



# ORANGE COUNTY

PLANNING DIVISION

## 2020-2 REGULAR CYCLE AMENDMENT 2020-2-A-5-1

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY  
COMMISSIONERS**

**JANUARY 12, 2021  
ADOPTION PUBLIC HEARING**

**PREPARED BY:**  
ORANGE COUNTY PLANNING, ENVIRONMENTAL  
AND DEVELOPMENT SERVICES

PLANNING DIVISION  
COMPREHENSIVE PLANNING SECTION






Interoffice Memorandum

January 12, 2021

TO: Mayor Jerry L. Demings  
-AND-  
County Commissioners

FROM: Alberto A. Vargas, MArch., Manager, Planning Division 

THROUGH: Jon V. Weiss, P.E., Director  
Planning, Environmental, and Development Services Department

SUBJECT: Adoption Public Hearing – 2020-2 Regular Cycle Comprehensive Plan Amendment

The above-referenced 2020-2 Regular Cycle Comprehensive Plan Amendment, Amendment 2020-2-A-5-1, is scheduled for a BCC adoption public hearing on January 12, 2021. This amendment was heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at an adoption hearing on December 17, 2020. The report is also available under the Amendment Cycle section of the County's Comprehensive Planning webpage. Please see:

<http://www.orangecountyfl.net/PlanningDevelopment/ComprehensivePlanning.aspx>.

The 2020-2 Regular Cycle-State-Expedited Review Amendment was heard by the PZC/LPA at a transmittal public hearing on August 20, 2020, and by the BCC at a transmittal public hearing on September 1, 2020. This amendment was reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On December 18, 2020, DEO issued a comment letter, which did not contain any concerns about the amendment undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendment must be adopted within 180 days of the comment letter. The Regular Cycle Amendment undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. This amendment is expected to become effective in February 2021, provided no challenges are brought forth for the amendment.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch, Manager, Planning Division, at (407) 836-5802 or [Alberto.Vargas@ocfl.net](mailto:Alberto.Vargas@ocfl.net) or Greg Gologowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or [Gregory.Gologowski@ocfl.net](mailto:Gregory.Gologowski@ocfl.net).

AAV/sw

Enc: 2020-2 Regular Cycle Amendment – BCC Adoption Staff Report  
c: Christopher R. Testerman, AICP, Deputy County Administrator  
Joel Prinsell, Deputy County Attorney  
Whitney Evers, Assistant County Attorney  
Roberta Alfonso, Assistant County Attorney  
Gregory Gologowski, AICP, Chief Planner, Planning Division  
Olan D. Hill, AICP, Assistant Manager, Planning Division  
Eric P. Raasch, AICP, Planning Administrator, Planning Division  
Read File

**2020-2 Regular Cycle State-Expedited Review Comprehensive Plan Amendment  
Privately-Initiated Future Land Use Map Amendment**

Amendment Number	Concurrent Rezoning or Substantial Change	Owner	Agent	Tax ID Number(s)	General Location / Comments	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:	Zoning Map Designation FROM:	Zoning Map Designation TO:	Acreeage	Project Planner	Staff Rec	LPA Rec
District 5													
2020-2-A-5-1 J&S Apartments	N/A	J&S Industrial Holdings, LLC	James G. Willard, Shutts & Bowen, LLP	15-22-30-0000-00-020/085	6730 Hanging Moss Rd. and 2308 Mercator Dr.; Generally located on the south side of Hanging Moss Rd., east of N. Semoran Blvd., north of Commerce Blvd., and west of Mercator Dr.	Industrial (IND)	Medium Density Residential (MDR)	N/A	N/A	18.15 gross ac./17.51 net developable ac.	Sue Watson	Adopt	Adopt (8-0)
<p>ABBREVIATIONS INDEX: IND-Industrial; C-Commercial; O-Office; LDR-Low Density Residential; LMDR-Low-Medium Density Residential; MDR-Medium Density Residential; HDR-High Density Residential; PD-Planned Development; EDU-Educational; CONS-Wetland/Conservation; PR/OS-Parks/Recreation/Open Space; OS-Open Space; R-Rural/Agricultural; RS-Rural Settlement; ACMU-Activity Center Mixed Use; RCID-Reedy Creek Improvement District; GC-Growth Center; PD-Planned Development; USA-Urban Service Area; WB-Water Body; CP-Comprehensive Plan; FLUM-Future Land Use Map; FLUE-Future Land Use Element; TRAN-Transportation Element; GOPS-Goals, Objectives, and Policies; OBJ-Objective; SR-State Road; AC-Acres</p>													



# 2020 SECOND REGULAR CYCLE

## AMENDMENT TO THE 2010-2030 COMPREHENSIVE PLAN

### BOARD OF COUNTY COMMISSIONERS ADOPTION BOOK

#### INTRODUCTION

This is the Board of County Commissioners (BCC) adoption public hearing staff report for proposed Second Regular Cycle Amendment 2020-2-A-5-1 to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). The adoption public hearing for this amendment was conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on December 17, 2020. This amendment is scheduled for an adoption public hearing before the BCC on January 12, 2021.

The 2020-2 Regular Cycle Amendment scheduled for BCC consideration on January 12 was heard by the PZC/LPA at a transmittal public hearing on August 20, 2020, and by the BCC at a transmittal public hearing on September 1, 2020.

Please note the following modifications to this report:

KEY TO HIGHLIGHTED CHANGES	
Highlight	When changes made
Light Blue	Following the DEO transmittal public hearing (by staff)
Pink	Following the LPA adoption public hearing (by staff)

The 2020-2 Regular Cycle – State-Expedited Review Amendment scheduled for consideration on January 12 is a privately-initiated Future Land Use Map Amendment located in District 5. The proposed Future Land Use Map Amendment entails a change to the Future Land Use Map for a property greater than ten acres in size.

The Regular Cycle – State-Expedited Review Amendment was reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On December 18, 2020, DEO issued a comment letter, which did not contain any concerns about the amendment undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendment must be adopted within 180 days of the comment letter. The Regular Cycle Amendment undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. This amendment is expected to become effective in February 2021, provided no challenges are brought forth for the amendment.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch, Manager, Planning Division, at (407) 836-5802 or [Alberto.Vargas@ocfl.net](mailto:Alberto.Vargas@ocfl.net) or Greg Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or [Gregory.Golgowski@ocfl.net](mailto:Gregory.Golgowski@ocfl.net).

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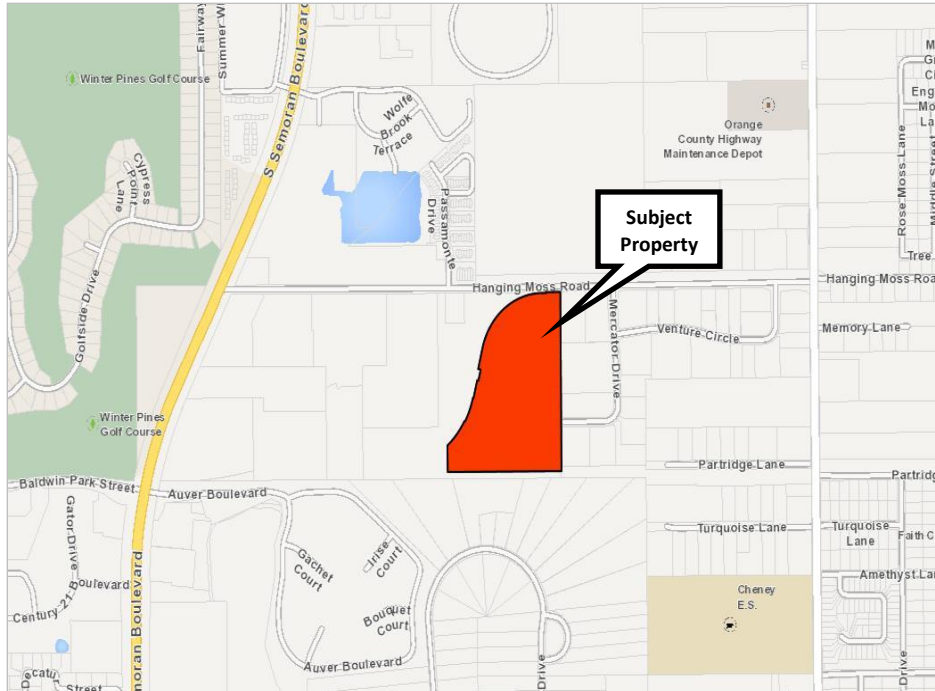
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**Applicant/Owner:** James G. Willard, Shutts & Bowen, LLP, for J&S Industrial Holdings, LLC

**Location:** 6730 Hanging Moss Road and 2308 Mercator Drive; Generally located on the south side of Hanging Moss Road, east of N. Semoran Boulevard, north of Commerce Boulevard, and west of Mercator Drive

**Existing Use:** Concrete crushing facility

**Parcel ID Numbers:**  
15-22-30-0000-00-020/085

**Tract Size:** 18.15 gross acres/17.51 net developable acres

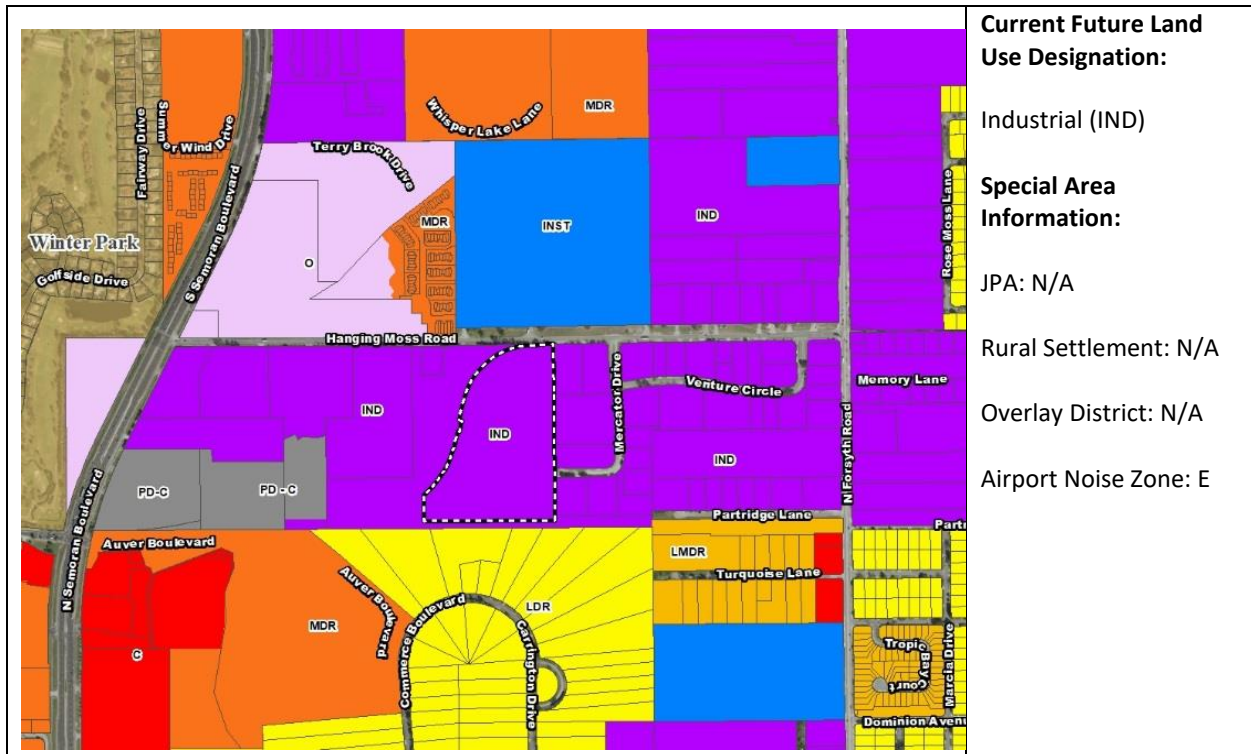
The following meetings and hearings have been held :		Project Information
Report/Public Hearing	Outcome	<b>Request:</b> Industrial (IND) to Medium Density Residential (MDR)
✓ A virtual community meeting was held July 16, 2020, with two attendees	Positive	<b>Proposed Development Program:</b> Up to 348 multi-family dwelling units.
✓ Staff Report	Recommend Transmittal	<b>Division Comments:</b> <b>Public Facilities and Services:</b> Please see the Public Facilities Analysis Appendix for specific analysis of each public facility. <b>Transportation:</b> The proposed use will generate 153 p.m. peak hour trips resulting in a net reduction of 444 p.m. peak hour trips. Richard Crotty Parkway from Semoran Boulevard to Goldenrod will be a new four-lane roadway with construction anticipated to begin February 2021 and end February 2024. <b>Environmental:</b> Conservation Area Determination CAD 02-005 identified streams and ditches. The CAD has no expiration date, but the wetland survey needs to be updated to obtain the acreages needed for planned impacts and to verify that it accurately depicts the onsite wetlands. <b>Orange County Public Schools:</b> Formal School Capacity Determination OC-20-016, revised June 29, 2020, determined that capacity is not available at Glenridge Middle School. On November 23, 2020, OPCS granted an extension for the school capacity determination to February 18, 2021.
✓ LPA Transmittal August 20, 2020	Recommend Transmittal (6-0)	
✓ BCC Transmittal September 1, 2020	Transmit (7-0)	
✓ State Agency Comments December 18, 2020	Per FWC, the site is within the Central Bear Management Unit identified in the 2012 Bear Management Plan. More information is provided in the report.	
✓ LPA Adoption December 17, 2020	Recommend Adoption (8-0)	
BCC Adoption	January 12, 2021	<b>Concurrent Rezoning:</b> N/A

**AERIAL**

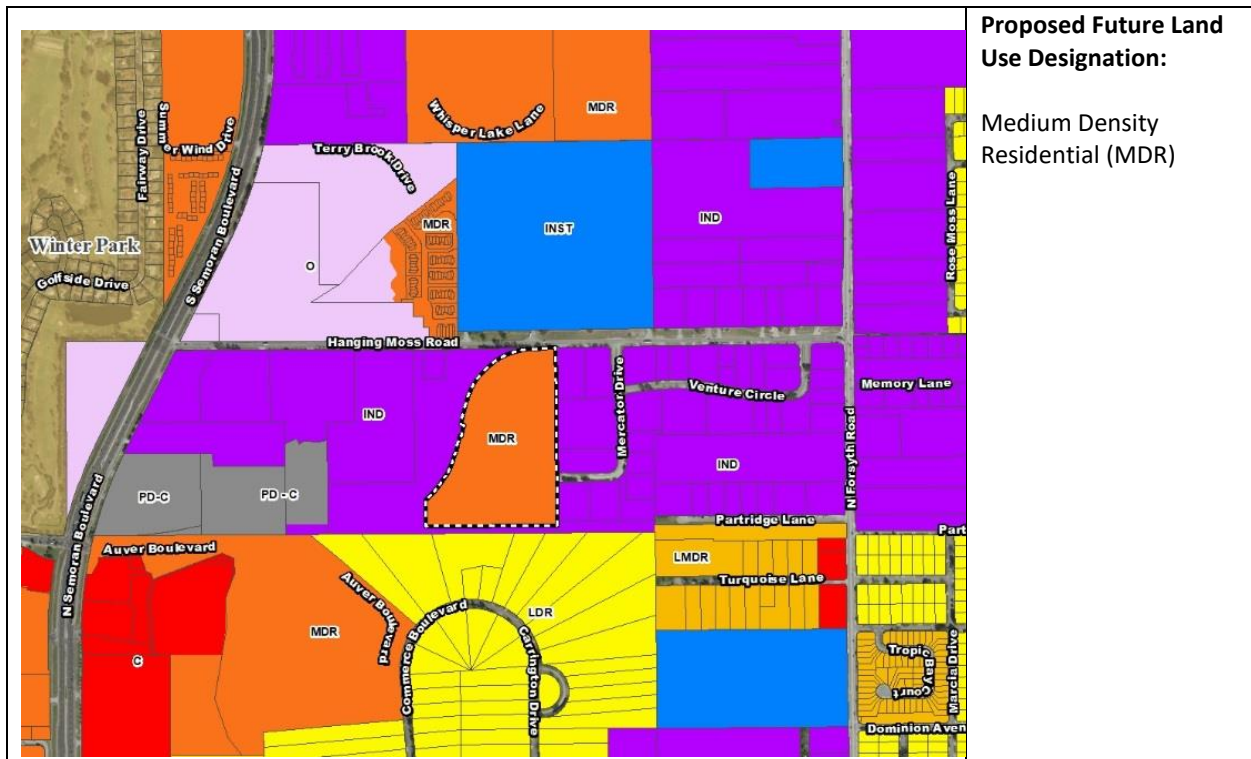




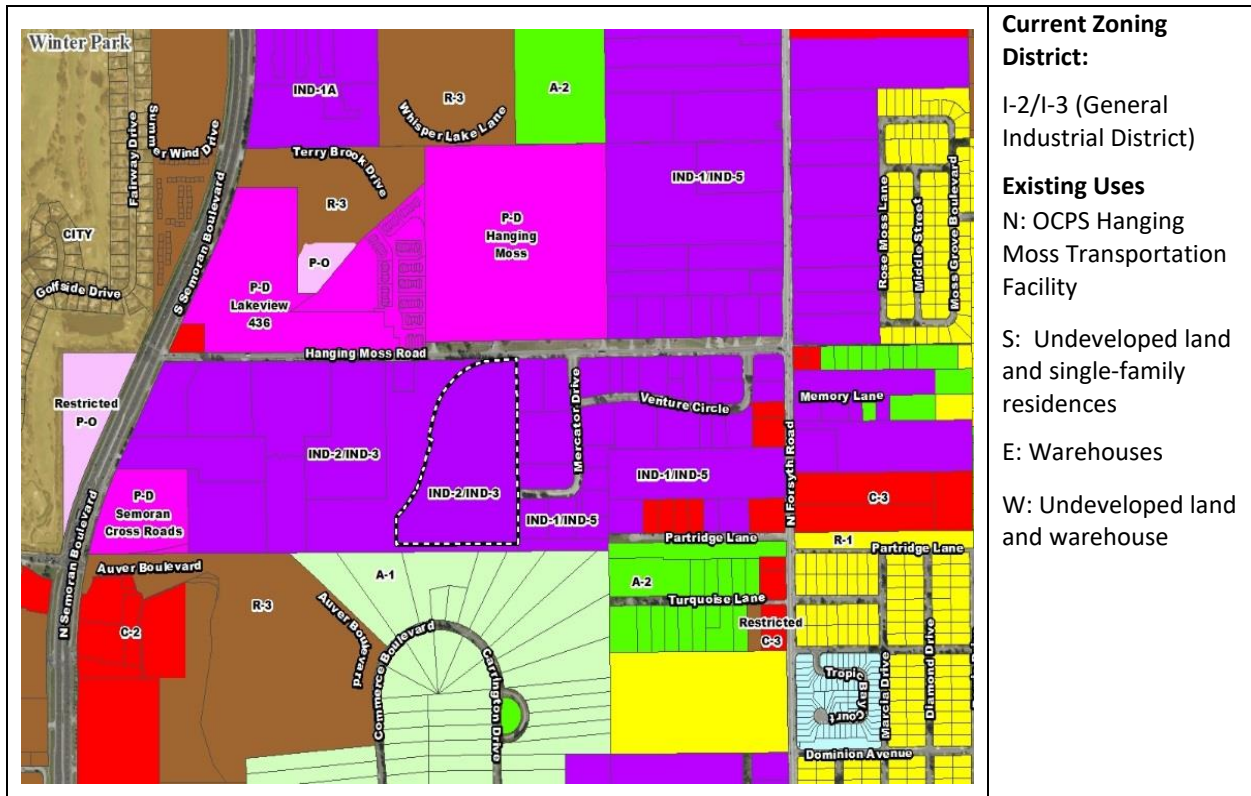
**FUTURE LAND USE - CURRENT**



**FUTURE LAND USE - PROPOSED**



**ZONING – CURRENT**



**Current Zoning District:**  
 I-2/I-3 (General Industrial District)

**Existing Uses**  
 N: OCPS Hanging Moss Transportation Facility

S: Undeveloped land and single-family residences

E: Warehouses

W: Undeveloped land and warehouse

## Staff Recommendation

Make a finding of **consistency** with the Comprehensive Plan (see Housing Element Goal H1, Housing Element Objective H1.1, Future Land Use Element Goal FLU2, Future Land Use Element Objective FLU8.2, and Conservation Element Objective C1.4; and Policies FLU1.1.1, FLU1.1.2.C, FLU1.1.5, FLU1.4.1, FLU1.4.16, and FLU8.2.1), determine that the amendment is in compliance, and **ADOPT** Amendment 2020-2-A-5-1, Industrial (IND) to Medium Density Residential (MDR).

## Analysis

### 1. Background and Development Program

The applicant, James G. Willard of Shutts & Bowen, LLP, has requested to change the Future Land Use Map (FLUM) designation of the 18.15-acre subject site from Industrial (IND) to Medium Density Residential (MDR). The applicant is proposing a development program of up to 348 multi-family dwelling units on the subject site. The MDR Future Land Use Map designation allows for a maximum density of twenty (20) dwelling units per net acre.

The subject property consists of two contiguous parcels which have an Industrial (IND) FLUM designation and are zoned I-2/I-3 (General Industrial District). The subject site is located south of Hanging Moss Road, east of N. Semoran Boulevard, north of Commerce Boulevard, and west of Mercator Drive. Presently, a concrete crushing facility is operating on the property. Per the applicant, the concrete crushing facility has been operating on the property for about eleven (11) years, and the current owner, Mr. Steve Pece, has owned the property for eight (8) years.

The subject property is situated in an area characterized by a mix of industrial, institutional, office, and residential uses and a variety of housing types, including single-family detached homes, condominiums, and apartments. Industrial uses are located east, west, and north of the subject site. These properties have Industrial (IND) FLUM designations and corresponding I-1/I-5 (Light Industrial District) and I-2/I-3 zoning classifications. Orange County Public Schools' Hanging Moss Transportation Facility is located immediately across the street on Hanging Moss Road, north of the subject property. It has an Institutional (INST) FLUM designation and is zoned PD (Planned Development District) (Hanging Moss PD). Lakeview Office Park is located further west of the subject site at the northeast intersection of N. Semoran Boulevard and Hanging Moss Road. It has an Office (O) FLUM designation and is zoned PD (Lakeview 436 PD). Single-family homes, located within the Leawood 1st Addition Subdivision, are located immediately south of the subject site. The residential lots are zoned A-1 (Citrus Rural District) and have a FLUM designation of Low Density Residential (LDR). The Avenues of Baldwin Park, a 480-unit apartment complex, is also located immediately south and possesses an MDR FLUM designation and is zoned R-3 (Multiple-Family Dwelling District). Via Lago at Hanging Moss Condominiums, a 78-unit residential condominium complex, located northwesterly of the site on Hanging Moss Road, is zoned PD (Lakeview 436 PD) and has a corresponding MDR FLUM designation. Other offices, light industrial manufacturing, warehousing, and flex space buildings are located west of the subject property, along the south side of Hanging Moss Road. These properties have Industrial (IND) FLUM designations and are zoned I-2/I-3. Baldwin Park Emergency Room, located at the southeast corner of N. Semoran Boulevard and Hanging Moss Road, is zoned I-2/I-3 and has a corresponding Industrial (IND) FLUM designation.

### Community Meeting

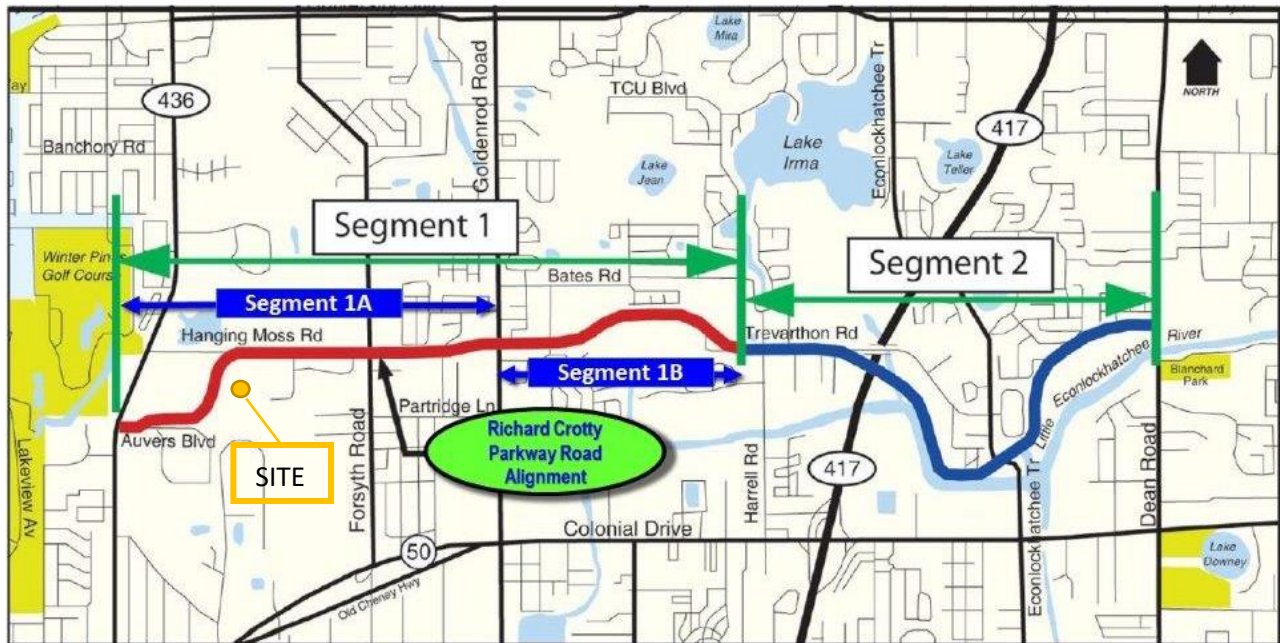
A virtual community meeting was held for this proposed amendment on July 16, 2020. Two residents were in attendance, and both residents were in favor of the proposed amendment. One resident, the

owner of an adjacent business, stated she was excited to have the apartments built next to her business. She wanted to know the timeframe of completion for the construction of the proposed apartments. The applicant stated they were in the early stages of the process, and the apartments' construction timetable depends on the new parkway road construction schedule.

Another resident, who lives at the southeast corner of the subject property, within the Leawood 1st Addition Subdivision, requested that the applicant provide a vegetative buffer along the south property line to provide separation between the proposed apartments and the existing single-family homes. He suggested that the applicant plant bamboo because the trees can reach 20 to 30 feet in height. The applicant stated he will take the vegetative buffer into consideration.

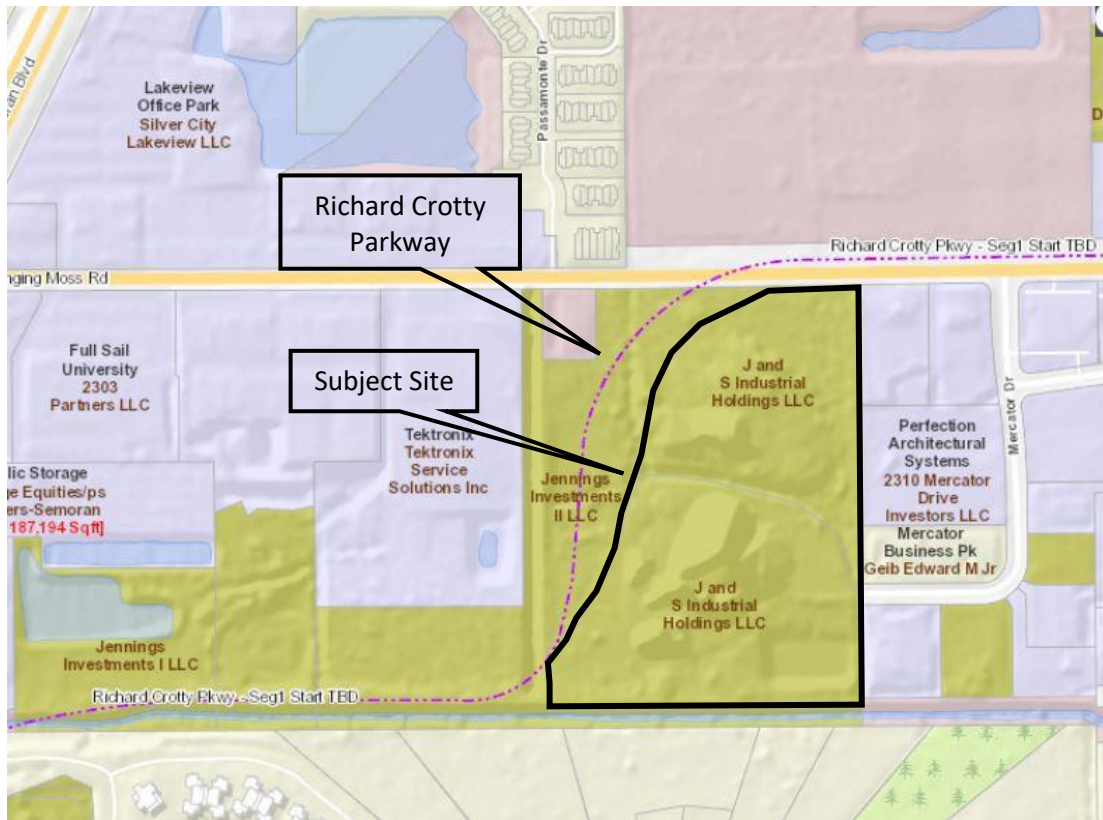
The applicant stated the reason for the proposed amendment is the impending construction of the Richard Crotty Parkway from Semoran Boulevard to Goldenrod Road, which will be located adjacent to the west side of the subject property. He stated that a multi-family use will be a more appropriate use for the property with the new parkway. The applicant also stated that a rezoning application to change the property's zoning classification from I-2/I-3 to R-3 will be submitted when the new road is under construction. Until then, the concrete crushing facility will continue to operate.

The map below, Map 1, shows the road alignment of Richard Crotty Parkway between Semoran Boulevard and Dean Road. Map 2 shows the alignment of Richard Crotty Parkway on the west side of the subject property.



Map 1 Richard Crotty Parkway Road Alignment





Map 2 Richard Crotty Parkway Road Alignment

A Public Information Presentation, in lieu of a traditional community meeting, was made available to the public on August 10, 2020, and was available until August 19, 2020.

If this proposed amendment is adopted by the Board of County Commissioners (BCC), a rezoning application will be required to change the current zoning from I-2/I-3 to R-3 to allow for the 348 multi-family dwelling units.

### Future Land Use Map Amendment Analysis

#### Consistency

The requested FLUM amendment appears to be **consistent** with the applicable Goals, Objectives, and Policies of the Comprehensive Plan. The subject property is located within the County's Urban Service Area (USA) Boundary and is located in an area characterized by a mix of industrial, institutional, office, and residential uses and a variety of housing types, including single-family detached homes, condominiums, and apartments. As mentioned above, the applicant is seeking the MDR Future Land Use Map designation to allow for the development of up to 348 multi-family dwelling units.

Staff finds this proposal consistent with **Future Land Use Element Goal FLU2**, which states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development, and an urban experience with a range of choices and living options.

Also applicable is **Future Land Use Element Objective FLU2.1**, which establishes that Orange County shall promote and encourage infill development through incentives identified in the Land Development

Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area.

The requested amendment is consistent with **Future Land Use Element Policy FLU1.1.5**, which encourages mixed-use development, infill development, and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. As noted previously, the subject property is surrounded by industrial, institutional, office, and residential uses and is considered to be an infill parcel.

With the proposal to develop 348 multi-family dwelling units, the requested FLUM amendment is consistent with **Housing Element GOAL H1** and **Objective H1.1**, which state that the County will promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, and will support private sector housing production capacity sufficient to meet current and anticipated housing needs. It is staff's belief that the proposed project will contribute to the mix of available housing options in an area of the County deemed appropriate for urban uses, as set forth in **Future Land Use Element Policy FLU1.1.1**. Further, **Future Land Use Element Policy FLU1.4.1** states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

Lastly, **Conservation Element Objective C1.4** and its supporting policies call for the protection of wetlands and existing native wildlife (flora and fauna). Per the Orange County Environmental Protection Division, Conservation Area Determination CAD 02-005 identified streams and ditches, resulting in 17.51 net developable acres. The CAD has no expiration date, but the wetland survey will need to be updated to obtain acreages needed for impacts and to verify that it accurately shows wetlands that will need to be shown on all plans and permits.

As explained in **Future Land Use Element Policy FLU 1.1.2(C)**, density and Floor Area Ratio (FAR) calculations are determined by dividing the total number of units and the square footage by the net developable area. The net developable land area is defined as the gross land area, less surface waters and wetland areas. The CAD completed by EPD in 2002 identified 17.51 net developable acres. The proposed development program is based on the 17.51 net developable acres, which results in a maximum of 350 dwelling units. The applicant is proposing 348 dwelling units.

In order to include Class I, II, and III conservation areas in the density and FAR calculations, prior to the adoption of the FLUM amendment, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact (CAI) Permit from the Orange County EPD, as established in **Future Land Use Element Policy FLU1.1.2(C)**.

Inclusion of the 0.64 acres of onsite wetlands in the density calculations would require an approved Conservation Area Impact (CAI) Permit or an updated wetland survey that has been reviewed and approved by EPD. At this time, staff is limited to including currently-recognized net developable acreage in the density calculations. The Conservation Area Determination (CAD) recognizes 17.51 acres of uplands on the site.

Staff notes that the subject property is located within a noise control zone for the Orlando Executive Airport (OEA). The site lies within Noise Zone E and is, therefore, subject to the development standards established in Chapter 9, Article XV, Airport Noise Impact Areas, of the Orange County Code. Pursuant to Section 9-604, a waiver of claim is required prior to the issuance of any building permits. Coordination with the Greater Orlando Aviation Authority (GOAA) and adherence to the applicable standards of Chapter 9, Article XV of the Code shall be necessary.

### **Compatibility**

The proposed FLUM amendment appears to be **compatible** with the existing development and development trend of the surrounding area. **Future Land Use Element Objective FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions, while **Policy FLU8.2.1** requires land use changes to be compatible with the existing development pattern and development trend in the area. Per the Orange County Transportation Planning Division's facility analysis, Richard Crotty Parkway from Semoran Boulevard to Goldenrod Road will begin construction in February 2021 and end in February 2024. The parkway will be a new four-lane roadway with sidewalks, bicycle lanes, roadway lighting, and median landscaping. The new road will be located adjacent to the west boundary of the subject property. As mentioned previously, a concrete crushing facility is currently in operation on the site. With the construction of the new parkway, the proposed apartments would be a more appropriate use than the concrete crushing facility. The proposed apartments would be more compatible with the existing single-family homes and the Avenues of Baldwin Park apartments, located immediately south of the subject property.

**Future Land Use Element Policy FLU1.4.16** addresses two concerns: potentially incompatible land use designations adjacent to industrial land use designations and potential impacts to the long-term viability of surrounding industrial uses due to a change from industrial to residential or commercial land use. In this case, development in accordance with the proposed Medium Density Residential (MDR) designation would locate a residential land use adjacent to an established industrial land use which, in some circumstances, could result in incompatibility. However, the character of the industrial uses to the east, west, and north of the subject site reduces the potential incompatibility. Some have been developed as industrial parks that contain office, warehouse, and flex space buildings. These types of buildings accommodate light industrial, warehousing, and business office operations rather than heavy industrial operations that could give rise to noise, emissions, or other nuisances. The other buildings that are not within an industrial park are likewise used as offices, warehouses, and flex space.

Further, the change from industrial to residential land use would have little to no impact to the long-term viability of surrounding industrial uses. Again, some of the surrounding industrial uses have been developed as industrial parks; as such, the parcels within each industrial park function in relation to the other parcels and infrastructure within the developments and do not rely on surrounding land uses outside the developments for viability.

### **State and County Analyses**

#### **Florida Fish and Wildlife Conservation Commission (FWC) Comments**

Florida Fish and Wildlife Conservation Commission (FWC) staff reviewed the requested FLUM amendment and provided comments via email on December 30, 2020. FWC's comments were limited to advisory information and recommendations for reducing potential conflicts with the Florida black bear (*Ursus americanus floridanus*). FWC has received 114 reports of human-bear conflicts within roughly a five-mile radius of the location of the proposed FLUM change since 2001. Florida black bears are frequent in this area, which is within the Central Bear Management Unit identified in their 2012 Bear Management Plan. FWC provided a document titled Technical Assistance Regarding the Florida Black Bear – 2020, attached to this staff report, containing information about measures that can be taken to avoid or minimize negative wildlife interactions during the planning, construction, and operation phases of future projects.

FWC advised those requiring assistance with specific technical questions to contact Daniel Penniman at (386) 288-8190 or by email at Daniel.Penniman@myfwc.com. All other inquiries may be directed to the Office of Conservation Planning Services by email at ConservationPlanningServices@MyFWC.com.

***Division Comments: Environmental, Public Facilities, and Services***

**Environmental:** The subject parcels were included in Orange County Conservation Area Determination CAD 02-005 that identified streams and ditches. The CAD has no expiration date, but the wetland survey will need to be updated to obtain the acreages needed for planned impacts and to verify that it accurately shows wetlands that will need to be shown on all plans and permits. Prior applications have reported that the site also has permits from the St. John's River Water Management District SJRWMD #16-095-74860-3 and the Army Corps of Engineers ACOE #2003-06084 (JD-EB).

The net developable acreage is obtained by subtracting the wetland and surface water acreages shown in the CAD survey from the gross acreage, currently shown as 17.51 acres. Verification will be required. Density and Floor Area Ratio (FAR) calculations are determined by dividing the total number of units and the square footage by the net developable area. In order to include Class I, II, and III conservation areas in the density and FAR calculations, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact (CAI) Permit from the Orange County Environmental Protection Division (EPD).

In addition to any state or federal wetland permitting requirements, the applicant shall satisfy Orange County's wetland permitting requirements. To avoid delays in permit or development plan approvals, the applicant should submit an application for a Conservation Area Impact (CAI) Permit for proposed conservation area encroachments or adverse secondary impacts as soon as possible to the Orange County Environmental Protection Division, as outlined in Chapter 15, Article X, Wetland Conservation Areas. There are existing Orange County Conservation Area Impact Permits, CAI 09-005 and CAI-16-05-022. These shall be listed on all plan submittals. However, the design will require an additional impact permit through Orange County. The site also has Conservation Area Authorization permit CAA-17-02-005 for vegetation reduction dated February 14, 2017, from within ditches on the property as a maintenance activity.

The plan information submitted indicates an intention to remove all existing internal onsite ditches/streams. The site design will have to address the continuation of hydrological flow and flooding concerns that are currently handled by the onsite ditches, in coordination with the Water Management District, Army Corps of Engineers, and Orange County Public Works Development Engineering. The design will have to also indicate measures to protect and maintain the canal edge stability along the southern boundary of this project.

All development is required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Please refer to Orange County Code Sections 30-277 and 30-278.

Although this proposed use for multi-family residential units is very different than the prior request for a recycling processing facility, previous community meetings regarding development activity on this site have consistently motivated neighbors to voice concerns about construction and operation of any project at this location and various environmental effects such as dust, noise, traffic, and erosion. There are residential uses to the north and south and institutional/commercial uses to the north, east, and west. These concerns will require strict compliance with regulations during construction and operation of the proposed multi-family dwelling units. Plans should add notes that will indicate specific measures and design features that the developer will utilize to ensure mutual compatibility.

This project site has a prior land use that may have resulted in soil and/or groundwater contamination. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading, or construction plans, the applicant shall provide documentation to ensure compliance with the Florida Department of Environmental Protection (FDEP) Regulation 62-777, Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations, to the Orange County Environmental Protection and Development Engineering Divisions. An environmental site assessment (ESA) is not required at this time, but if an ESA has been completed for this site, please submit a copy.

Due to potential or known contamination on this property, the applicant should consider this site for designation as a brownfield redevelopment area. For information regarding financial incentives and regulatory benefits, please contact the Orange County EPD Brownfields Coordinator and the Florida Department of Environmental Protection (FDEP) Central District.

**Schools:** On June 29, 2020, Orange County Public Schools (OCPS) determined in the review of Formal School Capacity Determination application OC-20-016, that school capacity is not available at the affected middle school, Glenridge Middle. On November 23, 2020, OCPS granted an extension for the school capacity determination to February 18, 2021. Unless otherwise vested, the Development is still required to submit for concurrency review and, if necessary, enter into a Concurrency Mitigation Agreement.

Per OCPS' school capacity determination, the proposed 348 multi-family units are expected to add 21,924 students to Glenridge Middle School, with a capacity for 1,251 students for the 2019-2020 academic year and a 2019-2020 enrollment of 1,333 students, with no capacity currently encumbered or reserved. The addition of the projected 21,924 students would increase the student population to 1,355, thereby increasing the school's adjusted utilization from 106.5 percent to 108.3 percent.

In accordance with Section 10 of the First Amended and Restated Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency ("Interlocal Agreement"), a detailed Capacity Analysis is provided in Attachment A.

In accordance with Section 704(B) of the Orange County Charter and Section 30-742 of the Orange County Code, an analysis of significantly affected local governments impacted by the proposed development can be found below:

	Brookshire ES	Glenridge MS	Winter Park HS
Jurisdiction Analysis	N/A	<b>Orange County – 67.3%</b> <b>Winter Park – 16.9%</b> <b>Orlando – 15.8%</b>	N/A

Given the above analysis, this project meets the minimum criteria established by the Orange County Charter and Code to proceed through the joint approval process with the identified significantly affected local government(s). Additional information on the joint approval process can be obtained from Orange County.

Please see the attached letter from OCPS dated November 23, 2020, for the full analysis.

The applicant was notified on June 30, 2020, by OCPS staff that the School Board will no longer approve CEAs for capacity determination applications submitted after July 1, 2019, due to the effects of 2019 House Bill 7103.

Staff-Initiated Text Amendment 2020-2-C-PSFE-1 was approved by the BCC on September 22, 2020, and became effective on November 13, 2020, to address this issue. It is a text amendment to Public Schools



Facilities Element Policy PS6.3.1 addressing the ability of the Board of County Commissioners (BCC) to consider the severity of school overcrowding when reviewing certain rezoning and Comprehensive Plan amendment requests. The amendment to Policy PS6.3.1 provides for continued cooperation between the County and OCPS to address the issues of school overcrowding while allowing for the development of additional housing for Orange County's growing residential population. The adoption of Amendment 2020-2-C-PSFE-1 may also prompt County staff to propose future amendments to Chapter 30, Planning and Development, of the Orange County Code and, potentially, to the above-mentioned Interlocal Agreement. The BCC, in their consideration of this proposed Future Land Use Map Amendment, will determine if the impact of overcrowding at Glenridge Middle School is severe enough to not adopt.

**Utilities:** The subject property lies within the City of Winter Park's potable water, wastewater, and reclaimed water service areas.

**Transportation:** Based on trip generation estimates from the 10<sup>th</sup> Edition of the Institute of Transportation Engineers *Trip Generation Handbook*, it was determined that the maximum allowable development of up to 572,051 square feet of industrial uses based on the current future land use designation of Industrial (IND) would generate approximately 597 p.m. peak hour trips, while the proposal to develop up to 348 multi-family dwelling units under the requested Medium Density Residential (MDR) future land use designation would generate 153 p.m. peak hour trips, resulting in a net decrease of 444 new p.m. peak hour trips.

#### **Future Roadway Network**

**Road Agreements:** None

**Planned and Programmed Roadway Improvements:** Richard Crotty Parkway from Semoran Boulevard to Goldenrod Road. Richard Crotty Parkway will be a new four-lane roadway with sidewalks, bicycle lanes, roadway lighting, and median landscaping. Construction is anticipated to begin in February 2021 and end in February 2024.

**Right-of-Way Requirements:** Parks indicated that this parcel will give the needed ROW for the trail along the south side.

#### **Summary**

The applicant is requesting a FLUM amendment for the 18.15-acre subject property from Industrial (IND) to a Medium Density Residential (MDR). The existing Industrial future land use designation currently allows a floor area ratio (FAR) of 0.75. The following zoning classifications are consistent with the Industrial future land use designation: I-1A (Restricted Industrial District), I-1/I-5 (Industrial District – Light), I-2/I-3 (Industrial District – General), and I-4 (Industrial District – Heavy). The proposed MDR future land use designation allows for residential development at a maximum density of 20 dwelling units per net acre.

The subject site is not located within the County's Alternative Mobility Area (AMA) or along a backlogged/constrained facility.

The allowable development based on the present Industrial future land use designation will generate 597 p.m. peak hour trips. The proposed development of 348 multi-family dwelling units in accordance with the requested MDR classification will generate 153 p.m. peak hour trips, resulting in a net decrease of 444 p.m. peak hour trips.

The subject property is located adjacent to Hanging Moss Road. Based on existing conditions, this facility currently has one (1) deficient roadway segment within the project impact area. This information is

dated and subject to change. The following segment is operating above its Maximum Service Volume (MSV):

- E. Colonial Drive from Forsyth Road to Goldenrod Road.

Based on the project trip distribution, 68% will be travelling eastbound on Hanging Moss Road, while 32% are projected to travel westbound.

The short-term analysis year 2020 revealed that no additional roadway segments are projected to operate above their MSV. The one (1) deficient segment mentioned above will still be over capacity.

The long-term analysis year 2030 revealed that in addition to the one (1) segment mentioned above, the following five (5) segments will be operating above their MSV:

- E. Colonial Drive from Semoran Boulevard to Forsyth Road
- Goldenrod Road from E. Colonial Drive to Bates Road
- Goldenrod Road from Bates Road to University Boulevard
- Semoran Boulevard from E. Colonial Drive to Hanging Moss Road
- Semoran Boulevard from Hanging Moss Road to University Boulevard.

Final permitting of any development on this site will be subject to review and approval under the capacity constraints of the County's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment to mitigate any transportation deficiencies.

## Policy References

**GOAL H1** – Orange County's goal is to promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, to meet current and anticipated housing needs so that all our residents have the opportunity to purchase or rent standard housing.

**OBJ H1.1** – The County will continue to support private sector housing production capacity sufficient to meet the housing needs of existing and future residents.

**Goal FLU2 – URBAN STRATEGIES.** Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

**OBJ FLU2.1 – INFILL.** Orange County shall promote and encourage infill development through incentives identified in the Land Development Code for relatively small vacant and underutilized parcels within the County's established core areas in the Urban Service Area.

**OBJ FLU8.2 – COMPATIBILITY.** Compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following polices shall guide regulatory decisions that involve differing land uses.

**FLU1.1.1** – Urban uses shall be concentrated within the Urban Service Area, except as specified for the Horizon West Village and Innovation Way Overlay (Scenario 5), Growth Centers, and to a limited extent, Rural Settlements.

**FLU1.1.2 (C)** – Density and Floor Area Ratio (FAR) calculation is determined by dividing the total number of units/square footage by the net developable land area. Accessory Dwelling Units (ADUs) shall not be

included in density calculations. The net developable land area for density and FAR calculation (intensity) is defined as the gross land area, excluding surface waters and certain conservation areas from the land area calculations. In order to include new Class I, II and III conservation areas in the density and FAR calculations, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact permit from the Orange County Environmental Protection Division

**FLU1.1.5** – Orange County shall encourage mixed-use development, infill development and transit-oriented development to promote compact urban form and efficiently use land and infrastructure in the Urban Service Area. The County may require minimum FARs and densities in its Land Development Code to achieve the County’s desired urban framework. Infill is defined as development consistent with the *Infill Master Plan (2008)*.

**FLU1.4.1** – Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.







**FLU1.4.16** – The Future Land Use Map shall reflect appropriate locations for industrial use. Potentially incompatible land use designations, such as residential or neighborhood commercial, shall not be established adjacent to industrial land use designations. Proposed land use changes from industrial to residential or commercial shall be evaluated in the context of potential impacts to long-term viability of surrounding industrial uses and of freight transportation corridors included in the National Freight Network or identified in state and regional freight plans, such as the Florida Department of Transportation’s *Freight Mobility and Trade Plan* and the MetroPlan Orlando *Regional Freight Study*. Proposed industrial changes shall be evaluated relative to the need to maintain adequate industrial sites to serve the projected market demand, freight movement and efficiency, and corresponding needs for job creation and economic development.

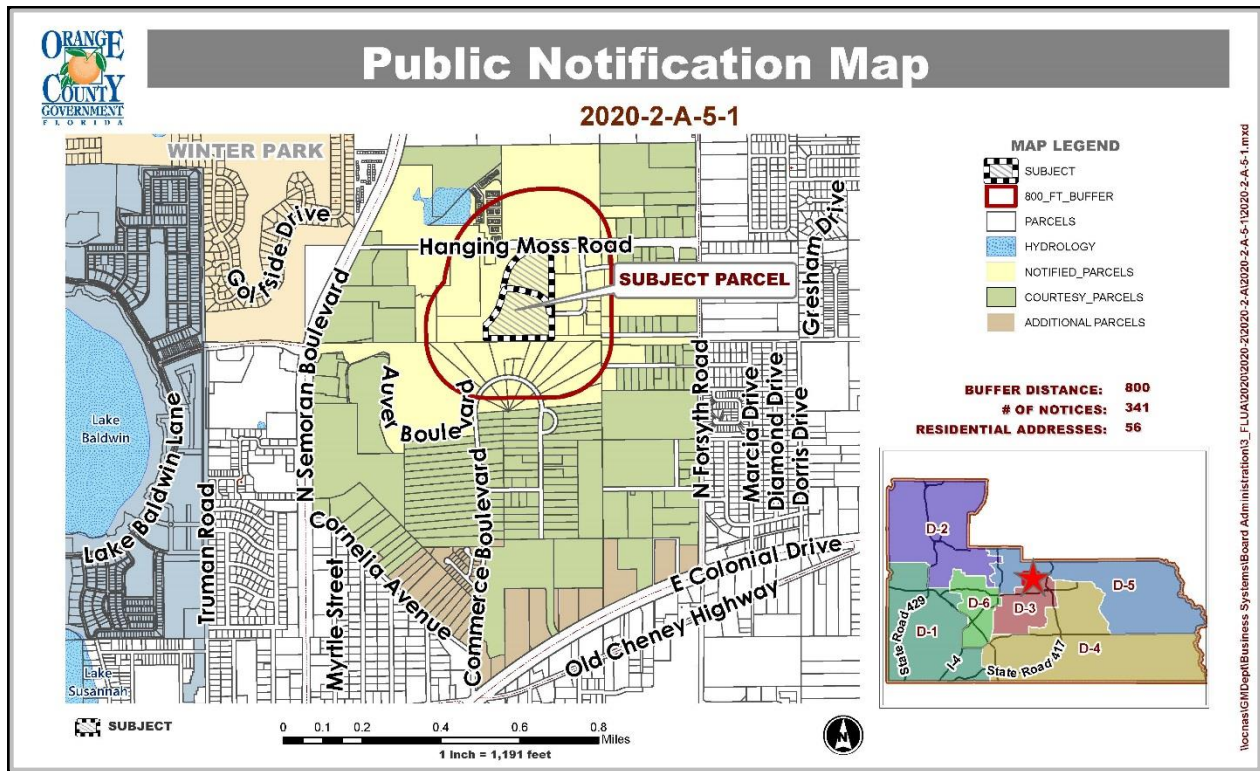
**FLU8.2.1** – Land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

**OBJ C1.4** – Orange County shall protect identified wetland areas and existing native wildlife (flora and fauna) habitats by implementing the following policies.



Site Visit Photos

Subject Site	
	
North of Subject Site	South of Subject Site
	
West of Subject Site	East of Subject Site
	



**Notification Area:**

800 feet, plus homeowners' associations within a one-mile radius of the subject site

341 notices sent





6501 Magic Way · Building 200 · Orlando, Florida 32809 · (407) 317-3700 · www.ocps.net

**FORMAL SCHOOL CAPACITY DETERMINATION  
CAPACITY LETTER - EXTENSION**

November 23, 2020

**VIA E-MAIL: JWILLARD@SHUTTS.COM**

James G. Willard  
Shutts & Bowen, LLP  
300 S. Orange Avenue, Suite 1600  
Orlando, FL 32801

**Application: OC-20-016 J&S Apartments**

This letter serves as the official certification by Orange County Public Schools that school capacity for the following development is **NOT AVAILABLE**:

Type of Development Application	<input type="checkbox"/> FLUM
	<input type="checkbox"/> Rezoning
	<input checked="" type="checkbox"/> Amendment or Extension
Development Application #:	2020-2-A-5-1
Project Name:	J&S Apartments
OCPS Completed Application Date:	February 18, 2020
Parcel #(s):	15-22-30-0000-00-020, 15-22-30-0000-00-085
Requested New Units (#):	SF: 0                      MF: 348                      TH: 0
Vested Unit(s):	SF: 0                      MF: 0                      TH: 0
Total Project Units:	348
School Board District:	# 1

In accordance with Section 10 of the First Amended and Restated Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency ("Interlocal Agreement"), a detailed Capacity Analysis is provided in **Attachment A**.

In accordance with Section 704(B) of the Orange County Charter and Section 30-742 of the Orange County Code, an analysis of significantly affected local governments impacted by the proposed development can be found below:

	Brookshire ES	Glenridge MS	Winter Park HS
Jurisdictional Analysis	N/A	Orange County - 67.3%, Winter Park - 16.9%, Orlando - 15.8%	N/A

"The Orange County School Board is an equal opportunity agency."

Given the above analysis, this project meets the minimum criteria established by the Orange County Charter and Code to proceed through the joint approval process with the identified significantly affected local government(s). Additional information on the joint approval process can be obtained from Orange County

**This determination expires on February 18, 2021.** In the event this project does not possess Development Application approval from Orange County by the expiration date, but still intends to move forward in the development process, the applicant must resubmit the application and application fee to be reevaluated by OCPS. In addition, should the scope of the project change (e.g., modification of unit count and/or unit type), a new determination will be required.

Unless otherwise vested, the Development is still required to submit for concurrency review and, if necessary, enter into a Concurrency Mitigation Agreement.

This determination is governed by the Interlocal Agreement, the provisions of Orange County's adopted Comprehensive Plan, and the Orange County Charter and Code.

Please contact me at (407) 317-3700 ext. 2022139 or e-mail me at [steven.thorp@ocps.net](mailto:steven.thorp@ocps.net) with any questions.

Sincerely,



Steven Thorp, AICP  
Sr. Administrator, Facilities Planning

VJ/st

Attachments – Attachment A: Detailed Capacity Analysis

CC: Sue Watson, Orange County (via e-mail)  
Yolanda Ortiz, City of Orlando (via e-mail)  
Jeffery Briggs, City of Winter Park (via e-mail)  
Thomas Moore, OCPS (via e-mail)  
Project File

---

"The Orange County School Board is an equal opportunity agency."

**Attachment A**



*School Capacity Determination*

User ID #: 1000003 February 25, 2020 08:39:28

Project ID: CEA – OC – 20 – 016 Valid Until: February 18, 2021

Project Name: J&S APARTMENTS			
<b>Unvested Units</b>	Single Family Units: 0	<b>Vested Units</b>	Single Family Units: 0
	Multi Family Units: 348		Multi Family Units: 0
	Town Homes Units: 0		Town Homes Units: 0

Capacity Enhancement	School Level	Elementary	Middle	High
	CSA:	V		
	School:	BROOKSHIRE ES	GLENRIDGE MS	WINTER PARK HS
	<i>Analysis of Existing Conditions</i>			
	School Capacity (2019-2020)	680	1,251	3,723
	Enrollment (2019-2020)	581	1,333	3,434
	Utilization (2019-2020)	85.0%	107.0%	92.0%
	LOS Standard	110.0%	100.0%	100.0%
	Available Seats	167	0	289
	<i>Analysis of Reserved Capacity</i>			
School Level	Elementary	Middle	High	
Encumbered Capacity	0	0	36	
Reserved Capacity	0	0	5	
Adjusted Utilization	85.4%	106.5%	93.3%	
Adjusted Available Seats	167	0	248	
<i>Analysis of Proposed Development</i>				
Students Generated	51.852	21.924	24.360	
Adjusted Utilization	93.1%	108.3%	94.0%	
PASS/FAIL	<b>PASS</b>	<b>FAIL</b>	<b>PASS</b>	
Number of Seats to Mitigate	0.000	21.924	0.000	

BROOKSHIRE ES	
GLENRIDGE MS	
WINTER PARK HS	CAPACITY INCLUDES 9TH GRADE CENTER.



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800-955-8770 (V)

MyFWC.com

Technical Assistance Regarding the Florida Black Bear - 2020

Dear Applicant, Property Owner, and Interested Parties:

According to Florida Fish and Wildlife Conservation Commission (FWC) data, there is the potential for Florida black bears (*Ursus americanus floridanus*) to occur in the project area. The FWC received a sufficient number of reports of human-bear conflicts, evidence of bears collected by researchers, reports of bears killed by vehicles surrounding the project, or other data to recommend measures that may prevent or reduce conflicts with bears.

While Florida black bears tend to shy away from people, they are adaptable and will take advantage of human-provided food sources. This includes sources that are currently available near this site or sources available after construction, including unsecured garbage, pet food, and bird seed. Once bears become accustomed to finding food around people, their natural wariness is reduced to the point that there can be an increased risk to private property and public safety.

During the construction phase, construction sites should be kept clean, with refuse that might attract bears kept separate from construction debris and stored securely in bear-resistant containers or removed daily from the construction site before dark. Refuse that might attract bears includes all food and drink-related materials, as well as any items with strong scents like cleaning agents. If a homeowners' association or community covenants are planned, by-laws that would require residents to take measures to prevent attracting bears into the neighborhood are recommended. By-law language used by other Florida communities is available at (<http://myfwc.com/wildlifehabitats/managed/bear/living/community-group/bylaw/>). Once construction activities are complete, residents should be provided with bear-resistant garbage cans as part of their regular waste service and any larger waste storage containers should also be bear-resistant. Providing residents with information on how to avoid human-bear conflicts is also recommended. This information can include:

- Options for keeping garbage secure which can include using bear-resistant garbage containers, modifying regular cans to be bear-resistant, or keeping cans secure in a garage or sturdy shed and then placing garbage on the curb the morning of pick-up rather than the night before (<http://myfwc.com/wildlifehabitats/managed/bear/living/attractants/>);
- Removing bird and wildlife feeders, or modifying them to exclude bears (<http://myfwc.com/wildlifehabitats/managed/bear/wildlife-feeders/>);
- Using electric fencing to secure outdoor attractants like fruiting trees/shrubs, gardens, compost, and small livestock (<https://myfwc.com/media/1886/ElectricFence.pdf>);
- Proper composting in bear range (<https://myfwc.com/media/1888/howtocompostinbearcountry.pdf>);
- Keeping pets safe (<https://myfwc.com/media/1892/protect-your-pet.pdf>); and
- Cleaning and securing barbecue grills.

Information should also include guidelines for how residents should respond to bears in the area, such as:

- What to do if they encounter a bear, whether from a distance or at close range (<https://myfwc.com/wildlifehabitats/wildlife/bear/living/encounter/>), and
- When and how to contact the FWC regarding a bear issue (<https://myfwc.com/wildlifehabitats/wildlife/bear/nuisance-contact/>).

FWC can always assist with residential planning to incorporate the above recommendations and reduce the potential for unwanted interactions between bears and humans. Please feel free to contact our office at [ConservationPlanningServices@myfwc.com](mailto:ConservationPlanningServices@myfwc.com) for technical assistance.

Sincerely,

Jason Hight  
Land Use Planning Program Administrator  
Office of Conservation Planning Services

ORDINANCE NO. 2021-\_\_\_\_\_

AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “2010-2030 COMPREHENSIVE PLAN,” AS AMENDED, BY ADOPTING AN AMENDMENT PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, FOR THE 2020 CALENDAR YEAR (SECOND CYCLE); AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

***Section 1. Legislative Findings, Purpose, and Intent.***

a. Part II of Chapter 163, Florida Statutes, sets forth procedures and requirements for a local government in the State of Florida to adopt a comprehensive plan and amendments to a comprehensive plan;

b. Orange County has complied with the applicable procedures and requirements of Part II of Chapter 163, Florida Statutes, for amending Orange County’s 2010-2030 Comprehensive Plan; and

c. On January 12, 2021, the Board of County Commissioners held a public hearing on the adoption of the proposed amendment to the Comprehensive Plan, as described in this ordinance, and decided to adopt it.

***Section 2. Authority.*** This ordinance is adopted in compliance with and pursuant to Part II of Chapter 163, Florida Statutes.

***Section 3. Amendment to Future Land Use Map.*** The Comprehensive Plan is hereby amended by amending the Future Land Use Map designation as described at **Appendix “A,”**

32 attached hereto and incorporated herein.

33 ***Section 4. Effective Dates for Ordinance and Amendment.***

34 (a) This ordinance shall become effective as provided by general law.

35 (b) In accordance with Section 163.3184(3)(c)4., Florida Statutes, no plan amendment  
36 adopted under this ordinance becomes effective until 31 days after the DEO notifies the County  
37 that the plan amendment package is complete. However, if an amendment is timely challenged,  
38 the amendment shall not become effective until the DEO or the Administration Commission issues  
39 a final order determining the challenged amendment to be in compliance.

40 (c) No development orders, development permits, or land uses dependent on this  
41 amendment may be issued or commence before the amendment has become effective.

42

43

44 ADOPTED THIS 12th DAY OF JANUARY, 2021.

45

46

**ORANGE COUNTY, FLORIDA**

47

By: Board of County Commissioners

48

49

50

51

By: \_\_\_\_\_

52

Jerry L. Demings

53

Orange County Mayor

54

55 ATTEST: Phil Diamond, CPA, County Comptroller

56 As Clerk to the Board of County Commissioners

57

58

59

60 By: \_\_\_\_\_

61 Deputy Clerk



62  
63  
64  
65  
66

**APPENDIX “A”**  
**FUTURE LAND USE MAP AMENDMENT**

<b><i>Appendix A*</i></b>		
<b><i>Privately-Initiated Future Land Use Map Amendment</i></b>		
<b>Amendment Number</b>	<b>Future Land Use Map Designation FROM:</b>	<b>Future Land Use Map Designation TO:</b>
<b>2020-2-A-5-1</b>	<b>Industrial (IND)</b>	<b>Medium Density Residential (MDR)</b>
<b>*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.</b>		

67

**Ron DeSantis**  
GOVERNOR



**Dane Eagle**  
EXECUTIVE DIRECTOR

December 18, 2020

The Honorable Jerry L. Demings  
Mayor, Orange County  
201 S Rosalind Ave.  
Orlando, Florida 32802

Dear Mayor Demings:

The Department of Economic Opportunity (“Department”) has reviewed the proposed comprehensive plan amendment for Orange County (Amendment No. 20-08ESR (County Numbers: 2020-2-A-5-1 and 2020-2-B-CP-4)) received on December 2, 2020. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The County 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 County is reminded that:

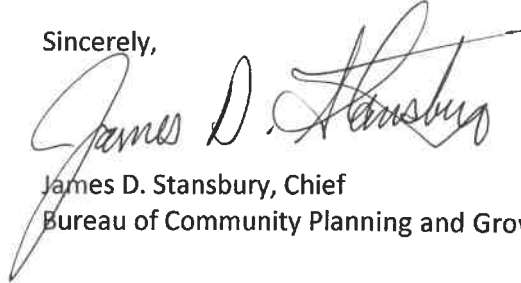
- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the County. **If the County receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, 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 County 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](http://www.FloridaJobs.org)  
[www.twitter.com/FLDEO](https://www.twitter.com/FLDEO) | [www.facebook.com/FLDEO](https://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 Kelly D. Corvin, Regional Planning Administrator, by telephone at (850) 717-8503 or by email at [kelly.corvin@deo.myflorida.com](mailto:kelly.corvin@deo.myflorida.com).

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Stansbury". The signature is written in a cursive style with a long horizontal stroke extending to the right.

James D. Stansbury, Chief  
Bureau of Community Planning and Growth

JDS/kdc

Enclosure(s): Procedures for Adoption

cc: Alberto A. Vargas, MArch., Manager, Orange County Planning Division

Hugh Harling, Jr., P.E., 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 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.

## Dubois, Jennifer

---

**From:** Golgowski, Gregory F  
**Sent:** Wednesday, December 30, 2020 3:01 PM  
**To:** Watson, Sue; Dubois, Jennifer; Mills, Misty D  
**Subject:** FW: Orange County 20-08ESR (2020-2-B-CP-4 & 2020-2-A-5-1)  
**Attachments:** FWC\_Florida Black Bear Technical Assistance 2020.pdf

Cleanup cleared by FWC but watch for bears on Hanging Moss

---

**From:** Cucinella, Josh  
**Sent:** Wednesday, December 30, 2020 2:55 PM  
**To:** Golgowski, Gregory F  
**Cc:** Kelly.Corvin@deo.myflorida.com; JWillard@shutts.com; DCPexternalagencycomments@deo.myflorida.com; Conservation Planning Services ; Amoah, Kat ; Penniman, Daniel  
**Subject:** Orange County 20-08ESR (2020-2-B-CP-4 & 2020-2-A-5-1)

Dear Mr. Golgowski:

Florida Fish and Wildlife Conservation Commission (FWC) staff reviewed the proposed comprehensive plan amendments in accordance with Chapter 163.3184(3), Florida Statutes. The transmittal packet consists of two amendments, one initiated by Orange County staff (2020-2-B-CP-4) and one privately-initiated amendment (2020-2-A-5-1). We have no comments, recommendations, or objections related to listed species and their habitat or other fish and wildlife resources to offer on the staff-initiated amendment, 2020-2-B-CP-4.

For the Future Land Use Map (FLUM) change proposed in 2020-2-A-5-1, at this time our comments are limited to advisory information and recommendations for reducing potential conflicts with the Florida black bear (*Ursus americanus floridanus*) at the subject site located on the south side of Hanging Moss Road, approximately 0.1 miles west of the intersection with Mercator Drive in Orange County. FWC has received 114 reports of human-bear conflicts within roughly a 5-mile radius of the location of the proposed FLUM change since 2001. Florida black bears are frequent in this area, which is within the Central Bear Management Unit identified in the 2012 Bear Management Plan. Please review the attached document for important information related to potential measures that can be taken to avoid or minimize negative wildlife interactions during the planning, construction, and operation phases of future projects.

If you have specific technical questions, please contact Daniel Penniman at (386) 288-8190 or by email at [Daniel.Penniman@myfwc.com](mailto:Daniel.Penniman@myfwc.com). All other inquiries may be directed to our office by email at [ConservationPlanningServices@MyFWC.com](mailto:ConservationPlanningServices@MyFWC.com).

Sincerely,

Josh Cucinella  
Biological Administrator II  
Office of Conservation Planning Services  
Florida Fish and Wildlife Conservation Commission  
1239 SW 10<sup>th</sup> Street  
Ocala, Florida 34471  
(352) 620-7330





**Florida Fish and Wildlife Conservation Commission**

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Chairman  
Key West

**Michael W. Sole**  
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Tequesta

**Rodney Barreto**  
Coral Gables

**Steven Hudson**  
Fort Lauderdale

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Jupiter

**Sonya Rood**  
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**Eric Sutton**  
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**Thomas H. Eason, Ph.D.**  
Assistant Executive Director

**Jennifer Fitzwater**  
Chief of Staff

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Tallahassee, Florida  
32399-1600  
Voice: 850-488-4676

Hearing/speech-impaired:  
800-955-8771 (T)  
800 955-8770 (V)

MyFWC.com

**Technical Assistance Regarding the Florida Black Bear - 2020**

Dear Applicant, Property Owner, and Interested Parties:

According to Florida Fish and Wildlife Conservation Commission (FWC) data, there is the potential for Florida black bears (*Ursus americanus floridanus*) to occur in the project area. The FWC received a sufficient number of reports of human-bear conflicts, evidence of bears collected by researchers, reports of bears killed by vehicles surrounding the project, or other data to recommend measures that may prevent or reduce conflicts with bears.

While Florida black bears tend to shy away from people, they are adaptable and will take advantage of human-provided food sources. This includes sources that are currently available near this site or sources available after construction, including unsecured garbage, pet food, and bird seed. Once bears become accustomed to finding food around people, their natural wariness is reduced to the point that there can be an increased risk to private property and public safety.

During the construction phase, construction sites should be kept clean, with refuse that might attract bears kept separate from construction debris and stored securely in bear-resistant containers or removed daily from the construction site before dark. Refuse that might attract bears includes all food and drink-related materials, as well as any items with strong scents like cleaning agents. If a homeowners' association or community covenants are planned, by-laws that would require residents to take measures to prevent attracting bears into the neighborhood are recommended. By-law language used by other Florida communities is available at (<http://myfwc.com/wildlifehabitats/managed/bear/living/community-group/bylaw/>). Once construction activities are complete, residents should be provided with bear-resistant garbage cans as part of their regular waste service and any larger waste storage containers should also be bear-resistant. Providing residents with information on how to avoid human-bear conflicts is also recommended. This information can include:

- Options for keeping garbage secure which can include using bear-resistant garbage containers, modifying regular cans to be bear-resistant, or keeping cans secure in a garage or sturdy shed and then placing garbage on the curb the morning of pick-up rather than the night before (<http://myfwc.com/wildlifehabitats/managed/bear/living/attractants/>);
- Removing bird and wildlife feeders, or modifying them to exclude bears (<http://myfwc.com/wildlifehabitats/managed/bear/wildlife-feeders/>);
- Using electric fencing to secure outdoor attractants like fruiting trees/shrubs, gardens, compost, and small livestock (<https://myfwc.com/media/1886/ElectricFence.pdf>);
- Proper composting in bear range (<https://myfwc.com/media/1888/howtocompostinbearcountry.pdf>);
- Keeping pets safe (<https://myfwc.com/media/1892/protect-your-pet.pdf>); and
- Cleaning and securing barbecue grills.

Information should also include guidelines for how residents should respond to bears in the area, such as:

- What to do if they encounter a bear, whether from a distance or at close range (<https://myfwc.com/wildlifehabitats/wildlife/bear/living/encounter/>), and
- When and how to contact the FWC regarding a bear issue (<https://myfwc.com/wildlifehabitats/wildlife/bear/nuisance-contact/>).

FWC can always assist with residential planning to incorporate the above recommendations and reduce the potential for unwanted interactions between bears and humans. Please feel free to contact our office at [ConservationPlanningServices@myfwc.com](mailto:ConservationPlanningServices@myfwc.com) for technical assistance.

Sincerely,

Jason Hight  
Land Use Planning Program Administrator  
Office of Conservation Planning Services





## Community Meeting Memorandum

**DATE:** July 17, 2020  
**TO:** Alberto A. Vargas, MArch., Planning Manager  
**FROM:** Sue Watson, Planner  
**SUBJECT:** Amendment 2020-2-A-5-1 Virtual Community Meeting Synopsis  
**C:** Project File

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**Location of Project:** 6739 Hanging Moss Rd. and 2308 Mercator Dr.; or generally on the south side of Hanging Moss Rd., east of N. Semoran Blvd., north of Commerce Blvd., and west of Mercator Dr.

**Meeting Date and Location:** Thursday, July 16, 2020 at 6:00 PM - Virtual Community Meeting using WebEx Event

**Attendance:**

District Commissioner	District 5 Commissioner Emily Bonilla Melissa Strassner, Commissioner's Aide, District 5
Orange County Staff	Sue Watson, Greg Gologowski, Jennifer DuBois, Jason Sorensen, Planning Division County Staff from Transportation Planning and Environmental Protection Divisions
Applicant/ Owner	James Johnston on behalf of the applicant, James G. Willard, Shutts & Bowen, LLP Steve Pece, owner, J and S Industrial Holdings, LLC
Residents	341 notices sent; 2 residents in attendance

**Overview of Project:** The applicant, James G. Willard, Shutts & Bowen, LLP, is requesting to change the Future Land Use Map (FLUM) designation of the 18.15-acre subject property from Industrial (IND) to Medium Density Residential (MDR) to allow for the development of up to 348 multi-family dwelling units.

**Meeting Summary:** Planner Sue Watson opened the virtual community meeting at 6:05 PM and introduced District 5 Commissioner Emily Bonilla, District 5 Commissioner's Aide, Melissa Strassner, Gregory Gologowski, Chief Planner, Orange County Planning Division, Jason Sorensen, Chief Planner, Orange County Planning Division, and Jennifer DuBois, Senior Planner, Orange County Planning Division, County Staff representative from the Transportation Planning, County Staff representatives from the Environmental Protection Division, and the applicant's coworker, who would be standing in for the applicant, James Johnston, Shutts & Bowen, LLP, and the property owner, Steve Pece, J and S Industrial Holdings, LLC.

Commissioner Bonilla welcomed everyone and thanked the residents for attending the virtual community meeting. She provided her email address and stated that if any of the residents have

any questions or comments to contact her.

Ms. Watson began the virtual community meeting presentation by stating that Mr. Sorensen would serve as the moderator of the virtual community meeting and she discussed the virtual community meeting procedures and process. Ms. Watson provided an overview of the project and informed those in attendance that the applicant is seeking to change the future land use designation of the subject site from IND to MDR to allow for the development of up to 348 multi-family dwelling units on the 18.15-acre subject property. She also discussed what is Future Land Use and Zoning.

Staff summarized the Large-Scale FLUMA process and the schedule for the LPA and BCC public hearings. Ms. Watson also told the residents how they could provide comments or ask questions by accessing the link to the proposed amendment folder on the County's website. Staff turned the meeting over to the applicant, Mr. Johnston.

Mr. Johnston stated he was representing the property owner, Mr. Pece. Currently, there is a concrete crushing plant that has been operating on the property for about 11 years. Mr. Pece has owned the property for 8 years. Mr. Johnston stated the reason for the proposed FLUMA is because of the impending construction of the Richard Crotty Parkway which will be located on the west side of the property. The proposed road has been fully designed and funded and the construction will move forward in about a year or two. He stated that a multi-family use will be a more appropriate use of the property with the new parkway. Mr. Johnston stated that the rezoning application will be submitted when the road is under construction. Until then, the concrete crushing plant will continue to operate. He stated the proposal is for a maximum development of a 348 multi-family units. Mr. Johnston asked if any of the residents have any questions or comments.

One resident, Ms. Patti Teate, owner of an adjacent business, American Kitchen, stated that she was excited to have apartments built next to her business. She asked Mr. Johnston about the timeframe of completion for the construction of the apartments. Mr. Johnston told her that they were in the early stages of the process and the apartment construction timetable depends on the new parkway road construction schedule.

Another resident, Erick Aguirre, who stated that he lives at the southeast corner of the subject property, stated he was relieved and excited to hear about the apartments being built. He asked if the applicant could take into consideration of providing a vegetative buffer along the south property line to create a buffer between the proposed apartments and the existing single-family homes. He suggested planting bamboo because the trees can reach 20 to 30 feet in height. Mr. Johnston stated that he will take the vegetative buffer into consideration.

There were no more questions and Mr. Johnston turned the meeting back over to Ms. Watson. Ms. Watson turned the meeting over to Commissioner Bonilla to provide final comments. She provided her contact information again and reiterated that if any residents have any questions or comments about the proposed amendment to contact her. Ms. Watson thanked the residents for their participation. The meeting was adjourned at 6:28 P.M. The overall tone of the meeting was **POSITIVE**.



## Interoffice Memorandum

**DATE:** June 25, 2020

**TO:** Alberto Vargas, Manager  
Planning Division

**THROUGH:** John Geiger, PE, Sr. Engineer  
Environmental Protection Division

**FROM:** Sarah Bernier, REM, Sr. Environmental Specialist  
Environmental Protection Division

**SUBJECT:** Facilities Analysis and Capacity Report Request for the  
2020-2 Regular Cycle Comprehensive Plan Amendments

As requested, Environmental Protection Division staff reviewed the subject Comprehensive Plan / Future Land Use Map Amendments. We understand that the first public hearing for these requests will be on July 16, 2020 before the Local Planning Agency. Attached are summary charts with the environmental analysis results.

If you have any questions regarding the information provided, please contact Sarah Bernier at 407-836-1471 or John Geiger at 407-836-1504.

Attachment

SB/JG

cc:

Greg Golgowski, Chief Planner, Comprehensive Planning  
Christopher M. DeManche, Planner III, Comprehensive Planning  
David Jones, Manager, Environmental Protection Division  
Elizabeth Johnson, Assistant Manager, Environmental Protection Division  
Tim Hull, Environmental Programs Administrator, Natural Resource Management

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**1) Amendment #2020-2-A-1-2 (fka 2020-1-A-1-2 and 2019-2-A-1-2)**

**Lake Buena Vista Springs**

**FLU from:** Rural/Agricultural (R) and Medium Density Residential (MDR) to Commercial (C) and Urban Service Area (USA) Expansion; Rural/Agricultural/Conservation (R/CONS); and Medium Density Residential/Conservation (MDR/CONS)

**Rezoning from:** R-CE (Country Estate District) to PD (Planned Development District)

**Proposed Development:** 25,000 square feet of commercial uses

**Owner:** Hojosaki, LLC; Roy Samra, Maureen Samra, and Robert Lapierre; Ballestero Investments, LLC

**Agent:** Miranda Fitzgerald, Lowndes, Drosdick, Doster, Kantor & Reed, P.A.

**Parcels:** 21-24-28-5844-00-020, 21-24-28-0000-00-015/016/021

**Address:** 12311, 12323, and 12329 Winter Garden Vineland Rd

**District:** 1

**Area:** 84.77 gross / 0.031 net developable acres

**EPD Comments: CAI Permit in progress**

The subject properties are comprised primarily of Class I wetlands. Conservation Area Determination CAD-19-03-042 was completed for this project on July 16, 2019. Conservation Area Impact (CAI) permit application CAI-19-09-049 was submitted and it is in progress.

Until wetland permitting is complete, this project has 0.031 net developable acre. The net developable acreage is the gross acreage less the wetlands and surface waters acreage. The buildable area is the net developable acreage less protective buffer areas required to prevent adverse secondary impacts. The applicant is advised not to make financial decisions based upon development within the wetland or the upland protective buffer areas. Any plan showing development in such areas without Orange County and other jurisdictional governmental agency wetland permits is speculative and may not be approved.

Density and Floor Area Ratio (FAR) calculations are determined by dividing the total number of units and the square footage by the net developable area. In order to include Class I, II and III conservation areas in the density and FAR calculations, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact (CAI) permit from the Orange County EPD. Reference Comprehensive Plan Policy FLU1.1.2 C.

The removal, alteration or encroachment within a Class I conservation area shall only be allowed in cases where: no other feasible or practical alternatives exist, impacts are unavoidable to allow a reasonable use of the land, or where there is an overriding public benefit, as determined before the Orange County Board of County Commissioners (BCC).

The subject properties are located within the Windermere Water and Navigation Control District Municipal Service Taxing Unit (MSTU) established for the purpose of funding lake management services. To the extent that this project is part of the taxing district or benefits, it shall be required to be a participant.

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Development of the subject properties shall comply with all state and federal regulations regarding wildlife or plants listed as endangered, threatened, or species of special concern. The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

All development is required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Reference Orange County Code Sections 30-277 and 30-278.

**2) Amendment #2020-2-A-2-1**

**Bailey's Community**

**FLU from:** Rural Settlement 1/2 (RS 1/2) and Rural Settlement 1/5 (RS 1/5) to Planned Development-Commercial/Assisted Living Facility (PD-C/ALF) (Rural Settlement)

**Rezoning from:** A-1 (Citrus Rural District) and A-2 (Farmland Rural District) to PD (Planned Development District)

**Proposed Development:** 250-bed assisted living facility, 66,000-square-foot adult independent living facility, 50 adult independent living cottages, 12,320-square-foot community clubhouse, and equestrian amenities

**Owner:** Bailey's Real Estate, LLP

**Agent:** Momtaz Barq, P.E. Terra-Max Engineering, Inc.

**Parcels:** 34-21-28-0000-00-064/090/097/100/108/110

**Address:** 8001 Clarcona Ocoee Road, 5850 and 5854 Gilliam Road

**District:** 2

**Area:** 44.64 gross / net developable acres

**EPD Comments:**

This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Special area regulations apply. These requirements may reduce the total net developable area. Regulations include, but are not limited to: septic tank criteria, open space requirements, stormwater treatment, upland preservation, setbacks related to karst features and the watershed, and aquifer vulnerability. In addition to the state regulations, local policies are included in Orange County Comprehensive Plan, Future Land Use Element (but not limited to) Objective FLU6.6 Wekiva and the related policies.

The Florida Springs and Aquifer Protection Act, §373.801, et. seq. F.S. (the "Act") requires Onsite Sewage Treatment and Disposal Systems ("OSTDS") capable of enhanced treatment of nitrogen loads in the Wekiwa Spring and Rock Springs Basin Management Action Plan ("BMAP") dated June 2018, as may be amended. Per this requirement, lots of less than one acre in size within the Priority Focus Area, as defined in the Act, must comply with the OSTDS Remediation Plan within the BMAP. Lots shall meet the requirements of the Act or of Article XVII (Individual On-Site Sewage Disposal) of Chapter 37 of the Orange County Code, whichever is more stringent. Any person desiring to construct a new septic system, or to modify or repair an existing system, shall apply for a permit to the Florida Department of Health.

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(Note: Per Orange County Utilities, there are existing water and wastewater mains within the Clarcona-Ocoee right-of-way and the applicant would be allowed to connect.)

This project site has a prior agricultural land use that may have resulted in soil and/or groundwater contamination due to spillage of petroleum products, fertilizer, pesticide or herbicide. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading or construction plans, the applicant shall provide documentation to assure compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations, to the Orange County Environmental Protection and Development Engineering Divisions. An environmental site assessment (ESA) is not required at this time, but if an ESA has been completed for this site, please submit a copy with the application.

Development of the subject properties shall comply with all state and federal regulations regarding wildlife or plants listed as imperiled (endangered, threatened, or species of special concern.) The applicant is responsible to determine the presence of imperiled species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC).

All development is required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Reference Orange County Code Sections 30-277 and 30-278.

**3) Amendment #2020-2-A-4-1** (fka 2016-2-A-4-1, 2016-1-A-4-1, 2015-2-A-4-1, 2008-1-A-4-2)  
**Fieldstream Village**

**FLU from:** Planned Development-Office/Commercial/Institutional/ Industrial/Conservation (PD-O/C/INST/IND/CONS to Planned Development-Commercial/Office/High Density Residential/Parks and Recreation/Open Space/Conservation (PD-C/O/HDR/PR/OS/CONS)

**Rezoning from/to:** PD (Planned Development District) Fieldstream PD/LUP

**Proposed Development:** Up to 1,200 multi-family dwelling units, up to 100,000 square feet of commercial and office uses, and community recreational amenities

**Owner:** Bent Tree Holdings, LLC

**Agent:** Jason W. Searl, Esq. GrayRobinson, P.A.

**Parcels:** 29-22-31-0000-00-032/050, 32-22-31-0000-00-034

**Address:** 10601 Lake Underhill Road

**District:** 4

**Area:** 65.76 gross / ?? net developable acres

**EPD Comments: CAD Expired**

Orange County Conservation Area Determination CAD 08-058 was completed in 2008 that delineated Class I and Class III wetlands on site, but this determination expired in 2013. A new CAD application consistent with Chapter 15, Article X Wetland Conservation Areas will need to be completed as soon as possible in order to obtain the net developable acreage. Approval of this

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request does not authorize any direct or indirect impacts to conservation areas or protective buffers.

Until wetland permitting is complete, the net developable acreage is uncertain. The net developable acreage is the gross acreage less the wetlands and surface waters acreage. The buildable area is the net developable acreage less protective buffer areas required to prevent adverse secondary impacts. The applicant is advised not to make financial decisions based upon development within the wetland or the upland protective buffer areas. Any plan showing development in such areas without Orange County and other jurisdictional governmental agency wetland permits is speculative and may not be approved.

Density and Floor Area Ratio (FAR) calculations are determined by dividing the total number of units and the square footage by the net developable area. In order to include Class I, II and III conservation areas in the density and FAR calculations, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact (CAI) permit from the Orange County EPD. Reference Comprehensive Plan Policy FLU1.1.2 C.

The removal, alteration or encroachment within a Class I conservation area shall only be allowed in cases where: no other feasible or practical alternatives exist, impacts are unavoidable to allow a reasonable use of the land, or where there is an overriding public benefit, as determined before the Orange County Board of County Commissioners (BCC).

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled (endangered, threatened, or species of special concern.) The applicant is responsible to determine the presence of imperiled species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC).

All development on this site shall comply with the guidelines established in the most recent edition of, "Guidance for Disturbance and Use of Old Closed Landfills or Waste Disposal Areas in Florida" published by the Florida Department of Environmental Protection.

Proceed to develop an up-to-date Developer's Agreement. Until an updated site Developer's Agreement is completed, this site shall comply with the "Agreement Concerning Development of Cloyd Landfill" as approved by the Orange County Board of County Commissioners on June 10, 2008. Orange County Legal will determine if this document is still valid and in effect considering this proposed change determination to the previously reviewed plan. FLU1.4.19 Redevelopment of former landfills as defined by the State and "brownfield development" standards shall comply with the County's Planned Development process, S38-1201, OCC. The proponent for redevelopment shall enter into a developer's agreement with the County delineating specific procedures and/or conditions to deal with any environmental issues before redevelopment. A developer's agreement will clarify development responsibilities on this property to include, but not limited to: contamination monitoring and compliance with the Florida Department of Environmental Protection guidelines for disturbance of former landfills or



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waste disposal areas, noticing that will run with the land about the buried waste that may render the property unsuitable for conventional development, waste removal procedures, hazard mitigation during waste disturbance, stormwater management, vapor management for future construction, management of combustible gas migration, control of leachate from the waste, and control of odors and dust.

At this time EPD does not support any residential use (see exception below but no single family residential due to potential for ground disturbance), or any other uses that may be perceived as having the potential to increase the future risks to susceptible populations such as children, the elderly, or the infirmed, on top of former landfills and waste disposal areas. This reflects a belief that the level of engineering controls that would be required to address those concerns, possibly including removal of all of the waste in a controlled manner, would be cost-prohibitive. However, if any owner/developer determines that it is financially feasible, following due diligence including consideration of: site geophysical challenges, potential of uneven settlement, development of a excavation and disposal plan to be approved by the FDEP and agreed to by EPD, gas vapor barriers under the buildings, long term gas monitoring and groundwater monitoring to be determined in coordination with FDEP, stormwater management (removal of waste or lined ponds), utility distribution systems and the unique structural design features necessitated by construction on former landfill areas, then development on former waste disposal sites will be considered through the County development review processes.

Pursuant to Orange County Comprehensive Plan Policy C1.5.7, development in, or near, contaminated soils shall properly address the contamination prior to approvals allowing disturbance of the contaminated soils with land clearing (including grubbing, or demolition), mass grading and or construction. Therefore, if the existing FDEP reviews do not satisfy this concern, then because of the site's prior land use, a Phase I Environmental Site Assessment is required prior to approvals that include alterations of the land's surface. Depending on the results of the Phase I, limited sampling or a full Phase II Environmental Site Assessment will be required. In order to allow for other parts of the project to move forward, a protective activity setback buffer can be established around any found sources of contamination including consideration of groundwater flow in order to allow simultaneous remediation and other adjacent site development activity in a phased manner to proceed on a case by case basis. The goal of remediation will be compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels. The remediation process will be deemed complete with either a state determination of No Further Action or Site Rehabilitation Completion Order with, or without, conditions, or compliance with a remedial action plan in order to determine when vertical construction can proceed while considering health, safety and welfare (Orange County Code Chapter 15 Environmental Control, Section 15-27 Declaration of Legislative Intent).

The applicant is directed to note that in, "Guidance for Disturbance and Use of Old Closed Landfills or Waste Disposal Areas in Florida" published by the Florida Department of Environmental Protection there is specific mention of landfill gas concerns including but not limited to: 6.0 Construction Over Waste-Filled Areas, 6.1 Cautions for Construction, 6.1(a) The

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Department strongly discourages the construction of residential structures over old waste-filled areas (this is if landfill gases are currently present or caused by disturbance activities) and 6.1(b) construction projects should consider potential impacts from combustible gas inside structures unless designed against gas intrusion.

The covenants, conditions, and restrictions (CC&Rs) shall include notification to potential purchasers, builders, tenants and Property Owner Associations of this development that neither potable wells nor irrigation wells using local groundwater will be allowed to be constructed on this site.

The applicant / owner has an affirmative obligation to expressly notify potential purchasers, builders, and/or tenants of this development, through an appropriate mechanism, including a conspicuous note on the plat and/or a recorded restrictive covenant, as applicable of the former use of this land for solid waste disposal and that portions of this property have been identified with soil and groundwater contamination.

Prior to any dewatering activities occurring on site, the applicant shall provide the Orange County Environmental Protection Division copies of the St. John's River Water Management District and the Florida Department of Environmental Protection approved dewatering plans.

No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division (EPD) of Orange County. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.

The BCC of April 28, 2009 had several conditions on the LUP as a result of concern due to the buried waste including some of the findings outlined above but also: Condition #11 An FDEP (Florida Department of Environmental Protection) No Further Action letter or documentation of specific permission (SRCO) shall be submitted prior to earthwork or construction plan approvals on individual sites, if any soil or groundwater contamination is found in excess of state clean-up targets due to existing or prior potential contaminating generating sources or activities. Condition #13 The following shall be prohibited: a.) Adult/child care centers, b.) Churches, mosques, temples, and other religious use organizations with attendant educational buildings and recreational activities. Condition #15.i. regarding a notice in the public record for property within 700 feet (see BCC minutes).

Roads will be established in private ownership and not be dedicated to Orange County.

Due to known contamination on this property, the applicant should consider this site for designation as a Brownfield redevelopment area. For information regarding financial incentives

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and regulatory benefits contact the Orange County Environmental Protection Division (EPD) and the Florida Department of Environmental Protection Central District.

**4) Amendment #2020-2-A-4-2**

**Wicker Properties**

**FLU from:** Rural/Agricultural (R) to Planned Development-Commercial/Office/Medium Density Residential (PD-C/O/MDR/CONS)

**Rezoning from:** A-2 (Farmland Rural District) to PD (Planned Development District)

**Proposed Development:** Up to 1,200 multi-family dwelling units, up to 100,000 square feet of commercial and office uses, and community recreational amenities

**Owner:** Juanita V. Wicker Trust, Perry and Mary F. Wicker Trust

**Agent:** Jonathan Huels, Lowndes, Drosdick, Doster, Kantor & Reed, P.A.

**Parcels:** 33-24-30-0000-00-018/019/040/053

**Address:** 14050, 14114 and 14122 Boggy Creek Road

**District:** 4

**Area:** 23.94 gross / ?? net developable acres

**EPD Comments: CAD required**

Wetlands and a portion of Boggy Creek are located on the subject properties. The comprehensive plan amendment application will require a Conservation Area Determination (CAD) completed with a certified wetland boundary survey approved by the Environmental Protection Division (EPD), in accordance with Orange County Code Chapter 15, Article X Wetland Conservation Areas.

Until wetland permitting is complete, the net developable acreage is uncertain. The net developable acreage is the gross acreage less the wetlands and surface waters acreage. The buildable area is the net developable acreage less protective buffer areas required to prevent adverse secondary impacts. The applicant is advised not to make financial decisions based upon development within the wetland or the upland protective buffer areas. Any plan showing development in such areas without Orange County and other jurisdictional governmental agency wetland permits is speculative and may not be approved.

Density and Floor Area Ratio (FAR) calculations are determined by dividing the total number of units and the square footage by the net developable area. In order to include Class I, II and III conservation areas in the density and FAR calculations, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact (CAI) permit from the Orange County EPD. Reference Comprehensive Plan Policy FLU1.1.2 C.

The removal, alteration or encroachment within a Class I conservation area shall only be allowed in cases where: no other feasible or practical alternatives exist, impacts are unavoidable to allow a reasonable use of the land, or where there is an overriding public benefit, as determined before the Orange County Board of County Commissioners (BCC).

Development of the subject property shall comply with all state and federal regulations regarding

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wildlife and plants listed as imperiled (endangered, threatened, or species of special concern.) The applicant is responsible to determine the presence of imperiled species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC).

This project site has a prior land use (grazing, container nursery) that may have resulted in soil and/or groundwater contamination due to spillage of petroleum products, fertilizer, pesticide or herbicide. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading or construction plans, the applicant shall provide documentation to assure compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations, to the Orange County Environmental Protection and Development Engineering Divisions. An environmental site assessment (ESA) is not required at this time, but if an ESA has been completed for this site, please submit a copy with the application.

All development is required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Reference Orange County Code Sections 30-277 and 30-278.

**5) Amendment #2020-2-A-5-1**

**J&S Apartments**

**FLU from:** Industrial (IND) to Medium Density Residential (MDR)

**Rezoning from:** IND-1/IND-5 (Industrial District) to R-3 (Multiple-Family Dwelling District)

**Proposed Development:** 348 multi-family dwelling units

**Owner:** J and S Industrial Holdings, LLC

**Agent:** James G. Willard, Shutts & Bowen, LLP

**Parcels:** 15-22-30-0000-00-020/085

**Address:** 6730 Hanging Moss Rd. and 2308 Mercator Dr.

**District:** 5

**Area:** 18.15 gross / 17.51 net developable acres

**EPD Comments:**

These parcels were included in Orange County Conservation Area Determination CAD 02-005 that identified streams and ditches. The CAD has no expiration date, but the wetland survey will need to be updated to obtain the acreages needed for planned impacts and to verify that it accurately shows wetlands that will need to be shown on all plans and permits. Prior applications have reported that the site also has permits from the St. John's River Water Management District SJRWMD #16-095-74860-3 and the Army Corps of Engineers ACOE #2003-06084 (JD-EB).

The net developable acreage is obtained by subtracting the wetland and surface water acreages shown in the CAD survey from the gross acreage, currently shown as 17.51. Verification will be required. Density and Floor Area Ratio (FAR) calculations are determined by dividing the total number of units and the square footage by the net developable area. In order to include Class I, II

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2020-2 Regular Cycle Comprehensive Plan Amendments

and III conservation areas in the density and FAR calculations, the parcels shall have an approved Conservation Area Determination (CAD) and an approved Conservation Area Impact (CAI) permit from the Orange County EPD.

In addition to any state or federal wetland permitting requirements, the applicant shall satisfy Orange County's wetland permitting requirements. To avoid delays in permit or development plan approvals, submit an application for a Conservation Area Impact (CAI) Permit for proposed conservation area encroachments or adverse secondary impacts as soon as possible to the Orange County Environmental Protection Division, as outlined in Chapter 15, Article X Wetland Conservation Areas. There are existing Orange County Conservation Area Impact permits CAI 09-005 and CAI-16-05-022. These shall be listed on all plan submittals, however, the design will require an additional impact permit through Orange County. The site also has Conservation Area Authorization permit CAA-17-02-005 for vegetation reduction dated 2/14/2017 from within ditches on the property as a maintenance activity.

The plan information submitted indicates an intention to remove all existing internal on-site ditches/streams. The site design will have to address the continuation of hydrological flow and flooding concerns that are currently handled by the on-site ditches, in coordination with the Water Management District, Army Corps of Engineers and Orange County Public Works Development Engineering. The design will have to also indicate measures to protect and maintain the canal edge stability along the southern boundary of this project.

All development is required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Reference Orange County Code Sections 30-277 and 30-278.

Although this proposed use for multi-family residential units is very different than the prior request for a recycling processing facility, prior community meetings regarding development activity on this site have consistently surfaced neighbor's concerns with construction and operation of any project on this location and various environmental effects such as dust, noise, traffic, and erosion on the existing uses. There are residential uses to the north and south, and institutional/commercial uses on the north, east and west. These concerns will require strict compliance with regulations during construction and operation of the proposed multi-family dwelling units. Plans should add notes that will indicate specific measures and design features that the proposal will utilize to assure mutual compatibility.

This project site has a prior land use that may have resulted in soil and/or groundwater contamination. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading or construction plans, the applicant shall provide documentation to assure compliance with the Florida Department of Environmental Protection (FDEP) regulation 62-777 Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations, to the Orange County Environmental Protection and Development Engineering Divisions. An environmental site assessment (ESA) is not required at this time, but if an ESA has been completed for this site, please submit a copy.

Orange County Environmental Protection Division  
Comments to the Local Planning Agency for the  
2020-2 Regular Cycle Comprehensive Plan Amendments

Due to potential or known contamination on this property, the applicant should consider this site for designation as a brownfield redevelopment area. For information regarding financial incentives and regulatory benefits contact the Orange County Environmental Protection Division (EPD), Brownfields Coordinator. Also contact the Florida Department of Environmental Protection Central District.

**6) Amendment #2020-2-A-5-2**

**Quadrangle PD/Tract 7**

**FLU from:** Office (O) to Medium Density Residential (MDR) (Student Housing)

**Rezoning from/to:** PD (Planned Development District) Quadrangle PD/LUP

**Proposed Development:** Up to 894 student housing beds

**Owner:** TAG Land Orlando, LLC

**Agent:** Rebecca Wilson, Lowndes, Drosdick, Doster, Kantor & Reed, P.A.

**Parcels:** 04-22-31-7250-00-010/013/014

**Address:**

**District:** 5

**Area:** 11.2 gross / net developable acres

**EPD Comments:**

No comment at this time. The project site was cleared. It was previously reviewed as part of development plan #5012581 The Quadrangle PD/Tract 7/Office Complex DP.



**ORANGE COUNTY FIRE RESCUE DEPARTMENT**  
**Jacob Lujan, Planning and Technical Services Division**  
 6590 Amory Court  
 Winter Park, FL 32792  
 (407) 836-9893 Fax (407) 836-9106  
 Jacob.Lujan@ocfl.net

Date: June 17, 2020

To: Christopher DeManche, Planner III  
 Orange County Planning Division

From: Jacob Lujan, Compliance and Planning Administrator  
 Planning & Technical Services—Orange County Fire Rescue Department

Subject: Facilities Analysis 2020-2 Regular Cycle Amendments  
 Fire Rescue Comments

Amendment #	Fire Station First Due	Distance from Fire Station	Est. Emergency Travel Time	Current Density	Density with Proposed FLUM Change	Travel Time Benchmark
2020-2-A-1-2 (fka 2019-2-A-1-2 and 2020-1-A-1-2) (Lake Buena Vista Springs)	36	0.7 miles	2 min	Urban Low	Urban Low	7 min
2020-2-A-2-1 Bailey's Community	28	2.2 miles	4 min	Urban Low	Urban Low	7 min
2020-2-A-4-1 Fieldstream Village	83	1.6 miles	4 min	Urban Low	Urban Low	7 min
2020-2-A-4-2 Wicker Property	55	5.6 miles	10 min	Rural High	Urban Low	7 min
2020-2-A-5-1 J&S Apartments	66	1.8 miles	3 min	Urban High	Urban High	5 min
2020-2-A-5-2 Quadrangle	67	1.9 miles	5 min	Urban Low	Urban Low	7 min

Of the proposed amendments, the Wicker Property is the only one that poses response challenges for the Orange County Fire Rescue Department. This site is in an area that has been identified by the department as in need of a new fire station to provide improved coverage.

Fire Rescue owns property for planned Fire Station 78, although no capital funding has yet been dedicated to this project. If this station were operational, the travel time for the Wicker Property site would improve to 4 minutes (2.2 miles).

c: Anthony Rios, Division Chief



PARKS AND RECREATION DIVISION  
MATT SUEDMEYER, MANAGER  
4801 W Colonial Drive, Orlando, FL 32808  
407-836.6200 • FAX 407-836.6210 • <http://www.orangecountyparks.net>

August 24, 2020

TO: Alberto Vargas, Manager, Planning

FROM: Cedric M. Moffett, Principal Planner, Parks and Recreation

SUBJECT: Facilities Analysis and Capacity Report  
2020-2 Regular Cycle Comprehensive Policy Plan Amendments

The Parks and Recreation Division have reviewed the 2020-2 Regular Cycle Comprehensive Policy Plan Amendments. Based on the information provided the development impacts do not exceed our countywide available parkland capacity (see attached chart), however, the projects still need to meet applicable development requirements for parks and recreation. As per usual we only analyzed the impact of the residential amendments.

The Future Land Use Amendment maps have been compared to our existing and proposed park and trail facilities. There are no impacts to planned parks or trails.

.

CM:cm

c: Matt Suedmeyer, Manager, Parks and Recreation  
Regina Ramos, Project Manager, Parks and Recreation  
File: Comp Plan Amendments



**Facilities Analysis and Capacity Report**  
**2020-2 Regular Cycle Comprehensive Policy Plan Amendments**  
**(Amendments with Parks Level-of-Service Impacts)**

<b>Amendment Number</b>	<b>Proposed Future Land Use</b>	<b>Residential Dwelling Units</b>	<b>Population (2.56/unit)</b>	<b>Active Recreation Acreage Impact (1.5 ac/1,000 pop)</b>	<b>Resource Recreation Acreage Impact (6.0 ac/1,000 pop)</b>	
2020-2-A-4-1 Fieldstream Village	Planned Development-Commercial/Office/High Density Residential/Parks and Recreation/Open Space/Conservation (PD-C/O/HDR/PR/OS/CONS)	1200	3072	4.608	18.342	
2020-2-A-4-2 Wicker Property	Planned Development-Commercial/Office/Medium Density Residential (PD-C/O/MDR/CONS)	380	972.8	1.459	5.837	
2020-2-A-5-1 J&S Apartments	Medium Density Residential (MDR)	348	890.88	1.336	5.345	
2020-2-A-5-2 Quadrangle	Medium Density Residential (MDR) (Student Housing)	894	2288.64	3.432	13.732	
				<b>Total Acreage Impact</b>	<b>10.835</b>	<b>43.256</b>
				<b>Available Capacity (as of July 2019)</b>	<b>377.440</b>	<b>7584.570</b>



# Orange County Public Schools

6501 Magic Way · Building 200 · Orlando, Florida 32809 · (407) 317-3700 · www.ocps.net

## FORMAL SCHOOL CAPACITY DETERMINATION CAPACITY LETTER - EXTENSION

November 23, 2020

**VIA E-MAIL: JWILLARD@SHUTTS.COM**

James G. Willard  
Shutts & Bowen, LLP  
300 S. Orange Avenue, Suite 1600  
Orlando, FL 32801

**Application: OC-20-016 J&S Apartments**

This letter serves as the official certification by Orange County Public Schools that school capacity for the following development is **NOT AVAILABLE**:

Type of Development Application	<input type="checkbox"/> FLUM
	<input type="checkbox"/> Rezoning
	<input checked="" type="checkbox"/> Amendment or Extension
Development Application #:	2020-2-A-5-1
Project Name:	J&S Apartments
OCPS Completed Application Date:	February 18, 2020
Parcel #(s):	15-22-30-0000-00-020, 15-22-30-0000-00-085
Requested New Units (#):	SF: 0                      MF: 348                      TH: 0
Vested Unit(s):	SF: 0                      MF: 0                      TH: 0
Total Project Units:	348
School Board District:	# 1

In accordance with Section 10 of the First Amended and Restated Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency ("Interlocal Agreement"), a detailed Capacity Analysis is provided in **Attachment A**.

In accordance with Section 704(B) of the Orange County Charter and Section 30-742 of the Orange County Code, an analysis of significantly affected local governments impacted by the proposed development can be found below:

	Brookshire ES	Glenridge MS	Winter Park HS
Jurisdictional Analysis	N/A	<b>Orange County - 67.3%, Winter Park - 16.9%, Orlando - 15.8%</b>	N/A

Given the above analysis, this project meets the minimum criteria established by the Orange County Charter and Code to proceed through the joint approval process with the identified significantly affected local government(s). Additional information on the joint approval process can be obtained from Orange County

**This determination expires on February 18, 2021.** In the event this project does not possess Development Application approval from Orange County by the expiration date, but still intends to move forward in the development process, the applicant must resubmit the application and application fee to be reevaluated by OCPS. In addition, should the scope of the project change (e.g., modification of unit count and/or unit type), a new determination will be required.

Unless otherwise vested, the Development is still required to submit for concurrency review and, if necessary, enter into a Concurrency Mitigation Agreement.

This determination is governed by the Interlocal Agreement, the provisions of Orange County's adopted Comprehensive Plan, and the Orange County Charter and Code.

Please contact me at (407) 317-3700 ext. 2022139 or e-mail me at [steven.thorp@ocps.net](mailto:steven.thorp@ocps.net) with any questions.

Sincerely,



Steven Thorp, AICP  
Sr. Administrator, Facilities Planning

VJ/st

Attachments – Attachment A: Detailed Capacity Analysis

CC: Sue Watson, Orange County (via e-mail)  
Yolanda Ortiz, City of Orlando (via e-mail)  
Jeffery Briggs, City of Winter Park (via e-mail)  
Thomas Moore, OCPS (via e-mail)  
Project File

## Attachment A



**Facilities Planning**  
 Orange County Public Schools

### School Capacity Determination

User ID #: 1000003 February 25, 2020 08:39:28

Project ID: CEA – OC – 20 – 016

Valid Until: February 18, 2021

Project Name: <b>J&amp;S APARTMENTS</b>							
<b>Unvested Units</b>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px 5px;">Single Family Units:</td> <td style="text-align: right; padding: 2px 5px;">0</td> </tr> <tr> <td style="padding: 2px 5px;">Multi Family Units:</td> <td style="text-align: right; padding: 2px 5px;">348</td> </tr> <tr> <td style="padding: 2px 5px;">Town Homes Units:</td> <td style="text-align: right; padding: 2px 5px;">0</td> </tr> </table>	Single Family Units:	0	Multi Family Units:	348	Town Homes Units:	0
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Multi Family Units:	0						
Town Homes Units:	0						

	Elementary	Middle	High
School Level	Elementary	Middle	High
CSA:	V		
School:	BROOKSHIRE ES	GLENRIDGE MS	WINTER PARK HS
<i>Analysis of Existing Conditions</i>			
School Capacity (2019-2020)	680	1,251	3,723
Enrollment (2019-2020)	581	1,333	3,434
Utilization (2019-2020)	85.0%	107.0%	92.0%
LOS Standard	110.0%	100.0%	100.0%
Available Seats	167	0	289
<i>Analysis of Reserved Capacity</i>			
School Level	Elementary	Middle	
Encumbered Capacity	0	0	36
Reserved Capacity	0	0	5
Adjusted Utilization	85.4%	106.5%	93.3%
Adjusted Available Seats	167	0	248
<i>Analysis of Proposed Development</i>			
Students Generated	51.852	21.924	24.360
Adjusted Utilization	93.1%	108.3%	94.0%
PASS/FAIL	<b>PASS</b>	<b>FAIL</b>	<b>PASS</b>
Number of Seats to Mitigate	0.000	21.924	0.000

BROOKSHIRE ES	
GLENRIDGE MS	
WINTER PARK HS	CAPACITY INCLUDES 9TH GRADE CENTER.

Capacity Enhancement



# Orange County Public Schools

6501 Magic Way · Building 200 · Orlando, Florida 32809 · (407) 317-3700 · www.ocps.net

## FORMAL SCHOOL CAPACITY DETERMINATION CAPACITY LETTER

June 29, 2020

**VIA E-MAIL: JWILLARD@SHUTTS.COM**

James G. Willard  
Shutts & Bowen, LLP  
300 S. Orange Avenue, Suite 1600  
Orlando, FL 32801

**Application OC-20-016 (J&S Apartments)**

This letter serves as the official certification by Orange County Public Schools that school capacity for the following development is **NOT AVAILABLE**:

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	Brookshire ES	Glenridge MS	Winter Park HS
Jurisdictional Analysis	N/A	<b>Orange County - 67.3%, Winter Park - 16.9%, Orlando - 15.8%</b>	N/A



Given the above analysis, this project meets the minimum criteria established by the Orange County Charter and Code to proceed through the joint approval process with the identified significantly affected local government(s). Additional information on the joint approval process can be obtained from Orange County

**This determination expires on August 18, 2020.** OCPS is not required to extend the expiration date of this determination letter. In the event this project does not possess Development Application approval from Orange County by the expiration date, but still intends to move forward in the development process, the applicant must resubmit the application and application fee to be reevaluated by OCPS. In addition, should the scope of the project change (e.g., modification of unit count and/or unit type), a new determination will be required.

Unless otherwise vested, the Development is still required to submit for concurrency review and, if necessary, enter into a Concurrency Mitigation Agreement.

This determination is governed by the Interlocal Agreement, the provisions of Orange County's adopted Comprehensive Plan, and the Orange County Charter and Code.

Please contact me at (407) 317-3700 ext. 2022139 or e-mail me at [steven.thorp@ocps.net](mailto:steven.thorp@ocps.net) with any questions.

Sincerely,



Steven Thorp, AICP  
Sr. Administrator, Facilities Planning

STT

Attachments – Attachment A: Detailed Capacity Analysis

CC: Sue Watson, Orange County (via e-mail)  
Yolanda Ortiz, City of Orlando (via e-mail)  
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Thomas Moore, OCPS (via e-mail)  
Project File

## Attachment A



**Facilities Planning**  
 Orange County Public Schools

### School Capacity Determination

User ID #: 1000003 February 25, 2020

08:39:28

Project ID:

**CEA – OC – 20 – 016**

Valid Until: August 18, 2020

<b>Project Name: J&amp;S APARTMENTS</b>	
<p style="font-size: 1.2em; font-weight: bold; text-align: center;">Unvested Units</p> <p>Single Family Units: 0                  Multi Family Units: 348                  Town Homes Units: 0</p>	<p style="font-size: 1.2em; font-weight: bold; text-align: center;">Vested Units</p> <p>Single Family Units: 0                  Multi Family Units: 0                  Town Homes Units: 0</p>

Capacity Enhancement	School Level	Elementary	Middle	High
	CSA:	V		
	School:	BROOKSHIRE ES	GLENRIDGE MS	WINTER PARK HS
	<b>Analysis of Existing Conditions</b>			
	School Capacity (2019-2020)	680	1,251	3,723
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PASS/FAIL	PASS	FAIL	PASS	
Number of Seats to Mitigate	0.000	21.924	0.000	

BROOKSHIRE ES	
GLENRIDGE MS	
WINTER PARK HS	CAPACITY INCLUDES 9TH GRADE CENTER.



**DECLARATION RELATING TO THE HB 7103 IMPACT  
ON SCHOOL OVERCROWDING MITIGATION**

**WHEREAS**, the vision of The School Board of Orange County, Florida is “**To ensure every student has a promising future;**” and

**WHEREAS**, the mission statement of The School Board of Orange County, Florida is “**With the support of the community, we create enriching and diverse pathways that lead our students to success;**” and

**WHEREAS**, the School Board of Orange County, Florida (School Board) stands by its vision and mission; therefore, the students and parents are at the heart of the School Board’s position in response to 2019 HB 7103; and

**WHEREAS**, the School Board has a long, positive history of working with local governments and the development community to plan for and seek adequate funding to increase school capacity in an effort to keep pace with the growth of our community. To put this into perspective, in 2000, pre-Martinez Doctrine, the population in Orange County, Florida was approximately 900,000 residents and now, in 2020, the population is estimated at 1,350,000, an increase of 450,000 residents over twenty (20) years. In 2000, the OCPS student population was 151,000 students enrolled in 169 school facilities. In 2020, the OCPS student population is 215,000 students enrolled in 199 school facilities, an increase of 64,000 students and thirty (30) school facilities; and

**WHEREAS**, the School Board’s ability to accommodate this growth was a result of the School Board, local governments, and citizens placing a high value on education and endeavoring to ensure that new development was responsible for its share of the cost of the new student capacity required; and

**WHEREAS**, through the last twenty (20) years, the community has seen the Martinez Doctrine, the School Capacity Charter Amendment, and the Interlocal Agreements guide the way to the ongoing and ever-present coordination between the School Board, the local governments, and the development community; all were designed to ensure that school capacity is available for growth; and

**WHEREAS**, the School Board invested in each of the processes as a partner and it intends to continue that same partnership in support of its vision and mission; and

**WHEREAS**, in 2000, at a pivotal moment in Orange County history, then Mayor Martinez, issued a memorandum, known as the Martinez Doctrine, directing his staff, prior to placing any future land use map (“FLUM”) amendments or rezonings on the agenda before the Orange County

Board of County Commissioners (Orange County Commission), to seek certification from Orange County Public Schools (OCPS) of available school capacity for the anticipated increase in students. In the event that there is not sufficient capacity, staff was further directed to recommend denial of the application; and

**WHEREAS**, the Martinez Doctrine did not restrict the authority of the Orange County Commission to approve of such applications, nor did the Martinez Doctrine have any authority over or impact on the actions of municipalities within Orange County; and

**WHEREAS**, in 2003, a multifamily development was approved by a municipality against the strong opposition of parents whose students were in an impacted and significantly overcrowded school; however, none of those parents resided within the limits of the municipality so they lacked any representation on this decision which adversely affected their children; and

**WHEREAS**, in 2004, the citizens of Orange County overwhelmingly voted (73.8%) in favor of a School Capacity Charter Amendment that addressed school capacity and overcrowding (School Capacity Charter Amendment); the citizens reapproved same in 2012 (65.9%); and

**WHEREAS**, the School Capacity Charter Amendment applies County-wide and requires that all residential Future Land Use Map (FLUM) and rezoning applications for which OCPS cannot certify it will have adequate capacity for the students anticipated to be generated from the unvested units must be jointly approved by all significantly affected local governments for the change in FLUM or zoning designation to become effective; and

**WHEREAS**, the School Capacity Charter Amendment did not reference Capacity Enhancement Agreements (CEA), nor did it contemplate that CEAs would be used as a means of satisfying capacity or bypassing the joint approval process; and

**WHEREAS**, in 2006, the Orange County Commission adopted Ordinance No. 2006-01, Section 1, to codify the actions of the citizens and to define the threshold for a “significantly affected local government” as any government within which ten percent (10%) or more of the student population is affected by the proposed new development; and

**WHEREAS**, in 2008, the Orange County Commission entered into the Amended Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency (2008 ILA) by and between the School Board of Orange County, the City of Orlando, the City of Apopka, the City of Ocoee, the City of Winter Garden, and the Town of Oakland to formalize the process for implementing the 2004 School Capacity Charter Amendment, implement concurrency, implement the statutorily required coordination of OCPS’s Capital Improvement Plan, establish a uniform methodology to address school capacity mitigation - the Capacity Enhancement process, and establish the adopted the level-of-service for capacity at adjusted Florida Inventory of School Houses (FISH) 110% for Elementary Schools, 100% for Middle Schools, and 100 % for High Schools within the three (3) year work program; and

**WHEREAS**, in 2008, the Orange County Commission, the City of Orlando, and select municipalities amended each of their comprehensive plan policies to prohibit the approval of a

developer-initiated comprehensive plan or rezoning for unvested development where school capacity is not available; and

**WHEREAS**, in 2010, the First Amendment to the Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency (2010 ILA) was entered into by and between the School Board, the Orange County Commission, the City of Orlando, the City of Belle Isle, the City of Maitland, the City of Oakland, the City of Ocoee, the City of Windermere, and the City of Winter Park; and

**WHEREAS**, in 2011, the First Amended and Restated Interlocal Agreement For Public School Facility Planning and Implementation of Concurrency (2011 ILA) was entered into by and between the School Board, the Orange County Commission, the City of Orlando, the City of Maitland, the City of Winter Park, and the City of Oakland; and

**WHEREAS**, sections 8.7(c) of the 2008 ILA and 10.7(c) of the 2011 ILA state, “[i]f the individual school impacted by the proposed Residential Development fails to meet the adopted Level of Service as of the date of the School Capacity Determination, the mitigation required pursuant to the Capacity Enhancement Agreement shall be used to ensure that the overcrowding existing at the time of the submittal of a complete Development Application shall not be aggravated;” and

**WHEREAS**, the 2008 ILA and 2011 ILA also include a formula for calculating a mitigation fee (the CEA Fee), based on collecting the full capital cost associated with the estimated students to be generated by the unvested units taking into account the impact fees to be paid. However, upon review, the formula does not guarantee that OCPS will have sufficient revenues in time to provide the permanent capacity necessary to “ensure that the overcrowding existing at the time of the submittal of a complete Development Application shall not be aggravated”, as required in sections 8.7(c) and 10.7(c) of the 2008 ILA and 2011 ILA, respectively; and

**WHEREAS**, the 2019 Legislature approved HB 7103, which requires that impact fee credits be given for “any contribution” related to public education facilities. This results in OCPS no longer receiving any funds or school site contributions above the impact fees for a development; and

**WHEREAS**, even if OCPS collects a CEA fee under the CEA program, OCPS will be required to give a credit against the impact fees due which is equal to the mitigation payment. This reduces the overall amount of impact fees collected, thereby rendering OCPS unable to enter into CEAs certifying that capacity will be available when, in fact, OCPS is not receiving any additional funds to mitigate the impacts of additional students; and

**WHEREAS**, in 2019, the School Board authorized the School Board Chair to send a letter to Governor DeSantis requesting a veto of HB 7103 to allow time for all parties involved to understand the implications this bill would have in Orange County; and

**WHEREAS**, Governor DeSantis signed HB 7103 into law on June 28, 2019 and it became effective July 1, 2019; and



**WHEREAS**, efforts by OCPS and the Orange County Commission to seek a legislative solution have failed; and

**WHEREAS**, OCPS, in compliance with the School Capacity Charter Amendment, shall continue to certify to local governments whether capacity exists for the proposed developments within three years of the approval; and

**NOW, THEREFORE**, the School Board of Orange County, Florida does hereby declare that the impact of the 2019 HB 7103 on the CEA program makes it impossible to mitigate the impacts of school overcrowding from new development that would cause or exacerbate school overcrowding where the needed capacity will not be available within three (3) years. Accordingly, the School Board can no longer execute CEAs and developers must rely on, and the citizens of Orange County are entitled to, the process prescribed by the voters for joint approval of all FLUM and rezoning applications that cause or exacerbate school overcrowding.

\_\_\_\_\_  
Teresa Jacobs, Chair  
The School Board of Orange County, Florida

\_\_\_\_\_  
Barbara M. Jenkins, Superintendent  
The School Board of Orange County, Florida

*Declaration made at June 23, 2020 School Board meeting.*



# Orange County Public Schools School Capacity Report

**DATE ISSUED** June 18, 2020

**JURISDICTION** ORANGE COUNTY

**CASE** J&S APARTMENTS

**PROPERTY ID** 15-22-30-0000-00-020, 15-22-30-0000-00-085

**ACREAGE** +/- 18.15

**LAND USE CHANGE** 2020-2-A-5-1 - IND TO MDR

**PROPOSED USE** Single Family Units: 0 Multi Family Units: 348  
Mobile Homes Units: 0 Town Homes Units: 0

## CONDITIONS AT AFFECTED SCHOOLS (AS OF OCTOBER 15, 2019)

School Information	BROOKSHIRE ES	GLENRIDGE MS	WINTER PARK HS
Capacity (2019-2020)	680	1,251	3,723
Enrollment (2019-2020)	581	1,333	3,434
Utilization (2019-2020)	85.0%	107.0%	92.0%
Adopted LOS Standard	110.0%	100.0%	100.0%
Students Generated	52	22	24

## COMMENTS/CONDITIONS OF APPROVAL:

OC-20-016 HAS BEEN SUBMITTED, CAPACITY IS NOT AVAILABLE.

For more information on this analysis, please contact:

Contact Facilities Planning at 407.317.3974

## Watson, Sue

---

**From:** Thorp, Steven T. <Steven.Thorp@ocps.net>  
**Sent:** Tuesday, June 30, 2020 11:42 AM  
**To:** jwillard@shutts.com  
**Cc:** Moore, Thomas H.; Jenkins, Vitonni S.; Watson, Sue; Yolanda Ortiz; jbriggs@cityofwinterpark.org  
**Subject:** OC-20-016 - J&S Apartments  
**Attachments:** Declaration\_Relating\_to\_the\_HB\_7103  
\_Impact\_on\_School\_Overcrowding\_Mitigation\_(6-18-2020) (fully executed).pdf;  
OC-20-016 J&S Apartments Capacity Determination Letter Revised 6-29-2020.pdf

Hi Jim,

I hope all is well. Please see the revised capacity determination letter for J&S Apartments (OC-20-016). This determination letter has been generated based on direction provided by the Orange County School Board, as the School Board will no longer approve CEA's for capacity determination applications submitted after July 1, 2019 due to the effects of 2019 House Bill 7103. A copy of the signed declaration is attached for your reference.

Please work with your County planner to discuss how to move forward with your FLUM and/or rezoning application given their review procedures. Your County planner can also coordinate any separate approvals, if needed, with any significantly affected local government shown in your revised capacity letter. The significantly affected local government(s) have been cc'd on this email for notification.

Lastly, if you submitted any payments to OCPS to have your request proceed through the CEA agreement process, OCPS staff will be coordinating any refunds with you in the near future. Capacity review application fees will not be refunded.

Any questions, please don't hesitate to contact me.

Regards,

**Steven Thorp, AICP**

Sr. Administrator, Facilities Planning

**[Orange County Public Schools](#)**

6501 Magic Way, Building 200

Orlando, FL 32809

Tel: 407-317-3700 ext. 2022139

[planning.ocps.net](http://planning.ocps.net)

***Please Note:*** During the summer, all district offices and schools will be **closed on Fridays** beginning June 12<sup>th</sup> through July 24<sup>th</sup>.

***\*\*Please note, due to system upgrades, our application system will be offline from June 19 through July 13.***

***Applications for Capacity Enhancement or Concurrency review will not be accepted or processed by OCPS staff during this time. Please allow at least 5 business days prior to the outage for staff review of a sufficient application, or the review may occur after July 13.***

---

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Sheriff John W. Mina

# ORANGE COUNTY SHERIFF'S OFFICE

## INTEROFFICE MEMORANDUM

July 15, 2020

TO: Christopher M. DeManche  
Orange County Planning Division

FROM: Daniel Divine, Manager  
Research & Development

SUBJECT: 2020-2 Regular Cycle Comprehensive Policy Plan Amendments (CPPA)

As requested, we have reviewed the impact of the proposed development scenarios related to the 2020-2 Regular Cycle Comprehensive Policy Plan Amendments (CPPA). Based on the proposed development scenarios, the Sheriff's Office staffing needs are 4.88 deputies and 2.22 support personnel to provide the standard level of service (LOS) to these developments.

**Comprehensive Policy Plan Amendment #2020-2-A-2-1** known as Bailey's Community has a proposed assisted living facility, independent living cottages, a community clubhouse and equestrian amenities. This development is located in Sheriff's Office Patrol **Sector One**. Sector One is located in the northwestern portion of Orange County and is approximately 116.588 square miles. In 2019 the Sheriff's Office had 1,307,923 calls for service and 148,313 of these calls were in Sector One. In 2019 the average response times to these calls were 00:16:54 minutes for Code 1 [non emergency service calls]; 00:30:51 minutes Code 2 [non life threatening emergency calls]; and 00:06:42 minutes Code 3 [life-threatening emergency calls].

**Comprehensive Policy Plan Amendment #2020-2-A-4-1** known as Fieldstream Village has proposed multi family dwelling units, commercial and office uses as well as well as community recreational amenities, **#2020-2-A-5-1** known as J&S Apartments proposes 348 multi-family dwelling units and **#2020-1-S-5-2** known as Quadrangle proposes 894 student housing beds. These developments are in Sheriff's Office Patrol **Sector Two**. Sector Two is located in the eastern portion of Orange County and is approximately 400.285 square miles, our largest sector geographically. In 2019 Sector Two had 270,141 calls for service. In 2019 the average response times to these calls were 00:18:01 minutes Code 1; 00:30:15 minutes Code 2; and 00:06:30 minutes Code 3.

**Comprehensive Policy Plan Amendment #2020-2-A-4-2** known as Wicker Property has proposed commercial, office/medical and multi family dwelling units. This development is located in **Sector Four**. Sector Four is centrally located and is approximately 70.534 square miles. In 2019 Sector Four had 255,630 calls for service. In 2019 the average response times to these calls were 00:22:04 minutes for Code 1; 00:36:27 minutes Code 2; and 00:06:20 for

Christopher M. Demanche  
July 15, 2020  
Page 2 of 2

**Comprehensive Policy Plan amendment #2020-2-A-1-2** known as Lake Buena Vista Springs proposes 25,000 square feet of commercial use. This development is in **Sector Six**. Sector Six is located in the Southern portion of Orange County and is approximately 31.472 square miles. The Cities of Bay Lake and Lake Buena Vista are within this sector. In 2019 Sector Six had 136761 calls for service. In 2019 the average response times to these calls were 00:12:22 minutes for Code 1; 00:15:24 minutes Code 2; and 00:06:37 minutes Code 3.

The Orange County Sheriff's Office measures service requirements based on the number of calls for service generated and the number of staff needed to respond to those calls. All development generates impact, but at varying levels. In the 2018 update to the Law Enforcement Impact Fee Ordinance, the Sheriff's Office Level of Service was 282 calls for service per sworn officer per year. Support personnel are calculated by applying 45.4% to the sworn officer requirement. The 'formula' is *land use x unit of development x calls per unit divided by 282 = number of deputies required for that development. The 'formula' for the number of support personnel required is the number of deputies \* 45.4 percent.* These calculations are obtained from Orange County's Law Enforcement Impact Fee Study and Ordinance.

Impact fees address capital cost only. All other costs must be requested from the Board of County Commissioners including salaries and benefits.

As stated before, all new development creates new calls for service, which in turn creates a need for new additional manpower and equipment. If calls for service increase without a comparable increase in manpower our response times are likely to increase.

If you wish to discuss this information, please contact me or Belinda Atkins at 407 254-7470.

DPD/bga

Attachments

cc: Undersheriff Mark J. Canty, Chief Deputy Nancy Brown, Chief Deputy Larry G. Zwieg, Major Angelo L. Nieves, Major Rick Meli, Captain Mariluz Santana, CALEA 15.1.3



## AMENDMENT 2020-2-A-5-1 J and S Apartments

### PROJECT SPECIFICS

Parcel ID:	15-22-30-0000-00-087, 15-22-30-0000-00-020, and 15-22-30-0000-00-085
Location:	6730 Hanging Moss Rd. and 2308 Mercator Dr.; Generally located on the south side of Hanging Moss Rd., east of N. Semoran Blvd., north of Commerce Blvd., and west of Mercator Dr.
Acreage:	18.15 gross ac./17.51 net developable ac.
Request FLUM:	From: Industrial (IND) To: Medium Density Residential (MDR)
Request Zoning:	From: IND-2/IND-3 (General Industrial District) To: R-3 (Multiple-Family Dwelling District)
Existing Development Yield:	Undeveloped land
Development Permitted Under Current FLUM:	Up to 572,051 sq. ft. of industrial uses
Proposed Density/Intensity:	348 multi-family dwelling units

### Trip Generation (ITE 10<sup>th</sup> Edition)

Land Use Scenario	PM Pk. Hr. Trips	% New Trips	New PM Pk. Hr. Trips
Maximum use of current FLUM: Up to 572,051 sq. ft. of industrial uses	597	100%	597
Existing Use: Undeveloped			
Proposed Use: 348 multi-family dwelling units	153	100%	153
Net New Trips (Proposed Development less Allowable Development): 597-153=-444			

### Future Roadway Network

Road Agreements:	None
Planned and Programmed Roadway Improvements:	Richard Crotty Parkway from Semoran Boulevard to Goldenrod Road. Richard Crotty Parkway will be a new four-lane roadway with sidewalks, bicycle lanes, roadway lighting, and median landscaping. Construction is anticipated to begin February 2021 and end February 2024.
Right of Way Requirements:	Parks indicated that this parcel will give the needed ROW for the trail along the south side.

### Summary

The Applicant is requesting a FLU amendment for the subject property from the Industrial ("I") to a Medium Density Residential ("MDR") designation for the 18.15-acre property. The existing Industrial designation currently allows a floor-area-ratio (FAR) of 0.75 and for the following zoning: Restricted Industrial District (I-A1), Industrial District (Light) (I-1 / I-5), Industrial District (General) (I-2 / I-3), and Industrial District (Heavy) (I-4). The proposed MDR designation allows for up to 20 DU/acre in residential development.

- The subject property is not located within the County's Alternative Mobility Area nor along a backlogged/constrained facility.
- The allowable development based on the approved future land use will generate 597 pm peak hour trips.
- The proposed use will generate 153 pm peak hour trips resulting in a net decrease of 444 pm peak hour trips.
- The subject property is located adjacent to Hanging Moss Rd. Based on existing conditions, this facility currently has one (1) deficient roadway segment within the project impact area. This information is dated and subject to change. The following segment is operating above its Maximum Service Volume (MSV):
  - Colonial Dr E from Forsyth Rd to Goldenrod Rd
- Based on the project trip distribution, 68% will be travelling EB on Hanging Moss Rd while 32% will be projected to travel WB.
- The short term analysis year 2020 revealed that no additional roadway segments are projected to operate above their MSV. The one (1) deficient segment mentioned above will still be over capacity.
- The long term analysis year 2030 revealed in addition to the one (1) segment mentioned above, the following five (5) segments will be operating above their MSV:
  - Colonial Dr E from Semoran Blvd to Forsyth Rd
  - Goldenrod Rd from Colonial Dr to Bates Rd
  - Goldenrod Rd from Bates Rd to University Blvd
  - Semoran Blvd from Colonial Dr to Hanging Moss Rd
  - Semoran Blvd from Hanging Moss Rd to University Blvd
- Final permitting of any development on this site will be subject to review and approval under capacity constraints of the county's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment in order to mitigate any transportation deficiencies.



## Interoffice Memorandum

Date: June 23, 2020

To: Alberto A. Vargas, MArch, Manager  
Orange County Planning Division

From: Lindy A. Wolfe, P.E., Manager  
Utilities Engineering Division

*Lindy Wolfe 6/24/2020*

**Subject: Facilities Analysis and Capacity Report  
2020-2 Regular Cycle Comprehensive Plan Amendments**

Orange County Utilities (OCU) staff reviewed the proposed development programs as submitted by the Planning Division and have concluded improvements to the County's water and wastewater treatment plants are not required to provide an adequate level of service consistent with the Comprehensive Plan's Potable Water, Wastewater and Reclaimed Water Element for those properties within OCU's service area. The Comprehensive Plan includes a 10-Year Water Supply Facilities Work Plan addressing the needs of our service area. Supporting documentation is provided in the attached Potable Water and Wastewater Facilities Analysis table.

As of today OCU has sufficient plant capacity to serve the subject amendments. This capacity is available to projects within OCU's service area and will be reserved upon payment of capital charges in accordance with County resolutions and ordinances. Transmission system capacity will be evaluated at the time of Master Utility Plan review and permitting, or at the request of the applicant.

OCU's groundwater allocation is regulated by its consumptive use permits (CUP). OCU is working toward alternative water supply (AWS) sources and agreements with third party water providers to meet the future water demands within our service area. While OCU cannot guarantee capacity to any project beyond its permitted capacity, we will continue to pursue the extension of the CUP and the incorporation of AWS and other water resources sufficient to provide service capacity to projects within the service area.

If you need additional information, please contact me or Laura Tatro at 407 254-9913.

cc: Raymond E. Hanson, P.E., Director, Utilities Department  
Andres Salcedo, Deputy Director, Utilities Department  
Laura Tatro, P.E., Chief Engineer, Utilities Engineering Division *LT 06/23/2020*  
Gregory Gologowski, Chief Planner, Planning Division  
Alyssa Henriquez, Planner II, Planning Division  
Christopher DeManche, Planner III, Planning Division  
Misty Mills, Planner III, Planning Division  
File: 37586; 2020-2 Regular Cycle

**Potable Water and Wastewater Facilities Analysis for 2020-2 Regular Cycle Comprehensive Policy Plan Amendments**

Amendment Number	Parcel ID	Service Type and Provider	Main Size and General Location	Proposed Land Use	Maximum Density, Dwelling Units	Maximum Density, Hotel Rooms	Maximum Density Non-residential SF	PW Demand (MGD)	WW Demand (MGD)	Available PW Capacity (MGD)	Available WW Capacity (MGD)	Reclaimed Water Required for Irrigation	OCU Service Area
2020-2-A-1-2 (fka 2019-2-A-1-2 and 2020-1-A-1-2) (Lake Buena Vista Springs)	21-24-28-5844-00-020; 21-24-28-0000-00-015/016/021	PW: Orange County Utilities WW: Orange County Utilities RW: Orange County Utilities	PW: 30-inch watermain within Winter Garden Vineland right-of-way WW: 12-inch forcemain within Winter Garden Vineland right-of-way RW: 16-inch reclaimed watermain within Winter Garden Vineland right-of-way	Commercial (C) and Urban Service Area (USA) Expansion; Rural/Agricultural/Conservation (R/CONS); and Medium Density Residential/Conservation (MDR/CONS)	0	0	25,000	0.002	0.002	0.002	0.002	Yes	South
2020-2-A-2-1 Bailey's Community	34-21-28-0000-00-064/090/097/100/108/110	PW: Orange County Utilities WW: Orange County Utilities RW: Orange County Utilities	PW: 24-inch watermain within Clarcona Ocoee right-of-way WW: 36-inch forcemain within Clarcona Ocoee right-of-way RW: Not currently available	Planned Development-Commercial/Assisted Living Facility (PD-C/ALF) (Rural Settlement)	300	0	78,320	0.090	0.073	0.090	0.073	No	West
2020-2-A-4-1 Fieldstream Village	29-22-31-0000-00-032/050 and 32-22-31-0000-00-034	PW: Orange County Utilities WW: Orange County Utilities RW: Orange County Utilities	PW: 20-inch watermain within Lake Underhill right-of-way WW: 8-inch forcemain within Lake Underhill right-of-way RW: Not currently available	Planned Development-Commercial/Office/High Density Residential/Parks and Recreation/Open Space/Conservation (PD-C/O/HDR/PR/OS/CONS)	1,200	0	100,000	0.339	0.278	0.339	0.278	No	East
2020-2-A-4-2 Wicker Property	33-24-30-0000-00-018/019/040/053	PW: Orlando Utilities Commission WW: Orange County Utilities RW: Orange County Utilities	PW: Contact Orlando Utilities Commission WW: *TBD RW: 6-inch reclaimed water main within Lake Nona right-of-way	Planned Development-Commercial/Office/Medium Density Residential (PD-C/O/MDR/CONS)	380	0	90,000	N/A	0.092	N/A	0.092	Yes	South
2020-2-A-5-1 J&S Apartments	15-22-30-0000-00-020/085	PW: City of Winter Park WW: City of Winter Park RW: City of Winter Park	PW: Contact City of Winter Park WW: Contact City of Winter Park RW: Contact City of Winter Park	Medium Density Residential (MDR)	348	0	0	N/A	N/A	N/A	N/A	N/A	N/A
2020-2-A-5-2 Quadrangle	04-22-31-7250-00-010/013/014	PW: Orange County Utilities WW: Orange County Utilities RW: Orange County Utilities	PW: 10-inch watermain within Corporate Boulevard right-of-way WW: 12-inch forcemain and 8-inch gravity main within Corporate Boulevard right-of-way RW: Not currently available	Medium Density Residential (MDR) (Student Housing)	894	0	0	0.246	0.201	0.246	0.201	No	East

**NOTES:**

No plant improvements are needed to maintain LOS standards. This evaluation pertains solely to water and wastewater treatment plants. Connection points and transmission system capacity will be evaluated at the time of Master Utility Plan review and permitting, or at the request of the applicant.

\*2020-2-A-4-2 Wastewater and Reclaimed Water demands (as applicable) and connection points will be addressed as the project proceeds through the DRC and construction permitting processes.

Abbreviations: PW - Potable Water; WW - Wastewater; RW - Reclaimed Water; WM - Water Main; FM - Force Main; GM - Gravity Main; MUP - Master Utility Plan; TBD - To be determined as the project progresses through Development Review Committee, MUP and permitting reviews; TWA - Toho Water Authority; RCID - Reedy Creek Improvement District



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# **J&S Apartments**

## Future Land Use Amendment Transportation Analysis

April 2020

**Kimley»»Horn**



# ***FUTURE LAND USE AMENDMENT TRANSPORTATION ANALYSIS***

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## **J&S Apartments**

**Orlando, FL**

***Prepared for:***

***J&S Industrial Holdings, LLC***

***Prepared by:***

***Kimley-Horn and Associates, Inc.***

**April 2020**

**James M. Taylor, P.E.**

**PE #69979**

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## Appendices

**Appendix A: Orange County CMS Report**

**Appendix B: CFRPM Model Plots**

**Appendix C: Background Volume Worksheet**

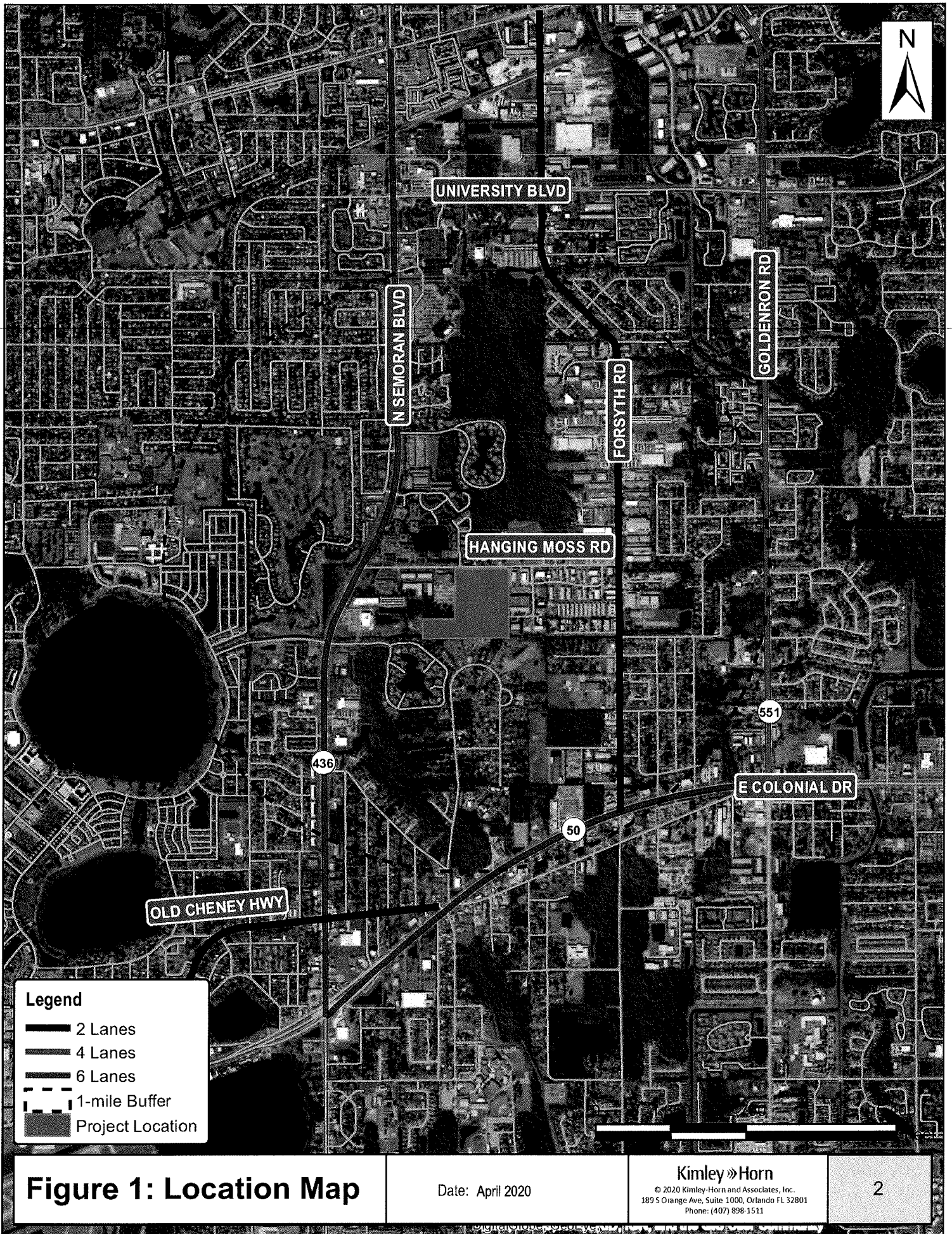
## 1.0 INTRODUCTION

Kimley-Horn and Associates, Inc. was retained to analyze, and document transportation impacts associated with a proposed Orange County Comprehensive Policy Plan (CPP) Future Land Use (FLU) amendment for ±18.15 acres of property located south of Hanging Moss Road between N Semoran Boulevard and Forsyth Road. The subject property (Orange County Parcel ID# 15-22-30-0000-00-087, 15-22-30-0000-00-020, and 15-22-30-0000-00-085) located in Orlando, Florida as displayed on **Figure 1**.

The Applicant is requesting a FLU amendment for the subject property from the Industrial ("I") to a Medium Density Residential ("MDR") designation for the 18.15-acre property. The existing Industrial designation currently allows a floor-area-ratio (FAR) of 0.75 and for the following zoning: Restricted Industrial District (I-A1), Industrial District (Light) (I-1 / I-5), Industrial District (General) (I-2 / I-3), and Industrial District (Heavy) (I-4). The proposed MDR designation allows for up to 20 DU/acre in residential development.

This transportation analysis was conducted to assess the maximum feasible traffic impact associated with the proposed FLU amendment to the 18.15-acres of MDR designation for Short-Term (Year 2020) and Long-Term (Year 2030) horizons.

The transportation analysis was performed in accordance with the Orange County Comprehensive Policy Plan Amendment Methodology. The methodology requires the study area for this property to include a minimum one-mile radius around the site and include roadway segments where PM peak hour project trips are greater than or equal to 3% of the adopted maximum service volume (MSV). The subject property and one-mile radius are displayed on **Figure 1**.



## 2.0 EXISTING CONDITIONS ANALYSIS

A Daily and PM peak hour capacity analysis was performed for roadway segments within the vicinity of the property for existing conditions. Average Annual Daily Traffic (AADT), PM peak hour directional (PHPD) counts, and adopted MSV were obtained from Orange County's Concurrency Management System (CMS) Database. The CMS report for roadway segments within the vicinity of the project was provided by Orange County staff on February 25, 2020, provided in **Appendix A**. The existing Daily and PM peak hour capacity analysis is shown in **Table 1**.

As shown in the following table, all segments in the study area are operating with existing Daily and/or PM peak hour volumes within their adopted maximum service volumes (MSV), with the exception of Colonial Drive, from Forsyth Road to Goldenrod Road (Daily and PM).

Table 1: Existing Daily and PM Peak Hour Capacity Analysis

OC CMS ID	Roadway	From	To	Length	Main. Agency	Capacity Group	Lanes	Adopted LOS	Daily Existing			PM PHPD Existing		
									MSV	AADT	Deficiency?	MSV	PM PHPD	Deficiency?
133	Colonial Dr (E)	Semorán Blvd	Forsyth Rd	1.21	State	Urban-Class I	6	E	59,900	59,739	No	3,020	3,011	No
133.1		Forsyth Rd	Goldenrod Rd	0.51	State	Urban-Class I	6	E	59,900	61,933	Yes	3,020	3,066	Yes
150	Forsyth Rd	Colonial Dr	Hanging Moss Rd	0.84	County	Urban-Class II	3	E	25,410	19,629	No	1,250	998	No
151		Hanging Moss Rd	University Blvd	1.36	County	Urban-Class II	3	E	25,410	16,318	No	1,250	830	No
165	Goldenrod Rd	Colonial Dr	Bates Rd	1.01	State	Urban-Class I	4	E	39,800	38,731	No	2,000	1,847	No
165.5		Bates Rd	University Blvd	1.00	State	Urban-Class I	4	E	39,800	34,655	No	2,000	1,715	No
319	Old Cheny Hwy	Colonial Dr (W)	Colonial Dr (E)	1.35	County	Urban-Class II	2	E	15,600	6,210	No	800	291	No
406	Semoran Blvd	Colonial Dr	Hanging Moss Rd	1.52	State	Urban-Class I	6	E	59,900	56,625	No	3,020	2,701	No
407		Hanging Moss Rd	University Blvd	1.27	State	Urban-Class I	6	E	59,900	59,396	No	3,020	2,780	No

\*Note: CMS data from Tuesday, February 25, 2020.

## 3.0 PROJECT TRAFFIC

### 3.1 TRIP GENERATION

Per the Orange County Comprehensive Policy Plan Amendment Methodology, the trip generation impact of the proposed FLU zoning change was calculated using methodology provided in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 10th Edition*. The impact of the rezone was determined by forecasting maximum project trips from the anticipated land use associated with the proposed 18.15-acres of MDR designation and subtracting the maximum trip potential of the existing Industrial designation.

The existing Industrial designation currently allows a FAR of 0.75 and the following zoning: Restricted Industrial District (I-A1), Industrial District (Light) (I-1 / I-5), Industrial District (General) (I-2 / I-3), and Industrial District (Heavy) (I-4), which allows for the construction of offices. Therefore, trip generation for the existing zoning allowance was determined using trip rates from ITE Land Use Code (LUC) 710 – General Office Building.

The proposed subject property could develop a maximum of 363 DUs under the 20 DU/acre density restriction. A total of 348 units are being proposed. ITE LUC 221 - Multifamily Housing (Mid-Rise), was used to generate the maximum trip potential of the proposed FLU.

**Table 2** provides the trip generation summary for the proposed FLU amendment for the 18.15-acres of MDR. As shown in the table, the proposed change will result in a reduction in the trip generation potential for the site. Per the Orange County Comprehensive Plan Amendment Methodology, the impact analysis is to be based on the change in transportation impact between the existing and the proposed future land use map category. Since it can be concluded that the future land use change will significantly reduce the trip generation potential of the site, all subsequent analysis and documentation from this point forward is for reference only; the proposed amendment is forecast to lower the maximum trip generation impact of the property. The subsequent analysis assumes no impact from the amendment.

**Table 2: Trip Generation**

<b>Existing FLU Zoning Allowance</b>											
<b>Daily</b>	<b>Land Use</b>	<b>Acres</b>	<b>ITE LUC</b>	<b>Size</b>	<b>Units</b>	<b>ITE Trip Rate<sup>1</sup></b>	<b>Daily Trip Generation</b>				
							<b>Total</b>	<b>In<sup>1</sup></b>		<b>Out<sup>1</sup></b>	
	Industrial (FAR 0.75)	18.150	710	592.96	KSF	10.06	5,965	50%	2,983	50%	2,982
	<b>Total Generated Trips</b>						<b>5,965</b>	<b>2,983</b>		<b>2,982</b>	
<b>PM Peak</b>	<b>Land Use</b>	<b>Acres</b>	<b>ITE LUC</b>	<b>Size</b>	<b>Units</b>	<b>ITE Trip Rate<sup>1</sup></b>	<b>PM Peak Hour Trip Generation</b>				
							<b>Total</b>	<b>In<sup>1</sup></b>		<b>Out<sup>1</sup></b>	
	Industrial (FAR 0.75)	18.150	710	592.96	KSF	1.04	617	16%	99	84%	518
	<b>Total Generated Trips</b>						<b>617</b>	<b>99</b>		<b>518</b>	
<b>Proposed FLU Zoning Allowance</b>											
<b>Daily</b>	<b>Land Use</b>	<b>Upland Acres</b>	<b>ITE LUC</b>	<b>Size</b>	<b>Units</b>	<b>ITE Trip Rate<sup>1</sup></b>	<b>Daily Trip Generation</b>				
							<b>Total</b>	<b>In<sup>1</sup></b>		<b>Out<sup>1</sup></b>	
	Multifamily Housing (Mid-Rise) (20 DU/acre)	18.150	221	348	DU	5.44	1,893	50%	947	50%	946
	<b>Total Generated Trips</b>						<b>1,893</b>	<b>947</b>		<b>946</b>	
<b>PM Peak</b>	<b>Land Use</b>	<b>Upland Acres</b>	<b>ITE LUC</b>	<b>Size</b>	<b>Units</b>	<b>ITE Trip Rate<sup>1</sup></b>	<b>PM Peak Hour Trip Generation</b>				
							<b>Total</b>	<b>In<sup>1</sup></b>		<b>Out<sup>1</sup></b>	
	Multifamily Housing (Mid-Rise) (20 DU/acre)	18.150	221	348	DU	0.44	153	61%	93	39%	60
	<b>Total Generated Trips</b>						<b>153</b>	<b>93</b>		<b>60</b>	
<b>Maximum Additional Trips</b>											
<b>Daily New External Trips (Proposed - Existing)</b>							<b>-4,072</b>	<b>-2,036</b>		<b>-2,036</b>	
<b>PM Peak New External Trips (Proposed - Existing)</b>							<b>-464</b>	<b>-6</b>		<b>-458</b>	

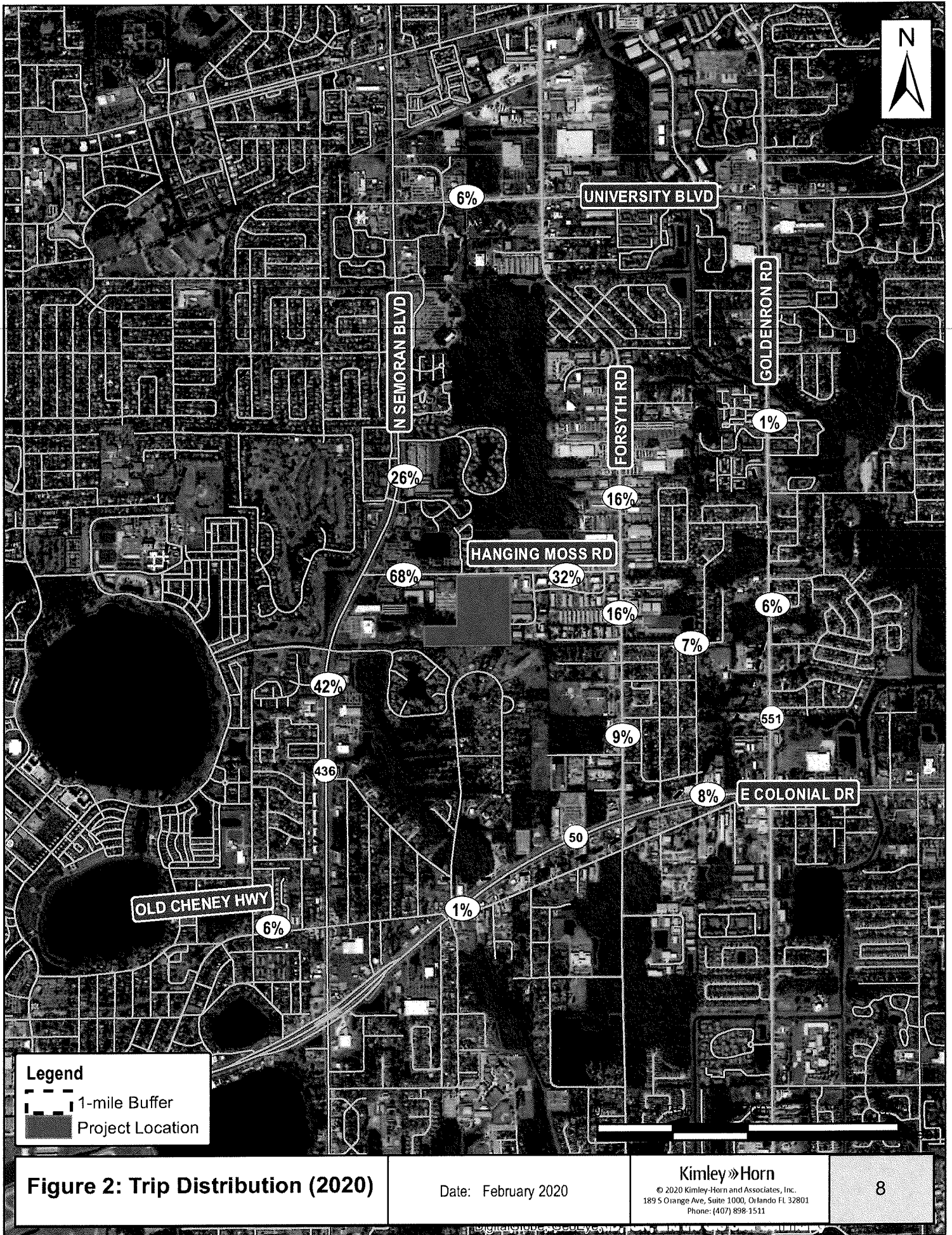
Notes: <sup>1</sup>Vehicle trip rates and directional splits per data and procedures outlined in ITE Trip Generation Manual, 10th Edition



## 2.2 TRIP DISTRIBUTION AND ASSIGNMENT

Distribution of project trips onto study area roadways was determined using travel demand model forecasting based on the Florida Standard Urban Transportation Model Structure (FSUTMS). The latest adopted Central Florida Regional Planning Model (CFRPM v6.1) travel demand model was used to forecast the project trip distribution for the project at buildout conditions for both the Short-Term (2020) and Long-Term (2030) horizons.

Land use data for the project was loaded into a new traffic analysis zone (TAZ) which was situated within the cost feasible roadway networks in a manner to appropriately represent the project's land use and access points. The updated models were then run to distribute trips for all model trip purposes between allocated origins and destinations. The property's distribution percentages were extracted from the completed model runs, and the data was reviewed using engineering judgement to ensure the results were reasonable. Plots of the model outputs showing project distribution are included in **Appendix B**. Project trips were assigned to study area roadway segments accordingly. **Figures 2 and 3** display the resulting project traffic distribution for the Short-Term (2020) and Long-Term (2030) horizons.



**Figure 2: Trip Distribution (2020)**

Date: February 2020

**Kimley»Horn**

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**Figure 3: Trip Distribution (2030)**

Date: February 2020

**Kimley»Horn**

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## 4.0 SHORT-TERM (2020) ANALYSIS

Buildout Daily and PM peak hour directional volumes for the Short-Term (2020) horizon were developed by adding vested trips and project trip to the 2020 volumes. The Short-Term (2020) Daily and PM peak hour capacity analysis is shown in **Tables 3 and 4**, respectively.

As shown in the following tables, all segments in the study area are operating with Short-Term (2020) horizon Daily and PM peak hour volumes within their adopted maximum service volumes (MSV), with the exception of Colonial Drive (E) segment, from Forsyth Road to Goldenrod Road (Daily and PM).

**Table 3: Short-Term (2020) Daily Capacity Analysis**

OC CMS ID	Roadway	From	To	Lanes	Daily Background (2020)				Daily Project Trips				Daily Buildout (2020)		
					Existing AADT	Comm Trips (K=0.1)	Existing + Comm. Trips	2020 AADT	IN =	0	OUT =	0	MSV	2020 AADT	Deficiency?
									2020 Trip Distrib	Project Peak Dir	NB/EB	SB/WB			
133	Colonial Dr (E)	Semoran Blvd	Forsyth Rd	6	59,739	10	59,749	59,749	1%	E	0	0	59,900	59,749	No
133.1		Forsyth Rd	Goldenrod Rd	6	61,933	10	61,943	61,943	8%	E	0	0	59,900	61,943	Yes
150	Forsyth Rd	Colonial Dr	Hanging Moss Rd	3	19,629	100	19,729	19,729	16%	S	0	0	25,410	19,729	No
151		Hanging Moss Rd	University Blvd	3	16,318	180	16,498	16,498	16%	N	0	0	25,410	16,498	No
165	Goldenrod Rd	Colonial Dr	Bates Rd	4	38,731	160	38,891	38,891	6%	N	0	0	39,800	38,891	No
165.5		Bates Rd	University Blvd	4	34,655	780	35,435	35,435	1%	N	0	0	39,800	35,435	No
319	Old Cheny Hwy	Colonial Dr (W)	Colonial Dr (E)	2	6,210	0	6,210	6,210	6%	S	0	0	15,600	6,210	No
406	Semoran Blvd	Colonial Dr	Hanging Moss Rd	6	56,625	40	56,665	56,665	42%	N	0	0	59,900	56,665	No
407		Hanging Moss Rd	University Blvd	6	59,396	170	59,566	59,566	24%	N	0	0	59,900	59,566	No

\*Note: CMS data from Tuesday, February 25, 2020.



**Table 4: Short-Term (2020) PM Peak Hour Capacity Analysis**

OC CMS ID	Roadway	From	To	Lanes	PM PHPD Background (2020)				PM PHPD Project Trips				PM PHPD Buildout (2020)		
					Existing PM PHPD	Comm Trips	Existing + Comm. Trips	2020 PM PHPD	IN =	0	OUT =	0	MSV	2020 PM PHPD	Deficiency?
									2020 Trip Distrib	Project Peak Dir	NB/EB	SB/WB			
133	Colonial Dr (E)	Semoran Blvd	Forsyth Rd	6	3,011	1	3,012	3,012	1%	E	0	0	3,020	3,012	No
133.1		Forsyth Rd	Goldenrod Rd	6	3,066	1	3,067	3,067	8%	E	0	0	3,020	3,067	Yes
150	Forsyth Rd	Colonial Dr	Hanging Moss Rd	3	998	10	1,008	1,008	16%	S	0	0	1,250	1,008	No
151		Hanging Moss Rd	University Blvd	3	830	18	848	848	16%	N	0	0	1,250	848	No
165	Goldenrod Rd	Colonial Dr	Bates Rd	4	1,847	16	1,863	1,863	6%	N	0	0	2,000	1,863	No
165.5		Bates Rd	University Blvd	4	1,715	78	1,793	1,793	1%	N	0	0	2,000	1,793	No
319	Old Cheny Hwy	Colonial Dr (W)	Colonial Dr (E)	2	291	0	291	291	6%	S	0	0	800	291	No
406	Semoran Blvd	Colonial Dr	Hanging Moss Rd	6	2,701	4	2,705	2,705	42%	N	0	0	3,020	2,705	No
407		Hanging Moss Rd	University Blvd	6	2,780	17	2,797	2,797	24%	N	0	0	3,020	2,797	No

\*Note: CMS data from Tuesday, February 25, 2020.

## 5.0 LONG-TERM (2030) ANALYSIS

Background Daily traffic for the Long-Term (2030) horizon was developed for each segment by reviewing the output from three growth methods and extracting the maximum volume within a 5% annual growth rate cap. The three methods included application of straight-line forecasting from five years of historical traffic counts, extraction of background model volumes from the 2030 CFRPM run (model volumes were adjusted using a Model Output Conversion Factor in order to convert to AADT), and application of CMS data to existing counts as provided by Orange County. Committed trips as detailed in Orange County's CMS data were added to background growth forecasts. CMS data only includes committed trips for the PM peak hour. PM peak hour committed trips were multiplied by a "K" factor of 10% to estimate daily committed trips. Historical traffic counts were taken from Orange County's Traffic Counts Map. Plots of the model outputs showing model background volumes are included in **Appendix B**. A worksheet showing the development of background AADT is provided in **Appendix C**.

Buildout Daily and PM peak hour directional volumes for the Long-Term (2030) horizon were developed by adding the project trip assignment to the background traffic. The Long-Term (2030) Daily and PM peak hour capacity analysis is shown in **Tables 5 and 6**, respectively.

As shown in the following tables, all segments in the study area are projected to operate with Long-Term (2030) horizon Daily and PM peak hour volumes within their adopted maximum service volumes (MSV), with the exception of following background deficient segments:

As shown in the following tables, the following deficient background segments operate above the maximum service volume (MSV)

- Colonial Dr – Semoran Blvd to Forsyth Rd (Daily and PM)
- Colonial Dr – Forsyth Rd to Goldenrod Rd (Daily and PM)
- Goldenrod Rd – Colonial Dr to Bates Rd (Daily and PM)
- Goldenrod Rd – Bates Rd to University Blvd (Daily and PM)
- Semoran Blvd – Colonial Dr to Hanging Moss Rd (Daily and PM)
- Semoran Blvd – Hanging Moss Rd to University Blvd (Daily and PM)



**Table 5: Long-Term (2030) Daily Capacity Analysis**

OC CMS ID	Roadway	From	To	Lanes	Daily Background (2030)								Daily Project Trips				Daily Buildout (2030)		
					MSV	Existing AADT	Growth Rate	Comm Trips (K=0.1)	Existing + Comm. Trips	Annual Growth Cap	2030 AADT	Deficiency?	IN = 2030 Trip Distrib	0 Project Peak Dir	OUT = NB/EB	0 SB/WB	MSV	2030 AADT	Deficiency?
133	Colonial Dr (E)	Semoran Blvd	Forsyth Rd	6	59,900	59,739	2.0%	10	59,749	71,687	71,687	Yes	1%	E	0	0	59,900	71,687	Yes
133.1		Forsyth Rd	Goldenrod Rd	6	59,900	61,933	4.4%	10	61,943	88,940	88,940	Yes	10%	E	0	0	59,900	88,940	Yes
150	Forsyth Rd	Colonial Dr	Hanging Moss Rd	3	25,410	19,629	2.0%	100	19,729	23,555	23,555	No	18%	S	0	0	25,410	23,555	No
151		Hanging Moss Rd	University Blvd	6	25,410	16,318	2.0%	180	16,498	19,582	19,582	No	16%	N	0	0	25,410	19,582	No
165	Goldenrod Rd	Colonial Dr	Bates Rd	4	39,800	38,731	2.0%	160	38,891	46,477	46,477	Yes	4%	N	0	0	39,800	46,477	Yes
165.5		Bates Rd	University Blvd	4	39,800	34,655	2.0%	780	35,435	41,586	41,586	Yes	3%	N	0	0	39,800	41,586	Yes
319	Old Cheney Hwy	Colonial Dr (W)	Colonial Dr (E)	2	15,600	6,210	2.1%	0	6,210	7,492	7,492	No	7%	S	0	0	15,600	7,492	No
406	Semoran Blvd	Colonial Dr	Hanging Moss Rd	6	59,900	56,625	2.0%	40	56,665	69,253	69,253	Yes	40%	N	0	0	59,900	69,253	Yes
407		Hanging Moss Rd	University Blvd	6	59,900	59,396	2.0%	170	59,566	71,275	71,275	Yes	27%	N	0	0	59,900	71,275	Yes

\*Note: CMS data from Tuesday, February 25, 2020.

**Table 6: Long-Term (2030) PM Peak Hour Capacity Analysis**

OC CMS ID	Roadway	From	To	Lanes	PM PHPD Background (2030)							PM PHPD Project Trips				PM PHPD Buildout (2030)			
					MSV	Existing PM PHPD	Growth Rate	Comm Trips	Existing + Comm. Trips	2030 PM PHPD	Deficiency?	IN = 2030 Trip Distrib	0 Project Peak Dir	OUT = NB/EB	0 SB/WB	MSV	2030 PM PHPD	Deficiency?	
133	Colonial Dr (E)	Semoran Blvd	Forsyth Rd	6	3,020	3,011	2.0%	1	3,012	3,613	3,613	Yes	1%	E	0	0	3,020	3,613	Yes
133.1		Forsyth Rd	Goldenrod Rd	6	3,020	3,066	4.4%	1	3,067	4,403	4,403	Yes	10%	E	0	0	3,020	4,403	Yes
150	Forsyth Rd	Colonial Dr	Hanging Moss Rd	3	1,250	998	2.0%	10	1,008	1,198	1,198	No	18%	N	0	0	1,250	1,198	No
151		Hanging Moss Rd	University Blvd	6	1,250	830	2.0%	18	848	996	996	No	38%	S	0	0	1,250	996	No
165	Goldenrod Rd	Colonial Dr	Bates Rd	4	2,000	1,847	2.0%	16	1,863	2,216	2,216	Yes	4%	S	0	0	2,000	2,216	Yes
165.5		Bates Rd	University Blvd	4	2,000	1,715	2.0%	78	1,793	2,058	2,058	Yes	3%	S	0	0	2,000	2,058	Yes
319	Old Cheney Hwy	Colonial Dr (W)	Colonial Dr (E)	2	800	291	2.1%	0	291	351	351	No	7%	E	0	0	800	351	No
406	Semoran Blvd	Colonial Dr	Hanging Moss Rd	6	3,020	2,701	2.0%	4	2,705	3,241	3,241	Yes	40%	S	0	0	3,020	3,241	Yes
407		Hanging Moss Rd	University Blvd	6	3,020	2,780	2.0%	17	2,797	3,336	3,336	Yes	27%	S	0	0	3,020	3,336	Yes

\*Note: CMS data from Tuesday, February 25, 2020.

## 6.0 CONCLUSION

This transportation analysis for the proposed Future Land Use (FLU) amendment for 18.15-acre property located south of Hanging Moss Road between N Semoran Boulevard and Forsyth Road in Orlando, Florida was performed in accordance with Orange County's Comprehensive Policy Plan Amendment Methodology. The amendment would change the subject property from the Industrial ("I") designation to a Medium-High Density Residential ("MHDR") designation.

This analysis identifies the impact of the maximum development potential of the proposed comprehensive plan amendment. Additionally, it identifies roadway segment deficiencies for existing conditions, as well as for background and buildout conditions associated with the Short-Term (2020) and Long-Term (2030) planning horizons. As demonstrated in the trip generation section of this report, approval of this proposed future land use change will result in an overall trip reduction when compared to the maximum allowable intensity of the existing future land use designation.

The following background deficient segment were identified in the analysis:

- ID 133: Colonial Dr – Semoran Blvd to Forsyth Rd (Daily and PM)
- ID 133.1: Colonial Dr – Forsyth Rd to Goldenrod Rd (Daily and PM)
- ID 165: Goldenrod Rd – Colonial Dr to Bates Rd (Daily and PM)
- ID 165.5: Goldenrod Rd – Bates Rd to University Blvd (Daily and PM)
- ID 406: Semoran Blvd – Colonial Dr to Hanging Moss Rd (Daily and PM)
- ID 407: Semoran Blvd – Hanging Moss Rd to University Blvd (Daily and PM)

As shown in Orange County's Capital Improvement Program (CIP) and in the conceptual site plan, Hanging Moss Road will be realigned to connect with Semoran Boulevard where Auvers Boulevard meet.

As demonstrated in the trip generation section of this report, approval of this proposed future land use change will result in an overall trip reduction of when compared to the maximum allowable intensity of the existing future land use. It is therefore recommended that the amendment be approved for the subject property as proposed.

No short-term or long-term roadway deficiencies are identified in the study as a result of the trip potential from this proposed comprehensive plan amendment.

---

**APPENDIX A**  
Orange County CMS Report

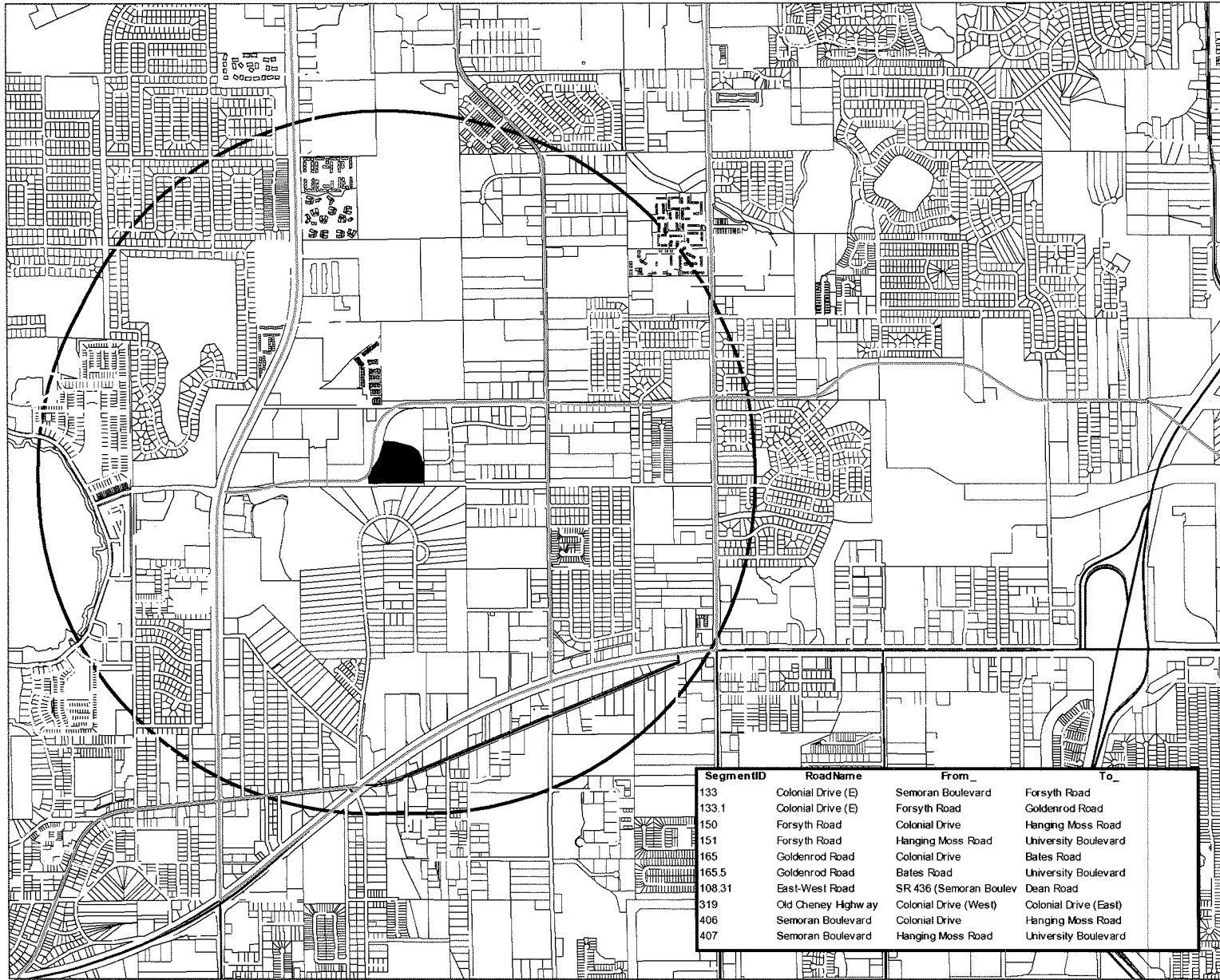


**Orange County, Florida**  
**Traffic Concurrency Management Program**  
**Concurrency Link Information**  
**Application Number:**

<i>ID</i>	<i>From</i>	<i>To</i>	<i>Lgth</i>	<i>Maint Agency</i>	<i>Capacity Group</i>	<i>Min Ln</i>	<i>Total LOS</i>	<i>Cap</i>	<i>AADT</i>	<i>PmPk</i>	<i>PkDir</i>	<i>Comm Trips</i>	<i>Avail Cap*</i>	<i>LOS</i>
<b>Colonial Dr (E)</b>														
133	Semorán Blvd	Forsyth Rd	1.21	ST	Urban - Class I	6	E	3020	59,739	3,011	EB	1	8	D
133.1	Forsyth Rd	Goldenrod Rd	0.51	ST	Urban - Class I	6	E	3020	61,933	3,066	EB	1	0	F
<b>Forsyth Rd</b>														
150	Colonial Dr	Hanging Moss Rd	0.84	Cnty	Urban - Class II	3	E	1250	19,629	998	SB	10	242	D
151	Hanging Moss Rd	University Blvd	1.36	Cnty	Urban - Class II	3	E	1250	16,318	830	NB	18	402	D
<b>Goldenrod Rd</b>														
165	Colonial Dr	Bates Rd	1.01	ST	Urban - Class I	4	E	2000	38,731	1,847	NB	16	137	C
165.5	Bates Rd	University Blvd	1	ST	Urban - Class I	4	E	2000	34,655	1,715	NB	78	207	C
<b>Old Cheney Hwy</b>														
319	Colonial Dr (W)	Colonial Dr (E)	1.35	Cnty	Urban - Class II	2	E	800	6,210	291	SB	0	509	C
<b>Semorán Blvd</b>														
406	Colonial Dr	Hanging Moss Rd	1.52	ST	Urban - Class I	6	E	3020	56,625	2,701	NB	4	315	C
407	Hanging Moss Rd	University Blvd	1.27	ST	Urban - Class I	6	E	3020	59,396	2,780	NB	17	223	C

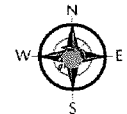
\* It should be noted that the capacities indicated on this information sheet are a snapshot at this specific date and time. Available capacities are subject to change at any time.

15-22-30-0000-00-085



**Legend**

- Major Streets
- Roads Base
- Segment\_ID
- Major Streets
- Streets
- ▭ PA\_PARCELS\_Buffer513
- ▭ Horizon West Boundary
- ▭ County Boundary
- ▭ Parcels



Date: 2/25/2020

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**APPENDIX B**  
CFRPMv6 Model Plots



Total Volume - J&S Apartments  
CFRPMv6 - 2020

C:\FSUTMS\D5\CFRPMV61\_Daily\Base\CF\_2020\HangingMossRd\_20\Output\HWYLOAD\_C20.NET 2/21/2020



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Total Volume - J&S Apartments  
FRPMv6 - 2030

C:\FSUTMS\D5\CFRPMV61\_Daily\Base\CF\_2030\HangingMossRd\_30\Output\HWYLOAD\_C30.NET



(Licensed to Kimley Horn and Associates Inc)



Trip Distribution - J&S Apartments  
CFRPMV6 - 2020

C:\FSUTMS\D5\CFRPMV61\_Daily\Base\CF\_2020\HangingMossRd\_20\Output\HWYLOAD\_C20.NET 2/21/2020



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Trip Distribution - J&S Apartments  
FRPMv6 - 2030

C:\FSUTMS\D5\CFRPMV61\_Daily\Base\CF\_2030\HangingMossRd\_30\Output\HWYLOAD\_C30.NET

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**APPENDIX C**  
Background Volume Worksheet

Development of Background Daily Traffic

OC CMS ID	From	To	From	Historical AADT					Historic Trend Growth Rate	AADT (CMS)  2020	5-Year Historical Forecast  2020	Raw Model Vol  2020	MOCF  2020	Model AADT  2020	Comm Trips	Existing plus Comm	Annual Growth Cap  2020	5-Year Historical Forecast  2030	Raw Model Vol  2030	MOCF  2030	Model AADT  2030	Comm Trips	Existing plus Comm	Annual Growth Cap  2030	Max AADT w/ cap  2030	Annual Growth Rate  2030
				2014	2015	2016	2017	2018																		
				2020	2020	2020	2020	2020																		
133	Colonial Dr (E)	Semorran Blvd	Forsyth Rd	57,500	57,318	59,575	59,154	62,072	1.9%	59,739	63,516	51,494	0.98	50,464	1	59,740	59,739	74,496	52,371	0.98	51,324	1	59,740	71,687	71,687	2.0%
133.1		Forsyth Rd	Goldenrod Rd	52,699	51,227	55,344	61,338	62,510	4.4%	61,933	66,110	47,420	0.98	46,479	1	61,934	61,933	90,685	49,191	0.98	48,207	1	61,934	88,940	88,940	4.4%
150	Forsyth Rd	Colonial Dr	Hanging Moss Rd	18,337	18,997	19,543	19,430	18,490	0.2%	19,629	19,554	24,218	0.98	23,734	10	19,639	19,629	20,932	27,973	0.99	27,414	10	19,639	23,555	23,555	2.0%
151		Hanging Moss Rd	University Blvd	15,567	16,777	16,976	16,277	15,833	0.4%	16,318	16,314	21,968	0.98	21,527	18	16,336	16,318	16,378	25,399	0.99	24,891	18	16,336	19,582	19,582	2.0%
165	Goldenrod Rd	Colonial Dr	Bates Rd	32,378	33,932	34,341	38,514	34,495	1.6%	38,731	39,161	35,379	0.98	34,671	16	38,747	38,731	49,912	37,462	0.98	36,713	16	38,747	46,477	46,477	2.0%
165.5		Bates Rd	University Blvd	30,450	32,545	33,988	34,422	32,905	2.0%	34,655	35,415	32,123	0.98	31,481	79	34,733	34,655	41,854	33,570	0.98	32,899	79	34,733	41,586	41,586	2.0%
319	Old Cheny Hwy	Colonial Dr (W)	Colonial Dr (E)	5,307	6,100	6,071	6,181	5,759	2.1%	6,210	6,298	10,596	0.98	10,384	0	6,210	6,210	7,327	10,954	0.98	10,735	0	6,210	7,492	7,492	2.1%
406	Semoran Blvd	Colonial Dr	Hanging Moss Rd	53,853	58,636	54,351	54,351	58,820	2.2%	56,625	57,547	48,290	0.98	47,324	4	56,629	56,625	61,665	49,669	0.99	48,578	4	56,629	69,253	61,665	0.9%
407		Hanging Moss Rd	University Blvd	55,854	52,586	55,854	58,244	53,802	-0.9%	59,396	58,331	55,292	0.98	54,147	17	59,413	59,396	65,116	56,779	0.98	55,640	17	59,413	71,275	65,116	1.0%

# Kimley»Horn

April 15, 2020

Environmental Protection Division  
Orange County  
3165 McCrory PL #200  
Orlando, FL 32803

Re: **Environmental Site Assessment Letter  
Parcels #15-22-30-0000-00-020 and 085**

---

The following CAD summary documents the results of a review of relevant, readily available information on Orange County's website for the properties located at Hanging Moss Road and Mercator Drive (Parcels 15-22-30-0000-00-020 and 085) that were previously included in a Conservation Area Determination (CAD 02-005) issued on 04/04/2002. The CAD delineated three Class III surface waters on site and is still valid.

This letter is in support of an Orange County Comprehensive Plan Amendment application, submitted concurrently for the proposed project known as J&S Apartments. The proposed project conceptually details development of the parcel so as not to impact the delineated surface waters on site. As such, the proposed class III wetland impacts associated with this project are estimated at 0.00 acres. The surface waters are delineated from top of bank to top of bank of the existing ditches in the survey supplied by Benchmark Surveying & Mapping, LLC, for a field survey dated 9/27/2006 and as approved in CAD 02-005. The developable area was calculated as the total project area (18.15 acres) less the wetland areas (0.64 acres), at 17.51 acres. Please see the development area exhibit (Figure H) included with this letter.

A brief summary of the previous CAD, CAI and CAA Permits and determinations for the above referenced parcels is provided below:

CAD 02-005, dated 04/04/2002

A Conservation Area Determination for the wetlands on the property was performed by Orange County Staff. Three wetlands were identified on site. These are labeled Wetlands W1, W2, and W3 in the supporting documentation of the original CAD special purpose survey. These three wetlands were classified as Class III, identified as streams and waterways excavated in jurisdictional wetlands.

CAD 09-005, dated 03/02/2009

After the fact additional class III wetland impacts of 0.11 ac relating to CAD 02-005. Compliance #08-222594. Portions of the conservation area on-site were filled in with debris. Mitigation entailed purchase of 0.11 credits from E. Central Florida Regional Mitigation Bank.

CAI-16-05-022, dated 05/26/2016

Impacts to 0.02 acres of Class III wetlands in order to relocate a portion of two drainage ditches as part of a commercial developments. The impacts were determined to be de-minimis; no mitigation was required.

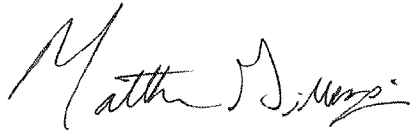
CAA-17-02-005, dated 02/14/2017

The reduction of vegetation from within the ditches on the subject property. No replanting or mitigation was required since this is a de-minimis maintenance activity.

If you have any further questions, please do not hesitate to contact our office or email me at [matthew.gillespie@kimley-horn.com](mailto:matthew.gillespie@kimley-horn.com).

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in black ink that reads "Matthew S. Gillespie". The signature is written in a cursive style with a large initial "M".

Matthew S. Gillespie, P.E.  
Project Manager

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