

**AFFIDAVIT OF NINA DEMARTINO
(PLANNER)**

BEFORE ME, personally appeared Nina DeMartino, who after being duly sworn stated that the following facts set forth in the attached Testimony of Nina DeMartino (Planner) for Storey Park Community Development District are true and correct.

Nina DeMartino

Signature of Witness

Date: 1.20.15

STATE OF FLORIDA

COUNTY OF Orange

The foregoing instrument was acknowledged before me this 20th day of January 2015, by Nina DeMartino as Director of Design & Construction of Shingle Creek Real Estate Advisory Company, LLC, d/b/a SC Advisors. She is personally known to me or has produced a valid driver's license as identification.



Susan N. Kane
Notary Public; State of Florida
Print Name: SUSAN N. KANE
My Commission Expires: 06/09/2018
My Commission No.: FF 130949

1 **TESTIMONY OF NINA DEMARTINO (PLANNER)**

2 **FOR STOREY PARK COMMUNITY DEVELOPMENT DISTRICT**

3 **1. Please state your name and business address.**

4 My name is Nina DeMartino. My business address is 545 Delaney Avenue,
5 Building. 3, Orlando, Florida 32801.

6 **2. By whom are you employed and in what capacity?**

7 I am employed by Shingle Creek Real Estate Advisory Company, LLC, d/b/a/ SC
8 Advisors as Director of Design & Construction.

9 **3. How long have you held your position?**

10 I have been employed in my current position with SC Advisors for approximately
11 6 years.

12 **4. Briefly summarize your duties and responsibilities.**

13 I am responsible for property evaluation, planning, design, development and
14 entitlement of residential and commercial real estate projects in Central Florida.

15 **5. Briefly describe your educational background.**

16 I hold a Bachelor of Design degree in Architecture from the University of Florida.

17 **6. Who is the Petitioner in this proceeding?**

18 The Petitioner is Lennar Homes, LLC, a Florida limited liability company
19 ("Lennar").

20 **7. Are you familiar with the Petition filed by Lennar, seeking the establishment**
21 **of a community development district?**

22 Yes. SC Advisors was retained by Lennar to conduct the planning, design and
23 development evaluation for the Storey Park property and was responsible for
24 preparation of the annexation application. We also helped prepare the Petition.
25

26 **8. What is the proposed name of the District?**

27 The Storey Park Community Development District.

28 **9. Have you reviewed the contents of the Petition and approved its findings?**

29 Yes, I have.

30 **10. Are there any changes or corrections to the Petition at this time?**

31 No.

32 **11. Are there any changes or corrections to any of the documents attached to the**
33 **Petition or the Supplement to the Petition at this time?**

34 No.

35 **12. Please generally describe each of the documents attached to the Petition.**

36 Exhibit 1 is a general location map which graphically delineates the location of
37 the District in the City of Orlando, Florida.

38 Composite Exhibit 2 is a metes and bounds description of the proposed external
39 boundaries of the District, together with a sketch of said description.

40 Composite Exhibit 3 contains the two written consents to the establishment of the
41 District by the owners of 100% of the real property to be included in the District.

42 Composite Exhibit 4 consists of maps depicting planned water, sanitary and
43 reclaimed water mains—both of which are included in the Orange County
44 Utilities Capital Improvement Plan project that Petitioner will install pursuant to
45 the Utility Construction Reimbursement Agreement for Dowden Road and
46 Innovation Way South between Orange County and Lennar Homes, LLC
47 approved by the Orange County Commission on January 13, 2015—as well as the
48 additional water, sanitary and reclaimed water mains to serve the proposed
49 development within the boundaries of the CDD and to nearby parcels.

50 Composite Exhibit 5 sets forth the proposed timetable for the construction of the
51 District services and the estimated cost of constructing the proposed services,
52 based on currently available data.

53 Composite Exhibit 6 is a depiction of the current, proposed future general
54 distribution, location and extent of public and private uses within the District.

55 Exhibit 7 is the Statement of Estimated Regulatory Costs (“SERC”). It is a
56 requirement of Chapter 190, Florida Statutes and is further addressed in the
57 testimony of Mr. George Flint.

58 **13. Were these documents attached to the Petition prepared by you or under**
59 **your supervision?**

60 Yes.

61 **14. To the best of your knowledge, is the general location map identified as**
62 **Exhibit 1 to the Petition a true and accurate depiction of the general location**
63 **of the proposed District?**

64 Yes.

65 **15. To the best of your knowledge, is the proposed District located entirely**
66 **within the boundaries of the City of Orlando?**

67 Yes.

- 68 16. To the best of your knowledge, is the written legal description included in
69 Composite Exhibit 2 to the Petition, a true and accurate recitation of the land
70 area to be included within the proposed District?
- 71 Yes.
- 72 17. To the best of your knowledge, is Composite Exhibit 3 to the Petition a true
73 and accurate copy of the Consents and Joinders obtained from the two
74 owners of one hundred percent (100%) of the lands to be included within the
75 proposed District in accordance with Section 190.005, Florida Statutes?
- 76 Yes.
- 77 18. To the best of your knowledge, is Composite Exhibit 4 to the Petition a true
78 and accurate depiction of major trunk water mains, sewer interceptors
79 and/or outfalls within the boundaries of the proposed District?
- 80 Yes.
- 81 19. To the best of your knowledge, is Composite Exhibit 5 to the Petition an
82 accurate proposed timetable for the construction of the District services and
83 the good-faith estimate of the cost of constructing the proposed services,
84 based on currently available data?
- 85 Yes.
- 86 20. To the best of your knowledge, does Composite Exhibit 6 to the Petition
87 include true and accurate depictions of the current, proposed future general
88 distribution, location and extent of public and private uses within the
89 District?
- 90 Yes, it is.
- 91 21. To the best of your knowledge, is Exhibit 7 to the Petition a true and accurate
92 recitation of the estimated regulatory costs of the proposed District?
- 93 Yes.
- 94 22. Therefore, are the contents of the Petition and the documents attached to it
95 true and correct to the best of your knowledge?
- 96 Yes.
- 97 23. Are you familiar with the area that is proposed to be included within the
98 proposed District?
- 99 Yes, I am familiar with the general area and the site specifically.
- 100 24. Approximately how large is the proposed District in acres?
- 101 The proposed District covers approximately 860.8 acres of land.

102 **25. When was the Petition filed with the City of Orlando?**
103 On December 12, 2014.

104 **26. Has notice of the hearing been scheduled or run in accordance with Section**
105 **190.005(1)(d), Florida Statutes?**

106 Yes, the notice is to be published in the *Orlando Sentinel*, Orange County Edition,
107 per the requirements of Section 190.005(1)(d), Florida Statutes.

108 **27. And do you have proof of publication of those notices?**

109 Not at this time, but as soon as we receive the proof of publication at the
110 conclusion of the notice run, we will provide this documentation to City of
111 Orlando staff and submit an original proof of publication at the public hearing to
112 establish the proposed District.

113 **28. Is the *Orlando Sentinel*, Orange County Edition, a newspaper of general**
114 **circulation in the City of Orlando, Florida?**

115 Yes, it is.

116 **29. Who are the five persons designated in the Petition to serve as the initial**
117 **Board of Supervisors?**

118 The five persons are Laura Coffey, Theresa Bowley, Rob Bonin, Bennett Ruedas
119 and Karen Morgan.

120 **30. Are each of the persons designated to serve as the initial Board of**
121 **Supervisors residents of the State of Florida and citizens of the United**
122 **States?**

123 Yes, they are.

124 **31. Are there residential units planned for development within the proposed**
125 **District?**

126 Yes. It is anticipated that the District will contain, upon complete build-out, a total
127 of 1,757 residential dwelling units, comprised of 1,201 single-family units and
128 556 multi-family units, and a total of 82,000 square feet of commercial space.

129 **32. Are there residents currently living within the areas to be included within the**
130 **proposed District?**

131 Yes. As of this date, there are residents living in rental properties owned by
132 Lennar and Moss Park Properties, LLLP within the boundaries of the proposed
133 District. These tenants will vacate the properties concurrent with the development
134 of their applicable parcels. Of course, as required by law, there will be disclosure
135 of the existence of the District to those who may choose to move into the District
136 after it is formed.

137 **33. Please describe that disclosure.**

138 Once a district is established, there is a notice of establishment that is recorded in
139 the property records. This means it is highly likely that the existence of the
140 District will show up in title reports. Second, in each contract for the sale of
141 residential property, there must be language in large type above the signature line
142 that tells purchasers that there is a district that may impose taxes and assessments.
143 Finally, once a district has undertaken to actually finance improvements, there is a
144 required disclosure document that must be provided to each prospective
145 purchaser. In my experience, and in light of the growing number of districts in
146 Florida, homebuyers are becoming very aware of the use of community
147 development districts.

148
149 **34. Would you please describe the Planned Development Ordinance and land**
150 **uses that are applicable to this project?**

151
152 By virtue of that certain City of Orlando Ordinance No. 2013-76 adopted on
153 December 16, 2013 ("**PD Ordinance**"), the real property comprising the District
154 is currently zoned for "Planned Development," and the proposed uses for the land
155 included within the District are consistent with Part 2Q, Chapter 58, Code of the
156 City of Orlando, Florida ("**Orlando City Code**"). The Orlando City Code and the
157 PD Ordinance designate the land contained within the proposed District for (i)
158 residential use; (ii) commercial use; (iii) public and private recreational uses
159 which may include, amenity center(s) and appurtenant facilities, community/civic
160 centers, multi-purpose trails and park spaces; and (iv) conservation areas.
161 Although the PD Ordinance allows for a maximum total of 2,752 dwelling units,
162 713,845 square feet retail and 82,000 square feet office space, the PD Ordinance
163 is also applicable to, in addition to the real property which will comprise the
164 District, other real property that will not constitute a part of the District and,
165 therefore, only a portion of the maximum permitted units have been allocated to
166 the real property that will comprise the District. Petitioner is currently in the
167 process of obtaining the required permitting for developing multiple phases of
168 single- and multi- family residential subdivision(s) within the boundaries of the
169 District, with an anticipated total, upon complete build-out, a total of 1,757
170 residential dwelling units, comprised of 1,201 single-family units and 556 multi-
171 family units, and a total of 82,000 square feet of commercial space.
172

173 **35. Are there plans to develop any commercial or office spaces within the**
174 **proposed District?**

175 Approximately 82,000 square feet of commercial space is approved for the lands
176 within the District. This commercial space will be employed for uses that support
177 the needs of residential development in and around the District.

178 **36. Would you please describe the proposed timetable for construction of**
179 **infrastructure for the proposed District?**

180 The proposed timetable for the construction of infrastructure to develop the land
181 is expected to occur through June 2015.

182 **37. Would you generally describe the services and facilities you currently expect**
183 **the proposed District to provide?**

184 Petitioner presently intends for the District to participate in the acquisition or
185 construction of on-site road improvements, entry features, signage, landscaping,
186 passive parks, water and sewer facilities and drainage improvements. Capital
187 costs of these improvements, including associated contingencies and professional
188 fees, are expected to be borne by the District. Petitioner's good-faith estimate of
189 the costs associated with the acquisition or construction of such improvements is
190 itemized in a table attached to the Petition within Composite Exhibit 5.

191 **38. Will the services and facilities to be provided by the proposed Storey Park**
192 **Community Development District be incompatible with the uses and existing**
193 **local and regional facilities and services?**

194 In my opinion, no. Any services required of the proposed District are necessary to
195 support new growth in the City. Currently, none of the proposed facilities and
196 services exist.

197 **39. Are you familiar with the State Comprehensive Plan found in Chapter 187 of**
198 **the Florida Statutes?**

199 Yes, I am.

200 **40. Based on your experience, do you have an opinion as to whether the**
201 **proposed District is inconsistent with the State Comprehensive Plan from an**
202 **economic perspective?**

203 Yes, I do.

204 **41. What is that opinion?**

205 As a planner, in my opinion, the establishment of the proposed District is not
206 inconsistent with and, in fact, is fully consistent with all applicable provisions of
207 the State Comprehensive Plan.

208 **42. What is the basis for your opinion?**

209 I have reviewed the State of Florida Comprehensive Plan found in Chapter 187 of
210 the Florida Statutes from a planning perspective. The District will have the fiscal
211 ability and service capacity to accommodate growth and provide the specified
212 services within its boundaries. It will provide improvements and facilities without
213 costing the City. These are all consistent with the Comprehensive Plan.

214 **43. In general, what financing methods does Petitioner propose that the**
215 **proposed District use to pay for the anticipated facilities and services?**

216 Petitioner presently expects that the District will finance certain services and
217 improvements through the issuance of tax-exempt bonds. The debt issued by the
218 proposed District is expected to be retired from “non-ad valorem” or “special”
219 assessments on benefited property within the proposed District. Ongoing
220 maintenance and operational activities are expected to be funded by maintenance
221 assessments. At present, the Petitioner expects that the proposed District may
222 issue long-term bonds or other permitted debt instruments that will pay a portion
223 of the cost of these facilities. Any facilities not financed with a bond issue will be
224 funded by the developer and/or with conventional bank financing.

225 **44. Is the proposed District expecting to fund any off-site improvements**
226 **described in Composite Exhibit 5?**

227 Not at this time.

228 **45. Why is Lennar seeking to have a community development district established**
229 **for this area?**

230 Districts are an efficient, effective way to provide infrastructure and have become
231 widely used and accepted in the marketplace by home buyers.

232 From my perspective as a planner, the establishment of a District is logical for
233 this project. It is a long-term, stable, financially-secure entity. The District is a
234 structured, formal governmental entity, with the legal ability to respond to current
235 and future changes in the circumstances and desires of its residents. This project
236 requires that the landowners within the development must provide for the
237 ownership and maintenance of the alleyways, the stormwater management system
238 and certain parks and open spaces, among other things. A district is the best
239 mechanism for the perpetual maintenance and operation of such improvements.
240 Under Florida law, the District has access to the county tax collection
241 mechanisms, which helps ensure that the funds will be available for maintenance
242 of the facilities. In that sense, to us, it is preferable to a property owners’
243 association.

244 In addition, the District has the financial capability to assist in the provision of
245 necessary capital improvements sooner than might otherwise be the case. The
246 City of Orlando, developers, builders and residents will all benefit from these
247 improvements in terms of access, traffic flow, safety, and general property
248 enhancement.

249 **46. Does this conclude your testimony?**

250 Yes.