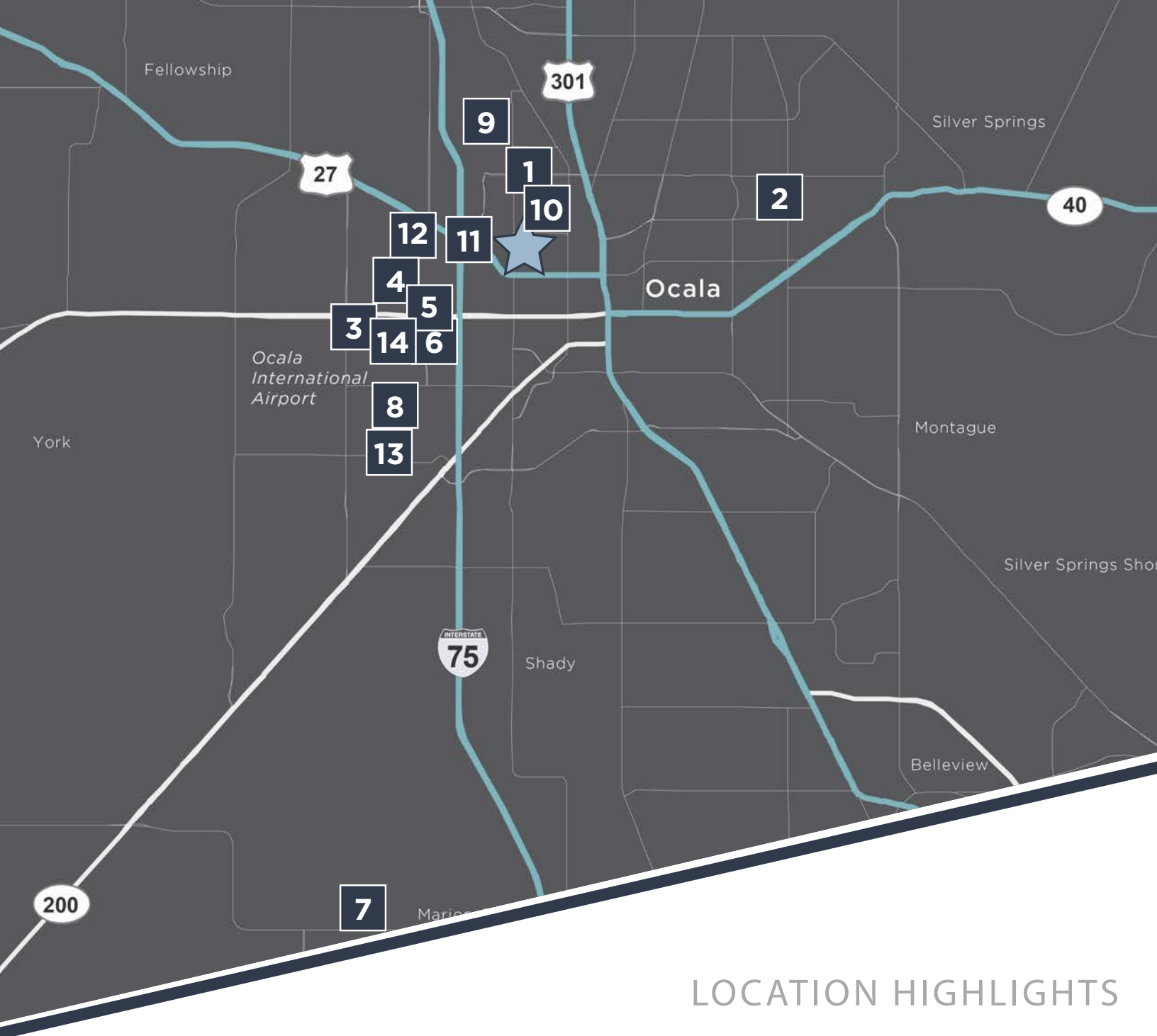
Topline Logistics Center is a premier Class A industrial facility with immediate access to Interstate-75. Topline Logistics is located within the heart of a key logistics cluster within the Ocala MSA, and benefits from its proximity to a variety of Fortune 500 companies, as well as unparalleled access to ground transportation.

BUILDING HIGHLIGHTS



Rental Rate	Negotiable
Anticipated Delivery	Q1 2023
Total Building SF	457,217 SF
Site Size	35.13 AC
Building Configuration	Cross Dock
Clear Height	36'
Column Spacing	56' x 50' 60' speed bay
Status	Under Construction

Parking	0.6/1,000
Trailer Storage	110
Electrical	277/480V, 3 Phase 4 wire service
Roof	60mil TPO
Fire Protection	ESFR
Dock Doors	151 (9' x 10')
Drive - In Doors	4 (12' x 14')
Truck Court	185'



LOCATION HIGHLIGHTS

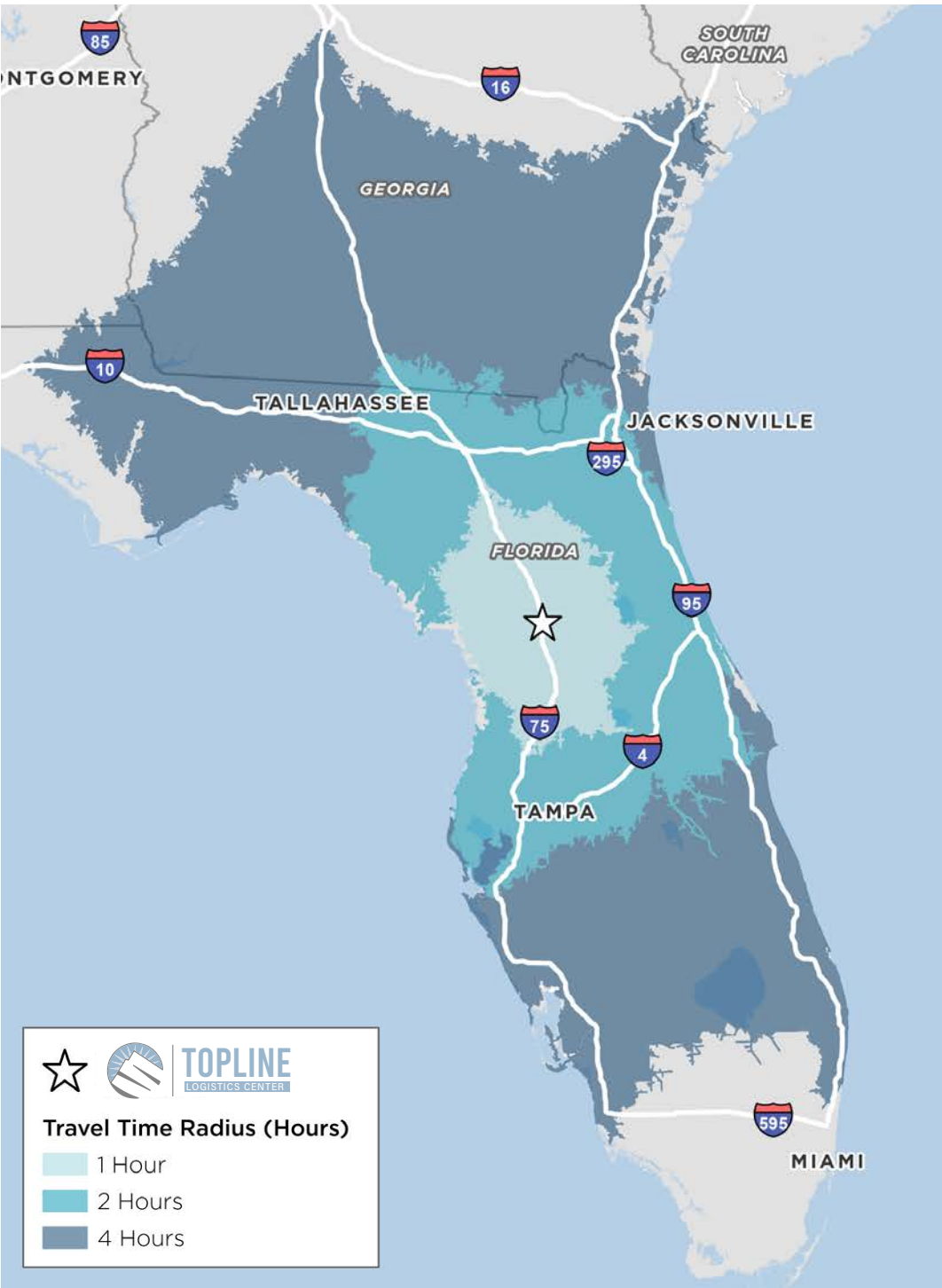
OCALA LOGISTICS HUB

Major companies are continuing to incorporate Ocala into their supply chains, with Amazon and Costco becoming the newest neighbors. Ocala is already home to over 23 million square feet of industrial space, with over 24,700 employed in the Distribution, Supply Chain & Logistics businesses. Companies with large investments in the Ocala market include:

1. Amazon (3400 NW 35th St)
2. Velocitel (2530 NE 36th St.)
3. Winco Manufacturing (5516 SW 1st Ln)
4. Snider Fleet Solutions (443 SW 54th Ct)
5. Signature Brands (1900 SW 38th Ave)
6. PODS (1501 SW 44th Ave)
7. Dollar Tree Distribution (5700 SW HWY 484)
8. Custom Window Systems (1900 SW 44th Ave)
9. Chewy (3380 NW 35th Ave)
10. AutoZone (3321 NW 35th Ave Rd)
11. FedEx (3100 NW 35th Ave Rd)
12. McLane (910 NW 50th Ave)
13. Gordon Food Services (910 NW 49th Ter)
14. Costco (655 SW 52nd Ave)

MARKET STATS

Industrial tenants and users are increasingly attracted to the Ocala Metropolitan Statistical Area (MSA) due to ample developable sites coupled with labor availability. The MSA, with a combined population of 370,000 is a magnet for retirees and famous for thoroughbred horse farms.



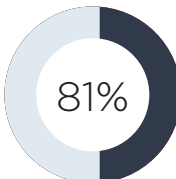
381,860
POPULATION



\$49,779
MEDIAN INCOME



52
MEDIAN AGE



81%
OF FLORIDA POPULATION
(4-HOUR DRIVE TIME)



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Trailhead Logistics Park Marion County

TRAILHEAD

LOGISTICS PARK

UNDER CONSTRUCTION

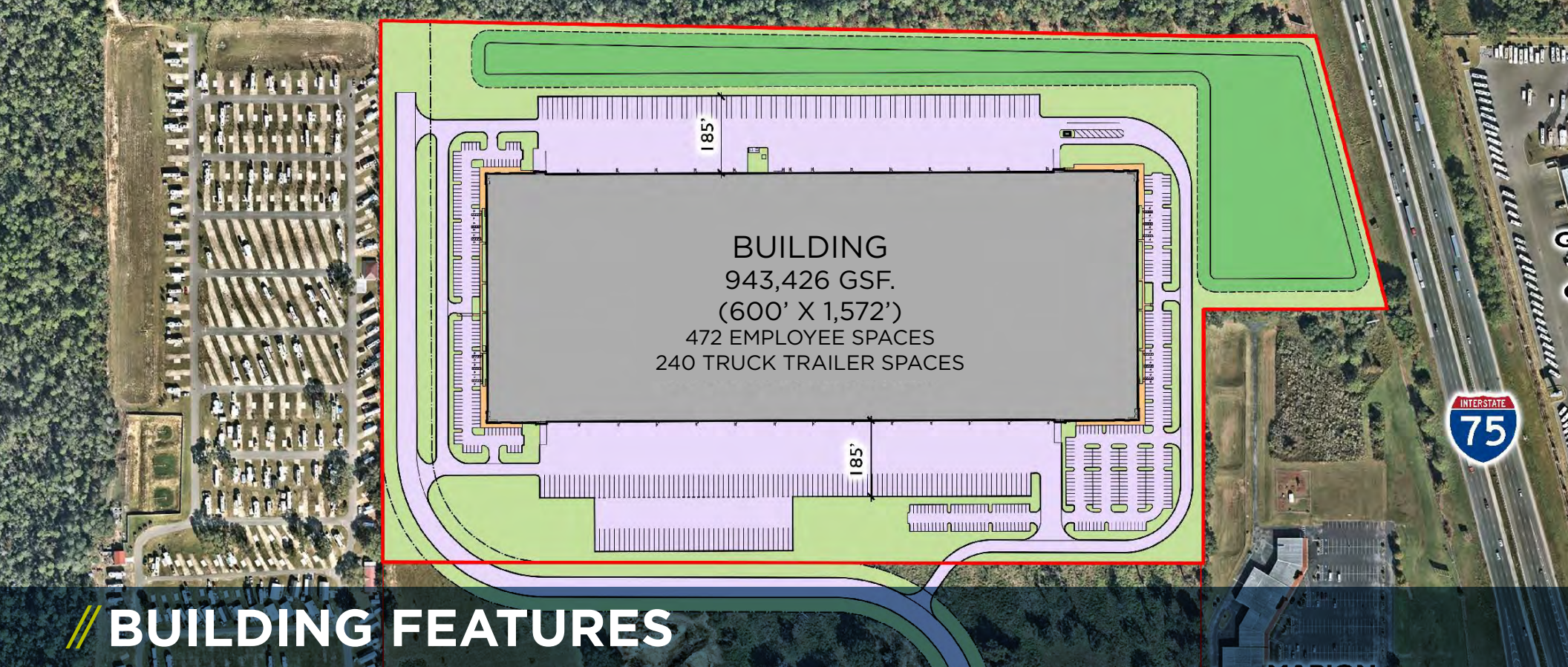


FOR LEASE
943,426 SF

 **TRANSWESTERN**[®]
DEVELOPMENT COMPANY

 **SVN**[®]
FLORIDA COMMERCIAL
REAL ESTATE ADVISORS

 **CUSHMAN &
WAKEFIELD**



// BUILDING FEATURES

BUILDING SIZE

UP TO 943,426 SF

AVAILABLE SPACE

680,400 SF TO
943,426 SF

CONFIGURATION

CROSS DOCK

LOADING DOCKS

154

DRIVE-IN DOORS

4 - 12' x 14'

PARKING

0.5/1,000

SITE SIZE

64.26 ACRES

DELIVERY

Q4 2022

TRAILER STALLS

240

ROOF

60 mm TPO

BUILDING SLAB

8" REINFORCED
CONCRETE

CLEAR HEIGHT

40'

COLUMN SPACING

54' x 50'
60' STAGING BAYS

TRUCK COURT

185'

SPRINKLERS

ESFR

CONSTRUCTION

TILT WALL

BUILDING DIMENSIONS

1,572' X 600'

LEASE RATE

\$5.75/SF NNN

OPERATING EXPENSES

\$1.95/PSF



CLICK FOR
DETAILED PLANS

// SITE CONFIGURATION & ACCESS

TRAILHEAD
LOGISTICS PARK

PROPERTY FEATURES

Trailhead Logistics Park is located at the I-75/Hwy 484 interchange in Ocala, FL. Trailhead features excellent visibility and access to both I-75 and Hwy 484. This strategic location maximizes employee acquisition in this labor rich market and provides unparalleled same-day distribution access to many key submarkets.



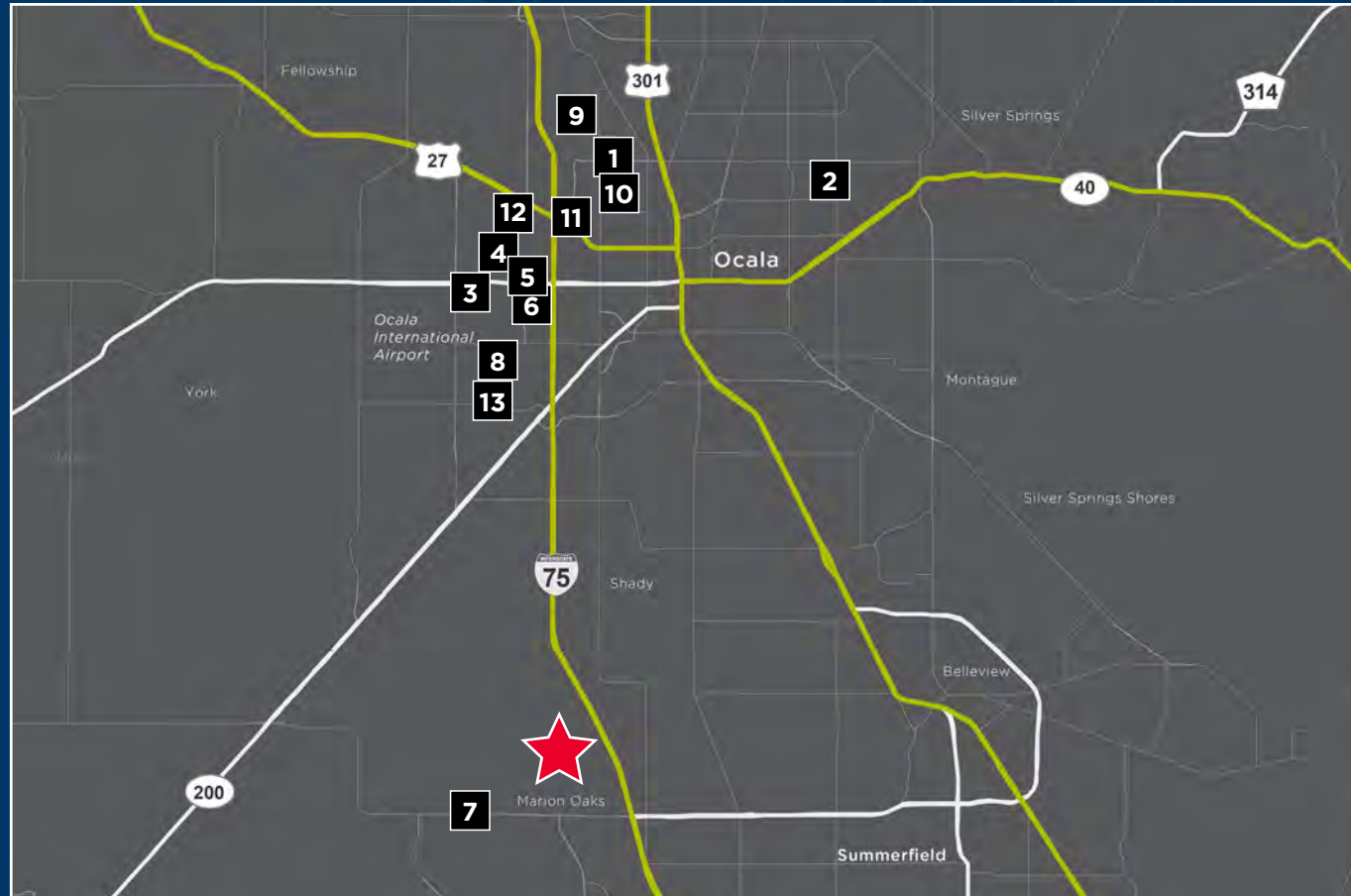
// OCALA LOGISTICS HUB

TRAILHEAD
LOGISTICS PARK

OCALA LOGISTICS HUB

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12. McLane (910 NW 50th Ave)
13. Gordon Food Services (910 NW 49th Ter)



Map of the Southeastern United States showing port locations and distances from Jacksonville, Florida. The map includes states like Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, and Florida. Major cities like Nashville, Raleigh, Columbia, Atlanta, Birmingham, Montgomery, Tallahassee, Jacksonville, Orlando, Tampa, Fort Lauderdale, and Miami are marked. Three concentric dashed yellow circles represent distances of 100, 300, and 500 miles from Jacksonville. Various port icons are shown with labels and distances: Port of Savannah (254 miles/4.0 hours), Jaxport (120 miles/2.0 hours), Port Canaveral (117 miles/1.75 hours), Port Everglades (273 miles/4.0 hours), Port of Miami (292 miles/4.25 hours), Port St. Joe (295 miles/4.25 hours), and Port Tampa Bay (84 miles/1.25 hours). Some ports are marked as "Expanding". A yellow star is located in central Florida near Orlando.

Trailhead Logistics Park is a state-of-the-art bulk industrial development, which is uniquely positioned in Ocala, Florida. Ocala has emerged as a regional distribution hub for a variety of users due to its connectivity with key Florida markets, as well as its proximity to I-75 which is a key thoroughfare servicing majority of the inbound freight consumed within the state of Florida. Trailhead Logistics Park provides immediate access to I-75, highway visibility, and is in close proximity to the Florida Turnpike; providing access to nearly 18 million consumers within a 4-hour drive-time. With the robust population growth throughout the state, Trailhead Logistics Park provides a compelling alternative to the I-4 corridor for users seeking to locate regional distribution, and manufacturing facilities within Central Florida.

**17.9 MILLION CONSUMERS
WITHIN A 4-HOUR DRIVETIME**

TRAILHEAD

LOGISTICS PARK



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ITEM 7.A

Approval of City Commission Minutes from the September 13, 2022, September 27, 2022, and October 4, 2022 meetings

Request

Request Commission approval of the September 13, 2022, September 27, 2022, and October 4, 2022 Commission Minutes.

Explanation

Minutes of the Commission meeting held on September 13, 2022, September 27, 2022, and October 4, 2022 are attached for approval.

Recommendation

Staff recommends Commission approval.

REQUESTED CITY COMMISSION ACTION:

Approve

Department: City Commission

Presenter: Mike Steigerwald

Attachment(s):

1. Commission Minutes - September 13, 2022 (R)
2. Commission Minutes - September 27, 2022 (R)
3. Commission Minutes - October 4, 2022



**MEETING MINUTES
SESSION OF THE CITY COMMISSION
CITY OF KISSIMMEE
CITY HALL, COMMISSION CHAMBERS
101 CHURCH STREET, KISSIMMEE, FLORIDA 34741-5054
TUESDAY, SEPTEMBER 13, 2022 AT 6:00 PM**

1. MEETING CALLED TO ORDER

Members Present: Mayor Olga Gonzalez, Commissioners Olga Castano, Felix Ortiz, Carlos Alvarez, III, Jim Fisher, Commissioner-Elect Angela Eady, Commissioner-Elect Janette Martinez

Staff Present: City Manager Mike Steigerwald, City Attorney Olga Sanchez de Fuentes, Deputy City Manager Desiree Matthews, Assistant City Manager Austin Blake, City Clerk Linda Hansell

Members Absent: None

Mayor Gonzalez called the meeting to order at 6:00 PM.

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

After a Moment of Silence, Commissioner Fisher led the audience in the Pledge of Allegiance. Mayor Gonzalez stated the Moment of Silence is in memory of Mayor Jim Swan.

3. PROCLAMATIONS AND SPECIAL PRESENTATIONS

3.A Acceptance of the August 23, 2022 Election Returns for Commission Seat #2 and Seat #4

Request Commission acceptance and approval of the August 23, 2022 City of Kissimmee General Election Returns for Commission Seat # 2 and Seat # 4.

Commissioner Castano made a motion to accept the Election Return for the August 23, 2022 General Election. Commissioner Fisher seconded the motion.

AYE: Mayor-Commissioner Gonzalez, Commissioner Alvarez, Commissioner Castano, Commissioner Eady, Commissioner Fisher

NAY: None

Motion carried 5 - 0.

3.B Swearing in Ceremony for City Commission Seat #2 and City Commission Seat #4

Commissioner-Elect Seat # 2, Angela Eady, and Commissioner-Elect Seat # 4, Janette Martinez, will be sworn in following the acceptance of the Official Election Results certified by the Osceola County Canvassing Board on August 30, 2022.

Reverend Remer Baker Jr. administered the Oath of Office to Commissioner-Elect Angela Eady.

The Honorable Judge Christine E. Arendas administered the Oath of Office to Commissioner-Elected Janette Martinez.

At the conclusion of the Swearing in Ceremony, both newly elected Commissioners took their seats on the Dias.

3.C Recognition of outgoing Commissioners - Felix Ortiz and Jim Fisher

Request the City Commission recognize outgoing Commissioner Felix Ortiz and Commissioner Jim Fisher for their years of service to the City Commission and our citizens.

City Manager Steigerwald and Mayor Gonzalez presented outgoing Commissioner, Felix Ortiz, with tokens of appreciation for his service on the Commission and to our community.

Commissioner Ortiz thanked everyone and stated it was blessing to serve for four (4) years on the Commission. He wished the new Commissioners much success and stated he'll be back in 2024 to run for Mayor.

City Manager Steigerwald and Mayor Gonzalez presented outgoing Commissioner, Jim Fisher, with tokens of appreciation for his service on the Commission and to our community.

Commissioner Fisher thanked staff and congratulated the new Commissioners and made a recommendation that they listen to staff; they will not steer you in the wrong direction. Commissioner Fisher stated he may also come back in 2024 and run for Mayor.

3.D City Commission selection of Vice Mayor and Mayor Pro Tem

Request the Commission select a Commission member to serve as Vice Mayor and Mayor Pro Tem for the next two years.

Mayor Gonzalez made a motion to select Commissioner Castano as the Vice Mayor. Commissioner Alvarez seconded the motion.

Motion carried 5 - 0.

Commissioner Eady made a motion to nominate herself as the Mayor Pro Tem. Commissioner Castano seconded the motion.

Motion carried 5 - 0.

3.E Presentation of Retirement Watch to Michael Carter

Request the presentation of Corporal Michael Carter's retirement watch. Corporal Carter is retiring from the City of Kissimmee after 20 years of service with the Kissimmee Police Department.

City Manager Steigerwald reviewed Corporal Michael Carter's career with the City as Mayor Gonzalez presented his City retirement watch. The City wishes him the best in his future endeavors.

Corporal Carter thanked the Commission for this honor and stated it has been an honor

to serve as a member of the Police Department and City. Mr. Carter presented his wife with flowers in celebration of his retirement.

3.F Employee Service Awards for April, May and June

Request that the City Commission join the City Manager in recognizing employees who have reached milestones in years of service with the City.

City Manager Steigerwald presented quarterly service awards to the following employees who were present:

5-years: Dalisa Figueroa, Brenton Jewett

20-years: Michael Carter

25-years: Nancy Walker

The following employees were absent and will receive their service awards at a later date:

5-years: Taylor Robertson, Terrence Tatume

10-years: Rachel Higgins, Josue Naranjo

15-years: Mariam Habibzadegan

20-years: Rob O'Shields

3.G Employee of the Month for September - Catherine Finneran

That the City Commission join the City Manager in recognizing Catherine Finneran, Development Services, as September's Employee of the Month

City Manager Steigerwald recognized Catherine Finneran, Administrative Assistant, and reviewed her attributes and the reason she was being recognized as the September Employee of the Month. He stated Cathy has a great attitude, is pleasant, and a wonderful co-worker to everyone. As a reminder, the Employee of the Month is not selected by the City Manager, Management, or the Commission; they are nominated and selected by their peers, and there is no greater honor.

Ms. Finneran received tokens of appreciation from the City Commission.

Ms. Finneran thanked City Manager Steigerwald, who hired her, and Director Craig Holland for his kind words. She thanked her fellow employees for the recognition.

4. PUBLIC HEARINGS - FIRST AND SECOND READINGS

None.

5. PUBLIC HEARINGS

CITY COMMISSION RECESSES AND CONVENES AS COMMUNITY REDEVELOPMENT AGENCY BOARD

5.A Public Hearing - Tentative Resolution to adopt the Downtown Kissimmee Community Redevelopment Agency Budget for Fiscal Year 2022-2023

Request the Downtown Kissimmee Community Redevelopment Agency Board to adopt the fiscal year 2022-2023 budget.

Mayor Gonzalez announced this is a Public Hearing for CRA Board to approve the FY2022-2023 Tentative CRA Budget.

Mayor Gonzalez announced the Public Hearing with no response from the audience.

Commissioner Castano made a motion to approve the Public Hearing and adopt CRA Resolution #02-2022. Commissioner Eady seconded the motion.

AYE: Mayor-Commissioner Olga Gonzalez, Commissioner Carlos Alvarez, Commissioner Olga Castano, Commissioner Angela Eady, Commissioner Janette Martinez

NAY: None

Motion carried 5 - 0.

5.B Public Hearing - Tentative Resolution to adopt the Vine Street Community Redevelopment Agency budget for Fiscal Year 2022-2023

Request the Vine Street Community Redevelopment Agency Board to adopt the fiscal year 2022-2023 Tentative Budget.

Mayor Gonzalez announced this is a Public Hearing for approval of the Vine Street FY2022-2023 Tentative Budget.

Mayor Gonzalez announced the Public Hearing with no response from the audience.

Commissioner Castano made a motion to approve the Public Hearing and adopt CRA Resolution # 03-2022. Commissioner Eady seconded the motion.

AYE: Mayor-Commissioner Olga Gonzalez, Commissioner Carlos Alvarez, Commissioner Olga Castano, Commissioner Angela Eady, Commissioner Janette Martinez

NAY: None

Motion carried 5 - 0.

COMMUNITY REDEVELOPMENT AGENCY ADJOURNS AND RECONVENES AS CITY COMMISSION

5.C Public Hearing - Adoption by Resolution of the Tentative Millage Levy and Tentative Budget for Fiscal Year 2022-2023

City Manager explained the Budget process and the positions that are being added to the FY2022-2023 Budget.

RESOLUTION OF THE PROPOSED OPERATING MILLAGE

City Manager Steigerwald reviewed the proposed millage rate along with information on projects to be funded if the millage is approved.

Mayor Gonzalez stated the Proposed Operating Millage is 4.6253 which is 8.90% more

than the Rolled Back Rate of 4.2472.

Mayor Gonzalez announced the Public Hearing with no response from the audience.

City Attorney Sanchez de Fuentes read Resolution #17-2022 by title.

Commissioner Eady requested information on the addition of firefighters. City Manager Steigerwald confirmed the addition of Station # 15 facility along with staffing in the FY2023-2024 Budget. Rescue # 16 is in the FY2022-2023 Budget and calls for six (6) new Firefighters.

Commissioner Eady questioned the attrition rate for firefighters and whether they are leaving for better pay. City Manager Steigerwald stated he believed the last numbers staff received was around 4% which is below the average. Fire Chief Jim Walls stated he does not have the current numbers, but the most recent departures have been one (1) going out of state to attend medical school, one (1) moving closer to home in Alachua County, and one (1) who is rumored to have been selected for a job at the Orlando International Airport. Chief Walls stated our retention rate for the last five (5) years has been very good.

City Manager Steigerwald stated the Commission held a Workshop within the last two (2) years and information was provided on a study that was done showing the City turn-over rate at 4%. Chief Walls stated the Firefighters are currently in negotiations so that is all being reviewed; he doesn't want to lose Firefighters either.

Commissioner Eady requested the City Manager provide that information and recognized the Fire Department and their staff for all their hard work during the pandemic.

City Manager Steigerwald reviewed the Union Negotiations process with the Commission. The Budget for the Fire Department will not be affected by a vote in favor of the FY2022-2023 Budget.

Commissioner Castano made a motion to set the Tentative Millage Rate at 4.6253. Commissioner Martinez seconded the motion.

Motion carried 5 - 0.

RESOLUTION ADOPTING TENTATIVE BUDGET

Mayor Gonzalez stated the proposed Resolution will adopt the Tentative Budget of \$240,953,811 and authorize 804 full and part-time positions. A schedule of positions authorized for each department and summaries of each Fund are attached to the Resolution.

Mayor Gonzalez announced the Public Hearing with no response from the audience.

City Attorney Sanchez de Fuentes read Resolution # 18- 2022 by title.

Commissioner Eady made a motion to adopt the Tentative Budget of \$240,953,811 including 804 full and part-time positions. Commissioner Castano seconded the motion.

Motion carried 5 - 0.

6. HEAR AUDIENCE

Deloris McMillon, 2781 Michigan Avenue, Kissimmee, spoke before the Commission representing NAACP, Branch 5121 and speaking on behalf of citizens on Hill and Emory streets. Ms. McMillon continued by reviewing the continual problem with speeding and the use of Hill as a pass through. Residents have experienced several incidents and she is asking the Commission to assist with this problem by directing staff to get this resolved by adding speed humps and putting up speed signs.

Ms. McMillon congratulated Commissioner Eady and Commissioner Martinez on their election and thanked Commissioner Fisher for his service.

Ted Baker, 608 Persons Street, Kissimmee, 34741, spoke and stated signs are needed for speed limits and children at play. Have children and senior citizens that are endangered. TOHO employees also cut through as well, residents need signs to have a safer neighborhood.

Mayor Gonzalez asked City Manager to address the issue and evaluate the speed and get back with Ms. McMillon.

7. CONSENT AGENDA

The consent agenda is a technique designed to expedite the handling of routine miscellaneous business of the City Commission. The City Commission in one motion may adopt the entire Consent Agenda. The motion for adoption is non-debatable and must receive unanimous approval. By request of any individual member, an item may be removed from the Consent Agenda for discussion.

Commissioner Castano made a motion to approve the Consent Agenda in its entirety. Commissioner Eady seconded the motion.

Motion to Approve Passed 5 - 0.

- 7.A Approval of City Commission Minutes from the August 16, 2022 meeting
- 7.B First Amended and Restated Fountainhead Development Agreement
- 7.C Authorization To Submit Application For The Fiscal Year 2021 Justice Assistance Grant – Countywide (Jag-C) Program Made Available By The U.S. Department Of Justice (USDOJ)
- 7.D Acceptance of Helping Emergency Responders Obtain Support (HEROS) Program Award for FY2022
- 7.E Approval of Third Amendment to the Landscape Services Agreement between the City and Premier Lawn Maintenance LLC.

- 7.F Resolution for Acceptance of a Public Transportation Grant Agreement (PTGA) from the Florida Department of Transportation (FDOT) for the Construction of Taxiway "E" Extension project at Kissimmee Gateway Airport
(Resolution # 19-2022).
- 7.G Approval of Updates to the Charitable Donations & Sponsorships Policy (Community Benefit Fund)
- 7.H Approval to accept a 2022 Florida Recreational Development Assistance Program Grant for the Fortune Road Athletic Complex
- 7.I State Housing Initiatives Partnership (SHIP) Program Annual Reports for Close Out Years 2018-2019 and 2019-2020
- 7.J Approval to Apply for State of Florida Job Growth Grant Fund through Enterprise Florida
- 7.K Disposal of City Assets
- 7.L Simpson Road Warranty Deed to School Board of Osceola County
- 7.M Open-End Leasehold Mortgage and Collateral Assignment of Lease between Hanger 3 Kissimmee, LLC, Quantem FBO Group- Kissimmee LLC and Huntington National Bank
- 7.N Approval to Proceed with House America Initiative
- 7.O Amendment to FAA AIP Grant Agreement for Electrical Vault Project at Kissimmee Gateway Airport

8. DISCUSSION ITEMS

- 8.A UCF Florida Small Business Development Center Annual Report & Services Agreement
The UCF Florida Small Business Development Center will present to the City Commission a summary of its efforts for this fiscal year and request a continuation of their contract for FY 2022-23.

Economic Development Director, Belinda Kirkegard, presented an overview and introduced Rafael Pratts, who presented information on the Small Business Development Center Annual Report.

Rafael Pratts, Vice-President, distributed packets to the Commission (Exhibit "A"). He reviewed a PowerPoint Presentation (Exhibit "B") that was not included in the agenda.

Shari Vick, Memorable Times, was called to the podium and commented on her history with the Small Business Development Center. She thanked the City for enabling this course.

Commissioner Alvarez made a motion to approve a contract for FY 2022-23 for \$30,000 funding. Commissioner Castano seconded the motion.

AYE: Mayor-Commissioner Gonzalez, Commissioner Alvarez, Commissioner Castano, Commissioner Eady, Commissioner Martinez

NAY: None

Motion to Approve Passed 5 - 0.

8.B Presentation of Financial Statements for the Kissimmee Charter Academy for Year Ended June 30, 2022

This request is for Commission acceptance of the Financial Statements for the Kissimmee Charter School for the fiscal year ended June 30, 2022.

Greg Young, Imagine Kissimmee School Representative, presented the Financial Statements for the Charter School. He reviewed page by page the attachment to the Agenda and answered questions. He reviewed a second audit for Federal Funds for grants; there no findings of concern.

Commissioner Eady questioned whether the Charter School is a Title 1 school. Mr. Young stated that is correct and it allows for them to provide free breakfast and lunch to all students.

Commissioner Castano asked what the current school grade is; Mr. Young stated it is a "C" school.

Commissioner Castano asked for an update on the staffing of teachers at the school. Mr. Young stated there is a major issue with a teacher shortage and competition to increase competitive pay for teachers; charter schools do not have the same flexibility as state schools. She inquired if the school is rated "C" due to a lack of teachers.

Assistant City Manager Blake stated he oversees the relationship between the City and Imagine Schools. When the school grades were released, he spoke with the Principal who stated the Charter School was very close to a "B" and they have an action plan in place to improve math scores to bring them up.

Commissioner Castano made a motion to accept the FY 2022 Financial Statements for Kissimmee Charter Academy. Commissioner Martinez seconded the motion.

AYE: Mayor-Commissioner Gonzalez, Commissioner Alvarez, Commissioner Castano, Commissioner Eady, Commissioner Martinez

NAY: None

Motion to accept 5 - 0.

8.C Replacement of the Kissimmee Connector Downtown Bus Circulator provided by Lynx with a new Micro-Mobility Transit Service to be provided by Freebee

Request Commission authorization to negotiate a contract with Freebee to provide a micro-mobility solution for downtown and surrounding areas and direction regarding the status of the Lynx contract for the Kissimmee Connector downtown circulator bus service.

Ashley Cornelison, Planning Division, reviewed the City options (PowerPoint Presentation) with the changes in the Kissimmee Connector. She reviewed ridership, routes, and cost per rider, per month. Staff researched alternate solutions and found services provided by Freebee, which does point to point services. With Commission direction, staff would like to have these new services in place by January 1, 2023.

Requesting Commission approve moving forward with Freebee or staying with Lynx.

Discussion held concerning types of service and accessible vehicle that would be used for providing transportation as well as the schedule availability from 6:00 a.m. to 8:00 p.m.

Commissioner Castano made a motion to use Freebee services and allow Lynx agreement to lapse. Commissioner Eady seconded the motion.

Motion carried 5 – 0.

Commissioner Martinez questioned what resources would be provided to the citizens during the transition between the services. Commissioner Alvarez stated the riders need to be educated on the service ending so riders are prepared.

City Manager Steigerwald stated staff can review alternative solutions. Signage can be added to the platform to acknowledge the changes and provide information to the citizens.

8.D Advisory Board Appointments and Vacancies

The Commission is requested to replace a Board of Adjustment member due to a recent resignation.

No action, Commission Castano has two meetings to make the appointment.

9. **HEAR CITY OFFICIALS**

9.A CITY MANAGER

City Manager Steigerwald updated the Commission on Mayor Swan's funeral service being held Tuesday, September 20th at 11:00 a.m. at First Baptist Church Kissimmee, and the burial will be at Rose Hill Cemetery with a reception following at the Civic Center.

9.B CITY ATTORNEY

Nothing

9.C CITY COMMISSION

Commissioner Castano welcomed Commissioner Eady.

Commissioner Eady made a prepared statement and thanked her supporters and challenged the residents to get involved and be part of the solution. She encouraged attendance at meetings whether City, County, School Board, or Federal level. Our government is better together; a house divided cannot stand alone.

Commissioner Alvarez congratulated Commissioner Eady and Commissioner Martinez

and stated his thoughts and prayers are with the Swan Family

Commissioner Martinez encouraged the citizens to be the eyes and ears for the Commission; do not be a part of the old problem, be part of a new solution. Thanked all those who supported Elian Guzman, he was only 20 but had decided to get involved Commissioner Martinez thanked the Police and Firefighters, her friends, and those she will remember that put her where she is now.

Mayor Gonzalez offered congratulations to the two new commissioners and stated she was very proud to have worked with Commissioner Fisher and Commissioner Ortiz; were able to agree to disagree and continue to work together.

10. ADJOURNMENT

There being no further business to come before the Commission, Mayor Gonzalez adjourned the meeting at 7:37 PM.

MAYOR-COMMISSIONER

ATTEST:

CITY CLERK

Exhibit "A"
Small Business Development Center (UCF)
Helping Business Grow & Succeed Packet
Item 8.A.

Exhibit "B"
PowerPoint Presentation
Small Business Development Center Update
Item # 8.A.



**MEETING MINUTES
SESSION OF THE CITY COMMISSION
CITY OF KISSIMMEE
CITY HALL, COMMISSION CHAMBERS
101 CHURCH STREET, KISSIMMEE, FLORIDA 34741-5054
TUESDAY, SEPTEMBER 27, 2022 AT 6:00 PM**

1. **MEETING CALLED TO ORDER Members Present:** Mayor Olga Gonzalez, Commissioners Olga Castano, Angela Eady, Carlos Alvarez, III, Janette Martinez
Staff Present: City Manager Mike Steigerwald, Deputy City Attorney Kalanit Oded, Deputy City Manager Desiree Matthews, Assistant City Manager Austin Blake, City Clerk Linda Hansell
Members Absent: City Attorney Olga Sanchez de Fuentes

Mayor Gonzalez called the meeting to order at 6:00 PM.

2. **MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**

After a Moment of Silence, Commissioner Alvarez led the audience in the Pledge of Allegiance.

3. **PROCLAMATIONS AND SPECIAL PRESENTATIONS**

- 3.A Proclamation- Ashley Ann Cariño

The request is for the Commission to present a Proclamation to Ashley Ann Cariño.

This presentation was rescheduled to the October 4, 2022 meeting.

- 3.B Presentation of Economic Development QTI company Eden Cosmetic & Wellness, Inc.

Introduction of Eden Cosmetic & Wellness, Inc., an Economic Development QTI company.

This item was not heard by the Commission as the presenter was unable to attend. It will be rescheduled to the October 4, 2022 meeting.

4. **PUBLIC HEARINGS - FIRST AND SECOND READINGS**

None.

5. **PUBLIC HEARINGS**

- 5.A Public Hearing - Adoption By Resolution of the Final Millage Levy and Final Budget for Fiscal Year 2022-2023

Adoption of the final millage levy of 4.6253 mills and final budget of \$240,953,811 for the fiscal year 2022-2023.

Mayor Gonzalez announced the Public Hearing to adopt the FY2022-2023 Final Millage and Final Budget.

City Manager Steigerwald reviewed the second and final hearing for the adoption of the FY2022-2023 Millage and FY2022-2023 Budget. After holding the Public Hearing, staff recommends approval of both the Millage and Budget.

RESOLUTION OF THE PROPOSED OPERATING MILLAGE

Mayor Gonzalez stated the Proposed Operating Millage is 4.6253 which is 8.90% more than the rolled-back rate of 4.2472.

Mayor Gonzalez announced the Public Hearing with no response from the audience.

Deputy City Attorney Kalanit Oded read Resolution # 20-2022 by title.

Commissioner Castano made a motion to adopt Resolution # 20-2022 approving the Fiscal Year 2022-2023 Operating Millage Rate of 4.6253. Commissioner Eady seconded the motion.

Motion carried 5 - 0.

RESOLUTION ADOPTING THE FINAL BUDGET

City Manager Steigerwald reviewed the Final Budget of \$240,953,811, including 804 full and part-time positions. After holding the Public Hearing, staff recommends approval.

Mayor Gonzalez stated the Resolution will adopt the Final Budget of \$240,953,811 and authorizes 804 full and part-time positions. A schedule of positions authorized for each department and summaries of each Fund are attached to the Resolution.

Mayor Gonzalez announced the Public Hearing with no response from the audience.

Deputy City Attorney Oded read Resolution # 21-2022 by title.

Commissioner Castano made a motion to adopt Resolution # 21-2022 approving the Fiscal Year 2022-2023 Final Budget of \$240,953,811. Commissioner Eady seconded the motion.

Motion carried 5 - 0.

6. HEAR AUDIENCE

None.

7. CONSENT AGENDA

The consent agenda is a technique designed to expedite the handling of routine miscellaneous business of the City Commission. The City Commission in one motion may adopt the entire Consent Agenda. The motion for adoption is non-debatable and must receive unanimous approval. By request of any individual member, an item may be removed from the Consent Agenda for discussion.

City Manager Steigerwald requested item 7.H. be removed from the Consent Agenda and be continued to the October 4, 2022 meeting so it can be heard on the same night as the CRA item for Kissimmee Main Street Funding.

Commissioner Alvarez made a motion to remove Item 7.H from the Consent Agenda. Commissioner Eady seconded the motion.

Motion carried 5 - 0.

Commissioner Castano made a motion to approve the Consent Agenda minus Item 7.H. Commissioner Eady seconded the motion.

Motion carried 5 - 0.

- 7.A Economic Development QTI Project: Eden Cosmetic & Wellness, LLC Incentive Agreement
City Commission approval of the Economic Development Incentive Agreement with Eden Cosmetic & Wellness, LLC.
- 7.B Clyde Avenue Replat - Final Plat (DRC#21-00042)
City Commission approval of the final plat known as Clyde Avenue Replat.
- 7.C Intergovernmental Transfer Agreement for Medicaid Managed Care Organization Payment Program
Enter into an Intergovernmental Transfer (IGT) agreement with the Agency for Health Care Administration (AHCA) in order to continue receiving supplemental payments for Medicaid patients transported by the Fire Department.
- 7.D Commission Ratification of Contract Reopeners with the Florida State Lodge Fraternal Order of Police (FOP) Representing the Police Officers, Corporals and Detectives Unit and the Contract for Sergeants Unit
This is a request for Commission Ratification of Contract Reopeners with the Florida State Lodge Fraternal Order of Police (FOP) Representing the Police Officers, Corporals and Detectives Unit and the Contract for Sergeants Unit.
- 7.E Citywide Janitorial and Custodial Services for various City facilities
Approval of agreement with Halo Building Services to provide janitorial services for various City facilities.
- 7.F Authorization to execute an agreement with the Lunz Group for the design of the City of Kissimmee Fire Station No. 15
Request Commission authorization to enter into a contract with the Lunz Group for \$701,229.80 for the design of the City of Kissimmee Fire Station No. 15. The funds are budgeted and available in the Sales Tax Fund.
- 7.G Amendment to Federal Aviation Administration Airport Improvement Program Grant Agreement for Electrical Vault Project at Kissimmee Gateway Airport
Request City Commission approval of an Amendment to the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Grant for Airport Electrical Vault Project in the amount of \$4,740.92

7.H Kissimmee Main Street New Service Agreement for Fiscal Year 2022-2023

Staff requests approval of a new service agreement with Kissimmee Main Street for Fiscal Year 2022-2023, from October 1, 2022 to September 30, 2023.

7.H. Removed from the agenda and rescheduled for October 4, 2022.

7.I Resolution Adopting the First Amendment to the Master Development Agreement between the City of Kissimmee, Downtown Kissimmee Community Redevelopment Agency and Skyview Kissimmee Developer, LLC regarding the Beaumont Redevelopment Site.

Staff requests the City Commission approve the resolution adopting the first amendment to the Master Development Agreement between the City of Kissimmee, Downtown Kissimmee Community Redevelopment Agency and Skyview Kissimmee Developer, LLC regarding the Beaumont Redevelopment Site.

Resolution # 22-2022.

7.J Ministerial Approval - General Pension Board - Janin Butler

Request Commission ministerial approval of Janin Butler as the selected seventh member of the General Pension Board of Trustees. Ms. Butler is a current member whose term expires on September 30, 2022.

7.K Ministerial Approval - Police Pension Board - Camille Alicea

Request Commission approval of the ministerial appointment of Camille Alicea as the fifth member of the Police Pension Board of Trustees

8. DISCUSSION ITEMS

8.A Prospera Fiscal Year End Update and Approval of Services Agreement Renewal for FY2022-2023

Prospera's Vice President, Mrs. Katia Media, will present a summary of their efforts for FY 2021-22 to the City Commission and respectfully request approval of a continued contract for FY 2022-23.

This item was not heard by the Commission as the presenter was unable to attend. This item will be rescheduled to the October 4, 2022 meeting.

8.B Advisory Board Appointments and Vacancies

The Commission is requested to appoint/reappoint multiple vacancies on advisory boards due to a resignation and term expiration dates approaching.

Commissioner Alvarez made a motion to reappoint Lisandra Roman to the Police Pension Board. Commissioner Castano seconded the motion.

Motion carried 5 - 0.

The appointment for Seat # 1 will need an extension if not made by October 4, 2022. Seat # 2 will have until October 18, 2022, to make an appointment/reappointment before requesting an extension.

9. HEAR CITY OFFICIALS

9.A CITY MANAGER

City Manager Steigerwald presented a Resolution to the Commission for Ratification of a Declaration of a State of Emergency Relating to Hurricane Ian. The Governor declared an emergency on September 24, 2022, and Osceola County followed. The City seeks Commission approval to ratify a Resolution Declaring the State of Emergency for the City, effective Saturday, September 24, 2022, which will assist in the reimbursement of any expenses allocated in preparation for the storm.

Commissioner Eady made a motion to ratify Resolution #23-2022 (Exhibit "A"). Commissioner Castano seconded the motion.

Motion carried 5 - 0.

City Manager Steigerwald provided the Commission with updates on the City initiatives in preparation for the storm and explained that administration offices will be closed Wednesday, September 28th, and Thursday, September 29th. Staff will be staged at three (3) of the four (4) Fire Stations in different locations preparing to clear a path for the first responders. Public Works and Engineering crews are equipped for debris removal and roadway clearing, as well as Parks & Recreation Staff, assisting at two (2) school shelters and additional staff assigned to the County Emergency Operations Center; they will start 24-hour shifts on Wednesday. He stated that City management is meeting consistently with the County Emergency Management Officials and the City will have its operations center staged at City Hall as well.

9.B CITY ATTORNEY

Deputy City Attorney Oded complimented City staff and what a great group of employees we have supporting the City Manager and Commission efforts.

9.C CITY COMMISSION

Commissioner Castano asked what information we could provide to the public.

Assistant City Manager Blake responded to Commissioner Castano's concerns, that in addition to the other resources we have available, citizens can find more information by going to the City's website using Kissimmee.gov/prepare.

Commissioner Alvarez reminded everyone to check on their elderly neighbors and offer assistance.

Commissioner Martinez reiterated Commissioner Alvarez's comments about assisting neighbors and reminded the audience that not all individuals are tech-savvy and some may need additional assistance.

Mayor Gonzalez wished everyone to stay safe during the storm and commented on the work of our staff and the great working environment with our fellow governments. She highlighted the tremendous effort and work being put in at Osceola Heritage Park is amazing.

10. ADJOURNMENT

There being no further business to come before the Commission, Mayor Gonzalez adjourned the meeting at 6:15 PM.

MAYOR-COMMISSIONER

ATTEST:

CITY CLERK

Exhibit "A"
Resolution # 23-2022
Declaring State of Emergency Relating to Hurricane Ian
Item 9.A.



**MEETING MINUTES
SESSION OF THE CITY COMMISSION
CITY OF KISSIMMEE
CITY HALL, COMMISSION CHAMBERS
101 CHURCH STREET, KISSIMMEE, FLORIDA 34741-5054
TUESDAY, OCTOBER 4, 2022 AT 6:00 PM**

1. MEETING CALLED TO ORDER

Members Present: Mayor Olga Gonzalez, Commissioners Olga Castano, Angela Eady, Carlos Alvarez, III, Janette Martinez

Staff Present: City Manager Mike Steigerwald, City Attorney Olga Sanchez de Fuentes, Deputy City Manager Desiree Matthews, Assistant City Manager Austin Blake, City Clerk Linda Hansell

Members Absent: None.

Mayor Gonzalez called the meeting to order at 6:00 PM.

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

After a Moment of Silence, Commissioner Alvarez led the audience in the Pledge of Allegiance.

3. PROCLAMATIONS AND SPECIAL PRESENTATIONS

3.A Proclamation - Hispanic Heritage Month

The request is for the Commission to present a Proclamation- Hispanic Heritage Month.

City Manager Steigerwald read a proclamation in honor of Hispanic Heritage Month as the Mayor and Commissioners presented the proclamation to Maria Fernandez from Tertulia 4 Gatos.

Ms. Fernandez thanked the City of Kissimmee and stated she was proud to receive the Proclamation.

3.B Proclamation - Ashley Ann Cariño

The request is for the Commission to present a Proclamation to Ashley Ann Cariño.

Ms. Carino was not present. The proclamation presentation will be rescheduled for the October 18, 2022, meeting.

3.C Proclamation in recognition of World Polio Day

The request is for the Commission to present a Proclamation to Mary Rose Cox, Rotary Club of Kissimmee, President.

No representative was present. The proclamation presentation will be rescheduled for the October 18, 2022, meeting.

3.D Proclamation - National Fire Prevention Week

The request is for the Commission to present a Proclamation to Fire Chief Walls. City Manager Steigerwald read a proclamation in honor of National Fire Prevention

Week as the Mayor and Commissioners presented the proclamation to Fire Chief Jim Walls.

Fire Chief Walls thanked the Commission for the proclamation and explained his Department will be putting out information to the community via social media, educating them on residential fire prevention and home flooding responses.

- 3.E Presentation of Economic Development QTI company Eden Cosmetic & Wellness, Inc.
Introduction of Eden Cosmetic & Wellness, Inc., an Economic Development QTI company.

The representative was unable to attend the meeting. The presentation will be rescheduled for October 18, 2022, meeting.

- 3.F Employee of the Month for October - Logan Harper

That the City Commission join the City Manager in recognizing Logan Harper, Airport, as October's Employee of the Month.

City Manager Steigerwald introduced Logan Harper, an Airport employee, who has been with the City for over 8 years. Mr. Steigerwald reviewed the attributes of Mr. Harper and thanked him for his dedicated service to the City and the Kissimmee Airport. He reminded the audience that Employee of the Month is selected by a committee of peers and there is no greater honor than to be recognized by your peers.

Mr. Harper thanked the City and his team for their support.

4. PUBLIC HEARINGS - FIRST AND SECOND READINGS

- 4.A Public Hearing - Final Reading - Ordinance amending the Zoning designation to establish RC-1 (Multiple Family Medium Density Residential); ZMA-22-0004 - Proposed Ordinance 22-16

AN ORDINANCE AMENDING ORDINANCE NO. 3034 KNOWN AS THE CITY OF KISSIMMEE LAND DEVELOPMENT CODE, REZONING THE PROPERTY HEREINAFTER DESCRIBED, REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE

Recommendation of approval of a Zoning Map Amendment (ZMA) to change the Zoning designation from Planned Mixed Use Development (PMUD) to Multiple Family Medium Density Residential (RC-1) on 30.98 acres of land east of South John Young Parkway, north of Hacienda Circle, and west of Lake Tohopekaliga.

City Attorney Sanchez de Fuentes read Proposed Ordinance # 3064 by title.

Planner Brenda Ryan provided information to the City Commission on the request for a zoning change from mixed-use development to a multi-family medium-density residential which is compatible with the surrounding area. After holding the Public Hearing, staff recommends approval.

Mayor Gonzalez announced the Public Hearing with no response from the audience.

Commissioner Castano moved to adopt Ordinance # 3064. Commissioner Eady seconded the motion.

Upon roll call, the vote was as follows:

Commissioner Martinez	AYE
Commissioner Castano	AYE
Commissioner Eady	AYE
Commissioner Alvarez	NAY
Mayor Gonzalez	AYE

During the live meeting, roll call was inadvertently announced on the record as a 5 – 0 vote. Upon clarification, Commissioner Alvarez voted NAY on the Public Hearing and adoption of Ordinance # 3064, resulting in an amendment to the official record of a 4 -1 passage.

The on-the-record roll call of 5 – 0 is hereby modified to reflect:

Motion carried 4 – 1.

5. PUBLIC HEARINGS

None.

6. HEAR AUDIENCE Anything requiring a vote will be heard at a later time.

Hannah Carton, 301 S. Oak Avenue, Sanford, Florida, spoke before the Commission in reference to the Christmas Cantata being held at the Walt Disney Theatre in the Dr. Phillips Center on October 13, 2022. She discussed in detail the history of the Christmas Cantata and an overview of the upcoming event in addition to her non-profit organization, International Youth Fellowship. Ms. Canton distributed a flyer on the event (Exhibit "A").

Mayor Gonzalez commented that the Christmas Cantata show is a beautiful experience for families.

Noberto Fonseca, 803 Sprucewood Lane, Kissimmee, Florida, representing Advance Community Center, spoke before the Commission in reference to Social Service Grant Funding and his organization's ability to apply with the City. He requested more information on participating in the Social Service process. He stated his organization operates the largest food bank in Kissimmee and he needs assistance in the form of grants or aid to help develop the organization and provide food for senior citizens.

City Manager Steigerwald will have Deputy City Manager Matthews contact him to provide more information on the grant application process. Ms. Matthews requested a business card or contact information to reach Mr. Fonseca.

Commissioner Eady requested information on where the center is located. Mr. Fonseca confirmed the organization is currently operating at 1209 E. Donegan Avenue.

Commissioner Martinez thanked Pastor Fonseca for his community service.

7. CONSENT AGENDA

The consent agenda is a technique designed to expedite the handling of routine miscellaneous business of the City Commission. The City Commission in one motion may adopt the entire Consent Agenda. The motion for adoption is non-debatable and must receive unanimous approval. By request of any individual member, an item may be removed from the Consent Agenda for discussion.

Commissioner Castano made a motion to approve the Consent Agenda in its entirety. Commissioner Eady seconded the motion.

Motion carried 5 - 0.

- 7.A Tyler Technologies annual software maintenance for Enterprise Resource Planning (ERP) software suite
Approval of the payment for the annual software maintenance for Tyler Technologies ERP software suite in the amount of \$241,890.
- 7.B CentralSquare Technologies Annual Software Maintenance for OneSolution Public Safety Software Suite
Approval of the annual maintenance contract for OneSolution Public Safety Software suite with CentralSquare Technologies in the amount of \$158,546.60.
- 7.C First Loop Logistics Park – Major Subdivision, Final Plat (DRC-21-00054)
Approval of the final plat known as First Loop Logistics Park, with previously approved and recorded Flora Boulevard Development and Escrow Agreement (O.R. Book 5987, Page 2320).
- 7.D Osceola Village Center Phase 2 – Major Subdivision, Final Plat (SR-22-0006)
Requesting City Commission approval of the final plat known as Osceola Village Center Phase 2, with performance guarantee/agreement.
- 7.E Purchase of budgeted computer equipment
Approval to purchase Fiscal Year 2022-23 budgeted servers, personal computers, printers, and associated equipment from the State or National purchasing contracts with the option to purchase directly from a certified reseller or the manufacturer if the price is lower than what is available from applicable contracts.

8. DISCUSSION ITEMS

CITY COMMISSION RECESSES AND CONVENES AS COMMUNITY REDEVELOPMENT AGENCY BOARD

- 8.A Kissimmee Main Street FY 2021-2022 Year-End Update and New Service Agreement for FY 2022-2023
A year-end update for fiscal year 2021-2022 and approval of a new service agreement for fiscal year 2022-2023, from October 1, 2022 to September 30, 2023.

CRA Manager Samia Singleton provided a FY2021-2022 year-end update and requested the FY 2022-2023 funding for next year. She introduced Diana Marrero-Pinto, Kissimmee Main Street Executive Director who presented a PowerPoint Presentation (Exhibit "B").

Following the presentation, Commissioner Eady questioned what other entities fund the

Main Street Program and how much is needed to run the organization. She further expressed concerns that the Program only focuses on the CRAs when other businesses need assistance with marketing and advertising.

Ms. Marrero-Pinto clarified that they receive \$25,000 a year from the Osceola County Board of Commissioners and approximately \$6,000 in Sponsorships from Toho Water Authority for events. Without sponsorship from communities for events, she stated it would take approximately \$180,000 to operate the Program. She further detailed that Main Street is willing to market for other areas.

Commissioner Eady recommended the Main Street Program be under the direction of a Department Head at the City and Ms. Marrero-Pinto explained that avenue was attempted but did not work. Other details of the Program were discussed between Ms. Marrero-Pinto and Commissioner Eady such as staffing of positions, nutrition and feeding the elderly, marketing strategies, and potential budget cuts.

Commissioner Martinez commended Ms. Marrero-Pinto for her public service and has actively seen her out in the community helping.

Commissioner Alvarez stated he appreciated the Main Street Program networking, especially the events that bring people to Kissimmee and her assistance in promoting small businesses.

Commissioner Castano expressed her gratitude for the Main Street Program and the participation in the small business roundtable discussions and endorsed that people feel comfortable working with Ms. Marrero-Pinto.

Commissioner Eady appreciated the services but felt the services could be provided at a reduced cost.

Nilisa Council, 1209 W. Oak Street, # 21, Kissimmee, stated she is a downtown merchant and that the Kissimmee Main Street Program is beneficial to the public because Ms. Marrero-Pinto is answering questions and taking care of the community and that the money for this contract is well spent for those services.

Commissioner Martinez made a motion to approve the Kissimmee Main Street Service Agreement for FY 2022-2023. Commissioner Castano seconded the motion.

Motion carried 5- 0.

8.B Community Redevelopment Agency (CRA) Minutes Approval - September 27, 2022
Request CRA Commission approval of the September 27, 2022 Minutes.

Commissioner Eady made a motion to approve the September 27, 2022, CRA Board Minutes. Commissioner Castano seconded the motion

Motion carried 5 - 0.

COMMUNITY REDEVELOPMENT AGENCY ADJOURNS AND RECONVENES AS CITY COMMISSION**8.C Kissimmee Main Street FY 2021-2022 Year-End Update and New Service Agreement for FY 2022-2023**

A year-end update for fiscal year 2021-2022 and approval of a new service agreement for fiscal year 2022-2023, from October 1, 2022 to September 30, 2023.

City Manager Steigerwald confirmed that this is the same agreement that was just voted on with the CRA Board under Item 8. A, and will need City Commission approval as well because it is a three-way contract between the City, CRA, and Main Street. The Commission declined the need for a second presentation.

Commissioner Martinez made a motion to approve the FY 2022-2023 Funding Agreement. Commissioner Eady seconded the motion.

Motion carried 5 - 0.

8.D Prospera Fiscal Year End Update and Approval of Services Agreement Renewal for FY2022-2023

Prospera's Vice President, Mrs. Katia Media, will present a summary of their efforts for FY 2021-22 to the City Commission and respectfully requests approval of a continued contract for FY 2022-23.

Economic Development Director Belinda Kirkegard introduced the Vice President of Prospera, Mrs. Katia Media.

Mrs. Media reviewed a PowerPoint Presentation (Exhibit "C") which provided an overview of their organization including the successes and impacts they've had in the local community. Mrs. Media introduced Lydiana Cruz, the owner of Hope Behavioral Health.

Ms. Cruz expressed her appreciation for Prospera and their ability to assist her with business consulting and marketing for her private mental health practice in downtown Kissimmee.

Commissioner Castano thanked Prospera for the work they have done to grow small businesses.

Commissioner Martinez made a motion to approve the Prospera FY 2022-2023 Contract Renewal. Commissioner Castano seconded the motion.

Motion carried 5 – 0.

8.E Social Service and Quality of Life Grant Funding Allocations for FY 2022-2023

Commission discussion and approval of the FY 2022-23 Social Services and Quality of Life Funding Allocations.

City Manager Steigerwald announced that the scoring for all the Commissioners had not yet been received, and recommended postponing the item to the October 18, 2022, meeting. The City Commission had no objections to this.

8.F Appointment of Commission Representatives to External Boards and Councils

Request City Commission to make appointments for commissioners to serve on external boards and councils.

City Manager Steigerwald provided an overview of the current boards and councils available including location, meeting times, and requirements. The Commissioners discussed their desires to participate on the boards of their preference, and the following motions were made and passed for appointment/reappointments:

Commissioner Eady made a motion to reappoint Commissioner Alvarez to the Foundation for Osceola Education, Board of Directors. Commissioner Castano seconded the motion.

Motion carried 5 – 0.

Commissioner Eady made a motion to reappoint Commissioner Castano to the Help Now of Osceola, Inc. Commissioner Alvarez seconded the motion.

Motion carried 5 – 0.

Commissioner Alvarez made a motion to appoint Commissioner Martinez to the Kissimmee/Osceola Chamber of Commerce Board of Trustees. Commissioner Castano seconded the motion.

Motion carried 5 – 0.

Commissioner Castano made a motion to appoint Commissioner Martinez to the Kissimmee/Osceola Chamber of Commerce Hispanic Business Council. Commissioner Alvarez seconded the motion.

Motion carried 5 – 0.

Commissioner Martinez made a motion to appoint Commissioner Castano to the MetroPlan Orlando Board of Directors as the Primary member. Commissioner Eady seconded the motion.

Motion carried 5 – 0.

Commissioner Castano made a motion to appoint Commissioner Eady to the MetroPlan Orlando Board of Directors as the Alternate. Commissioner Alvarez seconded the motion.

Motion carried 5 – 0.

Commissioner Alvarez made a motion to appoint Mayor Gonzalez to the Osceola Council on Aging. Commissioner Castano seconded the motion.

Motion carried 4 – 1. (Commissioner Martinez voted NAY).

Commissioner Alvarez made a motion to appoint Commissioner Eady to the TOHO Water Authority Board of Directors. Commissioner Castano seconded the motion.

Motion carried 5 – 0.

Commissioner Martinez made a motion to appoint Commissioner Castano to the Tourist Development Council (TDC). Commissioner Alvarez seconded the motion.

Motion carried 5 – 0.

Commissioner Castano made a motion to have Mayor Gonzalez serve as the attendee/representative for the Tri-County League of Cities. Commissioner Eady seconded the motion.

Motion carried 5 – 0.

The Tri-County League of Cities appoints its own board members. The motion is for Mayor Gonzalez to serve as the representative.

Commissioner Castano made a motion to appoint Commissioner Martinez to the East Central Florida Planning Council. Commissioner Eady seconded the motion.

Motion carried 5 – 0.

8.G Advisory Board Appointments and Vacancies

The Commission is requested to appoint/reappoint multiple vacancies on advisory boards due to a resignation and term expiration dates approaching.

Commissioner Castano requested a 30-day extension for the Seat #1 vacancy for Board of Adjustment.

Commissioner Eady made a motion to approve the 30-day extension for Seat #1. Commissioner Alvarez seconded the motion.

Motion carried 5 - 0.

Commissioner Eady made a motion to reappoint R. LeWayne Johnson to the Fire Pension Board. Commissioner Alvarez seconded the motion.

Motion carried 5 - 0.

9. HEAR CITY OFFICIALS

9.A CITY MANAGER

City Manager Steigerwald introduced Resolution #24-2022 (Exhibit "D") for the Emergency Declaration to be extended. It is staff's recommendation to approve the extension since the City is still in recovery efforts. He clarified that the City Code gives the City Manager the authority to extend the Declaration in the off weeks of a Commission Meeting and that the following week it will be brought back for the Commission to ratify.

Commissioner Eady made a motion to ratify Resolution # 24-2022 extending the Emergency Declaration. Commissioner Castano seconded the motion.

Motion carried 5 – 0.

City Manager Steigerwald briefly recapped all the event cancellations in the upcoming weeks due to Hurricane Ian, mentioned were Viva Osceola, National Night Out, Domestic Violence Walk, and Movie in the Park. The fundraiser for the Center for the Arts (Lip-sync Contest) has been postponed.

City Manager Steigerwald introduced Assistant City Manager Austin Blake to provide the Commission with an update on Lake Toho and East Lake.

Assistant City Manager Blake reviewed the City Map (Exhibit "E") and provided an update on rising water levels and summarized emergency management initiatives. He detailed the areas that potentially will be affected by flooding when the Lake crests, which is anticipated for October 7, 2022; and that City staff has taken precautionary measures to send notifications out to those that may be affected. He clarified that pumping operations are underway to circumvent where the water comes from.

City Manager Steigerwald discussed that pumps have been employed to supplement the flood gates and stated that the City is prepared and is receiving daily updates to help mitigate flooding and are working alongside the Army Corp of Engineers and Water Management District.

Commissioner Castano stated that people have approached her about getting showers and food.

City Manager Steigerwald educated the Commission that the emergency management initiatives in the State of Florida are run through the County by Florida Statute, and shelters specifically are overseen by the Red Cross. He explained the City does assist in various tasks by placing staff in the shelter environment run by the County and State and detailed the differences between short and long-term shelters.

Commissioner Martinez recapped her experience at the local Osceola Heritage Park shelter including the assistance from the National Guard, the difference between the general versus the special needs' population, and the food resources. She thanked all the volunteers and provided information to small businesses regarding 0% loans and how to apply for DSNAP food stamps benefits due to the crisis.

City Manager Steigerwald stated that the Civic Center residents are being transferred to Heritage Park on October 5th.

Commissioner Castano reminded the audience of the UCF Incubator Small Business Roundtable on October 5, 2022, from 5 :00 p.m.– 8:30 p.m.

Commissioner Alvarez asked how long until long-term shelter can be utilized. Assistant City Manager Blake confirmed that longer-term sheltering is offered after the Disaster Recovery Center (“DRC”) is activated and that FEMA is scheduled to come on October 5th to inspect the Hart Memorial Library to ensure needs are met. He anticipates within the next week, this transitional phase to long-term shelters will be possible with the assistance of FEMA and DRC.

Commissioner Martinez stated that she’s received complaints from residents that FEMA is sending non-Spanish speaking representatives, and there is a language barrier that is a concern. Mr. Blake stated he would bring that information back to FEMA liaisons as soon as possible.

9.B CITY ATTORNEY

None.

9.C CITY COMMISSION

Commissioner Castano expressed difficulty watching her community go through this. She encouraged everyone to continue working together.

Commissioner Eady thanked the first responders for their life-saving efforts.

Commissioner Alvarez reiterated his gratitude for the first responders. He also thanked all the volunteers. #KissimmeeStrong.

Commissioner Martinez thanked all the organizations that came out to help. She was touched by the generosity and the public service she witnessed during this difficult time and is honored to be a part of the Kissimmee City Commission. She thanked the City Manager for always answering her calls.

Mayor Gonzalez thanked all those involved, especially surrounding Cities and the County who worked collaboratively. She wants to remind everyone that help is available, and she appreciates their cooperation. The Mayor encouraged everyone to fill out their FEMA paperwork and that the Church and Community organization has resources available with bilingual assistance.

10. ADJOURNMENT

There being no further business to come before the Commission, Mayor Gonzalez adjourned the meeting at 7:38 PM.

MAYOR-COMMISSIONER

ATTEST:

CITY CLERK

Exhibit "A"
Hear the Audience
Christmas Cantata Flyer
Item 6

Exhibit "B"
CRA Kissimmee Main Street
PowerPoint Presentation
Item 8.A.

Exhibit "C"
Prospera Fiscal Year End Update PowerPoint Presentation
and Approval of Service Agreement
Item 8.D.

Exhibit "D"
Resolution # 24-2022
Extending the State of Emergency Declaration Relating to Hurricane Ian
Item 9.A.

Exhibit "E"
Emergency Management
Flood Map Presentation
Item 9.A.

ITEM 7.B**Authorization to Accept the 2022 Bulletproof Vest Partnership Grant from the United States Department of Justice, Office of Justice Programs****Request**

The Police Department requests the Commission's acceptance of the 2022 Bulletproof Vest Partnership Grant from the United States Department of Justice, Office of Justice Programs, in the amount of \$12,458.25.

Explanation

The City of Kissimmee has been notified by the Bureau of Justice Assistance that it has been awarded funds under the Fiscal Year (FY) 2022 Patrick Leahy Bulletproof Vest Partnership (BVP) solicitation.

The total award is \$12,458.25. These monies will be allocated for the partial funding of bulletproof vests as outlined in the grant application. The balance of the monies needed for the remainder of the bulletproof vests will come from the department's General Fund.

Financial Information

Account #	Project #	Increase / Decrease	Budget	Actual
00100331 331100		Increase	12,459	
00130303 505257		Increase	12,459	

Financial Summary:

Grant funds will be deposited in the above accounts.

Recommendation

Staff recommends the acceptance of the FY2022 Bulletproof Vest Partnership Grant from the United States Department of Justice, Office of Justice Programs.

REQUESTED CITY COMMISSION ACTION:

Accept

Department: Police

Presenter:

Attachment(s):

City of Kissimmee

1. BVP 2022 application awarded

APPLICATION DETAILS

APPLICATION PROFILE

Participant	KISSIMMEE CITY
Fiscal Year	2022
Number of Agencies Applied	0
Total Number of Officers for Application	156
Number of Officers on Approved Applications	156

APPLICATION PROFILE

Fiscal Year	2022
Vest Replacement Cycle 	5
Number of Officers	156
Number of Emergency Replacement Needs 	Number of Stolen or Damaged 0
	Number of Officer Turnover 5

APPLICATION DETAILS

NIJ#	Quantity	Unit Price	Extended Cost	Tax Shipping and Handling	Total Cost
------	----------	------------	---------------	---------------------------	------------

NIJ#	Quantity	Unit Price	Extended Cost	Tax Shipping and Handling	Total Cost
AXII	30	\$830.55	\$24,916.50	\$0.00	\$24,916.50
Grand Totals	30		\$24,916.50	\$0.00	\$24,916.50

AWARD SUMMARY FOR FY2022 REGULAR FUND

Funds Type	Eligible Amount	Award	Date Approved	Status
Regular Fund	\$24,916.50	\$12,458.25	09/21/22	Approved by BVP
Grand Totals:	\$24,916.50	\$12,458.25		

RETURN

ITEM 7.C

Authorization to Negotiate with Balfour Beatty for Construction Manager at Risk for the Addition to City Hall for the Building Division of Development Services

Request

Authorization to negotiate a contract with Balfour Beatty for Construction Manager at Risk for the addition to City Hall for the Building Division expansion for Development Services.

Explanation

The City Commission approved the addition to City Hall for the Building Division service center expansion for the Development Services Department. The addition will house the Building Counter and staff offices, as well as a large conference room that will serve as the City's Emergency Operations Center. An added benefit, is that Development Services staff will be able to consolidate into the Department's current space on the first floor, opening portions of the second and fifth floors for other uses and addressing future space needs of several departments.

The addition has been designed and is currently in the permitting process. The estimates for construction provided during pre-construction services came in over the \$4 million cap for using the City's existing continuing services contracts. The City issued a Request for Proposals for a Construction Manager at Risk for the addition to City Hall. RFP 2022-008 was issued and 5 firms responded. A review committee was formed with representatives from the Development Services, Public Works and Engineering, and Finance Departments. The consensus of the selection committee was to enter into negotiations with Balfour Beatty. The following is the list of firms that submitted proposals:

- Balfour Beatty Construction LLC.
- CORE Construction.
- Gomez Construction.
- H.J. High Construction.
- The A.D. Morgan Corporation.

The selection committee results are attached to this report.

Once the cost and details of the contract have been negotiated with Balfour Beatty, the finalized contract will be brought back to the Commission for approval.

Recommendation

Approval to authorize staff to negotiate a contract with Balfour Beatty for the Construction Manager at Risk for the City Hall addition.

REQUESTED CITY COMMISSION ACTION:

Approve

Department: Development Services

Presenter:

Attachment(s):

1. RFP2022-008 Final Scores
City of Kissimmee

2. Balfour Beatty RFP Response

Score Card
RFP 2022-008 Construction Manager at Risk – Kissimmee City Hall Addition

	<u>Scores</u>	<u>Total Available Points</u>
Balfour Beatty Construction, LLC	435.9	500
CORE Construction	406.7	500
Gomez Construction Company	354.4	500
H.J. High Construction	383.4	500
The A.D. Morgan Corporation	413	500

Ranking

- 1 Balfour Beatty Construction, LLC
- 2 The A.D. Morgan Corporation
- 3 CORE Construction

Construction Manager at Risk – Kissimmee City Hall Addition

RFP 2022-008

August 26, 2022

Balfour Beatty



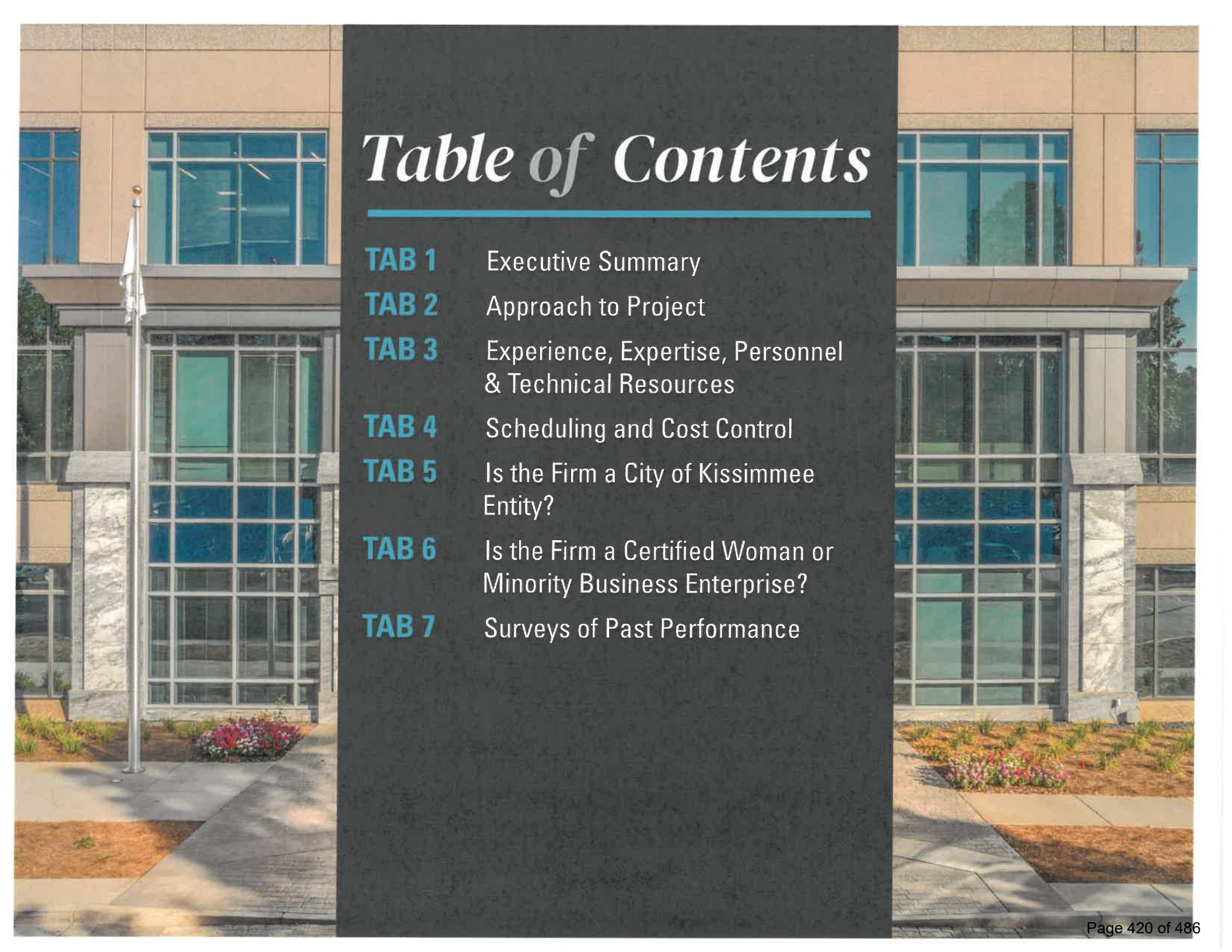


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TAB 1	Executive Summary
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TAB 6	Is the Firm a Certified Woman or Minority Business Enterprise?
TAB 7	Surveys of Past Performance



Tab 1

Executive Summary

Photographed above:

Osceola County Courthouse and
Administrative Building

Tab 1 - Executive Summary

August 26, 2022

City of Kissimmee
Finance Department 4th Floor
Attn: Purchasing Division
101 Church Street
Kissimmee, FL 34741

255 S. Orange Avenue,
Suite 1100,
Orlando, FL 32801
Phone: 407-226-9819
Fax: 407-226-9970

Re: Response to Request for Proposal
Construction Manager at Risk – Kissimmee City Hall Addition
RFP Number: 2022-008

The City of Kissimmee continues to see rapid growth, and with that comes an unprecedented volume of work for your Building Division. We understand that your current facility does not meet the needs of your department, and our dedicated team will ensure that this expansion project better equips the City to serve residents and the community as a whole. This addition will not only create a better customer experience, but it will also enhance the work-life of your staff. We are excited for the opportunity to partner with the City of Kissimmee to develop this facility for the benefit of your residents and staff.

OUR PEOPLE

Balfour Beatty is eager to become an extension of the City of Kissimmee and RS&H to create an atmosphere of collaboration and true teamwork dedicated to finding the best and most cost effective solutions for the City. Balfour Beatty's extensive experience, transparent leadership and innovative approach to results is delivered with optimal cost efficiency, speed, quality and sustainability. Our teams have set the standard for delivering and special projects for our clients. We focus on value-based delivery by offering extensive services and solutions. Prioritizing partnerships over pride, our teams come to work each day with a people-first mindset and a commitment to go above and beyond for all our clients.

SAFETY

Our Zero Harm program goes above and beyond OSHA standards, and we require everyone on our job sites to follow our strict safety and loss prevention program. **Our current Recordable Incident Rate (RIR) is 0.33**, which is well below the industry national average of 2.90.

PROVEN SPECIAL PROJECTS TEAM

Balfour Beatty has assembled a team of experts that have worked together and have a proven track record building unique and specialty projects. This team brings the right mix of experience working together on sites with meticulous phasing plans and coordination to successfully bring the projects across the finish line. Their expertise ensures that the City Hall Expansion project is safely delivered on time and within budget.

LOCAL OFFICE & PROJECT TEAM LOCATION

Our Central Florida office is located in downtown Orlando and houses our executive leadership and support services in safety, estimating, BIM and preconstruction. We have three permanent offices in Florida, not including full-time offices at our project sites. For this project, our team will be located on site at the project immediately following the preconstruction phase.

YOUR RELENTLESS ALLY

Balfour Beatty has been a long-time builder and advocate for quality construction projects throughout Central Florida and Osceola County. We are excited about the opportunity to partner with the City of Kissimmee to be your relentless ally in delivering the most optimal facilities for your City Hall Expansion.

Thank you for this opportunity.

Henry Thacker
Florida Special Projects Group Lead
hthacker@balfourbeattyus.com
407-908-0307



Tab 1 - Executive Summary

B. State the number of years in business

Balfour Beatty has been building in Florida since 1933. Through the past 89 years, we have operated under several names, most recently, Centex Construction, which was acquired by Balfour Beatty in 2007. Balfour Beatty has made vital contributions to Florida's growth, and we remain committed to the communities in which we work and live.

C. State the number of full-time employees

With 229 employees in the Florida Division, Balfour Beatty has a robust pool of resources spread amongst three offices, Orlando, Jacksonville, and Plantation. Our offices house the executive leadership and various departments: operations, safety, estimating/preconstruction, BIM/technology, scheduling, marketing, business development, human resources, accounting/finance and legal. In addition, with more than 4,300 employees nationwide, the City of Kissimmee will have national resources to pull from, if necessary. Overall, Balfour Beatty has the resources and capability to successfully perform the work for the City Hall Expansion Project.

Balfour Beatty Employees

Florida	
Total	242
Southeast	
Total	598
National	
Total	4,300+

The local Balfour Beatty team is equipped with experienced resources, local relationships and buying power to deliver results.

89

Years in Business

4,300+

Employees Nationwide

#1

Top Performers
(ABC 2021)

#1

General Contractor
(ABC 2021)

\$4.5B+

Annual Revenue

Tab 1 - Executive Summary

Volume of work during each of the last five calendar years

Florida Division Volume of Work

	NUMBER OF PROJECTS ACTIVE & COMPLETED	REVENUE
2021	47	\$405M
2020	30	\$350M
2019	32	\$552M
2018	23	\$457M
2017	24	\$231M

Describe and explain any litigation, major disputes, contract defaults, or liens experienced in the last ten (10) years.

In the past 10 years Balfour Beatty, LLC, Florida Division, has built more than 200 projects totaling more than \$6 billion. With this volume, we have unavoidably been involved as a party to occasional lawsuits and mediation or arbitration is typically a step for us in resolving litigation. Below are the filed claims:

- Balfour Beatty Construction LLC v. 251 S. Dixie LLC – Miami-Dade Circuit Court/2021. Balfour is suing the Owner for default of the construction contract, including but not limited to, failure to make final payment to Balfour Beatty. Case is settled.
- Southern Foam Insulation v. Balfour Beatty Construction, LLC, et.al.– Miami-Dade Circuit Court/2022. Subcontractor is suing Balfour Beatty for final payment on the project that is the subject of the above-referenced case. Case is settled.
- Steadfast Insurance Co. v. Balfour Beatty Construction, LLC, et.al.– Miami-Dade Circuit Court/2021. Property insurer suing for subrogation of damages paid due to Owner's failure to maintain Builder's Risk Insurance for the project. Balfour has filed a Motion to Dismiss and awaiting resolution.
- City Center Properties, LLC v. Balfour Beatty Construction, LLC, et. al. – Miami Dade County Circuit Court/2021. Plaintiff in neighboring office tower falsely alleges over

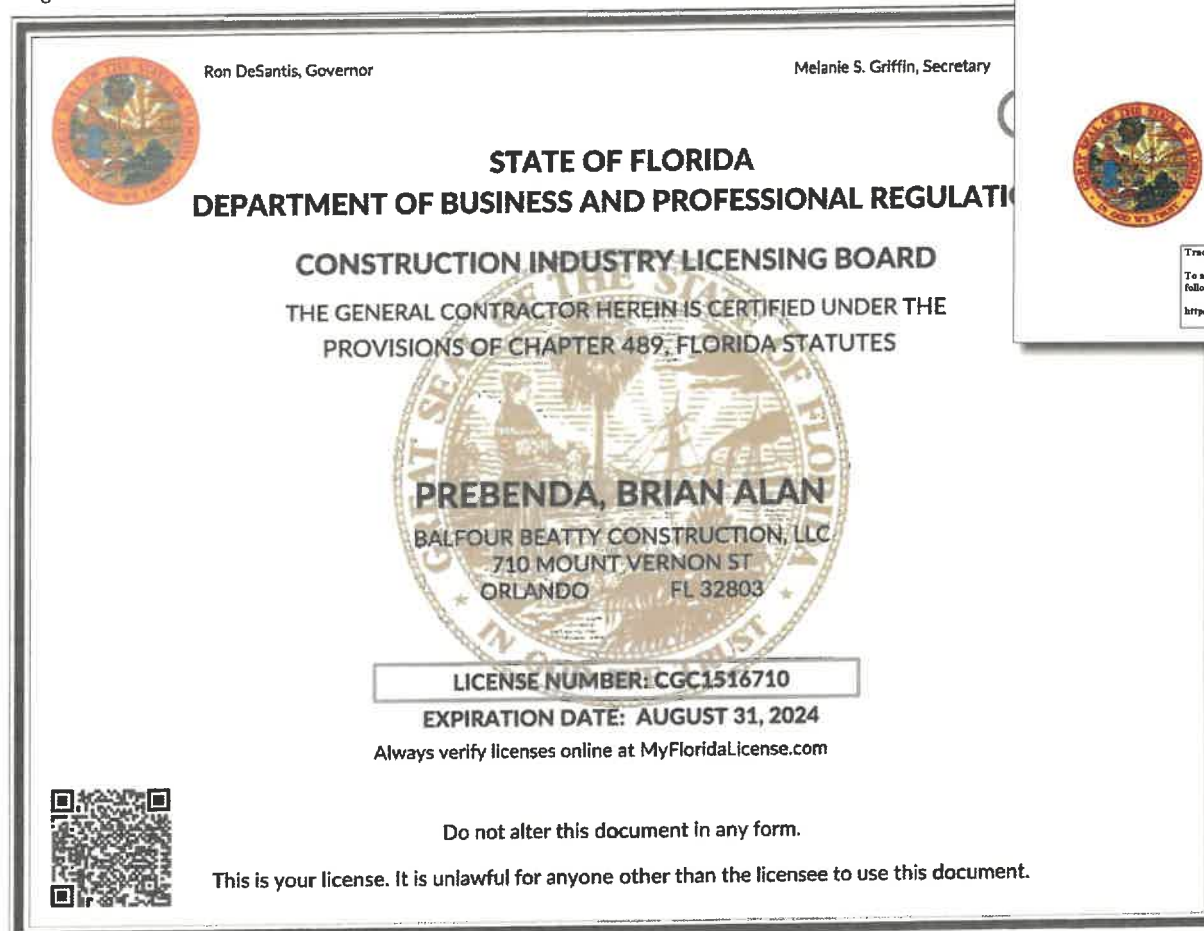
spray from building BBC built cause damage to Plaintiff's roof. Case is settled.

- Manatee County, Florida v. Balfour Beatty Construction, LLC Manatee County Circuit Court Case Number: 2019CA001831AX (2019). Owner claims defective work by subcontractor, ten years after project completion. Case is settled.
- BBC v. Ikea Products, Inc. – Miami-Dade County Circuit Court, Case No.2015-CA-0155669 (2015). Dispute over final payment owed to BBC. Case settled pursuant to confidentiality agreement.
- Four Midtown Miami Condominium Association Inc. v BBC et. al., Case No. 2015-CA-026675 (2015) Alleged construction defect. Case settled pursuant to confidentiality agreement.
- Estate Shell v. BBC (via surety) – Arbitration (2017). Terminated subcontractor seeking payment, despite incomplete, defective work. Full arbitration award in BBC favor.
- BBC v. Drawdy Concrete Construction, Western Surety Co. (2015) BBC claimed a right of reimbursement from subcontractor. Case settled pursuant to confidentiality agreement.
- BBC v. Coastal Plains Recovery – Arbitration (2015) Dispute regarding adequacy of performance by subcontractor. Case settled pursuant to confidentiality agreement.
- South Broward Hospital vs. Balfour Beatty Construction, Inc. (f/k/a Centex Rooney - Tennessee Healthcare Division) et al – Case number: CACE15009415 (2015) Defect claim brought by owner against contractor, designer and engineer. Case settled pursuant to confidentiality agreement.
- Balfour Beatty Construction, LLC ("BBC") v. Woolpert Engineering and Streamline Grading – Arbitration (2014) - BBC claimed a right of reimbursement from Defendant. Case settled pursuant to confidentiality agreement.

Tab 1 - Executive Summary

Provide a copy of the firm's applicable certification(s) from the State of Florida allowing them to provide the services as outlined in the Scope of Service as well as compliance with F.S. 287.055

Balfour Beatty is properly registered and licensed to work in the State of Florida. Brian Prebenda, Senior Vice President of Central Florida Operations, is the licensed qualifier for Balfour Beatty. Please refer below for Brian Prebenda's State of Florida Department of Business and Professional Regulation license. In addition, on the right is Balfour Beatty's State of Florida registration license.



State of Florida Department of State

I certify from the records of this office that BALFOUR BEATTY CONSTRUCTION, LLC is a Delaware limited liability company authorized to transact business in the State of Florida, qualified on September 28, 2004.

The document number of this limited liability company is M04000004032.

I further certify that said limited liability company has paid all fees due this office through December 31, 2021, that its most recent annual report was filed on April 9, 2021, and that its status is active.

I further certify that said limited liability company has not filed a Certificate of Withdrawal.

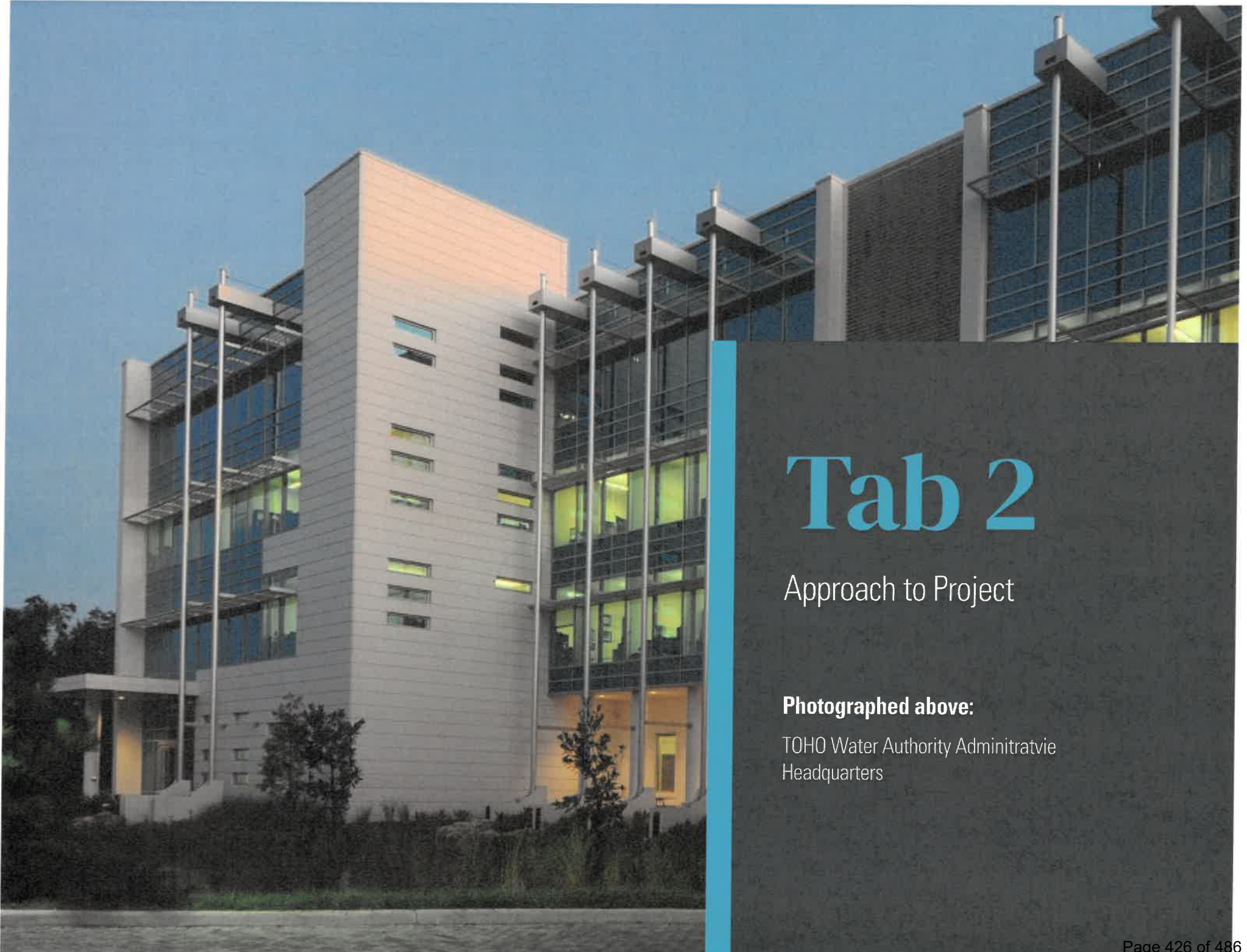
Given under my hand and the Great Seal of the State of Florida at Tallahassee, the Capital, this the Thirtieth day of September, 2021

Randy A. Beatty
Secretary of State

Tracking Number: 2888124638CU

To authenticate this certificate, visit the following site, enter this number, and then follow the instructions displayed.

<https://services.uszbl.org/Filing/CertificateOfStatus/CertificateAuthentication>



Tab 2

Approach to Project

Photographed above:

TOHO Water Authority Administrative
Headquarters

Tab 2 - Approach to Project

OPERATIONS EMBEDDED DAY ONE

Balfour Beatty's team will be involved in all phases of preconstruction to assist with estimating, cost tracking, constructability review and other preconstruction services. We will establish a meeting schedule with the City of Kissimmee in order to foster collaboration and complete transparency.

This level of participation ensures a seamless transition into the construction phase. The team will conduct regular design review meetings and coordination of the documents with the user groups throughout the process to identify project phasing, sequence of work and areas of the design in need of further development to ensure expectations are being met.

Balfour Beatty will provide cost feedback on a real-time basis to analyze the potential use of different materials, systems, and types of equipment. This will allow the City and the overall team to make timely and cost-effective design decisions throughout preconstruction.

Resources used during the design phase will include digital cost estimating, system analysis, lifecycle studies, value engineering capabilities, in-house mechanical and electrical engineering resources, in-house scheduling/phasing, cash flow systems and our local/area construction market expertise and experience.

ESTIMATING & BUDGET

As early as possible, we want to put the schematic documents in the hands of our estimating team and establish line item integrity of your budget. This process will involve both internal take-off/estimating and reaching out to the sub market for feedback. **By understanding the values for each system or scope of work, we can better track the design progression against the budget and validate value engineering (VE) opportunities throughout the preconstruction phase.**

CONSTRUCTABILITY REVIEWS

As soon the drawings are available to us, we review the materials and systems proposed and perform an in-depth study of the design from a feasibility and timeliness viewpoint considering the availability, appropriateness and compatibility of materials. We also review the construction documents for completeness and ease of understanding. We will review the plans and specifications for constructability to determine if areas of omission and/ or duplication exist. As a result of this session, we will prepare written requests for information (RFIs) to forward to the designer for their reply.

VALUE ENGINEERING

Value engineering is not scope reduction of the architect's design. It is a value-enhancing process that preserves the intent of the building and its systems by increasing function, decreasing cost, or doing both, for systems or portions of a project. Value engineering will occur throughout the preconstruction phase to analyze such items as first cost vs. lifecycle cost, scheduling issues, elements of the design that are must-haves, etc. **Value analysis provides the City and the project team with the information necessary to make budget, schedule and design decisions for the project.**

COMPETITIVE BIDDING

Before it is time to accept bids for the various components of the project, the bid packages are scrutinized for accuracy and effectiveness while the drawings and specifications are subjected to our constructability reviews. **Before any bid package goes out to the subcontractors, our team will conduct an in-depth pre-bid meeting to ensure all questions are answered and that there are no misunderstandings with requirements.**

Balfour Beatty has inherent knowledge of the local subcontracting community. Our subcontractor partners are vital to the overall project success for the City of Kissimmee and its stakeholders. With this in mind, we proactively:

- Start planning a procurement/bid packaging strategy that meets your team's approval and the project's schedule, while developing bid lists of qualified partners.
- Engage the City of Kissimmee for input and approval prior to inviting them to bid. We submit the proposed bidder invite lists as a formal submittal to ensure all appropriate partners have the opportunity to provide input.
- With approved bid lists in hand, planning and ample notice, we move to inform the market.
- In the weeks leading up to the bid, our estimating and operations teams make constant contact to ensure continued engagement and work to leverage relationships with subcontractors for the price, schedule and quality benefits.
- As part of this process, we actively solicit subs, suppliers and manufacturers for further constructability input and additional cost saving initiatives.
- On bid day, **we work to keep the City of Kissimmee regularly informed on the bid status and results.** During post-bid, we plan and schedule interviews with the most competitive subcontractors and the project team to do a deep dive scope review and ensure a complete and correct scope is being bought.

Tab 2 - Approach to Project

OWNER DIRECT PURCHASING

Balfour Beatty is committed to making Owner Direct Purchasing programs for equipment, supplies and other materials. Our proposed team and project accountants understand that these ODP savings could be used for other project enhancements.

APPROACH TO ODP OUTLINED THROUGH THE PROJECT PHASES:

1. Buyout

- Identify ODP goals in scope sheets for subcontractor buyout
- Include discussion on subcontractor's ODP plan in post-bid meetings prior to sub selection
- Ensure trade partners understand PO detail requirements for issuance
- Confirm ODP savings are available for selected materials

2. Construction

- Create a list of ODP materials for tracking, each item tied to project schedule to ensure on time delivery for installation
- Change order out ODP materials from subcontractor scopes as they are purchased by City of Kissimmee
- Ensure timely submission and approval of monthly invoices with POs listed

3. Close-out

- Typical closeout process with subcontractors; ensure warranty and O&M information is provided for all ODP materials

In Florida, Balfour Beatty has **successfully performed ODP programs and processes on 75 projects equating to \$2 billion in construction value with over \$558 million in owner direct purchases and savings.** Our project team looks forward to further discussing ODP programs and opportunities.

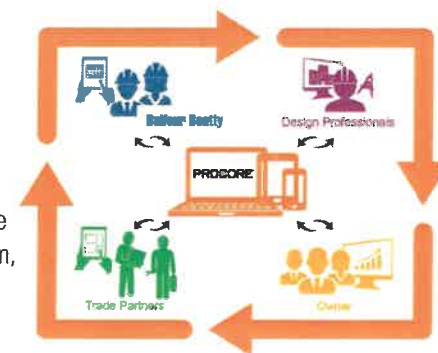
PROJECT MANAGEMENT

Preconstruction meetings, safety orientation, weekly meetings, pull planning and daily check-ins with all trades will reinforce the priorities and ensure compliance. Meetings play an important role in the planning, coordination and execution of a project. It's vital that meetings are run effectively with an agenda, meeting minutes and action items with due dates. It is imperative that these items are followed up at the next meeting to ensure everyone is properly tracking and fully aligned with one another.

PROJECT STATUS REPORTING

To effectively manage the project budget and forecasting, change event management, accounting information, project records, scope and non-scope changes, Balfour Beatty will introduce **Procore** at the onset of the project. We will tailor the system to report the specific information that the City prefers to view.

Balfour Beatty utilizes Procore to track cost updates and project statuses in real time helping our project teams quickly identify and mitigate any challenges early before they become issues. All financial controls are viewable in one platform. Our system is interactive, meaning that as updated cost revisions are entered into any part of the system, all related budgets and contracts are automatically updated throughout the system, at the same time. This is especially valuable as the team is considering different design alternatives during preconstruction.



QUALITY ASSURANCE

We take a proactive approach to quality control, and it starts with staffing your project with people who know and demand quality construction. During the design phase Balfour Beatty will work with the City of Kissimmee and RS&H to ensure that quality control measures are identified early on.

Our proposed team will provide a comprehensive quality control program specific to this project that ensures all services, calculations, studies, designs, drawings, specifications, and construction management services required by the contract are performed and provided in accordance with the highest professional standards.

Quality assurance begins with clear roles and responsibilities and continues with quality control organization and staffing, addressing challenging aspects of the project, submittal requirements, commissioning, testing, inspection, closeout and reporting. Our quality control measures will ensure:

- Program, code, budget, submittal compliance
- Proactive, first-time quality in installed work
- Fully commissioned and functional MEP systems
- Minimal punch list
- Coordination of A/E disciplines
- Well-documented quality compliance



Tab 3

Experience, Expertise,
Personnel & Technical
Resources

Photographed above:

Osceola County Communications
& Emergency Operations Center

Tab 3 - Experience

Balfour Beatty



St. Cloud City Hall



Osceola County Courthouse & Administration



Osceola County Agricultural Center



Osceola County Government Complex



Osceola County Sheriff's Complex



TOHO Water Authority Administrative Headquarter



Osceola County Communications & EOC



Osceola County Stadium



Osceola County Deer Run Fire Station #53



Osceola County Fire Station #85



Osceola County Kenansville Fire Station #57



Reedy Creek Elementary Classrooms



Celebration K-12 School Expansion



Gateway High School Classroom

YOUR RELENTLESS ALLY

**26
YEARS**

Working in
Osceola County

**\$433
MILLION**

Completed
projects in
Osceola County

#1

Top General
Contractor
(2021 ABC)

Tab 3 - Experience

RS&H + Balfour Beatty

20+ Projects completed in the Southeast

\$500M+ Of design + construction put in place

23 Years of collaborating

Balfour Beatty's proven performance working with RS&H throughout the years is best demonstrated through the invitations we receive from some of our most valued clients to serve as an extension of their business and continue collaborating to create their legacy spaces and shepherd their investment.

RS&H **Balfour Beatty**

Jacksonville International Airport



Peak 10 Data Center



Onslow County Albert J Ellis Airport



RDU Airport Buildings Bundle



Onslow County Albert J Ellis Airport



Peak 10 Data Center



Jacksonville International Airport Pedex Enclosure



Wells Fargo CIC



RDU Terminal One Renovations



Tab 3 - Experience



PROJECT DESCRIPTION & SCOPE OF WORK

Balfour Beatty provided preconstruction and construction management services for this public client. The facility was completed in two phases.

The first phases included the 10,000 square foot Intercity Bus Terminal, which offers new bus terminals, ticketing counter, restrooms, and spacious waiting areas. In addition to transportation accommodations, the facility also includes space for offices, a fully functioning cafeteria and dining areas.

The second phase allowed a variety of transportation facets to be housed under one roof. The new facility included, offices,

board room, conference rooms and ancillary spaces in the amount of approximately 35,000 square feet.

OWNER QUOTE

"Balfour Beatty's performance during this contract was instrumental in delivering one of the most important infrastructure projects in the history of the Authority and transportation in Northeast Florida."

Throughout the course of the project, the CMAR partnered with Authority staff and the design team to expeditiously resolve challenges and delivered the project on time and within budget. From the beginning to the end of the project, the CMAR exhibited dedication, professionalism and partnering that is unmatched on any project in recent memory."

Jacksonville Regional Transportation Center Administrative Headquarters



ADDITIONAL PROJECT INFORMATION

REFERENCE #1

Location	Jacksonville, FL	
Firm's Responsibility	Construction Manager at Risk	
Owner	Jacksonville Transportation Authority	
Owner Representative	Victor Gilpin	
Principal in Charge (Contact Information)	vgilpin@jtafla.com	904-632-5279
Completion Date	01/30/2020	
Size of Project	66,938	
Cost of Project	\$56,000,000	
Change Orders	0	

Relevance to City of Kissimmee City Hall Expansion

- ✓ Spacious customer waiting area equipped with furniture and counters
- ✓ Constructed to provide access to the existing facility
- ✓ Office space, conference room, board room, and storage room

Tab 3 - Experience



City of Raleigh Central Communications Center



PROJECT DESCRIPTION & SCOPE OF WORK

Balfour Beatty provided CM at-risk for the City of Raleigh Communications Center. The 95,000 square-foot, LEED Silver facility is the critical communications hub that connects citizens to first responders. Raleigh's Central Communications Center houses the City's Emergency Communication Center, 911 Call Center, Emergency Operations Center, Data Center and Traffic Control Center.

Staff support spaces include an exercise room, showers, washer and dryer room, coffee bars, break rooms and kitchens.

The center is also sustainable—designed and built to reach a LEED Silver certification. The City and its

team restored the site to its original grade, managed unsuitable soils and provided the appropriate level of storm water control. The site and building are models of environmental efficiency and sustainability, while also being models of safety and security, technology and resiliency.

The building was designed with its occupants' stressful jobs in mind. The seating and site-lines are ergonomically correct, there is ample daylight, comfortable amenities, and pleasant surroundings and grounds. The exterior features zinc panels, brick, glass curtain wall, finned partitions to shades balconies and concrete benches encircling an abstract ten-foot granite sculpture.

ADDITIONAL PROJECT INFORMATION

REFERENCE #2

Location	Raleigh, NC	
Firm's Responsibility	Construction Manager at Risk	
Owner	City of Raleigh	
Owner Representative	Priscilla Tyree Williams	
Principal in Charge (Contact Information)	Priscilla.Williams@raleighnc.gov	919-996-4147
Completion Date	05/02/2016	
Size of Project	95,000	
Cost of Project	\$58,800,000	
Change Orders	0	

Relevance to City of Kissimmee City Hall Expansion

- ✓ Administrative offices and meeting spaces
- ✓ Equipped with technology to be the City's Emergency Operations Center
- ✓ Local government administrative building

Tab 3 - Experience



Forsyth County Courthouse



PROJECT DESCRIPTION & SCOPE OF WORK

The new Forsyth County courthouse will be a 250,679-square-foot facility and expand the existing justice center by 50 percent. The facility will address Forsyth County's growing needs and improve upon security measures in place for their current facilities.

The courthouse will be approximately 250,000 square feet with six floors, 18 courtrooms, two escalators and four public elevators. It will have a secure tunnel that will allow for inmate transfers from the county jail without using a vehicle.

There will be a physical connection to the Government Center that allows for shared services and will allow for future expansion of court services into the center. Most functions of the Clerk

of Court's office will be located in a dedicated area on the first floor, so without having to take an elevator or visit multiple areas of the building.

The expanded building will feature additional judicial spaces, including courtrooms and hearing rooms, rightsized to functionally accommodate judicial staff and the public as needed. The judicial spaces will be situated on the first three floors of the building arrayed in double-loaded corridors to improve wayfinding and ease-of-access throughout the courthouse.

Additionally, the facility will feature waiting areas specifically designed to provide open, daylit public spaces that lead into various courtrooms.

ADDITIONAL PROJECT INFORMATION

REFERENCE #3

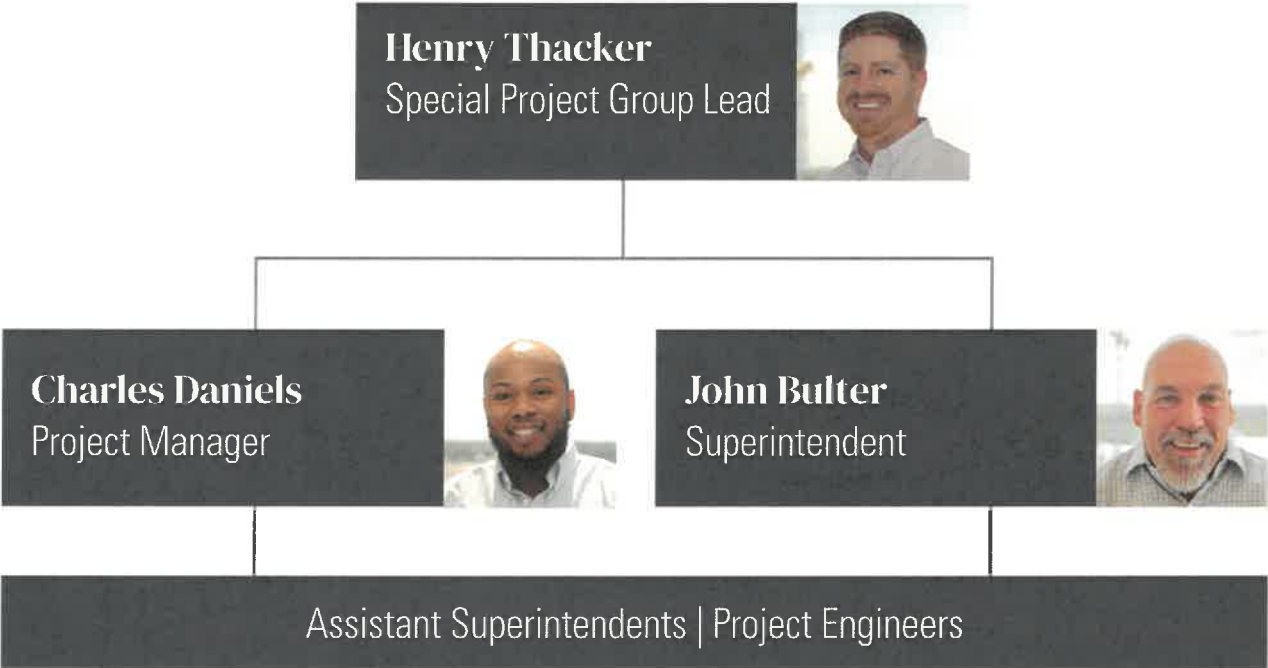
Location	Winston-Salem, NC	
Firm's Responsibility	Construction Manager at Risk	
Owner	Forsyth County	
Owner Representative	James Anderson, Jr	
Principal in Charge (Contact Information)	andersja@forsyth.cc	336-703-2205
Completion Date	02/01/2023	
Size of Project	250,679	
Cost of Project	\$91,500,000	
Change Orders	0	

Relevance to City of Kissimmee City Hall Expansion

- ✓ Administrative offices and meeting spaces
- ✓ Visitor-facing facilities
- ✓ Local government administrative building
- ✓ Addition included improved wayfinding and signage

Tab 3 - Personnel

Provide an organizational chart of the team highlighting the key individuals who will work on this project as identified above.



Tab 3 - Personnel



Role Description

Leading project management, Henry will be responsible for direct oversight of project goals and construction activities to ensure the project is built efficiently and completed on-time, within budget to exceed the City of Kissimmee's expectations for quality and service.

Years of Experience:

- 11 years in the industry
- 4 with Balfour Beatty
- 7 with other firms

Education:

Bachelor of Science,
Construction Management,
University of Florida

Certifications/Registrations:

- OSHA 30 Hour

Participation:

- 25% dedicated to this project

Henry has experience working with Charles and John

Henry Thacker

Special Project Group Lead

Relevant Project Experience

1. Lake Nona Office 1C | Orlando, FL | \$11,200,000

Located in the heart of Lake Nona Town Center, Office 1C is the core and shell construction of a five-level retail/office building totaling 70,912 square feet. The glass building houses a coffee shop and bank on the first floor and office space on the floors above.

2. 800 North Orange Office Core & Shell | Orlando, FL | \$4,000,000

A four-story 21,900-square-foot office building located in downtown Orlando's North Quarter area with ground floor parking and additional parking on the side and behind the building

3. KPMG Tenant Upfit | Orlando, FL | \$5,000,000

This 10th floor office up-fit featured the refresh of individual offices, collaborative workspaces, worker lounges, new computer and server rooms, and an updated cafe and lounge.

4. Harmony Middle School | St. Cloud, FL | \$35,000,000

Sitting on a 33-acre site, this project included a two-story tilt-wall building, a one-story tilt-wall gym and a concession building. The 170,000-square-foot campus houses classrooms, offices and a media center.

5. Osceola County Fire Stations | Osceola County | \$5,000,000

Osceola County's Proposed Fire Station 85 will involve the construction of a new Fire Station on the intersection of Cypress Parkway and Cypress Drive in Poinciana to service local Osceola County residents. The new, ground-up project will include site work, tilt-wall construction, vehicle bays, living quarters and office spaces.

Balfour Beatty

Your Local Advocate

Henry is a lifetime resident of Osceola County and currently resides less than a mile from the Kissimmee City Hall Expansion project site.



Tab 3 - Personnel



Role Description

Charles brings more than a decade construction industry experience, and will provide the project management necessary to take your facility from preconstruction through to turnover. As part of his duties, he will oversee project cost management and lead weekly meetings with the City of Kissimmee, the RS&H and the subcontractors. Charles will also be an integral part of the Quality Control process.

Years of Experience:

- 12 years in the industry
- 12 with Balfour Beatty

Education:

Bachelor of Science,
Construction Management,
Florida A&M University

Certifications/Registrations:

- OSHA 30 Hour

Participation:

- 100% dedicated to this project

Charles has experience working with Henry and John.

Charles Daniels

Project Manager

Relevant Project Experience

1. Narcoossee Road Widening | St. Cloud, FL | \$48,500,000

Three-phase replacement of a two-lane rural road with a four-lane urban road with curb and gutter, depressed medians, and sidewalks totaling 7.3 miles of construction. Included coordination of the relocation of existing underground and overhead utilities.

2. Fort Benning Reception Station Barracks | Columbus, GA | \$39,000,000

This federal government project featured 306,000 square feet of new barracks facilities to accommodate up to 1,800 soldiers. Two barracks buildings, each with sleeping bays, restrooms, lockable storage, laundry areas, NCO suites, and covered walkways between the buildings. Designed with progressive collapse, stand-off distances, controlled access, and blast resistant openings, in accordance with AT/FP criteria. Included 42,000 square feet of covered assembly areas.

3. Memorial Middle School | Orlando, FL | \$30,000,000

Phased demolition of eight buildings, selective demolition and renovation of four buildings, construction of four buildings, relocation of one building, construction of a new central energy plant, and all related site work. Renovations included the administration workspaces, gymnasium, locker, and small classroom buildings. Construction included a three-story classroom building, and music, multi-purpose, and library/media buildings along with utility upgrades, new driveways, landscaping, bus loop, parking lots, track, basketball and tennis courts, and sporting fields re-sod.

4. Project Yellow Jacket | St. Petersburg, FL | Confidential

This project included phased electrical, mechanical, and ADA upgrades in a critical environment. The control center and computer/data center spaces of the building remained 100 percent operational throughout the upgrade process. The scope of work included selective demolition of the main electrical room, battery room, and existing access pathways to the main

Balfour Beatty



Tab 3 - Personnel



Role Description

As Superintendent, John has experience working in Kissimmee on local government projects. His experience ensures that he is equipped with the know-how necessary to ensure your facility is built on time and within budget. John's responsibilities will include overseeing the daily project work activities with responsibility for field safety, quality assurance, schedule adherence and cost performance.

Years of Experience:

43 years in the industry

- 39 with Balfour Beatty
- 4 with other firms

Certifications/Registrations:

- OSHA 30 Hour
- CPR & First Aid

Participation:

- 100% dedicated to this project
- Located on-site

John has experience working with Charles and Henry.

John Butler

Superintendent

Relevant Project Experience

1. Osceola County Courthouse and Administrative Building | Kissimmee, FL | \$71,900,000

A five-phase, 410,000-square-foot project that included parking lot and infrastructure construction, conversion of a former middle school into administrative space, renovations and additions to the existing administration building, construction of a new courthouse, and the renovation of the existing historic courthouse.

2. Osceola County Sheriff's Administrative Complex | Kissimmee, FL | \$10,000,000

A 69,000-square-foot facility with office space, conference rooms, and community service areas. The building houses forensic operations, records, training rooms, evidence storage, armories and shell space for future build-out. The project also included construction of a parking lot and an FAA-approved helipad.

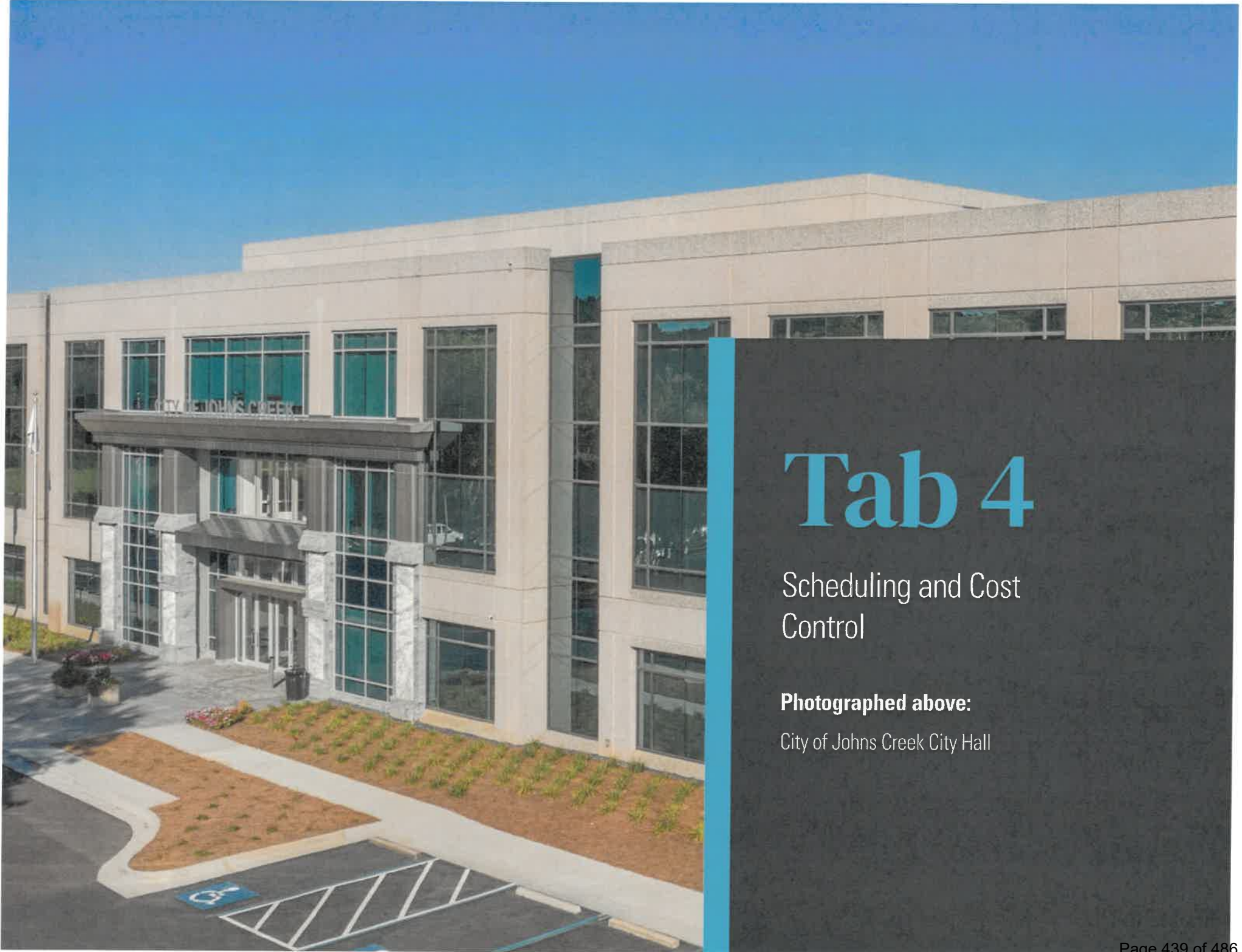
3. Orange County Jail Expansion | Orlando, FL | \$60,000,000

A two-phase project that included the booking and release center, an inmate housing expansion and a visitation center, which all featured spaces for the judiciary, state attorney, public defender, clerk of the court, administration, corrections health services and numerous internal units.

4. Camden Lake Eola | Orlando, FL | \$85,090,000

A contemporary mixed-use, 14-story high-rise development that blends a combination of residential, retail-live-work, commercial and restaurant spaces in Downtown Orlando. The project consists of 344 residential units, 16 retail/live/work units, 4,050 square feet of office/retail/restaurant space, an amenity deck and parking garage.





Tab 4

Scheduling and Cost
Control

Photographed above:

City of Johns Creek City Hall

Tab 4 - Scheduling and Cost Control

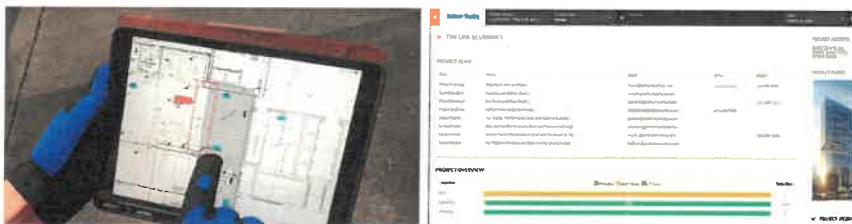
Scheduling Systems & Procedures

We use Primavera P6 scheduling software to develop computer-generated schedules. This program enables APS and our team to review schedules against the baseline schedule and conduct hypothetical analysis. In addition to these systems and procedures, we have dedicated in-house Scheduling Manager focused on your project from day one. P6 Scheduling ensures all scheduling information is recorded accurately and efficiently on the Primavera P6 system, enabling effective planning and reliable status reporting to capture real time information.

The milestone plan is developed internally by the project team during preconstruction, with subcontractor input, utilizing a high-level Primavera P6 schedule.

Procore Project Management Technology

Our project management technology provides simple and intuitive access to real-time information for the entire team. Procore is a collaborative tool that helps owners, the design team, our Balfour Beatty construction management professionals and our trade partners share and review all project information on one well-organized platform. The ability to easily input and access project data promotes effective team communication and is a game changer in making team processes successful throughout the project.



Procore's Project Management Essentials suite of tools includes RFIs, submittals, drawings, specifications, meeting minutes, daily reports, etc. Balfour Beatty uses Procore's Construction Financial suite of tools for managing and responding to requests for information and architect's supplemental instructions, contract management, change event management, budget management and forecasting.

Balfour Beatty utilizes Procore to track cost updates and project statuses in real time helping our project teams quickly identify and mitigate any challenges early before they become issues. All financial controls are viewable in one platform. Our system is interactive, and when any updated cost revisions are entered into any part of Procore, related materials are automatically updated throughout the system, all at once. This is especially valuable as the team is considering design alternatives during preconstruction.

Schedule Detail

Balfour Beatty's scheduling team works through five levels of detail for project schedules:

- **Level 1** - Schedule showing one bar each for permitting, procurement, construction, commissioning by major work package/area
- **Level 2** - Integrated schedule of the entire project including a clearly identified critical path. This schedule has robust logic and is fit for risk analysis.
- **Level 3** - Outlines schedule activities by discipline. Each trade is identified for a build sequence.
- **Level 4** - Includes detailed deliverables planning: major equipment procurement, fabrication or construction by subcontractor element type of work
- **Level 5** - Schedule includes a list of final deliverables and status by each trade, systems mechanical completions, punch listing, etc.

The attached schedule is currently a level two and will be developed in into a level four schedule.

Scheduling Approach

During the early stages of the project, and throughout the project life cycle, Balfour Beatty utilizes a systematic process for planning out scopes of work, pull planning, which looks at the schedule in reverse. We start by looking at milestones established during the Smartstart session and then break them into the steps that need to happen to accomplish them. We identify what scopes of work have to be completed to allow others to begin. **It encourages all stakeholders, including subcontractors to work together rather than as separate companies with their own sets of goals.**

Balfour Beatty's approach to scheduling is a fully integrated team process, and incorporates input from all members of the team and most importantly The City. The project schedule must reflect input from the entire team, including the design schedule and procurement, for sequencing of activities, interrelationships and durations. When project team members participate in the schedule development, each feels ownership and commitment to achieving the schedule - **the result is an integrated master schedule that is an effective tool to manage the overall project.**

Pull Planning

During the early stages of the project, Balfour Beatty utilizes a systematic process for planning out scopes of work, **pull planning**, which looks at the schedule in reverse. We start by looking at milestones and then breaking them into the steps that need to happen to accomplish them. We identify what scopes of work have to be completed to allow others to begin. It encourages all stakeholders, including subcontractors to work together rather than as separate companies with their own sets of goals.

Tab 4 - Scheduling and Cost Control



Our team understands the need to maintain a high level of confidence in the schedule's ability to forecast when activities occur and the use of the schedule as a planning tool to keep team members properly focused on a coordinated effort to achieve successful project completion. Starting at the early stages of the project during preconstruction and continuing throughout the project life cycle, Balfour Beatty utilizes a systematic process called **pull planning**.

Pull planning success is derived from four basic actions:

1. **Involve the right people in the planning process**
2. **Obtain reliable commitments**
3. **Enable open and collaborative discussions early**
4. **Allow for continuous improvement**

Cost Control

Using our extensive historical cost database, which represents projects we have budgeted and priced over the past +/-20 years, we are able to compare current project in-house estimates against similar past projects to make sure the budget is realistic. This allows us to make proactive decisions about the design from the beginning during the preconstruction/design development process and mitigate the need to cut items out of the project at a later date. **We also engage subcontractors as early as the schematic and design development phase to ensure we are obtaining current market pricing and back checking continually against the previous and current budget being developed.**

The Balfour Beatty cost control mind-set is instilled in each subcontractor we select to participate early on in the preconstruction process. Potential cost impacts, which may be tracking above the historical cost curve for a particular trade, will be discussed and alternative solutions developed and documented utilizing a tracking document we call the "Budget Revision Tracker." This document will be active through each pricing deliverable milestone.

At each milestone estimate, a variance report will be prepared by the preconstruction team to track cost variances in the trade scopes of work. We have the ability to provide

cost feedback on a real-time basis to analyze the potential use of different materials, systems and types of equipment. This information is used by the team to target the trades for further cost management. As mentioned above, using Balfour Beatty's value management tracking system (budget revision tracker), a comprehensive list of cost saving suggestions is maintained at each estimate phase. This list is updated throughout the preconstruction phase to make critical cost decisions to maintain the



Cost Control Example When budget cuts threatened the design of the Jacksonville Regional Transportation Center's outer curve curtainwall, the team examined options to drive value without sacrificing quality or vision. Drastically reducing the volume of custom glass panels on the backside of the building proved to be the most cost-effective solution. In turn, the team worked together to value engineer a layered metal facade technique that would meet the desired energy criteria and keep the artistic vision of the building. To achieve this, the team leveraged BIM models. The end product resulted in a futuristic design that carried over the same visual elements of the desired model.

General Conditions, CM Fee and Bond

Balfour Beatty's team will be actively involved in all phases of the construction as the project's CM, including preconstruction phase. The services received during this phase are absorbed within our CM Fee, **therefore there is no upfront cost to the City of Kissimmee.**

On all our projects, Balfour Beatty treats our GCs and money as if it was our own and practices fiscal responsibility. We understand that the city will be using are taxpayer dollars, permit fees and inspection fees to cover the cost of this expansion project. **Balfour Beatty will make sure that the City of Kissimmee and its resident's dollars are well spent and stretched to create a exceptional facility.**

As global company with strong financial backing, many of our clients waive any bond. In some cases, a client will elect to have us give a corporate guarantee at no cost to the Owner for the project in place of a bond, which in turn is a **savings to the owner.**

FEE PERCENTAGES	
Preconstruction	Included within CM fee below
General Conditions	6%
Fee	3.5%
Bond Rate	0.73%
*percentages are general and not final	

Tab 4 - Scheduling and Cost Control

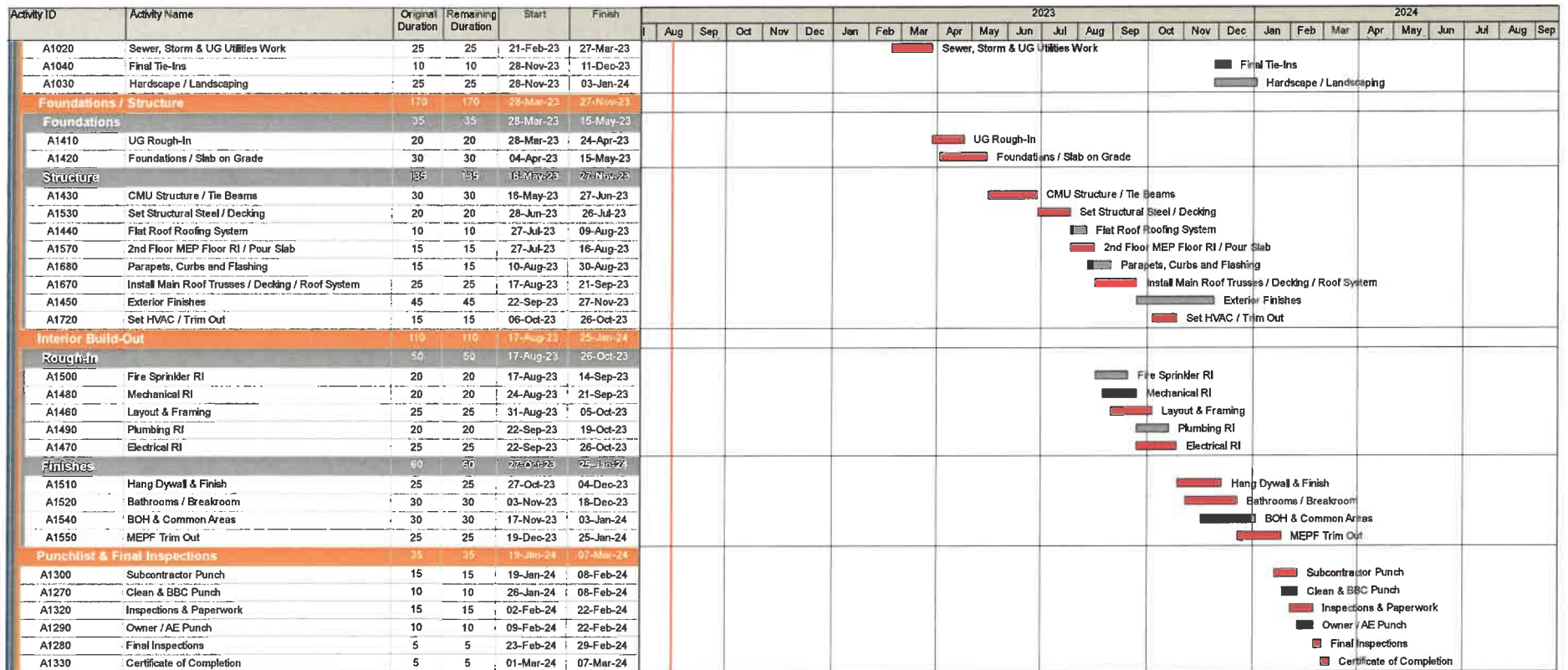
Activity ID	Activity Name	Original Duration	Remaining Duration	Start	Finish	2023												2024												
						Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
Kissimmee City Hall Expansion																														
A1760	Construction Duration (Work Days)	290	290	09-Jan-23	29-Feb-24																									
A1770	Foundations thru Roofing Duration	120	120	04-Apr-23	21-Sep-23																									
A1780	Rough-In Duration	50	50	17-Aug-23	26-Oct-23																									
A1790	Finishes Duration	70	70	27-Oct-23	08-Feb-24																									
Milestones																														
M520	RFP Submission	0	0		26-Aug-22*																									
M210	Project Award	0	0		01-Sep-22																									
M200	Notice to Proceed (NTP)	0	0	09-Jan-23																										
M540	Structure / Roof Complete	0	0		21-Sep-23																									
M550	Start Finishes (Hang Drywall)	0	0	27-Oct-23																										
M400	Substantial Completion	0	0		29-Feb-24																									
Preconstruction																														
Permitting																														
A1560	Building Permit	40	40	02-Sep-22	28-Oct-22																									
Subcontractor Buyout																														
PROC000	Subcontractor Buyout - Critical Scopes	10	10	09-Jan-23	23-Jan-23																									
PROC0	Subcontractor Buyout - Remaining Scopes	15	15	24-Jan-23	13-Feb-23																									
Material Expediting																														
Division 03 - Concrete																														
Concrete Reinforcement																														
A1580	Rebar - Shop Drawings	10	10	17-Jan-23	30-Jan-23																									
A1590	Rebar - AE Review & Approve	5	5	31-Jan-23	06-Feb-23																									
A1600	Rebar - Procurement & Delivery	20	20	07-Feb-23	06-Mar-23																									
Division 05 - Metals																														
Metal Joists																														
A1610	Roof Structure - Shop Drawings	15	15	24-Jan-23	13-Feb-23																									
A1620	Roof Structure - AE Review & Approve	10	10	14-Feb-23	27-Feb-23																									
A1630	Roof Structure - Procurement & Delivery	80	80	28-Feb-23	20-Jun-23																									
Division 07 - Thermal & Moisture Protection																														
Roofing																														
A1640	Roofing - Product Data / Color	15	15	14-Feb-23	06-Mar-23																									
A1650	Roofing - AE Review & Approve	10	10	07-Mar-23	20-Mar-23																									
A1660	Roofing - Fabrication & Delivery	70	70	21-Mar-23	27-Jun-23																									
Division 15 - Mechanical																														
HVAC Systems																														
A1730	HVAC System - Product Data / Shop Drawings	10	10	24-Jan-23	06-Feb-23																									
A1740	HVAC System - AE Review & Approve	10	10	07-Feb-23	20-Feb-23																									
A1750	HVAC System - Fabrication & Delivery	120	120	21-Feb-23	09-Aug-23																									
Division 16 - Electrical																														
Electrical Gear																														
A1690	Gear & Panels - Product Data	10	10	24-Jan-23	06-Feb-23																									
A1700	Gear & Panels - AE Review & Approve	10	10	07-Feb-23	20-Feb-23																									
A1710	Gear & Panels - Procurement & Delivery	160	160	21-Feb-23	05-Oct-23																									
Construction																														
Mobilization / Area Development																														
A1000	Mobilization / Install Fence & Safe Off Project	10	10	24-Jan-23	06-Feb-23																									
A1010	Clear, Grub & Rough Grade	10	10	07-Feb-23	20-Feb-23																									
All Activities						Kissimmee City Hall Expansion												Balfour Beatty												
Data Date: 25-Aug-22; Print Date: 25-Aug-22 - 09:59						Page 1 of 2																								

All Activities
Data Date: 15-Aug-22; Print Date: 25-Aug-22 - 09:59

Kissimmee City Hall Expansion
Page 1 of 2

Balfour Beatty

Tab 4 - Scheduling and Cost Control



Cost Control Report Example

Change Events Summary

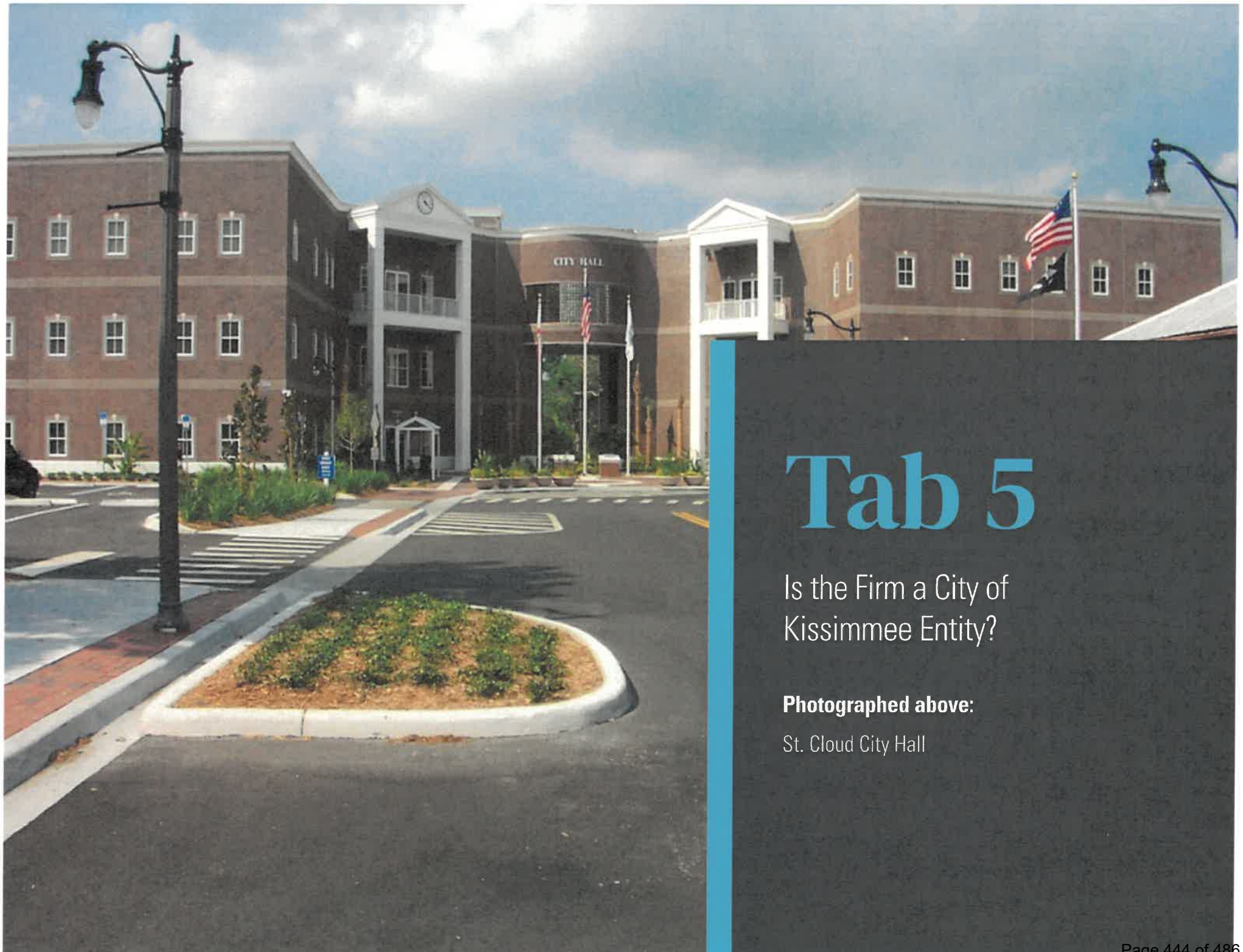
Change Event Number	Change Event Title	Change Event Change Reason	Change Event Status	Change Event Origin	Change Event R008 Total Amount	Prime PCO Number	Prime PCO Total Amount
048	R1 # 062 - Yellowing Spec Change Confirmation	Owner Change	Open	R1 #02, R1 # 062 - Yellowing Spec Change Confirmation	\$4,035.00		
050	R1 # 071 - Door 300 Material Confirmation	AE Directive	Open	R1 #02, R1 # 071 - Door 300 Material Confirmation	\$1,415.00		
051	R1 # 075 - Chilled Water Valves	AE Directive	Open	R1 #02, R1 # 075 - Chilled Water Valves	\$3,600.00		
053	R1 # 081 - Architectural Details	AE Directive	Open	R1 #02, R1 # 081 - Architectural Details	\$0.00		
059	Flush Valves, Zurn vs Sloan	Owner Change	Open		\$10,000.00		
060	R1 # 091 - Floor Mesh Substitution	Owner Change	Open	R1 #02, R1 # 091 - Floor Mesh Substitution	(\$3,075.00)		
061	Insulation Condition Fix	Owner Change	Open		(\$2,000.00)		
062	Transformer Red Change - 500kva to 750kva Transformer	AE Directive	Open		\$1,218.84	031	\$3,245.01

All Activities

Data Date: 15-Aug-22; Print Date: 25-Aug-22 - 09:59

Kissimmee City Hall Expansion

Page 2 of 2



Tab 5

Is the Firm a City of
Kissimmee Entity?

Photographed above:

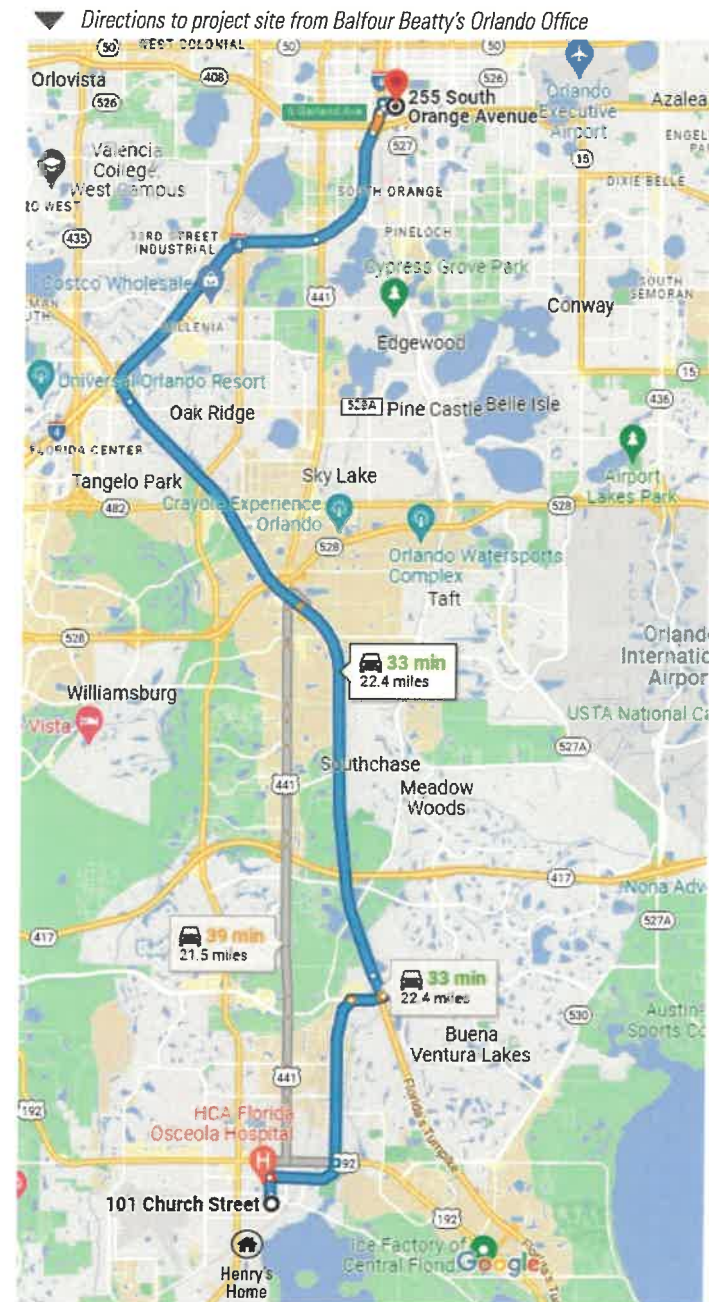
St. Cloud City Hall

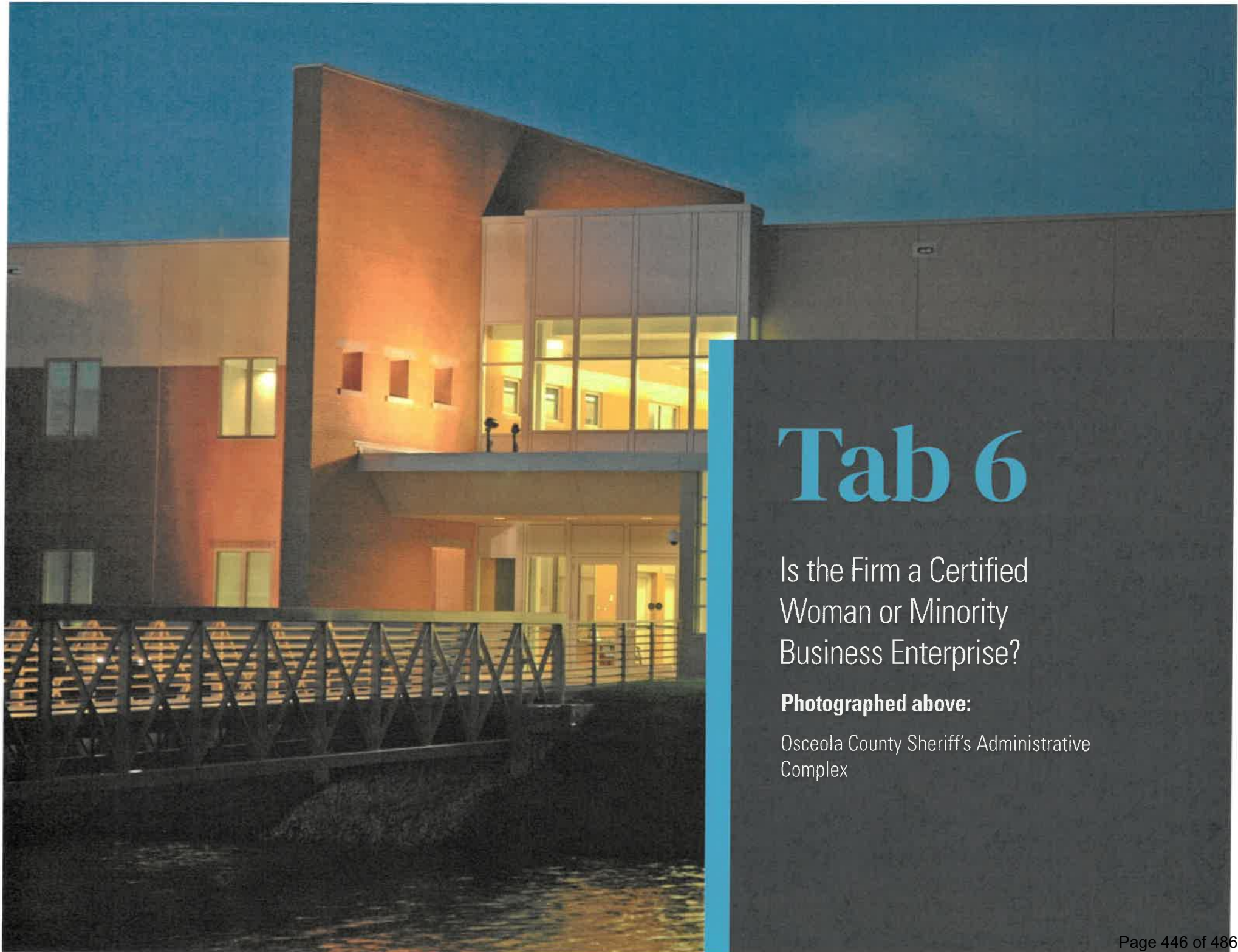
Tab 5 - Is the Firm a City of Kissimmee Entity?

Balfour Beatty is not a City of Kissimmee entity.

Balfour Beatty's Central Florida office is located in Downtown Orlando: 255 S. Orange Ave, Suite 1100, Orlando, FL 32801.

Balfour Beatty's division headquarters in Downtown Orlando is located an estimated 30 minutes from the City Hall Expansion site. Therefore, we can ensure timely and responsive services. With our close proximity to the project, as well as our fully operational on-site office, we will ensure your project has complete and full-time office support. In addition, Balfour Beatty has offices in South Florida (Plantation) and North Florida (Jacksonville).





Tab 6

Is the Firm a Certified
Woman or Minority
Business Enterprise?

Photographed above:

Osceola County Sheriff's Administrative
Complex

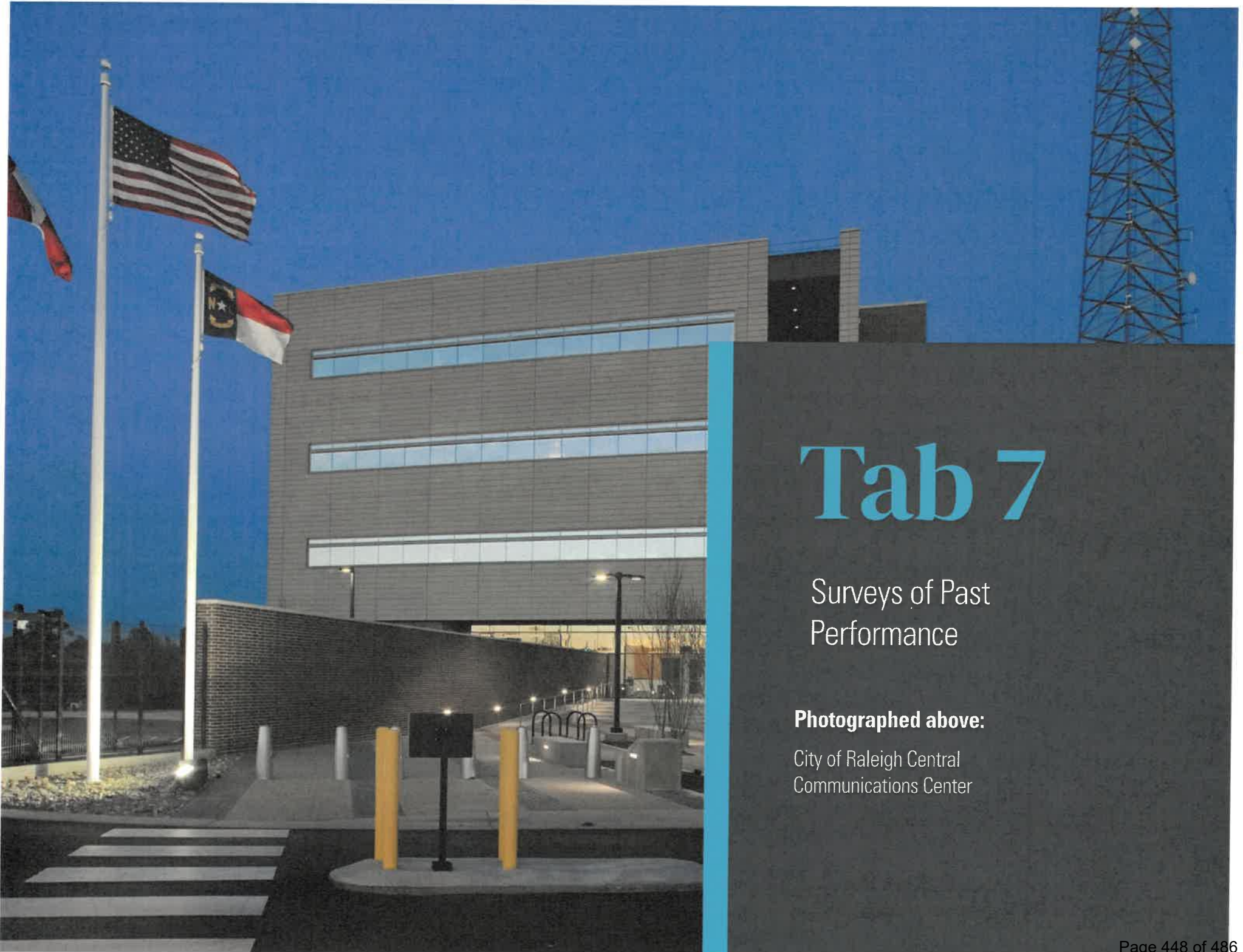
Tab 6 - Is the Firm a Certified Woman or Minority Business Enterprise?

Balfour Beatty is not a certified Woman or Minority Business Enterprise.

Balfour Beatty is committed to developing a high performance, inclusive work environment that creates opportunities for woman, minority and local businesses to flourish in the City of Kissimmee. Through our MWBE/local participation and subcontractor outreach plan, we will actively seek local contractors and vendors to participate on this project.

Balfour Beatty believes in the spirit of local, disadvantaged, minority, veteran and women-owned businesses. These companies foster innovation, creativity and competition and are a vital part of the local community. We continually strive to maximize local subcontractor participation on our projects to build our local resources in Central Florida and help small businesses flourish. Our team makes every effort to provide access and opportunity to local businesses throughout the lifecycle of the project through our Local Business Participation Plan. Balfour Beatty's program provides many avenues to ensure we achieve and exceed local business participation goals, maximizing opportunities for qualified firms to participate on our projects. For each of our projects, Balfour Beatty develops a customized plan leveraging a combination of the following strategies to achieve success:

- Foster growth for local businesses through a mentor/protégé relationships with established prime contractors.
- Leverage our strong local subcontractor relationships and our subcontractor database to enhance our reach and communication to more diverse businesses.
- Create small and meaningful bid packages to ensure local firms have the ability to participate.
- Establish working partner relationships with MWBE/local business community partners.
- Leverage our local partnerships with external partners, local agencies and network of experienced MWBE/local firms.
- Create opportunities for engagement through in person and virtual community events.



Tab 7

Surveys of Past
Performance

Photographed above:

City of Raleigh Central
Communications Center

Tab 7 - Survey of Past Performance

Survey Questionnaire – City of Kissimmee RFP, Construction Manager at Risk – Kissimmee City Hall Addition

To: Victor Gilpin Jacksonville Transportation Authority
(Name of Person completing survey) (Name of Client Company/Firm)

Phone Number: (904) 654-2492

Email: vgilpin@jtafla.com

Subject: Past Performance Survey of: Jacksonville Regional Transportation Center
(Project Name)

Consultant Name: Balfour Beatty

(Name of firm being surveyed)

Cost of Services: \$56,000,000 Date Complete: 1/30/2020

Rate each of the criteria on a scale of 1 to 10, with 10 representing that you were very satisfied (and would hire the firm/individual again) and 1 representing that you were very unsatisfied (and would never hire the firm/individual again). Please rate each of the criteria to the best of your knowledge. If you do not have sufficient knowledge of past performance in a particular area, leave it blank.

Similar Work Project Name: Jacksonville Regional Transportation Center Date Completed: 1/30/2020

NO	CRITERIA	UNIT	SCORE
1	Ability to manage cost	(1-10)	10
2	Ability to maintain project schedule (complete on-time/early)	(1-10)	10
3	Quality of workmanship	(1-10)	8
4	Professionalism and ability to manage	(1-10)	10
5	Close out process	(1-10)	9
6	Ability to communicate with Client's staff	(1-10)	10
7	Ability to resolve issues promptly	(1-10)	10
8	Ability to follow protocol	(1-10)	10
9	Ability to maintain proper documentation	(1-10)	10
10	Appropriate application of technology	(1-10)	10
11	Overall Client satisfaction and comfort level in hiring	(1-10)	10
12	Ability to offer solid recommendations	(1-10)	10
13	Ability to facilitate consensus and commitment to the plan of action among staff	(1-10)	10

VICTOR GILPIN
Printed Name of Evaluator

[Signature]
Signature of Evaluator

Please fax or email the completed survey to: onutting@bbus.com

Tab 7 - Survey of Past Performance

Attachment A

Survey Questionnaire – City of Kissimmee RFP, Construction Manager at Risk – Kissimmee City Hall Addition

To: Priscilla Tyree Williams City of Raleigh
(Name of Person completing survey) (Name of Client Company/Firm)

Phone Number: 919 996 4147

Email: priscilla.williams@raleighnc.gov

Subject: Past Performance Survey of: City of Raleigh Central Communications Center
(Project Name)

Consultant Name: Balfour Beatty

(Name of firm being surveyed)

Cost of Services: 58,800,000 Date Complete: 5/2/2016

Rate each of the criteria on a scale of 1 to 10, with 10 representing that you were very satisfied (and would hire the firm/individual again) and 1 representing that you were very unsatisfied (and would never hire the firm/individual again). Please rate each of the criteria to the best of your knowledge. If you do not have sufficient knowledge of past performance in a particular area, leave it blank.

Similar Work Project Name: City of Raleigh Central Communications Center
Date Completed: 5/2/2016

NO	CRITERIA	UNIT	SCORE
1	Ability to manage cost	(1-10)	10
2	Ability to maintain project schedule (complete on-time/early)	(1-10)	10
3	Quality of workmanship	(1-10)	10
4	Professionalism and ability to manage	(1-10)	10
5	Close out process	(1-10)	10
6	Ability to communicate with Client's staff	(1-10)	10
7	Ability to resolve issues promptly	(1-10)	10
8	Ability to follow protocol	(1-10)	10
9	Ability to maintain proper documentation	(1-10)	10
10	Appropriate application of technology	(1-10)	10
11	Overall Client satisfaction and comfort level in hiring	(1-10)	10
12	Ability to offer solid recommendations	(1-10)	10
13	Ability to facilitate consensus and commitment to the plan of action among staff	(1-10)	10

Priscilla Tyree Williams
Printed Name of Evaluator

[Signature]
Signature of Evaluator

Please fax or email the completed survey to: chumphrey@balfourbeattyus.com

Tab 7 - Survey of Past Performance

DocuSign Envelope ID: BF0DE833-518F-4C26-93BA-CFDB0BCF0F1A Attachment A

Survey Questionnaire – City of Kissimmee RFP, Construction Manager at Risk – Kissimmee City Hall Addition

To: James Anderson, Jr. Forsyth County
(Name of Person completing survey) (Name of Client Company/Firm)

Phone Number: 336-703-2205

Email: andersja@forsyth.cc

Subject: Past Performance Survey of: Forsyth County Courthouse (Project Name)
Consultant Name: Balfour Beatty

(Name of firm being surveyed)
Cost of Services: Date Complete: 02/01/2023

Rate each of the criteria on a scale of 1 to 10, with 10 representing that you were very satisfied (and would hire the firm/individual again) and 1 representing that you were very unsatisfied (and would never hire the firm/individual again). Please rate each of the criteria to the best of your knowledge. If you do not have sufficient knowledge of past performance in a particular area, leave it blank.

Similar Work Project Name: Forsyth County Courthouse Date Completed: 02/01/2023

NO	CRITERIA	UNIT	SCORE
1	Ability to manage cost	(1-10)	10
2	Ability to maintain project schedule (complete on-time/early)	(1-10)	10
3	Quality of workmanship	(1-10)	10
4	Professionalism and ability to manage	(1-10)	10
5	Close out process	(1-10)	n/a
6	Ability to communicate with Client's staff	(1-10)	10
7	Ability to resolve issues promptly	(1-10)	10
8	Ability to follow protocol	(1-10)	10
9	Ability to maintain proper documentation	(1-10)	10
10	Appropriate application of technology	(1-10)	10
11	Overall Client satisfaction and comfort level in hiring	(1-10)	10
12	Ability to offer solid recommendations	(1-10)	10
13	Ability to facilitate consensus and commitment to the plan of action among staff	(1-10)	10

James Anderson, Jr.

Printed Name of Evaluator

DocuSigned by:
James Anderson, Jr.
Signature of Evaluator

Please fax or email the completed survey to: littleton@balfourbeattyus.com



August 1, 2022

Addendum No. 1

Project: Construction Manager at Risk – Kissimmee City Hall Addition
Bid No: RFP 2022-008

TO ALL PROPOSERS:

The following items are clarifications, corrections, additions, deletions and / or revisions, which shall take precedence over the original documents.

Due to COVID-19 interested parties can respond to this Request for Proposal by Electronic submittals. Email will not be accepted.

Vendor Link

Vendor Link help can be accessed by emailing, support@evendorlink.com, and Demandstar help can be accessed by emailing, support@demandstar.com.

To ensure correct information formatting:

- Submit electronically through myvendorlink.com
- Upload files only in MS Word (.doc or .docx), Excel (.xls or .xlsx), and PowerPoint (.ppt or .pptx); Adobe Portable Document Format (.pdf); Compressed File (.ZIP) formats.
- Enable printing on files submitted
- Clearly identify the Bid Number, Name, Submission Date, and Name on the Response Cover Page or Letterhead
- Contact Vendor Link technical support at support@evendorlink.com if technical difficulties arise during proposal submission. Any bids received after above stated time and date will not be considered.

If you are receiving this message you have requested updates and/or information for a particular project or service which can be obtained by registering with <https://www.myvendorlink.com/common/register.aspx>. Registering with myvendorlink will ensure that you receive notifications, and of any changes to an advertised solicitation.

DemandStar:

To ensure correct information formatting:

- Submit electronically through demandstar.com
- Upload files only in MS Word (.doc or .docx), Excel (.xls or .xlsx), and PowerPoint (.ppt or .pptx); Adobe Portable Document Format (.pdf); Compressed File (.ZIP) formats.
- Enable printing on files submitted
- Clearly identify the Bid Number, Name, Submission Date, and Name on the Response Cover Page or Letterhead
- Contact Demandstar technical support at support@demandstar.com if technical difficulties arise during proposal submission. Any bids received after above stated time and date will not be considered.

If you are receiving this message, you have requested updates and/or information for a particular project or service which can be obtained by registering with <https://www.demandstar.com/registration>. Registering with Demandstar will ensure that you receive notifications, and of any changes to an advertised solicitation.

It shall be the sole responsibility of the bidder to have their bid electronically delivered to Procurement Services Division for receipt on or before the above stated time and date.

A. ACKNOWLEDGMENT OF ADDENDA:

1. The proposer shall acknowledge receipt of this addendum by completing the applicable section in the RFP. The Proposer shall submit said Form with the proposal.
2. All other terms and conditions of the RFP remain unchanged.

Brandon Durango
Procurement Manager

ACKNOWLEDGMENT OF ADDENDA NO.(S) 1 (IF APPLICABLE)

(Signature)

COMPANY NAME Balfour Beatty

COMPANY ADDRESS S. Orange Ave, Ste.1100, Orlando FL 32801

BY: (signature) DATE: 8/24/08

Brian Prebenda, SVP/Operations

EMAIL: bprebenda@bbus.com

(typed name/title of signer)

CITY OF
KISSIMMEE
1883

August 17, 2022

Addendum No. 2

Project: Construction Manager at Risk – Kissimmee City Hall Addition
Bid No: RFP 2022-008

TO ALL PROPOSERS:

The following items are clarifications, corrections, additions, deletions and / or revisions, which shall take precedence over the original documents.

1. When is the actual construction start date?
Answer: Actual construction start date is approximately 2-3 months after bid opening.
2. The 2nd floor will be a future build out, will that be completed by another bid or a change order?
Answer: Change Order

A. ACKNOWLEDGMENT OF ADDENDA:

1. The proposer shall acknowledge receipt of this addendum by completing the applicable section in the RFP. The Proposer shall submit said Form with the proposal.
2. All other terms and conditions of the RFP remain unchanged.

Brandon Durango
Procurement Manager

ACKNOWLEDGMENT OF ADDENDA NO.(S) 2 (IF APPLICABLE)

B. Durango
(Signature)

COMPANY NAME

Balfour Beatty

COMPANY ADDRESS

255 S. Orange Ave #100, Orlando, FL 32801

BY:

B. Durango

DATE: 8/26/2022

(signature)

BRIAN PREBENDA, SVP OPERATIONS EMAIL: bprebenda@balfourbeattyus.com
(typed name/title of signer)

A photograph of the Jacksonville Regional Transportation Center building at dusk. The building features a modern design with a large glass facade and a curved roofline. The sky is a mix of blue and orange, indicating sunset. The building is illuminated from within, and the surrounding area includes a parking lot and some landscaping.

Jacksonville Regional Transportation Center

Balfour Beatty

CGC1514969

255 S. Orange Avenue,
Suite 1100,
Orlando, FL 32801
407-538-2628

www.balfourbeattyus.com

ITEM 7.D

Osceola Village Center, Phase 1 (DRC# 19-00100) – Major Subdivision, Final Acceptance with Conditions.

Request

Requesting City Commission acceptance of the required subdivision improvements for the subdivision known as Osceola Village Center, Phase 1 with conditions.

Explanation

The developer, Stanley Martin Homes, is requesting acceptance of the subdivision improvements constructed with the development known as Osceola Village Center, Phase 1, in accordance with the City's Subdivision Site Improvements and Inspection and Certification procedures (LDC §14-3-43).

This subdivision is located east of S. John Young Parkway and north of Shingle Creek. The required subdivision improvements include paving, grading, drainage, water, sewer, landscaping, irrigation, site lighting, walls, and other amenities. With verification from other City departments and Toho Water Authority, the City Engineer certifies these improvements to be substantially complete with the following conditions:

1. Stanley Martin Homes shall work diligently to obtain approval from the City for an access and maintenance easement for a portion of subdivision wall constructed within the City's Canal Access and Maintenance tract (Tract F-2 of the Osceola Village Center final plat; PB 32, PPG 60-64), and once approved, shall ensure the easement is recorded as soon as reasonably possible.
2. The developer shall also submit a FEMA MT-1 Form to the City's Certified Floodplain Manager for the remainder of the lots/tracts not previously removed from the Special Flood Hazard Area that qualify for removal.

All roads will be owned and maintained by the City. All other common areas will be owned and maintained by the Home Owner's Association.

The owner has posted a maintenance bond in the amount of \$466,975.47 to assure the satisfactory condition of the required subdivision improvements for a period of one-year from formal acceptance by the City Commission.

The City Commission previously approved the final plat for this subdivision, Osceola Village Center, on 5/3/2022.

Recommendation

Staff recommends acceptance of the subdivision improvements for Osceola Village Center, Phase 1 with these conditions.

REQUESTED CITY COMMISSION ACTION:

Approve

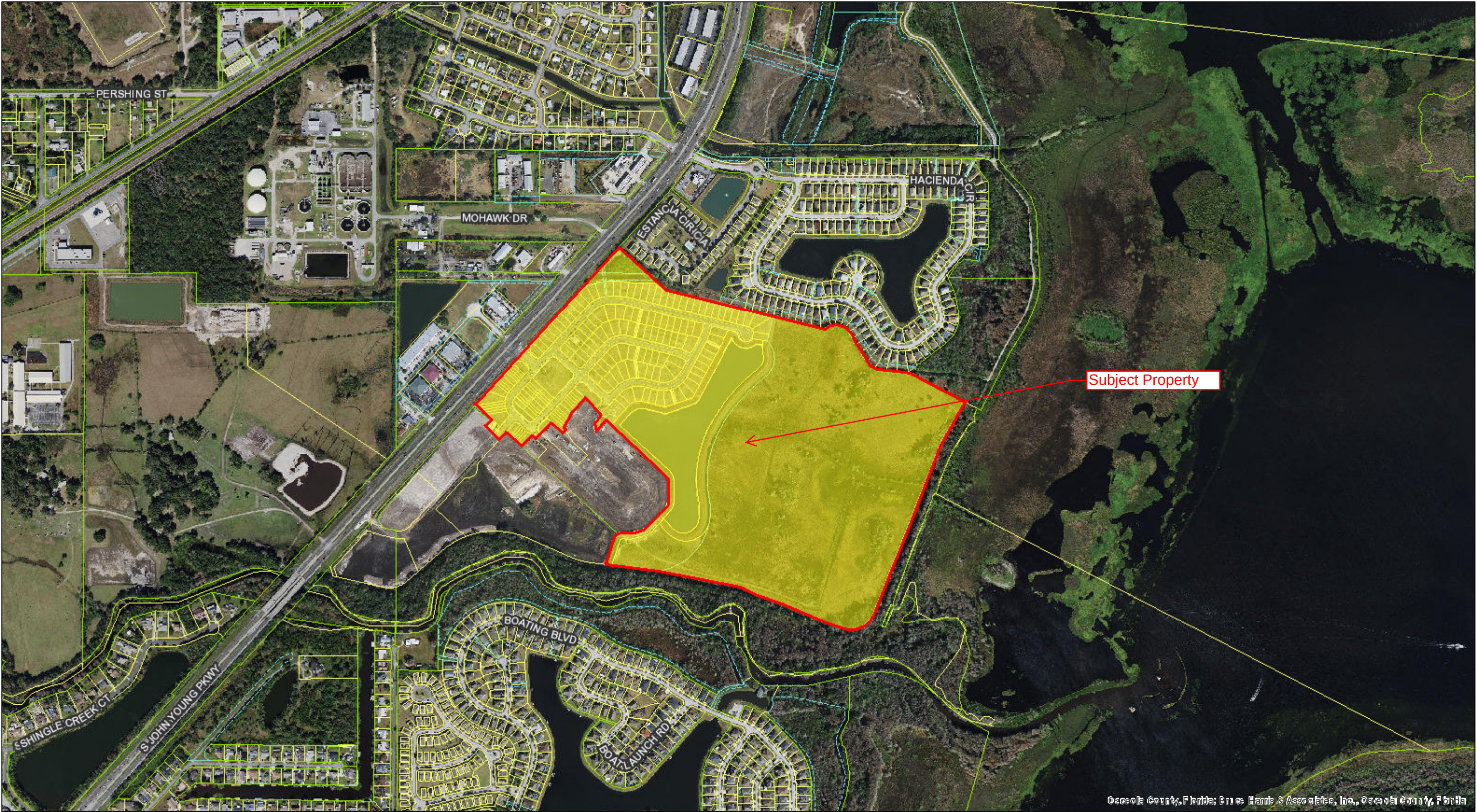
Department: Public Works & Engineering

Presenter:

Attachment(s):

City of Kissimmee

1. Vicinity Map
2. Maintenance Bond and Rider



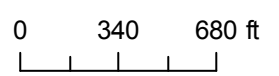
Subject Property

Osceola County, Florida; Eric Harris & Associates, Inc., Osceola County, Florida

DRC-19-00100 Osceola Village Center PH 1

Final Acceptance

Date Generated: 10/10/2022



This map was prepared for the Osceola County Property Appraiser's Office. It is maintained for the function of this office only. It is not intended for conveyance, nor is it a survey.



Katrina S. Scarborough, CFA, CCF, MCF
Osceola County Property Appraiser

MAINTENANCE BOND

Bond No. CMS0343431

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned Stanley Martin Homes, LLC
11710 Plaza America Drive, #1100, Reston, VA 20190 as Principal,
and RLI Insurance Company
a
Corporation of the State of IL, duly authorized to do business in the State of FL,
having an office at 9025 N. Lindbergh Drive, Peoria, IL 61615, as Surety, are hereby held and firmly
bound unto City of Kissimmee
101 Church St., Kissimmee, FL 34741
in the sum of Four Hundred Sixty Six Thousand Nine Hundred Seventy Five Dollars and 47/100 Dollars (466,975.47),
for the payment of which well and truly to be made, we hereby jointly and severally bind ourselves, our heirs,
executors, administrators, successors and assigns.

Signed this 18th day of August, 2022.

WHEREAS, the above bounden Stanley Martin Homes, LLC did on the 27th day
of September, 2022 enter into a contract with City of Kissimmee
for
DRC-19-00100 Osceola Village Center Phase 1

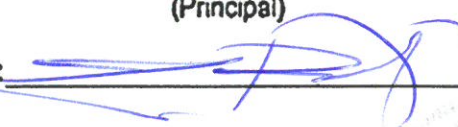
which said contract and related specifications are hereby made a part of this bond the same as though set forth
herein.

WHEREAS, the above named Stanley Martin Homes, LLC has completed said work
and is now required under the aforesaid specifications to furnish a maintenance bond to the Obligee for the term of
one year.

NOW, THEREFORE, the condition of this obligation is such that if the said Principal shall faithfully carry out
and perform said guarantee in accordance with the terms of said specifications and shall, on due notice, repair and
make good at its own expense, all defects of material or workmanship in the said work which may develop during the
period between August 18, 2022 and August 18, 2023, or shall pay over, make good and reimburse to the
said Obligee all loss and damage which the Obligee may sustain by reason of failure or default of said Principal so to
do, then this obligation shall be null and void; otherwise to remain in full force and effect.

IN WITNESS WHEREOF, the above bounden parties have executed this instrument under their several
seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and
these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

Stanley Martin Homes, LLC JAMES A. ROBERT
(Principal)

By: 

Witness as to Principal

RLI Insurance Company
(Surety)

By: Holly Tallone
Holly Tallone Attorney-in-Fact

Julia Zalesky
Witness as to Surety Julia Zalesky

Surety Phone No. 309-692-1000

POWER OF ATTORNEY

RLI Insurance Company Contractors Bonding and Insurance Company

9025 N. Lindbergh Dr. Peoria, IL 61615
Phone: 800-645-2402

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, each an Illinois corporation, (separately and together, the "Company") do hereby make, constitute and appoint:

Gary Giulietti, Holly Lynch, Philip Baker, Kathleen M. Coen, Holly Tallone, Renee Hugar, Julia C. Zalesky, Dana Donahue, Abigail E. Curtiss, jointly or severally

in the City of Farmington, State of Connecticut its true and lawful Agent(s) and Attorney(s) in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds and undertakings in an amount not to exceed Twenty Five Million Dollars (\$25,000,000.00) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon the Company as if such bond had been executed and acknowledged by the regularly elected officers of the Company.

RLI Insurance Company and/or **Contractors Bonding and Insurance Company**, as applicable, have each further certified that the following is a true and exact copy of a Resolution adopted by the Board of Directors of each such corporation, and is now in force, to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 8th day of August, 2022.

**RLI Insurance Company
Contractors Bonding and Insurance Company**

By: Barton W. Davis Vice President

State of Illinois }
County of Peoria } SS

On this 8th day of August, 2022, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

By: Catherine D. Glover
Catherine D. Glover Notary Public



CERTIFICATE

I, the undersigned officer of **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** this 18th day of August, 2022.

**RLI Insurance Company
Contractors Bonding and Insurance Company**

By: Jeffrey D. Fick Corporate Secretary



P.O. BOX 3967 PEORIA, IL 61612-3967
P: (800)645-2402 E: asksurety@rlicorp.com
RLISURETY.COM

RLI Insurance Company

December 31, 2021

Admitted Assets

Investments:	
Fixed maturities	\$ 1,108,736,858
Equity securities	1,234,539,005
Short-term investments	0
Real estate	29,005,732
Properties held to produce income	0
Cash on hand and on deposit	82,988,174
Other invested assets	56,354,662
Receivables for securities	1,321,658
Agents' balances	82,633,031
Investment income due and accrued	8,291,480
Funds held	0
Reinsurance recoverable on paid losses	6,040,596
Federal income taxes receivable	0
Net deferred tax asset	0
Guarantee funds receivable or on deposit	37,508
Electronic data processing equipment, net of depreciation	1,041,105
Receivable from affiliates	13,974,554
Other admitted assets	7,762,184
Total Admitted Assets	<u>\$ 2,632,726,547</u>

State of Illinois

County of Peoria

The undersigned, being duly sworn, says: That he is the President of **RLI Insurance Company**; that said Company is a corporation duly organized, in the State of Illinois, and licensed and engaged in business in the State of _____ and has duly complied with all the requirements of the laws of said State applicable of said Company and is duly qualified to act as Surety under such laws; that said Company has also complied with and is duly qualified to act as Surety under the Act of Congress approved July 1947, 6U.S.C sec. 6-13; and that to the best of his knowledge and belief the above statement is a full, true, and correct statement of the financial condition of the said Company on the 31st day of December 2021.

Attest:



{ Corporate
Seal
Affixed }

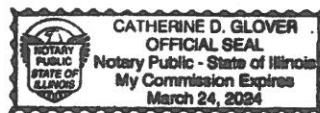
Liabilities and Surplus

Liabilities:	
Reserve for unpaid losses and loss adjustment expenses	\$ 755,538,188
Unearned premiums	320,186,499
Accrued expenses	96,968,941
Funds held	394,124
Advance premiums	17,233,690
Amounts withheld	81,205,397
Remittances and items not allocated	1,187,051
Dividends declared and unpaid	39,205
Ceded reinsurance premium payable	28,863,477
Payable for securities	4,384,937
Statutory penalties	750,800
Current federal & foreign income taxes	1,549,816
Net deferred tax liability	19,265,874
Borrowed money and accrued interest	50,036,167
Drafts outstanding	0
Payable to affiliate	6,995,196
Other liabilities	7,478,125
Total Liabilities	<u>\$ 1,392,077,487</u>
Surplus:	
Common stock	\$ 10,000,375
Additional paid-in capital	242,451,084
Unassigned surplus	988,197,601
Total Surplus	<u>\$ 1,240,649,060</u>
Total Liabilities and Surplus	<u>\$ 2,632,726,547</u>

Craig Kliethermes President

Olga S. Happel Assistant Secretary

Sworn to before me this 9th day of March, 2022.



{ Notarial
Seal
Affixed }

Catherine D. Glover Notary Public, State of Illinois

M0058322

GENERAL SURETY RIDER

To be attached and form a part of

Bond No. CMS0343431
For DRC-19-00100 Osceola Village Center Phase 1
Dated effective 08/18/2022 (MONTH, DAY, YEAR)
Executed by Stanley Martin Homes, LLC, as Principal, (PRINCIPAL)
And by RLI Insurance Company, as Surety, (SURETY)
And in favor of City of Kissimmee (OBLIGEE)

In consideration of the mutual agreements herein contained the Principal and the Surety hereby consent to changing

ADDING

This bond is in force for One-year from the date of City Commission acceptance of subdivision improvements

Nothing herein contained shall vary, alter or extend any provision or condition of this bond except as herein expressly stated.

This rider is effective

08/18/2022

(MONTH, DAY, YEAR)

Signed and Sealed

09/22/2022

(MONTH, DAY, YEAR)

Stanley Martin Homes, LLC
PRINCIPAL

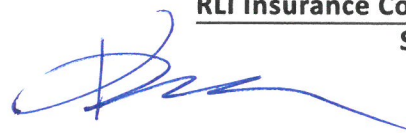
BY



Div. President TITLE

RLI Insurance Company
SURETY

BY



Kathleen M, Coen, ATTORNEY-IN-FACT

POWER OF ATTORNEY

RLI Insurance Company Contractors Bonding and Insurance Company

9025 N. Lindbergh Dr. Peoria, IL 61615
Phone: 800-645-2402

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, each an Illinois corporation, (separately and together, the "Company") do hereby make, constitute and appoint:

Gary Giuliatti, Holly Lynch, Philip Baker, Kathleen M. Coen, Holly Tallone, Renee Hugar, Julia C. Zalesky, Dana Donahue, Abigail E. Curtiss, jointly or severally

in the City of Farmington, State of Connecticut its true and lawful Agent(s) and Attorney(s) in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds and undertakings in an amount not to exceed Twenty Five Million Dollars (\$25,000,000.00) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon the Company as if such bond had been executed and acknowledged by the regularly elected officers of the Company.

RLI Insurance Company and/or **Contractors Bonding and Insurance Company**, as applicable, have each further certified that the following is a true and exact copy of a Resolution adopted by the Board of Directors of each such corporation, and is now in force, to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 8th day of August, 2022.



RLI Insurance Company
Contractors Bonding and Insurance Company

By:

Barton W. Davis

Vice President

State of Illinois
County of Peoria

} SS

On this 8th day of August, 2022, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

By:

Catherine D. Glover

Catherine D. Glover

Notary Public



CERTIFICATE

I, the undersigned officer of **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** this 22nd day of September, 2022.

RLI Insurance Company
Contractors Bonding and Insurance Company

By:

Jeffrey D. Fick

Corporate Secretary

ITEM 8.A

Approval of a License Agreement for Outdoor Dining within the Dakin Avenue Right-of-Way at 16 E. Dakin Avenue (ROW-22-0003)

Request

Approval to execute a license agreement with LR Business Consulting Investment Inc. d/b/aTwo Brothers Steakhouse and Bistro to utilize outdoor dining on public sidewalks located at 16 E Dakin Avenue within the Downtown Community Redevelopment Area.

Explanation

Subject to standards in Section 14-5-6F(1)(Site Standards within the Form Based Code Areas) and Section 14-6-9 (Outdoor Dining), accessory outdoor dining may be located on public sidewalks provided a right-of-way agreement has been executed and various standards are met. The license is a hold harmless agreement between the City and the business to address items such as location of the seating, maintenance, safety, insurance, and other conditions.

The agreement was submitted by the tenant at 16 E. Dakin (LR Business Consulting Investment Inc. d/b/aTwo Brothers Steakhouse and Bistro).

The agreement, which requires City Commission execution, will govern outdoor activities for the business. The establishment is proposing to conduct outdoor dining on the sidewalk along their Dakin Avenue frontage.

Recommendation

Approval to execute the outdoor license agreement with LR Business Consulting Investment Inc. d/b/aTwo Brothers Steakhouse and Bistro at 16 E Dakin Avenue, subject to conditions.

CONDITIONS:

1. A maximum of six (6) tables, with a maximum of 4 chairs per table, may be established along the business frontage in front of Dakin Avenue.
2. The Outdoor Dining License Agreement will be valid for a period of one (1) year and must be renewed annually with valid insurance liability documents and adherence to conditions of approval included with the agreement.
3. A minimum five (5) foot clear path must be maintained at all times.
4. Access doors to the establishment must maintain a four (4) foot wide clearance.
5. Tables and chairs cannot be placed beyond the boundary of the business frontage.
6. Tables and chairs must be kept clean, free of trash, and are to be cleared in a timely manner. City trash cans cannot be used to clear/bus tables.
7. The City Noise Ordinance must be adhered to at all times.
8. A pedestrian oriented sign may be located on the public sidewalk provided that the five (5) foot clear pedestrian access is maintained on the sidewalk. The sign may be a maximum of eight (8) square feet per side and no more than four (4) feet in height. All other signs are prohibited within the sidewalk.
9. The pedestrian oriented sign must only be displayed during regular business hours of operation. Signs must be stored inside the business when not in use and must not be left outside or on the public sidewalk after business hours.
10. The Outdoor Dining License Agreement shall become void at the conclusion of the term indicated within the agreement, if there is a change of ownership or business, or if a valid

Business License is not maintained. A new License Agreement must be filed by the new owner and/or business and authorized by the City Commission prior to the outdoor placement of any tables, chairs, or umbrellas.

11. Failure to maintain the standards and conditions of the Outdoor Dining License Agreement will result in City notification of violation(s). All tables and chairs must be removed upon City notification of violation(s) within one (1) hour. If the violation is not corrected, the approval of the license agreement may be revoked.

REQUESTED CITY COMMISSION ACTION:

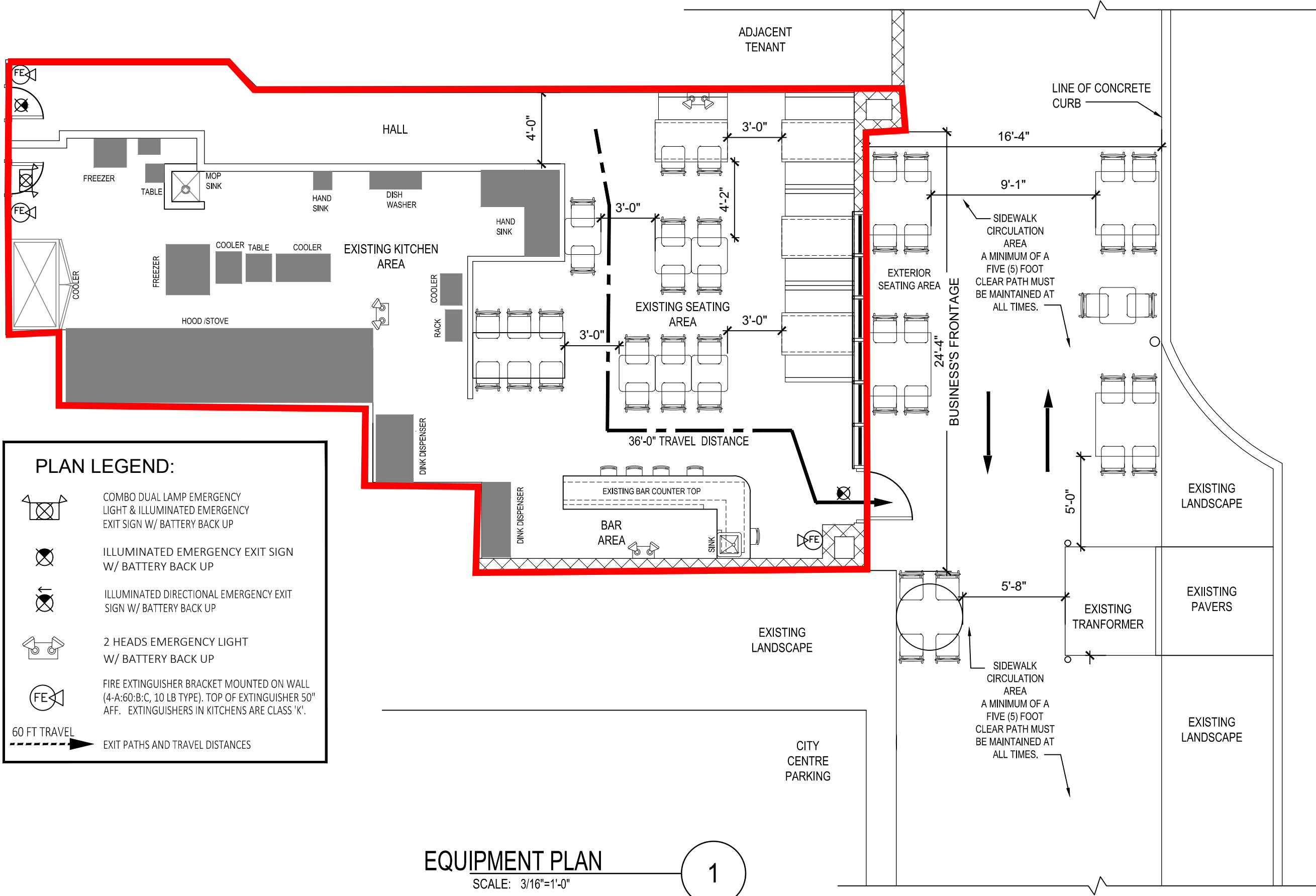
Approve w/Conditions

Department: Development Services

Presenter: Brenda Ryan

Attachment(s):

1. ROW-22-0003 Revised Approved Dining Plan
2. ROW-22-0003 Certificate of Liability Insurance
3. ROW-22-0003 Site Pictures
4. ROW-22-0003 Outdoor Dining License Agreement



PLAN LEGEND:

- COMBO DUAL LAMP EMERGENCY LIGHT & ILLUMINATED EMERGENCY EXIT SIGN W/ BATTERY BACK UP
- ILLUMINATED EMERGENCY EXIT SIGN W/ BATTERY BACK UP
- ILLUMINATED DIRECTIONAL EMERGENCY EXIT SIGN W/ BATTERY BACK UP
- 2 HEADS EMERGENCY LIGHT W/ BATTERY BACK UP
- FIRE EXTINGUISHER BRACKET MOUNTED ON WALL (4-A:60-B:C, 10 LB TYPE). TOP OF EXTINGUISHER 50" AFF. EXTINGUISHERS IN KITCHENS ARE CLASS 'K'.
- 60 FT TRAVEL EXIT PATHS AND TRAVEL DISTANCES

EQUIPMENT PLAN

SCALE: 3/16"=1'-0"

1

copyright ©
ALL PHASES DESIGN
C: 321.265.1420
E: alphasesdesign21@gmail.com

2 BROTHER'S STEAKHOUSE
16 E DAKIN AVE, KISSIMMEE, FL 34741
EQUIPMENT PLAN

CHECKED
PROJECT NUMBER 2022-10
DRAWING NUMBER A 1
DATE 09.07.22



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

08/16/2022

PRODUCER Jack Fields Agency 10 E Monument St. Kissimmee, FL 34741 (407)870-5534 (407)870-9491 FAX	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.												
INSURED LR Business Consulting Investment Inc DBA Two Brothers Steak House and Bistro 16 E Dakin Ave Kissimmee, FL 34741	<table border="1"><tr><th>INSURERS AFFORDING COVERAGE</th><th>NAIC #</th></tr><tr><td>INSURER A: Clear Springs Property and Casualty</td><td>15563</td></tr><tr><td>INSURER B:</td><td></td></tr><tr><td>INSURER C:</td><td></td></tr><tr><td>INSURER D:</td><td></td></tr><tr><td>INSURER E:</td><td></td></tr></table>	INSURERS AFFORDING COVERAGE	NAIC #	INSURER A: Clear Springs Property and Casualty	15563	INSURER B:		INSURER C:		INSURER D:		INSURER E:	
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A		GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PROJECT ☐ LOC	CCB-00044739-00	08/16/2022	08/16/2023	<table border="1"><tr><td>EACH OCCURRENCE</td><td>\$</td><td>\$1,000,000</td></tr><tr><td>DAMAGE TO RENTED PREMISES (Ea occurrence)</td><td>\$</td><td>50,000</td></tr><tr><td>MED EXP (Any one person)</td><td>\$</td><td>1,000</td></tr><tr><td>PERSONAL & ADV INJURY</td><td>\$</td><td>\$1,000,000</td></tr><tr><td>GENERAL AGGREGATE</td><td>\$</td><td>\$2,000,000</td></tr><tr><td>PRODUCTS - COMP/OP AGG</td><td>\$</td><td>\$2,000,000</td></tr></table>	EACH OCCURRENCE	\$	\$1,000,000	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$	50,000	MED EXP (Any one person)	\$	1,000	PERSONAL & ADV INJURY	\$	\$1,000,000	GENERAL AGGREGATE	\$	\$2,000,000	PRODUCTS - COMP/OP AGG	\$	\$2,000,000
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		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Yes If yes, describe under SPECIAL PROVISIONS below				<table border="1"><tr><td>WC STATUTORY LIMITS</td><td></td><td></td></tr><tr><td>OTHER</td><td></td><td></td></tr><tr><td>E.L. EACH ACCIDENT</td><td>\$</td><td></td></tr><tr><td>E.L. DISEASE - EA EMPLOYEE</td><td>\$</td><td></td></tr><tr><td>E.L. DISEASE - POLICY LIMIT</td><td>\$</td><td></td></tr></table>	WC STATUTORY LIMITS			OTHER			E.L. EACH ACCIDENT	\$		E.L. DISEASE - EA EMPLOYEE	\$		E.L. DISEASE - POLICY LIMIT	\$				
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DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

This liability insurance shall cover the entire portion of the right of way, existence hazard only including sidewalks, to be used in conjunction with the event.

City of Kissimmee is listed as additional insured on the general liability policy.

CERTIFICATE HOLDER

City of Kissimmee
101 N Church St.
Kissimmee, FL 34741

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL -30- DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

John A Fields







LICENSE AGREEMENT FOR OUTDOOR USE

THIS AGREEMENT IS MADE THIS 18th day of October, 2022, by and between the City of Kissimmee, Florida, a Florida municipal corporation located at 101 Church Street, Kissimmee, Florida; ("Licensor") and LR Business Consulting Investment d/b/a Two Brothers Steakhouse and Bistro, with its principal place of business located at 16 E. Dakin Ave. ("Licensee"). Licensor and Licensee mutually agree and promise each to the other as follows:

1. Licensor grants Licensee a non-exclusive license to use, subject to the terms of this License, the City Right-of-Way, which may include the sidewalk and/or street, adjacent to its storefront (the "Licensed Premises") located at the above address as identified on the site sketch, attached hereto and incorporated herein as Exhibit "A" for the sole purpose of outdoor activity .
2. The term of this License shall commence on October 18, 2022, and end on October 18, 2023, unless otherwise provided herein.
3. The use of the Licensed Premises by the Licensee shall be limited to the outdoor activities and uses specifically approved by the City Commission.
4. Licensee shall control access to the Licensed Premises so as to prevent unauthorized persons from entry to the Licensed Premises. Licensee shall not use the Licensed Premises for any unlawful purposes.
5. Licensee shall, by operating on the Licensed Premises, acknowledge that the Licensed Premises are in good and safe condition and are appropriate for the proscribed use by the Licensee. Licensee further acknowledges that it has had the opportunity to inspect the Licensed Premises and accepts it "as is." Licensor reserves the right to enter the Licensed Premises at any reasonable time for the purpose of inspection or any other legitimate purpose. Licensor makes no warranty or representation regarding the seismological condition of the Licensed Premises.
6. Licensee, at all times, shall keep the Licensed Premises in a clean, safe and orderly condition, and Licensee shall prevent the accumulation of any dirt, rubbish, trash or refuse therein. The duty of the Licensee to maintain the Licensed Premises shall include the removal of all dirt, rubbish, trash or refuse that emanates from the Licensed Premises and those materials which may have scatters onto any adjoining properties. Licensee shall, at Licensee's sole cost and expense, maintain the Licensed Premises and all appurtenances thereon.
7. Licensee shall make no alternations or additions to the Licensed Premises without the prior approval of the Licensor and only after the Licensee has submitted and Licensor has approved a detailed site plan showing any and all improvements. No work shall commence until the necessary building permits and other approvals are obtained by Licensor or any other government agency, as may be required. If any repairs, alterations, or additions are made by the Licensee, Licensee shall promptly pay for all labor costs incurred or materials furnished. Licensee shall keep the

Licensed Premises free from any liens or encumbrances of any kind. All improvements affixed to or made part of the Licensed Premises by the Licensee shall be the property of the Licensor at the expiration of the term of the License, unless otherwise agreed to by the Parties.

8. Licensee shall pay all lawful taxes and assessments during the term of this License that may be levied by the state, county, city or any other levying body. Licensee shall pay all taxes and assessments on fixtures, equipment and property that is owned by the Licensee within the Licensed Premises.
9. Licensee, at its sole cost and expense, maintain and provide proof of the following insurance policies:
 - Workers' Compensation Insurance in accordance with Florida Law or not less than One Million Dollars (\$1,000,000.00) each accident for all employees eligible for state worker's compensation benefits or U.S. Longshoremen and Harbor Workers Act Benefits and Jones Act Benefits for employees eligible.
 - Comprehensive or Commercial General Liability Insurance with limits not less than One Million Dollars (\$1,000,000.00) each occurrence, combined single limit for bodily injury and property damage with any deductible not to exceed \$10,000 each occurrence, including coverage for contractual liability, independent contractors, explosion, collapse and underground (XCU), broad form property damage, personal injury, products and completed operations.
 - Protection and Indemnity Insurance with limits not less than One Million Dollars (\$1,000,000.00) each occurrence including coverage for water pollution.

Should any of the required insurance be provided under a claims made form, Licensee shall maintain such coverage continuously for four years after termination of this License to protect Licensor from liability in the event of such claims. Should any of the required insurance be provided under an annual aggregate limit or that costs of investigation or legal defense cost be included, such annual aggregate limit shall be three times the occurrence limits described above. Licensee shall provide proof of such insurance from a licensed insurance company approved by the Licensor. Said Policy shall provide for a 60-day notice prior to cancellation and name the licensor as additional insured.

10. Licensor and Licensor's employees and agents shall be held harmless and not liable for any injury associated with use of the Licensed Premises, including injury or death to any person, or for damage to any property, regardless of how such injury

or damage is caused, sustained or alleged to have been sustained by the Licensee or by others as a result of any condition, including existing or future defects in the Licensed Premises, or occurrence related in any way to the Licensed Premises and the areas adjacent thereto or related in any way to the Licensee's use of or operations on the Licensed Premises and any adjacent area thereto as may be applicable.

Licensee shall indemnify the Licensor, its officers, employees and agents, against all claims arising out of any injury to persons or damage to property. Licensee shall defend any action brought against Licensor or any of its employees or agents based on any alleged injury or damage caused by the Licensee and Licensee shall pay all costs, including attorney's fees, resulting from the action and any subsequent mediations, arbitrations or appeals. Licensor has the right to appoint an attorney of its choosing to defend against any claims arising out of this Agreement.

Licensee agrees to hold harmless Licensor from any violation or alleged violation for any environmental quality law, act, regulation, or rule which is violated or purportedly violated by, arising out of or in the course of Licensee's activities within the Licensed Premises, including attorney's fees and any mediations, arbitrations or appeals, including, but not limited to removal and clean up of hazardous materials and any necessary environmental restoration/rehabilitation. Licensee obligations hereunder shall survive the termination of this License.

11. Licensee, at its sole cost and expense, shall comply with all laws, ordinances, judicial decisions, orders and regulations of federal, state, county and municipal governments, and the departments, courts, commissions, boards, and any officials thereof associated with the use of the Licensed Premises, including environmental matters, or as applicable to the Licensor in effect either at the time of execution of this License Agreement or at any time during the term of this License. Licensee understands and agrees that Licensor is entering into this License Agreement in its capacity as a property or business owner with a proprietary interest in the Licensed Premises. Licensor's legal status as a municipality shall in no way limit the obligations of the Licensee to obtain any required approval from municipal departments, boards or commissions that have jurisdiction over the Licensed Premises or any other governmental authority with a vested interest in same. Likewise, Licensee shall comply with City of Kissimmee staff conditions as may be promulgated for the Licensed Premises.
12. Licensee shall not cause or permit the Licensed Premises or any adjacent property as may be directly affected by activities or property within the Licensed Premises to contain any hazardous substance or material prohibited by any federal, state or local law, ordinance, rule or regulation. Licensee represents and warrants that the Licensed Premises are not going to be used directly or indirectly for the use, generation, treatment, storage, transportation or disposal of any such hazardous material.

13. Licensee shall not at any time or in any manner either directly or indirectly, assign or encumber this License or any interest or interest in this License or in the Licensee's use of any part of the Licensed Premises without the prior written consent of Licensors.
 14. If the Licensee shall file a petition for bankruptcy, or if Licensee shall be adjudged bankrupt or insolvent by any court, or if any receiver of the property of the Licensee shall be appointed in any proceeding brought by or against Licensee or if Licensee shall make an assignment for the benefit of creditors or proceedings shall be commenced on or against the Licensee operation in the Licensed Premises, Licensors at its option may terminate and cancel this License.
 15. No signs or other advertising matters or symbols shall be placed on the licensed premises without the prior approval of the Licensors. All signs shall comply with all laws and regulations relating thereto and Licensee shall obtain all necessary permits. Licensors makes no representation with respect to the Licensee's ability to obtain such approval.
 16. Time is of the essence of this License.
 17. The occurrence of any of the following shall constitute as default by the Licensee:
 - A.) Failure to perform any other provision of this License if the failure to perform is not cured within fifteen (15) days after notice has been given to Licensee, excluding the one-hour compliance requirement for removing any unauthorized item from within the Licensed Premises.
- On the occurrence of any default, Licensors may at its option, in addition to any other remedy given at law give notice to the Licensee that this License will terminate on the date specified in the notice which date shall not be earlier than ten (10) days after giving notice.
18. Any notice given under this License shall be in writing and given by delivery notice in person or by sending it by registered or certified mail, return receipt requested, with postage prepaid to the mailing address below or any other address notice given. All registered or certified mail returned after at least two (2) attempted notice shall constitute delivery.

Licensors: Mike Steigerwald
 City Manager
 101 N. Church Street
 Kissimmee, FL 34741

Licensee: **LR Business Consulting
Investment d/b/a Two
Brothers Steakhouse
and Bistro**
(Name)
16 E. Dakin Ave.
(Address)

Any mailing address may be changed at any time by giving written notice of such change in the manner provided above at least fifteen (15) days prior to the effective date of change.

19. Licensee agrees that this Agreement is a License and that no interest or estate in real property or the improvements located on the Licensed Premises is created by this Agreement.
20. This License shall be governed by and constructed in accordance with the law of Florida.
21. Should any provision of this License be declared by a Court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining provisions of this License shall not be affected thereby.
22. No waiver by Licensee or Licensors of any covenant or condition of this License shall be construed as a waiver of any other covenant or condition, nor shall the waiver of any breach of this License be construed as a waiver of any other or subsequent breach.
23. Licensee represents, warrants and covenants to Licensors that Licensee has full power and authority to enter into this License Agreement and to consummate the transaction contemplated by it. This License Agreement has been duly authorized by all necessary action on the part of the Licensee and no other action on the part of the Licensee is necessary to authorize the execution and delivery of this Agreement. Licensee warrants that it is a Florida corporation in good standing with the Secretary of the State of Florida.
24. If as a result of an act of Force Majeure, including but not limited to an earthquake, fires, floods, hurricane, tornado, pandemics, strikes, riots or other causes, natural

or manmade, beyond the control of the Licensor occur, Licensor has the authority to terminate this License Agreement.

25. Each and every Party who signs this License shall be jointly and severally liable under it.
26. This License shall not be recorded in the public records of Osceola County, Florida.
27. If either Party hereto brings an action or proceeding, including any counterclaim, cross-claim, or third party claim, against the other party by reason of default, or otherwise arising out of this License, the prevailing party in such action or proceeding shall be entitled to its costs and expenses of suit including reasonable Attorney fees, including any appeals therefrom. For the purpose of this License, reasonable attorney fees of the City Attorney shall be based on the fees regularly charged by a private attorney with an equivalent number of years of professional experience who practice in Orange and Osceola County, Florida.
28. It is mutually agreed by and between Licensor and Licensee that each of the Parties do hereby waive trial by jury in any action, proceeding or claim which may be brought by either of the parties hereto against the other on any matters concerning or arising out of this Agreement.
29. Each Party to this Agreement acknowledge, warrant, and represent that they have been fully informed with respect to and represented by counsel of the parties choice in connection with the rights and remedies of and waivers by it contained in this License and after such advice and consultation has currently and actually intended, with full knowledge of the parties rights and remedies otherwise available at law or equity, or any other right that such party seeks to exercise to execute this Agreement.
30. This License Agreement, including all attachments and Licensee's application for this License, contains all representations and the entire Agreement between the Parties with respect to the subject matter of this License. All prior correspondence, memoranda, agreements, warranties, or representations related to such subject matter are superseded in total by this License.
31. This License is not transferrable and shall automatically terminate after its one-year period unless renewed in advance of its termination and upon approval by City Commission.

IN WITNESS WHEREOF, the Parties have executed this License Agreement on the 18th day of October, 2022.

ATTEST:

City of Kissimmee (Licensor)

City Clerk

By: _____

Mayor-Commissioner

Approved as to Form and Legality

Olga Sanchez DeFuentes

*OR Business Consulting
Investment d/b/a Two
Brothers STRIKE Horse* (Licensee)
CA 1 BLS HO.

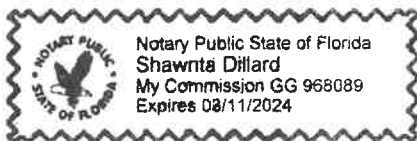
By: *Angel Roman*

Title: *Pres. LT*

STATE OF FLORIDA)
COUNTY OF OSCEOLA)

The foregoing instrument was acknowledged before me this 12TH day of OCTOBER, 2022, by means of ☒ physical presence or ☐ online notarization, by ANGEL ALBERTO ROMAN BODUA as _____ for ANGEL BODUA, who is personally known to me OR has produced FL. DRIVER'S LICENSE as identification.

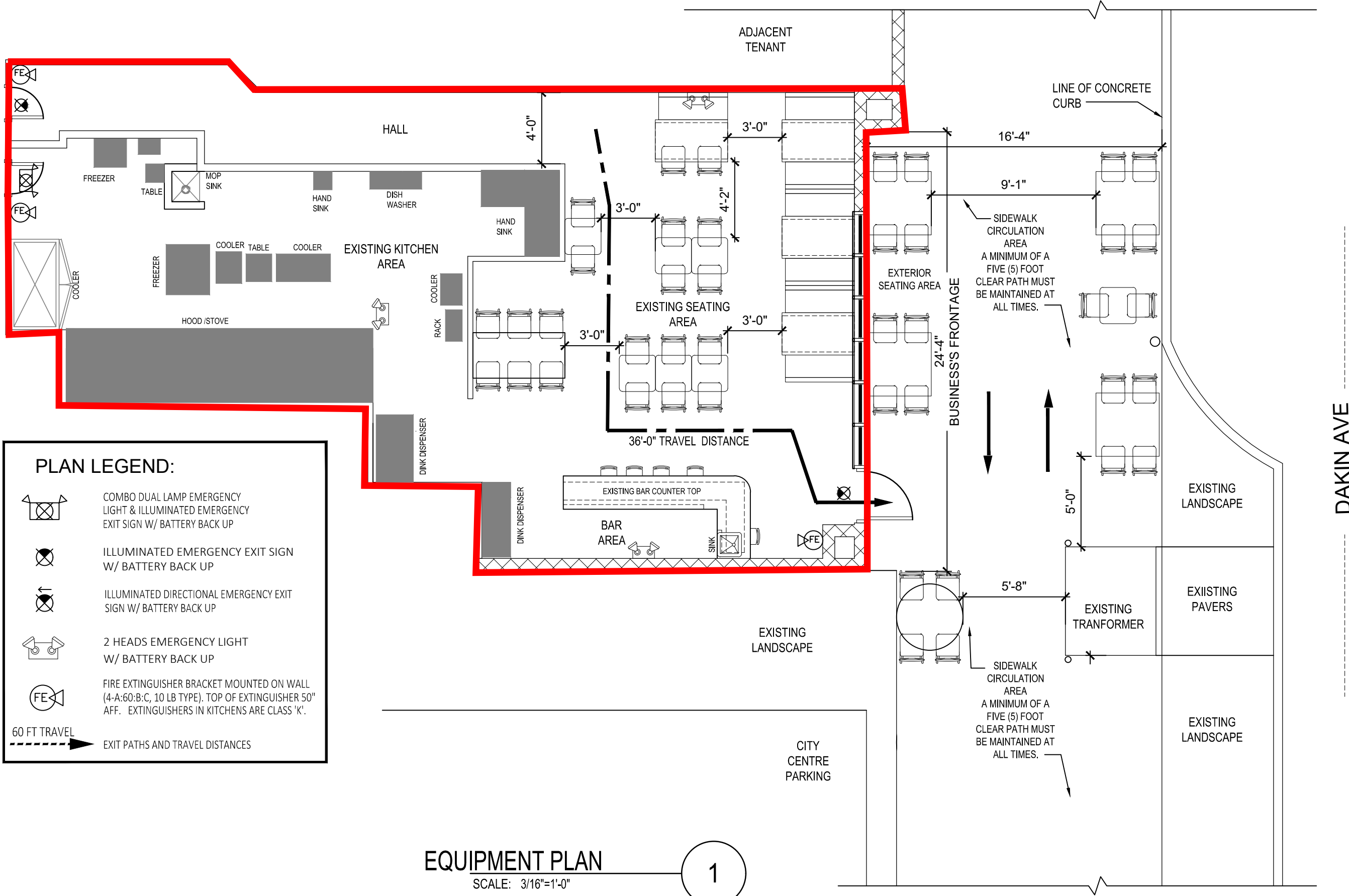
Notary Seal:



Notary: *Shawnta Dillard*

Print Name: SHAWNTA DILLARD

My Commission Expires: 3/11/2024



PLAN LEGEND:

- COMBO DUAL LAMP EMERGENCY LIGHT & ILLUMINATED EMERGENCY EXIT SIGN W/ BATTERY BACK UP
- ILLUMINATED EMERGENCY EXIT SIGN W/ BATTERY BACK UP
- ILLUMINATED DIRECTIONAL EMERGENCY EXIT SIGN W/ BATTERY BACK UP
- 2 HEADS EMERGENCY LIGHT W/ BATTERY BACK UP
- FIRE EXTINGUISHER BRACKET MOUNTED ON WALL (4-A:60-B:C, 10 LB TYPE). TOP OF EXTINGUISHER 50" AFF. EXTINGUISHERS IN KITCHENS ARE CLASS 'K'.
- 60 FT TRAVEL EXIT PATHS AND TRAVEL DISTANCES

EQUIPMENT PLAN

SCALE: 3/16"=1'-0"

1

copyright ©
ALL PHASES DESIGN
C: 321.265.1420
E: allphasesdesign21@gmail.com

2 BROTHER'S STEAKHOUSE
16 E DAKIN AVE, KISSIMMEE, FL 34741
EQUIPMENT PLAN

CHECKED
PROJECT NUMBER
2022-10
DRAWING NUMBER
A 1
DATE
09.07.22



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

08/16/2022

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		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Yes If yes, describe under SPECIAL PROVISIONS below				<table border="1"><tr><td>WC STATUTORY LIMITS</td><td></td><td></td></tr><tr><td>OTHER</td><td></td><td></td></tr><tr><td>E.L. EACH ACCIDENT</td><td>\$</td><td></td></tr><tr><td>E.L. DISEASE - EA EMPLOYEE</td><td>\$</td><td></td></tr><tr><td>E.L. DISEASE - POLICY LIMIT</td><td>\$</td><td></td></tr></table>	WC STATUTORY LIMITS			OTHER			E.L. EACH ACCIDENT	\$		E.L. DISEASE - EA EMPLOYEE	\$		E.L. DISEASE - POLICY LIMIT	\$				
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A		OTHER Liquor Liability	CCB-00044739-00	08/16/2022	08/16/2023	<table border="1"><tr><td>\$1,000,000 Per Occurance</td><td></td></tr><tr><td>\$1,000,000 Aggregate</td><td></td></tr></table>	\$1,000,000 Per Occurance		\$1,000,000 Aggregate															
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DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

This liability insurance shall cover the entire portion of the right of way, existence hazard only including sidewalks, to be used in conjunction with the event.

City of Kissimmee is listed as additional insured on the general liability policy.

CERTIFICATE HOLDER City of Kissimmee 101 N Church St. Kissimmee, FL 34741	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL -30- DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE John A Fields
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ITEM 8.B

Social Service and Quality of Life Grant Funding Allocations for FY 2022-2023

Request

Commission discussion and approval of the FY 2022-23 Social Services and Quality of Life Funding Allocations.

Explanation

Each year the Commission approves funding for non-profit agencies instrumental in supporting the mission of the City and furthering the Commission's annual goals. This funding process includes two categories. The Social Services category is designed to support non-profit agencies with direct service programs that reduce the burden on City services by meeting the needs of our most vulnerable residents. In response, the City Commission has prioritized funding for programs that support the needs of the homeless and families in crisis.

The proposed FY 2022-23 budget for Social Services is \$300,000. These funds were previously approved by the Commission in the Coronavirus State and Local Fiscal Recovery Funds. Upon approval of this item, staff will budget and transfer funds into the Aid to Private Organizations account in the amount of \$300,000 for each of the fiscal years 2021-22, 2022-23, and 2023-24 to aid non-profits in providing critical services.

The second category is Quality of Life, which provides funding for programs designed to improve the quality of life for residents by supporting the arts, education, and culture in the amount of \$50,000. Funds for these activities are budgeted in the General Fund.

Each Commissioner was provided with a spreadsheet and application packets in order to complete their allocation recommendations. During the meeting, the funding averages of all submissions will be provided for review and approval.

Financial Information

Account #	Project #	Increase / Decrease	Budget	Actual
03210108 - 508282		Increase	900,000	
03200380 - 380001		Increase	900,000	

Financial Summary:

Funds will be transferred into the Aid to Private Organizations account in the amount of \$300,000 for each of the fiscal years 2021-22, 2022-23, and 2023-24

Recommendation

Staff requests Commission discussion and approval on the funding allocations for FY 2022-23.
City of Kissimmee

REQUESTED CITY COMMISSION ACTION:

Approve
Commission Direction

Department: City Manager
Presenter: Desiree Matthews

Attachment(s):

1. (R) Social_Services_Funding_FY_2022-23 Draft
2. Social_Services- Quality of Life_Funding_FY_2022-23 Draft

Social Services Grant Program FY 2022-23

AGENCY	Services Funded with City Funds	Clients to be served	Funding Requests FY 2022-23
Osceola Council on Aging Program: Health Clinic: \$30,000	Health Clinic: \$15,000 to fund salary of staff physician and \$15,000 for diagnostic testing of uninsured, low income patients Secondary health care to low-income, uninsured, chronically ill residents of Osceola County.	750	\$30,000.00
Program: Meals on Wheels: \$50,000	Meals on Wheels: Food purchases for emergency meal and food distribution programs. Congregant meals; home delivered meals; food bank/pantry. Provides supplemental commodities and fresh produce from local producers for emergency meal/food distribution programs.	5,000	\$50,000.00
Program: Transportation : \$20,000	Cover the cost of 1 part time driver and fuel expenses for the Council's transportation program.	250	\$20,000.00
Osceola Mental Health/ Park Place Behavioral Health Care Program: Residence Level IV Adult Substance Abuse Services Services: Transitional living program for adults who are indigent, homeless and have a substance use disorder with or without a co-occurring mental illness.	(4-6) beds in the residential level IV program for clients with chemical dependency- includes services and related cost	9 to 12	\$65,000.00
Hope Partnership (formerly Community Hope Center) Serves as hub where social services providers can co-locate to better provide services to those in need. Program: Hope Cares Days (Shower Program)	Support the operation and transportation related to providing shower services to individuals experiencing homelessness.	45	\$45,000.00
Help Now of Osceola, Inc. Program: Domestic Violence Services Serves the needs of domestic abuse survivors by operating a safe shelter facility, Outreach Center, direct client services, and community advocacy. Funding : Case Management Services at shelter facility and Maintenance expenses at shelter facility.	Shelter operations, case management, communications hotline and facility maintenance	800	\$90,000.00
Aspire Health Partners, Inc. Program: HOME (Helping Others Make the Effort) Bridge Housing for homeless women and children; case manage and referrals for off-site homelessness prevention	Operational cost of providing bridge housing services to the residents of the HOME program. This includes: utilities, staff support, residential housing supplies, building facility maintenance, insurance, and other related operational costs	1,900	\$50,000.00
Community Coordinated Care for Children, Inc. (4C) Program: Head Start/ Early Head Start: Provides early learning programs, childcare assistance and supportive family services.	Head Start Program- Assists low income families with City funding provides match funding (20% non-federal share (NFS) match requirement will leverage \$32,000 in funding).	149	\$10,631.00
Orlando Health/ Howard Phillips Center for Children & Families Program: Healing Tree: Provides therapy/counseling for children and families of children who have been victims of child abuse/ sexual abuse.	Specialized clinical assessments and ongoing therapeutic services provided by licensed mental health therapist and interns for child victims of abuse and their families	30	\$10,000.00
Heavenly Hoofs, Inc/ McCormick Foundation Program: Horses and Heroes Serves post 9/11 Veterans with PTSD through equine-assisted therapy	Services will fund the cost of delivering the program services to veterans; cost of therapy horses, staff member delivering the services; and contract mental health therapist for the program. (Will serve 2 veterans for 12 week of therapy)		No application received
The Opportunity Center (Osceola ARC) Program: Adult Day Training : Provides training to developmentally disabled adults.	Funds will be used to purchase 30 tablets, headphones, carrying cases and screen protectors for individuals attending the adult day care program.	93	\$10,965.00
Osceola Community Health Services/ Primary Care Medical Services of Poinciana/ Program: Mobile Medical and Dental Services	Program aimed at providing primary medical and dental services in fully equipped medical and dental vans to the homeless and motel families at the Hope Center, area hotels and onsite one day per week for each service.	600	\$40,000.00
Salvation Army	Portion of Case manager salary, homelessness support supplies and services, emergency financial assistance for direct client distribution		Declined previous funding
Church and Community Assistance Program Program: Bridge Building for a Brighter Tomorrow	Homelessness Services , prevention and intervention	27,763	\$75,000.00
Total			\$496,596.00

Quality of Life Grant Program FY 2022-23

Agency Name	Program Specifics	Agency Funding Request
Osceola Historical Society	General Operating (Pioneer Village)	\$40,000.00
Boys and Girls Club of Osceola County	Education and Career Development	\$2,500.00
Regional Homelessness Effort through Central Florida Commission on Homelessness	Board of Governors Member*	\$5,000.00
Osceola County Literacy Match	City Match- Footsteps to Brilliance	\$9,800.00
Total		\$57,300.00

ITEM 8.C

Charter School Advisory Board Appointment / Reappoint (Parent)

Request

Request Commission consider the reappointment of Brenda Ryan as a Parent member of the Charter School Advisory Board.

Explanation

Ms. Brenda Ryan is a current member of the Charter School Advisory Board and meets all of the requirements to be reappointed to an additional term. The terms for the Charter School Board expire in September, therefore the new term, if reappointed, for Ms. Ryan would expire on September 30, 2026. Ms. Ryan has expressed an interest in continuing to serve on the board.

The Charter School Advisory Board members are appointed jointly by the City Commission and are not assigned to a particular Commission Seat. The term for each appointed Charter School Advisory Board member is four (4) years.

Recommendation

Staff recommends Commission reappointment of current member Brenda Ryan.

REQUESTED CITY COMMISSION ACTION:

Appoint/Reappoint

Department: City Manager

Presenter: Mike Steigerwald

Attachment(s):

None

ITEM 8.D

Advisory Board Vacancy - Board of Adjustment

Request

The Commission is requested to make an appointment to fill a vacancy on the Board of Adjustment.

Explanation

- Seat #1 will be assigned to the Board of Adjustment vacancy due to the resignation of Fernando Homs

The Commission will have 30-days to make appointments or an extension will be necessary. If no extension is requested, the appointment will automatically roll over to the next Commissioner in the rotation.

Commissioner Castano requested a 30-day extension at the October 4, 2022 meeting. Therefore, the new expiration date for the Board of Adjustment appointment is November 1, 2022.

Commissioner Rotation:	Date Assigned:	Advisory Board:	Appointment Expires:	Requirements:
Seat #1 - Castano <i>*No applications currently on file*</i>	09/13/2022 Assignment Expires: 11/01/2022	Board of Adjustment	05/31/2023	City Resident and must have a Florida License as an Engineer, Architect, Surveyor or Contractor. Members may be a resident or non-City resident; non-residents must either own real property or maintain a business office within the City.

Recommendation

Staff recommends the Commission make an appointment to fill a vacancy on the Board of Adjustment.

REQUESTED CITY COMMISSION ACTION:

Appoint/Reappoint

Department: City Manager

Presenter: Mike Steigerwald

Attachment(s):

None

City of Kissimmee

ITEM 9.B
CITY ATTORNEY

Request

Explanation

Recommendation

REQUESTED CITY COMMISSION ACTION:

Department: City Manager

Presenter:

Attachment(s):

None