



ORANGE COUNTY

PLANNING DIVISION

2018-2 REGULAR

CYCLE

AMENDMENTS

2010 - 2030 COMPREHENSIVE PLAN

LOCAL PLANNING AGENCY

JUNE 21, 2018
TRANSMITTAL PUBLIC HEARING

PREPARED BY:
ORANGE COUNTY COMMUNITY, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION



DATE: June 21, 2018
TO: James Dunn, Chairman, Local Planning Agency (LPA)
-AND-
Local Planning Agency (LPA) members
FROM: Gregory Golgowski, AICP, Chief Planner
Planning Division
THROUGH: Alberto A. Vargas, MArch., Manager, Planning Division
SUBJECT: 2018-2 Regular Cycle Comprehensive Plan Amendments
LPA Transmittal Public Hearing

A handwritten signature in blue ink, appearing to read "A. Vargas", is written over the "THROUGH:" line of the memo.

Please find the attached binder containing the staff reports for the proposed 2018-2 Regular Cycle Comprehensive Plan amendments. Associated supporting materials and copies of the staff reports are also available online at the June 21 P&Z entry of the County Calendar at www.ocfl.net/home/countycalendar. The LPA transmittal public hearing for these amendments is scheduled for June 21, 2018. These amendments will also be scheduled for a Board of County Commissioners (BCC) transmittal public hearing on July 10, 2018.

Amendment Summary

The Regular Cycle includes seven privately-initiated map amendments (located in Districts 1 and 5), one privately-initiated text amendment (located in District 1), and two staff-initiated map and text amendments. Each of the proposed Future Land Use Map Amendments entails a change to the Future Land Use Map (FLUM) for properties that are over ten acres in size. The text amendments may include changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

Following the BCC transmittal public hearing, the proposed amendments will be transmitted to the Florida Department of Economic Opportunity (DEO) and other State agencies for review and comment. Staff expects to receive comments from DEO and the other State agencies in August 2018. Pursuant to 163.3184, Florida Statutes, the proposed amendments must be considered for adoption within 180 days of the comment letter.

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 or Greg Golgowski, AICP, Chief Planner, Comprehensive Planning Section at 407-836-5624 or Gregory.Golgowski@ocfl.net.

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GG//AV/sgw

Enc: 2018-2 Regular Cycle LPA Transmittal Binder

c: Christopher R. Testerman, AICP, Assistant County Administrator
Jon V. Weiss, P.E., Director, Community, Environmental, and Development Services
Department
Joel Prinsell, Deputy County Attorney
Roberta Alfonso, Assistant County Attorney
Whitney Evers, Assistant County Attorney
John Smogor, Planning Administrator, Planning Division
Read file

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2018 SECOND REGULAR CYCLE AMENDMENTS TO THE 2010-2030 COMPREHENSIVE PLAN TRANSMITTAL PUBLIC HEARING

INTRODUCTION

This is the Local Planning Agency (LPA) transmittal public hearing book for the Second Regular Cycle Amendments (2018-2) to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). These amendments are scheduled for an LPA transmittal public hearing on June 21, 2018, and a Board of County Commissioners (BCC) transmittal public hearing on July 10, 2018.

The 2018-2 Regular Cycle includes seven privately-initiated map amendments (located in Districts 1 and 5), one privately-initiated text amendment (located in District 1), and two staff-initiated map and text amendments. Since this is the transmittal stage for these amendments, there will be a second round of public hearings for adoption after the Florida Department of Economic Opportunity (DEO) and other State agencies complete their review of the proposed amendments and provide comments, which are expected in August 2018. Adoption public hearings are tentatively scheduled for the LPA on October 18, 2018 and the BCC in November 13, 2018.

Once the Regular Cycle Amendments have been adopted by the BCC, the amendments will become effective 31 days after DEO notifies the County that the plan amendment package is complete, so long as no challenges are brought forth for any of the amendments. These amendments are therefore expected to become effective in January 2019.

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 or Greg Gologowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or Gregory.Gologowski@ocfl.net.

2018-2 Regular Cycle State Expedited Review Comprehensive Plan Amendments

Privately Initiated Future Land Use Map and Text Amendments

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:	Acreage	Project Planner	Staff Rec
District 1												
2018-2-A-1-1 (Tilden Road)	PD Rezoning Pending	Daniel A. and Susan Berry/Thistledown Farm, Inc.	Kathy Hattaway, Poulos & Bennett, LLC	10-23-27-0000-00-033 (portion of) and 10-23-27-0000-00-034 (portion of)	14950 and 14908 Tilden Rd.; Generally located south of Tilden Rd., west of Winter Garden Vineland Rd., and east of Tiny Rd. and SR 429	Village (V)	Horizon West, Village of Bridgewater Special Planning Area (SPA)	A-1 (Citrus Rural District)	PD (Planned Development District)	28.31 gross ac./18.54 developable ac.	Nicolas Thalmueller	Do Not Transmit
2018-2-A-1-2 (Lake Austin)	CDR Pending	BB Groves, LLC	Kathy Hattaway, Poulos & Bennett, LLC	30-24-27-0000-00-003 (portion of) and 31-24-27-0000-00-036	Generally located west of Avalon Rd., and north and south of Grove Blossom Wy.	Growth Center/ Resort/Planned Development (GC/R/PD)	Growth Center-Planned Development-Resort/Low-Medium Density Residential (GC-PD-R/LMDR)	PD (Planned Development District)(Lake Austin PD)	PD (Planned Development District)(Lake Austin PD)	108.03 gross ac./96.29 developable ac.	Sue Watson	Transmit
2018-2-A-1-3 (World Resort)	CDR-18-04-111	Fairwinds Credit Union	Miranda F. Fitzgerald, Esq., Lowndes, Drosdick, Doster, Kantor & Reed, P.A.	35-24-28-5844-00-732/741/870/871/880 and 35-24-28-5844-01-050	Generally located north and south of Poinciana Blvd., east of SR 535, south of SR 417, and north of the Orange/Osceola County line	Activity Center Mixed Use (ACMU)	Activity Center Residential (ACR)	PD (Planned Development District) (World Resort PD/LUP)	PD (Planned Development District) (World Resort PD/LUP)	23.13 gross ac.	Jennifer DuBois	Transmit
2018-2-A-1-4 (Kerina Parkside)	CDR-18-04-110	Kerina Wildwood, Inc., Kerina Village, Inc., Kerina Inc., and Kerina Parkside Master, Inc.	Miranda F. Fitzgerald, Esq., Lowndes, Drosdick, Doster, Kantor & Reed, P.A.	10-24-28-0000-00-005/053, 10-24-28-6670-11-000, 15-24-28-5844-00-050/071/130/142, and 15-24-28-5844-00-211 (portion of)	Generally located east and west of S. Apopka-Vineland Rd., south of Buena Vista Woods Blvd., and north of Lake St.	Low Density Residential (LDR), Low-Medium Density Residential (LMDR), and Rural/Agricultural (R)	Planned Development-Commercial/Office/Medium Density Residential/Low Density Residential/Senior Living/Conservation (PD-C/O/MDR/LDR/Senior Living/CONS)	PD (Planned Development District) (Kerina Parkside PD/LUP)	PD (Planned Development District) (Kerina Parkside PD/LUP)	FLUM Amendment: 215.67 gross ac.; PD/LUP Substantial Change: 485.10 gross ac.	Jennifer DuBois	Transmit
2018-2-A-1-6 (Hannah Smith)	CDR 18-05-175	Daryl M. Carter Trustee and Carter-Orange 105 Sand Lake Land Trust	VHB, Inc.	11-24-28-0000-00-020, 14-24-28-0000-00-012/018, 14-24-28-1242-60-000/66-000/66-001 (portion of), and 15-24-28-7774-00-023/024	Generally located west of Interstate 4 and south of Fenton St.	Activity Center Mixed Use (ACMU), Activity Center Residential (ACR), and Low-Medium Density Residential (LMDR)	Planned Development-Commercial/Medium-High Density Residential (PD-C/MHDR)	PD (Planned Development District) (Hannah Smith PD)	PD (Planned Development District) (Hannah Smith PD)	82.30 gross ac./79.50 developable ac.	Sue Watson	Transmit
2018-2-A-1-7 (Turkey Lake Road Condos)	CDR Pending	Macomb Oakland Sand Lake, LLC	Momtaz Barq, P.E., Terra-Max Engineering, Inc.	11-24-28-0000-00-010	10900 Turkey Lake Rd.; Generally located west of Turkey Lake Rd., south of SR 528, east of Smith Bennett Rd., and north of Central Florida Pkwy.	Planned Development-Time Share/Medium Density Residential/Hotel/Office (PD-TS/MDR/HOTEL/O)	Planned Development-Time Share/Medium-High Density Residential/Hotel/Office (PD-TS/MHDR/HOTEL/O)	PD Planned Development District)(Turkey Lake Condos PD)	PD (Planned Development District)(Turkey Lake Condos PD)	52.04 gross ac./16.82 developable ac.	Misty Mills	Transmit
2018-2-A-5-1 (East River High School)	LUPA Pending	Hamilton, LLC	Julie Salvo, AICP, Orange County Public Schools	20-22-32-0000-00-003	Generally located north of Hamilton Dr., east of Lockwood Dr., south of Old Cheney Hwy., and west of Story Partin Rd.	Rural/Agricultural (R)	Educational (EDU)	A-2 (Farmland Rural District)	PD (Planned Development District)	15.68 gross ac.	Maria Cahill and Jennifer DuBois	Transmit

District 1													
Text Amendment Number	Owner	Agent	Description of Proposed Text Amendments									Project Planner	Staff Rec
2018-2-P-1-5 (Arnold Groves Senior Living)	Audrey L. Arnold Revocable Trust, Audrey L. Arnold and James P. Arnold Life Estate, Ron Marlow and Kathy Darlene Marlow, and Billy Kenneth Williams, and Lynn A. Williams	Marc Skorman	Text amendment to proposed Future Land Use Element Policy FLU2.5.5 and creating Policy FLU2.5.5.1 related to the proposed Lake Mabel Rural Residential Enclave									Nicolas Thalmueller	Do Not Transmit

ABBREVIATIONS INDEX: IND-Industrial; C-Commercial; O-Office; LDR-Low Density Residential; LMDR-Low-Medium Density Residential; MDR-Medium Density Residential; MHDR-Medium-High Density Residential; HDR-High Density Residential; PD-Planned Development; V-Village; CONS-Wetland/Conservation; PR/OS-Parks/Recreation/Open Space; OS-Open Space; GB-Greenbelt; SPA-Special Planning Area; R-Rural/Agricultural; TS-Timeshare; RS-Rural Settlement; ACMU-Activity Center Mixed Use; ACR-Activity Center Residential; GC-Growth Center; R-Resort; 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

**2018-2 Regular Cycle Comprehensive Plan Amendments
Staff Initiated Comprehensive Plan Map and Text Amendments**

Amendment Number	Sponsor	Description of Proposed Changes to the 2010-2030 Comprehensive Plan (CP)	Project Planner	Staff Rec
2018-2-B-FLUE-1	Planning Division	Text amendments to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County	Misty Mills	Transmit
2018-2-B-FLUE-2	Planning Division	Text amendment to the Horizon West Village policies for perimeter remnant parcels	Maria Cahill	Transmit

ABBREVIATIONS INDEX:

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Applicant/Owner:
 Kathy Hattaway, Poulos & Bennett, LLC / Daniel A. and Susan Berry & Thistledown Farm, Inc.

Location:
 14950 and 14908 Tilden Rd.; Generally located south of Tilden Rd., west of Winter Garden Vineland Rd., and east of Tiny Rd. and SR 429

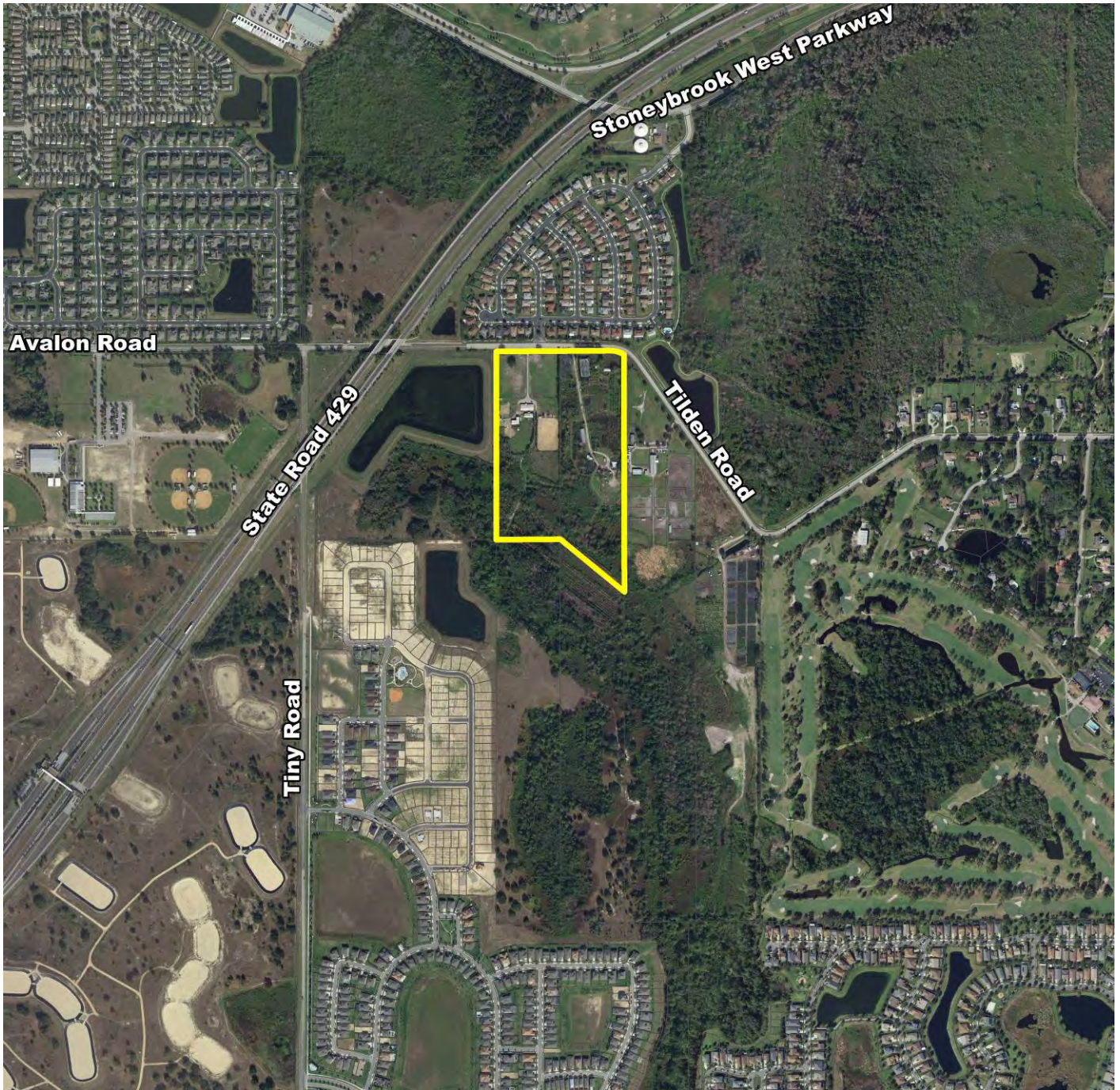
Existing Use:
 Horse Farm / Plant Nursery

Parcel ID Number(s):
 10-23-27-0000-00-033 (portion of) and
 10-23-27-0000-00-034 (portion of)

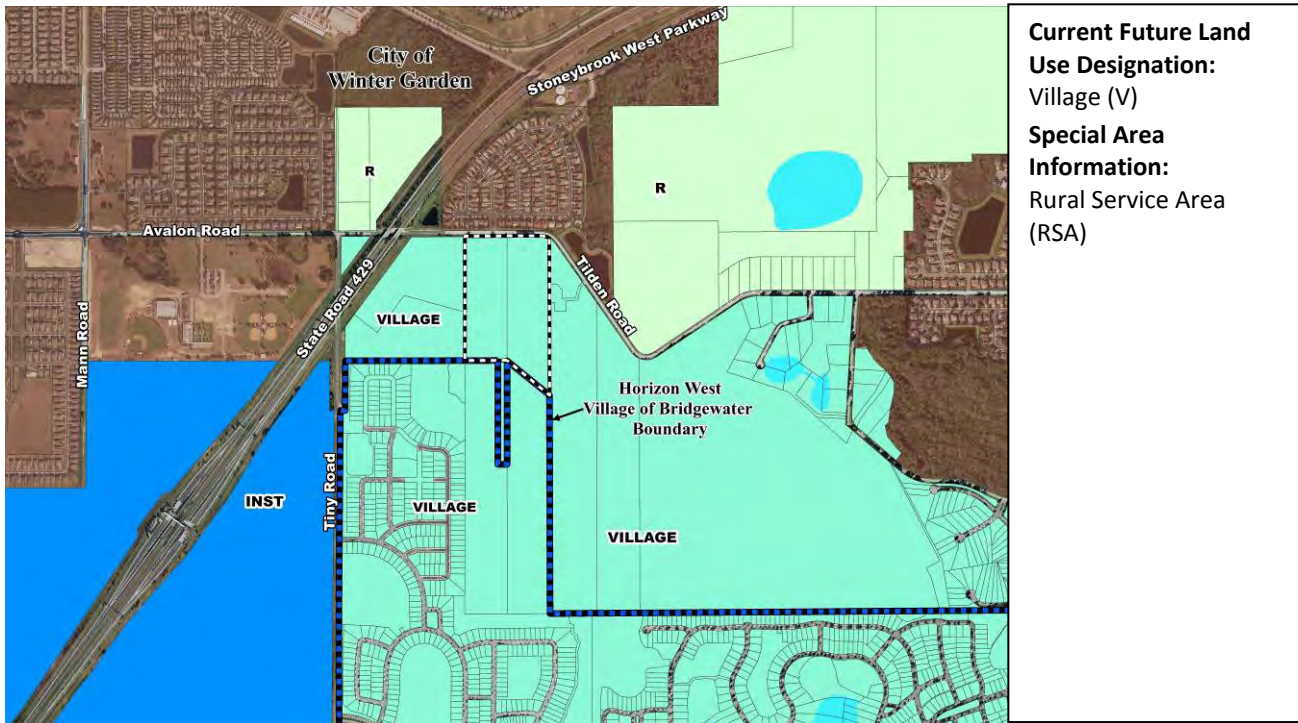
Tract Size:
 28.31 gross acres/approximately 18.54 developable acres

The following meetings/hearings have been held for this proposal:		Project Information
Report/Public Hearing	Outcome	
✓	Community Meeting held May 1, 2018, with 91 members of the public in attendance.	<p>Future Land Use Map Amendment Request: Village (V) to Village (V) within the Horizon West Village of Bridgewater Special Planning Area (Garden Home District (GHD))</p> <p>Proposed Development Program: Up to approximately seventy (70) single-family dwelling units</p>
✓	Staff Report	
	LPA Transmittal June 21, 2018	
	BCC Transmittal July 10, 2018	
	Agency Comments August 2018	
	LPA Adoption October 18, 2018	
	BCC Adoption November 13, 2018	

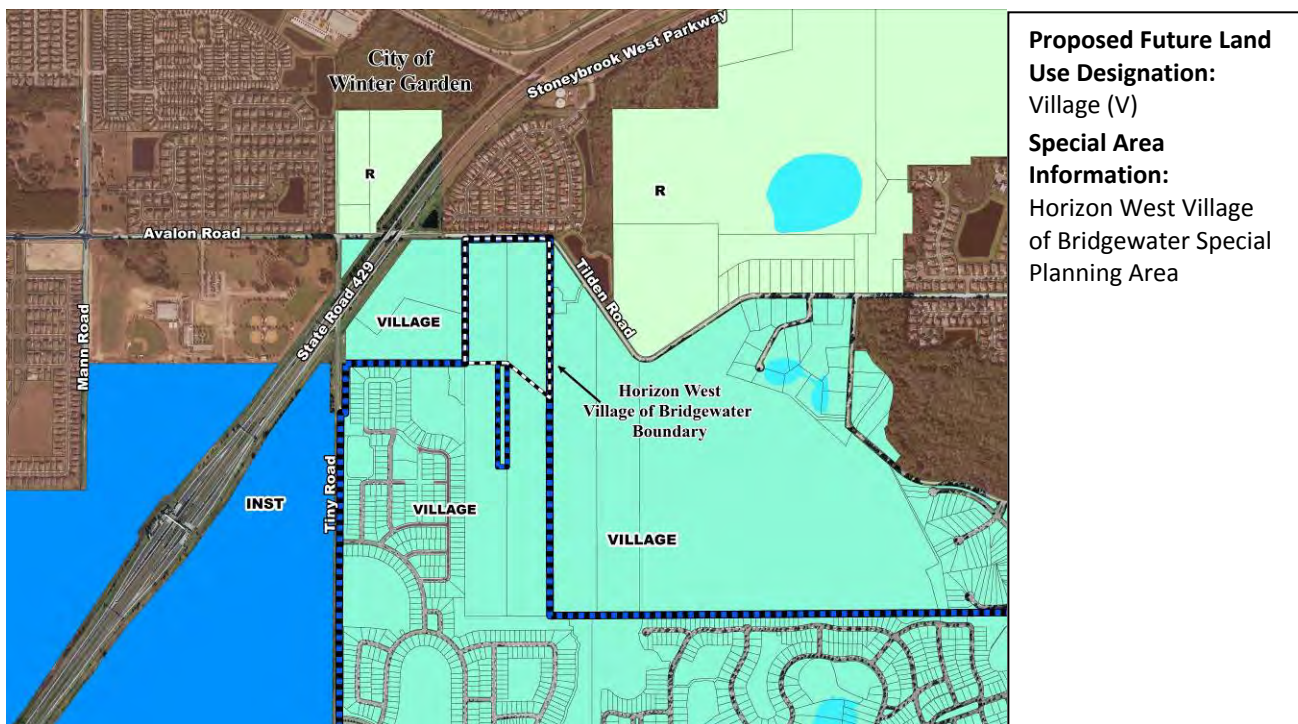
SITE AERIAL



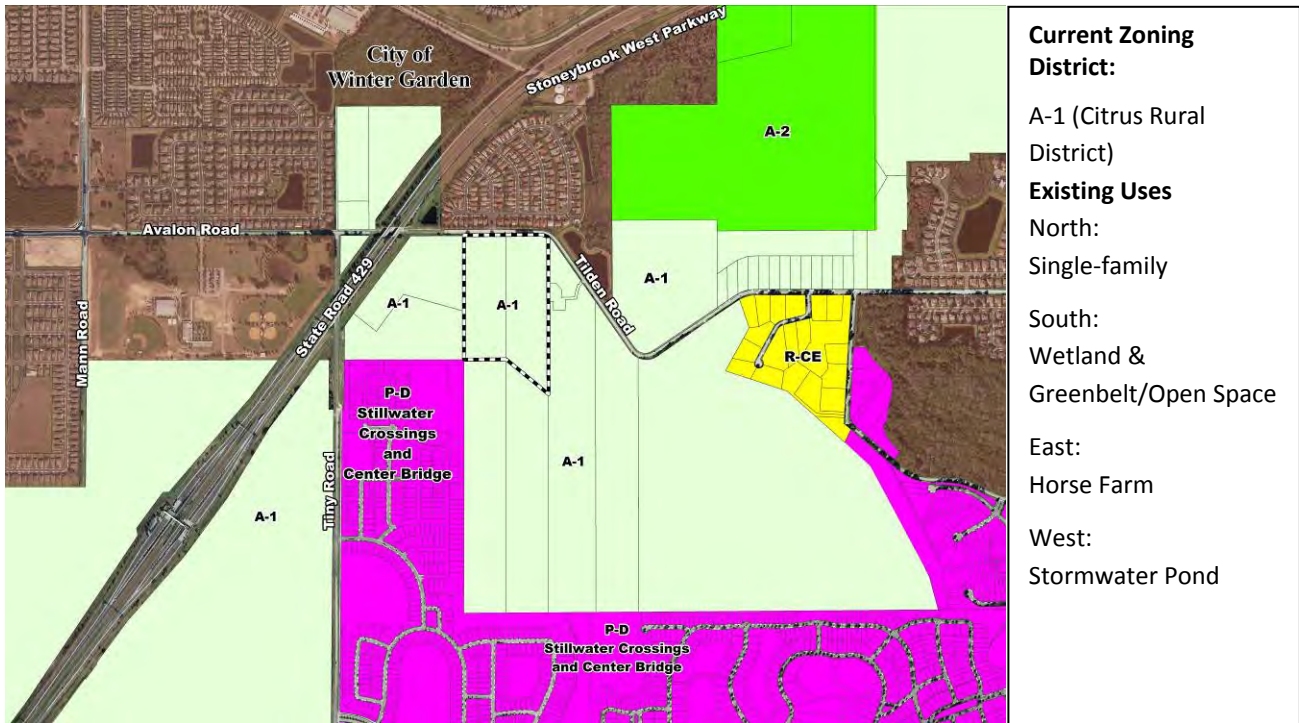
FUTURE LAND USE - CURRENT



FUTURE LAND USE - AS PROPOSED



ZONING - CURRENT



HORIZON WEST VILLAGE OF BRIDGEWATER SPECIAL PLANNING AREA - CURRENT



Staff Recommendation

Make a finding of **inconsistency** with the Comprehensive Plan, determine that the plan amendment is not in compliance (see Future Land Use Element Objective FLU8.2, and Policies FLU1.4.2, FLU4.3.6, FLU8.2.1, FLU8.2.11, and FLU8.8.1; and Neighborhood Element Objective N1.1), and recommend **DO NOT TRANSMIT** Amendment 2018-2-A-1-1, to expand the Horizon West Village of Bridgewater Special Planning Area boundary.

Analysis

1. Background Development Program

The applicant, Kathy Hattaway with Poulos & Bennett, LLC, has requested to expand the Horizon West Village of Bridgewater boundary to incorporate the subject site. The subject property is located at 14950 and 14908 Tilden Rd, or generally on the south side of Tilden Rd., west of Winter Garden Vineland Rd., and east of Tiny Rd. and S.R. 429. A Central Florida Expressway Authority owned stormwater pond is located to the west of the subject property and a horse farm and a plant nursery are located on the two parcels to the east. Across Tilden Road to the north is the Emerald Ridge single-family subdivision located within the City of Winter Garden's jurisdiction.

The subject property is located within the Horizon West study area and is designated Village (V) on the Future Land Use Map (FLUM). Per the Orange County Comprehensive Plan, beyond the approved boundaries of the six Villages, properties designated Village (V) shall maintain the FLUM designation existing prior to the Village Land Use Classification Amendment (e.g. Rural: 1 dwelling unit per 10 acres, Conservation, Rural Settlement). Per the applicant's application, there are approximately 18.54 upland developable acres on the subject site, which under the current Future Land Use density allows rural/agricultural uses or one (1) single-family dwelling unit on the subject property. The portions of the two parcels that make up the subject site are currently developed with a horse farm and a plant nursery.

In 2016, the County processed a staff initiated Comprehensive Plan amendment (2016-2-B-CP-1) that restructured the land use amendment process for Horizon West. The revised process allows properties that are adjacent to an approved Horizon West Village to apply to incorporate into the Village boundary through a Comprehensive Plan amendment and directs land use changes for each Village to be handled through the Planned Development (PD) rezoning process. Therefore, the subject property will need to be rezoned to Planned Development to establish a Horizon West Special Planning Area land use. The applicant has stated the intent to request the Garden Home District (GHD) and Open Space/Greenbelt (OS/GB), and Wetland designations. At the time of this request, the applicant has not submitted a PD rezoning application.

The Horizon West Special Planning Area Garden Home District (GHD) permits a density of four (4) residential units per acre, which would allow up to seventy-four (74) dwelling units if the request is approved. However, there is a Transfer of Development Rights (TDR) ordinance in effect for the Horizon West Villages. The applicant has indicated the possibility of seeking to acquire TDR credits to increase the allowable density for the subject property to a maximum of eight (8) dwelling units per acre permitted under the TDR ordinance, or up to one-hundred forty-eight (148) dwelling units on the subject site.

The properties subject to the proposed Comprehensive Plan amendment are portions of parcels 10-23-27-0000-00-033 and 10-23-27-0000-00-034. The parcels in their entirety total 80.42 gross acres. The southern 49.7 gross acre portion of these two parcels are currently within the Horizon West

Village of Bridgewater Boundary and are designated Greenbelt/Open Space and Wetland on the Horizon West Special Planning Area Land Use Map. The Horizon West policies within the Comprehensive Plan call for a greenbelt surrounding each village, which are meant to delineate the perimeter limits of each Village and the Town Center, discourage sprawl, and preserve important ecosystems. Prior to 2013, the neighborhood to the southwest of the subject property served this greenbelt function. In 2013, a privately initiated FLUM amendment (2013-2-A-1-1) in conjunction with a PD Substantial Change (CDR-13-05-133) converted 65.1 acres of upland greenbelt (Parcel SC-15 within the Stillwater Crossings & Center Bridge Planned Development) to Garden Home District (GHD) and shifted the greenbelt designation to the southern portion of parcels 23-27-0000-00-033 and 10-23-27-0000-00-034. This change allowed for the development of two-hundred (200) single-family units or, approximately three (3) dwelling units per acre on Parcel SC-15.

The current request includes 20.38 gross acres of the remnants of parcels 10-23-27-0000-00-033 and 10-23-27-0000-00-034 that were not included in amendment 2013-2-A-1-1, but excludes a roughly 10.34 gross acre enclave that would not be incorporated into the Horizon West Village boundary or be assigned a Village land use designation. A building permit (B18901578) for a cell tower has been submitted for this enclave and is under review at the time of this staff report.

A community meeting for the current proposal was held on May 1, 2018, at Bridgewater Middle School. Ninety (90) residents attended the meeting and raised a variety of concerns regarding the proposed development program. Several representatives from the City of Winter Garden attended the meeting and cited the City's opposition to the proposed density. The City of Winter Garden representatives echoed the area residents' sentiments that the proposed density for the subject site would be incompatible with surrounding development patterns in both the City and County and that the development would negatively impact the surrounding roadway system. The City's representatives proposed a reduced density of 2.5 residential dwelling units per acre for the subject site.

2. Comprehensive Plan Amendment Analysis

Staff's position is that the proposed amendment is not ready at this point to be transmitted to the Department of Economic Opportunity (DEO) for review due to several outstanding issues.

The first outstanding issue is the subject site is located within the City of Winter Garden's water and wastewater service areas. The City of Winter Garden has stated opposition to the proposed density of 4 dwelling units per acre, and has indicated unwillingness to extend water and wastewater service for a project of this nature that exceeds 2.5 dwelling units per acre. County staff will not recommend transmittal of this amendment until water and wastewater service has been satisfactorily addressed.

A community meeting for the current proposal was held on May 1, 2018 at Bridgewater Middle School. Ninety (90) residents attended the meeting and raised concerns about the impact the proposed maximum density would have on the surrounding school and transportation facilities, and the lack of specific information regarding the proposed development. Residents were also concerned about the precedent that could be set by approval of this level of development for other undeveloped properties along Tilden Road. The resident's consensus was that they were not opposed to any development on the subject site, but that a density of 2.5 dwelling units per acre would be more compatible with the surrounding communities.

At the pre-application meeting on January 19, 2018, the applicant was informed that the Orange County Environmental Protection Division (EPD) has indicated there are wetlands on the

property, and a Conservation Area Determination (CAD) is required as part of the Comprehensive Plan Amendment application package in order to accurately identify and review a potential maximum density for the subject site and whether wetland impacts are being proposed. The applicant was directed to work with EPD to provide an estimate of the extent of wetlands on the subject property prior to the first public hearing for the Comprehensive Plan Amendment. The application for CAD-18-05-086 was submitted to the County on May 25, 2018 and is currently under review. With uncertainty about the extent of the upland developable acreage for the subject property, which directly affects the specific development program for the subject site, staff does not recommend transmittal of the proposed amendment.

The uncertainty of how the proposed development would be compatible with the surrounding area and development trends is another reason staff cannot recommend transmittal of the proposed amendment. As identified in **Future Land Use Element Objective OBJ FLU8.2**, compatibility is the fundamental consideration in all land use and zoning decisions made by the County. While **Future Land Use Element Policy FLU8.2.11** states that compatibility does not mean a use that is identical to those uses that surround it, it does require consideration of the physical integration of a project and its function in the broader community, as well as its contribution toward Comprehensive Plan Goals and Objectives. In addition, **Future Land Use Element Policy FLU8.2.1** requires land use changes to be compatible with the existing development and development trend in the area. **Neighborhood Element Objective N1.1** and **Future Land Use Element Policy FLU1.4.2** further maintain that Orange County shall ensure that Future Land Use changes are compatible with, do not adversely impact, and serve existing or proposed neighborhoods. The application submitted for this amendment identifies a proposed development program of seventy (70) dwelling units, and the applicant has indicated the intent to pursue the use of TDR credits which could allow a density of up to eight (8) dwelling units per acre on the subject property. The applicant has not provided a more specific development program, and has not submitted a Planned Development rezoning request for the subject property.

Finally, the applicant has contended that the Garden Home District (GHD) is the least dense Horizon West Special Planning Area Land Use available. Per **Future Land Use Element Policy FLU4.6.3**, Estate District (ED), which has a minimum density of two (2) dwelling units per acre is a permitted land use in the Horizon West Village of Bridgewater Special Planning Area. Staff would be comfortable recommending transmittal of the proposed amendment if the applicant were to indicate the intent to assign the Estate District (ED) designation to the subject property via the pending PD rezoning, which would allow the applicant to pursue the use of TDR credits to increase the density to a maximum of four (4) dwelling units per acre. This would allow for development of thirty-seven (37) single-family dwelling units, or up to seventy-four (74) with the use of TDR credits. This would be more consistent with the surrounding neighborhoods, which are developed at a range of between three (3) and four (4) dwelling units per acre.

Division Comments: Environmental, Public Facilities and Services

Environmental Protection Division

Until wetland permitting is complete, the net developable acreage is only an approximation. The net developable acreage is equal to the gross acreage of the parcel less the wetlands and surface waters acreage. The buildable area is the net developable acreage less protective buffer areas (if required to prevent adverse secondary impacts). Any plan showing development in such areas without Orange County and other jurisdictional governmental agency wetland permits is speculative and may not be approved. In addition, this site is located within the Wekiva Study Area, as

established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. and special area regulations apply. 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. These requirements may reduce the total net developable acreage.

The subject properties had a prior land use (commercial plant nursery, horse farm) that may have resulted in soil or groundwater contamination due to spillage of petroleum products, fertilizer, pesticide or herbicide. Prior to platting, demolition, site clearing, grading, grubbing, or review of mass grading and 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 Division (EPD) and the Development Engineering (DE) Division.

The applicant is responsible for addressing any adverse impacts, including secondary impacts, to surface waters or wetlands that may occur as a result of development of the site. Protective measures include, but are not limited to, a 25-foot minimum undisturbed upland buffer along the wetland boundary, signage, and pollution abatement swales upland of the buffer if adjacent to surface waters and if drainage is not diverted to treatment. 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 for determining 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). The ecological assessment submitted with this request (dated February 12, 2018) reported the presence of listed species on site, including gopher tortoise and sand skink habitat. 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.

All development is required to pretreat storm water runoff for pollution abatement purposes, per Orange County Code Section 34-227. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. If a septic system is required or in use, the applicant has been advised to notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application, modification or abandonment.

Transportation Planning Division

Based on the project trip distribution patterns determined for this project, Tilden Road is projected to accommodate approximately 93% of the project trips, with the majority of the trips (65%) assigned in the eastbound direction towards Winter Garden-Vineland Road, and 28% westbound towards Avalon Road. In addition, the project trips will be further distributed on Avalon Road with 17% of the project trips on the segment from Tilden Road to Stoneybrook West Parkway, and 7% on the segment from New Independence Parkway to Tilden Road. Additionally, 4% of the project's traffic will utilize Stoneybrook West Parkway from Avalon Road to One-Way Pairs (W), and 12% will utilize Western Beltway from New independence Parkway to Winter Garden-Vineland Road.

The project trip distribution and assignment assumes direct access onto Tilden Road, however, the applicant has been advised to consult with the County's Development Engineering Division to

determine if this is feasible. Depending on the outcome, revisions to the traffic analysis will be required.

Based on the concurrency management system database (dated January 30, 2018), the following roadway segment is operating below the adopted level of service standard within the project impact area:

- Tilden Road from Avalon Road to Winter Garden-Vineland Road

Additionally, the following roadway segments are operating at capacity, as a result of committed trips from other projects within the project area:

- Avalon Road, from New Independence Parkway to Tilden Road
- Avalon Road, from Tilden Road to Stoneybrook West Parkway
- Stoneybrook West Parkway, from Avalon Road to One-Way Pairs (W)
- Tiny Road, from Bridgewater Crossings Boulevard to Tilden Road

This information is dated and subject to change.

The existing conditions analysis in the traffic study did not include committed trips and therefore indicated that all roadway segments currently operate within capacity. Analysis of short term (5-year) and long term (2030) conditions with the inclusion of committed trips will result in deficiencies on roadway segments indicated to have (0) available capacity. The roadway segment on Tilden Road from Avalon Road to Winter Garden-Vineland Road will continue to be deficient with and without the addition of the proposed project trips.

The traffic study analyzed the study roadways for the short term (5 year) and long term (2030) using an annual growth rate of 2% applied to existing PM peak hour traffic volumes. This analysis indicated that the roadway segments are projected to operate within capacity under existing and projected conditions, with the exclusion of committed trips. Nonetheless, due to the development in the area of the subject property, the use of committed trips is required because it is more reflective of the impacts to the area roadways. A revised traffic study was requested to indicate this change.

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. Finally, to ensure that there are no revisions to the proposed development beyond the analyzed use, the land use will be noted on the County's Future Land Use Map or as a text amendment to the Comprehensive Policy Plan.

Orange County Public Schools

A Capacity Enhancement Agreement (CEA) is required for this project. Orange County Public Schools (OCPS) has not received a CEA application for this property.

3. Policy References

FLU1.4.2 Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.

FLU4.1.1 **General Village Principles.** Each Village Specific Area Plan (SAP) shall be designed based on an urban development pattern, which encourages the formation of a suburban village while ensuring the provision of adequate public facilities and services concurrent with development and protection of environmental quality.

- A. Planning for the Village shall be in the form of complete and integrated neighborhoods containing housing, shops, workplaces, schools, parks and civic facilities essential to the daily life of the Village residents.
- B. Village size shall be designed so that housing is generally within a 1.2 mile radius of the Village Center (shops, services and other activities). This radius may be relaxed where natural or community facilities and services interrupt the design.
- C. A Village shall contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries.
- D. Wherever possible, as many activities as possible shall be located within an easy walking distance of an existing or designated transit stop.
- E. The Village and each neighborhood shall have a center focus that combines commercial, civic, cultural and recreational uses. Higher density residential development should be encouraged in proximity to these centers, with the highest density/attached housing encouraged in proximity to the Village Center.
- F. The Village shall contain an ample supply of specialized open space in the form of squares, greens and parks whose frequent use is encouraged through placement and design.
- G. Each Village shall have a well-defined edge, such as greenbelts or wildlife corridors permanently protected from development.
- H. Local and collector streets, pedestrian paths and bike paths shall contribute to a system of fully connected and interesting routes from individual neighborhoods to the Village Center and to other villages. Their design should encourage pedestrian and bicycle use by being spatially defined by buildings, trees, and lighting; and by discouraging high speed traffic.
- I. Wherever possible, the natural terrain, drainage and vegetation of the area shall be preserved with superior examples contained within parks or greenbelts.
- J. The Village Center shall be designed to encourage and accommodate linkage with the regional transit system.

FLU4.1.5 **Neighborhood Development.** Residential neighborhoods shall offer neighborhood facilities and services including passive and active recreation facilities, school sites, sidewalks and bikeways. Each neighborhood shall contain a Neighborhood Center as a central public focal point consisting of an elementary school site, a minimum five (5) acre park in conjunction with the elementary school and may include other public facilities such as churches or community center or neighborhood commercial uses as described in FLU4.1.6. The development of a variety of lot sizes and housing types is encouraged with generally higher densities located in proximity to the village center and neighborhood center (focal point). Public open space shall be provided within each neighborhood. Where physically possible, each neighborhood shall be designed so that most housing units are within a 1/2 mile radius of the Neighborhood Center.

FLU4.5.1 **Village Greenbelts.** In addition to requirements for formal parks and neighborhood greens, greenbelts surrounding each Village and the Town Center averaging 500 feet in width shall be required at the perimeter of each Village. This greenbelt must be provided to discourage sprawl by creating a definable Village and provide a permanent undeveloped edge, except as set forth in FLU4.3.2, so that planning a Village within limited spaces takes on meaning.

Topography and other physical features may allow this width to be reduced where visual separation can be accomplished with less distance. Where it may be beneficial to concentrate the acreage to enhance wildlife corridors, wetland connections, or preserve valuable uplands and protect sites critical for Floridian Aquifer protection the greenbelt may be concentrated in one section of the Village Perimeter. In no case shall the greenbelt separation between villages be less than 300 feet. Subject to subdivision regulations and conservation area protection requirements, access drives and bicycle/pedestrian paths may be allowed within the greenbelt/buffer to connect properties that would otherwise be denied reasonable access. Development standards for access drives and pedestrian/bicycle paths through greenbelt/buffer shall be addressed in the Village and Town Center Development Codes.

FLU4.5.4.1 Reams Road Corridor Study Area. In Lakeside Village, the Reams Road Corridor Study Area was established in recognition of the changing character of properties fronting Reams Road, increased densities in the area, and the area's proximity to a major employment center. The Corridor Study Area is limited to several properties located along Reams Road, which, combined, constitute the largest greenbelt system in the Horizon West Special Planning Area that separates Lakeside Village and Village of Bridgewater. The goal of establishing the Corridor Study Area is to achieve the mix of residential uses and desired minimum overall density of 5 DU/ac within the Village and to provide a residential transition zone within the largest greenbelt system while protecting the local environmental systems by connecting Lake Spear with the ecosystem within Reedy Creek Improvement District on the west and south. The general principles and procedures for acquiring a residential land use designation within the Corridor Study Area are as follows:

- The Reams Road Corridor Study Area boundary shall be depicted on the Lakeside Village Specific Area Plan (SAP).
- Uses on properties within the Corridor Study Area shall be limited to residential.
- Residential uses within the Corridor Study Area shall be limited to areas currently designated as Greenbelt (GB) on the Lakeside Village SAP.
- Requesting a residential land use district designation within the Corridor Study Area requires a Future Land Use Map (FLUM) Amendment to the County's Comprehensive Plan.
- The maximum residential density considered to be appropriate within the Corridor Study Area is 6 DU/ac. Additional density increases may be allowed, consistent with the provisions of the Transfer of Development Right (TDR) Ordinance.
- At the time of the Comprehensive Plan Amendment, an applicant shall enter into an agreement with the County to provide the right-of-way necessary for the Reams Road widening project.
- Any future development within the Corridor Study Area shall provide cross-access to adjacent developments, requirements for which shall be determined at the time of PD-LUP approval. The County might also require connectivity of recreational facilities, including multi-purpose trails, between the properties included in the Corridor Study Area and development north and south of the study area.
- Development proposals that are inconsistent with this policy shall meet the standards of the adopted Future Land Use designation.

FLU4.5.6 The Village greenbelt requirement for Lakeside Village shall be provided by utilizing the environmental systems connecting Lake Spear with the ecosystem within Reedy Creek Improvement District on the west and south.

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.

FLU8.2.2 Continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

FLU8.2.11 Compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

Site Visit Photos

Subject Site



North

South



West

East



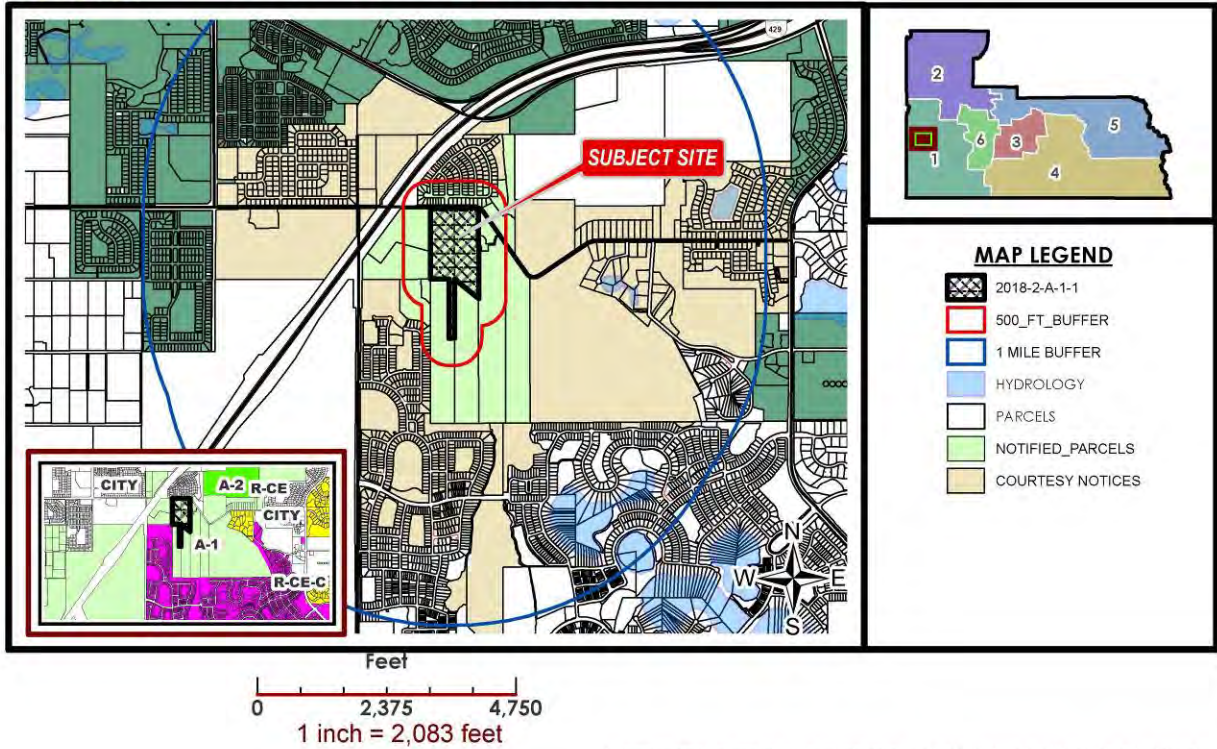
PUBLIC NOTIFICATION MAP



Public Notification Map

2018-2-A-1-1

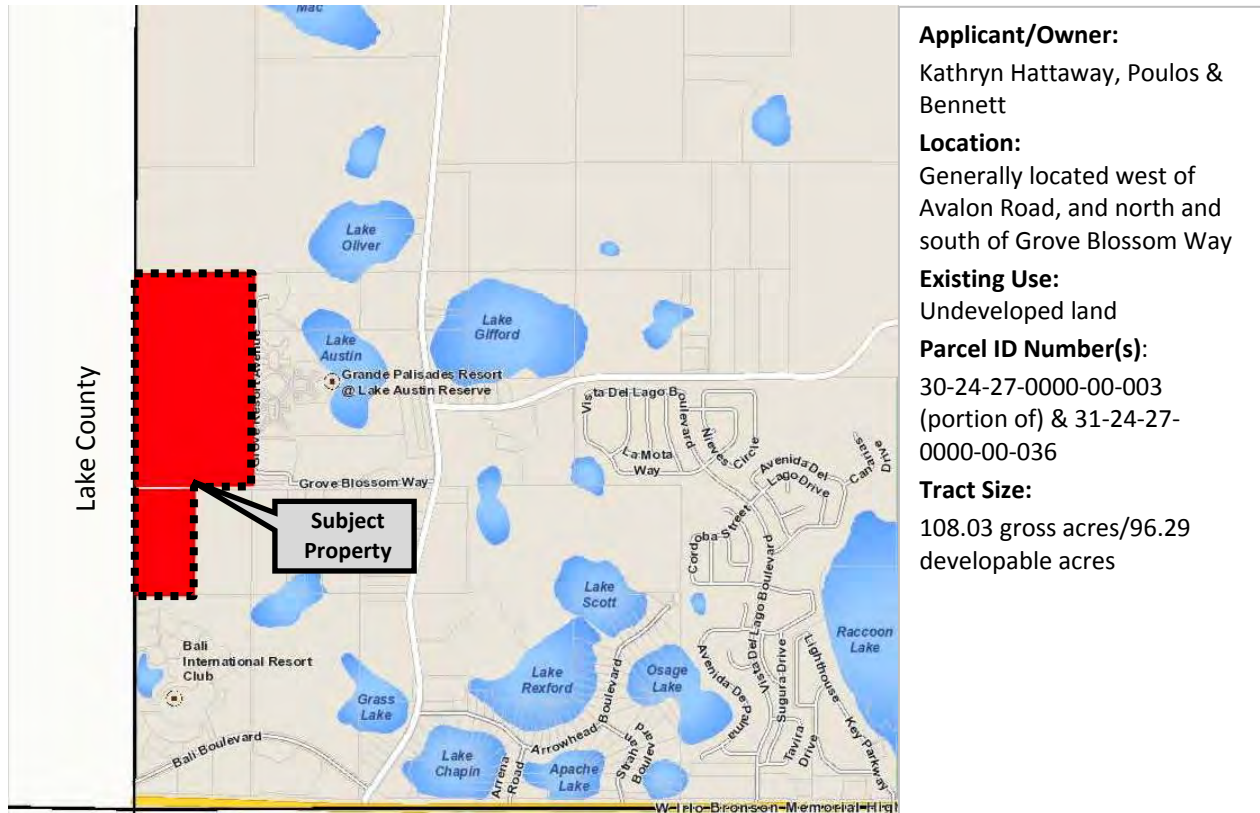
500 FT BUFFER, 1033 NOTICES



Notification Area

500 ft. plus additional adjacent parcels and homeowner associations within a 1-mile radius of the subject site

1033 notices sent



Applicant/Owner:
Kathryn Hattaway, Poulos & Bennett

Location:
Generally located west of Avalon Road, and north and south of Grove Blossom Way

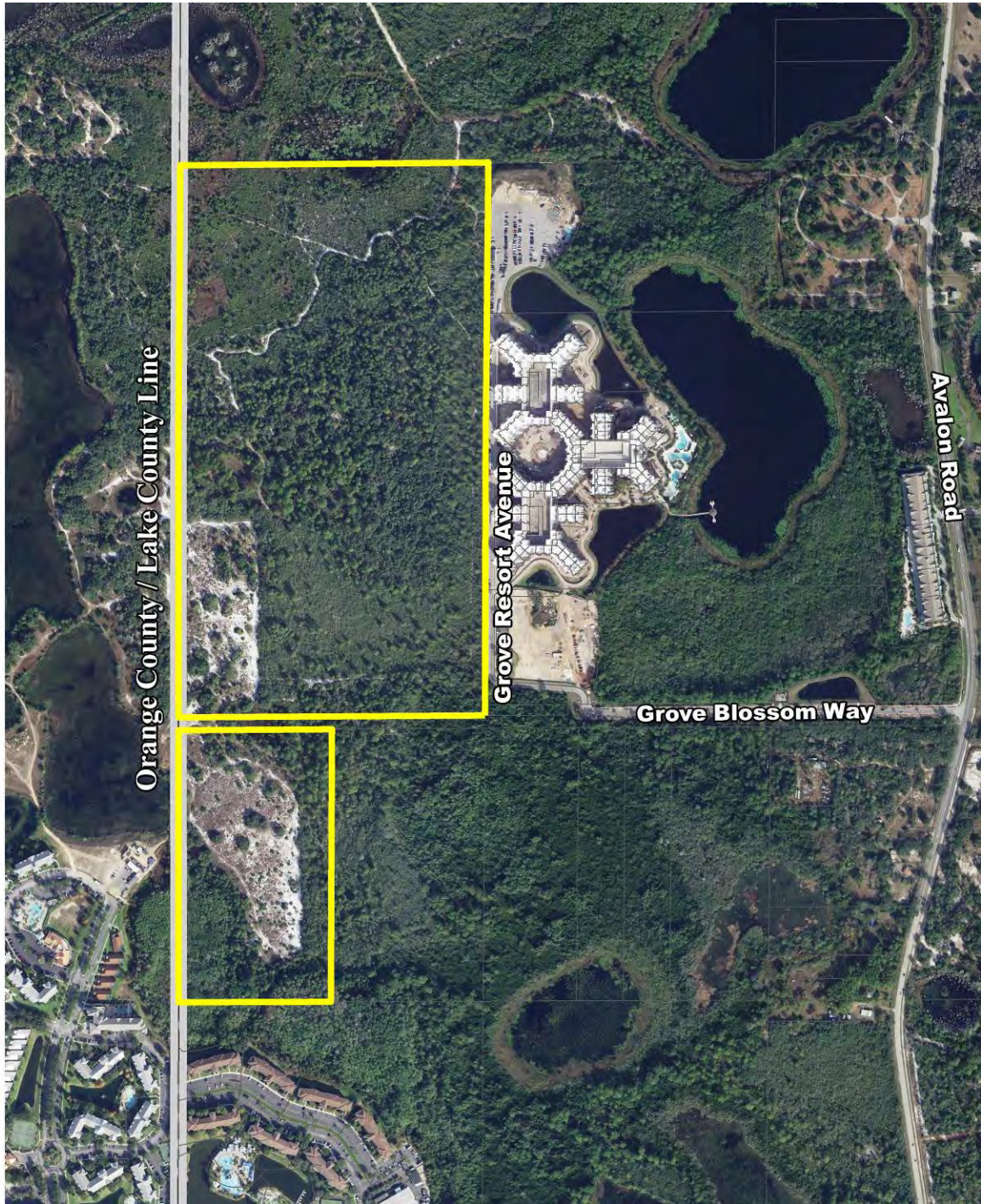
Existing Use:
Undeveloped land

Parcel ID Number(s):
30-24-27-0000-00-003 (portion of) & 31-24-27-0000-00-036

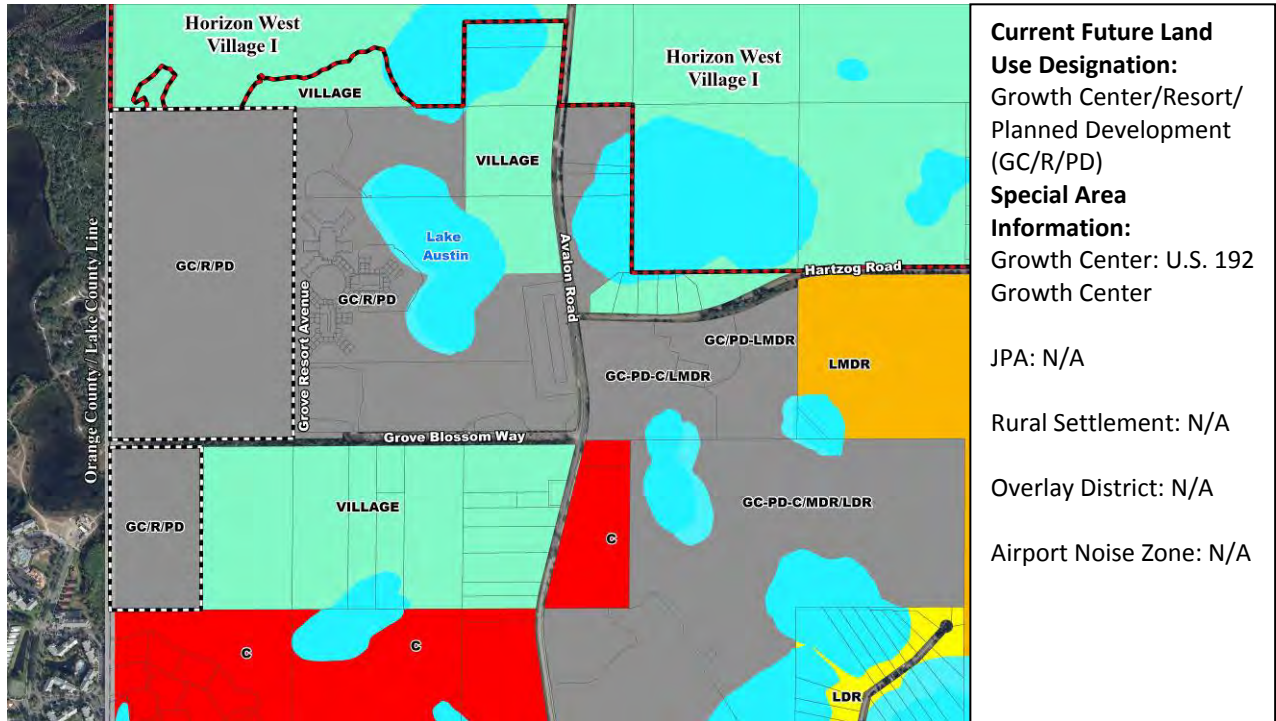
Tract Size:
108.03 gross acres/96.29 developable acres

The following meetings/hearings have been held for this proposal:		Project Information
Report/Public Hearing	Outcome	
✓	Community Meeting held May 24, 2018, with 3 members of the public in attendance.	<p>Future Land Use Map Amendment Request: Growth Center/Resort/Planned Development (GC/R/PD) to Growth Center-Planned Development-Resort/Low-Medium Density Residential (GC-PD-R/LMDR)</p> <p>Proposed Development Program: 500 single-family residential dwelling units (The units may be any combination of age-restricted, short-term rental, or market rate housing.)</p> <p>Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis on each public facility.</p> <p>Environmental: Orange County CAD 07-119 has expired. A new CAD 18-02-021 is in process.</p> <p>Transportation: The proposed use will generate 475 pm peak hour trips resulting in a net decrease of 958 pm peak hour trips.</p> <p>Orange County Public Schools: The developer shall be required to enter into a Capacity Enhancement Agreement (CEA) with Orange County Public Schools.</p>
✓	Staff Report	
	LPA Transmittal June 21, 2018	
	BCC Transmittal July 10, 2018	
	Agency Comments August 2018	
	LPA Adoption October 18, 2018	
	BCC Adoption November 13, 2018	

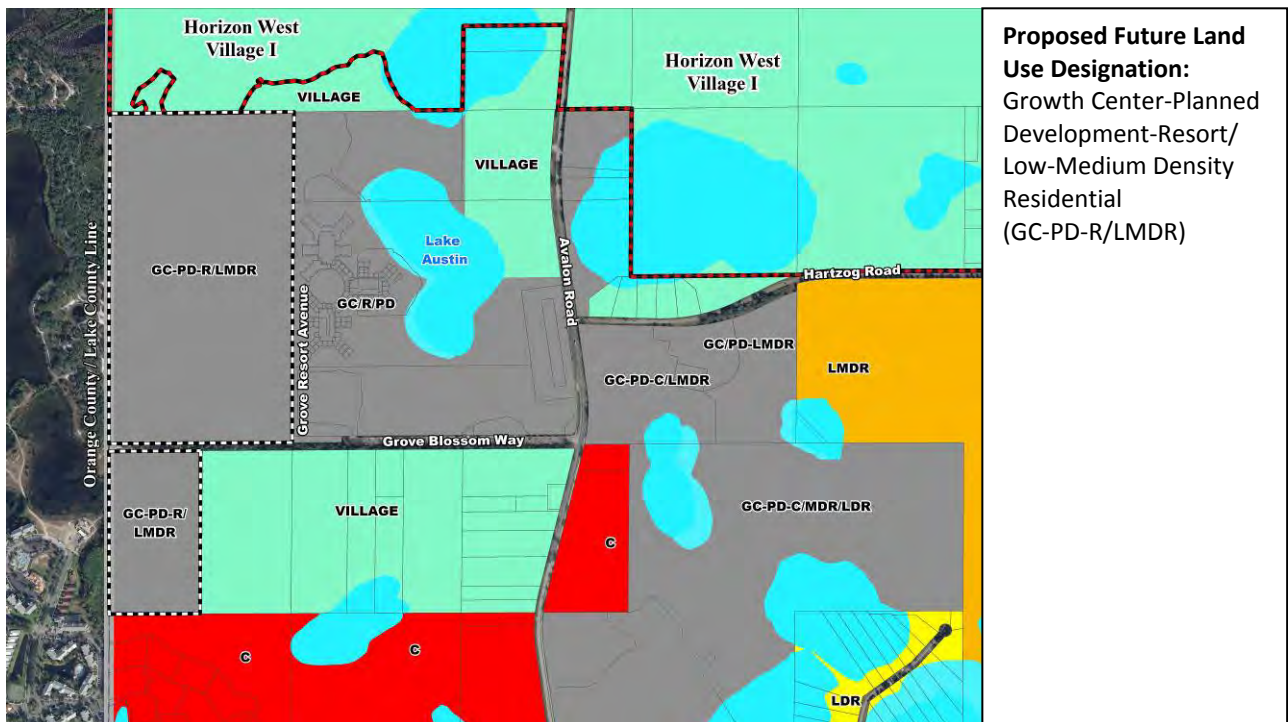
SITE AERIAL



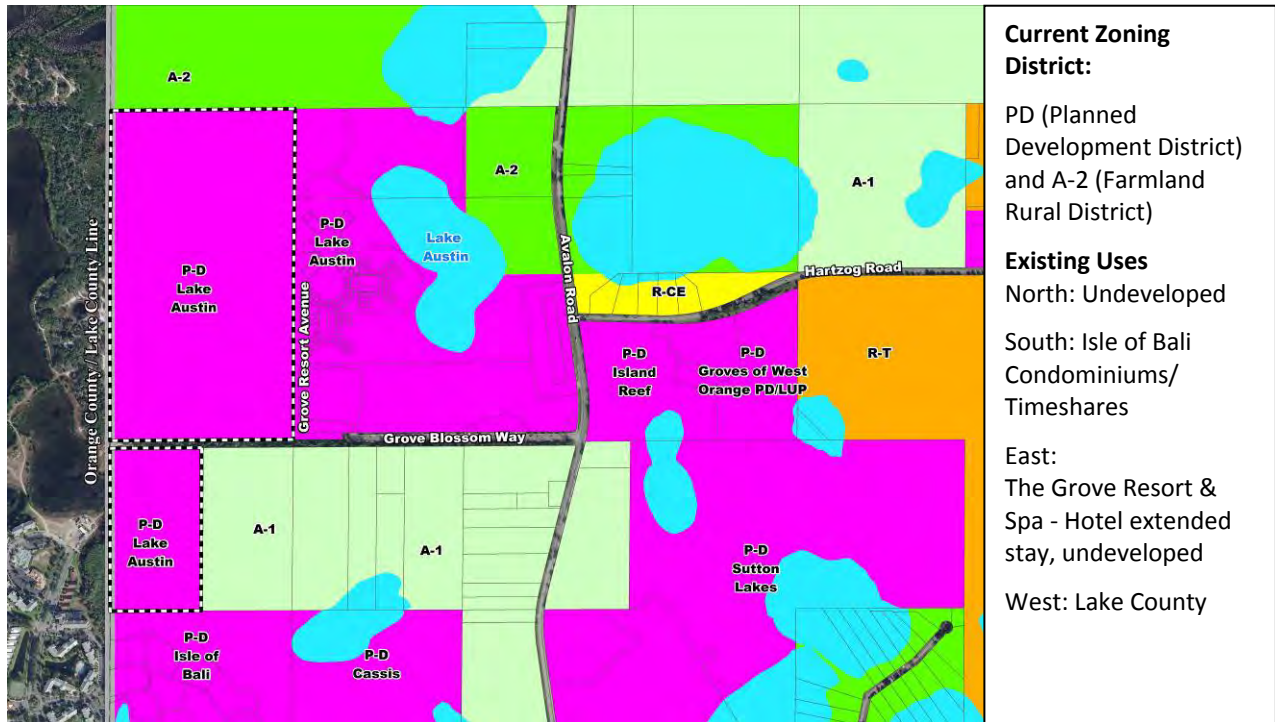
FUTURE LAND USE - CURRENT



FUTURE LAND USE - AS PROPOSED



ZONING - CURRENT



Staff Recommendations

Make a finding of **consistency** with the Comprehensive Plan (see Housing Element Goal H1, Housing Element Objective H1.1, Future Land Use Element Objective FLU8.2, and Policies FLU1.1.1, FLU1.1.2.A, FLU1.1.4.F, FLU7.4.4, FLU8.1.4, FLU8.2.1, and FLU8.2.2), determine that the amendment is in compliance, and recommend **TRANSMITTAL** of Amendment 2018-2-A-1-2, Growth Center/Resort/Planned Development (GC/R/PD) to Growth Center-Planned Development-Resort/Low-Medium Density Residential (GC-PD-R/LMDR).

Analysis

1. Background Development Program

The applicant has requested to change the Future Land Use Map (FLUM) designation of the 108.03-acre site from Growth Center/Resort/Planned Development (GC/R/PD) to Growth Center-Planned Development-Resort/Low-Medium Density Residential (GC-PD-R/LMDR). The applicant's original FLUM Amendment application entailed two requests that involved the South Parcel (GC/R/PD to GC-PD-R/LMDR) and the North Parcel. The North Parcel's FLUM Amendment request was to change the FLUM designation of the 9.83-acre parcels from Village (V) to Horizon West, Village I Special Planning Area (SPA) Greenbelt (GB). The North Parcels would not have an associated development program; they would be used for open space and stormwater for the South Parcels. Orange County Planning Division's Senior Staff determined that the North Parcels' FLUM Amendment request was not necessary. Senior Staff determined that the North Parcels could be aggregated into the existing Lake Austin Planned Development (PD) through a Land Use Plan Amendment (LUPA). The subject parcels would be rezoned from A-2 (Farmland Rural District) to PD (Planned Development District) and would be designated as open space/stormwater.

The subject parcels are part of the 210.98-acre Lake Austin PD which was originally approved on April 17, 2001, by the Board of County Commissioners (BCC). On July 12, 2016, the BCC approved a substantial change (CDR-16-01-027) to the Lake Austin PD to revise the use description from "Timeshare" to "Short Term Rental" and increase those entitlements from 4,159 units to 4,831 units (consistent with the previously approved DRI/DO); modify project phasing dates and amount of development per phase; revise traffic generation calculations; expand list of approved recreational facilities; identify previously dedicated road right-of-way; add two (2) parcel identification numbers not previously identified; modify and renumber existing notes on the plan; add Notes 11-22, some of which transfer DRI/DO environmental and transportation conditions; and add a Master Sign Plan (MSP) with three (3) related waivers from Orange County Code, that primarily relate to signage. Concurrent with the PD substantial change, the BCC rescinded the Grand Palisades Resort DRI/DO.

The subject parcels are identified as Phase Three on the currently-approved Lake Austin PD. Presently, Phase Three is approved for 3,332 short-term rental units, 10,000 square feet of commercial uses, and 20,000 square feet of administration uses. The applicant is now proposing a development program of 500 single-family residential dwelling units. (The units may be any combination of age-restricted, short-term rental, or market rate housing.)

The undeveloped subject property consists of two parcels located west of Avalon Road, north and south of Grove Blossom Way, immediately west of the Grand Palisades Resort, now known as The Grove Resort & Spa, and east of the Lake County Boundary. The subject site is located in an area where nearby properties in the U.S. 192 Growth Center have recently obtained approved FLUM Amendments. On June 28, 2016, the BCC approved FLUMA 2016-1-A-1-8 to change the FLUM

designation of the 23.94-acre site located across the street at the corner of Avalon Road and Hartzog Road, east of the subject site, from Growth Center-Commercial (GC-C) to Growth Center-Planned Development-Commercial/Low-Medium Density Residential (GC-PD-C/LMDR). The proposed development program consists of up to 220 single-family dwelling units (attached and detached) and 20,000 square feet of retail commercial uses. The site is also known as the Island Reef PD. On December 16, 2014, the BCC approved FLUMA 2014-2-A-1-2 (fka 2013-2-A-1-4) to change the FLUM designation of the 139.88-acre property located across the street on Avalon Road, east of the subject property, from Growth Center-Commercial (GC-C) and Growth Center-Low Density Residential (GC-LDR) to Growth Center-Planned Development-Commercial/Medium Density Residential/Low Density Residential (GC-PD-C/MDR/LDR). The proposed development program consists of 700 single-family residential units (attached and detached) and 20,000 square feet of retail uses and is also known as the Sutton Lakes PD. On November 19, 2013, the BCC approved FLUMA 2013-2-A-1-3 to change the FLUM designation from Growth Center-Commercial (GC-C) to Growth Center-Planned Development-Low-Medium Density Residential (GC-PD-LMDR) for a 13.88-acre parcel also located across the street on Hartzog Road, east of the subject site. The development program is for up to 139 single-family dwelling units. The site is also known as the Groves of West Orange PD which the BCC approved the rezoning (LUP-14-01-009) on October 20, 2015, for a development program consisting of 108 single-family detached and attached (townhome) residential dwelling units.

If this proposed amendment is adopted by the BCC, a LUPA will be required to aggregate the North Parcels into the approved Lake Austin PD Land Use Plan and to allow for the single-family residential dwelling units.

A community meeting was held for this proposed amendment on May 24, 2018, with three (3) residents in attendance. The applicant, Ms. Kathy Hattaway, gave an overview of the proposed amendment request and stated the proposed development program would consist of 500 single-family dwelling units. Ms. Hattaway stated that the units may be any combination of age-restricted, short-term rentals, or market rate housing. She stated she was asking for the LMDR FLUM designation which allows for a maximum ten (10) dwelling units per acre, but she is limiting the development to about five (5) dwelling units per acre. One resident asked if the proposed project warrants signalization at Avalon Road and Grove Blossom Way. Orange County Engineer, Ms. Diana Almodovar, stated that a traffic study, paid for by the property owner, would need to be done by the Orange County Traffic Engineering Division, but as it stands today, the proposed development does not warrant signalization. Another resident asked why change from short-term rentals and the existing uses. Ms. Hattaway stated that the new property owner has a different business model. Ms. Hattaway informed the residents in attendance that she could not tell them the specific number of unit types (age-restricted, short-term rental, and market rate housing) at this time but they will be determined when the Lake Austin PD Land Use Plan Amendment package is submitted, if the BCC recommends to transmit the proposed amendment. The residents in attendance responded positively to the request.

2. 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 lies within the U.S. 192 Growth Center. Future Land Use Element **Policy FLU1.1.4F** states that Growth Centers are a Future Land Use designation implemented through Joint Planning Area agreements with an outside jurisdiction.

These agreements provide at a minimum that the County will not incur initial capital costs for utilities. The subject property is located within Orange County Utilities’ (OCU’s) potable water, wastewater, and reclaimed water service areas. Per OCU, there is a 24-inch potable water main, a 15-inch gravity sewer main, and a 12-inch reclaimed water main located in Grove Blossom Way right-of-way to service the subject property. According to OCU, there is sufficient plant capacity to serve the proposed amendment and capacity will be reserved upon payment of capital charges in accordance with County resolutions and ordinances.

In accordance with **Policy 1.1.2.A**, the applicant has specified the maximum desired development program for the project, proposing 500 single-family residential dwelling units (The units may be any combination of age-restricted, short-term rental, or market rate housing.) under the Low-Medium Density Residential (LMDR) FLUM designation, which allows for residential development at a maximum density of ten (10) dwelling units per acre. **Policy FLU7.4.4** states that urban intensities shall be permitted in designated Growth Centers when urban services are available from other sources, as approved by Orange County, consistent with the appropriate policies of the Comprehensive Plan. **Policy FLU7.4.4** also states that if services and facilities sufficient to maintain adopted level of service standards are not available concurrent with the impacts of development, the development will be phased such that the services and facilities will be available when the impacts of development occur or the development orders and permits will be denied.

The subject property is located in an area characterized by a variety of housing types—including residential/agricultural homesites, conventional single-family subdivision development (Hartzog Subdivision), and a manufactured home development (the 925-unit Vista Del Lago Manufactured Home Park). The applicant’s intent to develop 500 single-family residential dwelling units, with a mix of age-restricted, short-term rental, and market rate housing, 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. **Policy FLU8.2.2** states that continuous stretches of similar housing types and density of units shall be avoided. The proposed amendment will contribute to the mix of available housing options in an area of the County deemed appropriate for urban uses, as set forth in **Policy FLU1.1.1**. Staff notes that if this requested amendment is adopted, the development standards will be determined during the LUPA process.

Future Land Use Element **Policy FLU8.1.4** lists the development program for Planned Development (PD) FLUM designations adopted since January 1, 2007. The development program for this requested amendment is proposed for incorporation into **Policy FLU8.1.4** via a staff-initiated text amendment (Amendment 2018-2-B-FLUE-1). The maximum development program for Amendment 2018-2-A-1-2, if adopted, would be as follows: 500 single-family dwelling units (may be any combination of age-restricted, short-term rental, or market rate housing.)

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
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<u>2018-2-A-1-2</u>	<u>Growth Center-Planned Development-Resort/Low-Medium Density Residential GC-PD-R/LMDR</u>	<u>500 single-family dwelling units (may be any combination of age-restricted, short-term rental, or market rate housing)</u>	<u>2018-</u>
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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 trends in the area. As stated above, the subject property is located in an area characterized by residential development and undeveloped land (much of which is due to the decreased demand for previously-approved commercial resort development on those properties). It is staff’s belief that the proposed project is compatible with the existing mix of residential/agricultural homesites, conventional single-family subdivision development, and manufactured home uses within the U.S. 192 Growth Center.

Division Comments: Environmental, Public Facilities and Services

Environmental Protection Division

Orange County Conservation Area Determination CAD 07-119 delineated the wetlands and surface waters on the subject parcels but this determination expired in 2013. A new CAD must be completed with a certified wetland boundary survey approved by the Environmental Protection Division (EPD) prior to submittal of a subdivision, development plan, or permit application, in accordance with Orange County Code Chapter 15, Article X, Wetland Conservation Areas.

Until wetland permitting is complete, the net developable acreage is only an approximation. 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 if 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 EPD. Please reference Comprehensive Plan Policy FLU1.1.2 C.

The applicant is responsible for addressing any adverse impacts, including secondary impacts, to surface waters or wetlands that may occur as a result of development of the site. Protective measures include but are not limited to: 25-foot minimum undisturbed upland buffer along the

wetland boundary, signage, and pollution abatement swales upland of the buffer if adjacent to surface waters and if drainage is not diverted to treatment.

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 for determining the presence of listed species and obtaining any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC). The ecological assessment dated February 14, 2018 submitted with this request reported the presence of listed species on site, including numerous gopher tortoise burrows and sand skink habitat, among others.

All development is required to pretreat storm water runoff for pollution abatement purposes, per Orange County Code Section 34-227. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

Transportation Planning Division

The applicant is requesting to change a total of 117.86 acres, divided into the South and North Parcels as follows: South Parcel from Growth Center/Resort/Planned Development (GC/R/PD) to Growth Center/Resort/Low-Medium Density Residential/Planned Development (GC/R/LMDR/PD) and North Parcel from Village (V) to Horizon West, Village I Special Planning Area (SPA)-Greenbelt (GB) and approval to develop 500 single family dwelling units.

- The subject property is not located within the County's Alternative Mobility Area or along a backlogged/constrained facility or multimodal corridor.
- The allowable development based on the approved future land use will generate 1,433 pm peak hour trips.
- The proposed use will generate 475 pm peak hour trips resulting in a net decrease of 958 pm peak hour trips.
- The subject property is located adjacent to Avalon Road, a two-lane collector. This facility currently has two (2) deficient roadway segments from US 192 to Hartzog Road and from Hartzog Road to Seidel Road within the project impact area.
- The traffic study did not include Hartzog Road segment from Avalon Road to Western Way, which falls within the project's one-mile impact area. A revision was requested to include an analysis of this segment to be included. Nonetheless, this segment is currently operating within its adopted capacity and will not be impacted by the proposed FLUM change.
- Based on the concurrency management system database dated 05-01-2018, the following two (2) roadway segments are operating below the adopted level of service standard within the project area:
 - Avalon Road, from US 192 to Hartzog Road
 - Avalon Road, from Hartzog Road to Seidel Road

This information is dated and subject to change

- Analysis of the short term (interim year) 2023 long term (horizon year) 2030 conditions indicates that these deficiencies will continue with or without the proposed amendment. Amending the FLUM for this property will decrease the number of trips generated by this development.
- 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. Finally, to ensure that there are no revisions to the proposed development beyond the analyzed use, the land use will be noted on the County's Future Land Use Map or as a text amendment to the Comprehensive Policy Plan.

Utilities

The subject property is located within Orange County Utilities' (OCU's) potable water, wastewater, and reclaimed water service areas. Per OCU, there is a 24-inch potable water main, a 15-inch gravity sewer main, and a 12-inch reclaimed water main located in Grove Blossom Way right-of-way.

OCPS

The developer shall be required to enter into a Capacity Enhancement Agreement (CEA) with Orange County Public Schools. OCPS has not received an application. (Note: The applicant submitted an Informal Capacity Inquiry Non-Binding Determination of School Capacity- Application ID: INF-OC-18-002.)

3. 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 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.

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.A – The Future Land Use Map shall reflect the most appropriate maximum and minimum densities for residential development. Residential development in Activity Centers and Mixed Use Corridors, the Horizon West Village and Innovation Way Overlay (Scenario 5) and Growth Centers may include specific provisions for maximum and minimum densities. The densities in the International Drive Activity Center shall be those indicated in the adopted Strategic Development Plan.

FLU1.1.4.F – GROWTH CENTER(S) – Growth Centers are a Future Land Use designation implemented through Joint Planning Area agreements with an outside jurisdiction. These agreements provide at a minimum that the County will not incur initial capital costs for utilities. Orange County has two Growth Centers – one in the northwest referred to as the Northwest Growth Center and one in the southeast referred to as Growth Center/Resort/PD.

FLU7.4.4 – Urban intensities shall be permitted in designated Growth Centers when urban services are available from other sources as approved by Orange County, consistent with the appropriate policies of the Comprehensive Plan. If services and facilities sufficient to maintain adopted level of service standards are not available concurrent with the impacts of development, the development will be phased such that the services and facilities will be available when the impacts of development occur or the development orders and permits will be denied.

FLU8.1.4 – The following table details the maximum densities and intensities for the Planned Development (PD) Future Land Use designations that have been adopted subsequent to January 1, 2007.

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.

FLU8.2.2 – Continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

Site Visit Photos

Subject Site –Undeveloped



North – Undeveloped



South – Timeshare Resort



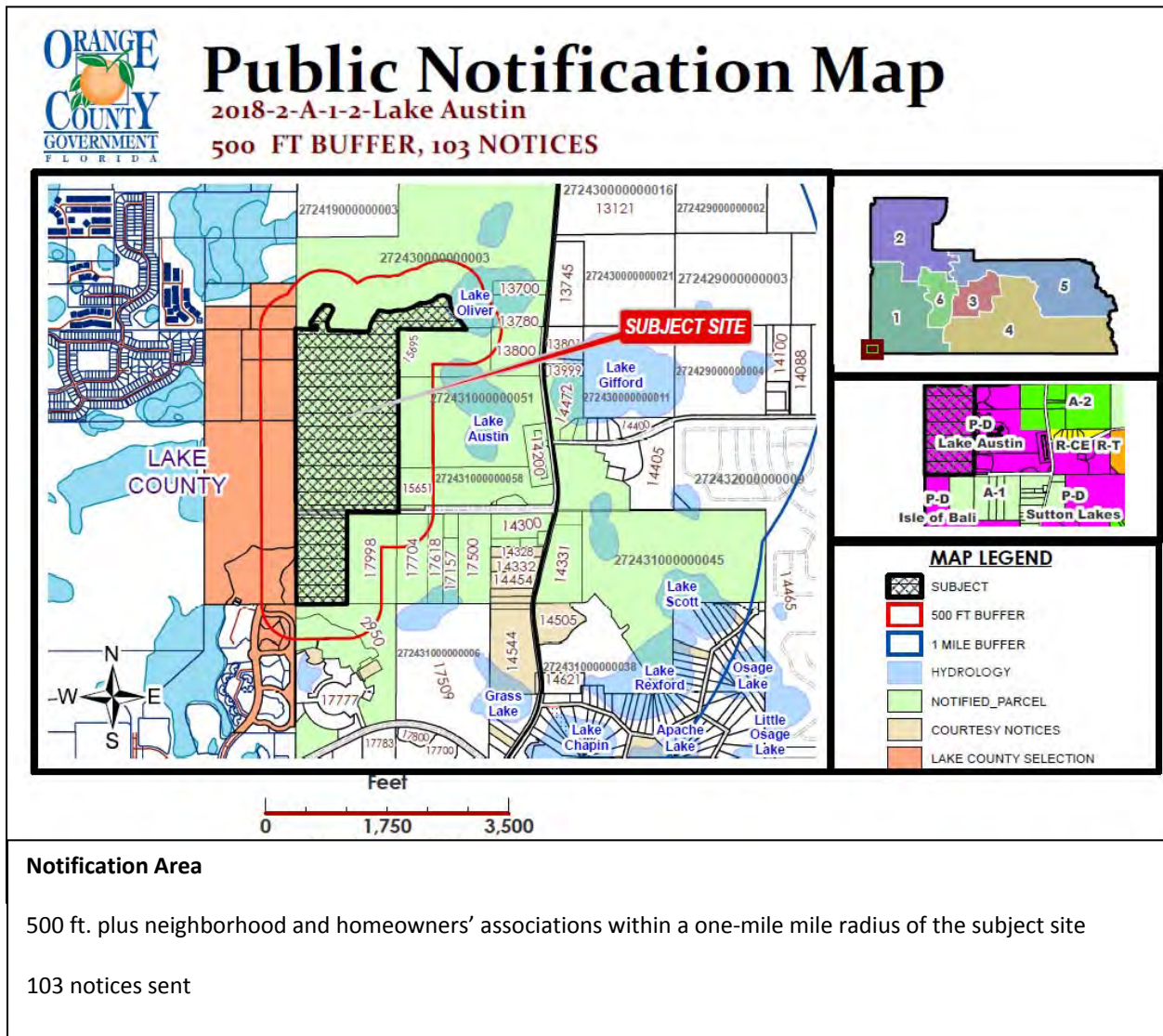
West – Lake County

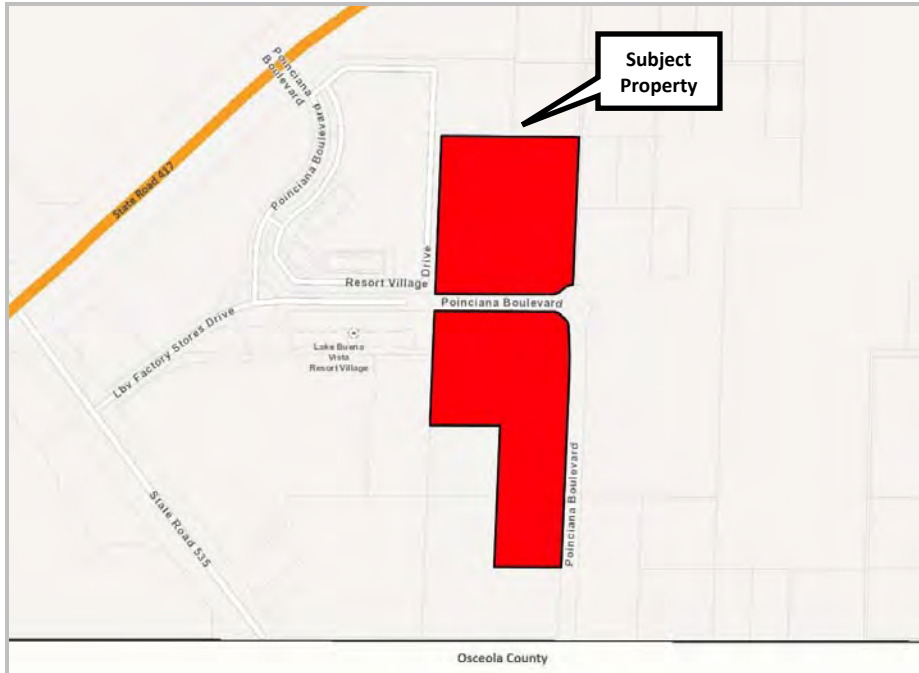


East – Timeshare Resort



PUBLIC NOTIFICATION MAP





Applicant/Owner:
Miranda F. Fitzgerald, Esq.,
Lowndes, Drosdick, Doster,
Kantor & Reed, P.A. / Fairwinds
Credit Union and Poinciana FW,
LLC

Location: Generally located
north and south of Poinciana
Boulevard, east of SR 535, south
of SR 417, and north of the
Orange/Osceola County line

Existing Use: Undeveloped land

Parcel ID Numbers:
35-24-28-5844-00-
732/741/870/871/880 and 35-
24-28-5844-01-050

Tract Size: 23.13 gross acres

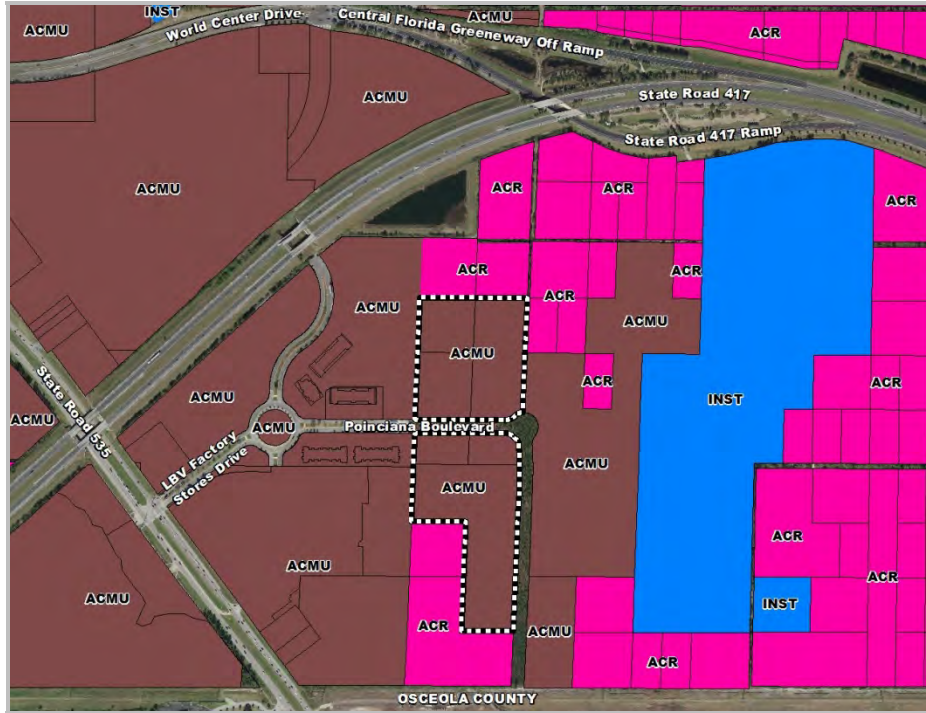
The following meetings and hearings have been held for this proposal:		
Report/Public Hearing	Outcome	
✓	Community meeting held May 17, 2018, with one (1) member of the public in attendance.	Positive
✓	Staff Report	Recommend Transmittal
	LPA Transmittal	June 21, 2018
	BCC Transmittal	July 10, 2018
	State Agency Comments	August 2018
	LPA Adoption	October 18, 2018
	BCC Adoption	November 13, 2018

Project Information
Request: Activity Center Mixed Use (ACMU) to Activity Center Residential (ACR)
Proposed Development Program: Multi-family residential community featuring up to 650 dwelling units
Public Facilities and Services: Please see the Public Facilities & Services Appendix for specific analyses of each public facility.
Environmental: Class III wetlands are located onsite. A Conservation Area Determination (CAD) must be completed prior to the submittal of development plans or permit applications.
Transportation: The developer shall comply with the terms of the Poinciana Boulevard Extension Road Network Agreement and the Poinciana Boulevard Extension Road Network/State Road 535 Link Agreement.
Schools: The developer shall be required to enter into a Capacity Enhancement Agreement (CEA) with Orange County Public Schools (OCPS). CEA #OC-18-010 is currently in progress.
Concurrent PD/LUP Substantial Change: Yes A proposed substantial change to the currently-approved World Resort PD Land Use Plan (Case CDR-18-04-111) is proceeding through DRC review and is expected to be considered in conjunction with the requested amendment during the adoption public hearing stage.

SITE AERIAL



FUTURE LAND USE – CURRENT



Current Future Land Use:
 Activity Center Mixed Use (ACMU)

Special Area Information

Activity Center:
 International Drive
 Activity Center

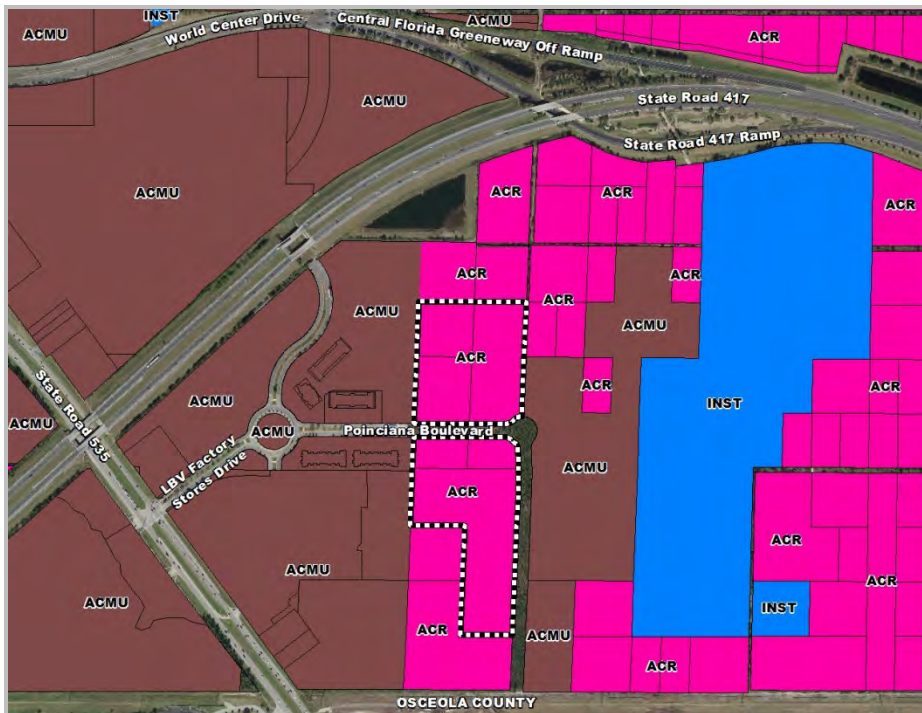
Overlay District: N/A

Rural Settlement: N/A

JPA: N/A

Airport Noise Zone: N/A

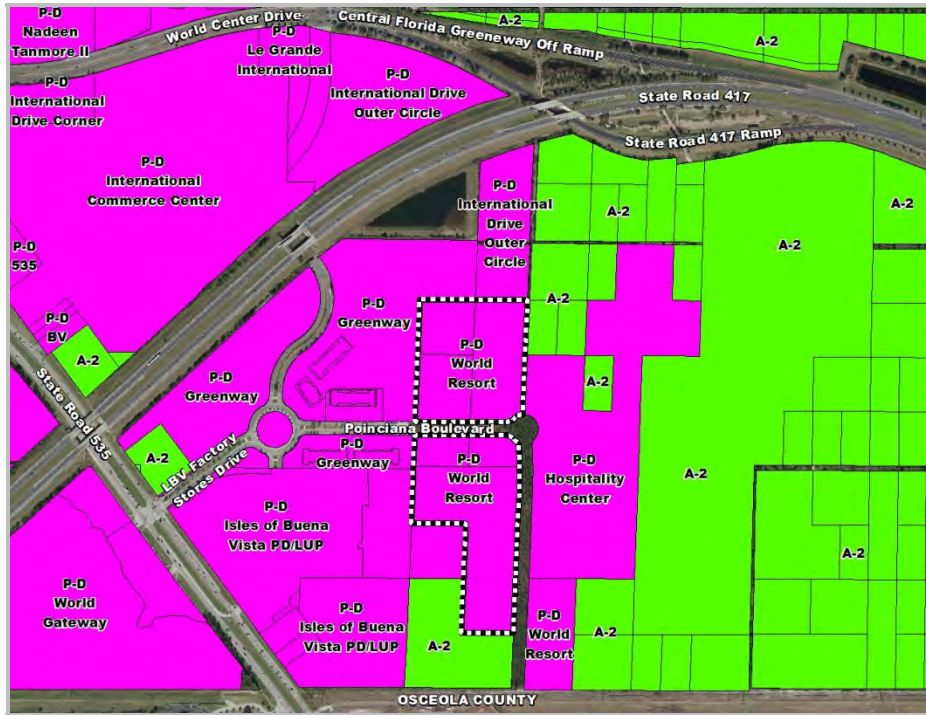
FUTURE LAND USE – AS PROPOSED



Proposed Future Land Use:

Activity Center
 Residential (ACR)

ZONING - CURRENT



Current Zoning District:

PD (Planned Development District) (World Resort PD/LUP)

Existing Uses:

North: SR 417 and undeveloped land

South: Undeveloped land

East: Undeveloped land

West: Lake Buena Vista Resort Village & Spa and Lake Buena Vista Factory Stores

Staff Recommendation

Make a finding of **consistency** with the Comprehensive Plan (see International Drive Activity Center Element Goal ID3 and Policies ID4.1.1; Housing Element Goal H1 and Objective H1.1; and Future Land Use Element Objectives FLU2.2 and FLU8.2 and Policies FLU1.1.2.A, FLU1.1.4.D, and FLU8.2.1, determine that the amendment is in compliance, and recommend **TRANSMITTAL** of Amendment 2018-2-A-1-3, Activity Center Mixed Use (ACMU) to Activity Center Residential (ACR).

Analysis

1. Background and Development Program

The applicant, Miranda Fitzgerald, is seeking to change the Future Land Use Map (FLUM) designation of the 23.13-acre subject property from Activity Center Mixed Use (ACMU) to Activity Center Residential (ACR) to allow for the development of a multi-family residential community featuring up to 650 dwelling units. The undeveloped site—comprised of six individual parcels (Parcels 35-24-28-5844-00-732/741/870/871/880 and 35-24-28-5844-01-050)—is a portion of the 30.1-acre World Resort Planned Development (PD), currently entitled for the development of up to 1,231 hotel rooms and 50,000 square feet of retail space. The remaining 4.41-acre parcel within the World Resort PD (Parcel 35-24-28-0000-00-028) is not included in the requested amendment and will retain its present ACMU designation.

Located in the International Drive Activity Center, the subject site lies in the immediate vicinity of Central Florida's largest employer, Walt Disney World, and numerous resorts, hotels, tourist attractions, shopping areas, and restaurants. The property's proximity to this activity—both in Orange County and adjacent Osceola County—make it ideally situated for the development of housing for employees of these tourist-oriented establishments. The subject parcel's current ACMU future land use designation is intended to provide for a combination of tourist-related development and supporting residential activity. As established in the Orange County Comprehensive Plan, however, no more than 30 percent of an ACMU-classified site may be utilized for residential purposes. The applicant is thus proposing the change in land use to ACR to allow the development of the entire 23.13-acre property for a multi-family residential community.

Prior to the creation of the World Resort PD, the component parcels were approved for the development of 540 multi-family units within the Isles of Buena Vista PD under the ACR future land use designation, assigned via the July 1, 1991, adoption of the Orange County Comprehensive Policy Plan. On March 2, 1999, the Board of County Commissioners (BCC) adopted Amendment #99-1-A-1-4, thus changing the FLUM designation of the parcels from ACR to ACMU. The approval of the standalone World Resort PD, with a development program of 900 hotel rooms, 276 timeshare units, and 50,000 square feet of retail space, was granted by the BCC on January 8, 2002. The PD was subsequently amended on May 9, 2006, through the BCC's approval of Rezoning Case RZ-05-09-105, adding 2.53 acres of A-2 (Farmland Rural District)-zoned property and establishing its current area of 30.1 acres and present development program of 1,231 hotel rooms and 50,000 square feet of retail. The PD Land Use Plan (LUP) was last amended by the Orange County Development Review Committee (DRC) on April 9, 2008, as a non-substantial change to recognize "showroom" as an allowable use within the PD and add it to the Land Use Conversion Matrix.

In conjunction with this requested amendment, a proposed substantial change to the currently-approved World Resort PD Land Use Plan (Case CDR-18-04-111), reflecting the proposed revisions to the PD's development program, is proceeding through the DRC review process. Staff notes that it is the applicant's intent to add trip equivalencies for multi-family residential development to the Land Use Conversion Matrix and to convert existing hotel entitlements to multi-family units through the use of the matrix, with a maximum of 650 multi-family units to be incorporated into the Approved Land Uses table. The applicant further proposes to relegate the PD's remaining non-residential entitlements to Parcel 35-24-28-0000-00-028, scheduled to retain the ACMU designation. Staff anticipates that Case CDR-18-04-111 will be considered by the BCC in conjunction with the proposed FLUM Amendment during the adoption public hearing stage.

Applicable Agreements

The following agreements are applicable to the proposed FLUM Amendment and associated World Resort PD/LUP substantial change request:

- **Developer's Agreement for Donation to a Housing Linkage Fund**

In conjunction with the March 2, 1999, adoption of Amendment #99-1-A-1-4, Orange County required the then-owners to execute the Developer's Agreement for Donation to a Housing Linkage Fund, recorded in O. R. Book 5702, Page 3080, of the Public Records of Orange County, Florida (the "Linkage Agreement"). The Linkage Agreement provides for the payment into the Housing Linkage Fund in the amount of \$2,591.34 per acre for the entire 27.5 acres that now comprise the World Resort PD (the "Property"), converted from ACR to ACMU, as a cost of ensuring sufficient residential units in the International Drive Activity Center. This payment was to be made prior to the issuance of any certificates of occupancy for the Property, provided that one-half of the total payment could be deferred until issuance of a certificate of occupancy in a second phase of the development. As discussed above, the Property was subsequently removed from the Isles of Buena Vista PD on January 8, 2002, and the County approved the standalone World Resort PD. On April 9, 2008, the County approved the current PD Land Use Plan for the World Resort PD, dated "Received April 28, 2008". To date, however, no development activity has occurred on the Property, and to the best knowledge of the Applicant and the Planning Division, no payment has been made under the Linkage Agreement. The requested FLUM Amendment, if approved, will necessitate a concurrent amendment of the Linkage Agreement and an associated amendment to the World Resort PD Land Use Plan.

- **Poinciana Boulevard Extension Road Network Agreement**

The Poinciana Boulevard Extension Road Network Agreement was approved by the BCC on March 2, 1999, and recorded in O. R. Book 5702, Page 3038, of the Public Records of Orange County, Florida. The agreement provides that the Developers will provide Right-of-Way to create an arterial Road Network extending northward from the Osceola County Line and ultimately connecting through to World Center Drive and/or International Drive South. Developers agree to convey 80 feet of Right-of-Way throughout the Road Network. By agreement this satisfies the reservation of a 15-foot-wide transit easement on either side of the Road Network required by the I-Drive Element. Developers will receive Road Impact Fee Credits in the amount of \$150,000 per acre for Right-of-Way property and drainage easements conveyed. Developers will receive Vested Rights in the amount of a specific number of total average daily trips as follows: Greenway will receive 22,500 total average daily trips, Weston will receive 2,500 total average daily trips, and Rinaldi will receive 1,250 total average daily trips. To date, all Right-of-Way property and drainage easements were conveyed under this agreement on May 15, 2001. A separate agreement for construction is contemplated in this

agreement; however, to date, no such agreement has been approved by the Board of County Commissioners.

▪ **Poinciana Boulevard Extension Road Network/State Road 535 Link Agreement**

The Poinciana Boulevard Extension Road Network/State Road 535 Link Agreement was approved by the BCC on May 15, 2001, and recorded in O. R. Book 6265, Page 1174, of the Public Records of Orange County, Florida. This agreement adds the link segment between State Road 535 and the Poinciana Boulevard Extension Road Network which was depicted in Exhibit D of the Poinciana Boulevard Extension Road Network Agreement, approved by the BCC on March 2, 1999, but not described in the agreement as property to be conveyed. The Owner agrees to convey the necessary Right-of-Way to complete the State Road 535 link segment. The County will deduct the value of vacated Rights-of-Way. The terms of the March 2, 1999, agreement will be followed, and the Owner shall receive a net of \$100,762.50 in Road Impact Fee Credits for the conveyance.

▪ **Capacity Enhancement Agreement #OC-18-010 (World Resort)**

Per Orange County Public Schools (OCPS), the middle school (Freedom Middle) and high school (Freedom High) that would currently serve the project are operating over capacity. OCPS has informed staff that the applicant has applied for a Capacity Enhancement Agreement (#OC-18-010, World Resort). To ensure compliance with Orange County Comprehensive Plan Policy FLU8.7.11, a copy of the fully-executed agreement must be submitted to the Planning Division no later than two weeks prior to the adoption public hearing before the Board of County Commissioners.

Community Meeting

A community meeting for this proposed FLUM Amendment and associated PD/LUP substantial change request was held on May 17, 2018, at Sand Lake Elementary School. One member of the public attended the meeting. The attendee had questions regarding the proposed development program, the public hearing process, the timing of the Poinciana Boulevard extension, school capacity, and onsite wetlands but voiced no objection to the proposed multi-family project.

2. 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.

As discussed above, the subject site is located within the International Drive Activity Center, an area characterized by intense tourist-oriented development, including the Lake Buena Vista Factory Stores complex and Lake Buena Vista Resort Village & Spa situated immediately west of the property. As stated in **Future Land Use Element Policy FLU1.1.4.D**, the requested ACR future land use designation is intended to provide for residential development in proximity to employment areas to minimize travel distances between uses. Staff finds this proposed amendment consistent with **International Drive Activity Center Element Goal ID3**, which establishes that it is Orange County's goal to facilitate the development of residential communities in proximity to employment areas of the activity center in order to minimize workers' travel distances and times.

In accordance with **Future Land Use Element Policy FLU1.1.2.A**, the applicant has specified the maximum desired development program for the residential project, proposing up to 650 multi-family dwelling units under the "urban-scale" ACR future land use designation, which allows

residential development at a minimum density of twelve (12) dwelling units per net acre and a maximum density of thirty (30) units per net acre. Staff finds the proposed amendment consistent with Orange County's commitment to ensuring that sufficient land is available to meet the identified housing needs of its present and future residents. The applicant's intent to develop a multi-family residential community 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, with 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 project, if approved, would provide a much-needed housing option for employees of the numerous tourist-oriented businesses in the surrounding area.

Staff further finds the proposed project consistent with **Future Land Use Element Objective OBJ FLU2.2**, which establishes that Orange County shall develop, adopt, and implement mixed-use strategies and incentives as part of its comprehensive planning and land development code efforts, including standards for determining consistency with the Future Land Use Map. Other objectives of mixed-use development include reducing trip lengths, providing for diverse housing types, using infrastructure efficiently and promoting a sense of community. Staff notes that if approved, the project will use infrastructure that is either already in place or programmed. Per Orange County Utilities (OCU), the property lies within its potable water, wastewater, and reclaimed water service areas. OCU has informed staff that demands and connection points for each service will be addressed as the project proceeds through the DRC and construction permitting processes. In addition, the multi-family community would use the existing transportation network, which serves both transit riders and automobile drivers. A LYNX bus stop is located on Poinciana Boulevard, near the entrance to the Lake Buena Vista Resort Village & Spa, and sidewalks are in place along the developed portion of Poinciana Boulevard to help ensure pedestrian safety. As stated in the application package, approval of the multi-family project will permit the developer to proceed immediately with the extension of Poinciana Boulevard to connect with N. Poinciana Boulevard and the Osceola Parkway in Osceola County, in accordance with the recorded Poinciana Boulevard Extension Road Network Agreement and Poinciana Boulevard Extension Road Network/State Road 535 Link Agreement discussed earlier. Lastly, staff finds this request consistent with **International Drive Activity Center Element Policy ID4.1.1**, which mandates that approval of development within the International Drive Activity Center shall be conditioned upon the availability of adequate services and facilities, as measured by the adopted level of service standards of the Comprehensive Plan.

Compatibility

The proposed FLUM amendment appears to be **compatible** with the 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 trends in the area. As discussed above, the subject property is located in an area characterized by intense tourist-oriented development, including the contiguous Lake Buena Vista Resort Village & Spa and Lake Buena Vista Factory Stores. The site lies in the immediate vicinity of Central Florida's largest employer, Walt Disney World, and numerous resorts, hotels, tourist attractions, shopping areas, and restaurants. The property's proximity to this activity—both in Orange County and adjacent Osceola County—make it well-suited for the development of housing for employees of these tourist-oriented establishments.

It is staff's belief that the proposed multi-family project would contribute to the County's larger

goals of promoting infill and compact urban form within the Urban Service Area, providing for a range of living options, efficiently using existing and planned infrastructure, and reducing trip lengths. Staff, therefore, recommends transmittal of this requested amendment.

Division Comments: Environmental, Public Facilities, and Services

Environmental. The Environmental Protection Division (EPD) has noted that Class III wetlands are located onsite. Orange County Conservation Area Determinations CAD 90-026, CAD 00-123, CAD 03-031, and CAD 06-201 previously delineated Class III wetlands on parcels within the World Resort PD. Please contact EPD's wetland permitting staff at 407-836-1400 to verify the applicability and validity of historic wetland permits and to determine whether all of the parcels are covered. If additional historical documents are located, please submit a copy to EPD for verification. A CAD must be completed for each property prior to the submittal of development plans or permit applications that include the property.

All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this request does not authorize any direct or indirect conservation area impacts. The applicant is responsible for addressing any adverse impacts, including secondary impacts, to surface waters or wetlands that may occur as a result of development of the site. Protective measures include, but are not limited to, a 25-foot minimum undisturbed upland buffer along the wetland boundary, signage, and pollution abatement swales upland of the buffer if adjacent to surface waters and if drainage is not diverted to treatment.

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as endangered, threatened, or species of special concern. The applicant is responsible for determining the presence of listed species and obtaining 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 pretreat stormwater runoff for pollution abatement purposes, per Orange County Code Section 34-227. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

Transportation. The previously-discussed Poinciana Boulevard Extension Road Network Agreement—approved by the BCC on March 2, 1999, and recorded in O. R. Book 5702, Page 3038, of the Public Records of Orange County, Florida—and the Poinciana Boulevard Extension Road Network/State Road 535 Link Agreement—approved by the BCC on May 15, 2001, and recorded in O. R. Book 6265, Page 1174, of the Public Records of Orange County, Florida—apply to this project. The developer shall be required to comply with the terms of these agreements. The Transportation Planning Division has informed staff that a 20-foot landscape/pedestrian/sidewalk/utility/drainage easement will be needed for Poinciana Boulevard.

The allowable development based on the approved ACMU future land use designation will generate 669 new p.m. peak hour trips. The development of 650 multi-family units under the requested ACR classification will generate 388 p.m. peak hour trips, resulting in a net decrease of 281 p.m. peak hour trips. Transportation Planning notes that the traffic study submitted in the application package used incorrect rates for the proposed multi-family residential land use. A revised traffic study was requested to show the correct rates based on the 10th Edition of the ITE *Trip Generation Manual*.

This change will not impact the result of this analysis, as the proposed FLUM Amendment will still result in a decrease in p.m. peak hour trips.

Per the Transportation Planning Division, the subject site is not located within the County's Alternative Mobility Area (AMA) or along a backlogged/constrained facility or multimodal corridor.

The subject property is located adjacent to SR 535, a four-lane minor arterial road from the Osceola County Line to SR 536/World Center Parkway. Based on the Concurrency Management System database dated May 2, 2018, there is one roadway segment operating below the adopted level of service standard within the project's impact area: SR 535/Winter Garden-Vineland Road/Kissimmee Vineland from the Osceola County Line to SR 536/World Center Parkway. This information is dated and subject to change.

Analysis of the short-term (Interim Year 2023) and long-term (Horizon Year 2030) conditions indicates that these deficiencies will continue with or without the proposed amendment. Amending the FLUM for this property will decrease the number of trips generated by this development.

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. Finally, to ensure that there are no revisions to the proposed development beyond the analyzed use, the land use will be noted on the County's Future Land Use Map or as a text amendment to the Comprehensive Plan.

Utilities. The subject site lies within Orange County Utilities' (OCU's) potable water, wastewater and reclaimed water service areas. Per OCU, potable water, wastewater, and reclaimed water demands and connection points will be addressed as the project proceeds through the DRC and construction permitting processes.

Schools. Per Orange County Public Schools (OCPS), the middle school (Freedom Middle) and high school (Freedom High) that would currently serve the project are operating over capacity. OCPS has informed staff that the applicant has applied for a Capacity Enhancement Agreement (#OC-18-010, World Resort). Staff notes that to ensure compliance with Orange County Comprehensive Plan Policy FLU8.7.11, a copy of the fully-executed agreement must be submitted to the Planning Division no later than two weeks prior to the adoption public hearing before the Board of County Commissioners.

Policy References

GOAL ID3 – It is Orange County's goal to facilitate the development of residential development in proximity to employment areas of the activity center in order to minimize travel distance and time between the uses.

ID4.1.1 – Approval of development within the Activity Center shall be conditioned upon the availability of adequate services and facilities as measured by the adopted level of service standards of the Comprehensive Plan.

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.

OBJ FLU2.2 – Orange County shall develop, adopt, and implement mixed-use strategies and incentives as part of its comprehensive plan and land development code efforts, including standards for determining consistency with the Future Land Use Map. Other objectives of mixed-use development include reducing trip lengths, providing for diverse housing types, using infrastructure efficiently and promoting a sense of community.

OBJ FLU8.2 – COMPATIBILITY. Compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU1.1.2.A – The Future Land Use Map shall reflect the most appropriate maximum and minimum densities for residential development. Residential development in Activity Centers and Mixed Use Corridors, the Horizon West Village and Innovation Way Overlay (Scenario 5) and Growth Centers may include specific provisions for maximum and minimum densities. The densities in the International Drive Activity Center shall be those indicated in the adopted Strategic Development Plan.

FLU1.1.4

D. INTERNATIONAL DRIVE ACTIVITY CENTER – The following two Future Land Use designations are located only in the International Drive Activity Center. More information about the ACR and ACMU Future Land Use designations are found in the International Drive Activity Center Element, which is a separate and optional element in the Comprehensive Plan.

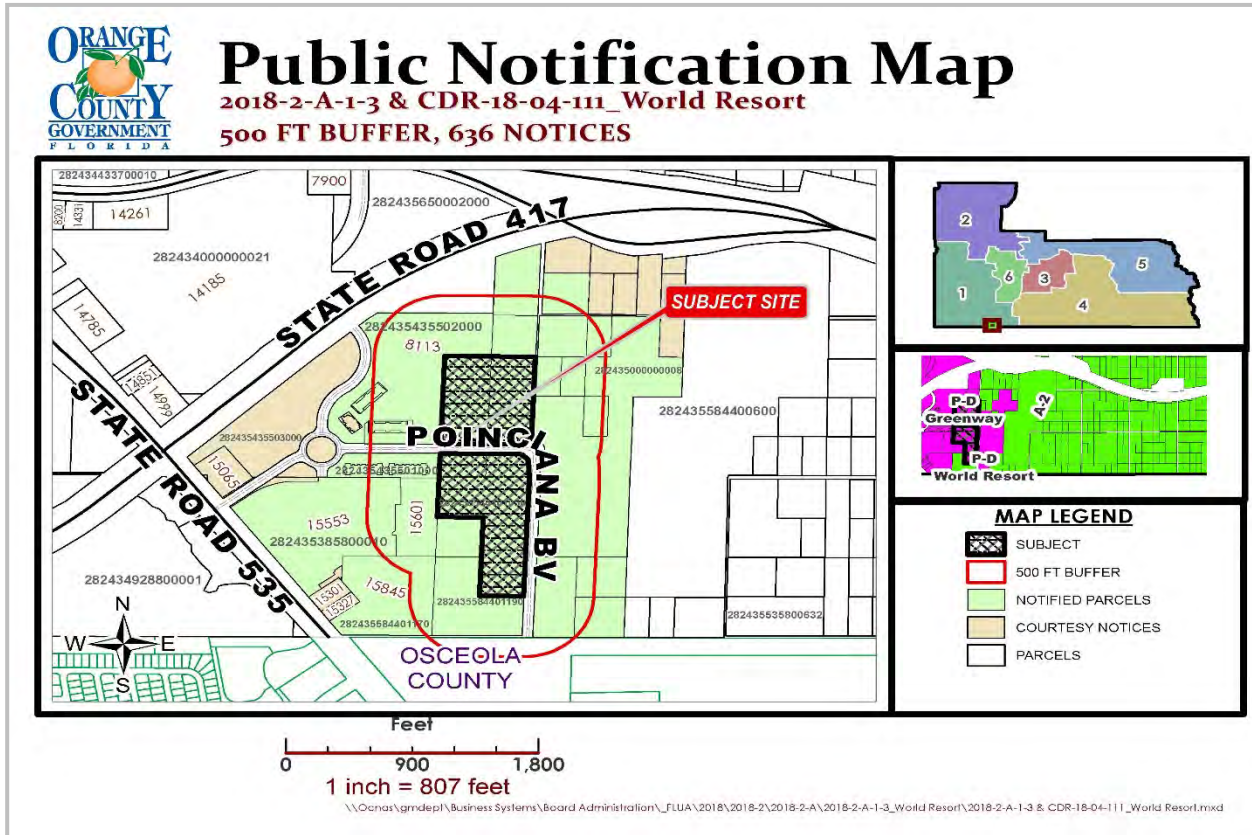
FLUM Designation	General Description	Density/Intensity
I – Drive – Refer to International Drive Activity Center Element		
Activity Center Residential (ACR)	As described in the I-Drive element, ACR facilitates residential development in proximity to employment areas to minimize travel distances between uses. Intended to promote workforce housing for tourist-oriented employment. Establishes 50,000 square feet of non-residential neighborhood support per development. A PD is required.	Up to 30 DU/AC, minimum 12 DU/AC Non-residential 10,000 SF per 125 units with a maximum of 50,000 square feet total of non-residential per development*
Activity Center Mixed Use (ACMU)	As described in the I-Drive element, ACMU is a mixture of tourist-related development and supportive residential activity. No more than 30% of a site designated ACMU shall be for residential purposes. A PD is required.	Non-residential FAR 3.0* Hotel/motel lodging 60 rooms/acre (see note) Up to 30 DU/AC with a maximum of 30% of the site in residential use (see note)
<p>* The maximum FAR or square footage does not include floor area within a parking structure associated with the parking requirements for the principal use.</p> <p>Note: More than 60 hotel/motel rooms per acre or more than 30 DU/AC may be permitted if it can be demonstrated: an increase in traffic impact on the adjoining road network does not occur; and, the developable land area required for the residential portion of the development does not exceed a maximum of 30 percent of the total developable land area of the subject property.</p>		

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.

Site Visit Photos

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

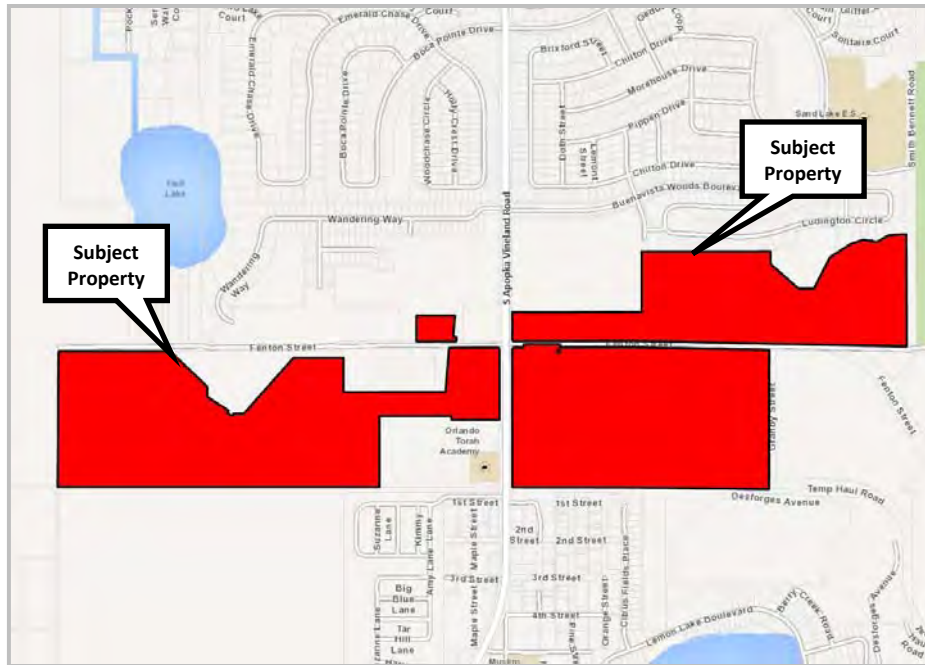
PUBLIC NOTIFICATION MAP



Notification Area

500 feet plus neighborhood and homeowners' associations within a one-mile radius of the subject site

636 notices sent



Applicant/Owner:
Miranda F. Fitzgerald, Esq.,
Lowndes, Drosdick, Doster, Kantor
& Reed, P.A. / Kerina Wildwood,
Inc., Kerina Village, Inc., Kerina Inc.,
and Kerina Parkside Master, Inc.

Location:
Generally located east and west of
S. Apopka-Vineland Road, south of
Buena Vista Woods Boulevard, and
north of Lake Street.

Existing Use:
Undeveloped land and wetlands

Parcel ID Numbers:
10-24-28-0000-00-005/053, 10-24-
28-6670-11-000, 15-24-28-5844-00-
050/071/130/142, and 15-24-28-
5844-00-211 (portion of)

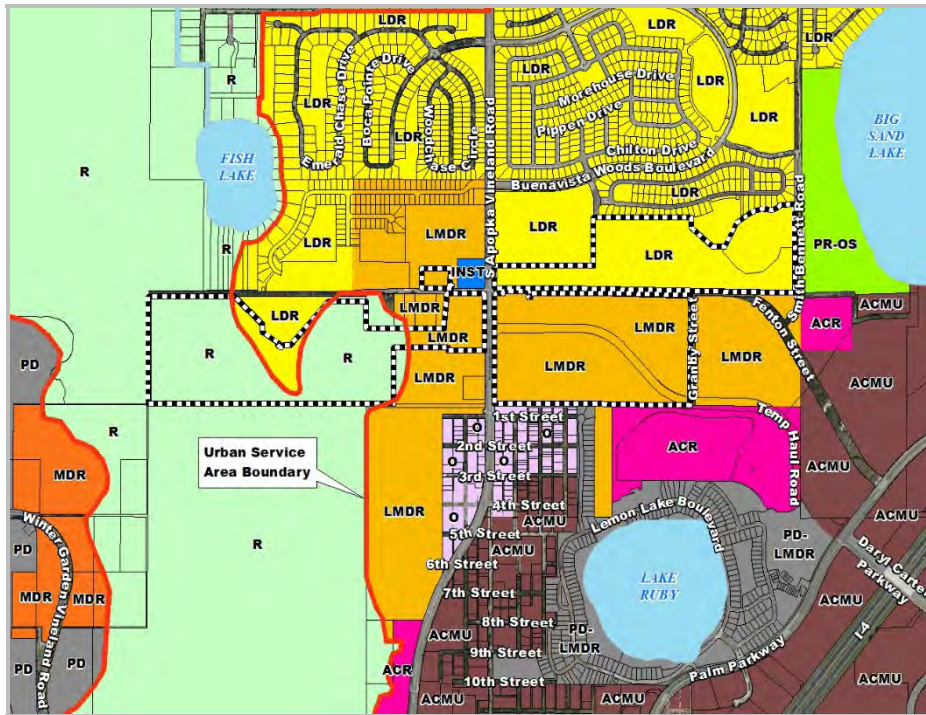
Tract Size:
215.67 gross/123.07 net
developable acres

The following meetings and hearings have been held:			Project Information	
Report/Public Hearing		Outcome		
✓	Community meeting held May 15, 2018, with 95 residents in attendance	Negative – Attendees voiced objection to the proposed commercial and office components of the project, traffic, and safety.	Request: Low Density Residential (LDR), Low-Medium Density Residential (LMDR), and Rural/Agricultural (R) to Planned Development/Office/Medium Density Residential/Low Density Residential/Senior Living/Conservation (PD-C/O/MDR/LDR/Senior Living/CONS)	
✓	Staff Report	Recommend Transmittal	Proposed Development Program: Up to 450 single-family dwelling units featuring a mix of housing types, 350 multi-family dwelling units, 200 senior living units, 100,000 square feet of C-1 (Retail Commercial District) uses, 50,000 square feet of office uses, 3.0-acre park, and 93.0 acres of conservation land/open space	
	LPA Transmittal	June 21, 2018	Public Facilities and Services: Please see the Public Facilities & Services Appendix for specific analyses of each public facility.	
	BCC Transmittal	July 10, 2018	Environmental: Conservation Area Determinations (CADs) have been completed for the Kerina Parkside PD since the late 1980s, including CAD 05-028 and CAD.05-283.	
	State Agency Comments	August 2018	Transportation: Design of the four-lane Daryl Carter Parkway Extension is slated for completion in July 2018. Construction is scheduled to commence in January 2019, with completion expected in January 2021. Per Transportation Planning, an updated traffic study is also required.	
	LPA Adoption	October 18, 2018	Schools: The developer shall be required to enter into a Capacity Enhancement Agreement (CEA) with Orange County Public Schools (OCPS). CEA Amendment #OC-18-011 is currently in progress.	
	BCC Adoption	November 13, 2018	Concurrent PD/LUP Substantial Change: Yes A proposed substantial change to the currently-approved Kerina Parkside PD Land Use Plan (Case CDR-18-04-110) is proceeding through the Orange County Development Review Committee (DRC) review process.	

SITE AERIAL



FUTURE LAND USE – CURRENT



Current Future Land Use:

Low Density Residential (LDR), Low-Medium Density Residential (LMDR), and Rural/Agricultural (R)

Special Area Information

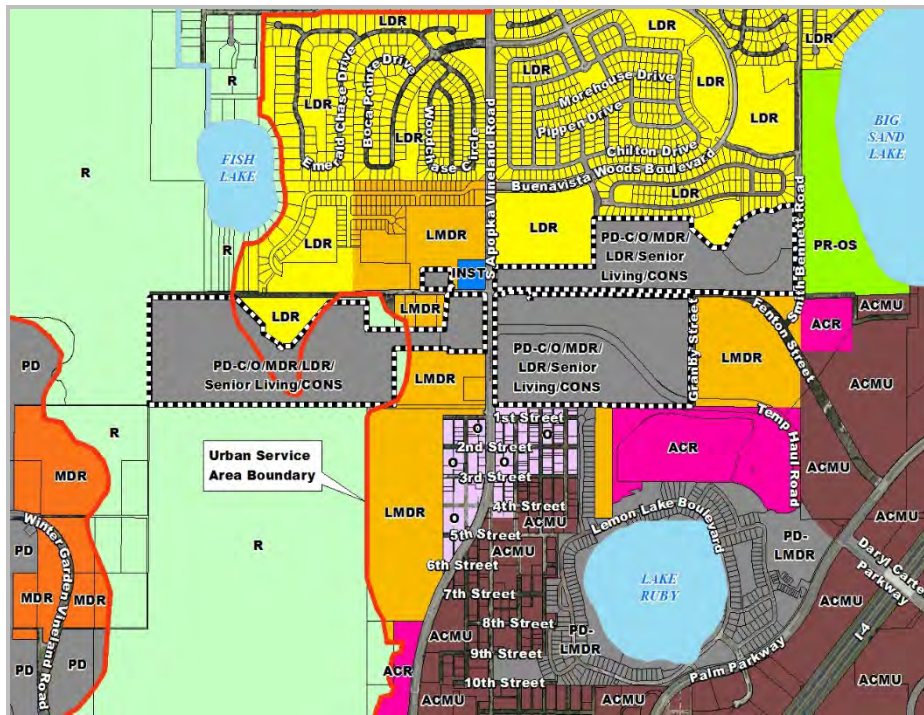
Overlay District: The subject property is located within the Dr. Phillips Urban Preservation District and partially lies within the Buena Vista North Overlay District.

Rural Settlement: N/A

JPA: N/A

Airport Noise Zone: N/A

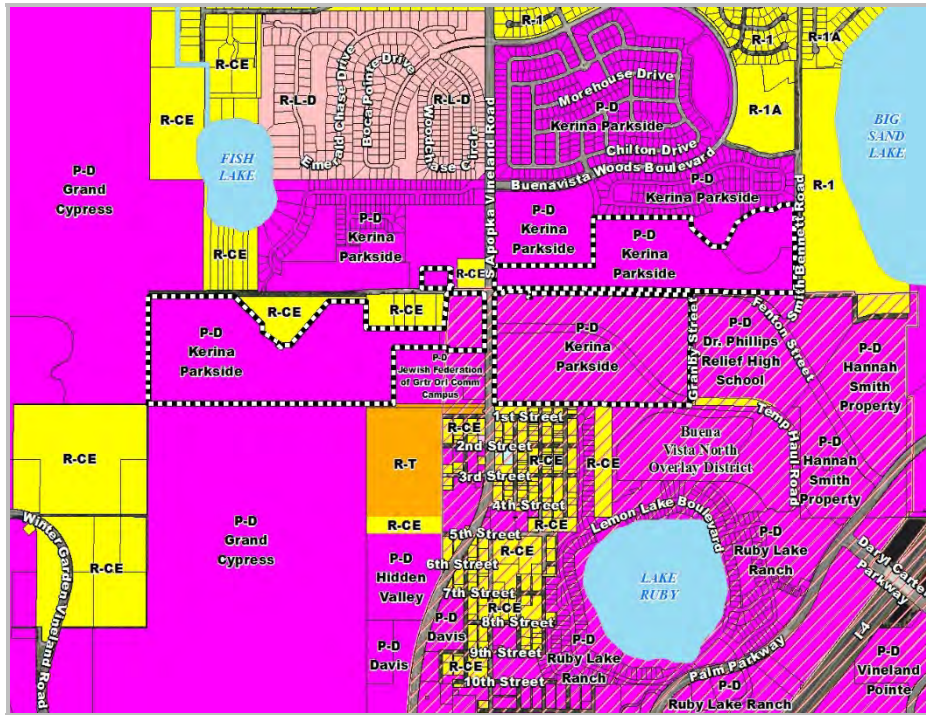
FUTURE LAND USE – PROPOSED



Proposed Future Land Use:

Planned Development-Commercial/Office/ Medium Density Residential/Low Density Residential/Senior Living/Conservation (PD-C/O/MDR/LDR/Senior Living/CONS)

ZONING - CURRENT



Current Zoning District:

PD (Planned Development District) (Kerina Parkside PD/LUP)

Existing Uses:

North: Parkside (single-family residential subdivision), future public middle school site, Phillips Grove (single-family residential subdivision under construction), single-family homes, Duke Energy substation, and wetlands

South: Temple Ohalei Rivka and Rosen Jewish Community Center, Hidden Valley Mobile Home Park, single-family homes, and wetlands

East: Dr. P. Phillips Community Park and Dr. Phillips Relief High School site

West: Wetlands

Staff Recommendation

Make a finding of **consistency** with the Comprehensive Plan (see Housing Element Goal H1 and Objective H1.1; Future Land Use Element Goal FLU.2, Objectives FLU2.2 and FLU8.2, and Policies FLU1.1.1, FLU1.4.4, FLU8.2.1, FLU8.2.10, and FLU8.2.2; and Conservation Element Objective C1.4 and Policy C1.4.1), determine that the amendment is in compliance, and recommend **TRANSMITTAL** of Amendment 2018-2-A-1-4, Low Density Residential (LDR), Low-Medium Density Residential (LMDR), and Rural/Agricultural (R) to Planned Development - Commercial / Office / Medium Density Residential / Low Density Residential / Senior Living / Conservation (PD-C/O/MDR/LDR/Senior Living/CONS).

Analysis

1. Background and Development Program

The applicant, Miranda Fitzgerald, is seeking to change the Future Land Use Map (FLUM) designation of the 215.67-acre subject property, presently undeveloped, from Low Density Residential (LDR), Low-Medium Density Residential (LMDR), and Rural/Agricultural (R) to Planned Development-Commercial/Office/Medium Density Residential/Low Density Residential/Senior Living/Conservation (PD-C/O/MDR/LDR/Senior Living/CONS). The property—consisting of approximately 123.07 upland acres and 92.60 acres of wetlands—comprises the undeveloped Tracts 4, 5, 6, 7, 8, and 9 of the 485.10-acre Kerina Parkside Planned Development (PD), formerly known as the Parkside PD.

Initially approved on December 6, 2005 (Case Z-05-014), the Kerina Parkside PD was last amended by the Orange County Development Review Committee (DRC) on February 22, 2017, as a non-substantial change to the PD Land Use Plan (Case CDR-17-01-021). Per the current PD Land Use Plan (LUP), the subject property is presently entitled for up to 575 townhome units, 305 condominium units, a 3.0-acre park, and 93.0 acres of conservation land/open space. The applicant is now proposing a new development program of up to 450 single-family dwelling units featuring a mix of housing types, 350 multi-family dwelling units, 200 senior living units (which may include independent living, assisted living, memory care, and/or related supporting uses), 100,000 square feet of C-1 (Retail Commercial District) uses, 50,000 square feet of office uses, a 3.0-acre park, and 93.0 acres of conservation land/open space.

Staff notes that while the residential components of this application are consistent with the current LDR and LMDR FLUM classifications, the requested office and neighborhood commercial uses are not. The applicant is thus seeking the Planned Development-Commercial/Office/Medium Density Residential/Low Density Residential/Senior Living/Conservation designation to allow for an expanded mix of uses to reflect changing conditions in the surrounding area.

The impetus for this amendment is the Palm Parkway to Apopka-Vineland Connector Road (formerly Fenton Street, now known as the Daryl Carter Parkway Extension) which, when constructed, will wind through the southeast portion of the PD. As depicted on the aerial photograph, the 1.6-mile four-lane divided urban roadway, to be constructed through a public-private partnership, will provide additional capacity and a new connection between S. Apopka-Vineland Road and Palm Parkway. The project includes widening along S. Apopka-Vineland Road and Palm Parkway for the intersection turn lanes and features bicycle lanes, signalization improvements, and landscaping. Eight-foot-wide sidewalks will be constructed along some sections of the roadway, with the majority to be added by individual developers at a later date, in accordance with the Palm Parkway to Apopka-Vineland Connector Road Agreement, as amended. Design of the Daryl Carter Parkway

Extension is slated for completion in July 2018. Construction is scheduled to commence in January 2019, with completion expected in January 2021. It is the applicant's assertion that the Daryl Carter Parkway Extension will change the character of the surrounding area, making the proposed mix of land uses appropriate. The applicant adds that the Florida Department of Transportation's (FDOT's) planned I-4/Daryl Carter Parkway Interchange, an element of the "I-4 Beyond the Ultimate" project, will further transform the area. However, no definitive timeline for its construction has been established to date.

As illustrated on the existing and proposed future land use maps, the majority of the subject site is located within the County's Urban Service Area (USA) boundary. However, the Rural/Agricultural-designated portion of the subject property, comprised entirely of Class I wetlands, lies within the Rural Service Area (RSA). In lieu of seeking an USA Expansion, the applicant proposes to leave this land as undisturbed acreage within the RSA under a corresponding future land use designation of Conservation (CONS). As noted on the survey included in the application package, the wetlands have been placed in a conservation easement—recorded in O.R. Book 4550, Page 2123 and O.R. Book 4768, Page 1473 of the Public Records of Orange County, Florida—to ensure their protection in perpetuity.

In conjunction with this requested amendment, a proposed substantial change to the currently-approved Kerina Parkside PD Land Use Plan (Case CDR-18-04-110), reflecting the proposed revisions to the PD's development program, is proceeding through the DRC review process. Staff notes that while the proposed FLUM Amendment encompasses Tracts 4, 5, 6, 7, 8, and 9 of the PD, the requested land use changes are applicable to Tracts 4, 7, and 8, as Tracts 5, 6, and 9 are dedicated conservation and open space tracts. Staff anticipates that Case CDR-18-04-110 will be considered by the BCC in conjunction with the proposed FLUM Amendment during the adoption public hearing stage.

Community Meeting

A community meeting was held for this proposed amendment on May 15, 2018, with 95 area residents in attendance. The majority of attendees expressed their objection to the request, voicing frustration about the traffic and congestion on area roadways, particularly S. Apopka-Vineland Road. Area residents communicated their skepticism that the Daryl Carter Parkway Extension would alleviate the current traffic problem. Several attendees stated that their traffic problems will worsen when the Dr. Phillips Relief High School and middle school open in 2022 and 2026, respectively.

While the meeting attendees did not appear to object to the residential components of the proposed project, including senior living, they voiced their concern about the introduction of commercial and office uses. Area residents expressed their belief that the area already has a preponderance of shopping and dining opportunities; asserting that more are not needed in their community. Several attendees stated that the proposed road improvements—including the construction of the Daryl Carter Parkway Extension and the I-4/Daryl Carter Parkway Interchange—should first be completed and evaluated prior to the consideration of new commercial and office development.

The tone of the meeting was negative.

2. 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, divided by S. Apopka-Vineland Road, a major collector roadway, is located in an urbanized area characterized by residential and institutional development. The Parkside single-family residential subdivision, the Phillips Grove single-family community (presently under construction), and the site of a future public middle school (with a projected 2026 opening date)—all located within the Kerina Parkside PD—abut the subject property to the north. The property is bounded to the east by the 43-acre Dr. P. Phillips Community Park, which provides active and passive recreation opportunities for residents of and visitors to Orange County, and the site of the future Dr. Phillips Relief High School (expected to open in 2022). Individual single-family homesites, the Rosen Jewish Community Center and Temple Ohalei Rivka, and the Hidden Valley Mobile Home Park border the property to the south, while a large Class I wetland area within the Grand Cypress PD boundary surrounds the western portion of the site.

The subject property also lies in close proximity to several major employers, including Walt Disney World, the Orlando Health Dr. P. Phillips Hospital, Universal Orlando, Sea World, Lockheed Martin, and the Orange County Convention Center, making it ideally situated for residential development. It is staff's belief that the proposed amendment and associated mixed-use development program are consistent with **Future Land Use Element Goal FLU2**, which establishes 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.

As discussed above, the subject property is located in an area characterized by a variety of housing types—including conventional single-family subdivision development, individual single-family homesites, and a manufactured home community. The proposed FLUM amendment and associated residential development program are consistent with Orange County's commitment to ensuring that sufficient land is available to meet the identified housing needs of its present and future residents. The applicant's intent to develop a mix of single-family, multi-family, and senior housing 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. Similarly, **Policy FLU8.2.2** directs that continuous stretches of similar housing types and density of units shall be avoided. 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 **Policy FLU1.1.1**.

Staff further finds the proposed project consistent with **Future Land Use Element Objective OBJ FLU2.2**, which establishes that Orange County shall develop, adopt, and implement mixed-use strategies and incentives as part of its comprehensive plan and land development code efforts, including standards for determining consistency with the Future Land Use Map. Other objectives of mixed-use development include reducing trip lengths, providing for diverse housing types, using infrastructure efficiently and promoting a sense of community. With respect to the project's commercial and office elements, staff is of the opinion that although there is presently no commercial or office activity in the immediate vicinity of the subject property, the construction of the Daryl Carter Parkway Extension and FDOT's future development of the I-4/Daryl Carter Parkway

Interchange will likely transform this area of the County, making a diversity of land uses appropriate. It is staff’s belief that the incorporation of well-designed retail and office centers into the Kerina Parkside PD would complement neighboring residential development and could reduce the travel distance to purchase goods and services. Staff emphasizes, though, that care must be taken to ensure that any commercial or office use will not negatively impact the residents of these homes, as mandated by **Policy FLU1.4.4**, which states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided. Staff further notes that if this requested amendment is adopted, the development standards for both the residential and non-residential elements of this project will be defined via the concurrent substantial change to the Kerina Parkside PD Land Use Plan, including limiting commercial uses to those permitted within the C-1 zoning district—the least intense of the County’s commercial categories—and addressing the regulations pertaining to the Buena Vista North Overlay District, in which the southeast portion of the site lies, as stipulated in Section 38-1391.1(a) of the Orange County Code.

Finally, as stated earlier, the subject site contains approximately 92.6 acres of Class I wetlands. These wetlands are presently located within recorded conservation easements to ensure their protection in perpetuity. For this reason, the Conservation land use category is proposed for inclusion in the PD future land use designation to ensure consistency with **Conservation Element Objective C1.4**, which mandates that Orange County shall protect identified wetland areas and existing native wildlife, and **Policy C1.4.1**, which requires the County to continue the adoption of regulations that protect and conserve wetlands and include criteria for identifying their significance.

Staff-Initiated Text Amendment

Future Land Use Element Policy FLU8.1.4 establishes the development programs for Planned Development (PD) FLUM designations adopted since January 1, 2007. The development program for this requested amendment is proposed for incorporation into Policy FLU8.1.4 via a corresponding staff-initiated text amendment, Amendment 2018-2-B-FLUE-1. The maximum development program for Amendment 2018-2-A-1-4, if adopted, will be as follows:

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number

<u>2018-2-A-1-4</u>	Planned Development- Commercial/Office/ Medium Density Residential/Low Density Residential/Senior Living/Conservation (PD-C/O/MDR/ LDR/Senior Living/CONS)	<u>Single-family residential: 450 dwelling units</u> <u>Multi-family residential: 350 dwelling units</u> <u>Senior living: 200 units (may include independent living, assisted living, memory care, and/or related supporting uses</u> <u>Commercial: 100,000 square feet of C-1 (Retail Commercial District) uses</u> <u>Office: 50,000 square feet</u> <u>Park: 3.0 acres</u> <u>Conservation land/open space: 93.0 acres</u>	<u>2018-</u>
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Compatibility

The requested FLUM amendment appears to be **compatible** with the 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 trends in the area. As discussed earlier, the subject property is located in an urbanized area characterized by residential development with a variety of housing types and institutional uses, including the neighboring 43-acre Dr. P. Phillips Community Park. In addition, it is situated in close proximity to several major employers and regional transportation corridors, both existing and planned, adding to its suitability for further residential development.

Although there is presently no commercial or office activity in the immediate vicinity of the subject property, as noted above, the construction of the Daryl Carter Parkway Extension and FDOT’s future development of the I-4/Daryl Carter Parkway Interchange will likely transform this area of the County, enabling staff to support the requested commercial and office elements of this application. It is staff’s belief that the incorporation of well-designed retail and office centers into the Kerina Parkside PD would complement neighboring residential development and could reduce the travel distance to purchase goods and services. Staff again stresses that care must be taken to ensure that any commercial or office use will not negatively impact the residents of these homes. Although no restrictions or conditions may be imposed on a FLUM Amendment, performance restrictions and/or conditions may be placed on a site through the appropriate subsequent development order to ensure compatibility, as established in **Future Land Use Element Policy FLU8.2.1**. As stated in **Future Land Use Element Policy FLU8.2.10**, commercial and office uses in residential areas shall be subject to performance standards including, but not limited to, building height restrictions, compatible architectural designs, floor area ratio limitations, lighting and location requirements, landscaping and buffering requirements, and parking design to ensure land use compatibility. These performance standards will be imposed via the associated substantial change to the Kerina Parkside PD Land Use Plan, Case CDR-18-04-110, currently undergoing DRC review, expected to be

considered concurrently with the requested FLUM Amendment during the adoption public hearing stage.

It is staff's belief that the proposed mixed-use project would contribute to the County's larger goals of promoting compact urban form within the Urban Service Area, providing for a range of living options, efficiently using existing and planned infrastructure, reducing trip lengths, and providing for the protection of environmentally-sensitive land. Staff, therefore, recommends adoption of this requested amendment.

Division Comments: Environmental, Public Facilities, and Services

Environmental Protection Division. The Orange County Environmental Protection Division (EPD) has informed staff that Conservation Area Determinations (CADs) have been completed for this Planned Development since the late 1980s, including CAD 05-283 and CAD 05-028. Please contact the EPD wetland permitting staff at 407-836-1400 to verify the applicability and validity of historic wetland permits and to determine whether all of the parcels are covered. A CAD must be completed for each property prior to submitting a Preliminary Subdivision Plan, Development Plan, or permit application that includes the property.

All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this request does not authorize any direct or indirect conservation area impacts. The applicant is responsible for addressing any adverse impacts, including secondary impacts, to surface waters or wetlands that may occur as a result of development of the site. Protective measures include, but are not limited to, a 25-foot minimum undisturbed upland buffer along the wetland boundary, signage, and pollution abatement swales upland of the buffer if adjacent to surface waters and if drainage is not diverted to treatment.

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as endangered, threatened, or species of special concern. The applicant is responsible for determining the presence of listed species and obtaining 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 pretreat stormwater runoff for pollution abatement purposes, per the Orange County Code, Section 34-227. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

Transportation Planning Division. Transportation comments have not yet been prepared, as the submittal and review of an updated transportation study is pending.

Utilities. The subject site lies within Orange County Utilities' (OCU's) potable water, wastewater and reclaimed water service areas. Per OCU, potable water, wastewater, and reclaimed water demands and connection points will be addressed as the project proceeds through the DRC and construction permitting processes.

Orange County Public Schools. Per Orange County Public Schools (OCPS), the middle school (Southwest Middle) and high school (Dr. Phillips High) that would currently serve the project are operating over capacity. OCPS has informed staff that the amendment of the present Capacity Enhancement Agreement (CEA) associated with the Kerina Parkside PD, CEA #05-023, must be amended in response to the revised development program. CEA #OC-18-011 is currently in process. Staff notes that to ensure compliance with Orange County Comprehensive Plan Policy FLU8.7.11, a

copy of the fully-executed agreement must be submitted to the Planning Division no later than two weeks prior to the adoption public hearing before the Board of County Commissioners.

As noted previously, the subject property lies in the immediate vicinity of two future public schools: the Dr. Phillips Relief High School, scheduled to open in 2022, and a middle school located within the Kerina Parkside PD, slated for a 2026 opening.

3. Policy References

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 FLU2.2 – Orange County shall develop, adopt, and implement mixed-use strategies and incentives as part of its comprehensive plan and land development code efforts, including standards for determining consistency with the Future Land Use Map. Other objectives of mixed-use development include reducing trip lengths, providing for diverse housing types, using infrastructure efficiently and promoting a sense of community.

OBJ FLU8.2 – Compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following policies 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.

FLU1.4.4 – The disruption of residential areas by poorly located and designed commercial activities shall be avoided. Primary access to single-family residential development through a multi-family development shall be avoided.

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.

FLU8.2.10 – To ensure land use compatibility with nearby residential-zoned areas and protection of the residential character of those areas, office and commercial uses within residential neighborhoods shall be subject to strict performance standards, including but not limited to the following:

- A. Building height restrictions;
- B. Requirements for architectural design compatible with the residential units nearby;
- C. Floor area ratio (FAR) limitations;
- D. Lighting type and location requirements;
- E. Tree protection and landscaping requirements including those for infill development; and
- F. Parking design.

FLU8.2.2– Continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

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.

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

C1.4.1 – Orange County shall continue to adopt regulations that protect and conserve wetlands. Such regulations shall include criteria for identifying the significance of wetlands.

Class I conservation areas shall mean those wetland areas that meet at least one of the following criteria:

- A. Any wetland of any size that has a hydrological connection to natural surface water bodies or Floridan aquifer; or
- B. Any wetland of any size that is within a lake littoral zone; or
- C. Any large isolated uninterrupted wetlands forty (40) acres or larger; or
- D. Any wetland of any size that provides critical habitat for federal and/or state listed threatened or endangered species.

Class II conservation areas shall mean those wetland areas that meet any of the following criteria:

- A. Consist of isolated wetlands or formerly isolated wetlands that by way of man's activities have been directly connected to other surface water drainage; and are greater than or equal to five (5) acres; or
- B. Are less than 40 acres and do not otherwise qualify as a Class I conservation area.

Class III conservation areas shall mean those wetland areas that meet all of the following criteria:

- A. Isolated wetlands less than five (5) acres; and do not otherwise qualify as a Class I or Class II conservation area. Stormwater ponds are not considered conservation areas.

The removal, alteration or encroachment within a Class I Conservation Area shall be allowed only in cases where no other feasible or practical alternatives exist that will permit a reasonable use of the land or where there is an overriding public benefit. The protection, preservation and continuing viability of Class I conservation areas shall be the prime objective of the basis for review of all proposed alterations, modifications, or removal of these areas.

Removal, encroachment or alteration for Class II conservation areas should be presumed to be allowed unless removal, encroachment or alteration is contrary to the public interest. Removal, encroachment or alteration may be allowed in Class III conservation areas.

When encroachment, alteration or removal of a conservation area is permitted, habitat compensation or mitigation as a condition of development approval shall be required. The basis for mitigation shall be determined by using UMAM as the sole basis for evaluation. In the case where a mitigation bank has not been awarded credits using UMAM, the mitigation shall be no less than the following:

Class I conservation areas: case by case basis, but not less stringent than the mitigation requirements for Class II conservation areas.

Class II conservation areas:

- A. Freshwater marshes and wet prairies – 1.5:1.
- B. Cypress wetlands – 2.0:1.
- C. Hydric hammocks, bayheads, and mixed hardwood swamps – 2.5:1.







Class III conservation areas: 1:1.

For off-site, unlike, or other mitigation proposals, ratios shall be determined on a case-by-case basis. The regulation shall stipulate that the following types of mitigation shall be given priority:

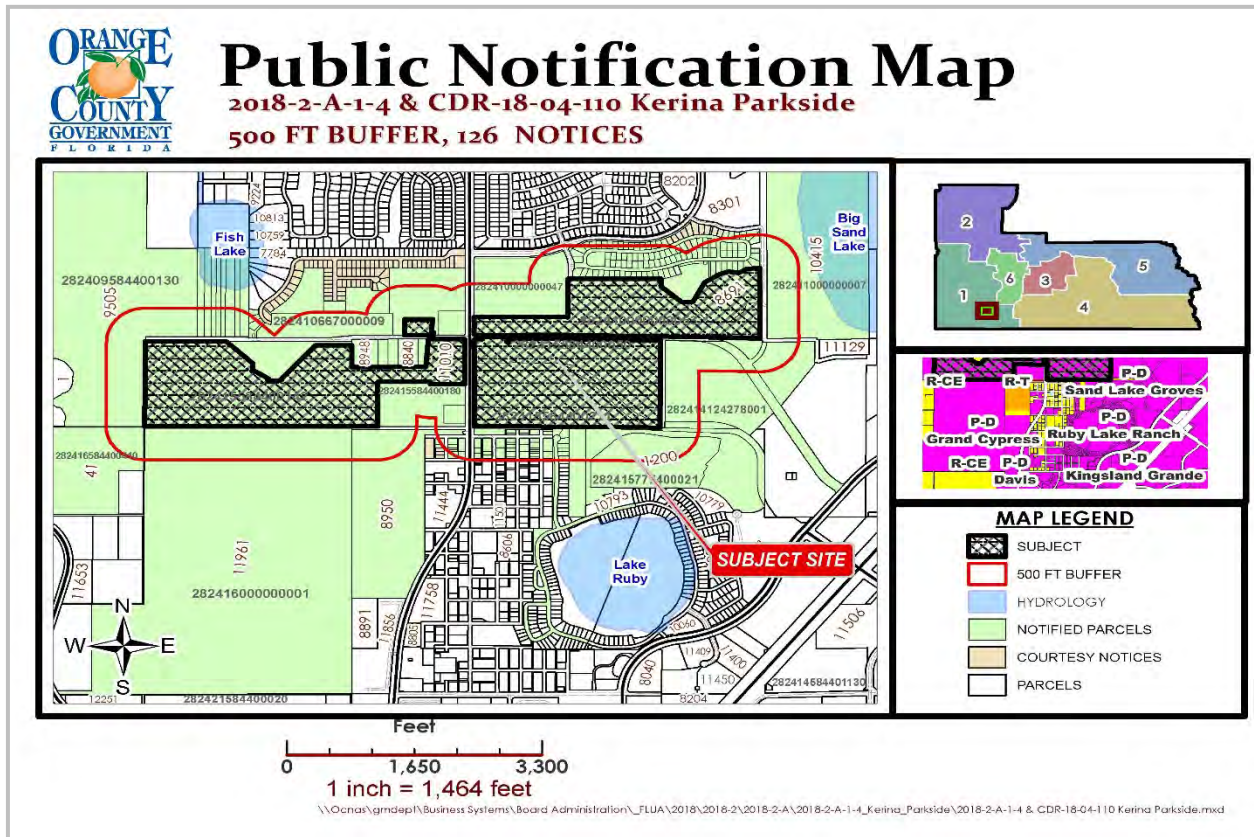
- A. Restoration of non-functional wetlands;
- B. Off-site preservation of wetland and upland systems;
- C. Creation of type-for-type mitigation areas adjacent to preserved Class I Conservation Areas or that connect Class I, II and/or III conservation areas; and,

Creation of type-for-type mitigation areas.

Site Visit Photos

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

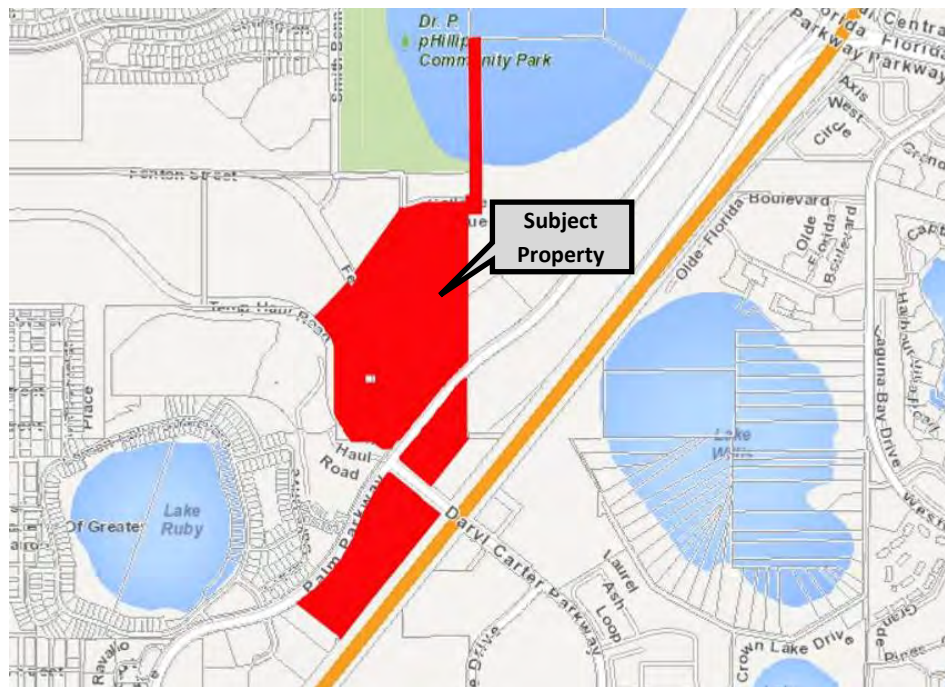
PUBLIC NOTIFICATION MAP



Notification Area

500 feet plus neighborhood and homeowners' associations within a one-mile radius of the subject site

126 notices sent



Applicant/Owner:
VHB, Inc.

Location:
Generally located north of Interstate 4 and south of Fenton Street

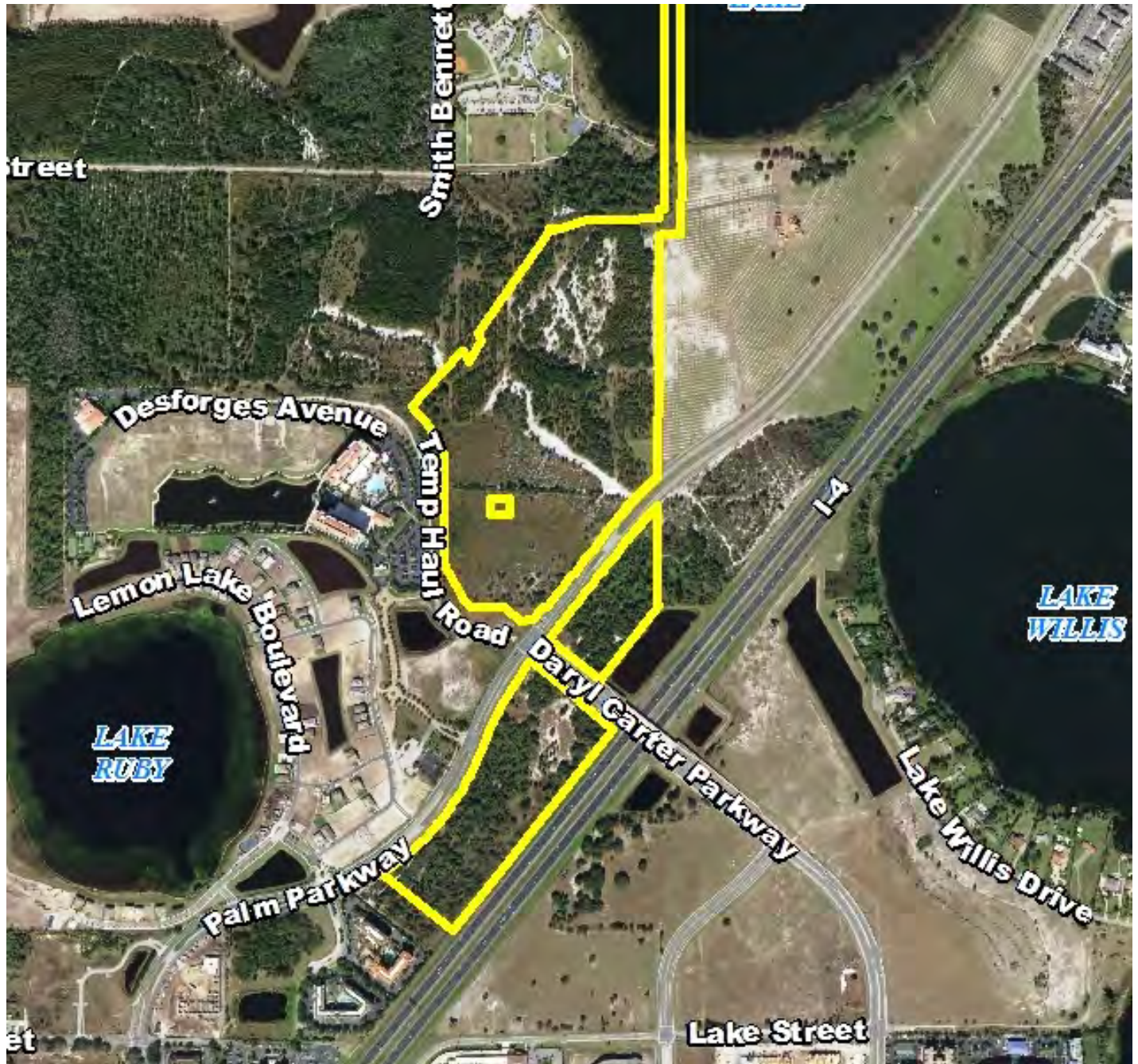
Existing Use:
Undeveloped land

Parcel ID Number(s):
11-24-28-0000-00-020;
14-24-28-0000-00-012/018
14-24-28-1242-60-000
14-24-28-1242-66-000
14-24-28-1242-66-001
(portion of)
15-24-28-7774-00-023/024

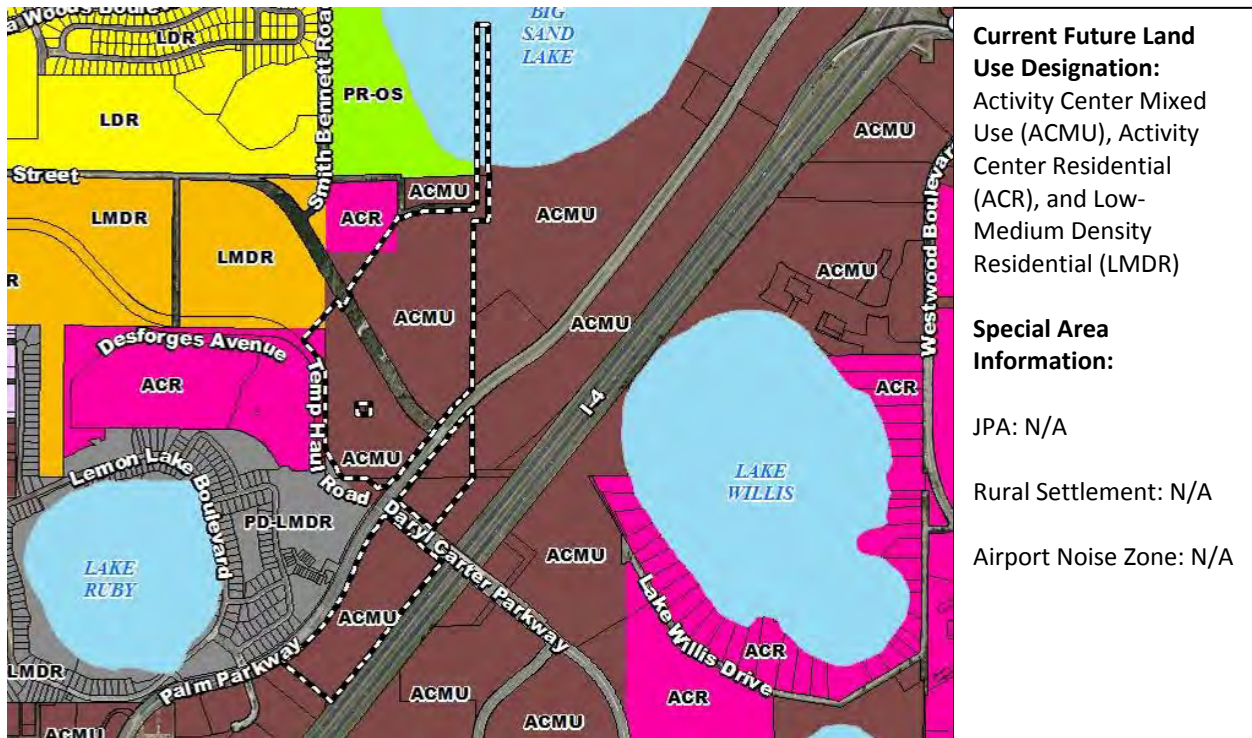
Tract Size:
82.30 gross acres/79.50 net developable acres

+The following meetings and hearings have been held for this proposal:			Project Information	
Report/Public Hearing		Outcome		
✓	Community Meeting held May 23, 2018, with 29 members of the public in attendance.	Negative	Future Land Use Map Amendment Request: Activity Center Mixed Use (ACMU), Activity Center Residential (ACR), and Low-Medium Density Residential to Planned Development-Commercial/Medium-High Density Residential (PD-C/MHDR)	
✓	Staff Report	Recommend Transmittal	Proposed Development Program: Up to 1,800 residential dwelling units and up to 415,142 square feet of commercial uses.	
	LPA Transmittal June 21, 2018		Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis on each public facility.	
	BCC Transmittal July 10, 2018		Environmental: A Conservation Area Determination (CAD) is required.	
	State Agency Comments August 2018		Transportation: The proposed use will generate 1,942 peak hour trips resulting in no change in the number of pm peak hour trips generated.	
	LPA Adoption October 18, 2018		Orange County Public Schools: The developer shall be required to enter into a Capacity Enhancement Agreement (CEA) with Orange County Public Schools (OCPS). CEA application #OC-18-009 has been submitted.	
	BCC Adoption November 13, 2018		Concurrent Rezoning: Yes A proposed substantial change to the currently-approved Hannah Smith PD Land Use Plan (Case CDR-18-05-175) is proceeding through the Orange County Development Review Committee (DRC) review process.	

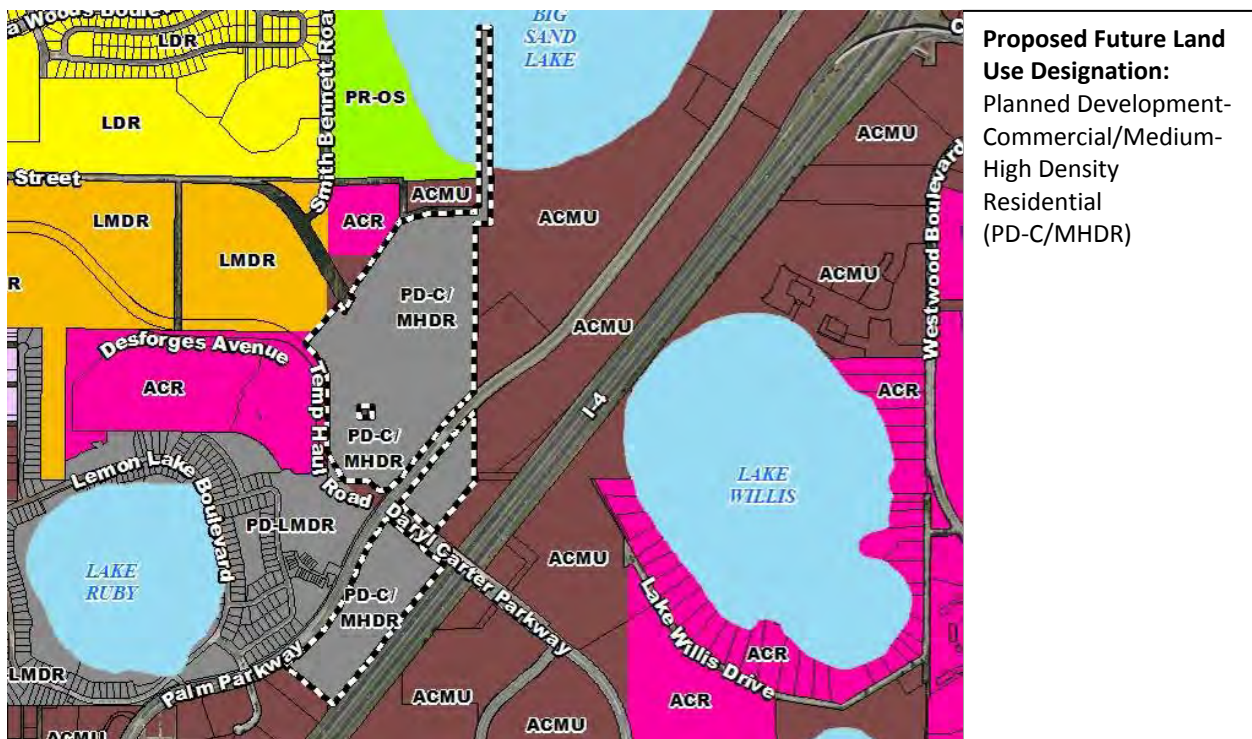
SITE AERIAL



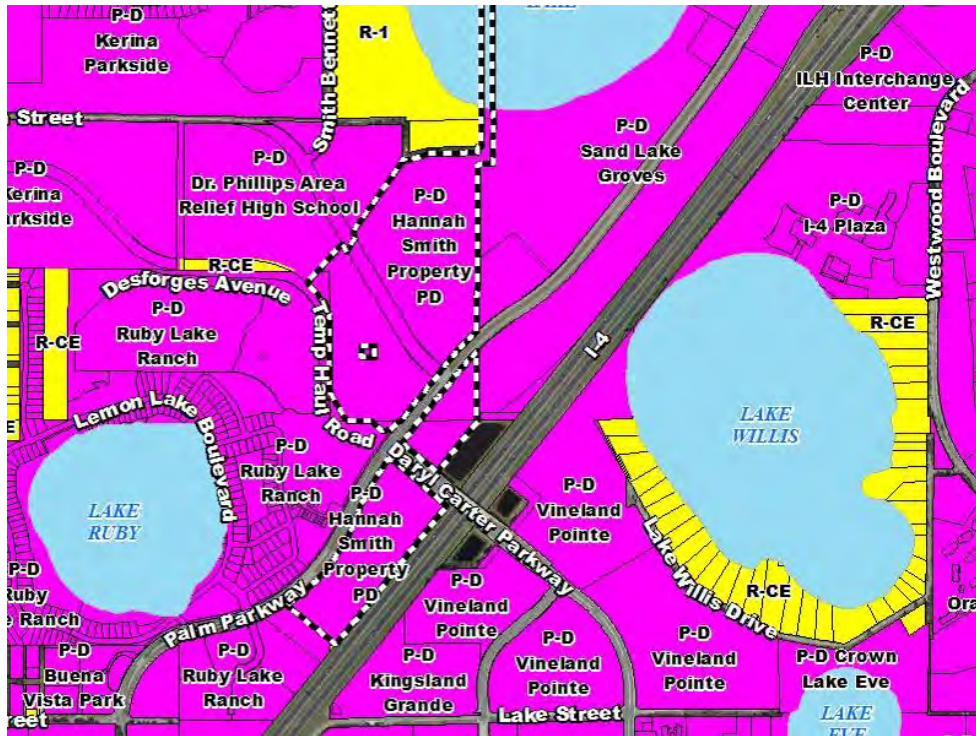
FUTURE LAND USE - CURRENT



FUTURE LAND USE - AS PROPOSED



ZONING - CURRENT



Current Zoning District:
 Planned Development (PD) and within the Buena Vista North Overlay District

Existing Uses
 North: Bell South Mobility cell tower, Dr. P. Phillips Community Park
 South: Undeveloped
 East: Undeveloped
 West: Timeshare-Parc Soleil (Hilton Grand Vacation Club Ruby Lakes), single-family residential

Staff Recommendations

Make a finding of **consistency** with the Comprehensive Plan (see International Drive Element Goal 1 and 3; Housing Element Goal H1 and Objective H1.1; and Future Land Use Element Objectives FLU2.2 and FLU8.2 and Policies FLU1.1.1, FLU1.1.2A, FLU1.1.4D, FLU1.4.2, FLU1.4.4, FLU8.2.1, and FLU8.2.2), determine that the amendment is in compliance, and recommend **TRANSMITTAL** of Amendment 2018-2-A-1-6, Activity Center Mixed Use (ACMU), Activity Center Residential (ACR), and Low-Medium Density Residential (LMDR) to Planned Development-Commercial/Medium-High Density Residential (PD-C/MHDR).

Analysis

1. Background Development Program

The applicant has requested to change the Future Land Use Map (FLUM) designation of the 82.3-acre site from Activity Center Mixed Use (ACMU), Activity Center Residential (ACR), and Low-Medium Density Residential (LMDR) to Planned Development-Commercial/Medium-High Density Residential (PD-C/MHDR). The entire subject site is zoned Planned Development and consists of parcels that are located within the existing Hannah Smith Planned Development (PD), which was originally approved by the Board of County Commissioners (BCC) on February 20, 2001. Recently, on March 6, 2018, a Land Use Plan Amendment (LUPA) was approved by the Orange County Board of Commissioners (BCC) to expand the existing Hannah Smith PD by aggregating 23.60 acres and 301,963 square feet of commercial entitlements from Lot 10 of the Ruby Lake PD. The Hannah Smith PD development program was also updated to include residential uses with the conversion of 9,921 square feet of commercial uses into 250 multi-family residential dwelling units. The applicant is now proposing a development program of 1,800 residential dwelling units and up to 415,142 square feet of commercial uses.

The undeveloped subject property is located in the International Drive Activity Center as well as the Buena Vista North Overlay District. It is located in an area with a variety of tourist-oriented uses, including hotels, resorts, timeshares, shopping areas, as well as near the entrance to Walt Disney World. Staff notes that the majority of the subject property (78.8 acres) has an ACMU future land use designation which is intended to provide for a combination of tourist-oriented development and supporting residential activity. The Orange County Comprehensive Plan stipulates that no more than 30 percent of a site designated ACMU shall be utilized for residential purposes. A small portion (0.7 acres) of the subject property is designated ACR and a tiny sliver is designated LMDR. The MHDR future land use designation would allow the applicant to develop residential dwelling units at a density of up to 35 units per acre and allow the proposed residential portion of the development to occur on the subject property.

The requested amendment would remove the subject property from the International Drive Activity Center and would no longer be subject to the various development standards outlined in the International Drive Activity Center Element of the Comprehensive Plan, such as lighting, signage, landscaping, and open space. However, the subject site is within the Lake Buena Vista North Overlay District and will be subject to the development standards set forth in Article VII, Division 9, Buena Vista North District Standards, of the Orange County Code. Of note, Section 38-1391.1(a) requires projects occurring in the Buena Vista North Overlay District, but outside of an activity center land use classification, to establish a set of design guidelines as part of the planned development process.

The subject property is located north of Interstate 4 and south of Fenton Street. A Bell South Mobility cell tower and the Dr. P. Phillips Community Park are located north of the subject site. The

cell tower has an ACMU Future Land Use Map designation and the park site has a Parks Recreation/Open Space (PR/OS) Future Land Use Map designation. A proposed high school site, Dr. Phillips Area Relief High School PD, currently undeveloped, is located northwest of the subject property, possesses FLUM designations of LMDR and ACR. The Parc-Soleil (Hilton Grand Vacation Club Ruby Lakes), an approved 1,200-unit timeshare resort is located immediately west of the subject site, possesses an ACR Future Land Use Map designation, and is located within the Ruby Lake PD. Also, the Overlook at Ruby Lake Subdivision, a 132 townhome-unit subdivision, and the Ruby Lake Subdivision, a 237-unit single-family residential subdivision are located west and southwest of the subject site. Both subdivisions possess PD-LMDR Future Land Use Map designations, and both subdivisions are located within the Ruby Lake PD. Undeveloped property, located east of the subject property, possesses an ACMU Future Land Use Map designation, and is located within the Sand Lake Groves PD. The Sand Lake Groves PD development program consists of convention center hotel, hotel, timeshare, commercial, and multi-family residential uses. The Vineland Pointe PD, located across the street on Daryl Carter Parkway, south of the subject property, possesses an ACMU Future Land Use Map designation. The Vineland Pointe PD development program consists of tourist commercial, commercial, hotel, townhomes, and multi-family uses.

A community meeting was held for this proposed amendment on May 23, 2018, with 29 residents in attendance. The applicant, Mr. Chuck Whittal, Unicorn National Developments, Inc., presented a PowerPoint presentation and gave an overview of the proposed project. Mr. Whittal stated that the proposed project will be named O-Town West. He stated he wanted the proposed development to be a sense of place for living, entertainment, and shopping. Some of the proposed uses include a boardwalk, restaurants, an entertainment complex, retail establishments, a grocery store, multi-family and single-family residential dwelling units (townhomes), and a parking garage. Some of the residents' concerns were traffic and how the increased residential density would affect their property values. Mr. Whittal told the residents that he is proposing an upscale apartment project and the proposed single-family homes would be owner-occupied, not rentals. He also stated that the Crossroads of Lake Buena Vista Shopping Center, a shopping center located south of the proposed project at the intersection of S. Apopka-Vineland Road and Palm Parkway, is closing because of the Interstate 4 expansion and the proposed O-Town West project would provide retail, restaurant, and entertainment replacement options. Mr. Whittal addressed the traffic issue by stating that he is timing the proposed O-Town project with the Daryl Parkway road expansion which is set to begin construction in November 2018 and will take approximately two (2) years to complete.

In association with this requested amendment, the applicant has submitted a proposed substantial change to the currently-approved Hannah Smith PD Land Use Plan (CDR-18-05-175) to update the development program. The change determination request (CDR) is proceeding through the Orange County Development Review Committee (DRC) review process. Staff anticipates that if the BCC votes to transmit this amendment to the Department of Economic Opportunity (DEO), the CDR will be considered during the subsequent adoption public hearing stage.

2. Future Land Use Map Amendment Analysis

Consistency

The requested FLUM amendment appears to be consistent with the applicable Comprehensive Plan Goals, Objectives, and Policies of the Comprehensive Plan. As discussed above, the subject property is located within the International Drive Activity Center, an area characterized by a variety of tourist-

oriented uses. The ACMU and ACR FLUM designations are specific to the International Drive Activity Center. Orange County adopted an optional element into its Comprehensive Plan to address the unique nature of the International Drive area. According to **International Drive Element Goal 1**, the intent of the the Activity Center is to promote tourism by the development of an economically viable, well planned tourist-oriented area. As a result, the County assigned the ACMU and ACR FLUM designations to permit a mixture of tourism related uses in the International Drive Activity Center. **International Drive Element Goal 3** states that Orange County shall facilitate residential development in proximity to employment areas of the Activity Center in order to minimize travel distance and time between the uses. The subject property is located in close proximity to major employers in the area, including Walt Disney World, Sea World, hotels, resorts, and Orlando Vineland Premium Outlets Mall. The proposed amendment will allow for a mix of housing options near the large employers in the Activity Center, and shorten commuting times for workers.

Policy FLU1.1.4.D states that ACMU is a mixture of tourist-related development and supportive residential activity that allows up to thirty (30) dwelling units per acre with a maximum of thirty (30) percent of the site used for residential purposes. The proposed PD-C/MHDR designation would allow the mix of tourist related development as well as allow residential development at a maximum density of thirty-five (35) dwelling units per acre. The currently-approved Hannah Smith PD (LUPA-17-05-165) has existing entitlements for 250 multi-family dwelling units and 487,765 square feet of commercial uses. The applicant is now proposing to develop an additional 1,550 residential dwelling units—1,250 multi-family dwelling units and 300 townhomes and up to 415,142 square feet of commercial uses.

In accordance with **Policy FLU1.1.2.A**, the applicant has specified the maximum desired development program for the residential portion of the project, proposing a mix of 1,500 multi-family dwelling units which includes the previously approved 250 multi-family dwelling units and 300 townhomes under the MHDR FLUM designation. The MHDR FLUM designation allows for residential development at a maximum density of thirty-five (35) dwelling units per acre. The applicant is also proposing up to 415,142 square feet of commercial uses with tourist-related development. Some of the proposed uses include a boardwalk, restaurants, an entertainment complex, retail establishments, and a grocery store.

The subject property is located in an area characterized by a variety of housing types—conventional single-family subdivision developments—Overlook at Ruby Lake Subdivision, a 132-unit townhome-unit subdivision and Ruby Lake Subdivision, a 237-unit single-family residential subdivision, and existing and proposed multi-family apartment complexes. With the proposal to develop 1,500 multi-family dwelling units and 300 townhome units, the proposed 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. **Policy FLU8.2.2** states that continuous stretches of similar housing types and density of units shall be avoided. The proposed amendment will contribute to the mix of available housing options in an area of the County deemed appropriate for urban uses, as set forth in **Policy FLU1.1.1**.

The proposed project is consistent with Future Land Use Element Objective **OBJ FLU2.2**, which establishes that Orange County shall develop, adopt, and implement mixed-use strategies and incentives as part of its comprehensive plan and land development code efforts, including standards for determining consistency with the Future Land Use Map. Other objectives of mixed-use development include reducing trip lengths, providing for diverse housing types, using infrastructure efficiently and promoting a sense of community. In regards to the project's proposed commercial

element, the proposed 415,142 square feet of commercial uses would be allowed under the current ACMU designation. It is staff’s belief that well-designed neighborhood serving retail establishments incorporated into the project would complement the neighboring residential development and could reduce the travel distance to purchase goods and services. To ensure that the existing residential neighborhoods are not adversely impacted by the commercial uses, **Policy FLU1.4.4** states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided. The applicant is proposing the commercial development and the apartments along Palm Parkway. Staff notes that if this requested amendment is adopted, the development standards for both the commercial and residential elements of this project will be determined during the substantial change process.

Policy FLU8.1.4 lists the development program for Planned Development (PD) FLUM designations adopted since January 1, 2007. The development program for this requested amendment is proposed for incorporation into Policy FLU8.1.4 via the corresponding staff-initiated text amendment (Amendment 2018-2-B-FLUE-1). The maximum development program for Amendment 2018-2-A-1-6, if adopted would be as follows: 1,800 residential dwelling units and up to 415,142 square feet of commercial uses.

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
<u>2018-2-A-1-6</u>	<u>Planned Development-Commercial/Medium-High Density Residential PD-C/MHDR</u>	<u>Residential – 1,800 dwelling units</u> <u>Commercial – 415,142 square feet</u>	<u>2018-</u>

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 trends in the area. As stated above, the subject property is located in an area characterized by existing and proposed tourist-oriented development as well as single-family and multi-family residential uses. It is staff’s belief that the proposed project is compatible with the existing mix of tourist-oriented uses, commercial, single-family residences, and multi-family dwelling units. The requested amendment and the applicant’s intent to subsequently develop up to 1,800 residential dwelling units and up to 415,142 square feet of commercial uses are compatible with this development pattern. The Parc Soleil (Hilton Grand Vacation Club-Ruby Lakes) timeshare resort is located immediately west of the subject site as well as two recently-approved single-family residential subdivisions, Overlook at Ruby Lake Subdivision and Ruby Lake Subdivision. The Sand Lake Groves PD, located immediately east of the subject site has an approved development program of 1,231 convention center hotel rooms, 650 hotel rooms, 1,730 timeshare units, 359,531 square feet of commercial uses, 103,500 square feet of mini-warehouse square feet, and 345 multi-family dwelling units. The Vineland Pointe PD, located across the street on Daryl Carter Parkway, south of

the subject site, has an approved development program of 630,000 square feet of tourist commercial uses, 245 hotel rooms, and 680 townhouse/multi-family dwelling units.

If the requested FLUM amendment is adopted, provisions must be taken to ensure that any future development of the subject site for commercial and multi-family residential use will not adversely impact the existing single-family residential communities in the surrounding area. Although no restrictions or conditions may be imposed during the FLUM amendment stage, performance restrictions and/or conditions may be placed on the property through the appropriate subsequent development order to ensure compatibility, as established in **Policy FLU8.2.1**. At the May 23, 2018, community meeting, the applicant's PowerPoint presentation showed that the proposed commercial portion of the request would be oriented near the intersection of Palm Parkway and Daryl Carter Parkway. The entertainment complex (The Boardwalk at O-Town West) will be located at the southwest corner of Palm Parkway and Daryl Carter Parkway, the proposed retail (O-Town West Retail) will be located at the southeast corner of Palm Parkway and Daryl Carter Parkway and at the northeast corner of the proposed intersection on Palm Parkway and Daryl Carter Parkway. The proposed apartments will be located along Palm Parkway, and the proposed townhomes will be located north, east, and west of the proposed apartments (The Village at O-Town West).

The requested PD-C/MHDR FLUM designation is consistent with **Policy FLU1.4.2** that states that Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods. The proposed commercial uses will serve the current and future residents of the area. Approval of the FLUM Amendment request from ACMU, ACR, and LMDR to PD-C/MHDR would be compatible with the existing development pattern and uses in the area.

Division Comments: Environmental, Public Facilities and Services

Environmental Protection Division

The subject property is predominately uplands with one 3.0-acre parcel in Big Sand Lake. Prior to submittal of a subdivision, development plan, or permit application, the Environmental Protection Division (EPD) will require a completed Conservation Area Determination (CAD), consistent with Orange County Code Chapter 15, Article X Wetland Conservation Areas.

All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this request does not authorize any direct or indirect conservation area impacts.

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. 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 EPD. Please reference Comprehensive Plan Policy FLU1.1.2 C. Approval of this request does not authorize any direct or indirect conservation area impacts.

The Normal High Water Elevation (NHWE) of Big Sand Lake was established at 89.03 feet NAVD 88 in the Lake Index of Orange County. Clearly label and indicate the NHWE contour of the lake on all plans or permit applications, in addition to any wetland, floodplain and setback lines.

The applicant is responsible for addressing any adverse impacts, including secondary impacts, to surface waters or wetlands that may occur as a result of development of the site. Protective measures include but are not limited to: 25-foot minimum undisturbed upland buffer along the wetland boundary, signage, and pollution abatement swales upland of the buffer if adjacent to surface waters and if drainage is not diverted to treatment.

Approval of this request does not grant permission for the construction or alteration of boat ramps, docks, observation piers, lakeshore vegetation, or seawalls on the lake. Any person desiring these types of structures or to perform shoreline alterations shall first apply for a permit from EPD prior to commencement of such activities.

The Board of County Commissioners (BCC) condition of approval #3 from February 20, 2001 states that no motorized watercraft shall be permitted onto Big Sand Lake from this development.

Development of the subject property 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 for determining the presence of listed species and obtaining any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

This area has rare upland scrub (dry prairie) and rare species per the Florida Natural Areas Inventory (FNAI). If the habitat survey identifies threatened and endangered plants, and removal is permissible, then the applicant may contact the Florida Native Plant Society (FNPS) or other similar non-profit agency to grant access to the site for removal of the threatened and endangered plants and/or collect seeds. This will preserve the genetic material and provide plants for restoration of other areas. Either the FNPS, similar nonprofit or the Developer shall secure all appropriate permits for these activities.

All development is required to pretreat storm water runoff for pollution abatement purposes, per Orange County Code Section 34-227. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

If this site had a prior agricultural land use that resulted in soil or groundwater contamination due to spillage of petroleum products, fertilizer, pesticide or herbicide, then 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 EPD and the Development Engineering (DE) Division.

Transportation Planning Division

The applicant is requesting to change 84.32 acres from Activity Center Mixed Use (ACMU), Activity Center Residential (ACR), and Low-Medium Density Residential (LMDR) to Planned Development-Commercial/Medium Density Residential (PD-C/MDR) and approval to develop a mixture of 1,800 residential units and 415,142 sq. ft. of commercial uses.

- The subject property is not located within the County's Alternative Mobility Area or along a backlogged/constrained facility or multimodal corridor. It is located within the I-Drive Activity

Center and the development must comply with the goals, objectives and policies defined in the I-Drive Element of the Comprehensive Plan.

- The allowable development based on the approved future land use will generate 1,942 pm peak hour trips.
- The proposed use will generate 1,942 pm peak hour trips resulting in no change in the number of pm peak hour trips generated.
- There is a vested rights certificate #98-104 on file for several parcels within the Ruby Lake Ranch PD however, vesting documentation is required for those parcels not within Ruby Lake.
- The applicant has indicated that vesting from transportation concurrency was approved for the Hannah Smith PD thru the Turkey Lake Road Network Agreement which was approved by the Board of County Commissioners on September 24, 1996 and recorded at OR Book/Page 5138/1988. However, the 89,721 vested trips as indicated in the summary provided could not be verified. The applicant should provide additional documentation to support this entitlement.
- 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. Finally, to ensure that there are no revisions to the proposed development beyond the analyzed use, the land use will be noted on the County's Future Land Use Map or as a text amendment to the Comprehensive Policy Plan.

Utilities

Per Orange County Utilities' (OCU's), potable water, wastewater, and reclaimed water demands and connection points within OCU's service area will be addressed as the project proceeds through the Development Review Committee (DRC) and construction permitting processes.

Schools

Per Orange County Public Schools, the project must have an executed Capacity Enhancement Agreement (CEA) prior to Board of County Commissioners approval. CEA #OC-18-009 has been submitted.

3. Policy References

International Drive Element

GOAL 1 – It is Orange County's goal to promote tourism by the development of an economically viable, well planned tourist oriented International Drive (I-Drive) Area made up of the Activity Center and the I-Drive District Overlay.

GOAL 3 – It is Orange County's goal to facilitate the development of residential development in proximity to employment areas of the Activity Center in order to minimize travel distance and time between the uses.

Housing Element

GOAL H1 – Orange County's goal is to promote and assist in the provision of an ample housing supply, within a broad range 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.

Future Land Use Element

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.

OBJ FLU2.2 – Orange County shall develop, adopt and implement mixed-use strategies and incentives as part of its comprehensive plan and land development code efforts, including standards for determining consistency with the Future Land Use Map. Other objectives of mixed-use development include reducing trip lengths, providing for diverse housing types, using infrastructure efficiently and promoting a sense of community.

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.

FLU1.1.2.A – The Future Land Use Map shall reflect the most appropriate maximum and minimum densities for residential development. Residential development in Activity Centers and Mixed Use Corridors, the Horizon West Village and Innovation Way Overlay (Scenario 5) and Growth Centers may include specific provisions for maximum and minimum densities. The densities in the International Drive Activity Center shall be those indicated in the adopted Strategic Development Plan.

FLU1.1.4 D. INTERNATIONAL DRIVE ACTIVITY CENTER – The following two Future Land Use designations are located only within the International Drive Activity Center. More information about the ACR and ACMU Future Land Use designations are found in the International Drive Activity Center Element, which is a separate and optional element in the Comprehensive Plan.

FLUM Designation	General Description	Density/Intensity
I – Drive – Refer to International Drive Activity Center Element		
Activity Center Residential (ACR)	As described in the I-Drive element, ACR facilitates residential development in proximity to employment areas to minimize travel distances between uses. Intended to promote workforce housing for tourist-oriented employment. Establishes 50,000 square feet of non-residential neighborhood support per development. A PD is required.	Up to 30 DU/AC, minimum 12 DU/AC Non-residential 10,000 SF per 125 units with a maximum of 50,000 square feet total of non-residential per development*
Activity Center Mixed Use (ACMU)	As described in the I-Drive element, ACMU is a mixture of tourist-related development and supportive residential activity. No more than 30% of a site designated ACMU shall be for residential purposes. A PD is required.	Non-residential FAR 3.0* Hotel/motel lodging 60 rooms/acre (see note) Up to 30 DU/AC with a maximum of 30% of the site in residential use (see note)
<p>* The maximum FAR or square footage does not include floor area within a parking structure associated with the parking requirements for the principal use.</p> <p>Note: More than 60 hotel/motel rooms per acre or more than 30 DU/AC may be permitted if it can be demonstrated: an increase in traffic impact on the adjoining road network does not occur; and, the developable land area required for the residential portion of the development does not exceed a maximum of 30 percent of the total developable land area of the subject property.</p>		

FLU1.4.2 – Orange County shall ensure that land changes are compatible with and serve existing neighborhoods.

FLU1.4.4 – The disruption of residential areas by poorly located and designed commercial activities shall be avoided. Primary access to single-family residential development through a multi-family development shall be avoided.

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.

FLU8.2.2– Continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

Site Visit Photos

Subject Site – Undeveloped



North – Undeveloped



South – Undeveloped



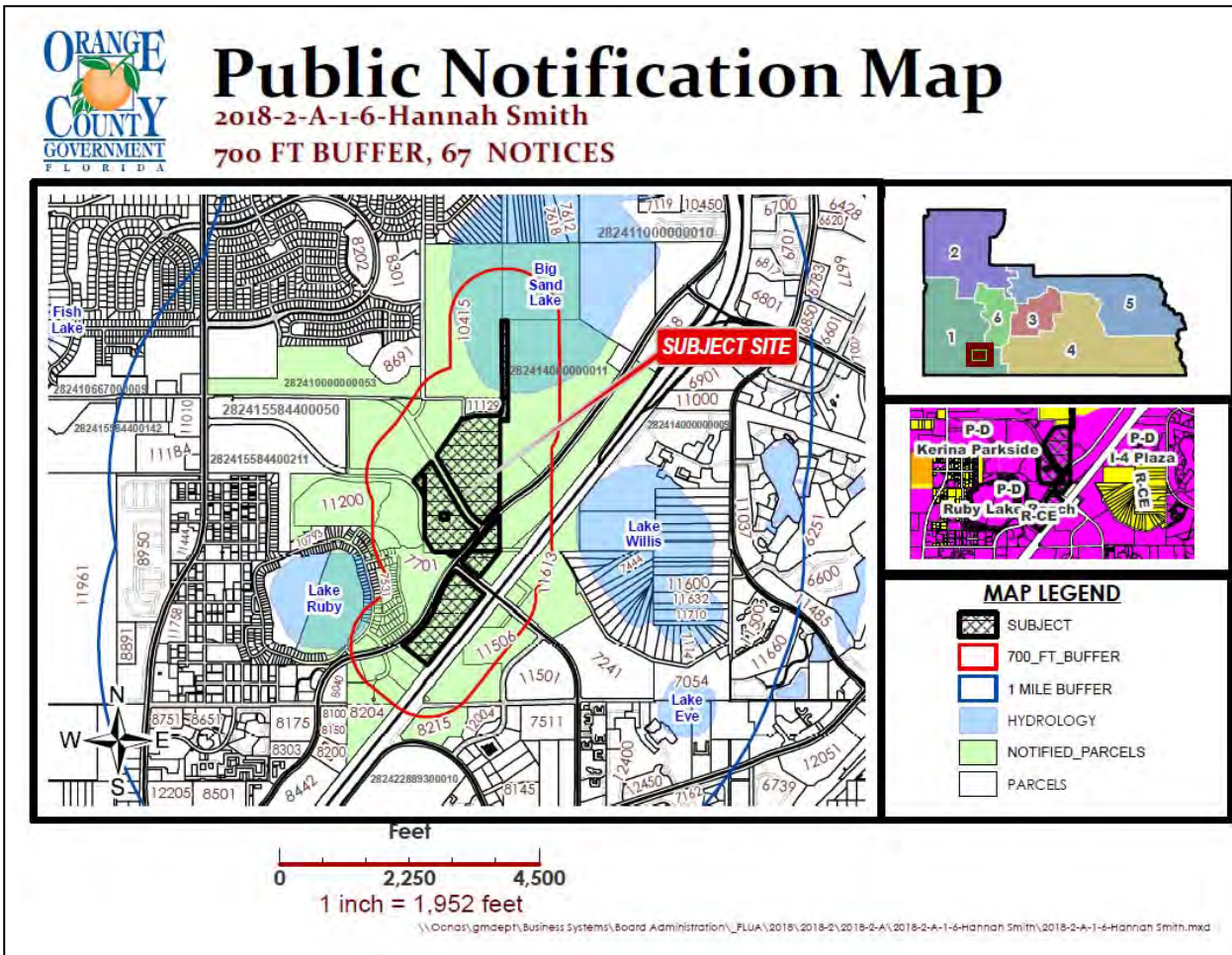
West – Residential



East – Undeveloped



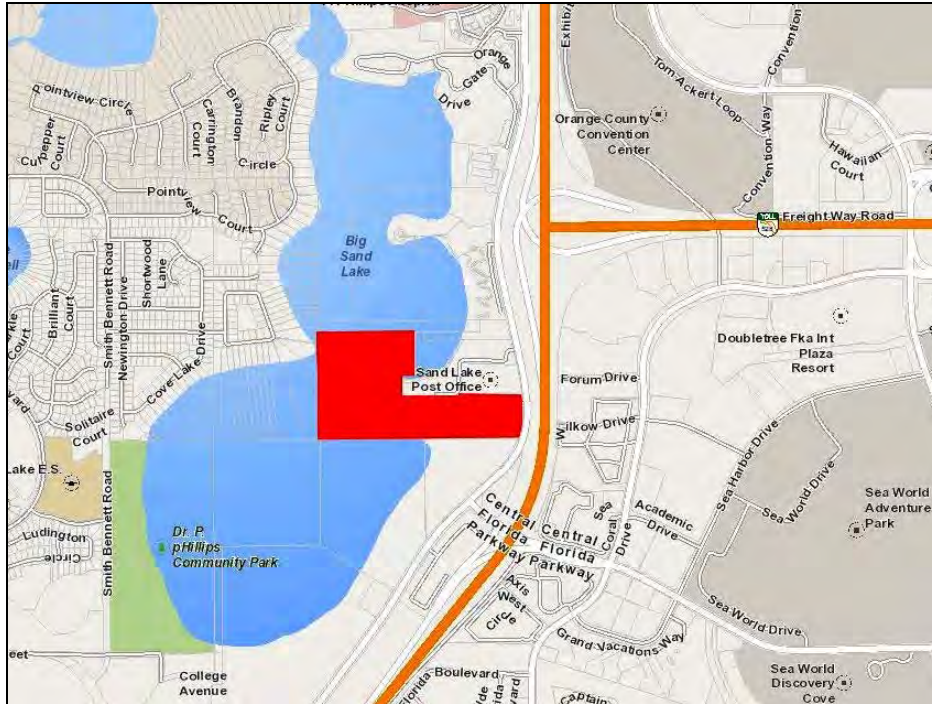
PUBLIC NOTIFICATION MAP



Notification Area

700 ft. plus neighborhood and homeowners' associations within a one-mile radius of the subject site

67 notices sent



Applicant/Owner:
Momtaz Barq P.E.
representing Macomb
Oakland Sand Lake, LLC

Location: 10900 Turkey Lake Road
Generally located west of Turkey Lake Rd., south of SR 528, east of Smith Bennett Rd., and north of Central Florida Pkwy.

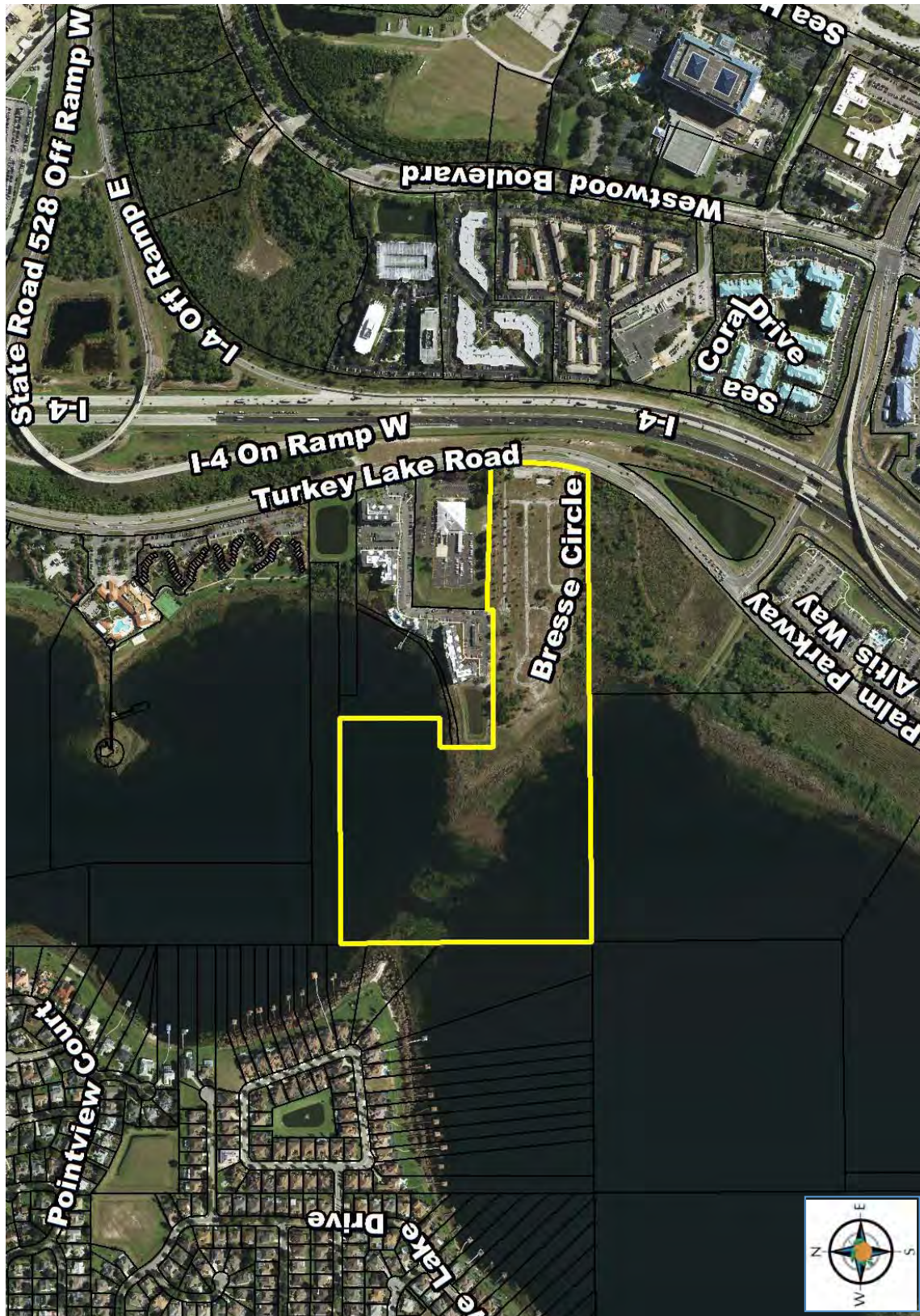
Existing Use: Vacant

Parcel ID Numbers:
11-24-28-0000-00-010

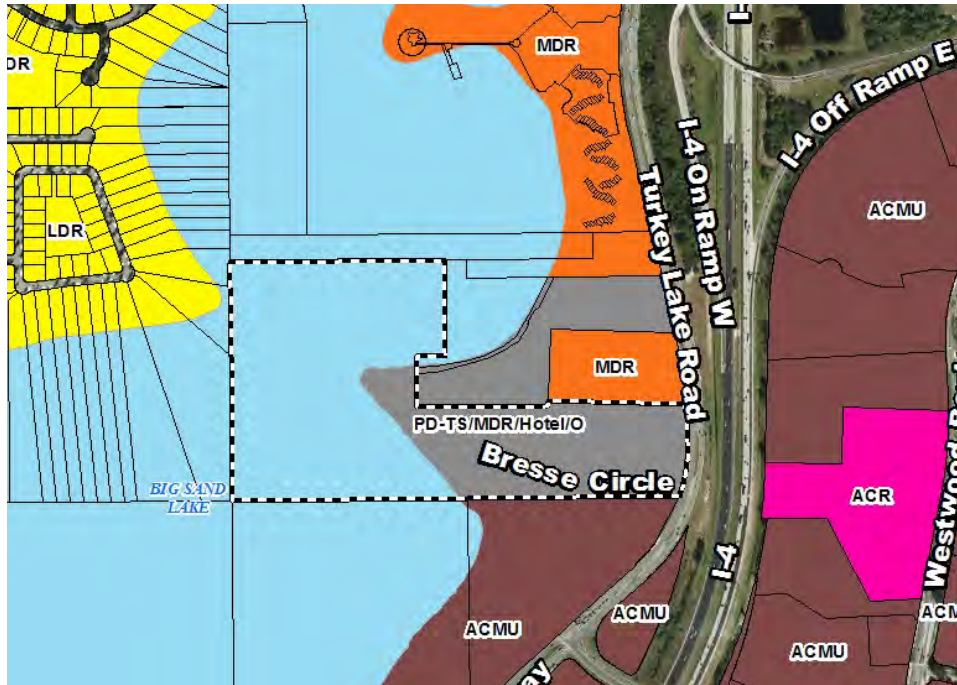
Tract Size: 52.04 gross acres
16.82 net developable

+The following meetings and hearings have been held for this proposal:				Project Information	
Report/Public Hearing		Outcome			
✓	Community Meeting	May 10, 2018 Neutral – traffic concerns			Request: Planned Development-Time Share/Medium Density Residential/Hotel/Office (PD-TS/MDR/HOTEL/O to Planned Development-Time Share/Medium-High Density Residential/Hotel/Office (PD-TS/MHDR/HOTEL/O)
✓	Staff Report	Recommend Transmittal			Proposed Development Program: Approved for up to 505 timeshare units, up to 424 multi-family units, up to 1,009 hotel rooms, or 366,340 s.f. office, under Turkey Lake Road Condos PD
	LPA Transmittal	June 21, 2018			Division Comments: Environmental, Public Facilities and Services: Please the see Public Facilities Analysis Appendix for specific analysis on each public facility.
	BCC Transmittal	July 10, 2018			Environmental: Site has an approved CAD, CAD-17-08-115 that show Class I and II wetlands and surface waters located on the site, including a portion of Big Sand Lake.
	State Agency Comments	August 2018			Transportation: There is a Transportation Capacity Reservation Certificate #12-033 on file for this project expires on March 4, 2022 and the developer has paid a total of \$1,116,174.00 in capacity reservation fees for this development.
	LPA Adoption	October 18, 2018			
	BCC Adoption	November 13, 2018			Concurrent Rezoning: Not at this time.

AERIAL




FUTURE LAND USE - CURRENT

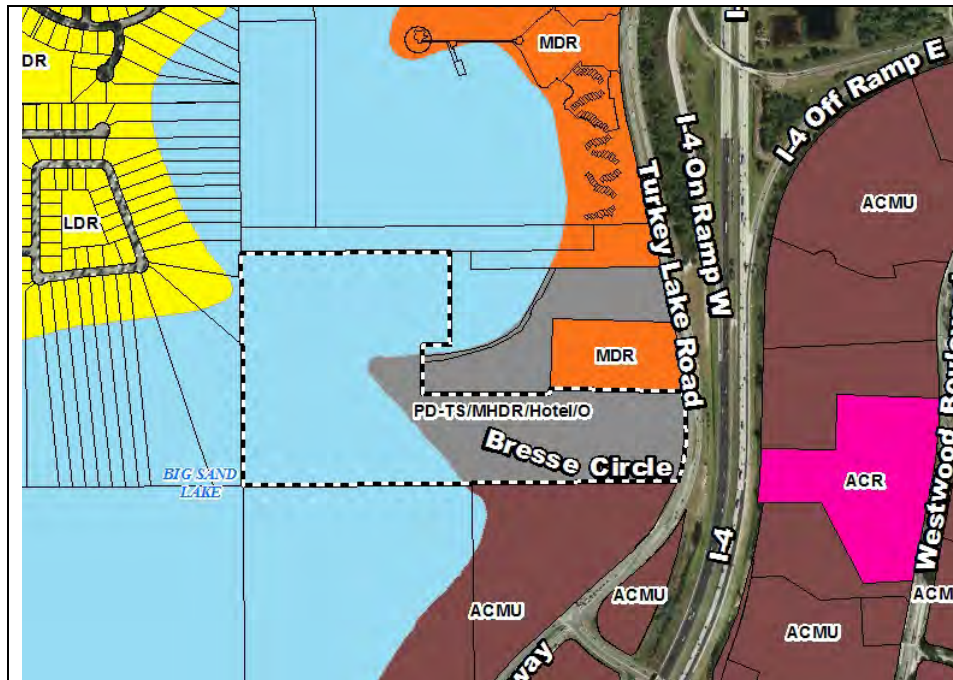


Current Future Land Use Designation:

Planned Development-Time Share/Medium Density Residential/Hotel/Office (PD-TS/MDR/HOTEL/O)



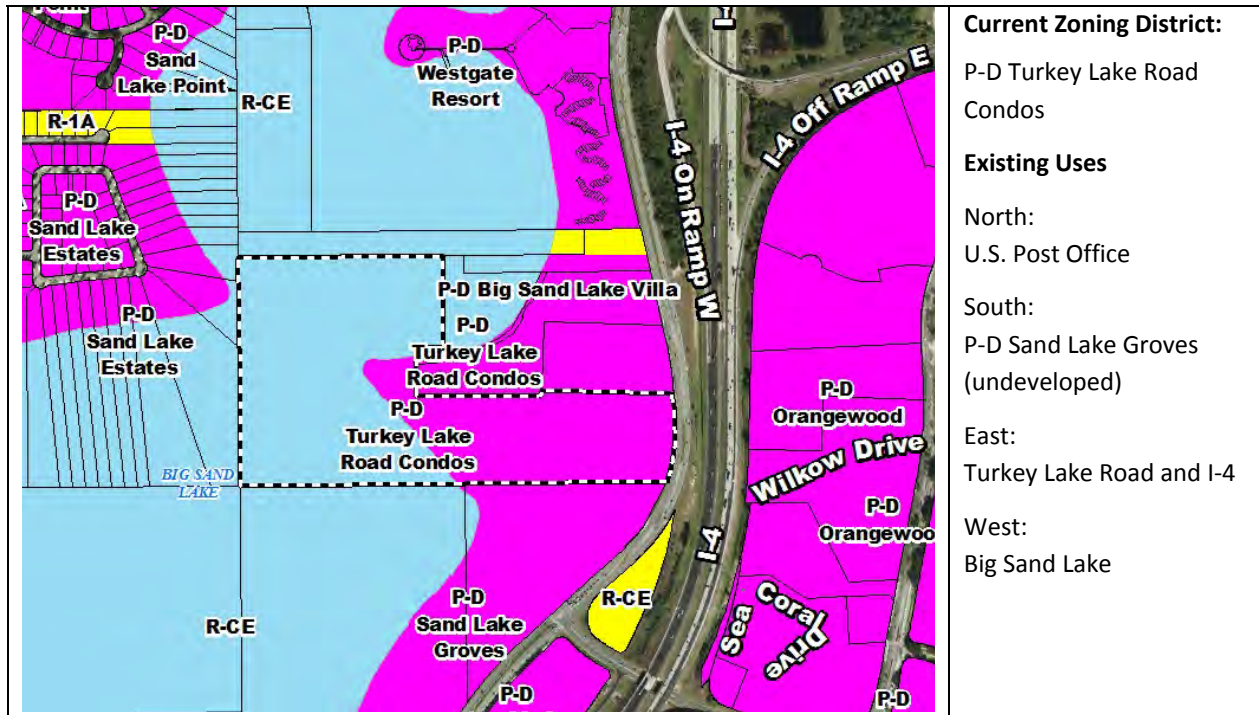
FUTURE LAND USE - PROPOSED



Proposed Future Land Use Designation:

Planned Development-Time Share/Medium-High Density Residential/Hotel/Office (PD-TS/MHDR/HOTEL/O)

ZONING - CURRENT



Staff Recommendation

Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Objective OBJ FLU1.4, and FLU8.2, Policies FLU1.1.2(C), FLU1.4.1, FLU2.2.15, FLU8.1.4 FLU8.2.1, FLU8.2.2), determine that the amendment is in compliance, and recommend **TRANSMITTAL** Amendment 2018-2-A-1-7, Planned Development-Time Share/Medium Density Residential/Hotel/Office (PD-TS/**MDR**/HOTEL/O) to Planned Development-Time Share/Medium-High Density Residential/Hotel/Office (PD-TS/**MHDR**/HOTEL/O).

Analysis

1. Background Development Program

The applicant, Momtaz Barq, P.E. , representing Macomb Oakland Sand Lake, LLC, has requested to amend the future land use map from Planned Development-Time Share/Medium Density Residential/Hotel/Office (PD-TS/**MDR**/HOTEL/O) to Planned Development-Time Share/Medium-High Density Residential/Hotel/Office (PD-TS/**MHDR**/HOTEL/O). The petitioned site consists of 52.04 gross acres and 16.82 net developable acres. The zoning on the property is Turkey Lake Road Condos PD approved for up to 505 timeshare units, up to 424 multi-family units, up to 1,009 hotel rooms, or 366,340 square feet of office. The subject property is located at 10900 Turkey Lake Road generally located west of Turkey Lake Road, south of SR 528, east of Smith Bennett Road, and north of Central Florida Parkway. The proposed future land use map amendment would not affect the number of multi-family units on the petitioned site, this would remain the same. The reason for the request is since the time of approval, the site lost net developable acres, a decrease from 18.98 acres to 16.82 acres.

As stated 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 net developable area is determined by Conservation Area Determination which determines the classification and approximate extent of surface waters/wetlands on property. According to the approved CAD-17-08-115 the net developable acreage is 16.82 acres.

The request for a Planned Development will require an amendment to the Comprehensive Plan **Future Land Use Element Policy FLU8.1.4**.which lists the development program for Planned Development (PD) Future Land Use designations adopted since January 1, 2007. This request is under a separate staff report, 2018-2-B-FLUE-1. Any proposed increase the density, would require an amendment to the Comprehensive Plan to amend **Future Land Use Element Policy FLU8.1.4**. The maximum development program for Amendment 2018-2-A-1-2, if adopted, would be as follows: up to 505 timeshare units, up to 424 multi-family units, up to 1,009 hotel rooms, or 366,340 square feet of office.

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number

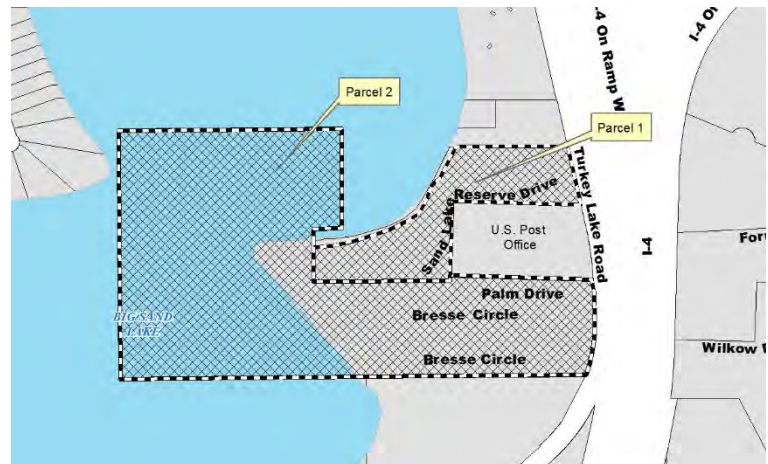
<u>2018-2-A-1-7</u>	<u>Planned Development-Time Share/Medium-High Density Residential/Hotel/Office (PD-TS/MHDR/HOTEL/O)</u>	<u>Up to 505 timeshare units, up to 424 multi-family units, up to 1,009 hotel rooms, or 366,340 square feet of office</u>	<u>2018-</u>
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Turkey Lake Condos Amendment History

The previous use was an RV park. Below is a history of approved Planned Developments on the petitioned site. At the time of these amendments, the petitioned site consisted of two (2) parcels, as depicted in the map below. There are amendments which affect both parcels and amendments which only affect the subject site, as noted.

- **1979 - Christian Life World – Parcel 2**

- Congregate living center for residential, ownership, and recreation purposes to include:
 - Administrative office, two-story clubhouse, 35,000 square feet in area, a sanctuary of 35,000 square feet, a 100-unit 12-story lodging facility (12.5 units/acre), church director’s residence, 140-space recreational vehicle park with 2,000 square foot camping sites, a recreation area to include a boat dock and launch. ,



- **1987 - Turkey Lake Road (Christian Life World) – Parcel 2**

- 9 hole golf course
- 240 multi-family residential units

- **1994 – Turkey Lake Road – Parcel 2**

- 520 multi-family units (20 units/acre) and 20,8000 square feet of commercial uses

- **1998 – Turkey Lake Road – Parcels 1 and 2**

- Time-share/multi-family of 660 units (20 units/acre)
 - 420 Units on Parcel 2
 - 240 Units on Parcel 1

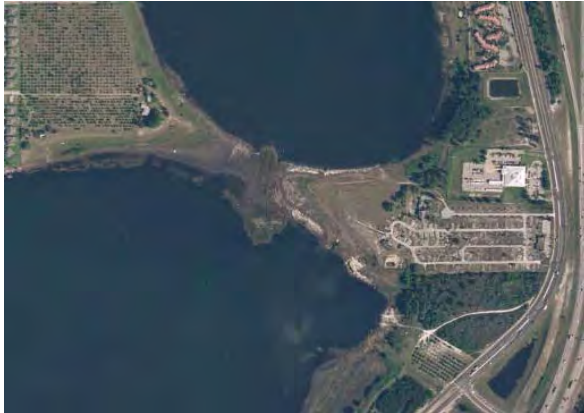
- **Future Land Use Map Amendment 2001-1-A-1-1**

- 31 net developable acres
- Approved Hotels – 60 units/acres, timeshare 30 units/acre, office .5 FAR, and Medium Density Residential 20 du/acre.

- **May 22, 2001 – Parcels 1 and 2**

- The Development Review Committee approved the substantial change to the Land Use Plan to add hotel (1,884 rooms) and office uses (683,892 square feet) and to increase the timeshare density (942 timeshare units or 620 multi-family units) on Parcels 1 and 2.
 - 620 multi-family dwelling units on both parcels 1 and 2.
 - Density of 20 dwelling units an acre across Parcels 1 and 2.

Parcel 1 is developed with 196 multi-family units. Based on the approved development program approved under the P-D zoning there 424 units remaining. However, Due to the loss in net developable acreage the density on Parcel 2 has increased to 25.2 dwelling units an acre. The applicant has requested to change the future land use on the property from Medium Density Residential (MDR 20 du/acre) to Medium-High Density Residential (35 du/acre). Because this is a planned development future land use map amendment, the development program is adopted into the Comprehensive Plan and can be limited to 424 dwelling units or 25.2 units an acre.



Map 1 - 2001 aerial accessed on OCPAfl.org



Map 2 - 2018 aerial accessed on OCPAfl.org

The amount of developable land determines the density, while the number of dwelling units remains constant. The 2001 approved development program permits 620 multi-family dwelling units over Parcels 1 and 2 on 31 net developable acres. The requested amendment does not result in an increase in the number of dwelling units but an increase in density on the petitioned site from 22.3 dwelling units an acre to 25.2 units an acre. If the request was denied, the applicant could develop the property under the existing Medium Density Residential (MDR) density of 20 units/acre or 336 dwelling units. If approved the applicant is required to submit a **Change Determination Request** to the existing planned development to indicate the change to the approved Planned Development Land Use Plan.

	2001 Approval	2018 Amendment
Parcels 1 and 2	31 net developable acres 620 multi-family units 20 units/acre	27.3 net developable acres 620 multi-family units 22.71 units/acre
Broken Out by Parcel	Parcel 1 10.48 acres 196 multi-family units 18.7 units/acre Parcel 2 18.985 acres 424 multi-family units 22.3 units/acre	Parcel 1 10.48 acres 196 multi-family units 18.7 units/acre Parcel 2 16.82 net developable acres 424 multi-family units 25.2 units/acre

Properties to the north of the petitioned site have future land use designations of Medium Density Residential (MDR) and Planned Development-Time Share/Medium Density Residential/Hotel/Office (PD-TS/MDR/HOTEL/O). The uses include a U.S. Post Office and 196 multi-family dwelling units that were approved as part of Amendment 2001-1-A-1-1, discussed above. North of this site is Westgate

Resorts (Sonesta Village). This property has a future land use of Medium Density residential (MDR) and a zoning of PD that allows for 992 residential units (14.9 units/acre and 252,400 square feet of commercial uses.

The property to the south has a future land use designation of Activity Center Mixed-Use (ACMU) and is zoned PD Sand Lake Groves (approved in 1997, amended September 20, 2017). The development plan includes 1,231 Convention Center Hotel Rooms, 650 hotel rooms, 1,730 timeshare units, 366,000 square feet of retail, and 345 multi-family units across nine (9) parcels. The site is currently undeveloped.

To the east and west of the petitioned site are Big Sand Lake and Turley Lake Road and I-4. The lake serves as a natural edge and the interstate serves as a hard edge to the petitioned site.

A community meeting for the proposed Future Land Use Amendment was held Thursday, May 10, 2018. There were approximately thirty (30) residents in attendance. The primary concern of the attendees was traffic in the area, especially along Turkey Lake Road. Another concern was the potential environmental impacts to Big Sand Lake from runoff and increased pollution.

2. Comprehensive Plan Amendment Analysis

Consistency

The requested Future Land Use Map (FLUM) amendment appears to be consistent with the applicable Comprehensive Plan goals, objectives, and policies, which are specifically discussed in the paragraphs below.

The Future Land Use Element provides location and development criteria to guide the distribution, extend, and location of urban land uses under **Future Land Use Objective FLU1.4. Future Land Use Element Policy FLU1.4.1** states and Orange County shall provide range of living environments and employment opportunities in order to achieve a stable and diversified population and community. The proposed multi-family development will contribute to the range of living environments in the surrounding area. As noted in the staff analysis, this request was previously approved for a total of 620 multi-family units over two parcels; 196 units are built on Parcel 1 and the remaining 424 parcels have not been constructed. Since the time of the Planned Development zoning approval until now, the site lost net developable acreage. The loss of land caused an increase in density because the approved number of dwelling units remained constant while the net developable acreage is static.

The request is also consistent with **Future Land Use Element Policy FLU2.2.15** that states that Orange County shall support the location of greater residential densities near employment centers to improve the jobs/housing balance in the County. The petitioned site is located in an area that is 2.3 miles from the Orange County Convention Center, 1.7 miles to SeaWorld, 5 miles from International Drive and Sand Lake Boulevard, 11 miles from Universal Studios, 4.8 miles from Disney Springs, and 11 miles from Epcot. The petitioned site is located in an area that is in the heart of Orange County destinations.

Finally, **Neighborhood Element Objective OBJ N1.1** states that Orange County shall ensure that future land use changes are compatible with or do not adversely impact existing neighborhoods. The subject site was part of a larger parcel that was subdivided following a FLUM Amendment in 2005. This parcel and the remaining two are larger than others in the immediate area and the

proposal would be consistent with the existing density and single-family development in Sunflower Trail.

Compatibility

OBJ FLU8.2 addresses compatibility of proposed Future Land use Map (FLUM) amendments requiring compatibility to continue to be the fundamental consideration in all land use and zoning decisions. Specifically, **Future Land Use Element Policy FLU8.2.1** states that land use changes shall be required to be compatible with the existing development and development trend in the area. The proposed FLUM amendment would be compatible with the existing development and development trend in the area. The closest use to the petitioned site is a U.S. Post Office to the north. A 196 unit multi-family development on Parcel 1, approved as part of under FLUM Amendment 2001-1-A-1-1 and the Planned Development Rezoning Turkey Lake Condos.

While **OBJ FLU 8.2 and FLU8.2.1** require land use changes to be compatible with existing development, **Future Land Use Element Policy FLU8.2.2** states that continuous stretches of similar housing types and density of units shall be avoided. As shown in the staff analysis there is a diversity of parcel sizes and densities in the area and the request is in keeping with the development pattern of multi-family residential.

Future Land Use Element FLU8.1.2 describes Planned Development Future Land Uses as intended to incorporate a broad mixture of uses under specific design standards provided the PD land uses are consistent with the cumulative densities identified on the Future Land Use Map. The proposal does include a broad mixture of uses including hotel, timeshare, or office. Any increase or change in the adopted program density would an amendment to the Future Land Use Map and the adopted development program.

Division Comments: Environmental, Public Facilities and Services

Environmental Protection Division

Class I and Class III wetlands and surface waters are located on site including a portion of Big Sand Lake. Orange County Conservation Area Determination CAD-17-08-115 was completed for this property with a certified wetland boundary survey approved by the Environmental Protection Division (EPD) on May 3, 2018.

The applicant is responsible for addressing any adverse impacts, including secondary impacts, to surface waters or wetlands that may occur as a result of development of the site. Protective measures include but are not limited to: 25-foot minimum undisturbed upland buffer along the wetland boundary, signage, and pollution abatement swales upland of the buffer if adjacent to surface waters and if drainage is not diverted to treatment.

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. 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.

Approval of this request does not authorize any direct or indirect conservation area impacts. 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.

The Normal High Water Elevation (NHWE) of Big Sand Lake was established at 89.03 feet NAVD 88 in the Lake Index of Orange County. Clearly label and indicate the NHWE contour of the lake on all plans or permit applications, in addition to any wetland, floodplain and setback Approval of this request does not grant permission for the construction or alteration of boat ramps, docks, observation piers, lakeshore vegetation, or seawalls on the lake. Any person desiring these types of structures or to perform shoreline alterations shall first apply for a permit from the Orange County EPD prior to commencement of such activities.

Big Sand Lake has an established Municipal Service Taxing Unit (MSTU) or Municipal Service Benefit Unit (MSBU) for the purpose of funding lake management services. To the extent this project is part of the taxing district or benefits from the lake, this project shall be required to be a participant. 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). The ecological assessment dated October 1, 2017, reported that no listed species were observed on site.

All development is required to pretreat storm water runoff for pollution abatement purposes, per Orange County Code Section 34-227. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

Transportation Planning Division

AMENDMENT 2018-2-A-1-7 (TURKEY LAKE ROAD CONDOS)

PROJECT SPECIFICS

Parcel ID:	11-24-28-0000-00-010
Location:	10900 Turkey Lake Road; Generally located west of Turkey Lake Road, south of SR 528, east of Smith Bennett Road, and north of Central Florida Parkway
Acreage Gross:	52.04
Acreage Developable:	16.82
Request FLUM:	From: Planned Development-Timeshare/Medium Density Residential/Hotel/Office (PD-TS/MDR/HOTEL/O) To: Planned Development-Timeshare/Medium-High Density Residential/Hotel/Office (PD-TS/MHDR/HOTEL/O)
Request Zoning:	From: PD (Turkey Lake Condos PD) To: PD (Turkey Lake Condos PD)

Existing Development Yield:	Vacant/Former RV Park
Development Permitted Under Current FLUM:	Planned Development Timeshare/ Medium Density Residential/Hotel/ Office (PD-TS/MDR/Hotel/O) or 30 units per acre for Timeshare, 20 dwelling units per acre for Multi-family or 424 units, 60 units per acre for Hotel or 683,892 sq. ft. of Office on 18.985 net developable acres
Proposed Density/Intensity:	Planned Development Timeshare/ Medium-High Density Residential/Hotel/ Office (PD-TS/MHDR/Hotel/O) or 30 units per acre for Timeshare, up to 35 dwelling or 683,892 sq. ft. of Office on 16.82 net developable acres

Future Roadway Network

Road Agreements:	None
Planned and Programmed Roadway Improvements:	None
Right of Way Requirements:	None

Summary

Turkey Lake Condos is a Planned Development that is approved for timeshares, multifamily dwelling units, a hotel and office uses. As a result of a change in the acreage of the property from 18.985 to 16.82 net developable acres, the applicant is requesting a future land use map amendment to revise the maximum densities that will be allowed on the 16.82 acres. A use conversion matrix based on the maximum densities that can be achieved on the revised acreage has been provided and staff has reviewed and confirmed the conversion rated and maximum densities allowed. It is important to note that the uses or combination of uses shown in the use matrix shall not exceed the 547 PM Peak hour trips reserved for this PD which was approved by the Board of County Commissioners in 2001. There is a Transportation Capacity Reservation Certificate #12-033 on file for this project expires on March 4, 2022 and the developer has paid a total of \$1,116,174.00 in capacity reservation fees for this development.

Orange County Public Schools

A Capacity Enhancement Agreement (CEA) is required for this project. Orange County Public Schools (OCPS) has not received a CEA application for this property.

3. Policy References

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. 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. (Added 8/92, Ord. 92-24; Amended 8/93, Ord. 93-19, Policy 1.1.11; Amended 6/10, Ord. 10-07)

OBJ FLU1.4 The following location and development criteria shall be used to guide the distribution, extent, and location of urban land uses, and encourage compatibility with existing neighborhoods as well as further the goals of the 2030 CP. (Obj. 3.2-r)

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.

FLU2.2.15 Orange County shall support the location of greater residential densities near employment centers to improve the jobs/housing balance in the County.

FLU8.1.4 The following table details the maximum densities and intensities for the Planned Development (PD) Future Land Use designations that have been adopted subsequent to January 1, 2007.

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.

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. (Policy 3.2.25)

FLU8.2.2 Continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted. (Policy 3.1.1)

OBJ N1.1 Orange County shall ensure that future land use changes are compatible with or do not adversely impact existing or proposed neighborhoods.

Site Visit Photos



North – U.S. Post Office



South – Undeveloped



East – Turkey Lake Road and I-4



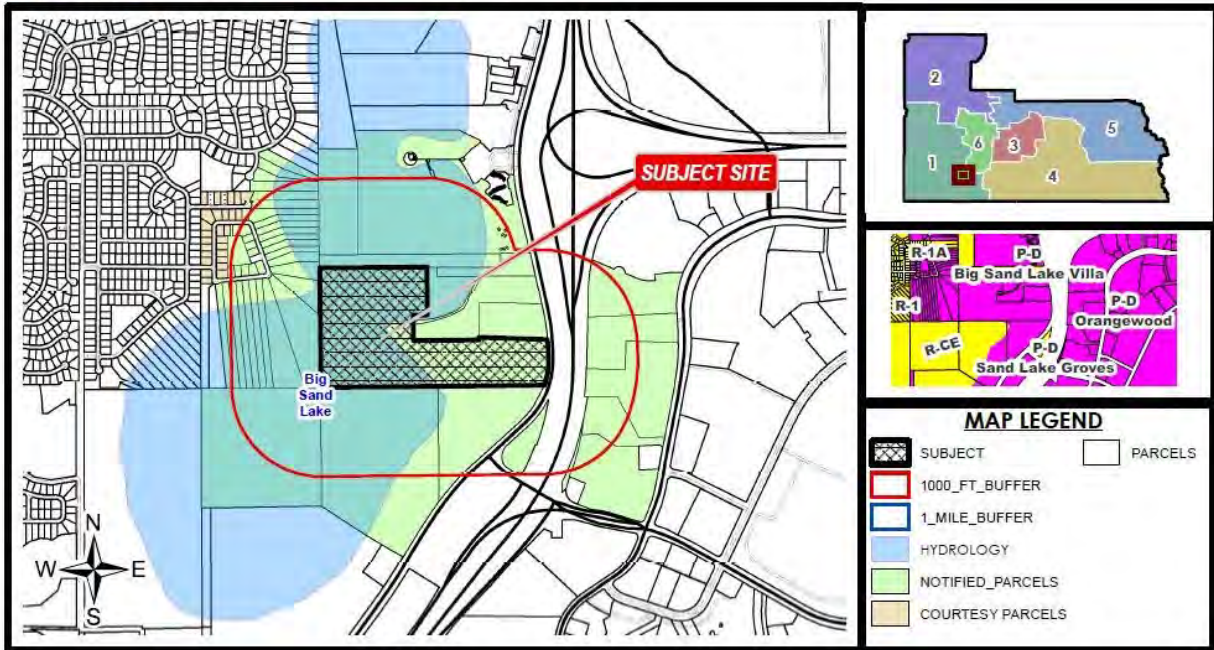
West – Big Sand Lake





Public Notification Map

2018-2-A-1-7 Turkey Lake Condos
1000 FT BUFFER, 116 NOTICES



Feet
0 1,450 2,900
1 inch = 1,270 feet

s:\business systems\board administration\arogs\main.mxd

Notification Area:

1,000' buffer

116 notices sent



Applicant/Owner:
 Julie Salvo, AICP, Orange
 County Public
 Schools/Hamilton, LLC

Location: Generally
 located north of Hamilton
 Drive, east of Lockwood
 Drive, south of Old
 Cheney Highway, and
 west of Story Partin Road.

Existing Use: The subject
 site is currently
 undeveloped and has a
 prior land use as a
 container nursery.

Parcel ID Number:
 20-22-32-0000-00-003

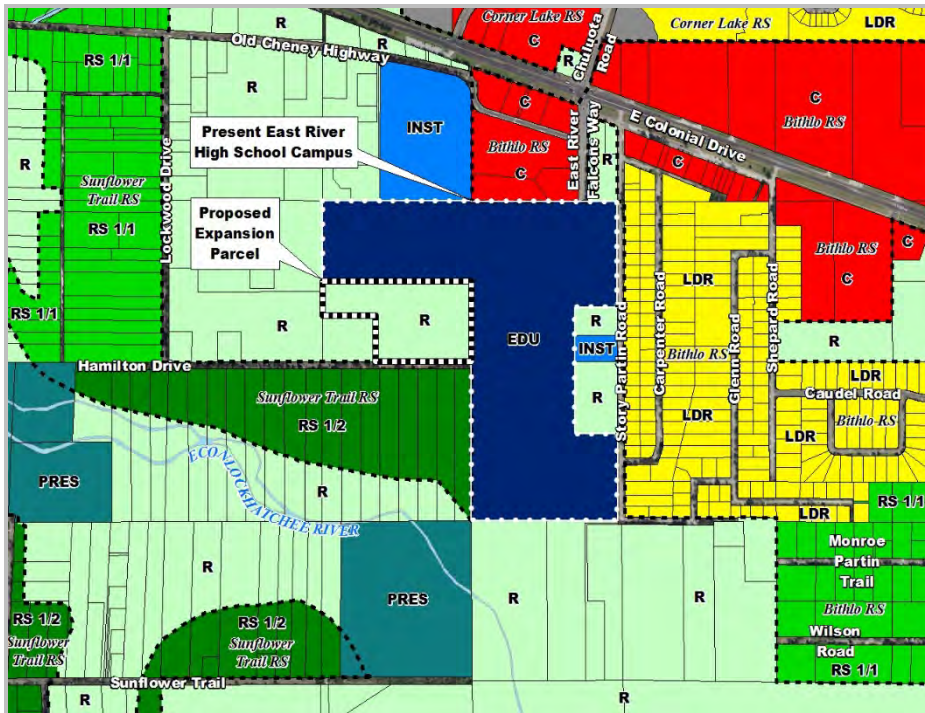
Tract Size: 15.68 gross

The following meetings and hearings have been held for this proposal:			Project Information	
Report/Public Hearing	Outcome			
✓	A community meeting was held June 11, 2018, with 12 members of the public in attendance.	Mixed – Attendees voiced concern about potential noise, light pollution, access management, and loss of privacy.	Request: Future Land Use Map Amendment from Rural/Agricultural (R) to Educational (EDU).	
✓	Staff Report	Recommend Transmittal	Proposed Development Program: Orange County Public Schools (OCPS) is proposing to acquire the subject parcel to expand the current East River High School campus and utilize the property for practice fields for the school's athletic program.	
	LPA Transmittal	June 21, 2018	Public Facilities and Services: Please see the Public Facilities & Services Appendix for specific analyses of each public facility.	
	BCC Transmittal	July 10, 2018	Environmental: The site is located within the geographical limits of the Econlockhatchee River Protection Ordinance. Basin-wide regulations apply. Wetlands and surface water are present on the property.	
	State Agency Comments	August 2018	Transportation: No traffic study is required, as the proposed use will not result in an increase in p.m. peak hour trips.	
	LPA Adoption	October 18, 2018	Utilities: Although the subject property lies within the County's Rural Service Area (RSA), East River High School receives potable water and wastewater service from Orange County Utilities (OCU).	
	BCC Adoption	November 13, 2018	Concurrent Rezoning: To allow for the proposed campus expansion, an amendment to the Planned Development (PD) Land Use Plan (LUP) governing the present East River High School site, the Timber Creek Relief High School PD/LUP, will be required. The Planning Division anticipates that a Land Use Plan Amendment (LUPA) rezoning application to add the subject parcel to the Timber Creek Relief High School PD/LUP will be considered concurrently with the requested Future Land Use Map Amendment during the adoption public hearing stage.	

AERIAL



FUTURE LAND USE - CURRENT



Current Future Land Use:
 Rural/Agricultural (R)

Special Area Information:

The property lies within the County's Rural Service Area (RSA).

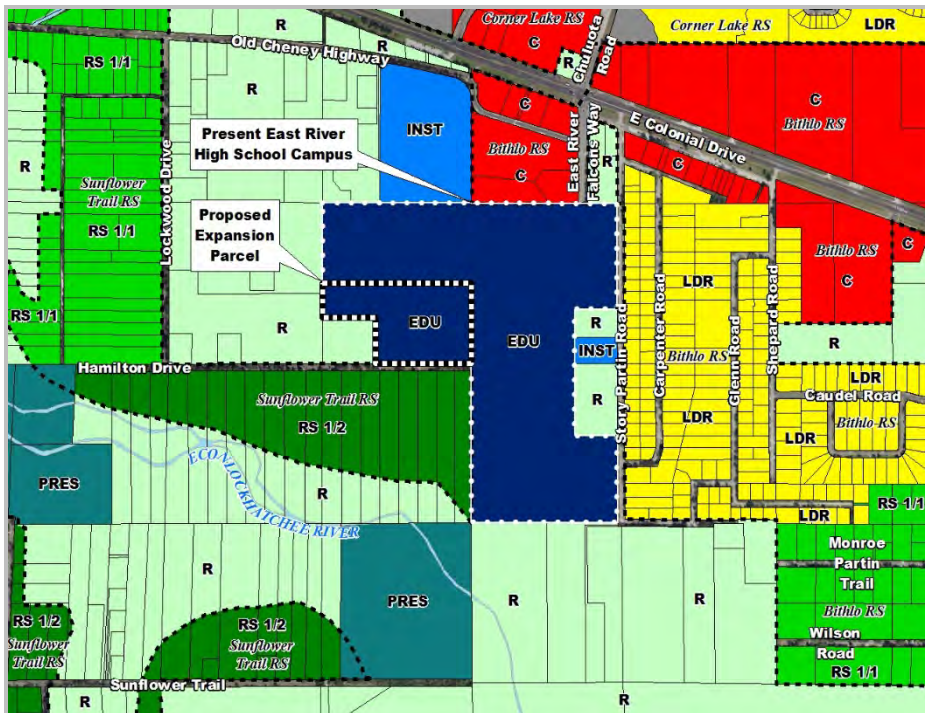
Overlay District:
 Econlockhatchee River Protection Area.

Rural Settlement: N/A

Joint Planning Area: N/A

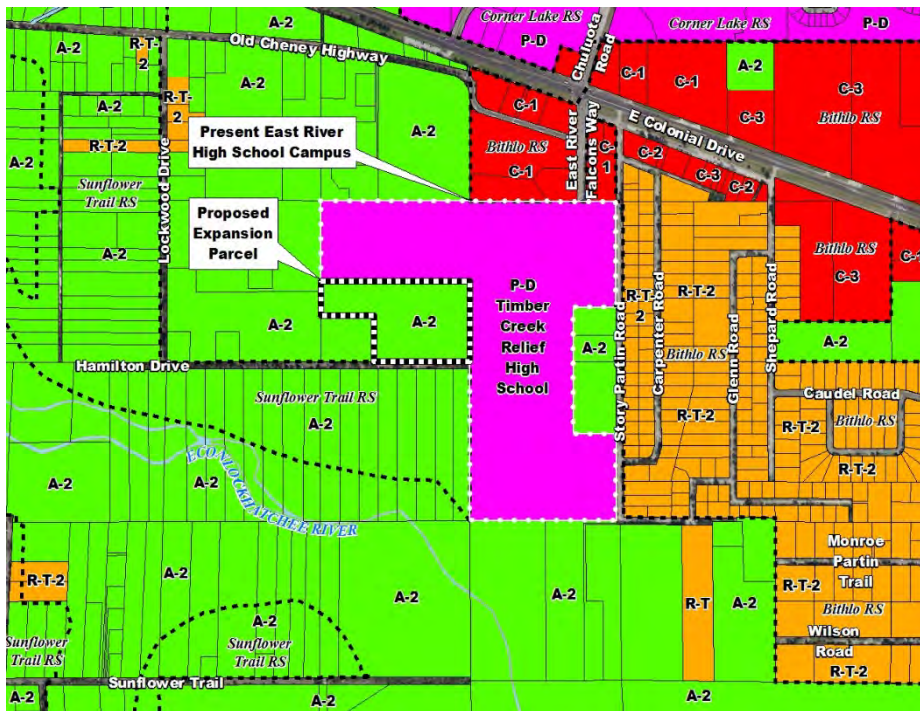
Airport Noise Zone: N/A

FUTURE LAND USE – AS PROPOSED



Proposed Future Land Use:
 Educational (EDU)

ZONING – CURRENT



Zoning: A-2 (Farmland Rural District)

Existing Uses:

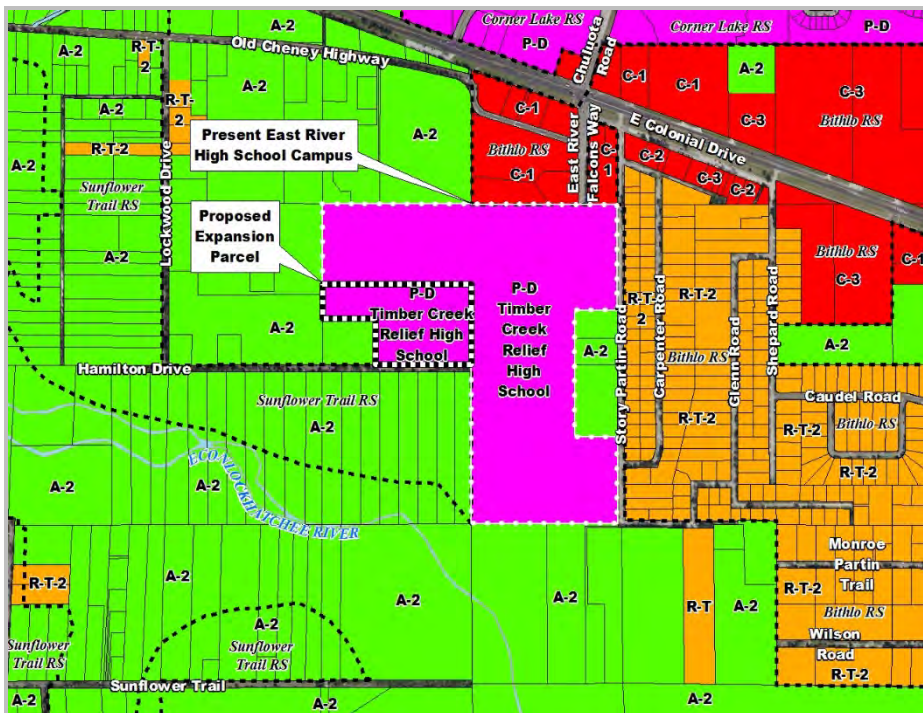
N: East River High School

S: Single-family residential

E: East River High School

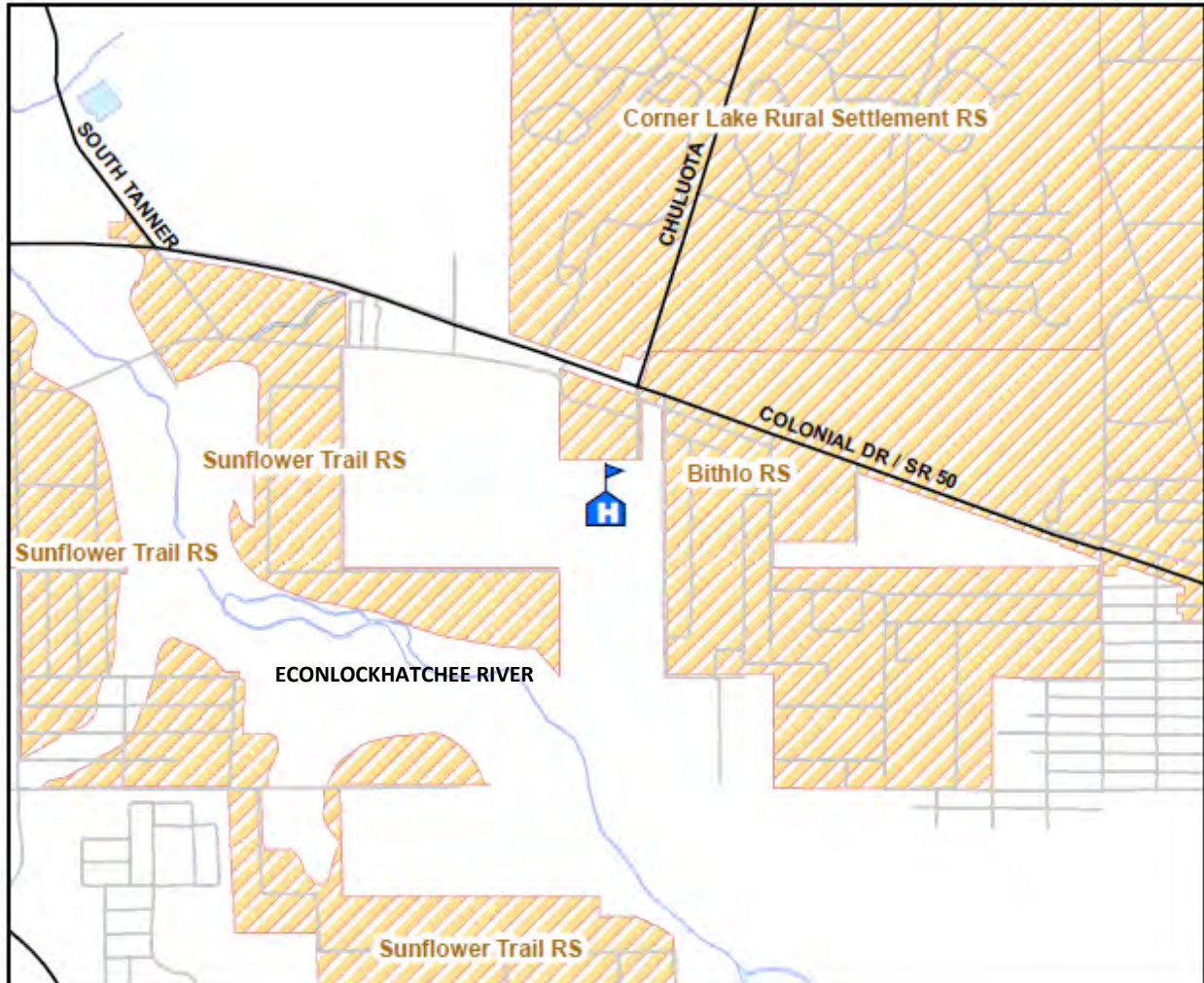
W: Single-family residential

ZONING – AS PROPOSED



Proposed Zoning:
 PD (Planned Development District) (Timber Creek Relief High School PD/LUP)

RURAL SETTLEMENTS NEAR EAST RIVER HIGH SCHOOL



Staff Recommendation

Make a finding of **consistency** with the Comprehensive Plan (see Future Land Use Element Objectives FLU8.2 and FLU8.7 and Policies FLU8.2.1, FLU8.7.7, and FLU8.7.9; Public School Facilities Element Policy PS5.3.2; Potable Water Element Policy PW1.4.2; and Wastewater Element Policy WW1.4.3), determine that the amendment is in compliance, and recommend **TRANSMITTAL** of Amendment 2018-2-A-5-1, Rural/Agricultural (R) to Educational (EDU).

Analysis

1. Background and Development Program

The applicant, Orange County Public Schools (OCPS), is seeking to acquire the 15.68-acre subject property, formerly the site of a container nursery, for the expansion of the adjacent East River High School campus. If purchased, OCPS intends to utilize the site for practice fields to support the school's athletic program. As stated in the application package, the fields will provide practice area for a variety of sports, including football, soccer, baseball, softball, and lacrosse. OCPS notes that East River High School's existing fields are not on par with practice fields at other high schools within its jurisdiction. The addition of upgraded fields will enable OCPS to further its goal of providing equitable facilities across the district.

The presently-vacant subject property lies within the County's Rural Service Area (RSA). As illustrated on the accompanying future land use and zoning maps, the site currently possesses a Future Land Use Map (FLUM) designation of Rural/Agricultural (R) and a zoning classification of A-2 (Farmland Rural District). As established in Future Land Use Element Policies FLU8.7.7 and FLU8.7.9 of the Orange County Comprehensive Plan, proposed public school facilities on Rural/Agricultural-designated land require a change in future land use to Educational (EDU), the category that encompasses public elementary, middle, and high schools and ninth grade centers. OCPS, therefore, is requesting the EDU designation for the subject parcel so that it may be added to the present East River High School campus, which is already classified as EDU.

Pursuant to Section 38-1751(b) of the Orange County Code, public high schools in the RSA are only permitted in the PD (Planned Development District) zoning category. As depicted on the zoning map, the present East River High School campus possesses the PD zoning classification (Timber Creek Relief High School PD), approved by the Board of County Commissioners (BCC) on October 23, 2007. To allow for the campus expansion, OCPS intends to request an amendment of the current Timber Creek Relief High School PD Land Use Plan (LUP) via the Land Use Plan Amendment (LUPA) rezoning process to incorporate the subject site. Staff anticipates that if the proposed FLUM Amendment is transmitted to the Florida Department of Economic Opportunity (DEO), a concurrent LUPA rezoning application will be considered during the adoption public hearing stage.

Community Meeting

A community meeting for this requested amendment was held on June 11, 2018, at East River High School. The meeting was hosted by the applicant, Julie Salvo of Orange County Public Schools (OCPS), and District 1 School Board member Joie Cadle. Staff from District 5 Commissioner Emily Bonilla's office were also in attendance, as well as staff from the Orange County Planning Division and Public Works. The Planning Division opened the meeting by reviewing the transmittal and adoption processes for proposed FLUM amendments and summarized OCPS' request to designate the subject property as Educational (EDU) and incorporate it into the Timber Creek Relief High

School PD via the Land Use Plan Amendment (LUPA) rezoning process. Ms. Salvo discussed the proposal to acquire the 15.68-acre site for practice fields for the East River High School athletic program and OCPS' commitment to the provision of equitable resources for both boys and girls sports. Ms. Salvo emphasized that the school presently has limited capacity to accommodate the needs of its athletic program and that additional practice fields are badly needed.

Twelve (12) neighborhood residents attended the meeting. Overall, the attendees expressed their possible support for the proposal. However, they voiced their desire for OCPS to provide certain guarantees regarding the development of the subject property during the approval process. Issues of concern included student access to the site via Hamilton Drive, a rural residential road; the potential for the evolution of the practice fields to playing fields over time and such related impacts to the surrounding residential neighborhood as lighting, noise, and access management. Attendees also communicated their objection to the opening of the practice fields to outside athletic organizations and private clubs and the use of Hamilton Drive by construction vehicles and stated that the provision of fencing is needed to prevent students from accessing the fields from Hamilton. OCPS responded to the residents' questions and the issues raised. OCPS has no intent to allow open access to the unlit practice fields from Hamilton Drive, although they did indicate that Orange County Public Works may require emergency access via Hamilton. OCPS stressed that they have limited funds and have no plans for vertical construction on the site, as their goal is to utilize it for practice fields only. OCPS added that they have no desire to allow outside athletic organizations to use the fields.

The meeting participants further emphasized the need for adherence to the Timber Creek Relief High School PD Conditions of Approval. Specifically, they raised concerns about nighttime noise from the existing stadium on the east side of the campus and the stadium's very loud PA system. Representatives from the Planning Division stated that the potential imposition of additional Conditions of Approval pertaining to access, fencing, lighting, and noise would be addressed via the associated LUPA rezoning, anticipated for concurrent consideration with the proposed FLUM Amendment during the adoption public hearing stage.

2. Project Analysis

Consistency

The proposed FLUM Amendment appears to be **consistent** with the applicable Goals, Objectives, and Policies of the Comprehensive Plan.

The 15.68-acre subject property is located in an area characterized by a mix of institutional uses, including the adjacent East River High School campus, large-lot single-family residential development, and agricultural activity. As depicted on the aerial photograph, the site is bounded to the north and east by the high school. Two large agricultural parcels featuring heavy vegetation along their eastern boundaries—one 16.57 acres in size, the other with an area of 21.92 acres—and a 4.02-acre single-family homesite abut the property to the west. Single-family lots, all exceeding four (4) acres in size, lie to the south of the property. Staff views the proposed practice fields as a low-impact use compatible with the development pattern of the surrounding area.

Staff finds the requested FLUM Amendment consistent with **Future Land Use Element Objective FLU8.7**, which establishes that Orange County shall promote safe and adequate public school site locations. As discussed previously, it is OCPS' assertion that East River High School's current practice fields are not on par with those of other high schools within its jurisdiction. The development of

upgraded fields on the subject site will allow OCPS to further its goal of providing equitable facilities across the district.

Despite the subject property's location within the RSA, the infrastructure needed to serve the expanded campus, as proposed, is already in place. Orange County Utilities (OCU) currently provides potable water and wastewater service to East River High School, with water and wastewater mains located within the right-of-way of East River Falcons Way. Although extension of these urban services to areas outside the County's Urban Service Area (USA) boundary is generally prohibited, **Potable Water Element Policy PW1.4.2** and **Wastewater Element Policy WW1.4.3** establish that public schools are among the exceptions. In addition, the Transportation Planning Division notes that the utilization of the site for practice fields for the school's athletic program will not increase the number of trips on the surrounding roadway network.

As addressed earlier, the application is consistent with **Future Land Use Element Policies FLU8.7.7 and FLU8.7.9**, which state that proposed public school facilities on Rural/Agricultural-designated land require a change in future land use to EDU. If this requested amendment is adopted, the subject site will possess the same EDU classification as the present East River High School campus, as illustrated on the existing and proposed future land use maps.

Staff further finds the proposed amendment consistent with **Public School Facilities Element Policy PS5.3.2**, which mandates that the school siting ordinance shall establish procedures for the review and coordination of plans for school sites. As stated in Section 38-1751(b) of the County's Public School Siting Regulations, last amended on April 25, 2017 (Ordinance 2017-06) and codified in Chapter 38, Article XVIII of the Orange County Code, public high schools in the RSA are only permitted in the PD zoning district. As shown on the existing and proposed zoning maps, the present East River High School campus already possesses the PD zoning classification (Timber Creek Relief High School PD). OCPS intends to seek an amendment to the current Timber Creek Relief High School PD Land Use Plan (LUP) via the Land Use Plan Amendment (LUPA) rezoning process to incorporate the A-2-zoned subject property into the PD boundary and set forth development standards for the campus expansion. Staff anticipates that if the requested FLUM Amendment is transmitted to DEO, it will be considered concurrently with the LUPA rezoning application during the adoption public hearing stage.

Compatibility

The proposed FLUM Amendment appears to be **compatible** with the development pattern of the surrounding area.

Future Land Use Element Objective FLU8.2 states that compatibility will 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 and development trend in the area. As discussed earlier, the subject property is located in an area characterized by a mix of institutional uses, including the adjacent East River High School campus, large-lot single-family residential development, and agricultural activity. As shown on the aerial photograph, the current high school site borders the requested expansion parcel to the north and east, and heavy vegetation and surface water are present on the abutting agricultural and residential properties to the west, providing a natural buffer. OCPS establishes in the application package that the subject property will be utilized solely for practice fields to support the school's athletic program. Staff adds that East River High School has an existing football stadium on the east side of its campus that is not proposed for relocation to the subject site, nor are lights proposed for nighttime use of the practice fields. Staff views the desired practice fields as a low-impact use compatible with the development pattern of the surrounding area.

In addition to its compatibility with neighboring land uses, the use of the property for practice fields will utilize water, wastewater, and transportation infrastructure that is already in place. As noted in the transportation analysis below, the proposed use of practice fields will not increase the number of trips on the existing roadway network. Staff, therefore, recommends transmittal of this requested amendment.

Division Comments: Environmental, Public Facilities, and Services

Environmental. The Orange County Environmental Protection Division (EPD) has reviewed the proposed site and determined that wetlands and surface water are located onsite. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a state application and an approved permit, to be provided to Orange County.

The site is located within the geographical limits of the Econlockhatchee River Protection Ordinance. Basin-wide regulations apply. Please reference Orange County Code Chapter 15, Article XI, Section 15-442. The basin-wide regulations include, but are not limited to, wetlands and protective buffers, wildlife habitat, stormwater, and landscaping with native plant species.

The Big Econlockhatchee River is located approximately 1,000 feet to the southwest. The Big Econ River is designated by the Florida Department of Environmental Protection (FDEP) as an Outstanding Florida Water. All development is required to pretreat stormwater runoff for pollution abatement purposes, per Orange County Code Section 34-227. Discharge that flows directly into wetlands or surface water without pretreatment is prohibited.

The subject site has a prior land use as a container nursery that may have resulted in soil and/or groundwater contamination due to spillage of petroleum products, fertilizers, pesticides, or herbicides. 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 FDEP Regulation 62-77, Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations.

Transportation. The Orange County Transportation Planning Division has reviewed the proposed development program to determine the need for a traffic study. Transportation Planning has concluded that a traffic study is not required for this proposed amendment, as the incorporation of the subject property into the existing high school campus and subsequent use for practice fields for the school's athletic program will not increase the number of trips on the area roadway network.

Utilities. The Orange County Utilities (OCU) Engineering Division has reviewed the proposed development program for consistency with the Comprehensive Plan's Potable Water, Wastewater, and Reclaimed Water Elements. The subject parcel is located within OCU's East Service Area. There is a 16-inch potable water main and a 4-inch forcemain within the right-of-way of East River Falcons Way. Reclaimed water, however, is presently unavailable in the vicinity of the site. Per OCU, no water or wastewater treatment plant improvements are needed to provide an adequate level of service consistent with the Potable Water and Wastewater Elements.

If the Urban Service Area boundary is expanded to encompass this property, or if the extension of water and wastewater mains outside the Urban Service Area to serve this site is already compatible with Policies PW1.4.2 and WW1.4.3, water and wastewater demands and connection points to existing OCU transmission systems will be addressed as the project proceeds through the DRC and construction permitting stages.

3. Policies

OBJ FLU8.2 – Compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

OBJ FLU8.7 – PUBLIC SCHOOLS. Orange County shall promote safe and adequate public school site locations. (For purposes of this Comprehensive Plan, the terms “public schools,” “schools,” “public school facilities,” “educational facilities,” and the like, shall mean (1) traditional, publicly supported and controlled schools under the jurisdiction of the Orange County School Board, consisting of kindergarten, elementary and/or secondary school grades, and (2) schools organized as a nonprofit organization that have applied for and received authorization from the School Board to operate a charter school for kindergarten, elementary and/or secondary school grades in accordance with Florida Statutes pertaining to charter schools, which became law in 1996, as that statute may be amended or replaced, but only where the permanent student capacity is 550 or greater.)

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.

FLU8.7.7 – In the event the School Board determines a public school facility is required in an area designated Rural/Agricultural on the Future Land Use Map, an amendment to the Future Land Use Map as EDU shall be required. The School Board may request an amendment to the Future Land Use Map at no cost.

FLU8.7.9 – Public educational facilities shall be allowed in future land use designations specified in Policies FLU8.7.5 through FLU8.7.7. Subsequent to the construction of those facilities, the Future Land Use Map may be amended to reflect an Educational (EDU) designation. Any plan amendments required under FLU8.7.7 in the Rural Service Area or under FLU8.7.6 in a Rural Settlement shall be designated EDU.

PS5.3.2 – The school siting ordinance shall establish procedures for the review and coordination of plans for school sites.

PW1.4.2 – Potable water service shall not be extended to areas outside the Urban Service Area except in the following circumstances:

- A. The facilities to be extended will serve a Growth Center, Lake Pickett, public school, or other exception areas as provided in the Comprehensive Plan;
- B. The Board of County Commissioners has made an affirmative finding that a public health hazard exists for existing development. Such facilities shall not serve as the basis for additional new development;
- C. The facilities are to be extended to provide adequate fire flows to existing developments which are located within one-half (1/2) mile of an existing water transmission main;
- D. For approved sector plans as provided for in the CP; and
- E. The circumstances described under Policy PW1.5.2 and Policy PW1.5.3.

This policy is not intended to preclude the use of conservation or rural areas for withdrawal or treatment facilities.







WW1.4.3 - Central wastewater facilities, consisting of wastewater treatment facilities, pump stations, force and gravity mains shall not be extended beyond the boundary of the

Urban Service Area except in the following circumstances:

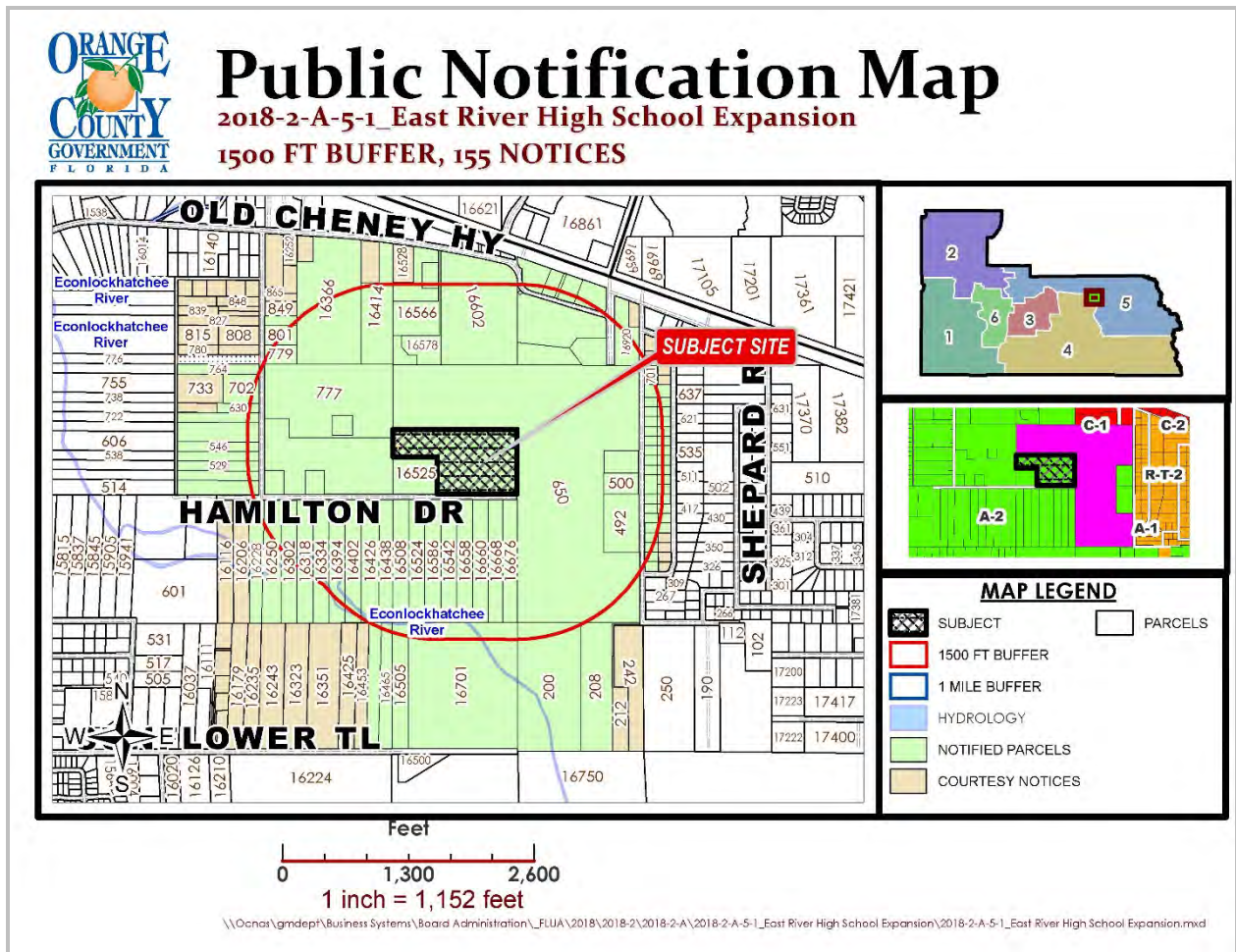
- A. The facilities to be extended will serve a Growth Center, public school, or other exception areas within Specific Area Plan (SAP) boundaries as provided for in the Comprehensive Plan (CP), or a Lake Pickett-designated area;
- B. The Board of County Commissioners has made an affirmative finding that a public health hazard exists for existing development. Such extended facilities shall not serve as a basis for additional new development;
- C. For approved sector plans as provided for in the CP;
- D. Those circumstances described under Policy WW1.5.2 herein.

This policy is not intended to preclude the use of conservation or rural areas for wastewater treatment facilities or the interconnecting of the overall system.

Site Visit Photos

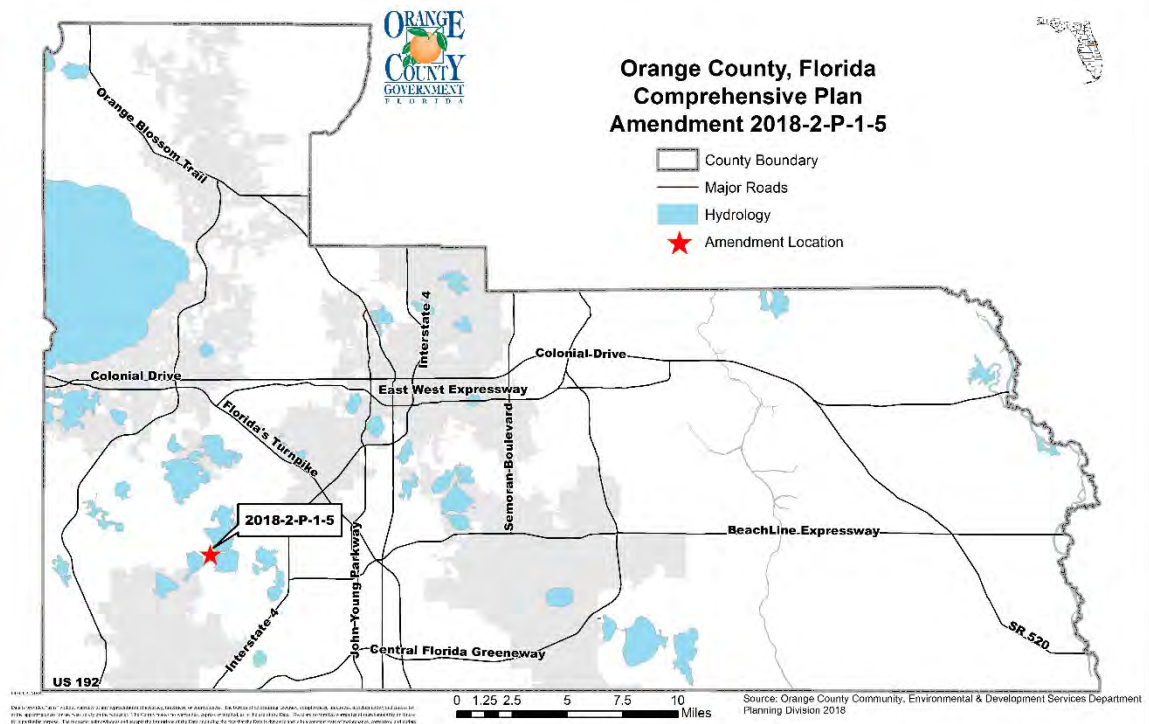
Subject Site	
	
North of Subject Site	South of Subject Site
	
West of Subject Site	East of Subject Site
	

PUBLIC NOTIFICATION



Notification Area

- 1,500 feet plus neighborhood and homeowners' associations within a one-mile radius of the subject site
- 155 notices sent



The following meetings and hearings have been held for this proposal:			Project/Legal Notice Information	
Report/Public Hearing	Outcome		Title:	Amendment 2018-2-P-1-5
✓	Staff Report	Recommend Do Not Transmit	Division:	Planning
	LPA Transmittal	June 21, 2018	Request:	Text amendment to amend proposed Future Land Use Element Policy FLU2.5.5, and create new Policy FLU2.5.5.1 related to the proposed Lake Mabel Rural Residential Enclave.
	BCC Transmittal	July 10, 2018	Revision:	(FLU2.5.5)
	Agency Comments	August 2018	Creation:	(FLU2.5.5.1)
	LPA Adoption	October 18, 2018	Public Facilities and Services:	Please see Public Facilities Analysis Appendix for specific analysis on each public facility.
	BCC Adoption	November 13, 2018	Environmental:	A Conservation Area Determination (CAD) is required.
			Transportation:	A traffic study is required.

Make a finding of **inconsistency** with the Comprehensive Plan, determine that the plan amendment is not in compliance (see Future Land Use Element Objective FLU8.2, and Policies FLU1.4.3, FLU1.4.4, FLU8.2.1, FLU8.2.11, and FLU8.8.1), and recommend **DO NOT TRANSMIT** Amendment 2018-2-P-1-5, revising proposed new Future Land Use Element Policy FLU 2.5.5 and creating Policy FLU2.5.5.1.

A. Background

This proposed text amendment (2018-2-P-1-5) is a privately initiated text amendment to amend the Comprehensive Plan policies proposed by amendment 2018-2-C-FLUE-1. The applicant is proposing to revise the Rural Residential Enclave policies to add additional standards that would apply only to four (4) parcels totaling 10.61 acres located at the eastern portion of the Lake Mabel Rural Residential Enclave. The applicant has indicated that the purpose of the revised policies is to allow for a development program consisting of a 121,193 square foot assisted living facility with one-hundred ten (110) beds, and seventeen (17) independent senior dwelling units. A Planned Development (PD) rezoning would be required to implement the proposed development program for the 10-acre subject site.

In 2015, Orange County began a small area study process for four existing residential neighborhoods located within or in close proximity to the Orange County Urban Service Area (USA) boundary. The “Rural Residential Enclaves” of Lake Mabel, Chickasaw, Berry Dease, and Rocking Horse are characterized as established neighborhoods with a homogeneous and stable low-density residential development pattern. Each Rural Residential Enclave includes well-defined or fairly-defined geographic boundaries, and the presence of historic, physical, environmental, regulatory, or other site-specific constraints. In addition to maintaining rural development patterns and characteristics, the County recognized that the Rural Residential Enclaves were experiencing pressure from surrounding urban development as the County continues to grow. The goal of the Rural Residential Enclaves Study was to guide future planning in these neighborhoods by establishing Comprehensive Plan provisions that balanced private land development opportunities with the needs and expectations of local residents. Throughout the small area study process, the County has worked with all residents and property owners within these neighborhoods through numerous discussions and community meetings to determine a suitable and equitable solution.

On April 24, 2018, the Board of County Commissioners (BCC) transmitted staff-initiated Comprehensive Plan Amendment (2018-2-C-FLUE-1) to establish Rural Residential Enclave policies and maps to the State’s Department of Economic Opportunity (DEO) for continued review. The amendment included minimum lot sizes and rural corridor design guidelines within the Lake Mabel, Chickasaw, and Berry Dease enclaves. Final adoption hearings before the Local Planning Agency (LPA) and the BCC are tentatively scheduled for June 21, 2018 and July 10, 2018, respectively. The proposed Rural Residential Enclave policies establish a definition and intent for Rural Residential Enclaves, delineate the boundaries of the proposed enclaves, and establish development standards, sizes that are the product of three years of County and community collaboration. The policies specific to the Lake Mabel Enclave, the Enclave to which the current amendment would apply, are intended to preserve and/or enhance its rural residential character and require minimum one (1) acre lots.

This request has been submitted pursuant to **Future Land Use Element Policy FLU8.8.1 B. e**, which allows consideration of a privately-initiated text amendment if the Planning Manager determines the amendment may be submitted for processing. It was the applicant’s position that a plan could be developed that would be compatible with, and maintain the integrity of the desired Lake Mabel Rural Residential Enclave large lot, single family character and that guiding policies could be prepared that would assure this. Consistent with this policy, the Planning Manager determined that an application intended to achieve this could be submitted.

B. Analysis

Upon review of the applicant's proposed policy changes and materials presented at the community meeting, staff has determined that the proposed amendment would result in an incompatible development pattern and should not be transmitted for continued review.

As identified in **Future Land Use Element Objective OBJ FLU8.2**, compatibility is the fundamental consideration in all land use and zoning decisions made by the County. While **Future Land Use Element Policy FLU8.2.11** states that compatibility does not have to mean a use that is identical to those uses that surround it, it does require consideration of the physical integration of a project and its function in the broader community, as well as its contribution toward Comprehensive Plan Goals and Objectives. In addition, **Future Land Use Element Policy FLU8.2.1** requires land use changes to be compatible with the existing development and development trend in the area. The proposed amendment does not include a Future Land Use Map (FLUM) change, but it does constitute an increase in allowable development on the subject property to an extent that is incompatible with the scale of development in the Lake Mable Enclave. Throughout the small area study process, the Lake Mabel community and County staff worked together to identify what scale and type of development would be appropriate for the area. The development standards proposed by amendment 2018-2-C-FLUE-1 will reduce the allowable density for three of the four proposed Rural Residential Enclaves from what is permitted under the Comprehensive Plan Policies as they exist at the writing of this staff report. The Lake Mabel Enclave, however, will increase from one (1) dwelling unit per ten (10) acres to one (1) dwelling unit per acre, with required minimum one (1) acre lot sizes.

The applicant's proposed development program for the subject site is also inconsistent with **Neighborhood Element Objective N1.1** and **Future Land Use Element Policy FLU1.4.2** which maintain that Orange County shall ensure that Future Land Use changes are compatible with, do not adversely impact, and serve existing or proposed neighborhoods. As previously discussed, staff finds that the intensity of the proposed development would be incompatible with and adversely impact the existing Lake Mable Enclave community. Further, **Future Land Use Element FLU1.4.4** requires new commercial developments be designed and located in a way that does not disrupt established residential areas. The Orange County Code considers assisted living facilities, especially those with a nursing component, as a commercial use because of their more intensive on-site activities. This is despite the fact that such facilities display many of the characteristics of a multi-family residential use and in this case includes several detached senior housing units. Nonetheless, it is a more intensive use than adjacent, desired land uses.

The applicant's proposed development program for the subject site was presented at a May 3, 2018, community meeting. Approximately half of the residents in attendance expressed support for the pending Lake Mabel Policy provisions as recommended by the County, and opposition to the applicant's proposed development. Staff has determined that the proposed development conflicts with the agreed upon rural vision for the Lake Mabel community.

Proposed Text Amendment

Following are the policy revisions proposed by this amendment. The text in black is part of the County Initiated Rural Residential Enclave policies included in amendment 2018-2-C-FLUE-1, and the text in *italicized red* is the additional language proposed by the applicant. The staff recommendation is **DO NOT TRANSMIT** the amendment.

FLU 2.5.5. Clustering of Residential units to accommodate smaller lot sizes than prescribed by Maps 25(a) through 25(d) of the Future Land Use Map Series shall be prohibited *except within the Lake Mable Rural Residential Enclave as may be authorized under Policy FLU 2.5.5.1.*

FLU 2.5.5.1. Subject to approval of a Planned Development Zoning District, senior adult housing and care facilities may be permitted within the Lake Mable Rural Residential Enclave when sited on a minimum of ten (10) gross acres of which at least five (5) acres must be upland acres, and where public water and wastewater lines exist in an abutting right-of-way. Senior adult housing and care facilities must be designed in context with its rural setting, while ensuring compatibility with existing development and preserving important environmental features. Cottages for independent living shall not exceed 1.9 units per developable acre and assisted living for more senior residents shall not exceed 110 beds, all integrated within the property as required by this Policy.

Division Comments: Environmental, Public Facilities and Services

Environmental Protection Division

Areas on the rear of the subject properties are comprised of wetlands that extend offsite and are hydrologically connected to Lake Mabel. A Conservation Area Determination (CAD) must be completed prior to approval of this amendment request, consistent with Orange County Code Chapter 15, Article X Wetland Conservation Areas. Lake Mabel is located within the Windermere Water and Navigation Control District Municipal Service Taxing Unit (MSTU) or Municipal Service Benefit Unit (MSBU) established for the purpose of funding lake management services. To the extent that this project is part of the taxing district or benefits from Lake Mabel, it shall be required to be a participant.

This site is located in close proximity to the Tibet Butler Preserve. 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, that the adjacent land use includes publicly managed property. The notice shall indicate that the adjacent property will require the use of resource management practices that may result in periodic temporary conditions that may limit outdoor activities. These practices will include, but not be limited to, ecological burning, pesticide and herbicide usage, exotic plant and animal removal, usage of heavy equipment and machinery, and other practices as may be deemed necessary for proper resource management.

Portions of the subject properties had a prior agricultural land use that may have resulted in soil or groundwater contamination due to spillage of petroleum products, fertilizer, pesticide or herbicide. Prior to platting, demolition, site clearing, grading, grubbing, or review of mass grading and 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 Division (EPD) and the Development Engineering (DE) Division.

The applicant is responsible for addressing any adverse impacts, including secondary impacts, to surface waters or wetlands that may occur as a result of development of the site. Protective measures include, but are not limited to, a 25-foot minimum undisturbed upland buffer along the wetland boundary, signage, and pollution abatement swales upland of the buffer if adjacent to surface waters and if drainage is not diverted to treatment. 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 for determining 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). The ecological assessment submitted with this request (dated February 12, 2018) reported the presence of listed species on site, including gopher tortoise and sand skink habitat. 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.

All development is required to pretreat storm water runoff for pollution abatement purposes, per Orange County Code Section 34-227. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. If a septic system is required or in use, the applicant has been advised to notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application, modification or abandonment.

Transportation Planning Division

A traffic study is required for submittal for this project.

C. Policy References

FLU1.4.2 Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.

FLU1.4.4 The disruption of residential areas by poorly located and designed commercial activities shall be avoided. Primary access to single-family residential development through a multi-family development shall be avoided. (Added 12/00, Ord. 00-25, Policy 3.2.12-r).

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.

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.

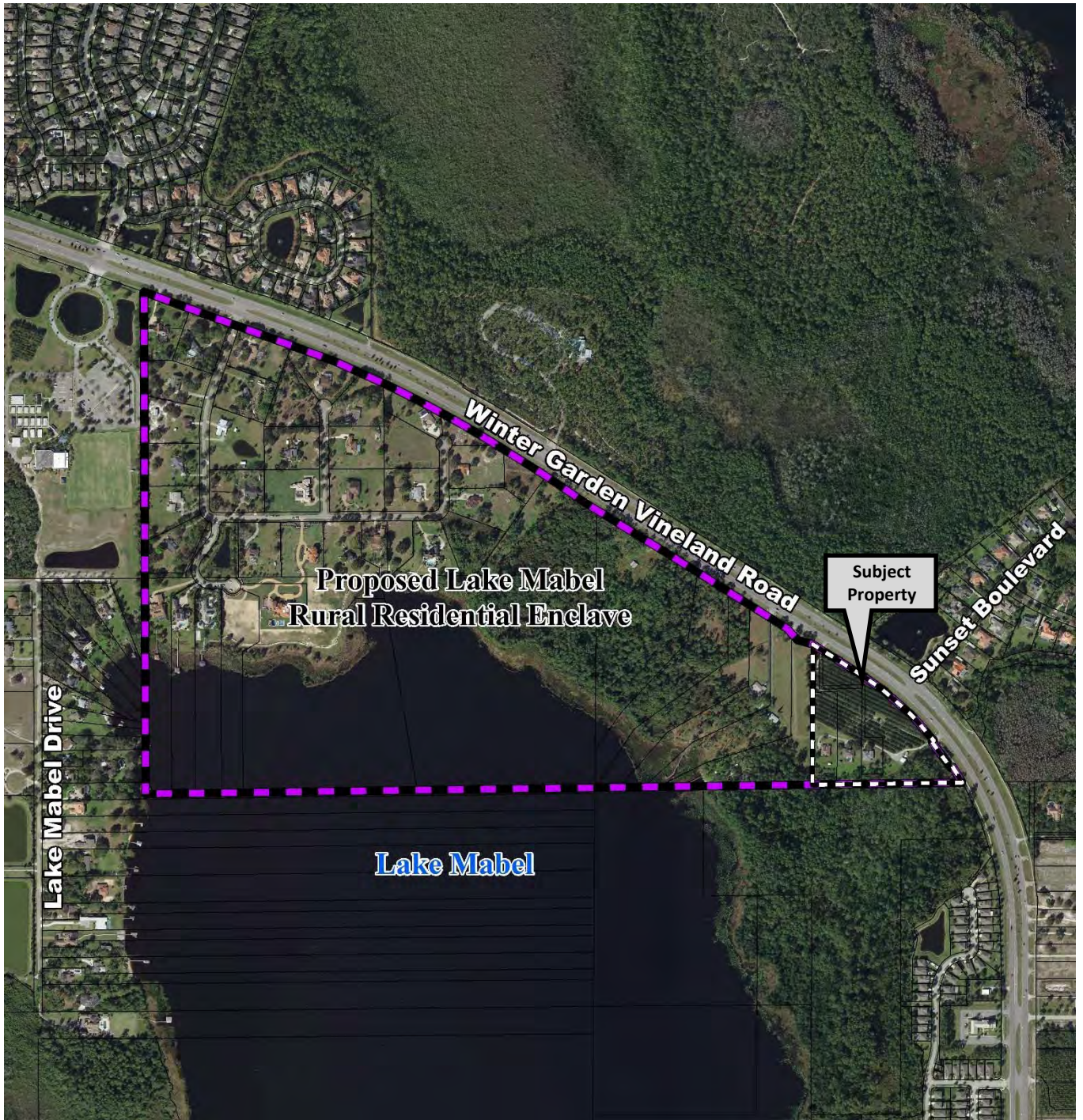
FLU8.2.11 Compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

FLU8.8.1 Amendments to the Comprehensive Plan Goals, Objectives, and Policies and large scale Future Land Use Map (FLUM) amendments shall be considered no more than two times a year, unless the amendment is a staff-initiated FLUM or text amendment, or a privately-initiated FLUM amendment continued to a date certain at the request of the Board of County Commissioners. Nothing in this policy shall preclude the more frequent consideration of amendments to the Future Land Use Map in association with Developments of Regional Impact, Florida Quality Developments, or small-scale development activities. The County may require DRIs to be submitted concurrently with Future Land Use Map Amendment requests.

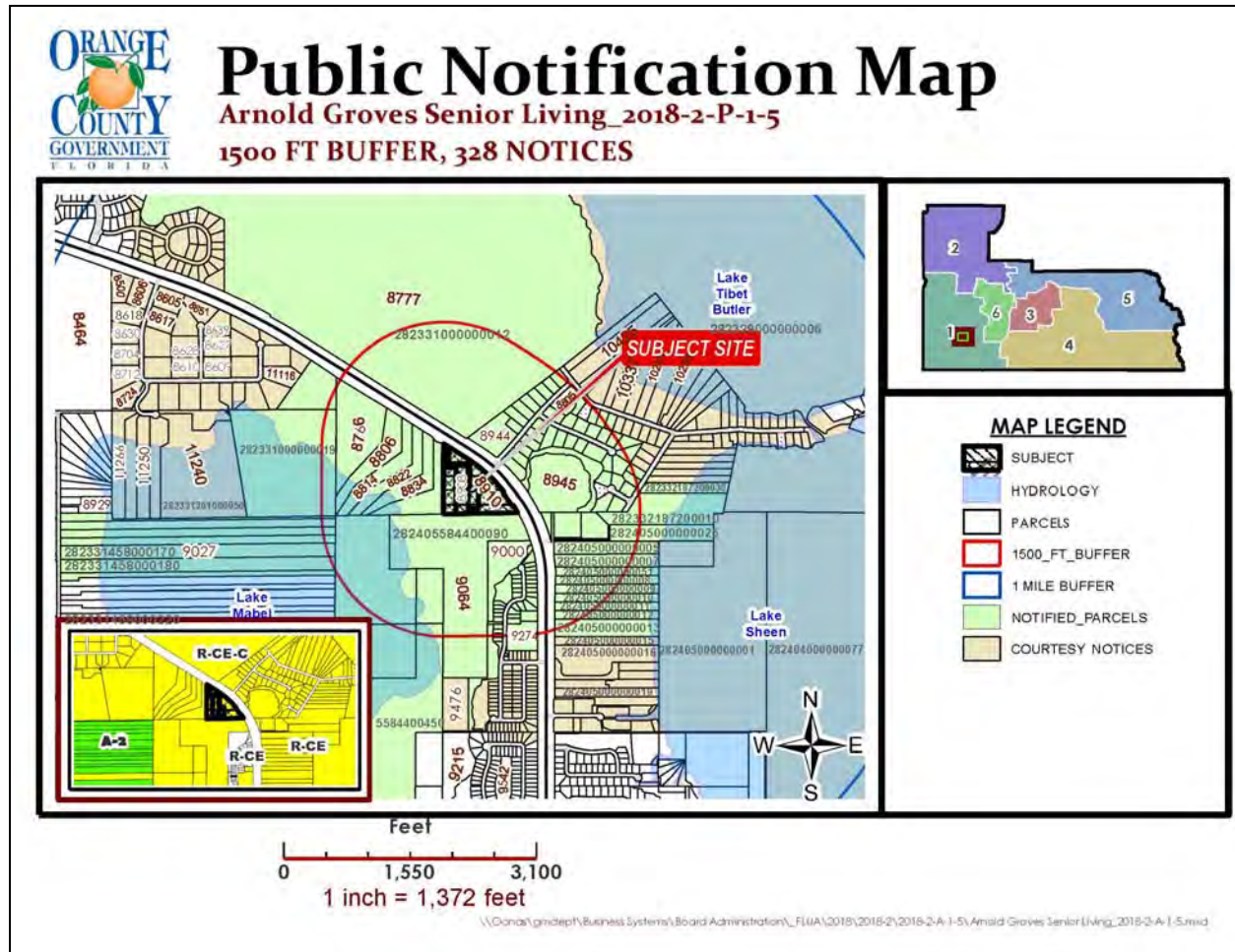
- A. Privately-initiated text amendments may be submitted for Horizon West and the Innovation Way Overlay (Scenario 5) in conjunction with a Future Land Use Map amendment or as a stand-alone text amendment during a large-scale Comprehensive Plan amendment cycle. Privately-initiated text amendments in these areas may not be processed out-of-cycle, unless the amendments are associated with a DRI or Florida Quality Development. The Horizon West and Innovation Way Overlay planning processes involved comprehensive and extensive public participation and visioning efforts, and as such, were designed for applicant submittals consistent with their master plans.
- B. Privately-initiated text amendments, not within Horizon West or the Innovation Way Overlay (Scenario 5), may be accepted for processing twice-per-year as part of a large-scale Comprehensive Plan amendment cycle when any of the following conditions have been satisfied:
 - a) The proposed amendment supports a Workforce Housing project consistent with the Workforce Housing Task Force Report (2007);
 - b) The proposed amendment supports an infill development project consistent with the Infill Master Plan (2008);
 - c) The proposed amendment supports a transit-related development project consistent with the Transportation Element and Transit Oriented Development Overlay;
 - d) The proposed amendment supports a development project meeting nationally recognized Green Building and Energy Conservation standards; or
 - e) The Planning Manager determines the amendment may be submitted for processing. In making a determination, the Planning Manager will consider whether the proposed amendment maintains the internal consistency of the Comprehensive Plan, furthers the overall goal of the Comprehensive Plan, directly relates to a Future Land Use Map Amendment, and has a limited geographic effect. The Planning Manager will also evaluate whether the proposal contravenes the Comprehensive Plan, Land Development Code, or state law. The Planning Manager's denial to process a proposed text amendment may be appealed to the Board of County Commissioners. No privately-initiated text amendments will be processed out-of-cycle unless associated with a DRI or Florida Quality Development.
 - f) Text amendments may be submitted for small scale map amendments when the text amendments are directly related to and simultaneously adopted with the corresponding small

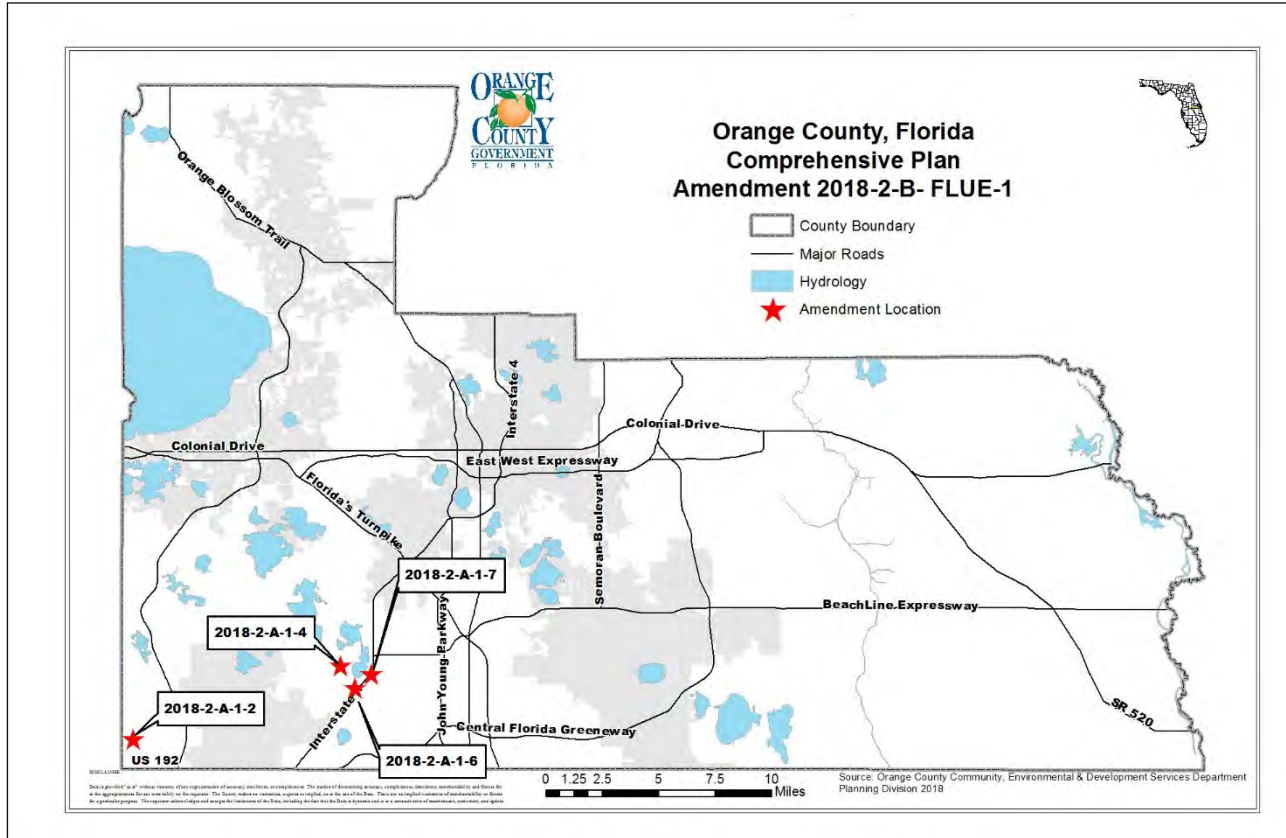
OBJ N1.1 Orange County shall ensure that future land use changes are compatible with or do not adversely impact existing or proposed neighborhoods.

Figure 1 – Proposed Lake Mabel Rural Residential Enclave / Subject Property



PUBLIC NOTIFICATION MAP





The following meetings and hearings have been held for this proposal:		
Report/Public Hearing	Outcome	
✓ Staff Report	Recommend Transmittal	
LPA Transmittal	June 21, 2018	
BCC Transmittal	July 10, 2018	
Agency Comments	August 2018	
LPA Adoption	October 18, 2018	
BCC Adoption	November 13, 2018	

Project/Legal Notice Information
Title: Amendment 2108-2-B-FLUE1
Division: Planning
Request: Amendments to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County
Revision: FLU8.1.4

Staff Recommendation

Make a finding of consistency with the Comprehensive Plan, determine that the plan amendment is in compliance, and recommend **Transmittal** of Amendment 2018-2-B-FLUE-1 to include the development programs for Amendments 2018-2-A-1-2, 2018-2-A-1-4, 2018-2-A-1-6, 2018-2-A-1-7 in Future Land Use Element Policy FLU8.1.4.

A. Background

The Orange County Comprehensive Plan (CP) allows for a Future Land Use designation of Planned Development. While other Future Land Use designations define the maximum dwelling units per acre for residential land uses or the maximum floor area ratio (FAR) for non-residential land uses, this is not the case for the Planned Development (PD) designation. Policy FLU8.1.3 establishes the basis for PD designations such that “specific land use designations...may be approved on a site-specific basis”. Furthermore, “such specific land use designation shall be established by a comprehensive plan amendment that identifies the specific land use type and density/intensity.” Each comprehensive plan amendment involving a PD Future Land Use designation involves two amendments, the first to the Future Land Use Map and the second to Policy FLU8.1.4. The latter serves to record the amendment and the associated density/intensity established on a site-specific basis. Any change to the uses and/or density and intensity of approved uses for a PD Future Land Use designation requires an amendment of FLU8.1.4.

Staff is recommending the Board make a finding of consistency with the Comprehensive Plan and approval of Amendments 2018-2-A-1-2, 2018-2-A-1-4, 2018-2-A-1-6, and 2018-2-A-1-7; therefore, the development program for these amendments would be added to Policy FLU8.1.4. For specific references of consistency with the Comprehensive Plan, please refer to the staff report for each amendment.

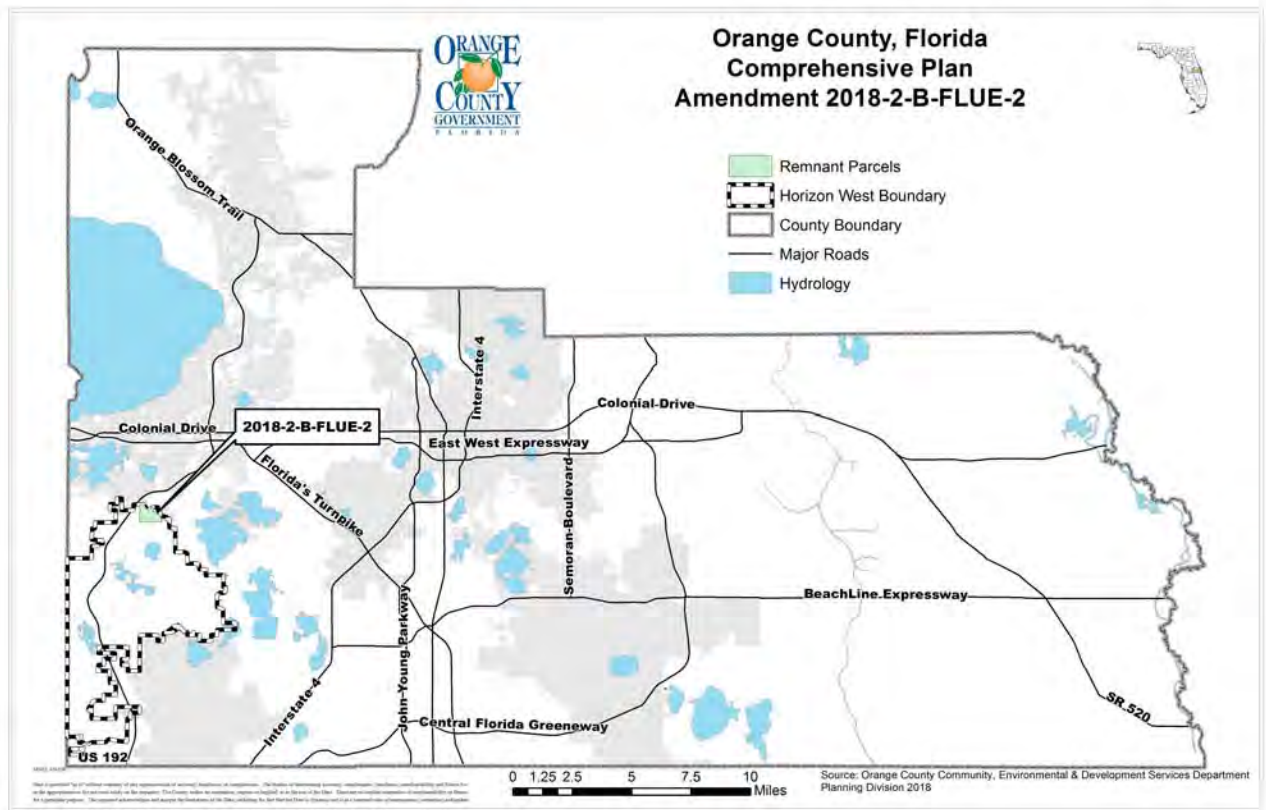
B. Policy Amendments

Following are the policy changes proposed by this amendment. The proposed changes are shown in underline/~~strikethrough~~ format. Staff recommends transmittal of the amendment.

FLU8.1.4 The following table details the maximum densities and intensities for the Planned Development (PD) Future Land Use designations that have been adopted subsequent to January 1, 2007.

Amendment Number	Adopted FLUM Designation	Maximum Density/ Intensity	Ordinance Number
<u>2018-2-A-1-2</u> <u>Lake Austin</u>	<u>Growth Center-Planned Development-Resort/Low-Medium Density Residential (GC-PD-R/LMDR)</u>	<u>500 single-family dwelling units (may be any combination of age-restricted, short-term rental, or market rate housing)</u>	<u>2018-</u>

<p><u>2018-2-A-1-4</u> <u>Kerina Parkside</u></p>	<p><u>Planned Development- Commercial/Office/Medium Density Residential/Low Density Residential/Senior Living/Conservation (PD-C/O/MDR/LDR/Senior Living/CONS)</u></p>	<p><u>Single-family residential: 450 dwelling units</u> <u>Multi-family residential: 350 dwelling units</u> <u>Senior living: 200 units (may include independent living, assisted living, memory care, and/or related supporting uses</u> <u>Commercial: 100,000 square feet of C-1 (Retail Commercial District) uses</u> <u>Office: 50,000 square feet</u> <u>Park: 3.0 acres</u> <u>Conservation land/open space: 93.0 acres</u></p>	<p><u>2018-</u></p>
<p><u>2018-2-A-1-6</u> <u>Hannah Smith</u></p>	<p><u>Planned Development- Commercial/Medium-High Density Residential (PD-C/MHDR)</u></p>	<p><u>Residential – 1,800 dwelling units</u> <u>Commercial – 415,142 square feet</u></p>	<p><u>2018-</u></p>
<p><u>2018-2-A-1-7</u> <u>Turkey Lake Condos</u></p>	<p><u>Planned Development-Time Share/Medium-High Density Residential/Hotel/Office (PD- TS/MHDR/HOTEL/O)</u></p>	<p><u>Up to 505 timeshare units, up to 424 multi- family units, up to 1,009 hotel rooms, or 366,340 square feet of office</u></p>	<p><u>2018-</u></p>



The following meetings/hearings have been held for this proposal:		Project/Legal Notice Information
Report/Public Hearing	Outcome	Title: Amendment 2018-2-B-FLUE-2
✓ Staff Report	Recommend Transmittal	Division: Planning
LPA Transmittal June 21, 2018		Request: Text amendment to FLUE Policies 4.1.9 and 4.5.1 to address appropriate and compatible development patterns for remnant parcels within the Horizon West Special Planning Area boundary that are not part of an approved Village. More specifically, the proposed policy language promotes residential densities that are appropriate and compatible with adjacent development patterns; ensures appropriate cross access to adjacent remnant parcels; and continues to recognize the need to maintain or provide a greenbelt to define the approved Village in manner that enhances existing greenbelt corridors or wildlife/wetland connections.
BCC Transmittal July 10, 2018		
Agency Comments August 2018		
LPA Adoption October 18, 2018		Revision: FLUE Policies 4.1.4, 4.1.9, and 4.5.1
BCC Adoption November 13, 2018		

Staff Recommendation

Make a finding of consistency with the Comprehensive Plan, determine that the plan amendment is in compliance, and recommend **TRANSMITTAL** of Amendment 2018-2-B-FLUE-2, revising Future Land Use Element Policies 4.1.9 and 4.5.1.

A. Background

Orange County established a Village Land Use Classification to realize a long range planning vision for southwest Orange County in the Horizon West Special Planning Area. Villages are designed according to General Village Principles established in FLU4.1.1, including a requirement in paragraph "F" that each Village have a well-defined edge consisting of upland greenbelts or wildlife / environmental corridors permanently protected from development. FLU4.1.9 establishes a process for amending Village boundaries to include remnant parcels that were excluded from an adjacent Village, and discourages the addition or deletion of properties that would further create remnant areas or fragmented Villages. When reducing the number of remnant parcels, such changes and adjustments are evaluated for consistency with the General Village principles and other Horizon West criteria, including but not limited to minimum densities, Adequate Public Facilities (APF), open space and upland greenbelts, and Transferable Development Rights (TDR).

Policy FLU4.5.1 requires that each Village and the Town Center be surrounded by a definable upland greenbelt that averages 500 feet in width. The Policy also allows this width to be reduced when a visual separation can be achieved with topography and other physical features. FLU4.5.1 also recognizes the benefits of concentrating Village greenbelt acreage for purposes of enhancing wildlife corridors and wetland connections; preserving valuable uplands; or protecting critical Floridan Aquifer sites. The policy further states that in no case may the greenbelt separation between Villages be less than 300 feet.

B. Summary of Proposed Changes

In order to reduce the number of remnant parcels within the Horizon West Special Planning Area, the proposed change would allow the addition of remnant parcels into an approved Village at appropriate and compatible densities provided the intent of the Greenbelt policy can be met. Notwithstanding the criteria of Policies FLU4.1.1.F, FLU4.1.9, and FLU4.5.1, this amendment would allow remnant parcels within the Horizon West Special Planning Area to be aggregated into an adjacent approved Village boundary, when separated by a previously established and well-defined greenbelt. When the aggregation of remnant parcels along the perimeter of an existing Village boundary is proposed, a new or relocated greenbelt may not be required in situations where the previously established greenbelt provides greater environmental benefits, or the where the existing concentration of upland open space creates a more logical and definable Village edge.

C. Policy Amendments

The proposed policy changes are listed below and are depicted in underline/~~strikethrough~~ format.

FLU4.1.9 Beyond the approved boundaries of the six Villages, the property in the Village Land Use Classification shall maintain the future land use designation existing prior to the Village Land Use Classification Amendment (e.g. Rural: 1 dwelling unit per 10 acres, Conservation, Rural Settlement), except for those projects that are vested. All applications for development approval (i.e. lot splits, special exceptions, variances, etc.) on any property within the Village Land Use Classification shall be reviewed on a case-by-case basis for the effects of such development approval on adopted Villages.

The property in the Village Land Use Classification that is adjacent to the boundaries of an approved Village may apply to amend the Village boundary to include said property through a Comprehensive Plan Amendment. Addition or deletion of properties to/from an existing Village shall not result in creation of remnant areas or fragmented Villages. Contiguous remnant parcels located beyond an existing approved Village boundary which have a Village Land Use Classification and may not be able to functionally or physically integrate with the adjacent Village, may be aggregated into the Village with appropriate and compatible residential densities. Such parcels shall further meet the intent of FLU4.5.1 by concentrating any required open space and conservation areas adjacent to the previously established Village greenbelt. Additionally, such parcels must provide roadway and pedestrian stub outs to adjacent remnant parcels with the Village Land Use Classification for eventual cross access.

Within the approved Village boundaries, all applications for development approval (i.e. lot splits, special exceptions, variances) under the existing zoning shall be evaluated for compatibility with all applicable policies of the Comprehensive Plan. Changes and adjustments to the land use designations for each Village shall be processed as a Planned Development (PD) rezoning (if property does not yet have a PD zoning designation), or PD Land Use Plan Amendment, or Change Determination Request (CDR) to the existing PD. Such changes and adjustments shall be evaluated for consistency with the following, and shown on the Horizon West Special Planning Area Land Use Map when approved:

- General Village principles outlined in FLU4.1.1;
- Minimum densities for each Village summarized in FLU4.1.4;
- Consistency with Adequate Public Facilities (APF) and open space requirements for each Village identified in FLU4.2.2, FLU4.6.8 and/or APF Ordinance; and
- Consistency with Village Greenbelt requirements of FLU4.5.1 and Transfer of Development Rights (TDR) provisions for each Village identified in FLU4.5.3, FLU4.5.4 and/or TDR Ordinance.

FLU4.5.1 Village Greenbelts. In addition to requirements for formal parks and neighborhood greens, greenbelts surrounding each Village and the Town Center averaging 500 feet in width shall be required at the perimeter of each Village. This greenbelt must be provided to discourage sprawl by creating a definable Village and provide a permanent undeveloped edge, except as set forth in FLU4.3.2, so that planning a Village within limited spaces takes on meaning. Topography and other physical features may allow this width to be reduced where visual separation can be accomplished with less distance. Where it may be beneficial to concentrate the acreage to enhance wildlife corridors, wetland connections, or preserve valuable uplands and protect sites critical for Floridan Aquifer protection, the greenbelt may be concentrated in one section of the Village perimeter. In no case shall the greenbelt separation between villages be less than 300 feet. Subject to subdivision regulations and conservation area protection requirements, access drives and bicycle/pedestrian paths may be allowed within the greenbelt/buffer to connect properties that would otherwise be denied reasonable access. Development standards for access drives and pedestrian/bicycle paths through greenbelt/buffer shall be addressed in the Village and Town Center Development Codes.

When remnant parcels with the Village Land Use Classification are proposed to be aggregated into a contiguous Village boundary, a new or relocated greenbelt may not be required when the previously established greenbelt provides greater environmental benefits, or where the existing concentration of upland open space creates a more logical and definable Village edge. In such cases, the intent of

FLU4.5.1 shall be met by concentrating the required open space and wetlands on the remnant parcel contiguous to an existing greenbelt corridor or wildlife/wetland system serving as the greenbelt.

D. Referenced Policies

FLU4.1.1 General Village Principles. Each Village Specific Area Plan (SAP) shall be designed based on an urban development pattern, which encourages the formation of a suburban village while ensuring the provision of adequate public facilities and services concurrent with development and protection of environmental quality.

- A. Planning for the Village shall be in the form of complete and integrated neighborhoods containing housing, shops, workplaces, schools, parks and civic facilities essential to the daily life of the Village residents.
- B. Village size shall be designed so that housing is generally within a 1.2 mile radius of the Village Center (shops, services and other activities). This radius may be relaxed where natural or community facilities and services interrupt the design.
- C. A Village shall contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries.
- D. The Village and each neighborhood shall have a center focus that combines commercial, civic, cultural and recreational uses. Higher density residential development should be encouraged in proximity to these centers, with the highest density/attached housing encouraged in proximity to the Village Center. These residential and adjacent uses shall be sufficiently integrated to support convenient and comfortable pedestrian and bicycle movement and enhance the viability of future transit connections. (Amended 11/16, Ord. 2016-26)
- E. The Village shall contain an ample supply of specialized open space in the form of squares, greens and parks whose frequent use is encouraged through placement and design.
- F. Each Village shall have a well-defined edge, such as greenbelts or wildlife corridors permanently protected from development.
- G. Local and collector streets, pedestrian paths and bike paths shall contribute to a system of fully connected and interesting routes from individual neighborhoods to the Village Center and to other villages. Their design should encourage pedestrian and bicycle use by being spatially defined by buildings, trees, and lighting; and by discouraging high-speed traffic.
- H. Wherever possible, the natural terrain, drainage and vegetation of the area shall be preserved with superior examples contained within parks or greenbelts.
- I. The Village Center shall be designed to encourage and accommodate future linkage with the regional transit system. (Added 6/95, Ord. 95-13; Amended 5/97, Ord. 97-07; Amended 05/01, Ord. 01-11, Policy 6.1.1; Amended 11/13, Ord. 2013-22; Amended 11/16, Ord. 2016-26)



Community Meeting Memorandum

DATE: May 5, 2017
TO: Gregory Golgowski, Chief Planner, Comprehensive Planning
FROM: Nicolas Thalmueller, Planner
SUBJECT: Amendment 2018-2-A-1-1 Community Meeting Synopsis
C: Project File

Location of Project: 14950 and 14908 Tilden Rd.; Generally located south of Tilden Rd., west of Winter Garden Vineland Rd., and east of Tiny Rd. and SR 429

Property Identification: 10-23-27-0000-00-033 (portion of) and
10-23-27-0000-00-034 (portion of)

Meeting Date and Location: May 1, 2018 at Bridgewater Middle School

Attendance:

District Commissioner:	Betsy VanderLey, District 1 Commissioner Diana Dethlefs, District 1 Commissioner Aide
Planning Division staff:	Nicolas Thalmueller, Planning Division Steven Thorp, Planning Division Maria Cahill, Planning Division Greg Golgowski, Planning Division
Other County staff:	Renzo Nastasi, Transportation Planning Division Manager
Residents:	90 residents 1,033 community meeting notices sent

Overview of Project:

The applicant, Kathy Hattaway with Poulos & Bennett, LLC, has requested to expand the Horizon West Village of Bridgewater boundary to incorporate the 30.80-acre subject property and to establish the Special Planning Area land use of Garden Home District and Open space/Greenbelt, and Wetland. The subject site is located within the Horizon West study area and is designated Village (V) on the Future Land Use Map (FLUM). Per the Orange County Comprehensive Plan, beyond the approved boundaries of the six Villages, properties designated Village (V) shall maintain the FLUM designation existing prior to the Village Land Use Classification Amendment (e.g. Rural: 1 dwelling unit per 10 acres, Conservation, Rural Settlement). The Horizon West Special Planning Area Garden Home District permits a density of four (4) residential units per acre. There are approximately 20.15 upland developable acres on the subject property, which would allow up to eighty (80) dwelling units if the request is approved. However, there is a Transfer of Development Rights (TOD) ordinance in effect for the Horizon West Villages. Per the TOD ordinance, if the Garden Home District were approved, this property would be eligible to acquire enough to allow up to 8 units per acre, or up to 161 units on the property. The property will have to rezone to Planned Development but there is currently no request to change the zoning.

Meeting Summary:

Nicolas Thalmueller opened the meeting at 6:05 P.M. and introduced Orange County Staff. Following an explanation of expected conduct during the meeting by Commissioner VanderLey, Mr. Thalmueller explained the Village Future Land Use classification, the process for incorporating Village designated properties into the adopted Horizon West villages, and the Transfer of Development Rights (TDR) ordinance. Mr. Thalmueller briefly summarized the plan amendment request that would allow up to 160 dwelling units with TDRs as single family detached, attached or condominiums, and reviewed the process and timeline for the plan amendment. Clarifying that a Planned Development (PD) rezoning application would be required to run concurrently with the Comprehensive Plan amendment, Mr. Thalmueller noted that through PD review process, issues including a specific development program and development standards would be discussed.

The applicant, Kathy Hattaway with Poulos & Bennett, LLC, stated that the proposed use for the subject site was single family detached dwelling units on lots larger than 50' in width, and that the project will adhere to all of the Horizon West development standards. Ms. Hattaway also made clear that although the request identified the maximum number of dwelling units that the Comprehensive Plan policies would permit on the property, site constraints and development standards would prohibit that development at that density.

The area residents who attended the meeting raised a variety of concerns regarding the proposed development including the requested maximum density and the impact it would have on the surrounding school and transportation facilities. Specifically on transportation, numerous residents noted concerns with Tilden Road, which is at capacity, and argued that Tilden Road cannot accommodate the scale of development, which is a safety issue, as well as,

the significant congestion, and delay currently being experienced by area residents on other area roads such as CR 545. Orange County transportation staff, Renzo Nastasi, stated that intersection improvements are scheduled in the long-range transportation plan for Tilden Road and Tiny Road and that although Tilden Road is not scheduled for widening, the County is working with the City on improvements to CR 545. In response to concerns about the currently.

In response to several statements from residents that the school system would be negatively affected, the applicant explained that they are beginning discussions with Orange County Public Schools and that a Capacity Enhancement Agreement with the school board will be required for the proposed development.

Concerns with the plan amendment included the size and density of the development and the lack of information on the specific development plan for the area. Several representatives from the City of Winter Garden attended the meeting and cited the City's opposition to the proposed density. Development Consultant Ed Williams, City Manager Mike Bollhoefer, and District 4 City Commissioner Colin Sharman each stated that the proposed density for the subject site would be incompatible with surrounding development patterns in both the City and County, and that the development would negatively impact the surrounding roadway system. The City's representatives proposed a reduced density of 2.5 residential dwelling units per acre for the subject site. Many residents also stated that they were not opposed to any development on the subject site, but that a density of 2.5 residential units per acre would be more appropriate and would not create as much of an impact on the already overburdened road and school systems. However, some recommended keeping the existing Rural (R) FLUM designation that would allow three (3) dwellings on the property.

Another issue for area residents would be the easement for a cell tower, and the precedent that would be set by approval of this level of development for other undeveloped properties along Tilden. Residents acknowledged a property owners right to request a change in land use, but noted they are not entitled to the change. That when Commissioners make exceptions for one development, it becomes more difficult to hold the line on other requests. The applicant's representative stated that no cell tower is planned for the site, and that their request is consistent with the lowest density currently allowed in the Village of Bridgewater Special Planning Area.

The meeting adjourned at 7:30 P.M and the overall tone was **NEGATIVE**.



Community Meeting Memorandum

DATE: May 25, 2018
TO: Alberto A. Vargas, MArch., Planning Manager
FROM: Sue Watson, Planner
SUBJECT: Amendment 2018-1-A-1-2 (Lake Austin) Community Meeting Synopsis
C: Project File

Location of Project: Generally described as located west of Avalon Road, and north and south of Grove Blossom Way

Meeting Date and Location: Thursday, May 24, 2018 at 6:00 PM at Independence Elementary School, 6255 New Independence Parkway, Winter Garden, FL 34787

Attendance:

District Commissioner	District 1 Commissioner Betsy VanderLey Diana Dethlefs, Commissioner's Aide, District 1
PZC/LPA Commissioner	District 1 Commissioner Jimmy Dunn
Orange County Staff	Sue Watson, Jennifer DuBois, and Alyssa Henriquez Planning Division Diana Almodovar, County Engineer, Public Works Department
Applicant	
Residents	Kathy Hattaway, Poulos & Bennett

103 notices sent; 3 residents in attendance

Overview of Project: The applicant, Kathy Hattaway, is requesting to change the Future Land Use Map (FLUM) designation of the 108.03-acre subject property from Growth Center/Resort/Planned Development (GC/R/PD) to Growth Center-Planned Development-Resort/Low-Medium Density Residential (GC-PD-R/LMDR). The applicant proposes a development program of up to 500 single-family residential dwelling units. (The units may be any combination of age-restricted, short-term rental, or market rate housing.) The property lies within the existing Lake Austin Planned Development with approval for 3,332 short-term rental units, 10,000 square feet of commercial uses, and 20,000 square feet of administration uses.

Meeting Summary: Planner Sue Watson opened the meeting at 6:14 PM and introduced District 1 Commissioner Betsy VanderLey, who provided the ground rules for the format of the community meeting. Ms. Watson then introduced District 1 Commissioner Aide, Diana Dethlefs, District 1 PZC/LPA Commissioner Jimmy Dunn, Jennifer DuBois and Alyssa Henriquez of the Orange County Planning Division, Diana Almodovar, County

Engineer, Orange Public Works Department, and the applicant, Ms. Kathy Hattaway. Ms. Watson informed the residents in attendance that the original request involved two requests - South Parcel: Growth Center/Resort/Planned Development (GC/R/PD) to Growth Center-Planned Development-Resort/Low-Medium Density Residential (GC-PD-R/LMDR) and North Parcel: Village (V) to Horizon West, Village I Special Planning Area (SPA) Greenbelt (GB), but the Orange County Planning Division's Senior Staff determined that the North Parcel Future Land Use Map Amendment request was not necessary. The applicant will just have to rezone the north parcels from A-2 (Farmland Rural District) to P-D (Planned Development District) and bring them into the existing Lake Austin Planned Development through a Land Use Plan Amendment. Ms. Watson stated that the applicant, Ms. Hattaway, agreed with Orange County Planning Division's Senior Staff decision. 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 Growth Center/Resort/Planned Development (GC/R/PD) to Growth Center-Planned Development-Resort/Low-Medium Density Residential (GC-PD-R/LMDR). Staff summarized the Future Land Use Map Amendment process and the schedule for the LPA and BCC public hearings. Ms. Watson asked the citizens if they had any questions. There were no questions and staff turned the meeting over to the applicant, Kathy Hattaway.

Ms. Hattaway provided an overview of the proposal. She stated the Future Land Use Map Amendment request is to be able to construct a maximum of 500 single-family dwelling units. The units would consist of a combination of age-restricted, short-term rentals, and market rate housing. Ms. Hattaway stated that the proposed owner-occupied homes would comply with the Horizon West Architectural Design Standards. She stated access to the proposed units would be provided through Grove Blossom Way and through an internal road that will be provided to the north through Horizon West Village I because the same property owner owns both properties. Ms. Hattaway stated that a Capacity Enhancement Agreement (CEA) is required from the Orange County School Board for the owner-occupied homes. Ms. Hattaway also stated that a Conservation Area Determination (CAD) was previously done for the property but it has expired a new one has been submitted to the Orange County Environmental Protection Division. Ms. Hattaway informed the residents in attendance that she could not tell them the specific number of unit types at this time but they will be determined when the PD package is submitted after the BCC transmittal public hearing. She also informed the residents that the North Parcels that were part of the original request would be used for stormwater ponds. Ms. Hattaway asked if there were any questions.

Questions and Comments from area residents:

Question: Why change from short-term rentals and the existing uses?

Answer: Ms. Hattaway stated the new property owner has a different business model.

Question: County Engineer, Ms. Diana Almodovar, asked what is happening in Lake County, west of the subject property.

Answer: Ms. Hattaway stated that a Planned Development, Summer Bay P.U.D, and agricultural uses are located to the west of the subject property.

Comment: Ms. Almodovar stated that County will have to request right-of-way dedication for Grove Blossom Way.

Question: Mr. David Hume, Grove Resort representative asked if the proposed project warrants signalization at Avalon Road and Grove Blossom Way.

Question: Ms. Almodovar stated a traffic study paid for by the property owner would need to be done by the Orange County Traffic Engineering Division, but as it stands today, the proposed development does not warrant signalization.

Question: Mr. Hume stated that previously the Grove Resort showed an east-west internal street connection to the proposed property and he wanted to know if the internal road would still be built.

Answer: Ms. Hattaway stated the property owner does not have any need for the connection.

Comment: Ms. Hattaway stated that the proposed neighborhoods within the PD would have to be separated from each other—short-term rentals and market rate homes. The uses could not be mixed with each other.

Comment: Ms. Hattaway stated she was asking for Low-Medium Density Residential (LMDR) to limit the request to about five (5) units per acre and that they did not want to build at the maximum of ten (10) units per acre.

Question: What is age-restricted and what is short-term rentals?

Answer: Ms. Hattaway informed the resident that age-restricted is 55+ and short-term rentals can be rented for less than 180 days.

Comment: Commissioner VanderLey stated that the County is watching the City of Orlando's Airbnb Ordinance. The County wants to see how it is working before they draft their own.

The meeting concluded at approximately 6:44 PM.



Community Meeting Memorandum

DATE: June 14, 2018
TO: Gregory Golgowski, AICP, Chief Planner, Comprehensive Planning
FROM: Jennifer DuBois, Planner II
SUBJECT: Amendment 2018-2-A-1-3 (World Resort PD/LUP)—Community Meeting Memo
C: Project File

Location of Project: Generally located north and south of Poinciana Boulevard, east of SR 535, south of SR 417, and north of the Orange/Osceola County line.

Parcel ID Numbers: 35-24-28-5844-00-732/741/870/871/880 and 35-24-28-5844-01-050

Meeting Date and Location: Thursday, May 17, 2018 at 6:00 p.m. at Sand Lake Elementary School, 8301 Buena Vista Woods Boulevard, Orlando, FL 32836

Attendance:

District Commissioner: District 1 Commissioner Betsy VanderLey
Diana Dethlefs, Aide to Commissioner VanderLey

PZC/LPA Commissioners: District 1 Commissioner Jimmy Dunn and
At-Large Commissioner Paul Wean

Orange County Staff: Jennifer DuBois, Nicolas Thalmueller, and Maria Cahill, Planning
Division; Diana Almodovar, Development Engineering Division;
and Mirna Barq, Development Engineering Division

Applicant Team: Rebecca Wilson and Kathryn Smith, Lowndes, Drosdick, Doster,
Kantor & Reed, P.A.
Rashid Khatib and Michael Kuck, Intram Investments, LLC

Residents 636 notices sent; one (1) member of the public in attendance

Overview of Project:

The applicant, Miranda Fitzgerald, is seeking to change the Future Land Use Map (FLUM) designation of the 23.13-acre subject property from **Activity Center Mixed Use (ACMU)** to **Activity Center Residential (ACR)** to allow for the development of a multi-family residential community featuring up to 650 dwelling units. The undeveloped site—comprised of six individual parcels (Parcels 35-24-28-5844-00-732/741/870/871/880 and 35-24-28-5844-01-050)—is a portion of the 30.1-acre World Resort Planned Development (PD), currently entitled for the development of up to 1,231 hotel rooms and 50,000 square feet of retail space. The remaining 4.41-acre parcel within the World Resort PD (Parcel 35-24-28-0000-00-028) is not included in the requested amendment and will retain its present ACMU designation.

In conjunction with this requested amendment, a proposed substantial change to the currently-approved World Resort PD Land Use Plan (Case CDR-18-04-111), reflecting the proposed revisions to the PD's development program, is proceeding through the DRC review process. Staff notes that it is the applicant's intent to add trip equivalencies for multi-family residential development to the Land Use Conversion Matrix and to convert existing hotel entitlements to multi-family units through the use of the matrix, with a maximum of 650 multi-family units to be incorporated into the Approved Land Uses table. The applicant further proposes to relegate the PD's remaining non-residential entitlements to Parcel 35-24-28-0000-00-028, scheduled to retain the ACMU designation. Staff anticipates that Case CDR-18-04-111 will be considered by the BCC in conjunction with the proposed FLUM Amendment during the adoption public hearing stage.

Meeting Summary:

Commissioner VanderLey, her aide, Diana Dethlefs, PZC/LPA Commissioners Dunn and Wean, the applicant team, and Orange County staff introduced themselves and provided an overview of the proposed FLUM Amendment, the associated PD/LUP substantial change request, and the public hearing schedule.

The one attendee had questions regarding the proposed development program, the public hearing process, the timing of the Poinciana Boulevard extension, school capacity, and onsite wetlands but voiced no objection to the proposed multi-family project.

Commissioner VanderLey thanked the meeting attendee for his participation.

The meeting concluded at 6:30 p.m.

The tone was **Positive**.



Community Meeting Memorandum

DATE: June 14, 2018
TO: Gregory Golgowski, AICP, Chief Planner, Planning Division
FROM: Jennifer DuBois, Planner II
SUBJECT: Amendment 2018-2-A-1-4 (Kerina Parkside PD/LUP) – Community Meeting Memo
C: Project File

Location of Project: Generally located east and west of S. Apopka-Vineland Road, south of Buena Vista Woods Boulevard, and north of Lake Street.

Parcel ID Numbers: 10-24-28-0000-00-005/053, 10-24-28-6670-11-000, 15-24-28-5844-00-050/071/130/142, and 15-24-28-5844-00-211 (portion of)

Meeting Date and Location: Tuesday, May 15, 2018 at 6:00 p.m. at Sand Lake Elementary School, 8301 Buena Vista Woods Boulevard, Orlando, FL 32836

Attendance:

District Commissioner: District 1 Commissioner Betsy VanderLey
Amy Berman, Aide to Commissioner VanderLey

PZC/LPA Commissioner: District 1 Commissioner Jimmy Dunn

Orange County Staff: Jennifer DuBois and Maria Cahill, Planning Division; Diana Almodovar, Development Engineering Division; Sarah Bernier, Environmental Protection Division

Orange County Public Schools: Julie Salvo, Facilities Planning

Applicant Team: Miranda Fitzgerald and Kathryn Smith, Lowndes, Drosdick, Doster, Kantor & Reed, P.A., and Jeff Newton, Donald W. McIntosh Associates, Inc.

Residents: 126 notices sent; 95 members of the public in attendance

Overview of Project: The applicant, Miranda Fitzgerald, is seeking to change the Future Land Use Map (FLUM) designation of the 215.67-acre subject property, presently undeveloped, from Low Density Residential (LDR), Low-Medium Density Residential (LMDR), and Rural/Agricultural (R) to Planned Development-Commercial/Office/Medium Density Residential/Low Density Residential/Senior Living/Conservation (PD-C/O/MDR/LDR/Senior Living/CONS). The property—consisting of approximately 123.07 upland acres and 92.60 acres of wetlands—comprises the undeveloped Tracts 4, 5, 6, 7, 8, and 9 of the 485.10-acre Kerina Parkside Planned Development (PD), formerly known as the Parkside PD.

Initially approved on December 6, 2005 (Case Z-05-014), the Kerina Parkside PD was last amended by the Orange County Development Review Committee (DRC) on February 22, 2017, as a non-substantial change to the PD Land Use Plan (Case CDR-17-01-021). Per the current PD Land Use Plan (LUP), the subject property is presently entitled for up to 575 townhome units, 305 condominium units, a 3.0-acre park, and 93.0 acres of conservation land/open space. The applicant is now proposing a new development program of up to 450 single-family dwelling units featuring a mix of housing types, 350 multi-family dwelling units, 200 senior living units (which may include independent living, assisted living, memory care, and/or related supporting uses), 100,000 square feet of C-1 (Retail Commercial District) uses, 50,000 square feet of office uses, a 3.0-acre park, and 93.0 acres of conservation land/open space.

In conjunction with this requested amendment, a proposed substantial change to the currently-approved Kerina Parkside PD Land Use Plan (Case CDR-18-04-110), reflecting the proposed revisions to the PD's development program, is proceeding through the DRC review process. Staff notes that while the proposed FLUM Amendment encompasses Tracts 4, 5, 6, 7, 8, and 9 of the PD, the requested land use changes are applicable to Tracts 4, 7, and 8, as Tracts 5, 6, and 9 are dedicated conservation and open space tracts. Staff anticipates that Case CDR-18-04-110 will be considered by the BCC in conjunction with the proposed FLUM Amendment during the adoption public hearing stage.

Meeting Summary: Commissioner VanderLey opened the meeting and welcomed those in attendance.

Senior Planner Jennifer DuBois provided an overview of the proposed amendment and associated PD/LUP substantial change request. She informed the meeting participants of the upcoming LPA and BCC transmittal and adoption public hearing dates.

The applicant, Miranda Fitzgerald, provided a brief history of the Kerina Parkside PD and discussed the present and requested development programs. Ms. Fitzgerald gave an overview of the changes that have occurred in the surrounding area since the PD's initial approval in 2005, particularly in regard to the planned construction of the four-lane Daryl Carter Parkway Extension, which will link S. Apopka-Vineland Road and Palm Parkway. She informed the area residents that construction of the roadway is scheduled to commence in January 2019, with completion expected in January 2021. Ms. Fitzgerald asserted that she expects the Daryl Carter Parkway Extension to transform the area, thus justifying the requested increase in density and intensity of development on the undeveloped portions of the Kerina Parkside PD. She added that she anticipates that the Florida Department of Transportation's (FDOT's) planned I-4/Daryl Carter Parkway Interchange, an element of the "I-4 Beyond the Ultimate" project, will further change the character of the area. However, no definitive timeline for its construction has been established to date. Commissioner VanderLey stated that she has been working with FDOT to move up the construction of the interchange in its project timetable.

The majority of attendees expressed their objection to the request, voicing frustration about the traffic and congestion on area roadways, particularly S. Apopka-Vineland Road. Commissioner VanderLey sympathized with their plight. Area residents voiced their skepticism that the Daryl Carter Parkway Extension would alleviate the current traffic problem on S. Apopka-Vineland Road. Several attendees stated that their traffic problems will worsen when the Dr. Phillips Relief High School and middle school open in 2022 and 2026, respectively.

While the meeting attendees did not appear to object to the residential components of the proposed project, including senior living, they voiced their concern about the introduction of commercial and

office uses. Several participants stated that such development would be contrary to the findings of the 1999 Orange Center Study, which recommended allowing higher-density townhome and condominium development on the subject property to serve as an area of transition between the lower-density single-family detached residential development to the north and the higher-intensity tourist-oriented activity on the ACMU-classified parcels to the south. Area residents expressed their belief that the area already has a preponderance of shopping and dining opportunities; asserting that more are not needed in their community. Several attendees stated that the proposed road improvements—including the construction of the Daryl Carter Parkway Extension and the I-4/Daryl Carter Parkway Interchange—should first be completed and evaluated prior to the consideration of new commercial and office development.

Commissioner VanderLey thanked the meeting participants for their participation and encouraged them to contact her office and those of the Mayor and her fellow Commissioners with their questions and concerns.

The meeting concluded at 7:30 p.m.

The tone of the meeting was **negative**.



Community Meeting Memorandum

DATE: May 24, 2018
TO: Alberto A. Vargas, MArch., Planning Manager
FROM: Sue Watson, Planner
SUBJECT: Amendment 2018-1-A-1-6 (Hannah Smith) Community Meeting Synopsis
C: Project File

Location of Project: Generally described as located north of Interstate 4 and south of Fenton Street

Meeting Date and Location: Wednesday, May 23, 2018 at 6:00 PM at Sand Lake Elementary School, 8301 Sand Lake Woods Boulevard, Orlando, FL 32836

Attendance:

District Commissioner	District 1 Commissioner Betsy VanderLey Diana Dethlefs, Commissioner's Aide, District 1
PZC/LPA Commissioners	
Orange County Staff	District 1 Commissioner Jimmy Dunn At-Large Commissioner Paul Wean
Applicant	Sue Watson, Gregory Gologowski, Steven Thorp, and Alyssa Henriquez Planning Division
Residents	Diana Almodovar, County Engineer, Public Works Department Renzo Nastasi, Manager, Transportation Planning Erika Hughes, VHB, Inc. Chuck Whittal, Unicorp National Developments, Inc. Jim Hall

67 notices sent; 29 residents in attendance

Overview of Project: The applicant, VHB, Inc., is requesting to change the Future Land Use Map (FLUM) designation of the 84.32-acre subject property from Activity Center Mixed Use (ACMU), Activity Center Residential (ACR), and Low-Medium Density Residential (LMDR) to Planned Development-Commercial/Medium-High Density Residential (PD-C/MHDR). The applicant proposes a development program of up to 1,800 residential dwelling units and up to 415,142 square feet of commercial uses. The subject property lies within the existing Hannah Smith Planned Development with approval for 282 hotel units, 564 timeshare units, 250 multi-family residential units, and 487,765 square feet of commercial uses.

Meeting Summary: Planner Sue Watson opened the meeting at 6:08 PM and introduced District 1 Commissioner Betsy VanderLey, who provided the ground rules for the format of the community meeting. Ms. Watson then introduced District 1 PZC/LPA Commissioner Jimmy Dunn, At-Large PZC/LPA Commissioner Paul Wean, Gregory Golgowski, Alyssa Henriquez, and Steven Thorp of the Orange County Planning Division, Diana Almodovar, County Engineer, Orange Public Works Department, Renzo Nastasi, Manager, Transportation Planning, and the applicants, Ms. Erika Hughes, VHB, and Chuck Whittal, Unicorp National Developments, Inc. 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 Activity Center Mixed Use (ACMU), Activity Center Residential (ACR), and Low-Medium Density Residential (LMDR) to Planned Development-Commercial/Medium-High Density Residential (PD-C/MHDR). Staff summarized the Future Land Use Map Amendment process and the schedule for the LPA and BCC public hearings. Ms. Watson asked the citizens if they had any questions. There were no questions and staff turned the meeting over to the applicant, Chuck Whittal.

Mr. Whittal presented a PowerPoint presentation of the proposed development that will be named OTown West and will be comprised of commercial uses, multi-family and single-family residential dwelling units. Mr. Whittal stated he wanted the OTown West development to be a sense of place with living, entertainment, and shopping. Some of the commercial uses proposed are grocery stores, a convenience store, fast food restaurants, and an entertainment complex. A water show with dancing lights will also be included and will be located in the middle of the development. Mr. Whittal stated he is building a parking garage as well. Mr. Whittal stated he is requesting 1,800 residential units that will consist of both single-family residences and apartments. The total includes the 250 recently approved multi-family dwelling units within the Hannah Smith Planned Development. He stated the apartments would be upscale. Mr. Whittal asked if there were any questions.

Questions and Comments from area residents:

Question: Are the apartments rentals or for sale?

Answer: Mr. Whittal stated that the apartments would be rentals.

Question: What is the height of the apartment buildings?

Answer: Mr. Whittal stated he has not come up with the height yet; they may be 8' to 13'.

Question: Is there a market for \$2,000 month rent for apartments?

Answer: Mr. Whittal said yes. He mentioned two of his other apartment complexes that he recently built and stated that all the units are leased.

Question: Are the houses designed for tourists or for someone to live there?

Answer: Mr. Whittal stated the houses would not be for short-term rentals.

Question: What is the time frame for construction?

Answer: Mr. Whittal stated February/March 2019 and opening middle/late 2020. The Daryl Carter Parkway construction is important and the construction is tied to the timing of the Parkway. Daryl Carter Parkway construction will begin in November 2018 and it will take about two years to complete.

Question: Could you downscale the project?

Answer: Mr. Whittal stated they could build more timeshares on the property today.

Comment: One resident stated he didn't agree with the density increase and that developers want to build more apartments. This resident supported the commercial but did not support the request for more density.

Answer: Mr. Hall stated that ACMU is the most flexible FLUM designation and the traffic will be substantially less.

Comment: One resident commented about the increased reduced lunch percentage in his community. It went from 23% to 46%

Comment: One resident stated he did not know how the increased density would affect his property.

Answer: Mr. Whittal stated they were lowering the density on the property.

Comment: One resident commented about the access.

Answer: Mr. Nastasi stated that there would be a full interchange at I-4 and Daryl Carter Parkway.

Comment: Mr. Whittal stated that the Crossroads Shopping Center is going away and the proposed amendment would contain commercial uses- restaurants, grocery stores, convenience stores, etc.

Comment: You guys are destroying our neighborhood.

Answer: Commissioner VanderLey stated that the County has to uphold the law for your property and other property owners' rights. The County will not break the law and the developers have to comply with County laws (Zoning and Comprehensive Plan).

Comment: The schools can't keep up because of all the housing that is being built.

Answer: Commissioner VanderLey stated she has not made a decision on the project. As far as schools are concerned, Orange County Public Schools makes the decision to build schools.

Question: Why is the PD named Hannah Smith and you're calling the project OTown West?

Answer: Mr. Hall answered the name came from the original owner of the property.

The meeting concluded at approximately 7:15 PM.



Community Meeting Memorandum

DATE: May 6, 2018
TO: Greg Golgowski, Chief Planner
FROM: Misty Mills, Planner II
SUBJECT: Amendment 2017-2-A-1-7 – Community Meeting Notes
C: Project file

Location of Project: 10900 Turkey Lake Road; Generally located south of Sand Lake Reserve Drive, east of Big Sand Lake, west of Turkey Lake Road.

Meeting Date and Location: Thursday, May 10, 2018 Bay Meadows Elementary School

Attendance:

District Commissioner	Commissioner Betsy VanderLey
	Amy Berman Assistant to Commissioner VanderLey
Orange County staff	Misty Mills and Gregory Golgowski, Planning Division
Applicant team	Momtaz Barq, P.E. (applicant) and Jonathan Huels
Residents	116 notices sent; 30 residents in attendance

Overview of Project: The applicant has requested to amend the Future Land Use designation of the 52.04- gross acre/16.82 net acre site. The petitioned site is currently undeveloped. The request is to amend the future and use map designation from **Planned Development Timeshare/ Medium Density Residential/Hotel/ Office (PD-TS/MDR/Hotel/O)** to **Planned Development Timeshare/ Medium-High Density Residential/ Hotel/ Office (PD-TS/MHDR /Hotel/O)**. The applicant is proposing to construct 424 multi-family residences as part of the Turkey Lake Road Condos Planned Development.

Meeting Summary: Mrs. Mills provided an overview of the future land use amendment process. She noted that the first public hearing is scheduled for Thursday, June 21, 2018, in the Council Chambers. Jonathan Huels, explained that proposal to change the future land use designation from Planned Development Timeshare/ Medium Density Residential/Hotel/ Office (PD-TS/MDR/Hotel/O) to Planned Development Timeshare/ Medium-High Density Residential/ Hotel/ Office (PD-TS/MHDR/Hotel/O) to allow the an increased in the approved density on the subject site. He explained the entitlements on the site that were approved in 2001. He noted that from the time of approval until the 2017 Conservation Area Determination the petitioned site decreased by 2.98 acres. Due to the decrease in net developable acres the agent explained, the applicant would impact the conservation area to recapture the wetlands or could change the density to recapture what was lost.

Approximately 30 residents were in attendance. The residents inquired about a number of

items including: passage of time from approval and loss of developable acreage, the market for apartments in the area, water rights, impacts to schools, traffic on Turkey Lake Road, traffic noise, and I-4 Ultimate.

One resident expressed opposition to the request, explaining that the property has been owned since 2005 and has had twelve years to build and had the time to construct to building. There were questions about water rights to Big Sand Lake. Mr. Huels stated that this was not part of the application and would be a separate request, and could not give an answer to if the applicant would request water rights.

The primary concern was traffic on Turkey Lake Road. Diana Almodovar, Manager for Development Engineering, Public Works, explained that the applicant submitted a traffic study that will demonstrate the needs and impacts within one (1) mile from the project. The agent explained that impacts from the project were determined in 2001 and that they have entitlements in place and impact fees have been paid.

The District Commissioner concluded the open question and answer session at 6:45 and allowed those in attendance to ask individual questions until the meeting concluded at 7:00.

The meeting adjourned at 7:00 p.m. The overall tone of the meeting was **neutral**.



Community Meeting Memorandum

DATE: June 12, 2018
TO: Greg Gologowski, Chief Planner
FROM: Maria Cahill, AICP Planner III
SUBJECT: Amendment 2018-2-A-5-1 – Community Meeting Notes
C: Project file

Location of Project: Parcel 20-22-32-0000-00-003 on Hamilton Drive; Generally located north of Hamilton Drive, east of Lockwood Drive, south of Old Cheney Highway, and west of Story Partin Road.

Meeting Date and Location: Monday, June 11, 2018 at 6:00 at East River High School

Attendance:

District Commissioner	Ashton Holland, aide to District 5 Commissioner Emily Bonilla
Orange County staff	Jennifer DuBois, Maria Cahill and Steven Thorp, Planning Cristina Pichardo-Cruz, Traffic Engineering
Applicant team	Julie C. Salvo, AICP Facilities Planning, Orange County Public Schools (OCPS), Joie Cadle, District 1 School Board Member
Residents	155 notices sent; twelve (12) residents in attendance

Overview of Project: Orange County Public Schools is proposing a change to the FLUM designation of the 15.68-acre subject parcel from **Rural/Agricultural (R)** to **Educational (EDU)** in order to acquire the site for incorporation into the current East River High School campus and utilize the property for practice fields for the school's athletic program.

Meeting Summary: Ms. Jenny DuBois, Orange County Planning Division opened the meeting by reviewing the transmittal and adoption processes for proposed FLUM amendments and summarized OCPS' request to designate the subject property as Educational (EDU) and incorporate it into the Timber Creek Relief High School PD via the Land Use Plan Amendment (LUPA) rezoning process. Ms. Salvo discussed the proposal to acquire the 15.68-acre site for practice fields for the East River High School athletic program and OCPS' commitment to the provision of equitable resources for both boys and girls sports. Ms. Salvo emphasized that the school presently has limited capacity to accommodate the needs of its athletic program and that additional practice fields are badly needed.

Twelve (12) neighborhood residents attended the meeting. Overall, the attendees expressed their possible support for the proposal. However, they voiced their desire for OCPS to provide certain guarantees regarding the development of the subject property during the approval process. Issues of concern included student access to the site via Hamilton Drive, a rural residential road; the potential for the evolution of the practice fields to playing fields over time and such related impacts to the surrounding residential neighborhood as lighting, noise, and access management. Attendees also communicated their objection to the opening of the practice fields to outside athletic organizations and private clubs and the use of Hamilton Drive by construction vehicles and stated that the provision of fencing is needed to prevent students from accessing the fields from Hamilton. OCPS responded to the residents' questions and the issues raised. OCPS has no intent to allow open access to the unlit practice fields from Hamilton Drive, although they did indicate that Orange County Public Works may require emergency access via Hamilton. OCPS stressed that they have limited funds and have no plans for vertical construction on the site, as their goal is to utilize it for practice fields only. OCPS added that they have no desire to allow outside athletic organizations to use the fields.

The meeting participants further emphasized the need for adherence to the Timber Creek Relief High School PD Conditions of Approval. Specifically, they raised concerns about nighttime noise from the existing stadium on the east side of the campus and the stadium's very loud PA system. Representatives from the Planning Division stated that the potential imposition of additional Conditions of Approval pertaining to access, fencing, lighting, and noise would be addressed via the associated LUPA rezoning, anticipated for concurrent consideration with the proposed FLUM Amendment during the adoption public hearing stage.

The meeting adjourned at 6:45 p.m. The overall tone of the meeting was mixed.



Community Meeting Memorandum

DATE: June 6, 2018
TO: Gregory Golgowski, Chief Planner, Comprehensive Planning
FROM: Nicolas Thalmueller, Planner
SUBJECT: Amendment 2018-2-P-1-5 Community Meeting Synopsis
C: Project File

Location of Project: Generally located south and west of Winter Garden Vineland road, northeast of Lake Mabel, and east of Reams Road.

Property Identification: 04-20-27-0000-00-001

Meeting Date and Location: May 3rd 2018 at Sunset Park Elementary School

Attendance:

District Commissioner:	Betsy VanderLey, District 1 Commissioner Diana Dethlefs, District 1 Commissioner Aide
Planning Division staff:	Nicolas Thalmueller, Planning Division Steven Thorp, Planning Division Maria Cahill, Planning Division Greg Golgowski, Planning Division
Residents:	69 residents 328 community meeting notices sent

Overview of Project:

The applicant, Marc Skorman with Skorman Development Corp, has requested a privately initiated text amendment to amend the Comprehensive Plan policies relating to Rural Residential Enclaves that the County is currently in the process of adopting. The policies specific to the Lake Mabel Enclave, the Enclave to which the current amendment would apply, are intended to preserve and/or enhance its rural residential character and require minimum one (1) acre lots. The applicant is proposing to revise the Rural Residential Enclave policies to add additional standards that would apply only to four (4) parcels totaling 10.61 acres located at the eastern portion of the Lake Mabel Rural Residential Enclave. The applicant has indicated that the purpose of the revised policies is to allow for the development of a "Rural Hamlet" with a development program consisting of a 121,193 square foot assisted living facility with one-hundred ten (110) beds, and seventeen (17) independent senior dwelling units.

Meeting Summary:

Nicolas Thalmueller opened the meeting at 6:00 P.M. and introduced Orange County Staff and the applicant. Mr. Thalmueller discussed the background of the Rural Residential Enclave small area study and the resulting policies and development standards intended to implement a shared community vision. The purpose of the meeting was to give the applicant team a chance to present their alternate vision for the 10-acre tract within the Lake Mabel Enclave.

Mr. Thalmueller summarized the Comprehensive Plan Amendment process – noting the upcoming Local Planning Agency (LPA) / Planning & Zoning Commission (PZC) and Board of County Commissioners (BCC) public hearing dates as additional opportunities for public input on the request. It was stated that depending on the outcome of the community meeting, there were two potential paths forward for the applicant's request. The first path was the Comprehensive Plan amendment process just summarized. However, if the community were to express consensus in full support of the proposed request, the applicant's policy amendments would be incorporated into and adopted along with the County initiated Rural Residential Enclave policies.

The applicant's representative, Rick Geller with Fishback Domnick, presented the applicant's vision for the senior "Rural Hamlet" located on the subject property. Several representations were presented to the community including, no access to Lake Mabel, the project would retain and protect existing wetlands onsite, the project would adhere to dark sky lighting standards, rain gardens and swales would be incorporated, and there would be organic gardens. The applicant team's presentation also stated that when the property rezoned to Planned Development, the applicant intended to add development standards that require active agriculture, barns, gardens, community gardens, pathways, ponds, pastures, meadows, open areas, thickets of trees, bushes, wetlands, upland forests, hedgerows, or natural topography, or other natural elements

Approximately half of the residents who attended the meeting expressed support for the pending Lake Mabel Policy provisions as recommended by the County, and opposition to the applicant's proposed development. The residents in opposition to the request expressed a preference for retaining the existing rural character of the Lake Mabel community and were concerned that the intensity of the 121,193 square foot assisted living facility would not be compatible with the existing large lot, single-family development character. In addition, the residents worried that the light and noise from deliveries, ambulances, and other externalities that would go along with the assisted living facility would negatively affect the existing community. Other residents noted that there were existing traffic issues along Winter Garden Vineland Road resulting from the large-scale development of the nearby communities within Horizon West, and that increasing the allowable development density for the subject property would only exacerbate the traffic problem.

The residents in attendance who spoke in favor of the applicant's request largely spoke to recognize the value of assisted senior housing and to endorse the applicant's reputation as a quality builder. These residents stated that there was a need for services to support an aging population. Several residents in support of the request also noted that traffic is already an issue in the area and the traffic impact from the proposed development would not greatly increase the problem.

The meeting adjourned at 8:00 P.M and the overall tone was **MIXED**.



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>

May 9, 2018

TO: Alberto Vargas, Manager, Planning
FROM: Amy Bradbury, Planner III, Parks and Recreation
SUBJECT: Facilities Analysis and Capacity Report
2018-2 Regular Cycle Comprehensive Policy Plan Amendments

The Parks and Recreation Division has reviewed the 2018-2 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 and there are no direct impacts.

c: Matt Suedmeyer, Manager, Parks and Recreation
Regina Ramos, Project Manager, Parks and Recreation
Cedric M. Moffett, Planner III, Parks and Recreation
File: Comp Plan Amendments

Facilities Analysis and Capacity Report
2018-2 Regular Cycle Comprehensive Policy Plan Amendments
(Amendments with Parks Level-of-Service Impacts)

Amendment Number	Proposed Future Land Use	Residential Dwelling Units	Population (2.56/unit)	Active Recreation Acreage Impact (1.5 ac/1,000 pop)	Resource Recreation Acreage Impact (6.0 ac/1,000 pop)
2018-2-A-1-1 (Tilden Road)	Village (V) (Village of Bridgewater)	161	412.16	0.62 ac	2.47 ac
2018-2-A-1-2 (Lake Austin)	South Parcel: Growth Center/Resort/Low-Medium Density Residential/Planned Development (GC/R/LMDR/PD); North Parcel: Horizon West, Village I Special Planning Area (SPA)-Greenbelt (GB)	500	1,280	1.92 ac	7.68 ac
2018-2-A-1-3 (World Resort)	Activity Center Residential (ACR)	650	1,664	2.50 ac	9.98 ac
2018-2-A-1-4 (Kerina Parkside)	Planned Development-Commercial/Office/Medium Density Residential/Low Density Residential/Senior Living/Conservation (PD-C/O/MDR/LDR/Senior Living/CONS)	1,000	2,560	3.84 ac	15.36 ac
2018-2-P-1-5 (Arnold Groves Senior Living)	Rural Hamlet	140	358	0.54 ac	2.15 ac
2018-2-A-1-6 (Hannah Smith)	Planned Development-Commercial/Medium Density Residential (PD-C/MDR)	1,800	4,608	6.91 ac	27.65 ac
2018-2-A-1-7 (Turkey Lake Road Condos)	Planned Development-Time Share/Medium-High Density Residential/Hotel/Office (PD-TS/MHDR/HOTEL/O)	424	1,085	1.63 ac	6.51 ac
Total Acreage Impact				17.960	71.800
Available Capacity (as of July 2017)				437.820	8085.180



Sheriff Jerry L. Demings

ORANGE COUNTY SHERIFF'S OFFICE

INTEROFFICE MEMORANDUM

May 8, 2018

TO: Nicholas M. Thalmueller
Orange County Planning Division

FROM: Daniel Divine, Manager
Research & Development

SUBJECT: 2018-2 Regular Cycle Comprehensive Policy Plan Amendments (CPPA)

As requested, we have reviewed the impact of the existing and proposed development scenarios related to the 2018-2 Regular Cycle Comprehensive Policy Plan Amendments (CPPA). Based on the existing and proposed development scenarios, the Sheriff's Office staffing needs for existing are 0.01 deputies and 0.01 support personnel and proposed are 12.42 deputies and 5.64 support personnel to provide the standard level of service (LOS) to these developments.

Comprehensive Policy Plan Amendment 2018-2-A-5-1 consists of proposed high school practice fields. This proposed development is in Sheriff's Office Patrol Sector Two. Sector Two is located in the eastern portion of Orange County and is approximately 404.632 square miles, our largest sector geographically. In 2017 Sector Two had 273,502 calls for service. In 2017 the average response times to these calls were 00:20:34 minutes Code 1; 00:32:40 minutes Code 2; and 00:06:47 minutes Code 3.

Comprehensive Policy Plan Amendment 2018-2-A-1-1 is a proposed single family dwelling unit, **2018-2-A-1-4** is a proposed development consisting of single and multi family dwellings, senior living units, commercial and office uses, **2018-2-A-1-5** is a proposed assisted living facility, **2018-2-A-1-6** is a proposed residential and commercial use development, and **2018-2-A-1-7** is a proposed mixed use development of timeshare, residential and office units. These developments are located within Sector Three. Sector Three is situated in mid-western portion of Orange County and is approximately 82.934 square miles. In 2017 Sector Three received 186,180 calls for service. In 2017 the average response times to these calls were 00:19:57 minutes for Code 1; 00:31:36 minutes for Code 2; and 00:07:17 minutes for Code 3.

Comprehensive Policy Plan amendment #2018-2-A-1-3 comprises proposed multi-family dwelling units located in Sector Five. Sector Five is situated in the Southwestern portion of Orange County and is approximately 22.664 square miles. In 2017 Sector Five had 130,323 calls for service. In 2017 the average response times to these calls were 00:10:35 minutes for Code 1; 00:12:32 minutes Code 2; and 00:04:18 minutes Code 3.

Mr. Nicholas Thalmueller
May 8, 2018
Page 2

Comprehensive Policy Plan amendment 2018-2-A-1-2 is a proposed single family dwelling use development located in Sector Six. Sector Six is located in the Southern portion of Orange County and is approximately 31.233 square miles. The Cities of Bay Lake and Lake Buena Vista are within this sector. In 2017 Sector Six had 97,087 calls for service. In 2017 the average response times to these calls were 00:09:36 minutes for Code 1; 00:14:14 minutes Code 2; and 00:06:27 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 2017 update to the Law Enforcement Impact Fee Ordinance, the Sheriff's Office Level of Service was 278 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 278 = 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.

We have attached reports based on the existing and proposed development scenarios which show staffing needs. 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.



D.P.D.

DPD/bga

Attachments

c: Undersheriff Rey Rivero, Chief Deputy Nancy Brown, Chief Deputy Larry Zwieg, Major Angelo Nieves, Major Rick Meli, Captain Paul Yoast, CALEA 15.1.3



Interoffice Memorandum

Date: May 11, 2018

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

From: J. Andres Salcedo, P.E., Assistant Director
Utilities Engineering Division

J. Andres Salcedo
5/11/18

**Subject: Facilities Analysis and Capacity Report
2018-2 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 Lindy Wolfe at 407 254-9918.

cc: Raymond E. Hanson, P.E., Director, Utilities Department
Teresa Remudo-Fries, P.E., Deputy Director, Utilities Department
Lindy Wolfe, P.E., Assistant Manager, Utilities Engineering Division *LW 5/8/18*
Laura Tatro, P.E., Senior Engineer, Utilities Engineering Division *LT 5/8/18*
Gregory Gologowski, Chief Planner, Planning Division
Nicolas Thalmueller, Planner, Planning Division
File: 37586; 2018-2 Regular Cycle

Potable Water and Wastewater Facilities Analysis for 2018-2 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
2018-2-A-1-1 (Tilden Road)	10-23-27-0000-00-033 (portion of) and 10-23-27-0000-00-034 (portion of)	PW: City of Winter Garden/Orange County Utilities* WW: City of Winter Garden/Orange County Utilities* RW: City of Winter Garden/Orange County Utilities*	PW: Contact City of Winter Garden/See notes** WW: Contact City of Winter Garden/See notes** RW: Contact City of Winter Garden/See notes**	Village (V) (Village of Bridgewater)	161	0	0	0.044	0.036	0.044	0.036	Yes	West
2018-2-A-1-2 (Lake Austin)	30-24-27-0000-00-003 (portion of) and 31-24-27-0000-00-036	PW: Orange County Utilities* WW: Orange County Utilities* RW: Orange County Utilities*	PW: 24-inch watermain in Grove Blossom Way right-of-way WW: 15-inch gravity sewer in Grove Blossom Way right-of-way RW: 12-inch reclaimed water main in Grove Blossom Way right-of-way	South Parcel: Growth Center/Resort/Low-Medium Density Residential/Planned Development (GC/R/LMDR/PD); North Parcel: Horizon West, Village I Special Planning Area (SPA)-Greenbelt (GB)	500	0	0	0.138	0.113	0.138	0.113	Yes	South
2018-2-A-1-3 (World Resort)	35-24-28-5844-00-732/741/870	PW: Orange County Utilities WW: Orange County Utilities RW: Orange County Utilities	PW: See notes** WW: See notes** RW: See notes**	Activity Center Residential (ACR)	650	0	0	0.179	0.146	0.179	0.146	Yes	South
2018-2-A-1-4 (Kerina Parkside)	10-24-28-0000-00-005/053, 10-24-28-6670-11-000, and 15-24-28-5844-00-050/071/130/142/211	PW: Orange County Utilities WW: Orange County Utilities RW: Orange County Utilities	PW: See notes** WW: See notes** RW: See notes**	Planned Development-Commercial/Office/Medium Density Residential/Low Density Residential/Senior Living/Conservation (PD-C/O/MDR/LDR/Senior Living/CONS)	1,000	0	150,000	0.289	0.236	0.289	0.236	Yes	South
2018-2-P-1-5 (Arnold Groves Senior Living)	32-23-28-0000-00-003; 32-23-28-0000-00-006; 32-23-28-0000-00-005; and 32-23-28-0000-00-001	PW: Orange County Utilities* WW: Orange County Utilities* RW: Orange County Utilities*	PW: 24-inch watermain in Winter Garden Vineland Road right-of-way WW: 16-inch forcemain in Winter Garden Vineland Road right-of-way RW: 16-inch reclaimed water main in Winter Garden Vineland Road right-of-way	Rural Hamlet	30	0	121,193	0.019	0.016	0.019	0.016	Yes	South
2018-2-A-1-6 (Hannah Smith)	11-24-28-0000-00-020, 14-24-28-0000-00-012/018, 14-24-28-1242-60-000/66-000/66-001, and 15-24-28-7774-00-023/024	PW: Orange County Utilities WW: Orange County Utilities RW: Orange County Utilities	PW: See notes** WW: See notes** RW: See notes**	Planned Development-Commercial/Medium Density Residential (PD-C/MDR)	1,800	0	415,142	0.533	0.436	0.533	0.436	Yes	South
2018-2-A-1-7 (Turkey Lake Road Condos)	11-24-28-0000-00-010	PW: Orange County Utilities WW: Orange County Utilities RW: Orange County Utilities	PW: 10-inch and 12-inch watermain within the Turkey Lake Road right-of-way WW: 20-inch force main within the Turkey Lake Road right-of-way RW: 16-inch reclaimed water main within the Turkey Lake Road right-of-way	Planned Development-Time Share/Medium-High Density Residential/Hotel/Office (PD-TS/MHDR/HOTEL/O)	424	0	683,892	0.179	0.147	0.179	0.147	Yes	South
2018-2-A-5-1 (East River High School)	20-22-32-0000-00-003	PW: Orange County Utilities* WW: Orange County Utilities* RW: Not Currently Available*	PW: 16-inch watermain within East River Falcons Way right-of-way WW: 4-inch forcemain within East River Falcons Way right-of-way RW: Not currently available	Educational (EDU)	0	0	0	0.000	0.000	0.000	0.000	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.

*The site is outside the Urban Service Area, but water and wastewater mains are located in the vicinity of the site. If the Urban Service Area boundary is expanded to encompass this site, or if the extension of water and wastewater mains outside the Urban Service Area to serve this site is already compatible with Policies PW1.4.2, PW1.5.2, and the equivalent wastewater policies, water and wastewater demands and connection points to existing OCU transmission systems will be addressed as the project proceeds through the DRC and construction permitting process.

**2018-2-A-1-1, 2018-2-A-1-3, 2018-2-A-1-4, 2018-2-A-1-6: Water, wastewater, and reclaimed water demands and connection points for the land within OCU's service area will be addressed as the project proceeds through the DRC and construction permitting processes. The property included in 2018-2-A-1-1 is divided between City of Winter Garden's utility service area and Orange County Utilities' utility service area.

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



Orange County Public Schools School Capacity Report

DATE ISSUED May 7, 2018

JURISDICTION ORANGE COUNTY

CASE 2018-2-A-1-1

PROPERTY ID 10-23-27-0000-00-033, 10-23-27-0000-00-034

ACREAGE +/- 30.80

LAND USE CHANGE VILLAGE (V) TO VILLAGE (V) (BRIDGEWATER/GARDEN HOME DISTRICT)

PROPOSED USE Single Family Units: 161 Multi Family Units: 0
Mobile Homes Units: 0 Town Homes Units: 0

CONDITIONS AT AFFECTED SCHOOLS (AS OF OCTOBER 16, 2017)

School Information	KEENE'S CROSSING ES	BRIDGEWATER MS	WINDERMERE HS
Capacity (2017 - 2018)	859	1,176	2,776
Enrollment (2017 - 2018)	1,260	2,256	2,640
Utilization (2017 - 2018)	147.0%	192.0%	95.0%
Adopted LOS Standard	110.0%	100.0%	100.0%
Students Generated	31	15	21

COMMENTS/CONDITIONS OF APPROVAL:

PROJECT NEEDS A CEA. OCPS HAS NOT RECEIVED AN APPLICATION FOR THIS PROJECT.

For more information on this analysis, please contact:

Julie Salvo, AICP at 407.317.3700 x2022139



Orange County Public Schools School Capacity Report

DATE ISSUED May 7, 2018

JURISDICTION ORANGE COUNTY

CASE 2018-2-A-1-2

PROPERTY ID 30-24-27-0000-00-003, 31-24-27-0000-00-036

ACREAGE +/- 117.86

LAND USE CHANGE GC/R/PD AND V TO GC/R/LMDR/PD AND SPA/GB

PROPOSED USE Single Family Units: 500 Multi Family Units: 0
Mobile Homes Units: 0 Town Homes Units: 0

CONDITIONS AT AFFECTED SCHOOLS (AS OF OCTOBER 16, 2017)

School Information	KEENE'S CROSSING ES	BRIDGEWATER MS	WINDERMERE HS
Capacity (2017 - 2018)	859	1,176	2,776
Enrollment (2017 - 2018)	1,260	2,256	2,640
Utilization (2017 - 2018)	147.0%	192.0%	95.0%
Adopted LOS Standard	110.0%	100.0%	100.0%
Students Generated	96	48	66

COMMENTS/CONDITIONS OF APPROVAL:

A CEA IS REQUIRED. OCPS HAS NOT RECEIVED AN APPLICATION.

For more information on this analysis, please contact:

Julie Salvo, AICP at 407.317.3700 x2022139



Orange County Public Schools School Capacity Report

DATE ISSUED May 31, 2018

JURISDICTION ORANGE COUNTY

CASE 2018-2-A-1-3

PROPERTY ID 35-24-28-5844-00-732, 35-24-28-5844-00-741, 35-24-28-5844-00-870

ACREAGE +/- 10.72

LAND USE CHANGE ACMU TO ACR

PROPOSED USE Single Family Units: 0 Multi Family Units: 650
Mobile Homes Units: 0 Town Homes Units: 0

CONDITIONS AT AFFECTED SCHOOLS (AS OF OCTOBER 16, 2017)

School Information	Tangelo Park ES	Freedom MS	Freedom HS
Capacity (2017 - 2018)	664	1,114	2,671
Enrollment (2017 - 2018)	616	1,177	3,874
Utilization (2017 - 2018)	93.0%	106.0%	145.0%
Adopted LOS Standard	110.0%	100.0%	100.0%
Students Generated	97	41	46

COMMENTS/CONDITIONS OF APPROVAL:

PROJECT REQUIRES A CEA. APPLICANT HAS SUBMITTED AN APPLICATION TO OCPS, ID #OC-18-010, WORLD RESORT

For more information on this analysis, please contact:

Julie Salvo, AICP at 407.317.3700 x2022139



Orange County Public Schools School Capacity Report

DATE ISSUED May 31, 2018

JURISDICTION ORANGE COUNTY

CASE 2018-2-A-1-4

PROPERTY ID 10-24-28-0000-00-005, 10-24-28-0000-00-053, 10-24-28-6670-11-000, 15-24-28-5844-00-050, 15-24-28-5844-00-071, 15-24-28-5844-00-130,

ACREAGE +/- 223.30

LAND USE CHANGE LDR/LMDR/R TO PD-LDR/MDR/C/O/CONS

PROPOSED USE Single Family Units: 450 Multi Family Units: 350
Mobile Homes Units: 0 Town Homes Units: 0

CONDITIONS AT AFFECTED SCHOOLS (AS OF OCTOBER 16, 2017)

School Information	Sand Lake ES	Southwest MS	DR. PHILLIPS HS
Capacity (2017 - 2018)	828	1,215	2,761
Enrollment (2017 - 2018)	718	1,412	3,806
Utilization (2017 - 2018)	87.0%	116.0%	138.0%
Adopted LOS Standard	110.0%	100.0%	100.0%
Students Generated	138	65	83

COMMENTS/CONDITIONS OF APPROVAL:

CEA #05-023 APPLIES TO THIS PROJECT. CEA AMENDMENT NEEDED, ID #OC-18-011.

For more information on this analysis, please contact:

Julie Salvo, AICP at 407.317.3700 x2022139



Orange County Public Schools School Capacity Report

DATE ISSUED May 31, 2018

JURISDICTION ORANGE COUNTY

CASE 2018-2-A-1-6

PROPERTY ID 11-24-28-0000-00-020, 14-24-28-0000-00-012, 14-24-28-0000-00-018, 14-24-28-1242-60-000, 14-24-28-1242-66-000, 14-24-28-1242-66-001,

ACREAGE +/- 81.52

LAND USE CHANGE ACMU/ACR/LMDR TO PD-C/MDR

PROPOSED USE Single Family Units: 0 Multi Family Units: 1500
Mobile Homes Units: 0 Town Homes Units: 300

CONDITIONS AT AFFECTED SCHOOLS (AS OF OCTOBER 16, 2017)

School Information	Sand Lake ES	Southwest MS	DR. PHILLIPS HS
Capacity (2017 - 2018)	828	1,215	2,761
Enrollment (2017 - 2018)	718	1,412	3,806
Utilization (2017 - 2018)	87.0%	116.0%	138.0%
Adopted LOS Standard	110.0%	100.0%	100.0%
Students Generated	272	117	133

COMMENTS/CONDITIONS OF APPROVAL:

A CEA IS REQUIRED FOR THIS PROJECT. APPLICANT HAS SUBMITTED TO OCPS, ID #OC-18-009.

For more information on this analysis, please contact:

Julie Salvo, AICP at 407.317.3700 x2022139



Orange County Public Schools School Capacity Report

DATE ISSUED May 7, 2018

JURISDICTION ORANGE COUNTY

CASE 2018-2-A-1-7

PROPERTY ID 11-24-28-0000-00-010

ACREAGE +/- 52.04

LAND USE CHANGE PD-TS/MDR/HOTEL/O TO PD/TS/MHDR/HOTEL/O

PROPOSED USE Single Family Units: 0 Multi Family Units: 424
Mobile Homes Units: 0 Town Homes Units: 0

CONDITIONS AT AFFECTED SCHOOLS (AS OF OCTOBER 16, 2017)

School Information	Bay Meadows ES	Southwest MS	DR. PHILLIPS HS
Capacity (2017 - 2018)	810	1,215	2,761
Enrollment (2017 - 2018)	654	1,412	3,806
Utilization (2017 - 2018)	81.0%	116.0%	138.0%
Adopted LOS Standard	110.0%	100.0%	100.0%
Students Generated	63	27	30

COMMENTS/CONDITIONS OF APPROVAL:

A CEA IS REQUIRED FOR THIS PROJECT. OCPS HAS NOT RECEIVED AN APPLICATION.

For more information on this analysis, please contact:

Julie Salvo, AICP at 407.317.3700 x2022139



Interoffice Memorandum

DATE: May 15, 2018

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
2018-2 Regular Cycle Comprehensive Plan Amendments

As requested, Environmental Protection Division staff reviewed the subject Comprehensive Plan Amendments. We understand that the first public hearing for these requests will be on June 21, 2018 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
Nicolas Thalmueller, Planner, Comprehensive Planning
David Jones, Manager, Environmental Protection Division
Elizabeth Johnson, Assistant Manager
Tim Hull, Environmental Programs Administrator, Natural Resource Management

Orange County Environmental Protection Division
Comments to the Local Planning Agency for the
2018-2 Regular Cycle Comprehensive Plan Amendments

1) Amendment #2018-2-A-1-1

Tilden Road

FLU from: Village (V) to Village (V) (Village of Bridgewater) (Garden Home District)

Rezoning from: A-1 (Citrus Rural District) to PD (Planned Development District)

Proposed Development: Up to 161 single-family dwelling units

Owner: Daniel A. and Susan Berry/Thistledown Farm, Inc.

Agent: Kathy Hattaway, Poulos & Bennett, LLC

Parcels: North portions of 10-23-27-0000-00-033/034

Address: 14950 and 14908 Tilden Rd.

District: 1

Area: 30.80 gross / 20.15 developable acres

EPD Comments: STOP NEED CAD BEFORE PROCEEDING

Wetlands and surface waters are located on the subject properties. A Conservation Area Determination (CAD) must be completed for the northern portion of the parcels prior to approval of this amendment request, consistent with Orange County Code Chapter 15, Article X Wetland Conservation Areas. CAD-13-08-042, CAD 06-204 and CAD 06-205 were completed for the southern portions of the parcels.

Until wetland permitting is complete, the net developable acreage is only an approximation. 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 if 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.

The applicant is responsible for addressing any adverse impacts, including secondary impacts, to surface waters or wetlands that may occur as a result of development of the site. Protective measures include but are not limited to: 25-foot minimum undisturbed upland buffer along the wetland boundary, signage, and pollution abatement swales upland of the buffer if adjacent to surface waters and if drainage is not diverted to treatment.

Orange County Environmental Protection Division
Comments to the Local Planning Agency for the
2018-2 Regular Cycle Comprehensive Plan Amendments

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 acreage. 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 2010-2030, Future Land Use Element (but not limited to) Objective FLU6.6 Wekiva and the related policies.

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). The ecological assessment dated February 12, 2018 submitted with this request reported the presence of listed species on site, including gopher tortoise and sand skink habitat.

All development is required to pretreat storm water runoff for pollution abatement purposes, per Orange County Code Section 34-227. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application, modification or abandonment. Also refer to Orange County Code Chapter 37, Article XVII for requirements of Individual On-Site Sewage Disposal as well as the FDOH.

The subject properties had a prior land use (commercial nursery, horse farm) that may have resulted in soil 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 Division (EPD) and the Development Engineering (DE) Division.

Orange County Environmental Protection Division
Comments to the Local Planning Agency for the
2018-2 Regular Cycle Comprehensive Plan Amendments

2) Amendment #2018-2-A-1-2

Lake Austin PD/Ayers Rock

FLU from: North Parcel: Village (V) to Horizon West, Village I Special Planning Area (SPA)-Greenbelt (GB); South Parcel: Growth Center/ Resort/Planned Development (GC/R/PD) to Growth Center/Resort/Low-Medium Density Residential/Planned Development (GC/R/LMDR/PD)

Rezoning: CDR pending Lake Austin PD/LUP

Proposed Development: 500 single-family residential units

Owner: BB Groves, LLC

Agent: Kathy Hattaway, Poulos & Bennett, LLC

Parcels: 30-24-27-0000-00-003 (portion) and 31-24-27-0000-00-036

Address: west of Avalon Road, and north and south of Grove Blossom Way

District: 1

Area: 117.86 gross / 108.03 developable acres

EPD Comments:

Orange County Conservation Area Determination CAD 07-119 delineated the wetlands and surface waters on the subject parcels but this determination expired in 2013. A new CAD must be completed with a certified wetland boundary survey approved by the Environmental Protection Division (EPD) prior to submittal of a subdivision, development plan or permit application, in accordance with Orange County Code Chapter 15, Article X Wetland Conservation Areas.

Until wetland permitting is complete, the net developable acreage is only an approximation. 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 if 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 applicant is responsible for addressing any adverse impacts, including secondary impacts, to surface waters or wetlands that may occur as a result of development of the site. Protective measures include but are not limited to: 25-foot minimum undisturbed upland buffer along the wetland boundary, signage, and pollution abatement swales upland of the buffer if adjacent to surface waters and if drainage is not diverted to treatment.

Orange County Environmental Protection Division
Comments to the Local Planning Agency for the
2018-2 Regular Cycle Comprehensive Plan Amendments

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). The ecological assessment dated February 14, 2018 submitted with this request reported the presence of listed species on site, including numerous gopher tortoise burrows and sand skink habitat, among others.

All development is required to pretreat storm water runoff for pollution abatement purposes, per Orange County Code Section 34-227. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

3) Amendment # 2018-2-A-1-3

World Resort PD

FLU from: Activity Center Mixed Use (ACMU) to Activity Center Residential (ACR)

Rezoning: CDR-18-04-111 World Resort PD/LUP

Proposed Development: Up to 650 multi-family dwelling units

Owner: Fairwinds Credit Union

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

Parcels: 35-24-28-5844-00-732/741/870/871/880 and 35-24-28-5844-01-050

Address: north and south of Poinciana Boulevard, east of SR 535, south of SR 417, and north of the Orange/Osceola County line

District: 1

Area: 23.13 gross acres

EPD Comments:

Orange County Conservation Area Determinations CAD 90-026, CAD 00-123, CAD 03-031 and CAD 06-201 delineated Class III wetlands in parcels within this planned development. Please contact the Environmental Protection Division (EPD) wetland permitting staff at 407-836-1400 to verify the applicability and validity of historic wetland permits and to determine whether all of the parcels are covered. If additional historical documents are located, then submit a copy to EPD for verification. A CAD must be complete for each property prior to submitting development plans or permit applications that includes the property.

All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this request does not authorize any direct or indirect conservation area impacts.

The applicant is responsible for addressing any adverse impacts, including secondary impacts, to surface waters or wetlands that may occur as a result of development of the site. Protective measures include but are not limited to: 25-foot minimum undisturbed upland buffer along the wetland boundary, signage, and pollution abatement swales upland of the buffer if adjacent to surface waters and if drainage is not diverted to treatment.

Orange County Environmental Protection Division
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Development of the subject property shall comply with all state and federal regulations regarding wildlife and 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 pretreat storm water runoff for pollution abatement purposes, per Orange County Code Section 34-227. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

4) Amendment #2018-2-A-1-4

Parkside aka Kerina PD

FLU from: Low Density Residential (LDR), Low-Medium Density Residential (LMDR), and Rural/Agricultural (R) to Planned Development-Commercial/Office/Medium Density Residential/Low Density Residential/Senior Living/Conservation (PD-C/O/MDR/LDR/Senior Living/CONS)

Rezoning: CDR-18-04-110 Parkside aka Kerina PD/LUP

Proposed Development: Up to 450 single-family units, 350 multi-family units, 200 senior living units, 100,000 sq. ft. of C-1 (Retail Commercial District) uses, 50,000 sq. ft. of office uses, 3.0 acres park, and 93.0 acres of conservation land/open space

Owner: Kerina Wildwood Inc., Kerina Village Inc., Kerina Inc., Kerina Parkside Master Inc.

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

Parcels: 10-24-28-0000-00-005/053, 10-24-28-6670-11-000, 15-24-28-5844-00-050/071/130/142 and 211 (portion)

Address: east and west of S. Apopka-Vineland Road, south of Buena Vista Woods Boulevard, and north of Lake Street

District: 1

Area: FLUM Amendment 215.67 gross acres; PD/LUP Substantial Change: 485.10 gross acres

EPD Comments:

Conservation Area Determinations (CAD) have been completed for this planned development since the late 1980's, including CAD 05-283 and CAD 05-028. Please contact the Environmental Protection Division (EPD) wetland permitting staff at 407-836-1400 to verify the applicability and validity of historic wetland permits and to determine whether all of the parcels are covered. A CAD must be complete for each property prior to submitting a subdivision, development plan or permit application that includes the property.

All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this request does not authorize any direct or indirect conservation area impacts.

The applicant is responsible for addressing any adverse impacts, including secondary impacts, to

Orange County Environmental Protection Division
Comments to the Local Planning Agency for the
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surface waters or wetlands that may occur as a result of development of the site. Protective measures include but are not limited to: 25-foot minimum undisturbed upland buffer along the wetland boundary, signage, and pollution abatement swales upland of the buffer if adjacent to surface waters and if drainage is not diverted to treatment.

Development of the subject property shall comply with all state and federal regulations regarding wildlife and 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 pretreat storm water runoff for pollution abatement purposes, per Orange County Code Section 34-227. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

5) Amendment #2018-2-P-1-5 (TEXT AMENDMENT)

Arnold Groves Senior Living

FLU from: Village (V) to Village (V)

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

Proposed Development: 121,193 sq ft assisted living facility with 110 beds, and 17 independent senior units

Owner: Audrey L. Arnold Revocable Trust, Audrey L. Arnold and James P. Arnold Life Estate, Ron Marlow and Kathy Darlene Marlow, and Billy Kenneth Williams, and Lynn A. Williams

Agent: Marc Skorman

Parcels: 32-23-28-0000-00-001/003/005/006

Address: south and west of Winter Garden Vineland Rd., northeast of Lake Mabel, and east of Reams Road.

District: 1

Area: 10.61 gross acres

EPD Comments: STOP NEED CAD BEFORE PROCEEDING

Areas on the rear of the subject properties are comprised of wetlands that extend offsite and are hydrologically connected to Lake Mabel. A Conservation Area Determination (CAD) must be completed prior to approval of this amendment request, consistent with Orange County Code Chapter 15, Article X Wetland Conservation Areas.

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. 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. Approval of this request does not authorize any direct or indirect conservation area impacts.

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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.

The applicant is responsible for addressing any adverse impacts, including secondary impacts, to surface waters or wetlands that may occur as a result of development of the site. Protective measures include but are not limited to: 25-foot minimum undisturbed upland buffer along the wetland boundary, signage, and pollution abatement swales upland of the buffer if adjacent to surface waters and if drainage is not diverted to treatment.

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).

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

This site is located in close proximity to the Tibet Butler Preserve. 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, that the adjacent land use includes publicly managed property. The notice shall indicate that the adjacent property will require the use of resource management practices that may result in periodic temporary conditions that may limit outdoor activities. These practices will include, but not be limited to, ecological burning, pesticide and herbicide usage, exotic plant and animal removal, usage of heavy equipment and machinery, and other practices as may be deemed necessary for proper resource management.

All development is required to pretreat storm water runoff for pollution abatement purposes, per Orange County Code Section 34-227. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application, modification or abandonment. Also refer to Orange County Code Chapter 37, Article XVII for requirements of Individual On-Site Sewage Disposal as well as the FDOH.

Portions of the subject properties had a prior agricultural land use that may have resulted in soil or groundwater contamination due to spillage of petroleum products, fertilizer, pesticide or

Orange County Environmental Protection Division
Comments to the Local Planning Agency for the
2018-2 Regular Cycle Comprehensive Plan Amendments

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 Division (EPD) and the Development Engineering (DE) Division.

6) Amendment #2018-2-A-1-6

Hannah Smith PD

FLU from: Activity Center Mixed Use (ACMU), Activity Center Residential (ACR), and Low-Medium Density Residential (LMDR) to Planned Development-Commercial/Medium Density Residential (PD-C/MDR)

Rezoning: CDR pending Hannah Smith PD/LUP

Proposed Development: 1,800 residential units, 415,142 sq. ft. commercial uses

Owner: Daryl M. Carter Tr and Carter-Orange 105 Sand Lake Land Trust

Agent: Jim Hall, VHB, Inc.

Parcels: 11-24-28-0000-00-020, 14-24-28-0000-00- 012/018, 14-24-28-1242-60-000/66-000/66-001, and 15-24-28-7774-00-023/024

Address: west of Interstate 4 and south of Fenton St.

District: 1

Area: 84.32 gross / 81.52 developable acres

EPD Comments:

The subject property is predominately uplands with one 3 acre parcel in Big Sand Lake. Prior to submittal of a subdivision, development plan or permit application, the Environmental Protection Division (EPD) will require a completed Conservation Area Determination (CAD), consistent with Orange County Code Chapter 15, Article X Wetland Conservation Areas.

All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this request does not authorize any direct or indirect conservation area impacts.

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. 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. Approval of this request does not authorize any direct or indirect conservation area impacts.

The Normal High Water Elevation (NHWE) of Big Sand Lake was established at 89.03 feet NAVD 88 in the Lake Index of Orange County. Clearly label and indicate the NHWE contour of the lake on all plans or permit applications, in addition to any wetland, floodplain and setback

Orange County Environmental Protection Division
Comments to the Local Planning Agency for the
2018-2 Regular Cycle Comprehensive Plan Amendments

lines.

The applicant is responsible for addressing any adverse impacts, including secondary impacts, to surface waters or wetlands that may occur as a result of development of the site. Protective measures include but are not limited to: 25-foot minimum undisturbed upland buffer along the wetland boundary, signage, and pollution abatement swales upland of the buffer if adjacent to surface waters and if drainage is not diverted to treatment.

Approval of this request does not grant permission for the construction or alteration of boat ramps, docks, observation piers, lake shore vegetation, or seawalls on the lake. Any person desiring these types of structures or to perform shoreline alterations shall first apply for a permit from the Orange County EPD prior to commencement of such activities.

The Board of County Commissioners (BCC) condition of approval #3 from February 20, 2001 states that no motorized watercraft shall be permitted onto Big Sand Lake from this development.

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

This area has rare upland scrub (dry prairie) and rare species per the Florida Natural Areas Inventory (FNAI). If the habitat survey identifies threatened and endangered plants, and removal is permissible, then the applicant may contact the Florida Native Plant Society (FNPS) or other similar non-profit agency to grant access to the site for removal of the threatened and endangered plants and/or collect seeds. This will preserve the genetic material and provide plants for restoration of other areas. Either the FNPS, similar nonprofit or the Developer shall secure all appropriate permits for these activities.

All development is required to pretreat storm water runoff for pollution abatement purposes, per Orange County Code Section 34-227. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

If this site had a prior agricultural land use that resulted in soil or groundwater contamination due to spillage of petroleum products, fertilizer, pesticide or herbicide, then 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 Division (EPD) and the Development Engineering (DE) Division.

Orange County Environmental Protection Division
Comments to the Local Planning Agency for the
2018-2 Regular Cycle Comprehensive Plan Amendments

7) Amendment #2018-2-A-1-7

Turkey Lake Road Condos PD/Parcel 2 Castilla Village

FLU from: Planned Development-Time Share/Medium Density Residential/Hotel/Office (PD-TS/MDR/HOTEL/O) to Planned Development-Time Share/Medium-High Density Residential/Hotel/Office (PD-TS/MHDR/HOTEL/O)

Rezoning: CDR pending Turkey Lake Condos PD/LUP

Proposed Development: 30 units per acre for timeshare, 35 units per acre for multi-family or 424 units, 60 units per acre for hotel or 683,892 sq. ft of office

Owner: Macomb Oakland Sand Lake, LLC

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

Parcels: 11-24-28-0000-00-010

Address: 10900 Turkey Lake Rd.

District: 1

Area: 52.04 gross / 16.82 developable acres

EPD Comments:

Class I and Class III wetlands and surface waters are located on site including a portion of Big Sand Lake. Orange County Conservation Area Determination CAD-17-08-115 was completed for this property with a certified wetland boundary survey approved by the Environmental Protection Division (EPD) on May 3, 2018.

The applicant is responsible for addressing any adverse impacts, including secondary impacts, to surface waters or wetlands that may occur as a result of development of the site. Protective measures include but are not limited to: 25-foot minimum undisturbed upland buffer along the wetland boundary, signage, and pollution abatement swales upland of the buffer if adjacent to surface waters and if drainage is not diverted to treatment.

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. 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. Approval of this request does not authorize any direct or indirect conservation area impacts.

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.

The Normal High Water Elevation (NHWE) of Big Sand Lake was established at 89.03 feet NAVD 88 in the Lake Index of Orange County. Clearly label and indicate the NHWE contour of the lake on all plans or permit applications, in addition to any wetland, floodplain and setback lines.

Orange County Environmental Protection Division
Comments to the Local Planning Agency for the
2018-2 Regular Cycle Comprehensive Plan Amendments

Approval of this request does not grant permission for the construction or alteration of boat ramps, docks, observation piers, lake shore vegetation, or seawalls on the lake. Any person desiring these types of structures or to perform shoreline alterations shall first apply for a permit from the Orange County EPD prior to commencement of such activities.

Big Sand Lake has an established Municipal Service Taxing Unit (MSTU) or Municipal Service Benefit Unit (MSBU) for the purpose of funding lake management services. To the extent this project is part of the taxing district or benefits from the lake, this project shall be required to be a participant.

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). The ecological assessment dated October 1, 2017 reported that no listed species were observed on site.

All development is required to pretreat storm water runoff for pollution abatement purposes, per Orange County Code Section 34-227. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

8) Amendment #2018-2-A-5-1

Timber Creek Relief High School PD aka East River High School

FLU from: Rural (R) to Educational (EDU)

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

Proposed Development: High school practice fields

Owner: Orange County Public Schools (OCPS)

Agent: Julie Salvo, Orange County Public Schools

Parcels: 20-22-32-0000-00-003

Address: north of Hamilton Drive, west of Story Partin Road

District: 5

Area: 15.68 gross acres

EPD Comments:

Wetlands and surface waters are located on site. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a state application and approved permit, to be provided to Orange County. Approval of this request does not authorize any direct or indirect conservation area impacts.

The site is located within the geographical limits of the Econlockhatchee River Protection Ordinance. Basin-wide regulations apply. Reference Orange County Code Chapter 15 Article XI Section 15-442. The basin-wide regulations include, but are not limited to, wetlands and protective buffers, wildlife habitat, stormwater, and landscaping with native plant species.

Orange County Environmental Protection Division
Comments to the Local Planning Agency for the
2018-2 Regular Cycle Comprehensive Plan Amendments

The Big Econlockhatchee River is located approximately 1,000 feet to the southwest. Show the river's location in all plans and permit applications. The Big Econ River is designated by the Florida Department of Environmental Protection (FDEP) as an Outstanding Florida Water.

All development is required to pretreat storm water runoff for pollution abatement purposes, per Orange County Code Section 34-227. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited.

The subject site has a prior land use as a 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. If a Phase I and/or Phase II Environmental Site Assessment (ESA) has been completed for this property, provide a copy to the Orange County EPD.

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application, modification or abandonment. Also refer to Orange County Code Chapter 37, Article XVII for requirements of Individual On-Site Sewage Disposal as well as the FDOH.



February 12, 2018

Rick Puzzitiello, CEO
South Park Developers II, LLC
22700 Royalton Road
Strongsville, Ohio 44149

Proj: Tilden Road Property – Orange County, Florida
Parcel IDs #10-23-27-0000-00-033 & #10-23-27-0000-00-034
Section 10, Township 23 South, Range 27 East
(BTC File #938-04)
Re: Environmental Assessment Report

Dear Mr. Puzzitiello:

During February of 2018, Bio-Tech Consulting, Inc. (BTC) conducted an environmental assessment of the approximately 80.42-acre Tilden Road Property. This site is located just east of the intersection of Tilden Road and Tiny Road, at the physical addresses of 14908 and 14950 Tilden Road; within Section 10, Township 23 South, Range 27 East, unincorporated Orange County, Florida (Figures 1, 2, and 3). This environmental assessment included the following elements:

- review of soil types mapped within the site boundaries;
- evaluation of land use types/vegetative communities present;
- field review for occurrence of protected flora and fauna; and,
- permitting summary.

SOILS

According to the Soil Survey of Orange County, Florida, prepared by the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), nine (9) soil types occur within the site boundaries (Figure 4). These soils include the following:



- **Arents, nearly level (#1)**
- **Basinger fine sand, depressional, 0 to 1 percent slopes (#3)**
- **Candler fine sand, 0 to 5 percent slopes (#4)**
- **Candler fine sand, 5 to 12 percent slopes (#5)**
- **St. Johns fine sand (#37)**
- **Sanibel muck (#42)**
- **Smyrna-Smyrna, wet, fine sand, 0 to 2 percent slopes (#44)**
- **Tavares fine sand, 0 to 5 percent slopes (#46)**
- **Zolfo fine sand, 0 to 2 percent slopes (#54)**

The following presents a brief description of each of the soil types mapped for the site:

Arents, nearly level (#1) consists of material dug from several areas that have different kinds of soil. This fill material is the result of earth moving operations. This soil is used to fill such areas as sloughs, marshes, shallow depressions, swamps, and other low-lying areas above their natural ground level during land leveling operations; or it is used as a cover for sanitary landfills. In many areas, this soil has a surface layer about 30 to 50 inches thick. A seasonal high water table varies with the amount of fill material and artificial drainage in any mapped area. In most years, a seasonal high water table is at a depth of 24 to 36 inches for 2 to 4 months. It recedes to a depth of about 60 inches or more during extended dry periods.

Basinger fine sand, depressional, 0 to 1 percent slopes (#3) is a nearly level, very poorly drained soil found in shallow depressions and sloughs and along edges of freshwater marshes and swamps. The surface layer of this soil type generally consists of black fine sand about 7 inches thick. The water table for this soil type is above the surface for 6 to 9 months or more each year and is within 12 inches of the surface for the rest of the year. Permeability of this soil type is rapid throughout.

Candler fine sand, 0 to 5 percent slopes (#4) is a nearly level to gently sloping, excessively drained soil found on the uplands. The surface layer of this soil type generally consists of very dark grayish brown fine sand about 5 inches thick. The seasonal high water table for this soil type is at a depth of more than 80 inches. Permeability of this soil type is rapid in the surface and subsurface layers and is rapid to moderately rapid in the subsoil.

Candler fine sand, 5 to 12 percent slopes (#5) is a sloping to strongly sloping, excessively drained soil found on the uplands. The surface layer of this soil type generally consists of dark grayish brown fine sand about 4 inches thick. The seasonal high water table for this soil type is at a depth of more than 80 inches. Permeability of this soil type is rapid in the surface and subsurface layers and is rapid to moderately rapid in the subsoil.

St. Johns fine sand (#37) is a nearly level, poorly drained soil found in broad areas on the flatwoods. The upper portion of the surface layer of this soil type generally consists of black fine sand about 7 inches thick. In most years the seasonal high water table for this soil type is within 10 inches of the surface for 6 to 12 months and between depths of 10 to 40 inches for more than 6 months. Permeability of this soil type is rapid in the surface and subsurface layers and substratum, and medium to very high in the subsoil.

Sanibel muck (#42) is a nearly level, very poorly drained soil found in depressions, freshwater swamps and marshes and in poorly defined drainageways. Typically the surface layer of this soil type consists of black muck about 11 inches thick. In most years undrained areas mapped with this soil type are ponded for 6 to 9 months or more except during extended dry periods. Permeability of this soil type is rapid throughout.

Smyrna-Smyrna, wet, fine sand, 0 to 2 percent slopes (#44) is a nearly level, poorly drained soil found on broad flatwoods. The surface layer of this soil type generally consists of black fine sand about 4 inches thick. The seasonal high water table for this soil type is within 10 inches of the surface for 1 to 4 months. It recedes to a depth of 10 to 40 inches for more than 6 months. Permeability of this soil type is rapid in the surface and subsurface layers and in the substratum. It is moderate to moderately rapid in the subsoil.

Tavares fine sand, 0 to 5 percent slopes (#46) is a nearly level to gently sloping, moderately well drained soil found on low ridges and knolls on the uplands. The surface layer of this soil type generally consists of very dark gray fine sand about 6 inches thick. The seasonal high water table for this soil type is at a depth of 40 to 80 inches for more than 6 months, and recedes to a depth of more than 80 inches during extended dry periods. Permeability of this soil type is very rapid throughout.

Zolfo fine sand, 0 to 2 percent slopes (#54) is a nearly level, somewhat poorly drained soil found on broad, slightly higher positions adjacent to the flatwoods. The surface layer of this soil type generally consists of dark grayish brown fine sand about 5 inches thick. The seasonal high water table for this soil type is at a depth of 24 to 40 inches for 2 to 6 months. It is at a depth of 10 to 24 inches during periods of heavy rain. It recedes to a depth of about 60 inches during extended dry periods. Permeability of this soil type is rapid in the surface and subsurface layers and is moderate in the subsoil.

The Florida Association of Environmental Soil Scientists (FAESS) considers the main components of the Basinger fine sand, depressional, 0 to 1 percent slopes (#3), St. Johns fine sand (#37), Sanibel muck (#42), and Smyrna-Smyrna, wet, fine sand, 0 to 2 percent slopes (#44) soil types associated with the site to be hydric. The FAESS also considers inclusions present within the Basinger fine sand, depressional, 0 to 1 percent slopes (#3) and Sanibel muck (#42)

soils types associated with the site to be hydric. This information can be found in the Hydric Soils of Florida Handbook, Fourth Edition, March 2007.

LAND USE TYPES/VEGETATIVE COMMUNITIES

The site currently supports six (6) land use types/vegetative communities. These were identified utilizing the Florida Land Use, Cover and Forms Classification System, Level III (FLUCFCS, FDOT, January 2004) (Figure 5). The on-site upland land use types/vegetative communities are classified as Commercial and Services (140) and Improved Pastures (211). The on-site wetland/surface water land use types/vegetative communities are classified as Streams and Waterways (Ditch) (510), Reservoirs less than 10 acres which are dominant features (534), Wetland Forested Mixed (630) and Vegetated Non-Forested Wetlands (640). The following provides a brief description of these on-site land use types/vegetative communities:

Uplands:

140 Commercial and Services

The northern portion of the site contains two (2) businesses; an equine boarding/riding facility and a nursery/greenhouse facility that are most consistent with the Commercial and Services (140) FLUCFCS classification. The equine boarding/riding facilities include areas of open pastureland, horse stables, and a mobile home residence. The nursery/greenhouse facilities consist of multiple staging areas for nursery stock, greenhouses, sheds, and offices. The nursery is currently utilizing portions of the on-site forested wetlands to propagate specimens of plants and trees. Vegetative species observed within this land use type included slash pine (*Pinus elliottii*), laurel oak (*Quercus laurifolia*), Brazilian pepper (*Schinus terebinthifolius*), earpod tree (*Enterolobium contortisiliquum*), wax myrtle (*Myrica cerifera*), loblolly pine (*Pinus taeda*), elderberry (*Sambucus canadensis*), red maple (*Acer rubrum*), Chinese tallow (*Triadica sebifera*), Washington fan palm (*Washingtonia* spp.), cabbage palm (*Sabal palmetto*), marsh pennywort (*Hydrocotyle umbellata*), common ragweed (*Ambrosia artemisiifolia*), sedges (*Carex* spp. and *Cyperus* spp.), cogongrass (*Imperata cylindrica*), guineagrass (*Megathyrsus maximus*), tuberous sword fern (*Nephrolepis cordifolia*), dogfennel (*Eupatorium cappillifolium*), caesarweed (*Urena lobata*), bahiagrass (*Paspalum notatum*), and muscadine grapevine (*Vitis rotundifolia*).

211 Improved Pastures

The central and southern portions of the site contain areas of pasturelands that are most consistent with the Improved Pastures (211) FLUCFCS classification. Vegetative species observed within this community type included live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), sand live oak (*Quercus geminate*), water oak (*Quercus nigra*), citrus

(*Citrus* spp.), cabbage palm (*Sabal palmetto*), bahiagrass (*Paspalum notatum*), lantana (*Lantana camara*), saltbush (*Baccharis halimifolia*), common ragweed (*Ambrosia artemisiifolia*), ceasarweed (*Urena lobata*), American beautyberry (*Callicarpa americana*), blackberry (*Rubus* spp.), poor man's pepper (*Lepidium oxycarpum*), dogfennel (*Eupatorium capillifolium*), muscadine grapevine (*Vitis* spp.), winged sumac (*Rhus copallinum*), Virginia creeper (*Parthenocissus quinquefolia*), tropical soda apple (*Solanum viarum*), maidencane (*Panicum hemitomon*), elderberry (*Sambucus canadensis*), eastern brackenfern (*Pteridium aquilinum*), pricklypear cactus (*Opuntia humifusa*), purple passionflower, (*Passiflora incarnate*), flat-topped goldenrod (*Euthamia graminifolia*), bermudagrass (*Cynodon dactylon*), cogongrass (*Imperata cylindrica*), rose natalgrass (*Melinis repens*), hairy indigo (*Indigofera hirsuta*), bitter sneezeweed (*Helenium amarum*), guineagrass (*Megathyrus maximus*), Mexican clover (*Richardia* spp.), and white beggar ticks (*Bidens alba*).

Wetlands/Surface Waters:

510 Streams and Waterways (Ditch)

The northern portion of the site contains an excavated ditch that is most consistent with the Streams and Waterways (Ditch) (510) FLUCFCS classification. This ditch was holding water and flowing at the time of the on-site assessment. The southernmost ditch appears to extend off-site to the east. Vegetative species observed associated with these ditches included Virginia chain fern (*Woodwardia virginica*), Peruvian primrosewillow (*Ludwigia peruviana*), elderberry (*Sambucus canadensis*), Carolina willow (*Salix caroliniana*), and marsh pennywort (*Hydrocotyle umbellata*).

534 Reservoirs less than 10 acres which are dominant features

Located within the northeastern portion of the site is a small excavated area that is most consistent with the Reservoirs less than 10 acres which are dominant features (534) FLUCFCS classification. Vegetative species observed within this community type included Peruvian primrosewillow (*Ludwigia peruviana*), Mexican primrosewillow (*Ludwigia octovalvis*), sedges (*Carex* spp. and *Cyperus* spp.), marsh pennywort (*Hydrocotyle umbellata*), torpedograss (*Panicum repens*), and caesarweed (*Urena lobata*).

630 Wetland Forested Mixed

The central and southern portions of the site contain forested wetland areas that are most consistent with the Wetland Forested Mixed (630) FLUCFCS classification. These forested wetland areas are hydrologically connected to each other via a culvert. Vegetative species observed within this community type included slash pine (*Pinus elliotii*), laurel oak (*Quercus*

laurifolia), water oak (*Quercus nigra*), red maple (*Acer rubrum*), American sweetgum (*Liquidambar styraciflua*), Brazilian pepper (*Schinus terebinthifolius*), Chinese tallotree (*Triadica sebifera*), cabbage palm (*Sabal palmetto*), dwarf palmetto (*Sabal minor*), Virginia chain fern (*Woodwardia virginica*), tuberous sword fern (*Nephrolepis cordifolia*), air potato vine (*Dioscorea bulbifera*), Peruvian primrosewillow (*Ludwigia peruviana*), greenbriar (*Smilax* spp.), caesarweed (*Urena lobata*), and muscadine grapevine (*Vitis rotundifolia*).

640 Vegetated Non-Forested Wetlands

The central-western portion of the site also contains a small, vegetated wetland area that is most consistent with the Vegetated Non-Forested Wetlands (640) FLUCFCS classification. This wetland area is hydrologically connected to the larger forested wetland via a culvert to the north. Vegetative species observed within this community type include Peruvian primrosewillow (*Ludwigia peruviana*), Mexican primrosewillow (*Ludwigia octovalvis*), saltbush (*Baccharis halimifolia*), blackberry (*Rubus* spp.), sedges (*Carex* spp. and *Cyperus* spp.), marsh pennywort (*Hydrocotyle umbellata*), torpedograss (*Panicum repens*), and caesarweed (*Urena lobata*).

All on-site wetland/surface water areas were flagged utilizing pink BTC flagging tape. The limits of these on-site wetlands/surface waters can only be verified through a field review by the pertinent regulatory agencies.

WILDLIFE AND PROTECTED SPECIES

Using methodologies outlined in the Florida's Fragile Wildlife (Wood, 2001); Measuring and Monitoring Biological Diversity Standard Methods for Mammals (Wilson, et al., 1996); and Florida Fish and Wildlife Conservation Commission's Gopher Tortoise Permitting Guidelines (April 2008 – revised May 2017); an assessment for “listed” floral and faunal species was conducted at the site on February 7 and 8, 2018 (Figure 7). This assessment, included both direct observations and indirect evidence, such as tracks, burrows, tree markings and vocalizations that indicated the presence of species observed. The assessment focused on species that are “listed” by the FFWCC’s Official Lists - Florida’s Endangered Species, Threatened Species and Species of Special Concern (May 2017) that have the potential to occur in Orange County (Table 1). No plant species “listed” by federal agencies were identified on the subject site during the assessments conducted. The following is a list of those wildlife species identified during the evaluation of the site:

Reptiles and Amphibians

brown anole (*Norops sagrei*)
eastern black racer (*Coluber constrictor*)
gopher tortoise (*Gopherus polyphemus*)

Reptiles and Amphibians (cont)

green anole (*Anolis carolinensis*)
green tree frog (*Hyla cinerea*)
six-lined racerunner (*Cnemidophorus sexlineatus sexlineatus*)
southern leopard frog (*Rana sphenoccephala*)
southern toad (*Bufo terrestris*)

Birds

Black Vulture (*Coragyps atratus*)
Blue Jay (*Cyanocitta cristata*)
Common Grackle (*Quiscalus quiscula*)
Great Egret (*Ardea alba*)
Mourning Dove (*Zenaida macroura*)
Northern Cardinal (*Cardinalis cardinalis*)
Northern Mockingbird (*Mimus polyglottos*)
Red-shouldered Hawk (*Buteo lineatus*)

Mammals

common raccoon (*Procyon lotor*)
eastern cottontail (*Sylvilagus floridanus*)
eastern gray squirrel (*Sciurus carolinensis*)
marsh rabbit (*Sylvilagus palustris*)
nine-banded armadillo (*Dasypus novemcinctus*)
northern raccoon (*Procyon lotor*)
southeastern pocket gopher (*Geomys pinetis*)
Virginia opossum (*Didelphis virginiana*)

One (1) of the above wildlife species, the gopher tortoise (*Gopherus polyphemus*), is identified in the FFWCC's Official Lists - Florida's Endangered Species, Threatened Species and Species of Special Concern (May 2017). The following provides a brief description of particular wildlife species as they relate to the development of the site:

Gopher Tortoise (*Gopherus polyphemus*)

State Listed as "Threatened" by FFWCC

Currently the gopher tortoise (*Gopherus polyphemus*) is classified as a "Category 2 Candidate Species" by the U.S. Fish and Wildlife Service (USFWS), and as of September 2007 is now classified as "Threatened" by FFWCC, and as "Threatened" by FCREPA. The basis of the "Threatened" classification by the FFWCC for the gopher tortoise is due to habitat loss and destruction of burrows.

Gopher tortoises are commonly found in areas with well-drained soils associated with the pine flatwoods, pastures and abandoned orange groves. Several other protected species known to occur in Orange County have a possibility of occurring in this area, as they are gopher tortoise commensal species. These species include the eastern indigo snake (*Drymarchon corais couperi*), Florida mouse (*Podomys floridanus*) and the gopher frog (*Rana capito*). However, none of these species were observed during the survey conducted.

The site was surveyed for the existence of gopher tortoises through the use of pedestrian and transects. The survey covered approximately 100% of the suitable habitat present within the site boundaries. Thirteen (13) active/inactive gopher tortoise burrows were observed and recorded using GPS technology (see Figure 7). Based on thirteen (13) potentially occupied burrows, it is estimated that approximately eight (8) tortoises may occupy these burrows. This number is based on the factored occupation rate of 0.614 (Auffenburg-Franz). Therefore, for the purpose of estimating relocation costs associated with the site, as many as eight (8) gopher tortoises are estimated to occupy these burrows.

The FFWCC provides three (3) options for developers that have gopher tortoises on their property. These options include: 1) avoidance (i.e., 25-foot buffer around burrow), 2) preservation of habitat, and 3) off-site relocation. As such, resolution of the gopher tortoise issue will need to be permitted through FFWCC prior to any construction activities.

Based on the tortoise population that exists on the site and the expected residential development plan, there is only one potential option for resolving the gopher tortoise issue. This option is off-site relocation and would require that any tortoises within 25-feet of proposed construction activities be relocated off-site to an approved recipient site.

Independent to the costs associated with gopher tortoise relocations (i.e., permitting, recipient site fees, excavation, silt fencing, transportation costs, etc.), the FFWCC will be assessing a \$210.00 fee for the first five (5) gopher tortoises and \$315.00 per tortoise fee for all remaining on-site tortoises.

Indigo Snake (*Drymarchon couperi*)

Federally Listed as "Threatened" by USFWS

The indigo snake (*Drymarchon couperi*) is a federally threatened species. The basis for this listing was a result of dramatic population declines caused by over-collecting for the domestic and international pet trade as well as mortalities caused by rattlesnake collectors who gassed gopher tortoise burrows to collect snakes. Since its listing, habitat loss and fragmentation by residential and commercial expansion have become much more significant threats to the eastern

indigo snake. This species is widely distributed throughout central and south Florida and primarily occurs in sandhills habitat in northern Florida and southern Georgia.

No evidence of indigo snakes was observed within the project site during the wildlife survey conducted by BTC. However, the site does contain a small population of gopher tortoise burrows. As the site is located within Orange County and will result in the removal of more than 25 acres of eastern indigo snake habitat, a determination utilizing the USFWS's August 2017 Revised Consultation Key for the Eastern Indigo Snake would result in a finding of "may adversely affect." Based on the required permit conditions that would allow the above finding, a survey specific to indigo snakes may be required. The survey can be accomplished from October 1st thru April 30 for a minimum of five (5) surveys with 2 days of optimal weather (overnight low temperature above 60° F). At a minimum, the ACOE permit will be conditioned for the use of the USFWS's "Standard Protection Measures for the Eastern Indigo Snake". It will also be conditioned "such that all gopher tortoise burrows, active or inactive, will be excavated prior to site manipulation in the vicinity of the burrow. If an eastern indigo snake is encountered, the snake must be allowed to vacate the area prior to additional site manipulation in the vicinity. All permits will also be conditioned such that holes, cavities, and snake refugia other than gopher tortoise burrows will be inspected each morning before planned site manipulation of a particular area, and, if occupied by an eastern indigo snake, no work will commence until the snake has vacated the vicinity of proposed work."

Bald Eagle (*Haliaeetus leucocephalus*)

State Protected by F.A.C. 68A-16.002 and federally protected by both the Migratory Bird Treaty Act (1918) and the Bald and Golden Eagle Protection Act (1940)

In August of 2007, the USFWS removed the Bald Eagle from the list of federally endangered and threatened species. Additionally, the Bald Eagle was removed from FFWCC's imperiled species list in April of 2008. Although the Bald Eagle is no longer protected under the Endangered Species Act, it is still protected under the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act and FFWCC's Bald Eagle rule (Florida Administrative Code 68A-16.002 Bald Eagle (*Haliaeetus leucocephalus*)).

In May of 2007, the USFWS issued the National Bald Eagle Management Guidelines. In April of 2008, the FFWCC adopted a new Bald Eagle Management Plan that was written to closely follow the federal guidelines. Under FFWCC's new management plans, buffer zones are recommended based on the nature and magnitude of the project or activity. The recommended protective buffer zone is 660-feet or less from the nest tree, depending on what activities or structures are already near the nest. A FFWCC Eagle permit is not needed for any activity occurring outside of the 660-foot buffer zone. No activities are permitted within 330-feet of a nest during the nesting season, October 1 through May 15 or when Eagles are present at the nest.

In addition to the preliminary on-site review for “listed” species, BTC conducted a review for any FFWCC recorded Bald Eagle nests on or in the vicinity of the site (see attached). This review revealed one (1) recorded Bald Eagle nest within one (1.0) mile of the site. This Bald Eagle nest is identified as Nest #OR-072 and is located approximately 4,900-feet to the NNW. Based upon the distance of this nest from the site, no restrictions will be imposed on the development related to required Bald Eagle nest buffer zones.

USFWS CONSULTATION AREAS

The U.S. Fish and Wildlife Service has established “consultation areas” for certain listed species. Generally, these consultation areas only become an issue if USFWS consultation is required, which is usually associated with permitting through the U.S. Army Corps of Engineers. The reader should be aware that species presence and need for additional review are often determined to be unnecessary early in the permit review process due to lack of appropriate habitat or other conditions. However, the USFWS makes the final determination.

Consultation areas are typically very regional in size, often spanning multiple counties where the species in question is known to exist. Consultation areas by themselves do not indicate the presence of a listed species. They only indicate an area where there is a potential for a listed species to occur and that additional review might be necessary to confirm or rule-out the presence of the species. The additional review typically includes the application of species-specific criteria to rule-out or confirm the presence of the species in question. Such criteria might consist of a simple review for critical habitat types. In other cases, the review might include the need for species-specific surveys using established methodologies that have been approved by the USFWS.

The following paragraphs include a list of the USFWS Consultation Areas associated with the subject property. Also included, is a brief description of the respective species habitat and potential for additional review:

Everglade Snail Kite (*Rostrhamus sociabilis*)

Federally Listed as “Endangered” by USFWS

The subject site falls within the USFWS Consultation Area for the Snail Kite. Currently the Snail Kite is listed as “Endangered” by the USFWS. Snail Kites are similar in size to Red-shouldered Hawks. All Snail Kites have deep red eyes and a white rump patch. Males are slate gray, and females and juveniles vary in amounts of white, light brown, and dark brown, but the females always have white on their chin. Kites vocalize mainly during courtship and nesting. They may occur in nearly all of the wetlands of central and southern Florida. They regularly

occur in lake shallows along the shores and islands of many major lakes, including Lakes Okeechobee, Kissimmee, Tohopekaliga (Toho) and East Toho. They also regularly occur in the expansive marshes of southern Florida such as Water Conservation Areas 1, 2, and 3, Everglades National Park, the upper St. John's River marshes and Grassy Waters Preserve.

No Everglade Snail Kites were observed within the site during the wildlife survey conducted by BTC. As no suitable habitat exists within the site, it is not anticipated that a formal survey would be required by the USFWS or another agency to determine if any Everglade Snail Kites utilize any portions of the site.

Florida Scrub-Jay (*Aphelocoma coerulescens*)

Federally Listed as "Threatened" by USFWS

Currently the Florida Scrub-Jay is listed as threatened by the USFWS. Florida Scrub Jays are largely restricted to scattered, often small and isolated patches of sand pine scrub, xeric oak, scrubby flatwoods, and scrubby coastal stands in peninsular Florida (Woolfenden 1978a, Fitzpatrick et al. 1991). They avoid wetlands and forests, including canopied sand pine stands. Optimal Florida Scrub-Jay habitat is dominated by shrubby scrub, live oaks, myrtle oaks, or scrub oaks from 1 to 3 m (3 to 10 ft.) tall, covering 50% to 90% of the area; bare ground or sparse vegetation less than 15 cm (6 in) tall covering 10% to 50% of the area; and scattered trees with no more than 20% canopy cover (Fitzpatrick et al. 1991).

No Florida Scrub-Jays were observed on the site during the survey conducted by BTC. As no suitable habitat for this species exists within the limits of the site, it is not anticipated that a formal survey would be required by the USFWS or another agency to determine if any Florida Scrub-Jays utilize any portions of the site.

Florida Sand Skink (*Neoseps reynoldsi*)

Federally Listed as "Threatened"

The site falls within the Florida Sand Skink Consultation Area for the USFWS. The Florida sand skink is listed as "Threatened" by the USFWS. The Florida sand skink exists in areas vegetated with sand pine (*Pinus clausa*) - rosemary (*Ceratiola ericoides*) scrub or a long leaf pine (*Pinus palustris*) - turkey oak (*Quercus laevis*) association. Habitat destruction is the primary threat to this species' survival. Citrus groves, residential, commercial and recreational facilities have depleted the xeric upland habitat of the sand skink. All properties within the limits of this consultation area that are located at elevations greater than 80' and contain suitable (moderate-to-well drained soils) soils are believed by USFWS to be areas of potential Florida sand skink habitat.

The results of the wildlife survey showed no evidence (i.e. sinusoidal tracks) that indicate the presence of the sand skink. However, the site contains areas of improved pasture that meet the 80-foot above sea level requirement and the appropriate soil types for the Florida sand skink.

Due to these factors, a formal sand skink survey may be required by federal, state, and/or local government permitting agencies. The survey will need to be conducted between March 1 and May 15, in which 2' x 2' boards will be placed in the open sandy areas at a density of approximately 40 boards per acre and checked once per week for four (4) consecutive weeks. The main objective of the survey is to determine whether the Florida sand skink inhabits the site and to what extent they utilize the site.

PERMITTING

The extent of the on-site wetlands and surface waters were located and delineated by BTC in accordance with local, state, and federal guidelines utilizing pink Bio-Tech Consulting flagging tape. The limits of these on-site wetlands/surface waters can only be verified through a field review with the Orange County Environmental Protection Division (OCEPD), the St. Johns River Water Management District (SJRWMD) and U.S. Army Corps of Engineers (ACOE) during the permitting process. This site is located in the Southern Ocklawaha River Drainage Basin.

Orange County Environmental Protection Division (OCEPD)

A Conservation Area Determination (CAD) has already been issued through the Orange County Environmental Protection Division (OCEPD) to determine the extent of wetlands and surface waters that exist within the southern portion of the site. This CAD (CAD-13-08-042) was issued on March 26, 2014 and will expire in five (5) years (March 26, 2019). A CAD will still be required for the northern portion of the site to determine the extent of wetlands and/or other surface waters. Any impacts to on-site wetlands will require a Conservation Area Impact (CAI) permit from the OCEPD and mitigation for the impacts will be required. Any impacts to Class I systems will need to be approved by the Board of County Commissioners (BCC).

St. Johns River Water Management District (SJRWMD)

An Environmental Resource Permit (ERP) will be required through the SJRWMD to authorize construction and operation of a stormwater management system for the site and for all wetland/surface water impacts (both direct and secondary) in association with the proposed development. Impacts to the project's wetland/surface water communities would be permissible by SJRWMD as long as the issues of elimination and reduction of wetland impacts have been

addressed and as long as the mitigation offered is sufficient to offset the functional losses incurred via the proposed impacts.

U.S. Army Corps of Engineers (ACOE)

A Dredge and Fill Permit will be required through the ACOE to authorize impacts to wetlands and surface waters (both direct and secondary) in association with the proposed development. As with the SJRWMD, it is anticipated that all impacts to the project's wetlands communities would be permissible by the ACOE as long as the issues of elimination and reduction of wetland impacts have been addressed and as long as the mitigation offered is sufficient to offset the functional losses incurred via the proposed impacts. It should be noted that a determination has not been made as to whether or not the on-site wetlands/surface waters are considered jurisdictional by the ACOE.

The environmental limitations described in this document are based on observations and technical information available on the date of the on-site evaluation. This report is for general planning purposes only. The limits of any on-site wetlands/surface waters can only be determined and verified through field delineation and/or on-site review by the pertinent regulatory agencies. The wildlife surveys conducted within the subject property boundaries do not preclude the potential for any listed species, as noted on Table 1 (attached), currently or in the future. Should you have any questions or require any additional information, please do not hesitate to contact our office at (407) 894-5969. Thank you.

Regards,

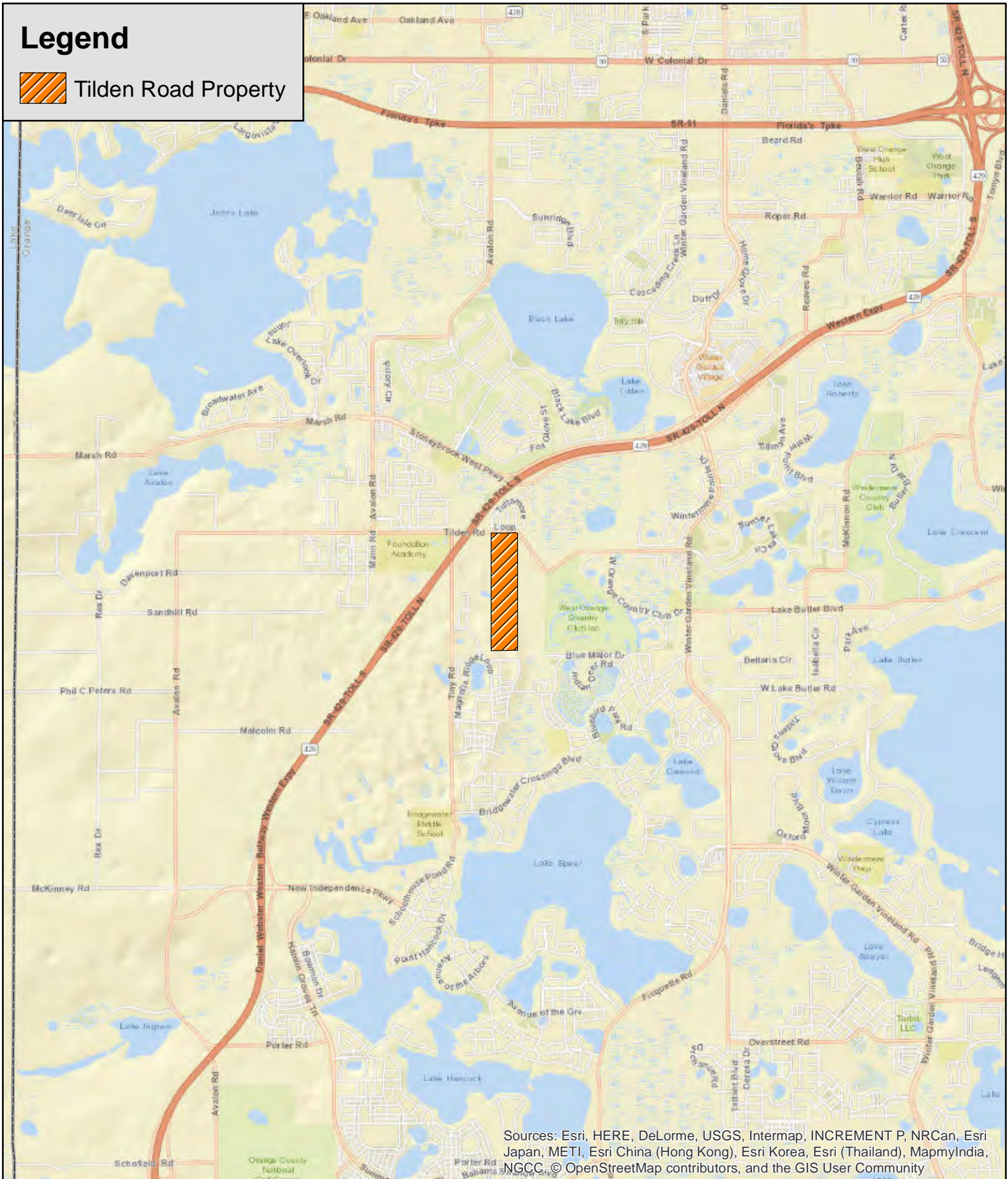


Bill Keenan
Project Manager

attachments

Legend

 Tilden Road Property



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

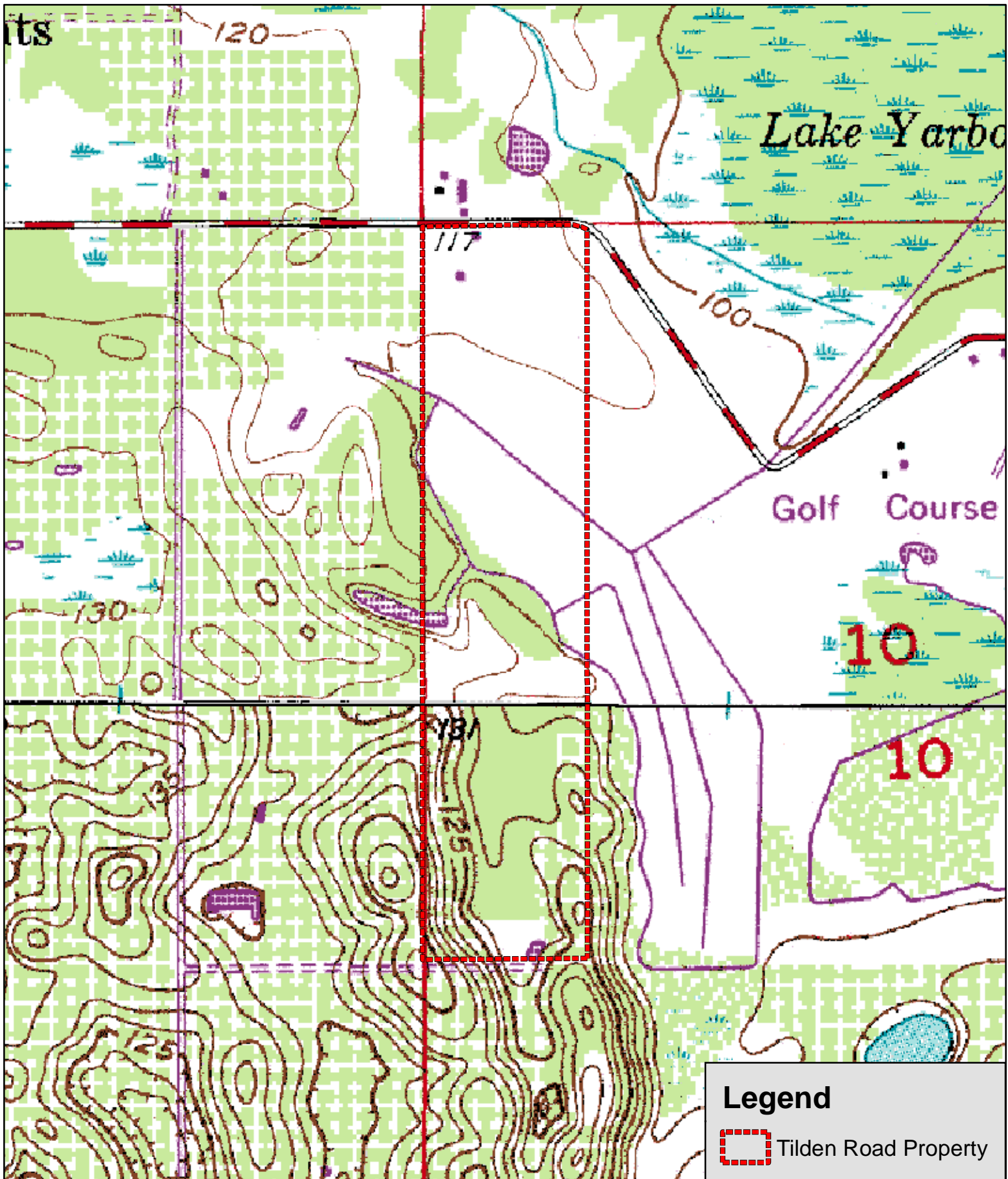




Legend


 Tilden Road Property






Tilden Road Property
 Orange County, Florida
 Figure 3
 USGS Topographic Map

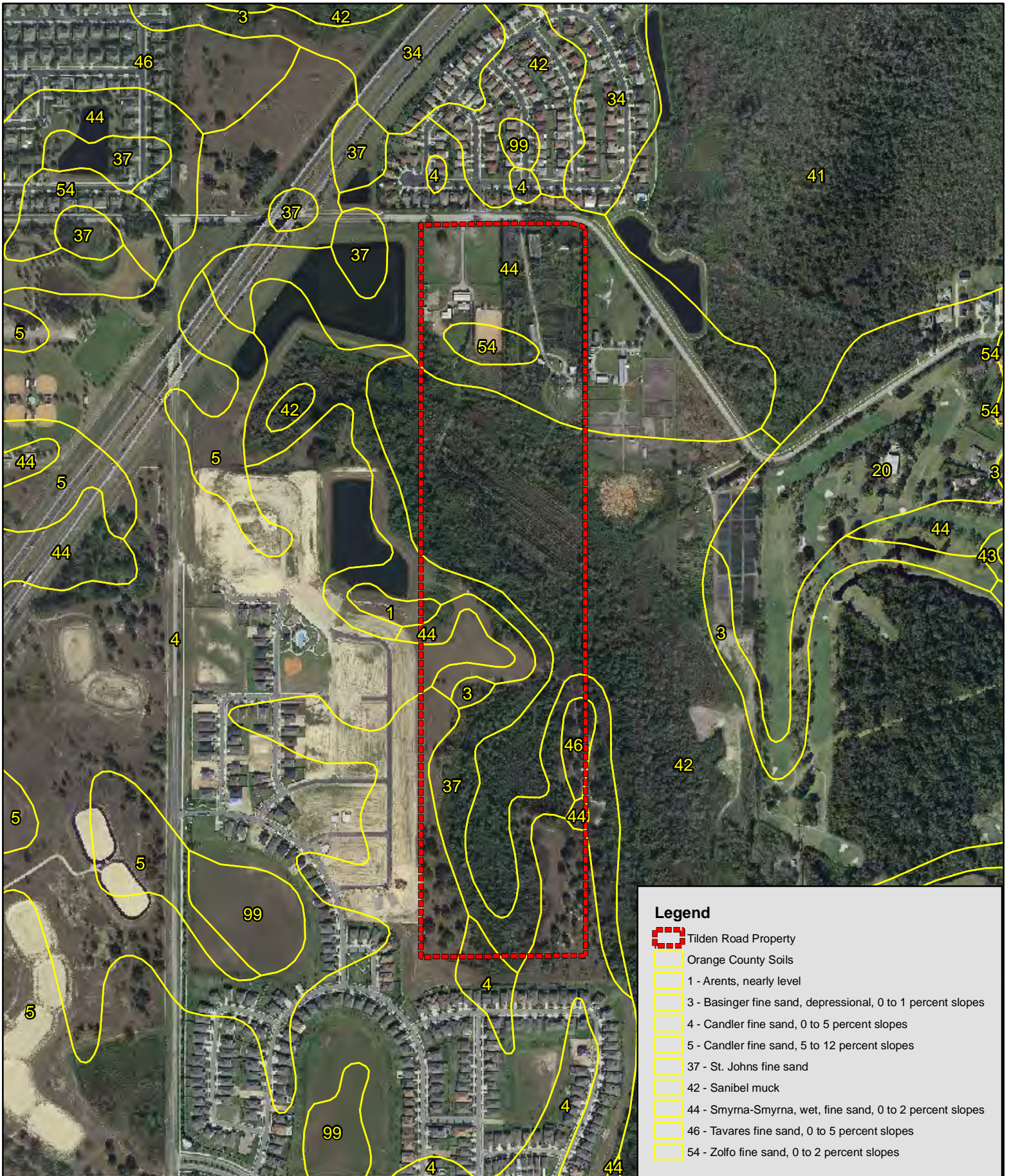
Legend

 Tilden Road Property

0 200 400 800 Feet



Project #: 938-04
 Produced By: NTJ
 Date: 2/9/2018



Tilden Road Property
 Orange County, Florida
 Figure 4
 USDA - NRCS Soils Map

0 200 400 800
 Feet




Project #: 938-04
 Produced By: NTJ
 Date: 2/9/2018


Legend


 Tilden Road Property

FLUCCS_sym, FLUCCS_nam


 140, Commercial and Services

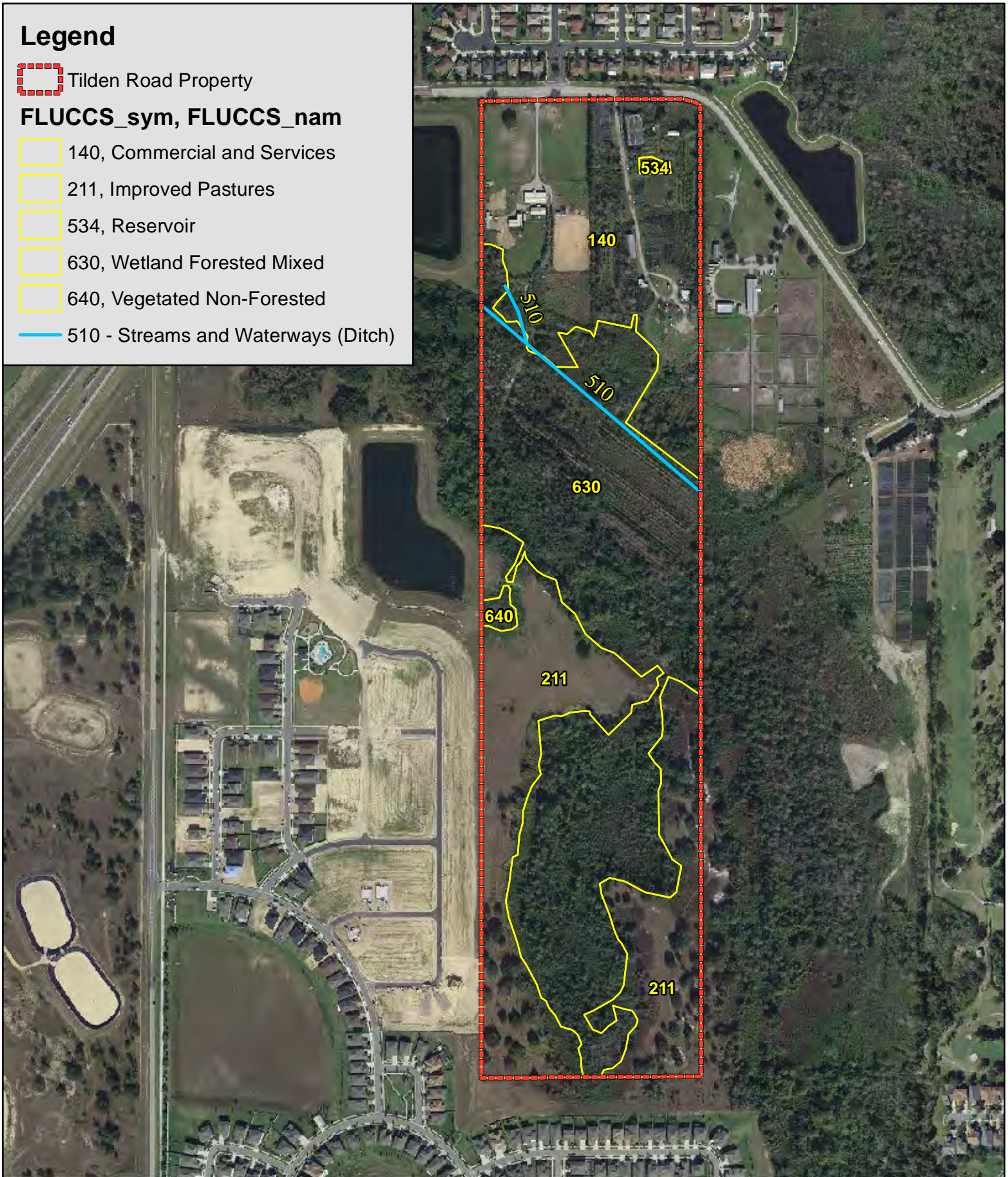
 211, Improved Pastures

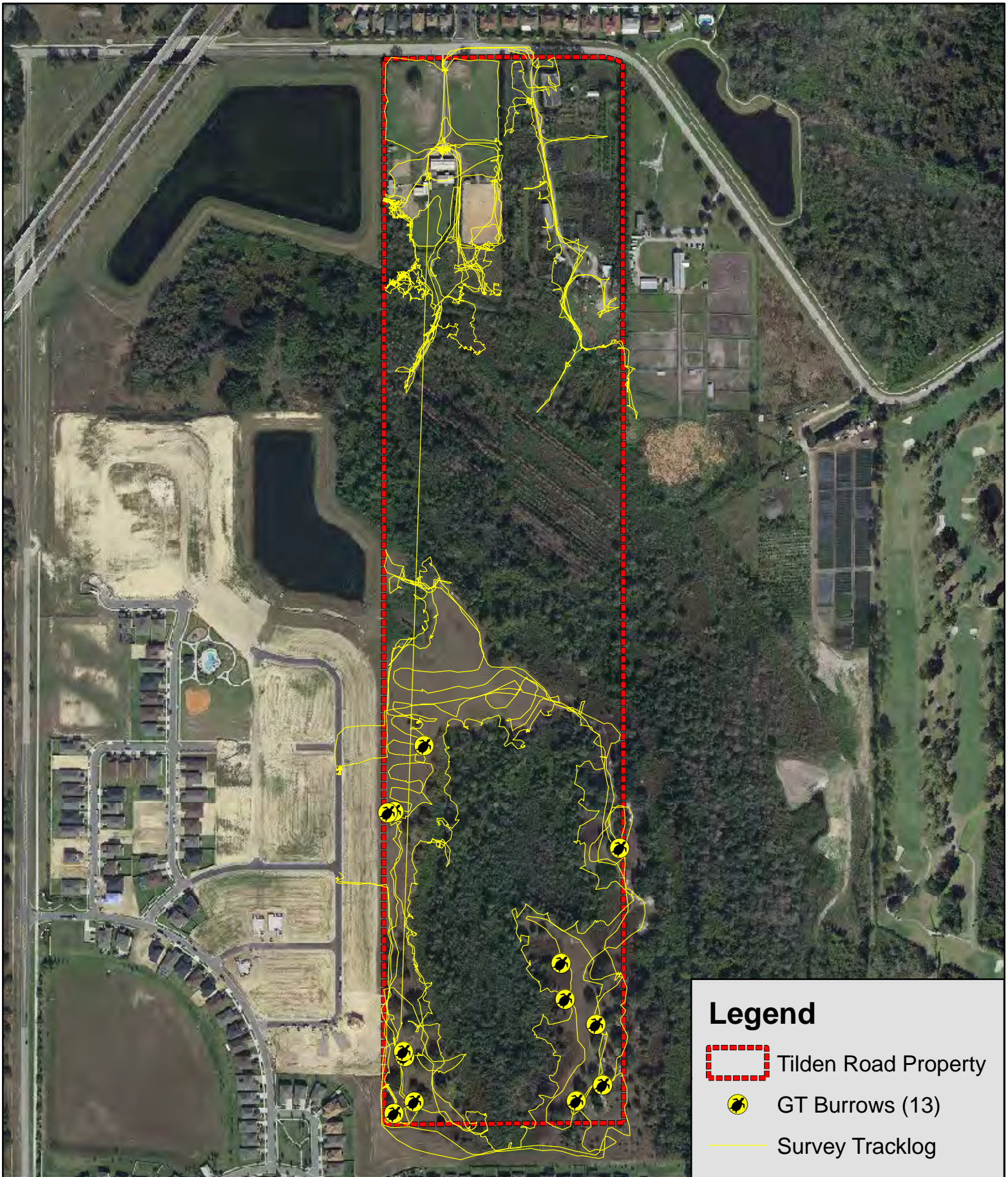
 534, Reservoir

 630, Wetland Forested Mixed

 640, Vegetated Non-Forested

 510 - Streams and Waterways (Ditch)





Tilden Road Property
 Orange County, Florida
 Figure 7
 Wildlife Survey Map

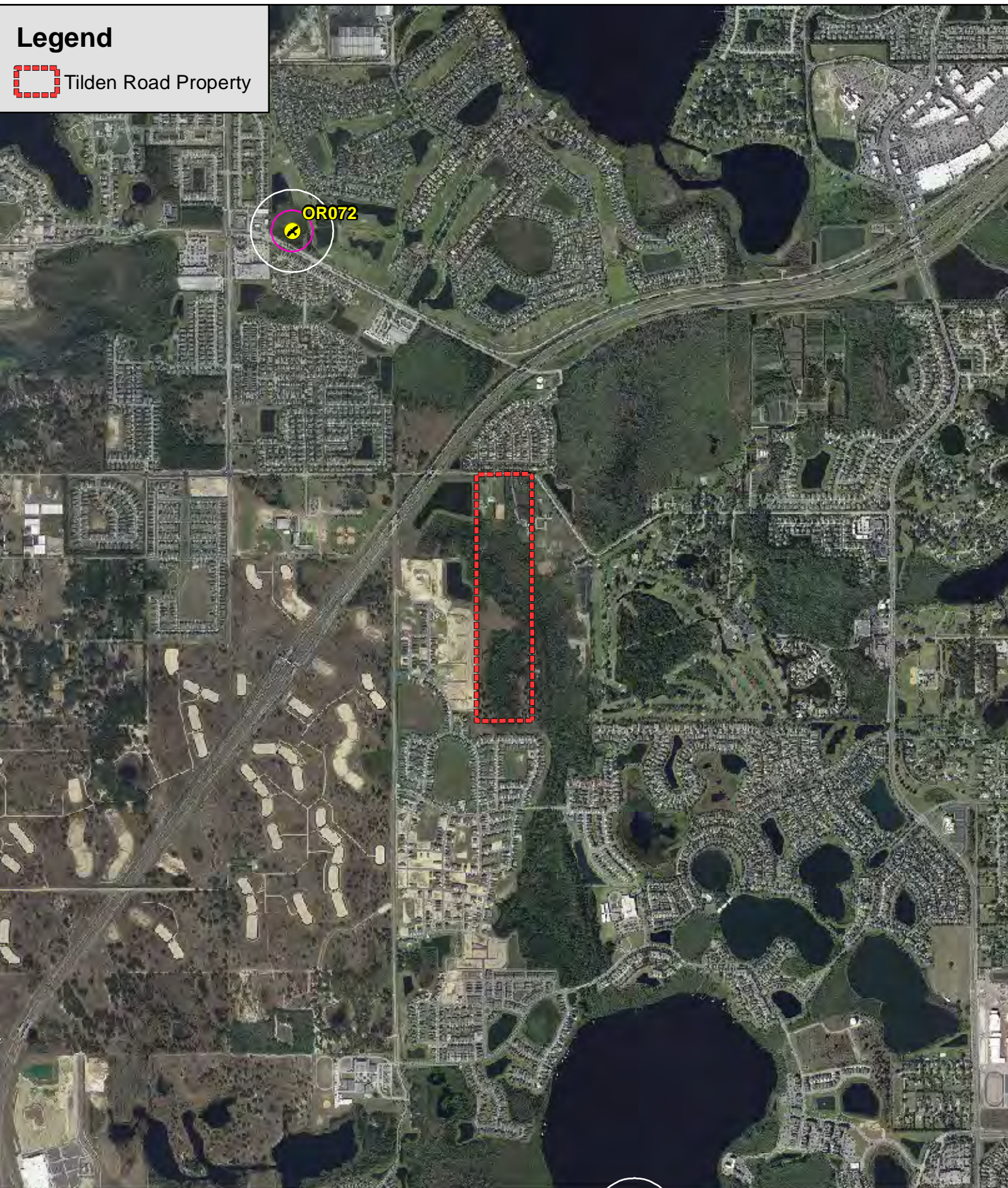


0 250 500
 Feet

Project #: 938-04
 Produced By: NTJ
 Date: 2/9/2018

Legend

 Tilden Road Property



**Bio-Tech Consulting Inc.**
Environmental and Permitting Services
3025 E. South Street Orlando, FL 32803
Ph: 407-894-5969 Fax: 407-894-5970
www.bio-techconsulting.com

Tilden Road Property
Orange County, Florida
Figure 7
Wildlife Proximity Map

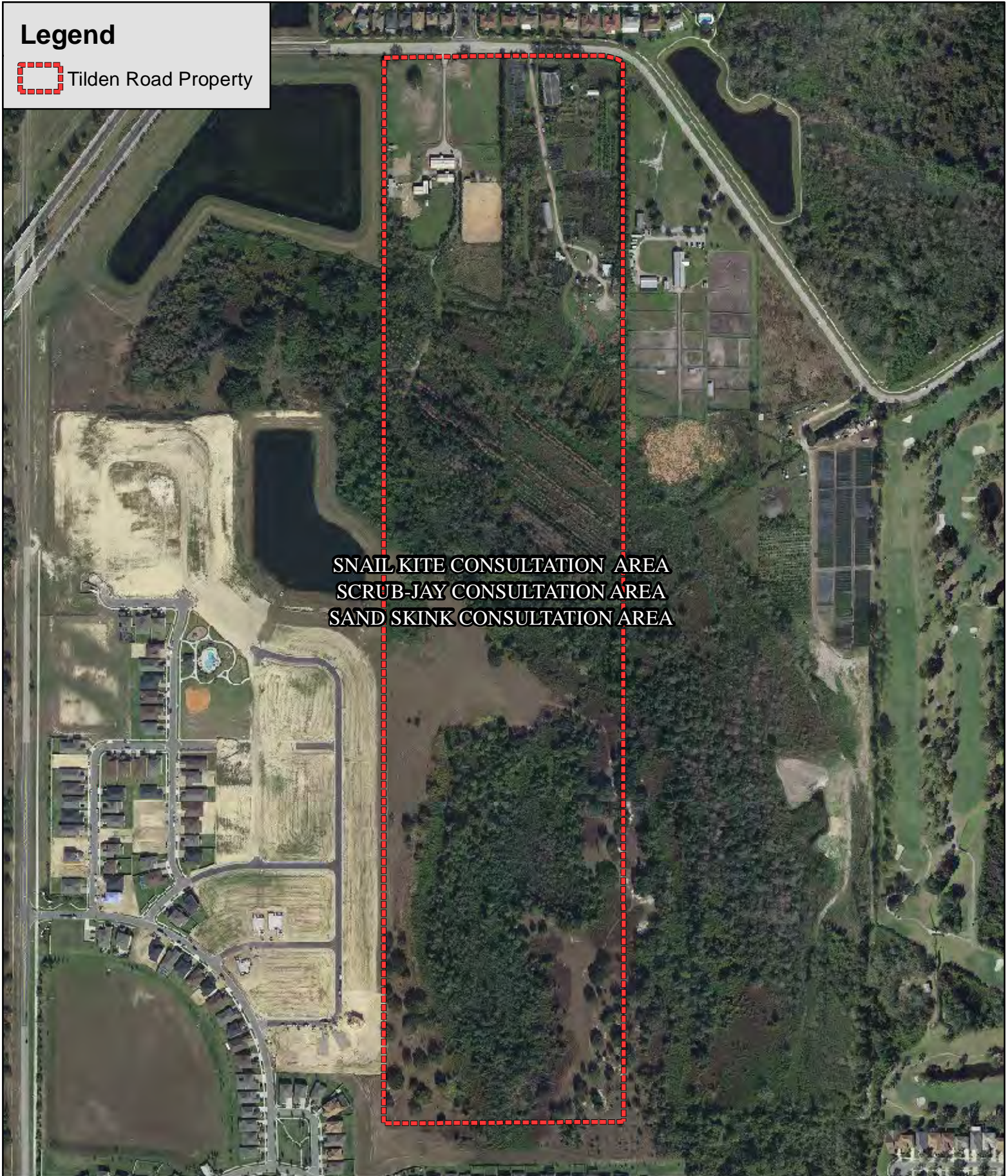


0 650 1,300 2,600 Feet

Project #: 938-04
Produced By: NTJ
Date: 2/9/2018

Legend

 Tilden Road Property



SNAIL KITE CONSULTATION AREA
SCRUB-JAY CONSULTATION AREA
SAND SKINK CONSULTATION AREA

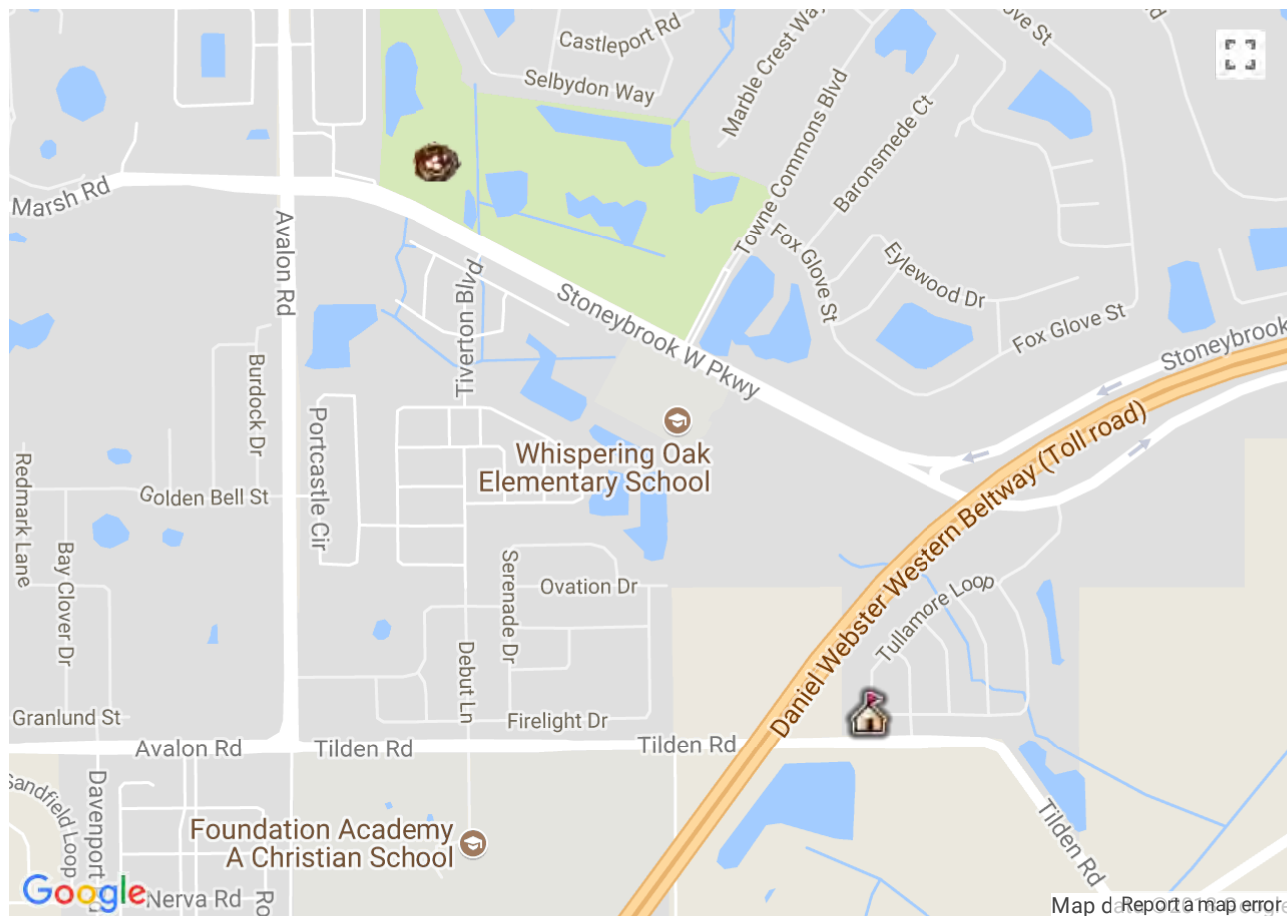


This report was generated using the bald eagle nest locator at <https://public.myfwc.com/FWRI/EagleNests/nestlocator.aspx> on 2/12/2018 8:59:04 AM.

Search Entered: Within 1 miles of latitude 28.507305 and longitude -81.607725; All Search Results

1 record(s) were found; 1 record(s) are shown

Bald Eagle Nest Map:



Bald Eagle Nest Data Search Results:

Results per page:

All ▼

Nest ID	County	Latitude	Longitude	Township	Range	Section	Gaz Page	Last Known Active	Last Surveyed	Act 13	Act 14	Act 15	Act 16	Act 17	Dist. (Mi)
OR072	Orange	28 31.08	81 37.02	23S	27E	04	79	2010	2014	*	*	-	*	*	0.93

"Y" denotes an active nest

"U" denotes a nest that was visited but status was undetermined

"N" denotes an inactive nest

"*" denotes a nest that was not surveyed

"-" denotes an unobserved nest

Table 1:		Potentially Occuring Listed Wildlife and Plant Species in Orange County, Florida	
Scientific Name	Common Name	Federal Status	State Status
REPTILES			
<i>Alligator mississippiensis</i>	American alligator	SAT	FT(S/A)
<i>Drymarchon corais couperi</i>	eastern indigo snake	LT	FT
<i>Gopherus polyphemus</i>	gopher tortoise	C	ST
<i>Lampropeltis extenuata</i>	short-tailed snake	N	ST
<i>Pituophis melanoleucus mugitus</i>	Florida pine snake	N	ST
<i>Plestiodon reynoldsi</i>	sand skink	LT	FT
BIRDS			
<i>Aphelocoma coerulescens</i>	Florida scrub-jay	LT	FT
<i>Athene cunicularia floridana</i>	Florida burrowing owl	N	ST
<i>Caracara cheriway</i>	Crested Caracara	LT	FT
<i>Egretta caerulea</i>	little blue heron	N	ST
<i>Egretta tricolor</i>	tricolored heron	N	ST
<i>Falco sparverius paulus</i>	southeastern American kestrel	N	ST
<i>Grus canadensis pratensis</i>	Florida sandhill crane	N	ST
<i>Haliaeetus leucocephalus</i>	bald eagle	N	**
<i>Mycteria americana</i>	wood stork	LT	FT
<i>Pandion haliaetus</i>	osprey	N	SSC*
<i>Picoides borealis</i>	red-cockaded woodpecker	LE	FE
<i>Platalea ajaja</i>	roseate spoonbill	N	ST
<i>Sterna antillarum</i>	least tern	N	ST
MAMMALS			
<i>Sciurus niger shermani</i>	Sherman's fox squirrel	N	SSC
VASCULAR PLANTS			
<i>Bonamia grandiflora</i>	Florida bonamia	LT	E
<i>Calopogon multiflorus</i>	Many-flowered Grass-pink	N	T
<i>Centrosema arenicola</i>	Sand Butterfly Pea	N	E
<i>Chionanthus pygmaeus</i>	Pygmy Fringe Tree	LE	E
<i>Centrosema arenicola</i>	sand butterfly pea	N	N
<i>Coelorachis tuberculosa</i>	piedmont jointgrass	N	N
<i>Deeringothamnus pulchellus</i>	beautiful pawpaw	LE	E
<i>Eriogonum longifolium</i> var <i>gnaphalifolium</i>	scrub buckwheat	LT	E
<i>Helianthus debilis</i> ssp <i>tardiflorus</i>	beach sunflower	N	N
<i>Ilex opaca</i> var <i>arenicola</i>	scrub holly	N	N
<i>Illicium parviflorum</i>	star anise	N	E
<i>Lechea cernua</i>	nodding pinweed	N	T
<i>Lupinus aridorum</i>	scrub lupine	LE	E
<i>Matelea floridana</i>	Florida spiny-pod	N	E
<i>Monotropa hypopithys</i>	piresap	N	E
<i>Najas filifolia</i>	Narrowleaf Naiad	N	T
<i>Nemastylis floridana</i>	Celestial Lily	N	E
<i>Nolina atopocarpa</i>	Florida beargrass	N	T
<i>Nolina brittoniana</i>	Britton's beargrass	LE	E
<i>Ophioglossum palmatum</i>	hand fern	N	E
<i>Panicum abscissum</i>	cutthroat grass	N	E
<i>Paronychia chartacea</i> ssp <i>chartacea</i>	paper-like nailwort	LT	E
<i>Persea humilis</i>	scrub bay	N	N
<i>Pecluma plumula</i>	Plume Polypody	N	E
<i>Polygonella myriophylla</i>	Small's jointweed	LE	E
<i>Prunus geniculata</i>	scrub plum	LE	E
<i>Pteroglossaspis ecristata</i>	Giant Orchid	N	T
<i>Stylisma abdita</i>	scrub stylisma	N	E
<i>Warea amplexifolia</i>	clasping warea	LE	E
<i>Zephyranthes simpsonii</i>	redmargin lily	N	T

FEDERAL LEGAL STATUS

LE-Endangered: species in danger of extinction throughout all or a significant portion of its range.

LT-Threatened: species likely to become Endangered within the foreseeable future throughout all or a significant portion of its range.

SAT-Endangered due to similarity of appearance to a species which is federally listed such that enforcement personnel have difficulty in attempting to differentiate between the listed and unlisted species.

C-Candidate species for which federal listing agencies have sufficient information on biological vulnerability and threats to support proposing to list the species as Endangered or Threatened.

XN-Non-essential experimental population.

N-Not currently listed, nor currently being considered for listing as Endangered or Threatened.

STATE LEGAL STATUS - ANIMALS

FE- Listed as Endangered Species at the Federal level by the U. S. Fish and Wildlife Service

FT- Listed as Threatened Species at the Federal level by the U. S. Fish and Wildlife Service

FXN- Federal listed as an experimental population in Florida

FT(S/A)- Federal Threatened due to similarity of appearance

ST- State population listed as Threatened by the FFWCC. Defined as a species, subspecies, or isolated population which is acutely vulnerable to environmental alteration, declining in number at a rapid rate, or whose range or habitat is decreasing in area at a rapid rate and as a consequence is destined or very likely to become an endangered species within the foreseeable future.

SSC-Listed as Species of Special Concern by the FFWCC. Defined as a population which warrants special protection, recognition, or consideration because it has an inherent significant vulnerability to habitat modification, environmental alteration, human disturbance, or substantial human exploitation which, in the foreseeable future, may result in its becoming a threatened species. (SSC* for *Pandion haliaetus* (Osprey) indicates that this status applies in Monroe county only.)

N-Not currently listed, nor currently being considered for listing.

*** State protected by F.A.C. 68A-16.002 and federally protected by both the Migratory Bird Treaty Act (1918) and the Bald and Golden Eagle Protection Act (1940)*

STATE LEGAL STATUS - PLANTS

E-Endangered: species of plants native to Florida that are in imminent danger of extinction within the state, the survival of which is unlikely if the causes of a decline in the number of plants continue; includes all species determined to be endangered or threatened pursuant to the U.S. Endangered Species Act.

T-Threatened: species native to the state that are in rapid decline in the number of plants within the state, but which have not so decreased in number as to cause them to be Endangered.

N-Not currently listed, nor currently being considered for listing.

Appendix 4:
Archaeological & Historic Assessment Letter
Florida Division of Historical Resources
February 2018



This record search is for informational purposes only and does NOT constitute a project review. This search only identifies resources recorded at the Florida Master Site File and does NOT provide project approval from the Division of Historical Resources. Contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333 for project review information.

February 16, 2018

Lucie Ghioto, AICP

POULOS & BENNETT

2602 E. Livingston St.

Orlando, FL 32803

Office: 407.487.2594

E-mail: LGhioto@poulosandbennett.com



In response to your inquiry of February 16, 2018, 2017 the Florida Master Site File lists no archeological sites, one standing structure and no other cultural resources found at the designated area in Orange County, Florida.

Section 10 Township 23 South, Range 27 East as submitted with search request.

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

- **This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.**
- **Federal, state and local laws require formal environmental review for most projects. This search DOES NOT constitute such a review. If your project falls under these laws, you should contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333.**

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

Sincerely,

Eman M. Vovsi, Ph.D.

Data Base Analyst

Florida Master Site File

Eman.Vovsi@DOS.MyFlorida.com

OR04349





AR=0
 SS=1
 CM=0
 RG=0
 BR=0
 Total=1

Cultural Resource Roster

SiteID	Type	Site Name	Address	Additional Info	SHPO Eval	NR Status
OR04293	SS	14950 TILDEN ROAD	14950 TILDEN RD, WINTER GARDEN	1940 Frame Vernacular	Not Eligible	

Appendix 2:
Environmental Assessment Report
Bio-Tech Consulting, Inc.
February 2018



February 14, 2018

Sean Ells

Columnar Holdings

283 Cranes Roost Boulevard, Suite 1806
Altamonte, Florida 32701

Proj: Ayers Parcels – Orange County, Florida
Sections 30 & 31, Township 24 South, Range 27 East
(BTC File #337-21)

Re: Environmental Assessment Report

Dear Mr. Ells:

During November and December of 2017, Bio-Tech Consulting, Inc. (BTC) conducted an environmental assessment of the approximately 273.73-acre Ayers Parcels project site. This site is located on the west side of Avalon Road, just north of U.S. Hwy 192 and east of the Lake-Orange County Line; within Sections 30 & 31, Township 24 South, Range 27 East in Orange County, Florida (Figures 1, 2 & 3). This environmental assessment included the following elements:

- Review of soil types mapped within the site boundaries;
- Evaluation of land use types/vegetative communities present;
- Field review for occurrence of protected flora and fauna; and,
- Delineation of on-site wetland communities.

SOILS

According to the Soil Survey of Orange County, Florida, prepared by the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), eight (8) soil types exist within the subject property (Figure 4). These soil types include the following:

Orlando: Main Office
3025 East South Street
Orlando, FL 32803

Vero Beach Office
4445 N A1A
Suite 221
Vero Beach, FL 32963

Jacksonville Office
1157 Beach Boulevard
Jacksonville Beach, FL 32250

Tampa Office
6011 Benjamin Road
Suite 101 B
Tampa, FL 33634

Key West Office
1107 Key Plaza
Suite 259
Key West, FL 33040

Aquatic & Land
Management Operations
3825 Rouse Road
Orlando, FL 32817

407.894.5969
877.894.5969
407.894.5970 fax

- **Archbold fine sand, 0 to 5 percent slopes (#2)**
- **Basinger fine sand, depressionnal (#3)**
- **Candler fine sand, 0 to 5 percent slopes (#4)**
- **Immokalee fine sand (#20)**
- **Pomello fine sand, 0 to 5 percent slopes (#34)**
- **Sanibel muck (#42)**
- **Tavares fine sand, 0 to 5 percent slopes (#46)**
- **Tavares - Millhopper fine sands, 0 to 5 percent slopes (#47)**

The following presents a brief description of each of the soil types mapped for the subject site:

Archbold fine sand, 0 to 5 percent slopes (#2) is a nearly level to gently sloping, moderately well drained soil found on low ridges and knolls on the flatwoods. The surface layer of this soil type generally consists of dark gray fine sand about 2 inches thick. In most years, the seasonal high water table for this soil type is at a depth of 42 to 60 inches for about 6 months and recedes to a depth of 60 to 80 inches for the rest of the year. It is at a depth of 24 to 40 inches for about 1 month to 4 months during wet periods. Permeability of this soil type is very rapid throughout.

Basinger fine sand, depressionnal (#3) is a nearly level, very poorly drained soil found in shallow depressions and sloughs and along edges of freshwater marshes and swamps. The surface layer of this soil type generally consists of black fine sand about 7 inches thick. The water table for this soil type is above the surface for 6 to 9 months or more each year and is within 12 inches of the surface for the rest of the year. Permeability of this soil type is rapid throughout.

Candler fine sand, 0 to 5 percent slopes (#4) is a nearly level to gently sloping, excessively drained soil found on the uplands. The surface layer of this soil type generally consists of very dark grayish brown fine sand about 5 inches thick. The seasonal high water table for this soil type is at a depth of more than 80 inches. Permeability of this soil type is rapid in the surface and subsurface layers and is rapid to moderately rapid in the subsoil.

Immokalee fine sand (#20) is a nearly level, poorly drained soil found on broad flatwoods. The surface layer of this soil type generally consists of black fine sand about 5 inches thick. In most years the seasonal high water table for this soil type is within 10 inches of the surface for 1 to 3 months. It recedes to a depth of 10 to 40 inches for more than 6 months. Permeability of this soil type is rapid in the surface and subsurface layers and in the substratum. It is moderate in the subsoil.

Pomello fine sand, 0 to 5 percent slopes (#34) is a nearly level to gently sloping, moderately well drained soil found on low ridges and knolls on the flatwoods. The surface layer of this soil type generally consists of gray fine sand about 3 inches thick. In most years, the seasonal high water table for this soil type is at a depth of 24 to 40 inches for 1 to 4 months and recedes to a depth of 40 to 60 inches during dry periods. Permeability of this soil type is very rapid in the surface and subsurface layers, moderately rapid in the subsoil, and rapid in the substratum.

Sanibel muck (#42) is a nearly level, very poorly drained soil found in depressions, freshwater swamps and marshes and in poorly defined drainageways. Typically the surface layer of this soil type consists of black muck about 11 inches thick. In most years undrained areas mapped with this soil type are ponded for 6 to 9 months or more except during extended dry periods. Permeability of this soil type is rapid throughout.

Tavares fine sand, 0 to 5 percent slopes (#46) is a nearly level to gently sloping, moderately well drained soil found on low ridges and knolls on the uplands. The surface layer of this soil type generally consists of very dark gray fine sand about 6 inches thick. The seasonal high water table for this soil type is at a depth of 40 to 80 inches for more than 6 months, and recedes to a depth of more than 80 inches during extended dry periods. Permeability of this soil type is very rapid throughout.

Tavares - Millhopper fine sands, 0 to 5 percent slopes (#47) are nearly level to gently sloping, moderately well drained soils found on low ridges and knolls on the uplands and on the flatwoods. Typically the surface layer of Tavares and Millhopper soils is dark grayish brown fine sand about 6 inches thick. The seasonal high water table for Tavares soil is at a depth of 40 to 72 inches for more than 6 months, and recedes to a depth of more than 80 inches during extended dry periods. The seasonal high water table for Millhopper soil is at a depth of 40 to 60 inches for 1 to 4 months, and recedes to a depth of 60 to 72 inches for 2 to 4 months. Permeability of Tavares soil is very rapid. Permeability of Millhopper soil is rapid in the surface and subsurface layers and is moderately rapid or moderate in the subsoil.

The Florida Association of Environmental Soil Scientists (FAESS) considers the main component of Basinger fine sand, depressional (#3) and Sanibel muck (#42) to be hydric. Additionally, the FAESS also considers certain inclusions present within Immokalee fine sand (#20) to be hydric. This information can be found in the [Hydric Soils of Florida Handbook](#), Third Edition, March 2000.

LAND USE TYPES/VEGETATIVE COMMUNITIES

The Ayers Parcels project site currently supports eight (8) land use types/vegetative communities. These land use types/vegetative communities were identified utilizing the Florida Land Use, Cover and Forms Classification System, Level III (FLUCFCS, FDOT, January 2004) (Figure 5). The on-site upland land use types/vegetative communities are classified as Improved Pastures (211), Unimproved Pasture (212), Abandoned Citrus Groves (224), and Xeric Oak (421). The on-site wetland/surface water land use types/vegetative communities are classified as Lakes (520), Bay Swamp (611), Freshwater Marshes (641), and Wet Prairies (643). The following provides a brief description of the on-site land use types/vegetative communities:

Uplands:

211 Improved Pasture

Two (2) small areas of open land with patches of bahia grass (*Paspalum notatum*) and remnant scrub species are present in the southwestern portion of the project site. These areas are periodically utilized by cattle, have large expanses of open sand and are occasionally maintained via bush-hogging for pasture. This land use/vegetative community would be classified as Improved Pasture (211), per the FLUCFCS. Other vegetative species observed within this community include a scattered canopy of sand pine (*Pinus clausa*), sand live oak (*Quercus geminata*), and myrtle oak (*Quercus myrtlifolia*), with some prickly-pear cactus (*Opuntia humifusa*), hairy indigo (*Indigofera hirsuta*), rose natal grass (*Melinis repens*), Spanish needles (*Bidens alba*), dixie deer lichen (*Cladonia subtenuis*), chalky bluestem (*Andropogon virginicus*), and Florida rosemary (*Ceratiola ericoides*).

212 Unimproved Pasture

One (1) small area of unimproved pasture exists in the northeastern portion of the site along Avalon Road. This land use/vegetative community would be classified as Unimproved Pasture (212), per the FLUCFCS. Vegetative species present within this area include scattered live oak (*Quercus virginiana*) and slash pine (*Pinus elliotii*), with an understory of bermudagrass (*Cynodon dactylon*), crabgrass (*Digitaria serotina*), Mexican clover (*Richardia scabra*), dogfennel (*Eupatorium capillifolium*), lantana (*Lantana camara*), prickly-pear cactus (*Opuntia humifusa*), beggarticks (*Bidens alba*), ragweed (*Ambrosia artemisiifolia*), broomsedge (*Andropogon virginicus*), rose natalgrass (*Melinis repens*), guineagrass (*Panicum maximum*), gopher apple (*Licania michauxii*), bahiagrass (*Paspalum notatum*) and hairy indigo (*Indigofera hirsuta*).

224 Abandoned Citrus Groves

In the northeast corner of the project site, along the northern boundary is an area of citrus grove that has been abandoned and out of production for some time. This land use/vegetative community would be classified as Abandoned Citrus Groves (224), per the FLUCFCS. Vegetative species present within this area include remnant citrus trees (*Citrus* sp.), bahiagrass (*Paspalum notatum*), Bermuda grass (*Cynodon dactylon*), crabgrass (*Digitaria serotina*), Mexican clover (*Richardia scabra*), dogfennel (*Eupatorium capillifolium*), lantana (*Lantana camara*), prickly-pear cactus (*Opuntia humifusa*), beggarticks (*Bidens alba*), ragweed (*Ambrosia artemisiifolia*), broomsedge (*Andropogon virginicus*), rose natal grass (*Melinis repens*), guinea grass (*Panicum maximum*), gopher apple (*Licania michauxii*), and hairy indigo (*Indigofera hirsuta*).

421 Xeric Oak

The majority of the project site consists of a scrubby oak upland community. This land use/vegetative community would be classified as Xeric Oak (421), per the FLUCFCS. Vegetation observed within the community type includes a canopy of sand live oak (*Quercus geminata*), turkey oak (*Quercus laevis*), myrtle oak (*Quercus myrtlifolia*), and Chapman's oak (*Quercus chapmanii*), with an understory of saw palmetto (*Serenoa repens*), garberia (*Garberia heterophylla*), Florida bonamia (*Bonamia grandiflora*), tough bumelia (*Sideroxylon tenax*), sandhill wireweed (*Polygonella robusta*), sandyfield hairsedge (*Bulbostylis stenophylla*), ware's hairsedge (*Bulbostylis warei*), chalky bluestem (*Andropogon virginicus*), wiregrass (*Aristida beyrichiana*), bottlebrush threeawn (*Aristida speciformis*), American beautyberry (*Callicarpa americana*), tough bully (*Sideroxylon tenax*), winged sumac (*Rhus copallinum*), dwarf pawpaw (*Asimina pygmae*), netted pawpaw (*Asimina reticulata*), tar flower (*Bejaria racemosa*), rushfoil (*Croton michauxii*), Britton's beargrass (*Nolina brittoniana*), lady's nightcap (*Bonamia grandiflora*), Florida rosemary (*Ceratiola ericoides*), small's jointweed (*Polygonella myriophylla*), Queens delight (*Stillingia sylvatica*), elliot's milkpea (*Galactia elliotii*), prickly-pear cactus (*Opuntia humifusa*), and deer lichen (*Cladonia rangiferina*).

Wetlands/Surface Waters:

520 Lakes

The majority of Lake Oliver falls within the limits of the project site. This 31.31 acre lake is situated in the northeastern portion of the site and would be classified as Lakes larger than 10 acres but less than 100 acres (520), per the FLUCFCS. Vegetative species identified within and along the edge of this surface water system includes pennywort (*Hydrocotyle umbellata*), spatterdock (*Nuphar advena*), torpedo grass (*Panicum repens*), arrowhead (*Sagittaria latifolia*)

maidencane (*Panicum hemitomon*), spike rush (*Eleocharis baldwinii*), soft rush (*Juncus effusus*), sedges (*Carex* sp. and *Cyperus* sp.) southern crabgrass (*Digitaria* sp.), broomsedge (*Andropogon virginicus*), primrose willow (*Ludwigia octovalvis*), cattail (*Typha* sp.), pickerelweed (*Pontederia cordata*), and duck potato (*Sagittaria lancifolia*).

611 Bay Swamp

Several areas of a bay swamp wetland community exist throughout the site. Many of these areas surround the on-site lake and freshwater marshes. This land use/vegetative community would be classified as Bay Swamp (611), per the FLUCFCS. Vegetative species observed within this community include a canopy of sweetbay (*Magnolia virginiana*), red bay (*Persea borbonia*), and loblolly bay (*Gordonia lasianthus*), with some scattered slash pine (*Pinus elliottii*). Understory consists of wax myrtle (*Morella cerifera*), gallberry (*Ilex glabra*), Virginia chain fern (*Woodwardia virginica*), cinnamon fern (*Osmunda cinnamomea*), muscadine vine (*Vitis rotundifolia*), pickerelweed (*Pontederia cordata*), cardinal airplant (*Tillandsia fasciculata*), ballmoss (*Tillandsia recurvata*), spanish moss (*Tillandsia usneoides*), spikerush (*Eleocharis* sp.), needleleaf witchgrass (*Dichantherium aciculare*), hemlock witchgrass (*Dichantherium portericense*), ear leaf greenbrier (*Smilax auriculata*), sarsaparilla vine (*Smilax pumila*), St. Andrew's cross (*Hypericum hypericoides*), rusty lyonia (*Lyonia ferruginea*), coastal plain staggerbush (*Lyonia fruticosa*), fetterbush (*Lyonia lucida*), highbush blueberry (*Vaccinium corymbosum*), darrow's blueberry (*Vaccinium darrowii*), shiny blueberry (*Vaccinium myrsinites*), swamp fern (*Blechnum serrulatum*), royal fern (*Osmunda regalis*), lizard's tail (*Saururus cernuus*), and smartweed (*Polygonum punctatum*).

641 Freshwater Marsh

A number of shallow freshwater marshes are present throughout the site. This land use/vegetative community would be classified as Freshwater Marsh (641), per the FLUCFCS. Existing vegetation observed within these marshes includes a groundcover of pickerelweed (*Pontederia cordata*), common buttonbush (*Cephalanthus occidentalis*), Virginia chain fern (*Woodwardia virginica*), royal fern (*Osmunda regalis*), flatsedge (*Cyperus* sp.), Carolina redroot (*Lachnanthes carolina*), beaksedge (*Rhynchospora* sp.), bushy bluestem (*Andropogon* sp.), maidencane (*Panicum hemitomon*), yellow pondlily (*Nuphar advena*), and blue maidencane (*Amphicarpum muehlenbergianum*); with a subcanopy of wax myrtle (*Morella cerifera*) and saw palmetto (*Serenoa repens*) on the perimeter, and a widely scattered canopy of slash pine (*Pinus elliottii*), dahoon holly (*Ilex cassine*), sweet bay (*Magnolia virginiana*), laurel oak (*Quercus laurifolia*), and water oak (*Quercus nigra*). The overall species composition varies slightly from wetland to wetland.

643 Wet Prairies

A small portion of a wet prairie community extends onto the project site from the western boundary. This land use/vegetative community would be classified as Wet Prairies (643), per the FLUCFCS. Vegetation observed within this community includes a scattered canopy of slash pine (*Pinus elliottii*), slash pine (*Pinus elliottii*), and laurel oak (*Quercus laurifolia*), with a mostly open groundcover of predominantly grassy vegetation, including sand cordgrass (*Spartina bakeri*), maidencane (*Panicum hemitomon*), blue maidencane (*Amphicarpum muehlenbergianum*), yellow-eyed grass (*Xyris elliottii*), bushy bluestem (*Andropogon sp.*), and bahia grass (*Paspalum notatum*) with a few areas of low growing saw palmetto (*Serenoa repens*).

PROTECTED SPECIES

Utilizing methodologies outlined in the Florida's Fragile Wildlife (Wood, 2001); Measuring and Monitoring Biological Diversity Standard Methods for Mammals (Wilson, et al., 1996); Wildlife Methodology Guidelines (1988); and Florida Fish and Wildlife Conservation Commission's (FFWCC) Gopher Tortoise Permitting Guidelines (April 2008 - revised January 2017), an assessment for "listed" floral and faunal species occurring within the subject site boundaries was conducted on November 16, 17, 21, 22, 29, and December 27, 2017. The survey covered approximately 60% of the subject site's developable area, included both direct observations and indirect evidence, such as tracks, burrows, tree markings and vocalizations that indicated the presence of species observed. The assessment focused on species that are "listed" by the FFWCC's Official Lists - Florida's Endangered Species, Threatened Species and Species of Special Concern (May 2017) that have the potential to occur in Orange County (Table 1).

Three (3) plant species listed as "Endangered" by the Florida Department of Agriculture and Consumer Services (FDACS) were observed within the subject site boundaries. These species are Britton's beargrass (*Nolina brittoniana*), lady's nightcap (*Bonamia grandiflora*), and small's jointweed (*Polygonella myriophylla*). However, it should be noted that the FDACS protection of listed plant species centers around preventing the illegal collection, transport and sale of "listed" plants. The FDACS only issues permits for collection purposes and neither regulates nor prohibits the destruction of state-listed flora species as a result of development activities. Additionally, two (2) fern species were identified that are listed as "commercially exploited" by the Florida Department of Agriculture and Consumer Services (FDACS). The harvesting of these species, cinnamon fern (*Osmunda cinnamomea*) and royal fern (*Osmunda regalis*), for commercial gain, is not allowed. However, the listing of these species poses no restrictions towards the development of the subject site. The following is a list of those wildlife species identified during the evaluation of the site:

Reptiles and Amphibians

brown anole (*Norops sagrei*)
eastern diamondback rattlesnake (*Crotalus adamanteus*)
eastern racer (*Coluber constrictor*)
Florida leopard frog (*Lithobates sphenoccephalus sphenoccephalus*)
Florida scrub lizard (*Sceloporus woodi*)
gopher tortoise (*Gopherus polyphemus*)
green anole (*Anolis carolinensis*)
green tree frog (*Hyla cinerea*)
southern toad (*Anaxyrus terrestris*)

Birds

American Crow (*Corvus caurinus*)
American Robin (*Turdus migratorius*)
Black Vulture (*Coragyps atratus*)
Blue Jay (*Cyanocitta cristata*)
Common Nighthawk (*Chordeiles minor*)
Carolina Wren (*Thryothorus ludovicianus*)
Eastern Kingbird (*Tyrannus tyrannus*)
Eastern Phoebe (*Sayornis phoebe*)
Florida Sandhill Crane (*Antigone canadensis pratensis*)
Gray Catbird (*Dumetella carolinensis*)
Great Horned Owl (*Bubo virginianus*)
Little Blue Heron (*Egretta caerulea*)
Mourning Dove (*Zenaida macroura*)
Northern Cardinal (*Cardinalis cardinalis*)
Northern Mockingbird (*Mimus polyglottos*)
Red-bellied Woodpecker (*Melanerpes carolinus*)
Red-shouldered Hawk (*Buteo lineatus*)
Red-tailed Hawk (*Buteo jamaicensis*)
Snowy Egret (*Egretta thula*)
Tufted Titmouse (*Baeolophus bicolor*)
Turkey Vulture (*Cathartes aura*)

Mammals

Coyote (*Canis latrans*)
eastern cottontail (*Sylvilagus floridanus*)
eastern gray squirrel (*Sciurus carolinensis*)
marsh rabbit (*Sylvilagus palustris*)
nine-banded armadillo (*Dasyopus novemcinctus*)

Mammals Continued

northern raccoon (*Procyon lotor*)
Virginia opossum (*Didelphis virginiana*)
white-tailed deer (*Odocoileus virginianus*)
wild boar (*Sus scrofa*)

Three (3) of the above wildlife species, gopher tortoise (*Gopherus polyphemus*), Little Blue Heron (*Egretta caerulea*), and Florida Sandhill Crane (*Grus canadensis pratensis*) were identified in the FFWCC's Official Lists - Florida's Endangered Species, Threatened Species and Species of Special Concern (May 2017). The following provides a brief description of these species as they relate to the site.

Gopher Tortoise (Gopherus polyphemus)

State Listed as "Threatened"

Numerous gopher tortoise burrows (*Gopherus polyphemus*) have been identified within the on-site upland areas. Currently the gopher tortoise is classified as a "Category 2 Candidate Species" by the U.S. Fish and Wildlife Service (USFWS), and as of September 2007, is now classified as "Threatened" by FFWCC, and as "Threatened" by FCREPA. The basis of the "Threatened" classification by the FFWCC for the gopher tortoise is due to habitat loss and destruction of burrows. Gopher tortoises are commonly found in areas with well-drained soils associated with xeric pine-oak hammock, scrub, pine flatwoods, pastures and abandoned citrus groves. Several other protected species known to occur in Orange County have a possibility of occurring in this area, as they are gopher tortoise commensal species. These species include the eastern indigo snake (*Drymarchon corais couperi*), Florida mouse (*Podomys floridanus*), and the gopher frog (*Rana capito*). However, none of these species were observed during the survey conducted.

The subject site was surveyed for the existence of gopher tortoises through the use of pedestrian and vehicle transects (Figure 6). The survey covered approximately 60% of the suitable habitat present within the subject site boundaries and those properties within 25-feet. A moderate population of active/inactive gopher tortoise burrows were observed and recorded using GPS technology.

The FFWCC provides three (3) options for developers that have gopher tortoises on their property. These options include: 1) avoidance (i.e., 25-foot buffer around burrow), 2) preservation of habitat, and 3) off-site relocation. As such, resolution of the gopher tortoise issue will need to be permitted through FFWCC prior to any construction activities.

Indigo Snake (*Drymarchon couperi*)

Federally Listed as “Threatened” by USFWS

The indigo snake (*Drymarchon couperi*) is a federally listed threatened species. The basis for this listing was a result of dramatic population declines caused by over-collecting for the domestic and international pet trade as well as mortalities caused by rattlesnake collectors who gassed gopher tortoise burrows to collect snakes. Since its listing, habitat loss and fragmentation by residential and commercial expansion have become much more significant threats to the eastern indigo snake. This species is widely distributed throughout central and south Florida and primarily occurs in sandhills habitat in northern Florida and southern Georgia.

No evidence of indigo snakes was observed within the subject site during the wildlife survey conducted by BTC. However, the site does contain an abundance of gopher tortoise burrows and xeric habitat to support this species. Additionally, based upon the USFWS’s August 2017 Revised Consultation Key for the Eastern Indigo Snake, the property is located within Orange County and will result in the removal of greater than 25 acres or more of eastern indigo snake habitat, a key determination would result in a finding of “likely to adversely affect.” Based on the required permit conditions that would allow the above finding, a survey specific to indigo snakes may be required. The survey can be accomplished from October 1st thru April 30 for a minimum of five (5) surveys with 2 days of optimal weather (overnight low temperature above 60° F). At a minimum, the Corps permit will be conditioned for the use of the USFWS’s “Standard Protection Measures for the Eastern Indigo Snake.” It will also be conditioned “such that all gopher tortoise burrows, active or inactive, will be excavated prior to site manipulation in the vicinity of the burrow. If an eastern indigo snake is encountered, the snake must be allowed to vacate the area prior to additional site manipulation in the vicinity.” Any permit will also be conditioned “such that holes, cavities, and snake refugia other than gopher tortoise burrows will be inspected each morning before planned site manipulation of a particular area, and, if occupied by an eastern indigo snake, no work will commence until the snake has vacated the vicinity of proposed work.”

Florida Sandhill Crane (*Antigone canadensis pratensis*)

State Listed as “Threatened” by FFWCC

A pair of adult Sandhill Cranes was observed foraging within one of the on-site freshwater marsh systems. The Florida Sandhill Crane is a subspecies of Sandhill Crane that occurs exclusively and is resident to Florida (Stys 1997). Of the six (6) subspecies of Sandhill Crane, the Greater Sandhill Crane (*Grus canadensis tabida*) is the only other subspecies of Sandhill Crane that occurs regularly in Florida (Stys 1997). This subspecies is a winter migrant, arriving in Florida during late fall (October/November) and leaving in late February (Stys 1997). Since the Florida Sandhill Crane and Greater Sandhill Crane cannot be distinguished from one another in the field,

Stys (1997) recommends conducting surveys between May and September to validate the presence of this protected species. Due to the time of year the recent survey was conducted (November & December), it cannot be assumed that the observed cranes were the State listed subspecies.

Although the adult Cranes were observed foraging on the site, no nests were identified within or in close proximity to the subject site. If nesting does occur, FFWCC typically requires a 400-foot buffer around nests in order to prevent nest disturbance and potential nest abandonment. Since Cranes do not re-use the same nest year after year this 400-foot buffer is only temporary during the nesting season (i.e., anytime from January through June). Since no nests were observed on-site or nearby, there will be no development constraints unless a nest is found. An aerial nest survey is highly recommended prior to the site's construction activities commencement in order to more accurately determine the presence/absence of on-site Sandhill Crane nests as their nests are difficult to see from ground surveys.

Little Blue Heron (Egretta caerulea)

State Listed as "Threatened" by FFWCC

For the purposes of this report, the Little Blue Heron, a species of 'wading bird,' has been consolidated into one (1) group. The species is listed in the state of Florida as "Threatened" due to historically aggressive hunting practices and habitat loss. Currently, the majority of wading bird habitat tends to be federally protected wetlands under the 'Clean Water Act' and the Florida's 'Wetland Resource Permitting Program.'

The Little Blue Heron was observed foraging within Lake Oliver near the eastern property boundary at the time of the survey. This species is listed as a colonial nesting bird. There is no protection requirement for this species unless it is observed nesting on the site. There were no birds observed nesting during the investigation conducted. As such, it does not appear that this species would be adversely affected by development of the site.

Bald Eagle (Haliaeetus leucocephalus)

State protected by F.A.C. 68A-16.002 and federally protected by both the Migratory Bird Treaty Act (1918) and the Bald and Golden Eagle Protection Act (1940)

In August of 2007, the US Fish and Wildlife Service (USFWS) removed the Bald Eagle from the list of federally endangered and threatened species. Additionally, the Bald Eagle was removed from FFWCC's imperiled species list in April of 2008. Although the Bald Eagle is no longer protected under the Endangered Species Act, it is still protected under the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act, and FFWCC's Bald Eagle rule (Florida Administrative Code 68A-16.002 Bald Eagle (*Haliaeetus Leuchocephalus*)).

In May of 2007, the USFWS issued the National Bald Eagle Management Guidelines. In April of 2008, the FFWCC adopted a new Bald Eagle Management Plan that was written to closely follow the federal guidelines. Under FFWCC's new management plans, buffer zones are recommended based on the nature and magnitude of the project or activity. The recommended protective buffer zone is 660 feet or less from the nest tree, depending on what activities or structures are already near the nest. A FFWCC Eagle permit is not needed for any activity occurring outside of the 660-foot buffer zone. No activities are permitted within 330 feet of a nest during the nesting season, October 1 through May 15 or when eagles are present at the nest.

In addition to the on-site evaluation for "listed" species, BTC conducted a review for any FFWCC recorded Bald Eagle nests on or within the vicinity of the project site. This review revealed that there are no Bald Eagle nests through the 2016-2017 nesting season, within one mile (1.0) of the Ayers Parcels project site. Thus, no developmental constraints are anticipated with respect to Bald Eagle nests.

USFWS CONSULTATION AREAS

The U.S. Fish and Wildlife Service has established "consultation areas" for certain listed species. Generally, these consultation areas only become an issue if USFWS consultation is required, which is usually associated with permitting through the U.S. Army Corps of Engineers. The reader should be aware that species presence and need for additional review are often determined to be unnecessary early in the permit review process due to lack of appropriate habitat or other conditions. However, the USFWS makes the final determination.

Consultation areas are typically very regional in size, often spanning multiple counties where the species in question is known to exist. Consultation areas by themselves do not indicate the presence of a listed species. They only indicate an area where there is a potential for a listed species to occur and that additional review might be necessary to confirm or rule-out the presence of the species. The additional review typically includes the application of species-specific criteria to rule-out or confirm the presence of the species in question. Such criteria might consist of a simple review for critical habitat types. In other cases, the review might include the need for species-specific surveys using established methodologies that have been approved by the USFWS.

The following paragraphs include a list of the USFWS Consultation Areas associated with the subject property. Also included, is a brief description of the respective species habitat and potential for additional review:

Everglade Snail Kite (Rostrhamus sociabilis)
Federally Listed as “Endangered” by USFWS

The subject site falls within the USFWS Consultation Area for the Everglade Snail Kite. Currently the Everglade Snail Kite is listed as “Endangered” by the USFWS. Everglade Snail Kites are similar in size to Red-shouldered Hawks. All Everglade Snail Kites have deep red eyes and a white rump patch. Males are slate gray, and females and juveniles vary in amounts of white, light brown, and dark brown, but the females always have white on their chin. Kites vocalize mainly during courtship and nesting. They may occur in nearly all of the wetlands of central and southern Florida. They regularly occur in lake shallows along the shores and islands of many major lakes, including Lakes Okeechobee, Kissimmee, Tohopekaliga (Toho) and East Toho. They also regularly occur in the expansive marshes of southern Florida such as Water Conservation Areas 1, 2, and 3, Everglades National Park, the upper St. John’s River marshes and Grassy Waters Preserve.

Although a portion of the project site contains wetlands/surface waters, no Everglade Snail Kites were observed within the subject site during the wildlife survey conducted by BTC. As there is some suitable habitat within the limits of the subject site, a formal survey may be required by the USFWS or another agency to determine if any Everglade Snail Kites utilize any portions of the site.

Florida Scrub-Jay (Aphelocoma coerulescens)
Federally Listed as “Threatened” by USFWS

Currently the Florida Scrub-Jay is listed as threatened by the USFWS. Florida Scrub-Jays are largely restricted to scattered, often small and isolated patches of sand pine scrub, xeric oak, scrubby flatwoods, and scrubby coastal stands in peninsular Florida (Woolfenden 1978a, Fitzpatrick et al. 1991). They avoid wetlands and forests, including canopied sand pine stands. Optimal Scrub-Jay habitat is dominated by shrubby scrub, live oaks, myrtle oaks, or scrub oaks from 1 to 3 m (3 to 10 ft.) tall, covering 50% to 90 % of the area; bare ground or sparse vegetation less than 15 cm (6 in) tall covering 10% to 50% of the area; and scattered trees with no more than 20% canopy cover (Fitzpatrick et al. 1991).

No Florida Scrub-Jays were observed within the subject site during the wildlife survey conducted by BTC. However, as there is some suitable habitat within the limits of the subject site, a formal survey may be required USFWS or another agency to determine if any Florida Scrub-Jays utilize any portions of the site.

Red-cockaded Woodpecker (*Picoides boreali*)
Federally Listed as “Endangered” by USFWS

The Red-cockaded Woodpecker (*Picoides boreali*) is a federally endangered species by the USFWS. The basis for the listing is loss and degradation of suitable habitat. This species is commonly found in open park-like pine forests maintained by periodic fire, such as mature long-leaf pine ecosystem. The Red-cockaded Woodpecker is a federally and state protected endangered species that is protected and should not be injured, harmed, molested or killed.

No Red-Cockaded Woodpeckers were observed within the subject site during the wildlife survey conducted by BTC. As there is no suitable habitat within the limits of the subject site, it is not anticipated that a formal survey would be required by the USFWS or another agency to determine if any Red-Cockaded Woodpeckers utilize any portions of the site.

Audubon’s Crested Caracara (*Polyborus plancus audubonii*)
Federally Listed as “Threatened” by USFWS

The subject site falls within the USFWS Consultation Areas for the species Audubon’s Crested Caracara (*Polyborus plancus audubonii*). Currently the Crested Caracara is listed as threatened by the USFWS due primarily to habitat loss. The Crested Caracara commonly occurs in dry or wet prairie areas with scattered cabbage plams, lightly wooded areas with saw palmetto, scrub oaks and cypress. The Crested Caracara also uses improved or semi-improved pasture with seasonal wetlands. Crested Caracaras construct new nests each nesting season, often in the same tree as the previous year.

No Audubon’s Crested Caracaras were observed within the subject site during the wildlife survey conducted by BTC. As there is no suitable habitat within the limits of the subject property, it is not anticipated that a formal survey would be required by the USFWS or another agency to determine if any Audubon’s Crested Caracaras utilize any portions of the site.

Sand Skink (*Neoseps reynoldsi*)
Federally Listed as “Threatened” by USFWS

The subject site falls within the Sand Skink Consultation Area for the USFWS. The sand skink (*Neoseps reynoldsi*) is listed as “Threatened” by the USFWS and FFWCC. The sand skink exists in areas vegetated with sand pine (*Pinus clausa*) - rosemary (*Ceratiola ericoides*) scrub or a long leaf pine (*Pinus palustris*) - turkey oak (*Quercus laevis*) association. Habitat destruction is the primary threat to this species’ survival. Citrus groves, residential, commercial and recreational facilities have depleted the xeric upland habitat of the sand skink. All properties within the limits of the USFWS consultation area that are located at elevations greater than 80’ and contain

suitable (moderate-to-well drained soils) soils are believed by USFWS to be areas of potential sand skink habitat.

The entire Ayers Parcels project site is above the 80-foot above sea level requirement and portions contain appropriate soils types and also areas of suitable vegetative communities/habitat for the Florida sand skink. Due to these factors, it is advisable to conduct a formal sand skink survey, as it may be required by federal, state, and/or local government permitting agencies. The survey will need to be conducted between March 1 and May 15, in which 2' x 2' boards will be placed in the open sandy areas at a density of approximately 40 boards per acre and checked once per week for four (4) consecutive weeks. The main objective of the survey is to determine whether sand skinks inhabit the project site.

ENVIRONMENTAL CONSTRAINTS

The extent of the on-site wetlands/surface waters were delineated by BTC in accordance with local, state and federal guidelines. The flag locations will need to be reviewed and approved by the various regulatory agencies during the permitting process. Permitting through the Orange County Environmental Protection Division (OCEPD), the South Florida Water Management District (SFWMD), and the US Army Corp of Engineers (USACOE) would be required to develop the subject site. The project site resides in the Reedy Creek Drainage Basin.

Orange County Environmental Protection Division

A Conservation Area Determination (CAD) will be required from the Orange County Environmental Protection Division (OCEPD) to determine the extent of any wetlands and surface waters that exist within the subject site. Any impacts to the on-site wetlands will require a Conservation Area Impact permit from the OCEPD, as well as mitigation for all permitted impacts.

The majority of the subject site's wetland/surface water systems may be considered as Class I Conservation Areas, per Chapter 15, Article X, Section 15-364 of Orange County's Development Code and Section 15-396(3)(a), based on potential hydrologic connections. Any impacts to Class I systems will need to be approved by the Board of County Commissioners (BCC):

“Class I conservation areas. 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 that will permit a reasonable use of the land or where there is an overriding public benefit. The protection, preservation and continuing viability of Class I conservation areas shall be the prime objective of the basis for review of all proposed alterations, modifications, or removal of

these areas. When encroachment, alteration or removal of Class I conservation areas is permitted, habitat compensation or mitigation as a condition of development approval shall be required.”

The property’s remaining wetlands would be considered as Class II & Class III Conservation Areas per Chapter 15, Article X, Section 15-364 of Orange County’s Development Code and Section 15-396(3)(b)(c):

“*Class II conservation areas.* Habitat compensation for Class II conservation areas should be presumed to be allowed unless habitat compensation is contrary to the public interest.”

“*Class III conservation areas.* The removal, alteration or encroachment within a Class III conservation area shall be allowed in all cases. Habitat compensation or mitigation as a condition of development approval shall be required.”

South Florida Water Management District

An Environmental Resource Permit (ERP) will be required through the South Florida Water Management District (SFWMD) for all wetland/surface water impacts (both direct and secondary) in association with the proposed Ayers Parcels development site. Impacts to the project’s wetland/surface water communities would be permissible by the SFWMD as long as the issues of elimination and reduction of impacts have been addressed and as long as the mitigation offered is sufficient to offset the functional losses incurred via the proposed impacts.

US Army Corps of Engineers

Permitting will also be required for the project’s wetland/surface water impacts by the US Army Corps of Engineers (USACOE). As the ERP is no longer a joint application between the SFWMD and the USACOE, the Corps will not be notified/copied upon submittal of the ERP application to the District. As with the District, it is anticipated that all impacts to the project’s wetland/surface water communities would be permissible by the USACOE as long as the issues of elimination and reduction of impacts have been addressed and as long as the mitigation offered is sufficient to offset the functional losses incurred via the proposed impacts.

The environmental limitations described in this document are based on observations and technical information available on the date of the on-site evaluation. This report is for general planning purposes only. The limits of any on-site wetlands/surface waters can only be determined and verified through field delineation and/or on-site review by the pertinent regulatory agencies. The wildlife surveys conducted within the subject property boundaries do not preclude the potential for any listed species, as noted on Table 1 (attached), currently or in the future. Should you have any questions or require any additional information, please do not hesitate to contact our office at (407) 894-5969. Thank you.

Regards,

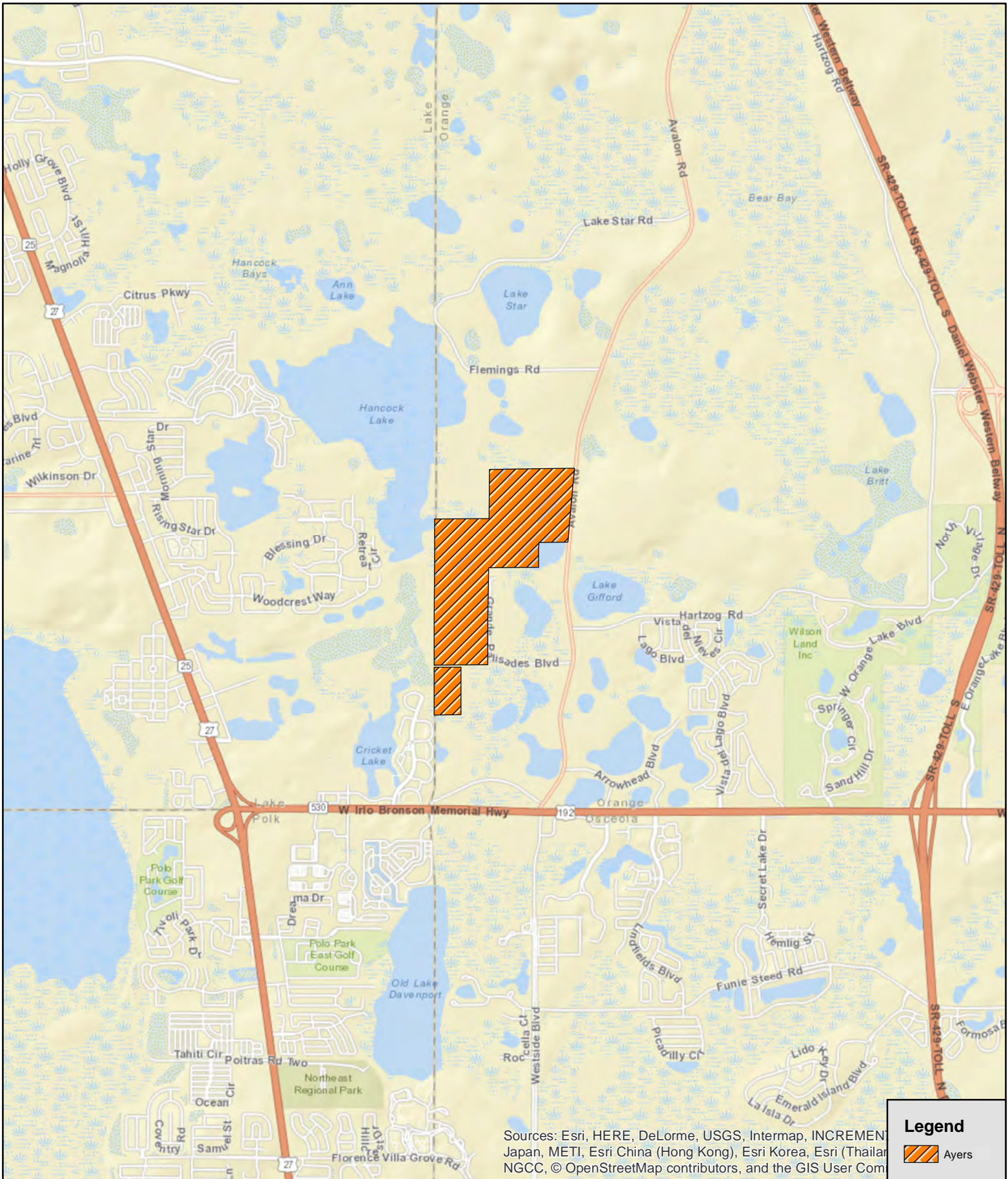


Steffenie Widows
Field Biologist

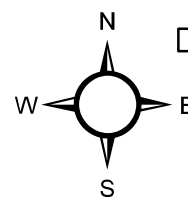


Stephen Butler
Project Manager

Attachments

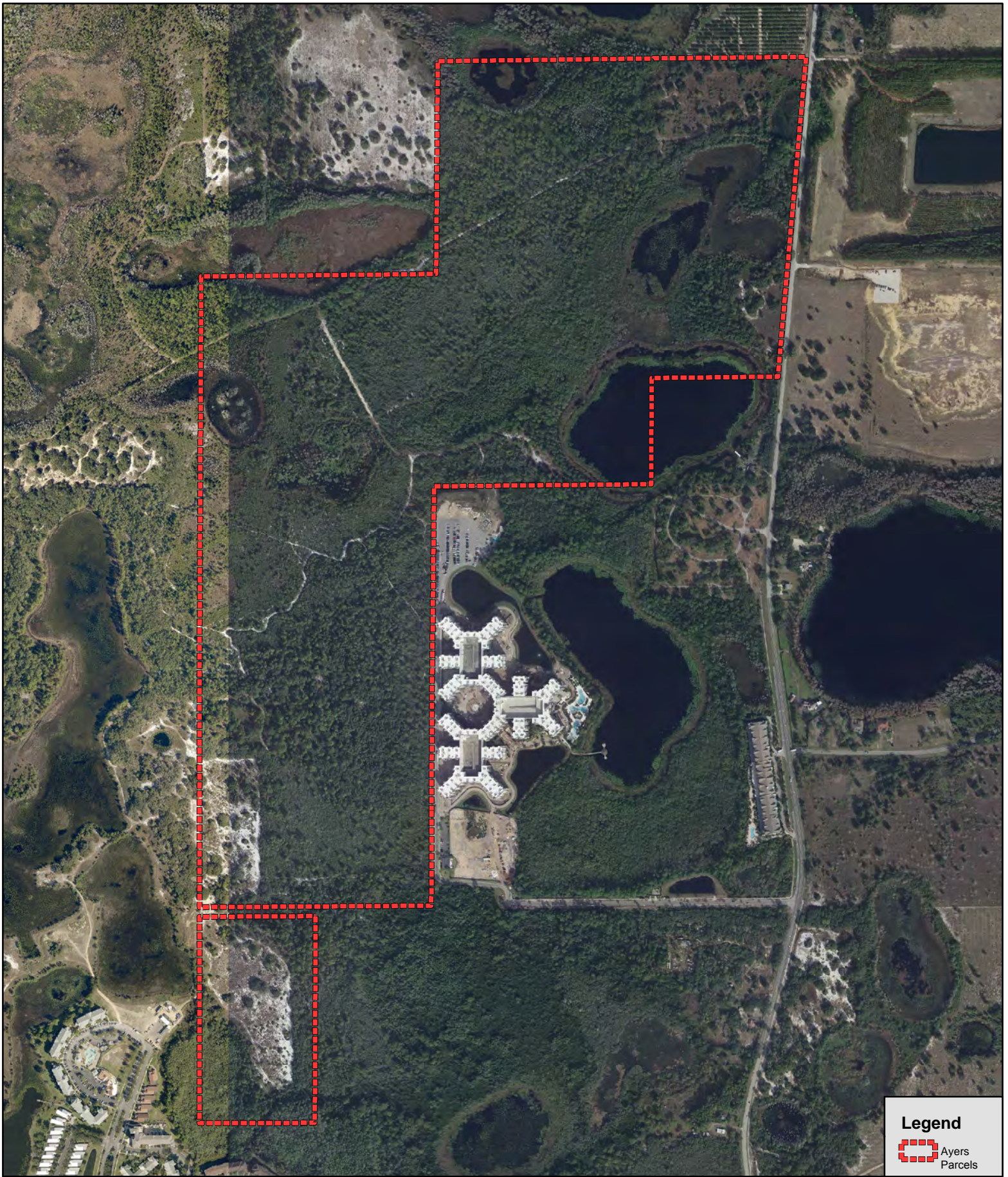



Ayers Parcels
 Orange County, Florida
 Figure 1
 Location Map



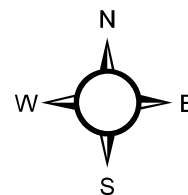
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Project #:337-21
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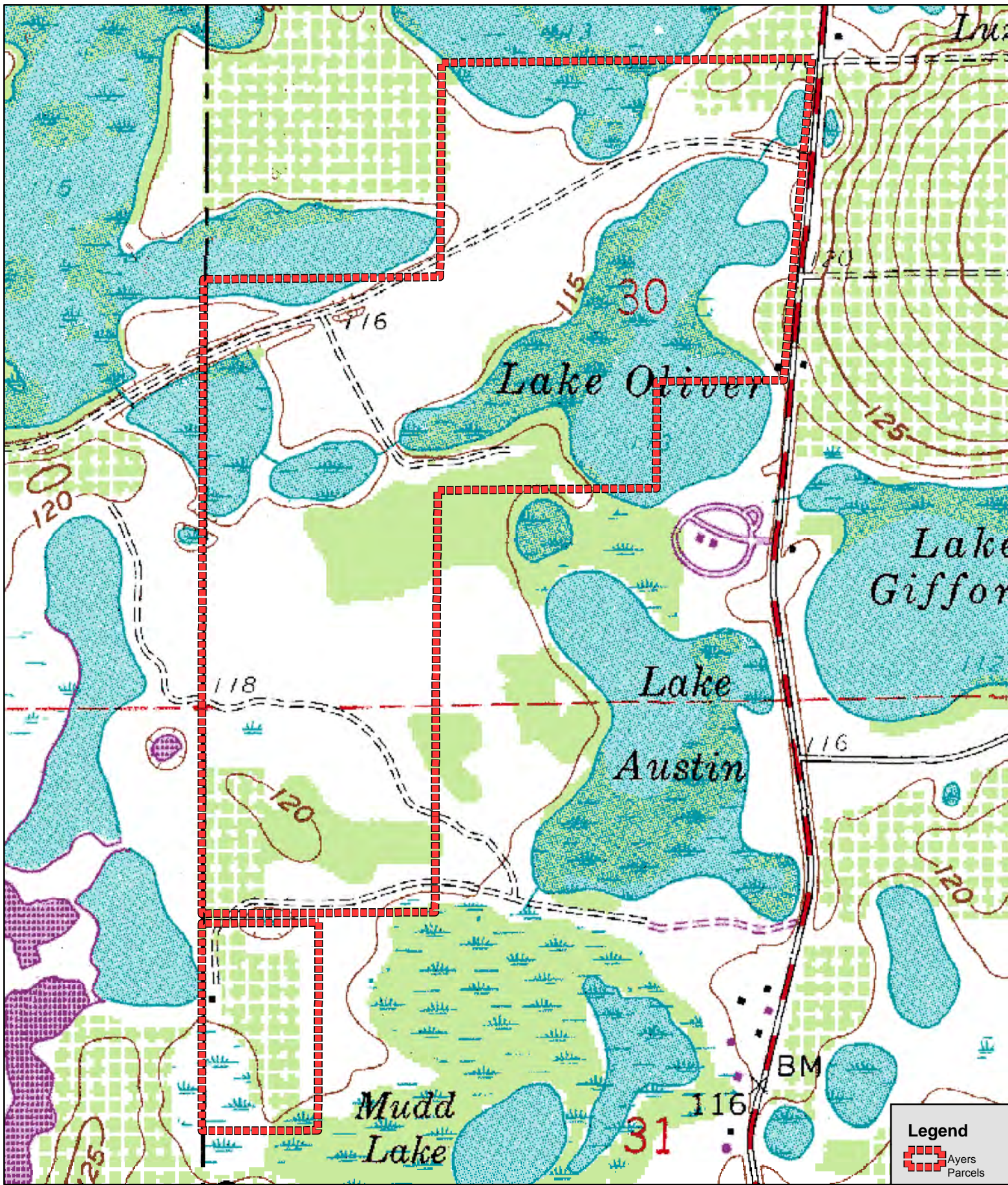
Legend
 Ayers
Parcels

Ayers Parcels
Orange County, Florida
Figure 2
2017 Aerial Photograph

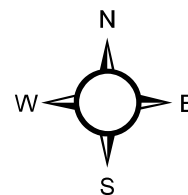


1,000
Feet

Project #:337-21
Produced By: SEB
Date: 11/28/2017

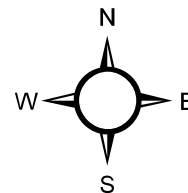
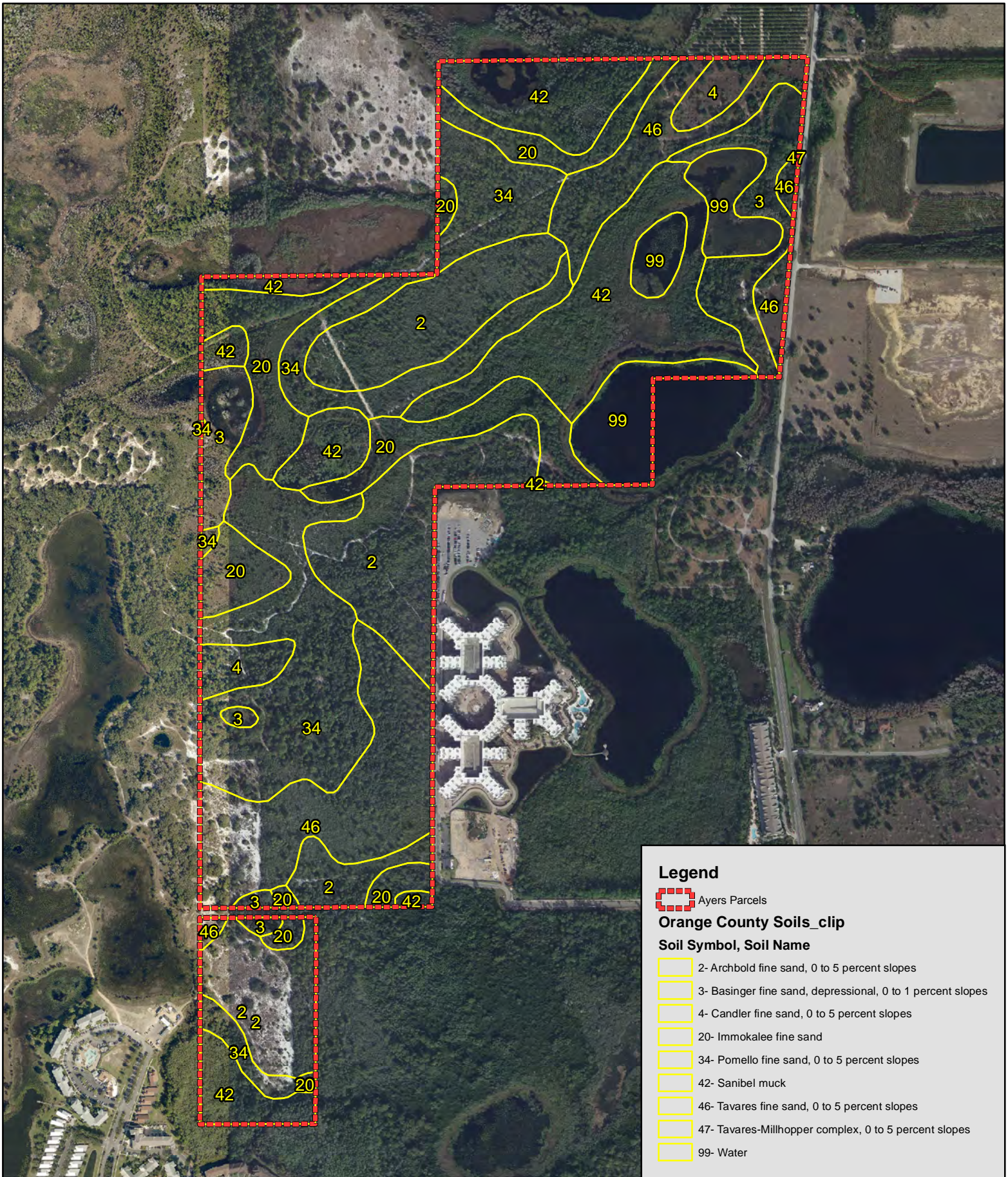


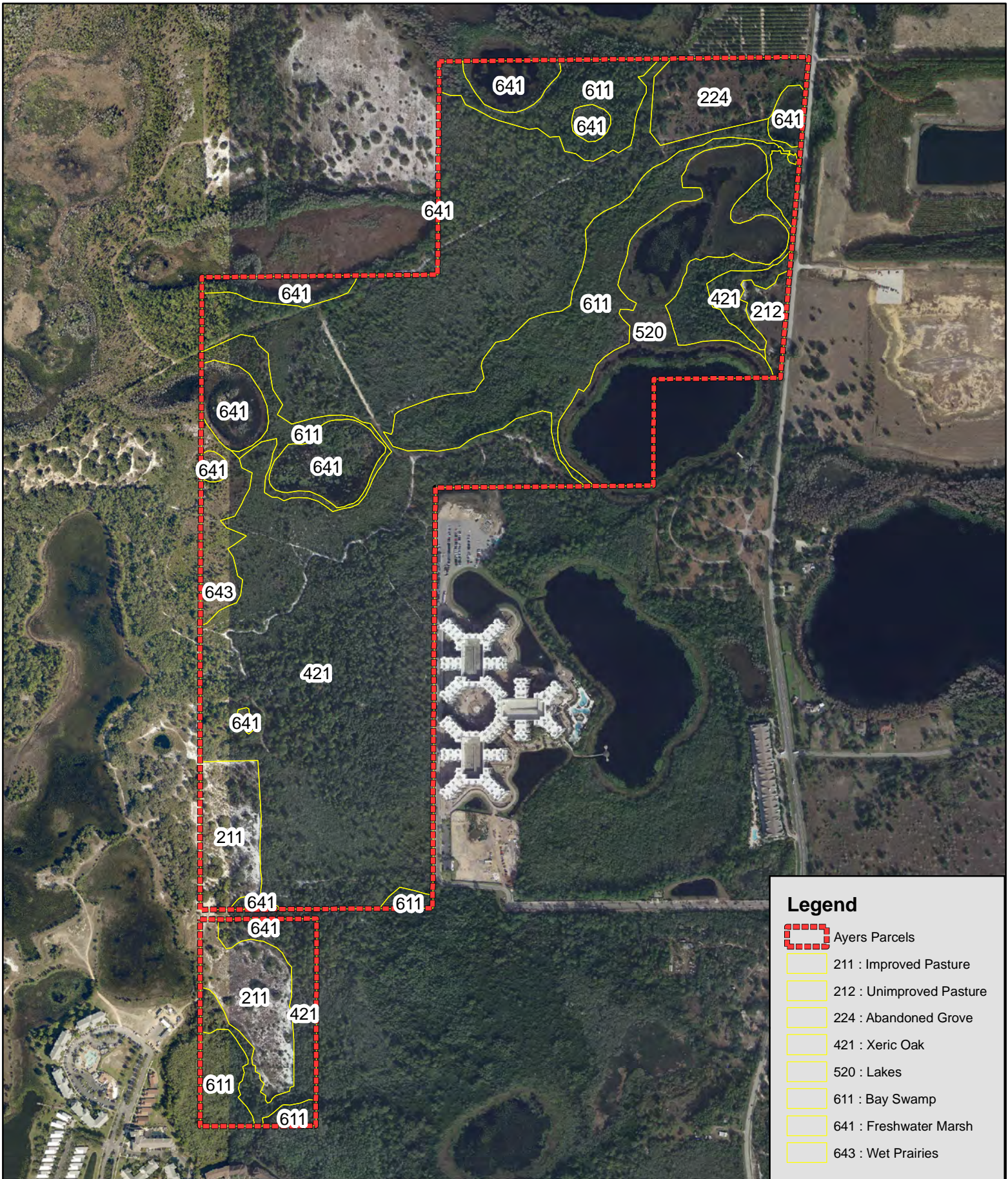
Ayers Parcels
 Orange County, Florida
 Figure 3
 USGS Topographic Map












1,000 Feet

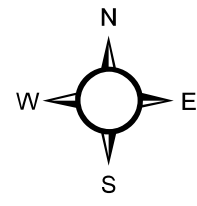
Project #:337-21
 Produced By: SEB
 Date: 11/28/2017

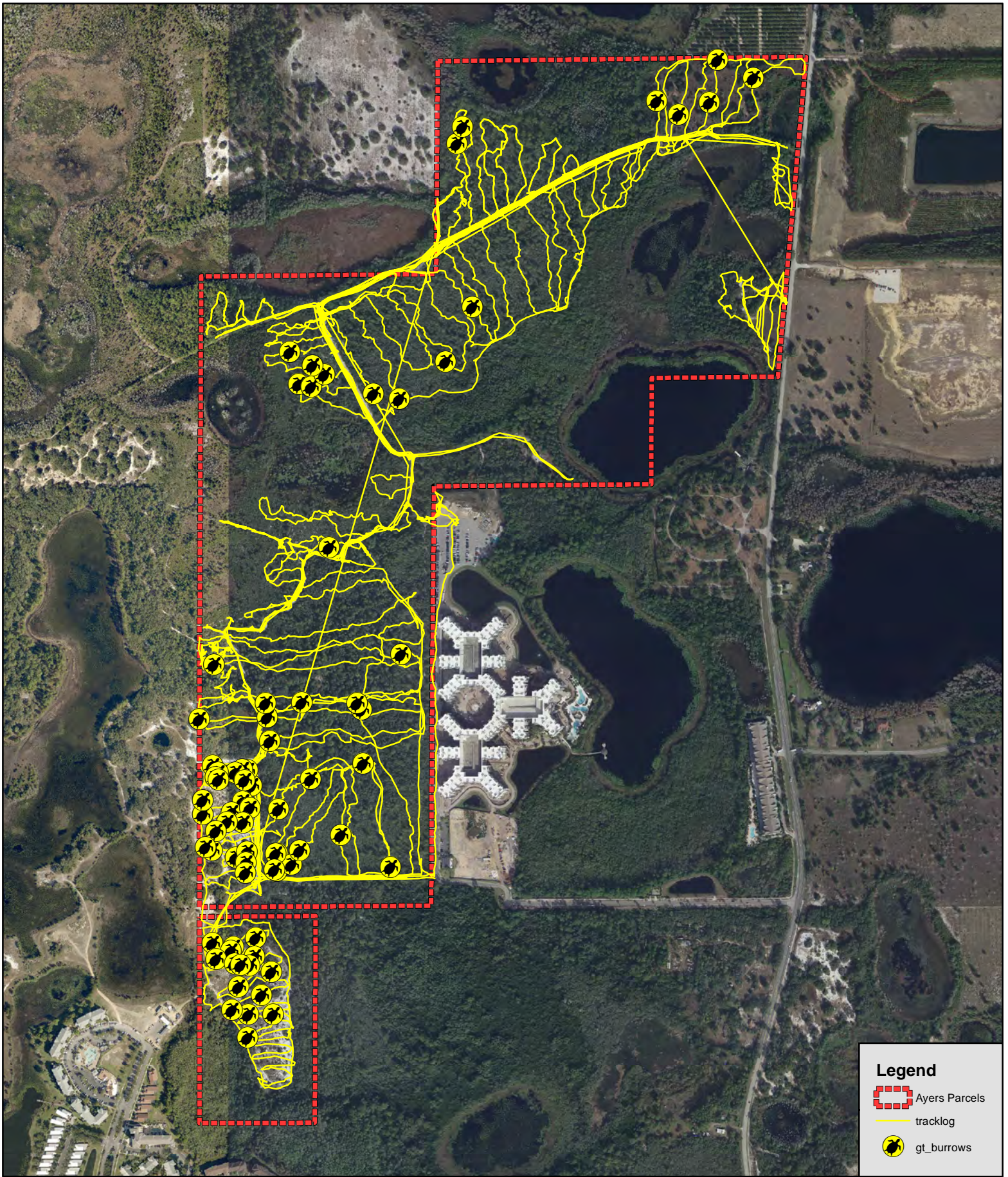




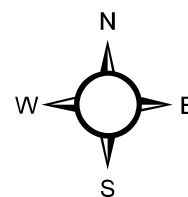
Legend

-  Ayers Parcels
-  211 : Improved Pasture
-  212 : Unimproved Pasture
-  224 : Abandoned Grove
-  421 : Xeric Oak
-  520 : Lakes
-  611 : Bay Swamp
-  641 : Freshwater Marsh
-  643 : Wet Prairies



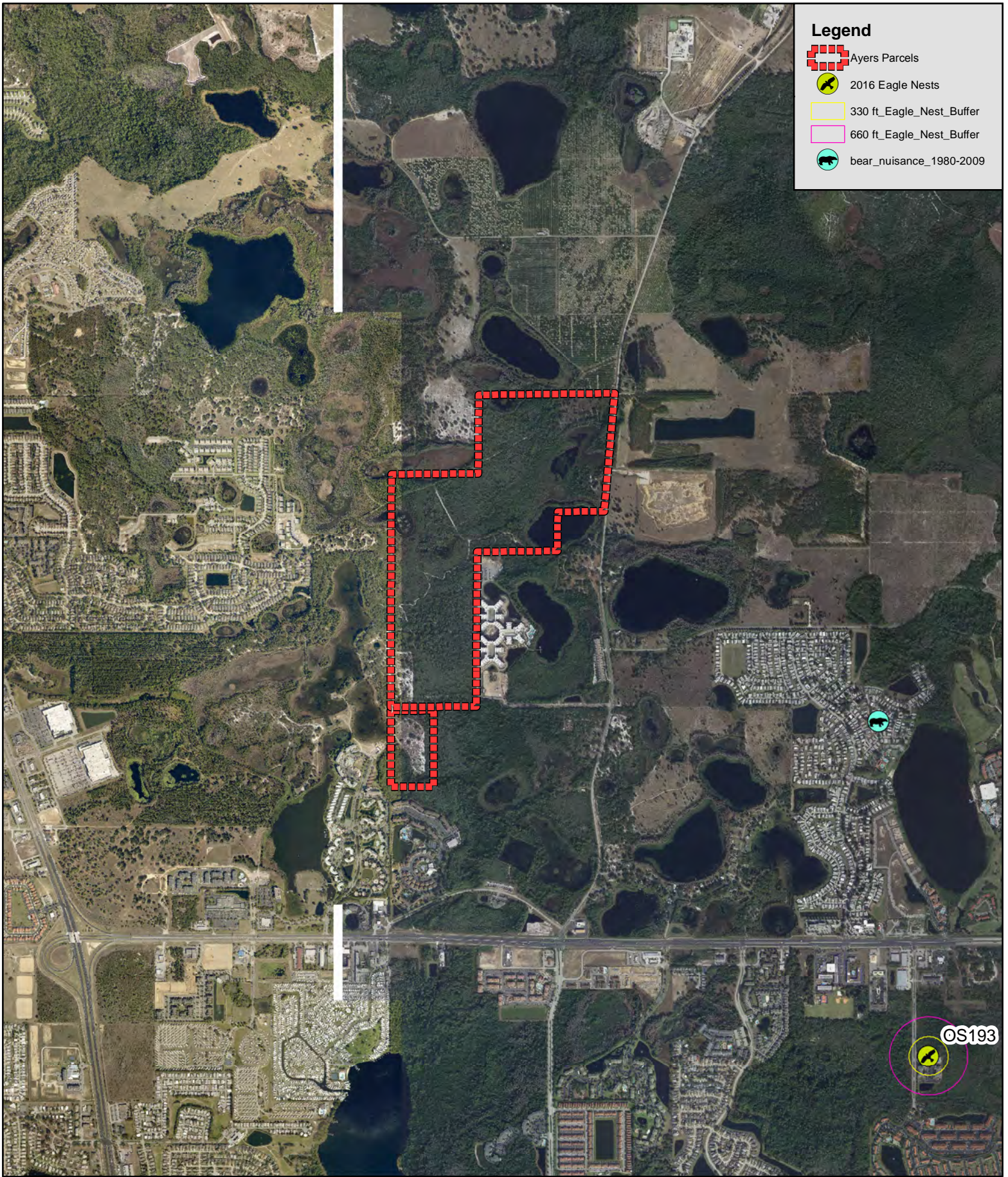


Ayers Parcels
 Orange County, Florida
 Figure 6
 Wildlife Survey Map

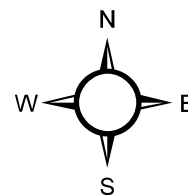


1,000
 Feet

Project #:337-21
 Produced By: SEB
 Date: 1/19/2018

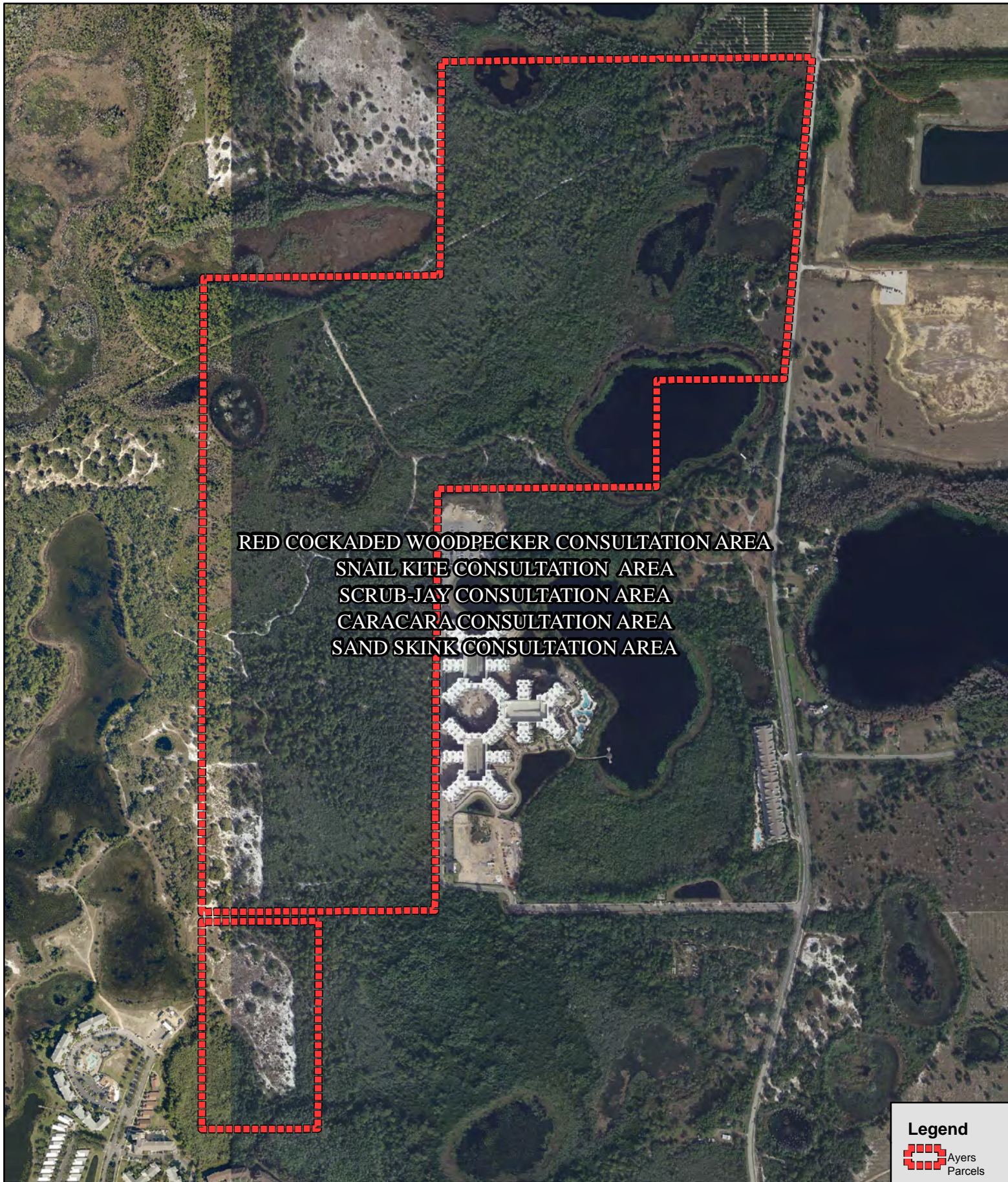


Ayers Parcels
 Orange County, Florida
 Figure 7
 Wildlife Proximity Map




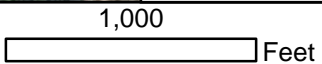
2,000 Feet

Project #:337-21
 Produced By: SEB
 Date: 11/28/2017



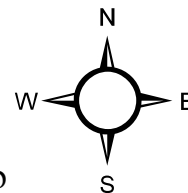
Legend

 Ayers
Parcels



Bio-Tech Consulting Inc.
 Environmental and Permitting Services
 2002 E. Robinson St. Orlando, FL 32803
 Ph: 407-894-5969 Fax: 407-894-5970
 www.bio-techconsulting.com

Ayers Parcels
 Orange County, Florida
 Figure 8
 USFWS Consultation Areas Map



Project #:337-21
 Produced By: SEB
 Date: 11/28/2017

Table 1:		Potentially Occuring Listed Wildlife and Plant Species in Orange County, Florida	
Scientific Name	Common Name	Federal Status	State Status
REPTILES			
<i>Alligator mississippiensis</i>	American alligator	SAT	FT(S/A)
<i>Drymarchon corais couperi</i>	eastern indigo snake	LT	FT
<i>Gopherus polyphemus</i>	gopher tortoise	C	ST
<i>Lampropeltis extenuata</i>	short-tailed snake	N	ST
<i>Pituophis melanoleucus mugitus</i>	Florida pine snake	N	ST
<i>Plestiodon reynoldsi</i>	sand skink	LT	FT
BIRDS			
<i>Aphelocoma coerulescens</i>	Florida scrub-jay	LT	FT
<i>Athene cunicularia floridana</i>	Florida burrowing owl	N	ST
<i>Caracara cheriway</i>	Crested Caracara	LT	FT
<i>Egretta caerulea</i>	little blue heron	N	ST
<i>Egretta tricolor</i>	tricolored heron	N	ST
<i>Falco sparverius paulus</i>	southeastern American kestrel	N	ST
<i>Grus canadensis pratensis</i>	Florida sandhill crane	N	ST
<i>Haliaeetus leucocephalus</i>	bald eagle	N	**
<i>Mycteria americana</i>	wood stork	LT	FT
<i>Pandion haliaetus</i>	osprey	N	SSC*
<i>Picoides borealis</i>	red-cockaded woodpecker	LE	FE
<i>Platalea ajaja</i>	roseate spoonbill	N	ST
<i>Sterna antillarum</i>	least tern	N	ST
MAMMALS			
<i>Sciurus niger shermani</i>	Sherman's fox squirrel	N	SSC
VASCULAR PLANTS			
<i>Bonamia grandiflora</i>	Florida bonamia	LT	E
<i>Calopogon multiflorus</i>	Many-flowered Grass-pink	N	T
<i>Centrosema arenicola</i>	Sand Butterfly Pea	N	E
<i>Chionanthus pygmaeus</i>	Pygmy Fringe Tree	LE	E
<i>Centrosema arenicola</i>	sand butterfly pea	N	N
<i>Coelorachis tuberculosa</i>	piedmont jointgrass	N	N
<i>Deeringothamnus pulchellus</i>	beautiful pawpaw	LE	E
<i>Eriogonum longifolium</i> var <i>gnaphalifolium</i>	scrub buckwheat	LT	E
<i>Helianthus debilis</i> ssp <i>tardiflorus</i>	beach sunflower	N	N
<i>Ilex opaca</i> var <i>arenicola</i>	scrub holly	N	N
<i>Illicium parviflorum</i>	star anise	N	E
<i>Lechea cernua</i>	nodding pinweed	N	T
<i>Lupinus aridorum</i>	scrub lupine	LE	E
<i>Matelea floridana</i>	Florida spiny-pod	N	E
<i>Monotropa hypopithys</i>	piresap	N	E
<i>Najas filifolia</i>	Narrowleaf Naiad	N	T
<i>Nemastylis floridana</i>	Celestial Lily	N	E
<i>Nolina atopocarpa</i>	Florida beargrass	N	T
<i>Nolina brittoniana</i>	Britton's beargrass	LE	E
<i>Ophioglossum palmatum</i>	hand fern	N	E
<i>Panicum abscissum</i>	cutthroat grass	N	E
<i>Paronychia chartacea</i> ssp <i>chartacea</i>	paper-like nailwort	LT	E
<i>Persea humilis</i>	scrub bay	N	N
<i>Pecluma plumula</i>	Plume Polypody	N	E
<i>Polygonella myriophylla</i>	Small's jointweed	LE	E
<i>Prunus geniculata</i>	scrub plum	LE	E
<i>Pteroglossaspis ecristata</i>	Giant Orchid	N	T
<i>Stylisma abdita</i>	scrub stylisma	N	E
<i>Warea amplexifolia</i>	clasping warea	LE	E
<i>Zephyranthes simpsonii</i>	redmargin lily	N	T

FEDERAL LEGAL STATUS

LE-Endangered: species in danger of extinction throughout all or a significant portion of its range.

LT-Threatened: species likely to become Endangered within the foreseeable future throughout all or a significant portion of its range.

SAT-Endangered due to similarity of appearance to a species which is federally listed such that enforcement personnel have difficulty in attempting to differentiate between the listed and unlisted species.

C-Candidate species for which federal listing agencies have sufficient information on biological vulnerability and threats to support proposing to list the species as Endangered or Threatened.

XN-Non-essential experimental population.

N-Not currently listed, nor currently being considered for listing as Endangered or Threatened.

STATE LEGAL STATUS - ANIMALS

FE- Listed as Endangered Species at the Federal level by the U. S. Fish and Wildlife Service

FT- Listed as Threatened Species at the Federal level by the U. S. Fish and Wildlife Service

FXN- Federal listed as an experimental population in Florida

FT(S/A)- Federal Threatened due to similarity of appearance

ST- State population listed as Threatened by the FFWCC. Defined as a species, subspecies, or isolated population which is acutely vulnerable to environmental alteration, declining in number at a rapid rate, or whose range or habitat is decreasing in area at a rapid rate and as a consequence is destined or very likely to become an endangered species within the foreseeable future.

SSC-Listed as Species of Special Concern by the FFWCC. Defined as a population which warrants special protection, recognition, or consideration because it has an inherent significant vulnerability to habitat modification, environmental alteration, human disturbance, or substantial human exploitation which, in the foreseeable future, may result in its becoming a threatened species. (SSC* for *Pandion haliaetus* (Osprey) indicates that this status applies in Monroe county only.)

N-Not currently listed, nor currently being considered for listing.

*** State protected by F.A.C. 68A-16.002 and federally protected by both the Migratory Bird Treaty Act (1918) and the Bald and Golden Eagle Protection Act (1940)*

STATE LEGAL STATUS - PLANTS

E-Endangered: species of plants native to Florida that are in imminent danger of extinction within the state, the survival of which is unlikely if the causes of a decline in the number of plants continue; includes all species determined to be endangered or threatened pursuant to the U.S. Endangered Species Act.

T-Threatened: species native to the state that are in rapid decline in the number of plants within the state, but which have not so decreased in number as to cause them to be Endangered.

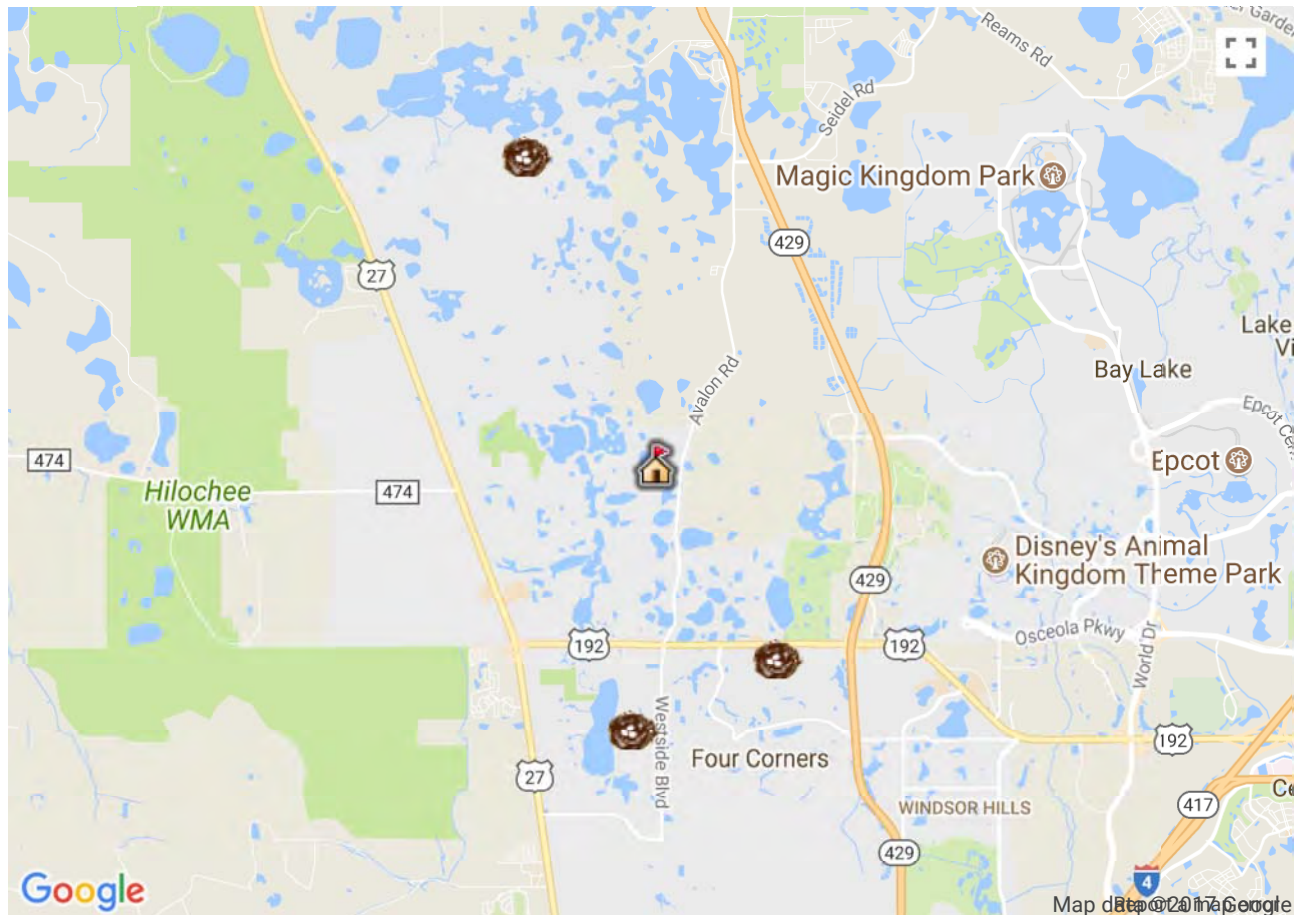
N-Not currently listed, nor currently being considered for listing.

This report was generated using the bald eagle nest locator at <https://public.myfwc.com/FWRI/EagleNests/nestlocator.aspx> on 11/28/2017 2:19:09 PM.

Search Entered: Within 5 miles of latitude 28.3686661666667 and longitude -81.6495518666667; All Search Results

3 record(s) were found; 3 record(s) are shown

Bald Eagle Nest Map:



Bald Eagle Nest Data Search Results:

Results per page:

Nest ID	County	Latitude	Longitude	Township	Range	Section	Gaz Page	Last Known Active	Last Surveyyed	Act 12	Act 13	Act 14	Act 15	Act 16	Dist. (Mi)
LA182	Lake	28 25.06	81 40.30	24S	26E	12	85	2014	2014	*	*	Y	*	*	3.64
OS104	Osceola	28 19.85	81 39.21	25S	27E	07	85	2005	2012	-	*	*	*	*	2.62
OS193	Osceola	28 20.50	81 37.73	25S	27E	05	85	2012	2012	Y	*	*	*	*	2.25

"Y" denotes an active nest

"N" denotes an inactive nest

"-" denotes an unobserved nest

"U" denotes a nest that was visited but status was undetermined

"*" denotes a nest that was not surveyed



February 19, 2018

Miranda F. Fitzgerald, Shareholder
Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
miranda.fitzgerald@lowndes-law.com
Ph: 407.418.6340
215 N. Eola Drive
Orlando, FL 32801

Dear Randi;

Exum Associates was contracted by Martni MAC Partners, LLC to assess previous wetland jurisdictional determinations and the permit history for numerous parcels they own or have under contract in southern Orange County. The 30.1-acre World Resort project for which you have submitted a request for a PD Amendment was included in that assessment. I have reviewed numerous documents related to Orange County Conservation Area Determinations for the World Resort and vicinity, and a relevant Conservation Area Impact Permit (CAIP) for an 11.06-acre parcel within the PD. Conservation Area Impact Permit (CAIP). I have also conducted site reviews to assess the current conditions of wetlands on the World Resort PD and adjacent parcels. No substantial changes in the natural communities have incurred in the relatively recent past, and the wetlands identified in the historical documents are still intact.

We have determined there are various approvals related to CA determinations and CAIPs that are relevant to the Orange County PD Amendment request. It is clear from our document review that Orange County Conservation Area Determination (CAD) # 90-26 encompassed the World Resort PD. May 2001 correspondence from the county related to the San Marco Resort Condominium Orlando project (the 3 parcels within the World Resort PD that are north of Poinciana Blvd. extension) stated that "Following a review of historical documentation, a Conservation Area Determination was found to exist for wetlands located within the project area of the subject property. The CAD (Application # 90-26) was completed for the Florida Land Trusts Project. Any wetland systems located within the Poinciana Boulevard extension project area are also addressed in this determination." In the files for this project is 1990 correspondence from Mr. Ed Williams, Orange County Planning Director at the time, which confirmed the CAD. His letter stated that, upon receipt of two copies of a certified survey, "the determination is binding".

Conservation Area Impact Permit (CAIP) # 05-074 was obtained for the San Marco Resort Condominium project. This CAIP referenced the 1990 determination and the surveyed extent of wetlands that defined the extent of conservation areas on the 30.1-acre World Resort PD. Three Orange County Class III Conservation Areas occur on the property and extend offsite. These Conservation Areas are shown on the attached figure.

The CAIP obtained in 2006 authorized the removal of 0.1733 acres of these Class III wetlands, and determined the mitigation necessary to offset these impacts. The Orange County



Environmental Protection Division (EPD) sought mitigation that would help offset the cumulative impact of wetland removal across the Shingle Creek basin, and additional mitigation was provided. Also, EPD concluded that there would be secondary impacts to wetlands that were not within the specific footprint of the proposed development, and mitigation was provided for these secondary impacts as well.

Rick Merkel, with Highlands Engineering, has spoken with a representative of EPD and they agreed that confirmation of these determinations would be best facilitated through a person to person discussion so that the entitlements associated with these historical determinations could be verified. Since the CAD that encompassed the World Resort PD was obtained at a time when there was no date of expiration, it is my understanding that EPD has considered these determinations to be perpetually binding. The 2006 CAIP relied upon the 1990 determination and provided permission for wetland impacts based on the survey of wetland extent associated with it.

Since mitigation was provided for the 0.1733 acre of wetlands proposed for impact in the 2006 CAI, future development of this wetland area should be approved with no further mitigation.

Though the records provide a fairly clear documentation of wetland jurisdiction and permit history, a meeting with EPD should be able to clarify and verify these vested entitlements. I hope this provides sufficient documentation of the history associated with wetland jurisdiction and permitting with Orange County.

Please let me know if you have any questions or would like additional information regarding the Records associated with orange county conservation areas.

Sincerely,

A handwritten signature in black ink that reads "Jay H. Exum". The signature is written in a cursive, flowing style.

Jay H. Exum, Ph.D.,
Principal Ecologist

Cc: Rashid Khatib
Randy Hodges
Rick Merkel

BDA
ENVIRONMENTAL CONSULTANTS

February 22, 2018
File: 2008088-50.1

SENT VIA ELECTRONIC MAIL AND HAND DELIVERY

Kerina Group
c/o Miranda F. Fitzgerald, Esquire
Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
215 North Eola Drive
Orlando, Florida 32801
Phone: 407-843-4600
Email: Miranda.fitzgerald@lowndes-law.com

RE: Environmental Assessment for Comprehensive Plan Amendment
Parkside PD Tracts 4, 7 & 8
Orange County, Florida

Dear Ms. Fitzgerald:

The following information is being provided in support of the Orange County Planning Division's Environmental Assessment requirements associated with a Comprehensive Plan Amendment submittal for Tracts 4, 7, and 8 of the Parkside PD (a.k.a., Kerina, Emerald Forest, and Diamond Cove), Orange County, Florida. The Environmental Assessment requirements indicate that if wetlands are present on the property, a Conservation Area Determination (CAD) is required from the Orange County Environmental Protection Division (OCEPD) as part of the application package.

Breedlove, Dennis & Associates, Inc. (BDA) has coordinated with staff of the Orange County Planning Department (OCPD) and, subsequently, with staff of the OCEPD regarding the overall Kerina/Parkside project since the earliest permitting efforts that occurred in the late 1980s. Initial wetland reviews were conducted by staff of the OCPD, and the OCPD provided approval of an initial Mitigation Plan on May 2, 1989, depicting the wetland lines for the overall Kerina/Parkside property, to include Wetland No. 6 located within Tract 7 (refer to Exhibit 1). A subsequent modification of this Mitigation Plan was approved by OCPD on April 21, 1993, (refer to Exhibit 2), which clearly notes that Wetland No. 6 was not subject to any of the approved mitigation activities associated with the approved Mitigation Plan for the overall Kerina/Parkside property.

P:\Admin\Projects\2008088\Letters\2018 Comp Plan Amendment.doc

BREEDLOVE, DENNIS & ASSOCIATES, INC.

BDA
ENVIRONMENTAL CONSULTANTS

Miranda F. Fitzgerald, Esquire
February 22, 2018
Page 2

Further coordination was conducted with OCEPD in 2005 to confirm the status of the CAD for the Kerina/Parkside property. A letter dated August 5, 2005, from the OCEPD confirmed that the Environmental Area Exhibit prepared by Donald W. McIntosh Associates, Inc. as part of Exhibit 1 depicts the approved CAD for this property, which was approved in the late 1980s (refer to Exhibit 3). It was noted during this coordination effort in 2005 that additional parcels were added to the overall Kerina/Parkside property since the approved CAD in the late 1980s, which included an outparcel within the northwestern portion of Tract 7. BDA submitted an application for a CAD for this additional area of Tract 7 on December 13, 2005. OCEPD issued Conservation Area Class Determination No. 05-283 on February 23, 2006, and subsequently issued CAD No. 05-028 on May 17, 2006, confirming that no OCEPD Conservation Areas are located within this portion of Tract 7 of the Kerina/Parkside project site (refer to Exhibits 4 and 5). Consequently, the only OCEPD Conservation Area located within Parkside PD Tracts 4, 7, and 8 subject to this Comprehensive Plan Amendment is Wetland No. 6, as depicted on the original CAD approved for the Kerina/Parkside property in the late 1980s. Conservation Area Impact (CAI) Permit No. CAI-12-01-000 (Exhibit 6) was issued by the OCEPD on February 17, 2012, for the Kerina Connector Road, which bisects Tract 7 from the northwest to the southeast. This CAI was issued consistent with the CADs outlined above for the Kerina/Parkside project and provided approval of 0.17 acre of impacts to Wetland No. 6 (Class II) associated with the proposed connector road.

We trust this information is sufficient for your review of the CAD approval and coordination process that has been completed for Tracts 4, 7, and 8 of the Parkside PD subject to this Comprehensive Plan Amendment submittal. Should you have any additional questions, please do not hesitate to contact our office.

Sincerely yours,



Penny E. Cople, B.S.
Principal Scientist



W. Michael Dennis, Ph.D.
President

PEC/WMD/vcl

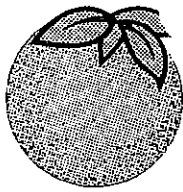
Enclosures

cc: Ms. Kathy Keller

EXHIBIT 1

**LETTER FROM THE ORANGE COUNTY PLANNING DEPARTMENT
DATED MAY 2, 1989, PROVIDING APPROVAL OF THE REVISED
MITIGATION PLAN**

Orange

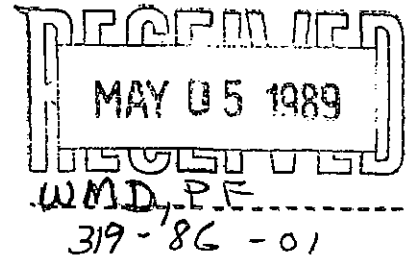


County

Planning Department
Edward J. Williams, Director
201 South Rosalind Avenue, 2nd Floor
Reply To: Post Office Box 1393
Orlando, Florida 32802-1393
Telephone (407) 236-5600

May 2, 1989

Michael Dennis
Breedlove, Dennis & Associates
2412 Forsyth Road
Orlando, Florida 32807



SUBJECT: Mitigation Plan for Kerina Project

Dear Mike:

The Planning Department has received the revised mitigation plan dated "Received April 27, 1989" and hereby approves the proposed plan, subject to the following conditions:

1. Development in accordance with the mitigation plan dated "Received April 27, 1989."
2. All Conservation and Mitigation Areas shall be designated as separate tracts, with development rights dedicated to Orange County at the time of platting of the next unit of Kerina.
3. In reference to Condition of Approval #2, the next Preliminary Subdivision Plan submittal will be required to include the Conservation and Mitigation Areas west of Apopka-Vineland Road so that Condition of Approval #2 can be fulfilled.

Should you have any questions, please contact this office.

Sincerely,

Edward J. Williams
Planning Director

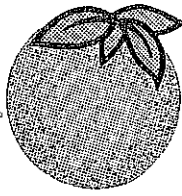
EJW/SWH/sbh

cc: Shneur Elgar; Marcent of Florida

EXHIBIT 2

**LETTER FROM THE ORANGE COUNTY PLANNING DEPARTMENT
DATED APRIL 21, 1993, PROVIDING APPROVAL OF THE 1993
REVISED MITIGATION PLAN**

Orange County



Planning Department
Bruce W. McClendon, Manager
201 South Rosalind Avenue, 2nd Floor
Reply To: Post Office Box 1393
Orlando, Florida 32802-1393
Telephone (407) 836-5600

April 21, 1993

Dr. W. Michael Dennis, Vice President
Breedlove, Dennis and Associates, Inc.
4301 Metric Drive
Winter Park, Florida 32792

RECEIVED

BDA # 92355

APR 28 1993

WMD, PNC, pf. WJ

Subject: Emerald Forest Mitigation Plan

Dear Dr. Dennis:

The Planning Department has reviewed the revised mitigation plan for the referenced project. An additional .08 acres of wetland impacts adjacent to Lake Crowell have been proposed. The mitigation for the proposed impacts are the following: enhancement of a 6.93 acre stressed wetland, 22 acres of upland buffers, and preservation of 4.54 acres of scrub habitat. The conditions of the May 2, 1989 mitigation plan state the conservation and mitigation areas shall be designated as separate tracts, with development rights dedicated to Orange County at the time of platting of the next unit of the development. This condition shall include the conservation and mitigation areas west of Apopka Vineland Road.

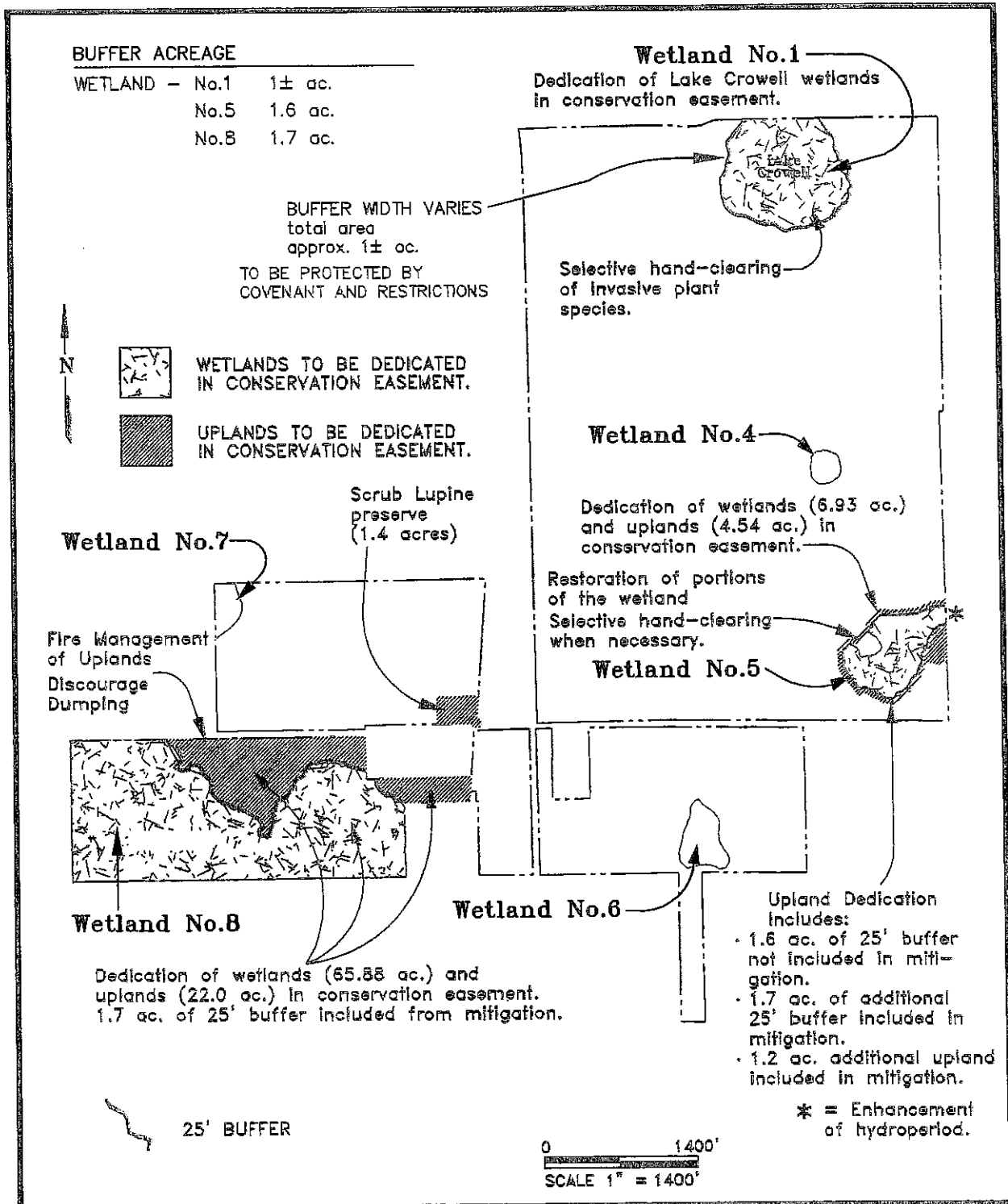
The revisions dated, "Received February 15, 1993," to the May 2, 1989, mitigation plan are approved by this department. This approval does not provide relief from any other local, state, or federal policies which regulate activity on the subject property. Questions concerning this review should be directed to Paul Sebert, Planning Technician, of this office.

Sincerely,

Bruce McClendon
Planning Manager

BWM/PDS

cc: Marcent of Florida; 124 East Colonial Drive; Orlando,
Florida 32801
Don Medellin; Environmental Specialist; South Florida Water
Management District; Orlando Service Center; 1756 Orlando
Central Parkway; Orlando, Florida 32809



WETLANDS AND BOUNDARIES ARE NOT SURVEYED, AND ARE REPRESENTATIVE ONLY.

BREEDLOVE, DENNIS AND ASSOCIATES, INC.
 92355-10.1 / E-FOREST.DWG
 12-22-1992 / RNC-cbt

FIGURE 3. PROPOSED MITIGATION AND WETLAND BUFFERS ON THE EMERALD FOREST / DIAMOND COVE PROJECT SITE, ORANGE COUNTY, FLORIDA. Revised: 1-19-1993

EXHIBIT 3

**LETTER FROM THE ORANGE COUNTY ENVIRONMENTAL
PROTECTION DIVISION DATED AUGUST 5, 2005,
CONCURRING WITH THE PREVIOUSLY APPROVED
CONSERVATION AREA DETERMINATION
FOR THE KERINA PROJECT SITE**



ENVIRONMENTAL PROTECTION DIVISION

Lori Cunniff, *Manager*

Leeds Commerce Center
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896
407-836-1400 · Fax 407-836-1499
www.OrangeCountyFL.net

RECEIVED
2002-124-555
AUG 15 2005
BAB/PT
BDA

August 5, 2005

Dr. Bill Grey
Breedlove Dennis & Associates, Inc.
330 West Canton Avenue
Winter Park, Florida 32789

**Subject: Conservation Area Determination (CAD)
Kerina Parkside Project
Section 10, Township 24 South, Range 28 East
Orange County Commission District: 1**

Dear Dr. Grey:

On June 17, 2005, the Environmental Protection Division (Division) received a letter on the referenced project. The letter, which was sent to Mr. John Geiger, stated that a CAD for the Kerina site has been issued in the late 1980's. Staff is in agreement with this. The project was brought to the Development Review Committee on February 23, 2005. At this meeting, the Land Use Plan (LUP) was discussed and Mr. Geiger commented that a CAD needed to be submitted. To clarify the situation, attached you will find the legend for the approved Kerina CAD and the proposed Kerina LUP. New parcels have been added to the overall site since the CAD was completed and therefore a new CAD must be submitted prior to plan approval.

Should you have any question(s), please contact me at (407) 836-1451.

Sincerely,

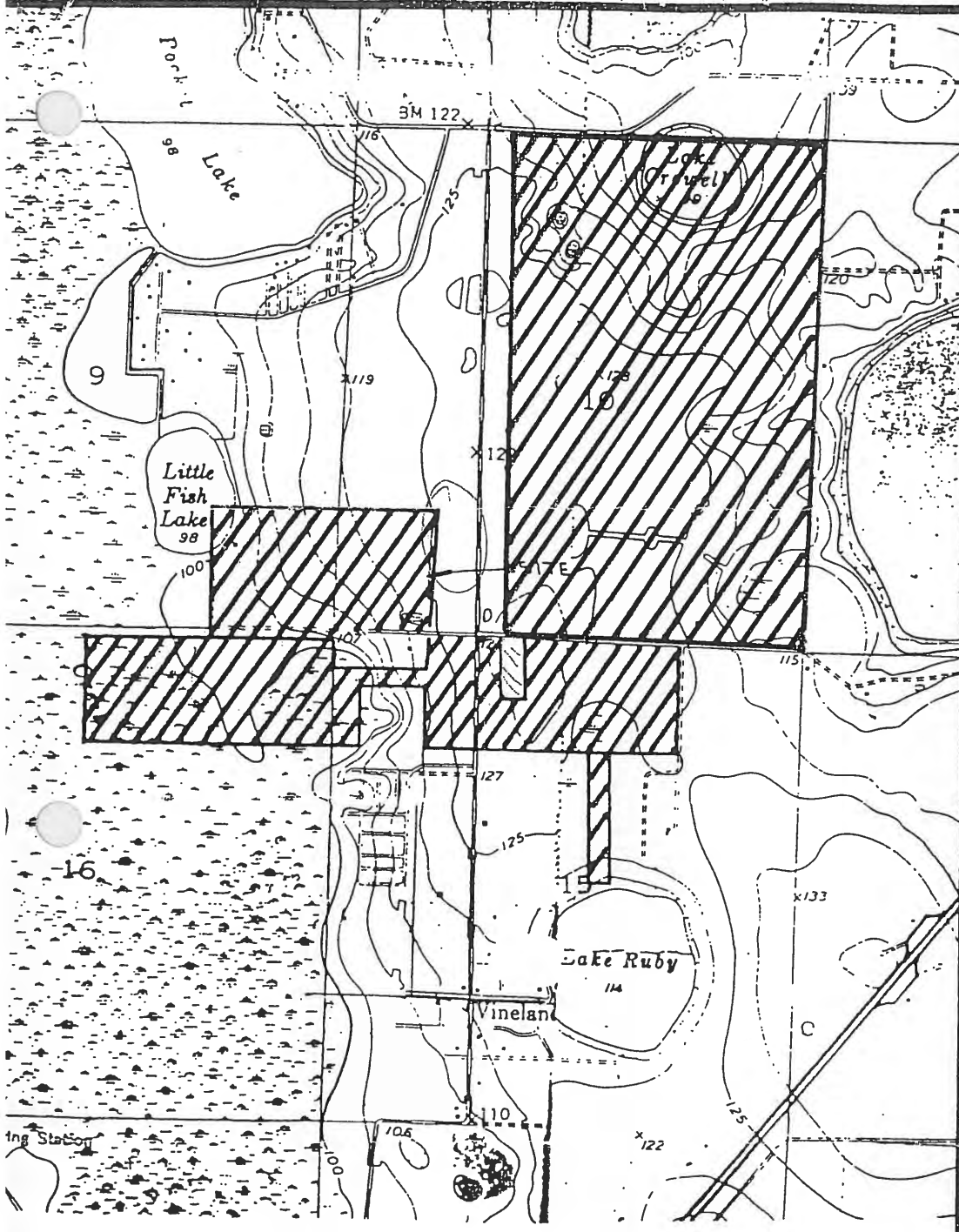
A handwritten signature in cursive script, appearing to read "Jennifer Cummings".

Jennifer Cummings
Sr. Environmental Specialist

JC/ERJ:rb

Attachment

c: John Geiger, Engineer III, Environmental Protection Division



LOCATION MAP N.T.S.

DONALD W. MCINTOSH
ASSOCIATES, INC.

2009 JUN 17 PM

REVISIONS	
NO.	DESCRIPTION
2	REVISED UPLAND MITIGATION
1	ADD 25' BUFFER + UPLAND MITIGATION
NO.	DATE
2	3-15-89
1	2-10-89

SH ASSOCIATES, INC.
SURVEYORS
RK, FLORIDA 32789 (305) 644-4068

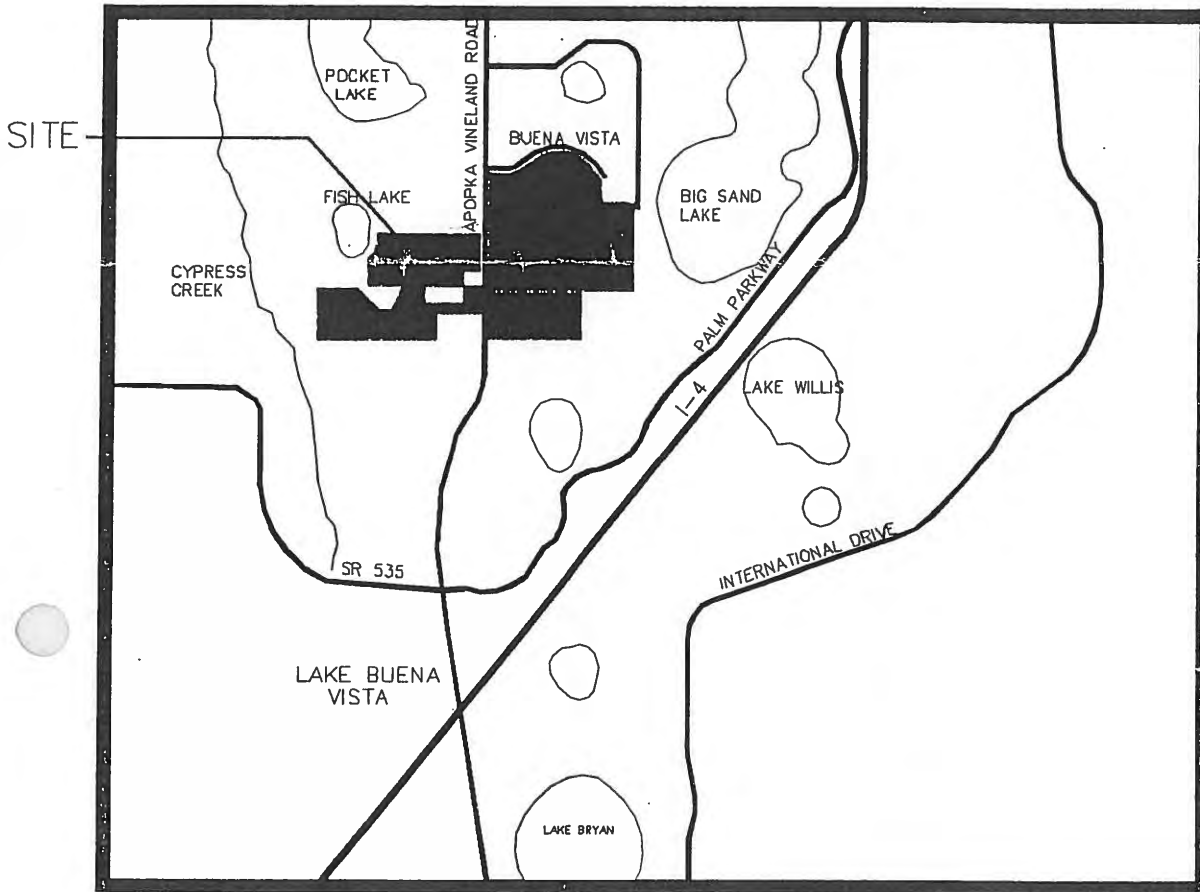
SCALE
1" = 400'

JOB NUMBER

88257.0025

RECEIVED
O.C. ENVIRONMENTAL
PROTECTION DIVISION

2005 JUN 29 AM 11:24



LOCATION MAP
N.T.S.

C.
TH
)

EXHIBIT 4

**CONSERVATION AREA CLASS DETERMINATION NO. 05-283
DATED FEBRUARY 23, 2006**

RECEIVED

FEB 27 2006



Environmental Protection Division **DDA**

CONSERVATION AREA CLASS DETERMINATION

Application No: 05-283

Date Issued: February 23, 2006

Date Expires: February 23, 2007

Activity Location:

11011 South Apopka Vineland Road
10-24-28-0000-00-041 and 15-24-28-5844-00-050
Sections 10 and 15, Township 24 South, Range 28 East
Orange County Commission District: 1

Permittee / Authorized Entity:

Kerina, Inc.
c/o Breedlove Dennis and Associates, Inc.
330 West Canton Avenue
Winter Park, Florida 32789

It was determined that there are **no Conservation Areas** located on the site. Development on this property will not require a Conservation Area Impact Permit from EPD. Three copies of a certified survey must be submitted to complete the Conservation Area Determination process. Two copies will be signed and returned to you for your files.

Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896.
407-836-1400 / Fax: 407-836-1499
www.OrangeCountyFL.net


Attached is a copy of an aerial photograph identifying the property.

Approved, subject to the following Conditions:

1. Prior to any development approvals, 3 copies of a certified survey shall be submitted to EPD for review and approval. The total upland acreage and permit number must be noted on the survey. Two copies of the survey will be signed and returned to you for your files.
2. If this office does not receive the survey within ninety days of this Conservation Area Determination, an additional fee will be required for EPD staff to re-inspect the property.
3. The CAD is only binding for a period of one year from the date of issuance provided physical conditions on the property do not change. The limitations of this condition cannot be modified to allow for a longer duration without a complete reassessment of the property. Changes in surface waters or wetland boundaries resulting from work authorized by a permit pursuant to Chapter 15, Article 10, Section 15-376, will not be considered as altering the boundary for the purposes of this condition.
4. The County may revoke this Determination upon finding that the applicant has submitted inaccurate information to the County regarding the delineation of surface waters or wetlands on the project site.
5. This class determination supercedes any existing determinations made on this parcel.
6. The permittee is responsible for addressing any adverse secondary impacts to offsite surface waters, wetlands or Conservation Areas that may occur as a result of the development of the site.
7. No construction, clearing, alteration, filling or grading is allowed within the limits of the Conservation Area and/or and upland buffer unless approved by the County.
8. Upland buffers averaging fifty (50) feet in width with a minimum of twenty-five (25) feet in width shall be required for Class I, II, and III Conservation Areas

This determination does not provide relief from other local, state, or federal policies, which regulate activity on the subject property. If you should have any questions concerning this review, please contact Jennifer Cummings at (407) 836-1451.

Authorized for the Orange County Environmental Protection Division by:


Elizabeth R. Johnson, Environmental Supervisor
JE/ERJ:rb

Attachment: Aerial photo

c: Kerina, Inc., 124 East Colonial Drive, Orlando, Florida 32801



LEGEND

Project Boundary

SFWMD LAND USE

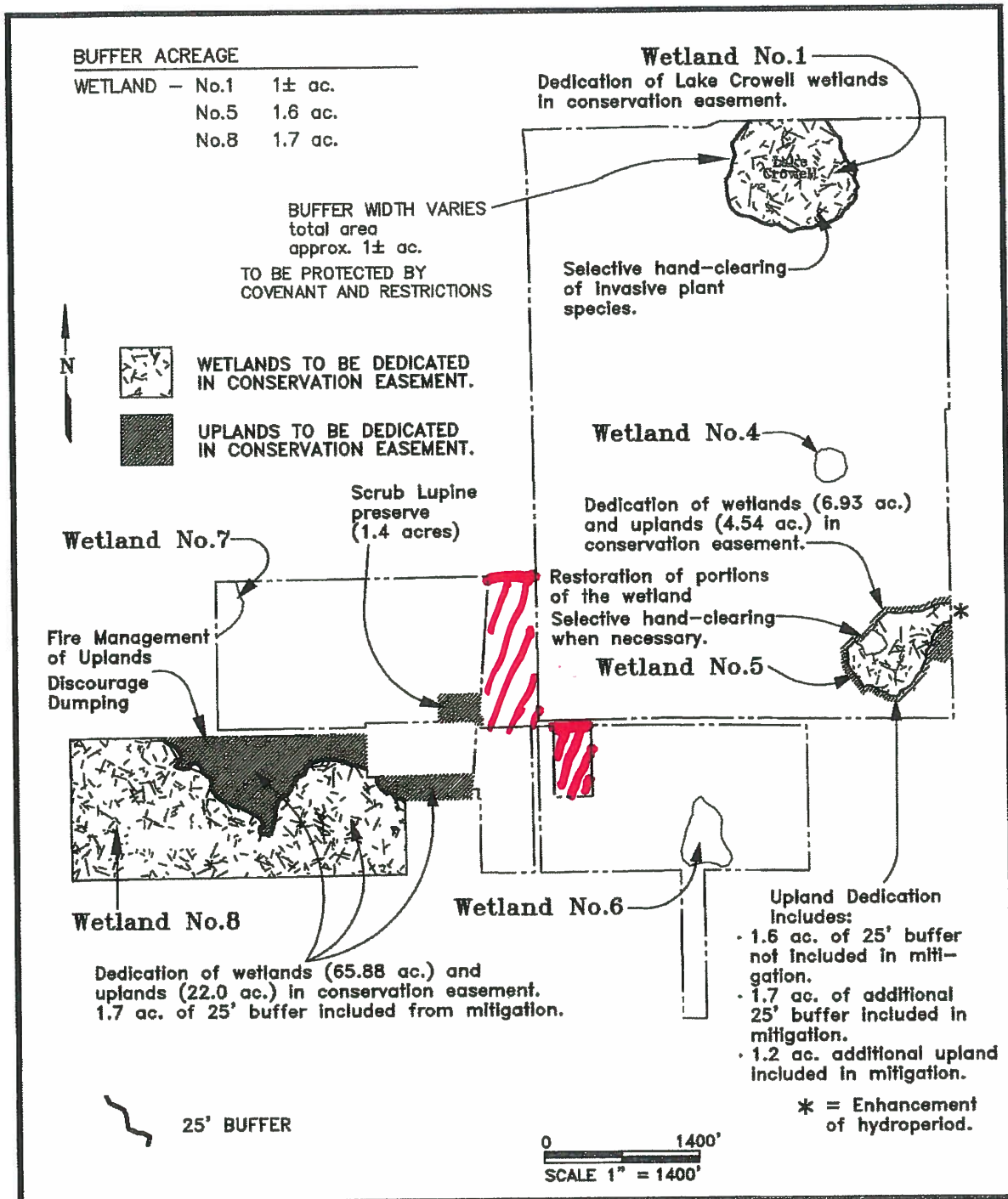
- 111 - Low Density Residential, Fixed Single Family Units (1.12 ac)
- 220 - Agriculture, Tree Crops (164.76 ac)
- 329 - Rangeland, Other Shrubs and Brush (14.96 ac)
- 419 - Upland Forests, Other Pines (155.39 ac)
- 500 - Water (1.50 ac)
- 600 - Wetlands (80.64 ac)
- 640 - Vegetated Non-Forested Wetlands (3.83 ac)
- Areas Subject to OCEPD Conservation Area Determination Application (14.04 ac)

N
 Seminole
 Orange
 Lake
 Polk
 Osceola
GENERAL LOCATION
 0 450 900 Feet
 SCALE: 1 in. equals 900 ft.

BDA BREEDLOVE, DENNIS & ASSOCIATES, INC.
 330 W. Canton Ave., Winter Park, FL 32789 P: 407-677-1882 F: 407-657-7008
 2002124-55.5 - CBT - 2005-12-02
 ArcGIS\OCEPD_0510L.mxd
 Plot1st_LandUse_1150.pn

Source: USGS Windermere DOQQ (SE Quarter Quad) and Lake Jesamine DOQQ (SW Quarter Quad);
 LABINS, M:SID, Flight date, 2004. Project boundary approximated by BDA, 2005-10-26.

EXHIBIT 4. SOUTH FLORIDA WATER MANAGEMENT DISTRICT LAND USE OF THE KERINA/PARKSIDE PLANNED DEVELOPMENT PROJECT, ORANGE COUNTY, FLORIDA.



WETLANDS AND BOUNDARIES ARE NOT SURVEYED,
 AND ARE REPRESENTATIVE ONLY.

BREEDLOVE, DENNIS AND ASSOCIATES, INC.
 92355-10.1 / E-FOREST.DWG
 12-22-1992 / RNC-cbt

FIGURE 3. PROPOSED MITIGATION AND WETLAND BUFFERS ON THE EMERALD
 FOREST / DIAMOND COVE PROJECT SITE, ORANGE COUNTY, FLORIDA.
 Revised: 1-19-1993

EXHIBIT 5

**CONSERVATION AREA DETERMINATION NO. 05-028
DATED MAY 17, 2006**



Environmental Protection Division

**CONSERVATION AREA
DETERMINATION
BOUNDARY SURVEY**

Application No: 05-028

RECEIVED

MAY 23 2006

BDA

Date Issued: May 17, 2006

Date Expires: May 17, 2007

Activity Location:

11011 South Apopka Vineland Road (15-24-28-5844-00-050) and 10-24-28-0000-00-041)

Sections 10 and 15, Township 24 South, Range 28 East

Orange County Commission District: 1

Permittee / Authorized Entity:

Kerina, Inc.

c/o Breedlove Dennis and Associates, Inc.

330 West Canton Avenue

Winter Park, Florida 32789

The Environmental Protection Division (EPD) has received your certified survey dated "Received May 9, 2006", which shows no Orange County Conservation Area on the referenced property. The survey has been submitted as a requirement of the Conservation Area Determination (CAD) dated February 23, 2006.

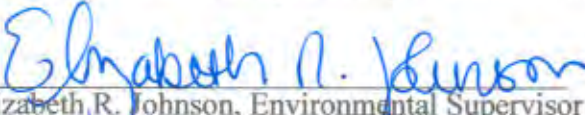
Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896.
407-836-1400 / Fax: 407-836-1499
www.OrangeCountyFL.net

Approved, subject to the following Conditions:

1. This determination is valid for a period of one year. The limitations of this condition cannot be modified to allow for a longer duration without a complete reassessment of the limits of surface waters and wetlands occurring on the project.
2. The County may revoke this Determination upon finding that the applicant has submitted inaccurate information to the County regarding the delineation of surface waters or wetlands on the project site.
3. This determination does not provide relief from other local, state, or federal policies, which regulate activity on the subject property. If this determination conflicts with those of any other Agency, Department or Division, the applicant must comply with the most stringent conditions.
4. This determination and survey shall only be utilized for the parcels being added to the Kerina PD and does not approve any other wetland lines as depicted on the survey and shall not be relied upon to make class determinations on any contiguous parcels.
5. All properties under development must use appropriate best management practices to stop soil, trash, and debris from unintentionally leaving the site during all phases of construction.
6. The permittee is responsible for addressing any adverse secondary impacts to offsite surface waters, wetlands or Conservation Areas that may occur as a result of the development of the site.
7. No construction, clearing, alteration, filling or grading is allowed within the limits of the Conservation Area and/or and upland buffer unless approved by the County.

This determination does not provide relief from other local, state, or federal policies, which regulate activity on the subject property. If you should have any questions concerning this review, please contact Jennifer Cummings at (407) 836-1451.

Authorized for the Orange County Environmental Protection Division by:


Elizabeth R. Johnson, Environmental Supervisor

 ERJ:rb

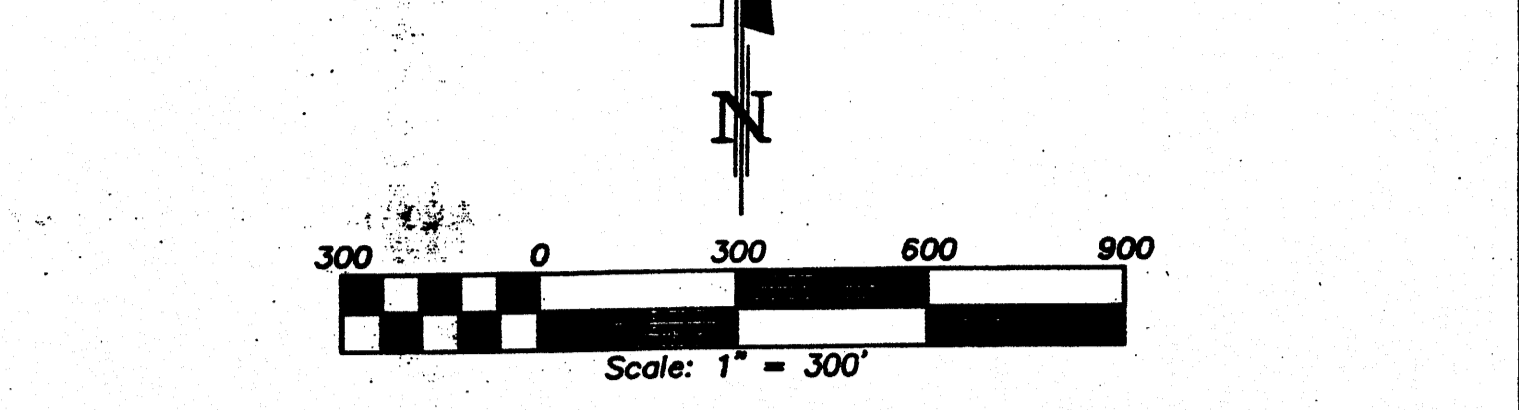
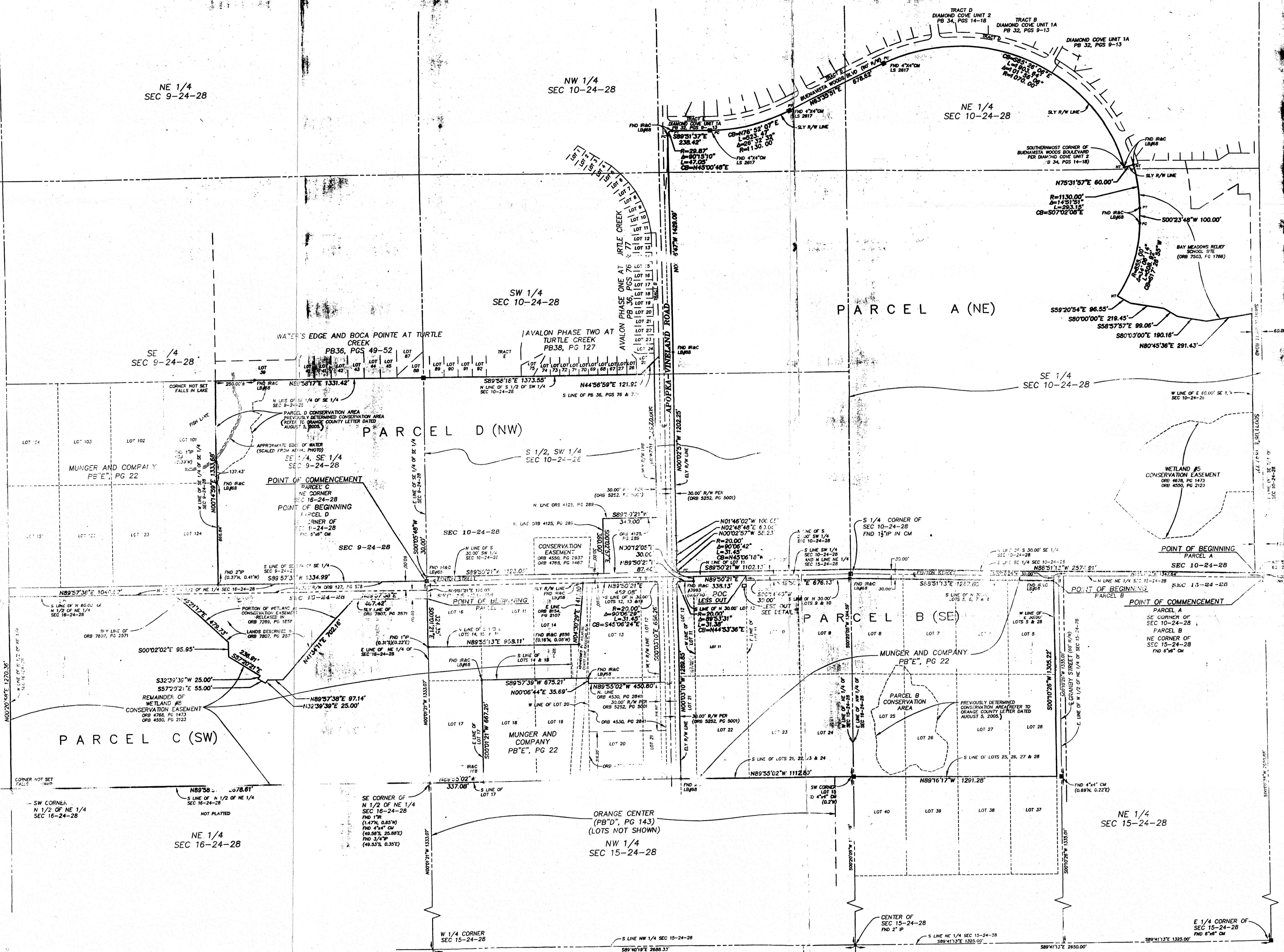
Attachment: Survey

c: Kerina, Inc., 124 East Colonial Drive, Orlando, Florida 32801

SPECIFIC PURPOSE SURVEY

RECEIVED
O.C. ENVIRONMENTAL
PROTECTION DIVISION
2006 MAY -9 AM 4:34

RECEIVED
O.C. ENVIRONMENTAL
PROTECTION DIVISION
2006 MAY -9 AM 4:42

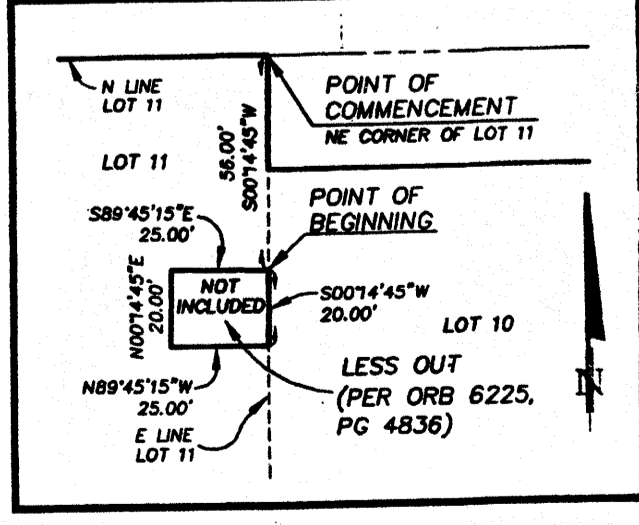


PARCEL A (NE)
DESCRIPTION (PREPARED BY DONALD W. MCINTOSH ASSOCIATES, INC.):
That part of Section 10, Township 24 South, Range 28 East, Orange County, Florida, described as follows:
Commence at the Southeast corner of Section 10, Township 24 South, Range 28 East; thence N001106°W along the East line of said Section 10 a distance of 30.01 feet to the North line of the South 30.00 feet of said Section 10; thence N85°11'37\"

PARCEL B (SE)
DESCRIPTION:
That part of MUNDER AND COMPANY, according to the plat thereof, as recorded in Plat Book E, Page 22, in Section 16, Township 24 South, Range 28 East, of the Public Records of Orange County, Florida, and a more particularly described as follows:
Commence at the Northeast corner of said Section 16; thence N85°11'37\"

PARCEL C (SW)
DESCRIPTION:
That part of Section 16, Township 24 South, Range 28 East and MUNDER AND COMPANY, according to the plat thereof, as recorded in Plat Book E, Page 22, in Section 16, Township 24 South, Range 28 East, of the Public Records of Orange County, Florida, being more particularly described as follows:
Commence at the Northeast corner of said Section 16; thence S0010121°E along the East line of the Northeast 1/4 of said Section 16 a distance of 120.00 feet to the POINT OF BEGINNING; thence continue S0010121°E along the South line of the South 1/2 of Lots 14, 15 and 16 of said MUNDER AND COMPANY; thence N043029°E along the West line of said Section 16, 95.811 feet; thence N043029°E along the West line of an abandoned 60' wide railroad right-of-way being the Easterly line of lands described in Official Records Book 8154, Page 2107, of said Public Records; thence N85°10'57\"

PARCEL D (NW)
DESCRIPTION:
That part of Sections 9 and 10, Township 24 South, Range 28 East, Orange County, Florida, described as follows:
BEGIN at the Southeast corner of Section 9, Township 24 South, Range 28 East; thence S69°57'38\"



ACREAGE SUMMARY

PARCEL	ACREAGE
A	242,714 ACRES
B	72,649 ACRES
C	86,161 ACRES
D	81,738 ACRES
TOTAL	483,262 ACRES

PREVIOUSLY DETERMINED CONSERVATION AREAS PER ORANGE COUNTY LETTER DATED AUGUST 5, 2006

PARCEL	ACREAGE
PARCEL B CONSERVATION AREA	5,364 ACRES
PARCEL D CONSERVATION AREA	3,162 ACRES
TOTAL	8,546 ACRES

WETLAND #5 CONSERVATION EASEMENT = 11.47 AC±
WETLAND #6 CONSERVATION EASEMENT = 87.88 AC±
LESS PORTION RELEASED = 9.61 AC±
REMAINDER = 78.27 AC±
CONSERVATION EASEMENT (SEC 10-24-28) (ORB 4768, PG 1467) = 1,958 AC±
TOTAL CONSERVATION EASEMENTS = 91.70 AC±

- ABBREVIATIONS**
- CE CENTERLINE
 - ELY EASTERN
 - ESW EST
 - LY LINE
 - LB LICENSED BUSINESS
 - NR NOT RADIAL/NON-RADIAL
 - NT NOT TANGENT/NON-TANGENT
 - OF OFFICIAL RECORDS BOOK
 - OR ORLANDO UTILITIES COMMISSION
 - PL PLAT
 - FB FLAT BOOK
 - PS PAGES
 - PD PAGES
 - PC POINT OF COMPOUND CURVATURE
 - PRC POINT OF REVERSE CURVATURE
 - PC POINT OF CURVATURE
 - PT POINT OF TANGENCY
 - PLS PROFESSIONAL LAND SURVEYOR
 - R/W RIGHT-OF-WAY
 - RD ROAD
 - RR RAILROAD
 - SR STATE ROAD
 - SR SOUTHERLY
 - WLY WESTERLY

SURVEYOR'S NOTES:

- The purpose of this survey is to show the location and recording information of Orange County Conservation Easements, as furnished by client, in relation to found monumentation in response to Orange County Environmental Protection Division Application No. 05-283, dated February 23, 2006.
- The Conservation Easements shown were furnished by client via a Plat Certification Report prepared by Layers' Title Insurance Corp. effectively dated March 13, 2006. No other easements affecting the property are shown in accordance with the specific purpose of this survey.
- This is not a boundary survey. Corner monuments shown were found or set in 1986 and have not been updated for the purpose of this survey. No improvements have been located.
- Bearings based on the North line of the Northeast 1/4 of Section 15, Township 24 South, Range 28 East, Orange County, Florida, being N85°11'37\"
- No underground improvements, installations, foundations or utilities located.
- No environmental issues have been addressed by this survey.
- Lands shown hereon were not abstracted for rights-of-way, easements, ownership or other instruments of record by this firm.
- All adjoining rights-of-way, subdivisions and information on adjoining properties shown hereon are from information shown on County Tax Assessor Maps. The undersigned surveyor and Donald W. McIntosh Associates, Inc. neither attempted nor were required to do a title search regarding such information. Users of this survey are placed on notice that reliance on such information is at their own peril. In this regard,
- No attempt to locate Jurisdictional wetlands or state sovereignty lands, if any, has been made this date.

Approval of this survey is only for the parcels added and does not include any parcels that were previously approved by the Environmental Protection Division

SURVEY DATE: DEC 1986
I hereby certify that this survey, subject to the surveyor's notes contained hereon, meets the applicable Minimum Technical Standards set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 6107-6, Florida Administrative Code, pursuant to Chapter 472.027, Florida Statutes.
DONALD W. MCINTOSH ASSOCIATES, INC.

APPROVED BY
ENVIRONMENTAL PROTECTION DIVISION
DATE: 5/8/2006
INITIAL: [Signature]

DONALD W. MCINTOSH ASSOCIATES, INC.
SURVEYORS
PLANNERS
ENGINEERS
CERTIFICATE OF AUTHORIZATION NO. 1185

BRANCH: EPH
DATE: 4/25/06
CHECKED BY: [Signature]
DRAWN BY: [Signature]

SCALE: 1"=300'
FIELD BOOKS: N/A
JOB NUMBER: 24120.0005
SHEET: 1 OF 1

REVISIONS

NO.	DATE	DESCRIPTION
12/26	12/26	CHG
1		CHG

FILE NAME: P:\Pro2004\24120\589\Specific purpose\conservation areas.dwg

EXHIBIT 6

**CONSERVATION AREA IMPACT PERMIT NO. CAI-12-01-000
DATED FEBRUARY 17, 2012**



Environmental Protection Division

CONSERVATION AREA IMPACT PERMIT

Permit No: CAI-12-01-000

Date Issued: February 17, 2012

A Permit Authorizing:

Impacts to 0.17-acre of Class II wetlands in order to construct the Kerina Connector Road Project which is designed to connect Palm Parkway and Apopka-Vineland Road. Mitigation requires the purchase of 1.2 mitigation credits from the Florida Mitigation Bank. This permit can be staff issued pursuant to the streamlining approval at the February 5, 2008 Board of County Commissioners Meeting.

This permit is issued pursuant to Orange County Code, Chapter 15, Article X, Conservation Ordinance and is subject to the Permit Conditions provided on the following pages:

Activity Location:

Parcel ID#: 15-24-28-5844-00-050, 15-24-28-7774-00-020, 15-24-28-5844-00-211,
15-24-28-7774-00-022, 14-24-28-1242-66-001

Orange County Commission District: 1

Permittee / Authorized Entity:

Kerina Wildwood LLC and Kerina Village LLC
BVC Asset Management, LLC and BVC Partners I, LLC
Daryl M Carter Trust
c/o Hao T. Chau, P.E.
Kimley-Horn and Associates, Inc.
3660 Maguire Boulevard, Suite 200
Orlando, Florida 32803
EMAIL: Hao.Chau@Kimley-Horn.com

Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896.
407-836-1400/ Fax: 407-836-1499
www.OCEPD.org

Approval of this permit is subject to the following conditions:

Specific Conditions

1. This permit shall become final and effective upon expiration of the thirty (30) calendar day period following the date of rendition of the Board of County Commissioners' decision approving the permit, unless a petition for writ of certiorari or other legal challenge has been filed within this timeframe. Any timely filed petition or other challenge shall stay the effective date of this permit until the petition or other challenge is resolved in favor of the Board's decision.
2. The wetland impacts must be completed in accordance with sheet 43A of the plans prepared by Hao T. Chau, P.E., Kimley-Horn and Associates, Inc., as dated as received by the Environmental Protection Division (EPD) on January 5, 2012. Construction shall be completed within five years from issuance of this permit unless extended in writing. Requests for permit extension must be submitted to the Environmental Protection Division (EPD) prior to the expiration date.
3. The mitigation plan must be implemented in accordance with Sheet 2 of 2 of the cover letter submitted by Breedlove, Dennis & Associates, Inc. as dated as received by EPD on January 5, 2012.
4. Prior to any filling within the 100-year flood zone a Flood Plain Permit may be required from the Orange County Stormwater Management authorizing the fill.
5. The permittee shall notify EPD, in writing, within thirty days of any sale, conveyance, or other transfer of ownership or control of the real property subject to this permit. The permittee shall remain liable for all permit conditions and corrective actions that may be required as a result of any permit violations which occur prior to the transfer of the permit by Orange County to a subsequent owner. If applicable, no permit shall be transferred unless and until adequate financial assurance has been provided and approved by Orange County.
6. For one acre or more of disturbed land, a National Pollutant Discharge Elimination System Notice of Intent to use a Construction General Permit for stormwater discharges shall be completed and sent to EPD and copied to the EPD National Pollutant Discharge Elimination System Administrator prior to start of construction.
7. All excess lumber, scrap wood, trash, garbage, etc shall be removed from the preservation areas and/or surface water(s) immediately.

General Conditions

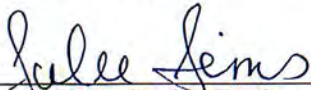
8. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.

9. Prior to construction, the permittee shall clearly designate the limits of construction on-site. The permittee shall advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
10. Construction plans shall be submitted to EPD prior to initiating any construction activities for review and approval. The construction plans shall include, but are not limited to, a site plan clearly depicting the location and acreage of the impacts and preservation.
11. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
12. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure or encroachment within sixty days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.
13. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article X of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions. Permittee shall immediately notify EPD of any conflict between the conditions of this Permit and any other permit or approval.
14. The permittee is hereby advised that Section 253.77, Florida Statutes, states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
15. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.

16. EPD shall have final construction plan approval to ensure that no modification has been made during the construction plan process.
17. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
18. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to either, at a minimum: inspect, sample, or test to ensure conformity with the plans and specifications approved by the permit.
19. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
20. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
21. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
22. Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.

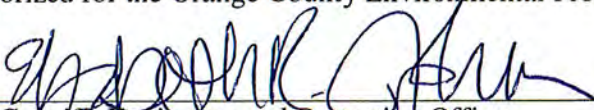
If you should have any questions concerning this review, please contact Julee Sims at (407) 836-1494 or julee.sims@ocfl.net.

Project Manager:



Julee Sims, Senior Environmental Specialist

Authorized for the Orange County Environmental Protection Division by:



Lori Cunniff, Environmental Protection Officer

JS/NT/ERJ/LC

Enclosure(s): "Construction Notice" (form CN-001-04)
National Pollutant Discharge Elimination System (NPDES) Notice of Intent
Site plan

c: Miranda Fitzgerald – miranda.fitzgerald@lowndes-law.com
Sham Maharaj – smaharaj@oclpfl.com
Daryl M. Carter – dcarter@maurycarter.com
Jennifer Cummings – jennifer.cummings@ocfl.net



Construction Notice

- BEGINNING OF CONSTRUCTION

- COMPLETION OF CONSTRUCTION

Mail to: Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, FL 32808-7896
Or Fax to: 407-836-1499, Attn: Elizabeth R. Johnson,
Environmental Supervisor

Permit Number and Name: CAI-12-01-000 Kerina Road Connector Project

Permit Type: Conservation Area Impact Permit (CAI)

Approximate Starting date: _____.

Approximate Completion Date: _____.

Remarks or any additional information:

I certify I am the permittee / Authorized Entity of the above permit issued by the Orange County Environmental Protection Division and in accordance with the terms of such permit will begin or have completed the actual construction of the work described in the permit.

Signature of Permittee: _____

Printed name of Permittee: _____

Date: _____



NOTICE OF INTENT TO USE GENERIC PERMIT FOR STORMWATER DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES (RULE 62-621.300(4), F.A.C.)

This Notice of Intent (NOI) form is to be completed and submitted to the Department before use of the Generic Permit for Stormwater Discharge From Large and Small Construction Activities provided in Rule 62-621.300(4), F.A.C. The type of project or activity that qualifies for use of the generic permit, the conditions of the permit, and additional requirements to request coverage are specified in the generic permit document [DEP Document 62-621.300(4)(a)]. **The appropriate generic permit fee, as specified in Rule 62-4.050(4)(d), F.A.C., shall be submitted with this NOI in order to obtain permit coverage. Permit coverage will not be granted without submittal of the appropriate generic permit fee.** You should familiarize yourself with the generic permit document and the attached instructions before completing this NOI form. **Please print or type information in the appropriate areas below.**

I. IDENTIFICATION NUMBER: _____ Project ID

II. APPLICANT INFORMATION:

A. Operator Name:		
B. Address:		
C. City:	D. State:	E. Zip Code:
F. Operator Status:	G. Responsible Authority:	
	H. Phone No.:	

III. PROJECT/SITE LOCATION INFORMATION:

A. Project Name:		
B. Project Address/Location:		
C. City:	D. State:	E. Zip Code:
F. County:	G. Latitude: ° ' "	Longitude: ° ' "
H. Is the site located on Indian lands? No <input type="checkbox"/> Yes <input type="checkbox"/>		I. Water Management District:
J. Project Contact:		K. Phone No.:

IV. PROJECT/SITE ACTIVITY INFORMATION:

A. Indicate whether Large or Small Construction (check only one):	<input type="checkbox"/> Large Construction (Project will disturb five or more acres of land.)	
	<input type="checkbox"/> Small Construction (Project will disturb one or more acres but less than five acres of land.)	
B. Approximate total area of land disturbance from commencement through completion of construction: _____ Acres		
C. SWPPP Location	<input type="checkbox"/> Address in Part II above <input type="checkbox"/> Address in Part III above <input type="checkbox"/> Other address (specify below)	
D. SWPPP Address:		
E. City:	F. State:	G. Zip Code:
H. Construction Period	Start Date:	Completion Date:

V. DISCHARGE INFORMATION

A. MS4 Operator Name (if applicable):
B. Receiving Water Name:

VI. CERTIFICATION¹:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name and Official Title (Type or Print):

Signature:

Date Signed:

¹ Signatory requirements are contained in Rule 62-620.305, F.A.C.

INSTRUCTIONS – DEP FORM 62-621.300(4)(b)
**NOTICE OF INTENT (NOI) TO USE GENERIC PERMIT FOR STORMWATER
DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES**

Who Must File an NOI:

Federal law at 40 CFR Part 122 prohibits the point source discharge of pollutants, including the discharge of stormwater associated with large construction activities as defined at 40 CFR 122.26(b)(14)(x) or small construction activities as defined at 40 CFR 122.26(b)(15), to waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. Under the State of Florida's authority to administer the NPDES stormwater program at 403.0885, F.S., operators that have stormwater discharge associated with large or small construction activities to surface waters of the State, including through a Municipal Separate Storm Sewer System (MS4), must obtain coverage either under a generic permit issued pursuant to Chapter 62-621, F.A.C., or an individual permit issued pursuant to Chapter 62-620, F.A.C.

Where to File NOI:

NOIs for coverage under this generic permit must be sent to the following address:

NPDES Stormwater Notices Center, MS #2510
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Permit Fee:

Permit fees for large and small construction activities to be covered under the generic permit are specified in Rule 62-4.050(4)(d), F.A.C. The appropriate generic permit fee (either for large or small construction activities) must be submitted along with the completed NOI in order to obtain coverage under the generic permit. **Generic permit coverage will not be granted without payment of the appropriate permit fee.**

The permit fee shall be paid by either check or money order made payable to: "Florida Department of Environmental Protection"

Part I – Identification Number

Enter the project's DEP identification number (generic permit coverage number) if known. If an ID number has not yet been assigned to this project (i.e., if this is a new project), leave this item blank.

Part II – Applicant Information

Item A.: Provide the legal name of the person, firm, contractor, public organization, or other legal entity that owns or operates the construction activity described in this NOI. The operator is the legal

entity that has authority to control those activities at the project necessary to ensure compliance with the terms and conditions of the generic permit.

Items B. – E.: Provide the complete mailing address of the operator, including city, state, and zip code.

Item F.: Enter the appropriate one letter code from the list below to indicate the legal status of the operator:

F = Federal; S = State; P = Private; M = Public (other than federal or state); O = Other

Items G. – H.: Provide the name and telephone number (including area code) of the person authorized to submit this NOI on behalf of the operator (e.g., Jane Smith, President of Smith Construction Company on behalf of the operator, Smith Construction Company; John Doe, Public Works Director on behalf of the operator, City of Townsville; etc.). This should be the same person as indicated in the certification in Part VI.

Part III – Project/Site Location Information

Items A. – E.: Enter the official or legal name and complete street address, including city, state, and zip code of the project. Do not provide a P.O. Box number as the street address. If it lacks a street address, describe the project site location (e.g., intersection of State Road 1 and Smith Street).

Item F.: Enter the county in which the project is located.

Item G.: Enter the latitude and longitude, **in degrees-minutes-seconds format**, of the approximate center of the project.

Item H.: Indicate whether the project is located on Indian lands.

Item I.: Enter the appropriate five or six letter code from the list below to indicate the Water Management District the project is located within:

NFWWMD= Northwest Florida Water Management District
SRWMD = Suwannee River Water Management District
SFWMD = South Florida Water Management District
SWFWMD =Southwest Florida Water Management District
SJRWMD =St. John’s River Water Management District

Items J. – K.: Give the name, title, and telephone number (including area code) of the project contact person. The project contact is the person who is thoroughly familiar with the project, with the facts reported in this NOI, and who can be contacted by the Department if necessary.

Part IV – Project/Site Activity Information:

Item A.: Check the appropriate box to indicate whether the project involves large construction activity or small construction activity. **Check one box only.**

“Large Construction Activity” means construction activity that results in the disturbance of five (5) or more acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.

“Small Construction Activity” means construction activity that results in the disturbance of equal to or greater than one (1) acre and less than five (5) acres of total land area. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre and less than five acres.

Item B.: Provide the approximate total area of land disturbance in acres that the project will involve from commencement of construction through completion.

Items C. - G.: Indicate the location where the Stormwater Pollution Prevention Plan (SWPPP) can be viewed. Provide the address where the SWPPP can be viewed if other than as provided in Parts II or III of the NOI. **Note that to be eligible for coverage under the generic permit, the SWPPP must have been prepared prior to filing this NOI.**

Item H.: Enter the estimated construction start and completion dates in the MM/DD/YY format.

Part V – Discharge Information

Item A.: If stormwater from the project discharges to a municipal separate storm sewer system (MS4), enter the name of the operator of the MS4 (e.g., City of Tallahassee MS4, Orange County MS4, FDOT MS4, etc.). If stormwater from the project does not discharge to an MS4 but rather discharges to surface waters of the State, leave this item blank or indicate “N/A” and skip to Item B of this part. **Please note that if the project discharges stormwater to an MS4, you must provide the MS4 operator with a copy of the completed NOI.**

Item B.: If the project discharges stormwater to surface waters of the State, and not to an MS4, enter the name of the receiving water body to which the stormwater is discharged. Please provide the first named water body to which the stormwater from the project is discharged (e.g., Cypress Creek, Tampa Bay, unnamed ditch to St. Johns River, Tate’s Hell Swamp, etc.).

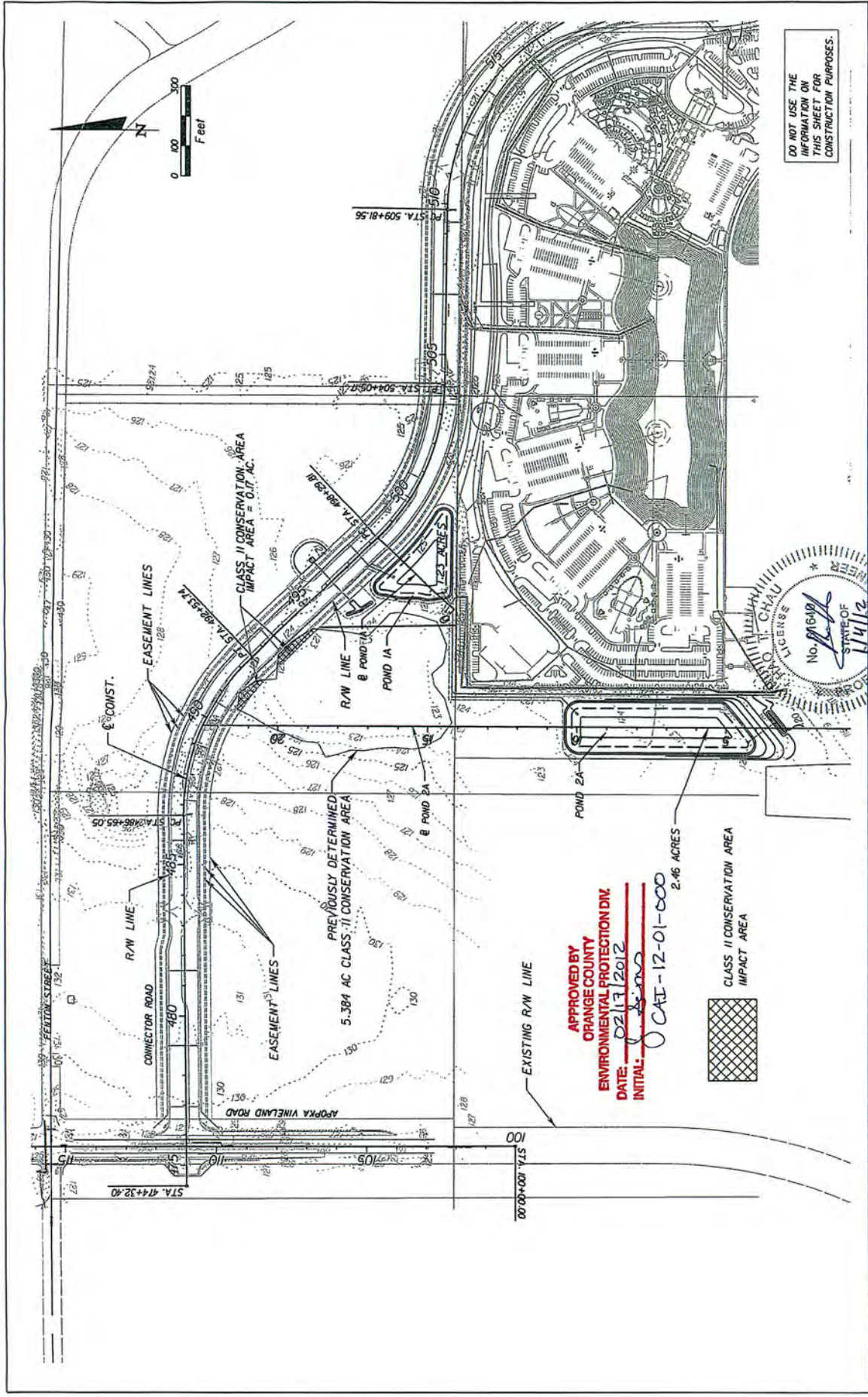
Part VI – Certification

Type or print the name and official title of the person signing the certification. Please note that this should be the same person as indicated in Item II.G. as the Responsible Authority. Sign and date the certification.

Section 403.161, F.S., provides severe penalties for submitting false information on this application (NOI) or any reports or records required by a permit. There are both civil and criminal penalties, in addition to the revocation of permit coverage for submitting false information.

Rule 62-620.305, F.A.C., requires that the NOI and any reports required by the permit to be signed as follows:

- A. For a corporation, by a responsible corporate officer as described in Rule 62-620.305, F.A.C.;
- B. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or,
- C. For a municipality, state, federal or other public facility, by a principal executive officer or elected official.



DO NOT USE THE INFORMATION ON THIS SHEET FOR CONSTRUCTION PURPOSES.

APPROVED BY
 ORANGE COUNTY
 ENVIRONMENTAL PROTECTION DIV.
 DATE: 02/13/2012
 INITIAL: *[Signature]*
 CAE-12-01-000



CLASS II CONSERVATION AREA
 IMPACT AREA

2.46 ACRES

REVISIONS		DESCRIPTION	
DATE	BY	DATE	DESCRIPTION

Kelly-Horn and Associates, Inc.
 Corporate Registration
 No. CA 00020095
 HAO T. CHAU, P.E.
 P.E. Number: 61640
 1660 North Orange Avenue, Suite 116, 200
 Orlando, Florida 32801



ORANGE COUNTY
 DEPARTMENT OF PUBLIC WORKS

ENVIRONMENTAL
 CONSIDERATION PLAN

SHEET NO. 43A

Appendix A: Environmental Assessment

The Subject Property is predominately uplands with only 2.8 acres included in Big Sand Lake. A Conservation Area Determination application will be processed through the PD Change Determination application process.

October 1, 2017

Momtaz Barq
Terra-Max Engineering, Inc.
1507 South Hiawasse Road, Suite 211
Orlando, FL 32835

Proj: Turkey Lake Apartments – Orange County, Florida
Section 11, Township 24 South, Range 28 East
(BTC File #544-13.05)

Re: Environmental Assessment

Dear Mr. Barq:

In October of 2017, Bio-Tech Consulting, Inc. (BTC) conducted an updated environmental assessment of the approximately 52-acre Turkey Lake Apartments project site. The site is located at 10900 Turkey Lake Road and is bounded by Turkey Lake Road to the east and Big Sand Lake to the west, in Section 11, Township 24 South, Range 28 East, Orange County, Florida (Figures 1, 2, and 3). This environmental assessment included the following:

- Review of soil types mapped within the site boundaries;
- Evaluation of land use types/vegetative communities present;
- Field review for occurrence of protected flora and fauna; and,
- An overview of potential development constraints.

SOILS

According to the Soil Survey of Orange County, Florida, prepared by the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), three (3) soil types occur within the subject property boundaries (Figure 4). Soils identified to occur on the property include the following:

Orlando: Main Office
3025 East South Street
Orlando, FL 32803

Vero Beach Office
4445 N A1A
Suite 221
Vero Beach, FL 32963

Jacksonville Office
1157 Beach Boulevard
Jacksonville Beach, FL 32250

Tampa Office
6011 Benjamin Road
Suite 101 B
Tampa, FL 33634

Key West Office
1107 Key Plaza
Suite 259
Key West, FL 33040

Aquatic & Land
Management Operations
3825 Rouse Road
Orlando, FL 32817

407.894.5969
877.894.5969
407.894.5970 fax

- **Basinger fine sand, depressional (#3)**
- **Immokalee fine sand (#20)**
- **St. Lucie fine sand, 0 – 5% slopes (#38)**

The following presents a brief description of each of the soil types mapped for the subject property:

Basinger fine sand, depressional (#3) is a nearly level and very poorly drained soil type. It is typically found in shallow depressions and sloughs along the edges of freshwater marshes and swamps. The surface layer of this soil type generally consists of black fine sand about 7 inches thick. The seasonal high water table for this soil type is above the surface for 6-9 months or more each year and is within 12 inches of the surface for the rest of the year. Permeability of this soil type is rapid throughout the surface and subsurface layers, and is rapid to moderately rapid in the subsoil.

Immokalee fine sand (#20) is nearly level and poorly drained. It is typically found within broad flatwoods having slopes of 0 – 2%. The surface layer of this soil type generally consists of black fine sand about 5 inches thick. The seasonal high water table for this soil type is typically within 10 inches of the surface for 1 – 3 months, and it recedes to a depth of 10 – 40 inches for more than 6 months. Permeability of this soil type is rapid in the surface and subsurface layers and is moderate in the subsoil.

St. Lucie fine sand, 0 to 5% slopes (#38) are typically located in deep, nearly level to gently sloping, and excessively drained upland. The surface layer of Candler soil consists of gray fine sand about 2 inches thick. The seasonal high water table is at a depth of more than 72 inches or more in this soil. The permeability is very rapid in the surface and subsurface layers and very rapid to rapid in the subsoil.

The Florida Association of Environmental Soil Scientists (FAESS) considers Basinger fine sand, depressional (#3) to be a hydric soil types. Additionally, the FAESS considers inclusions existing within Immokalee fine sand (#20) to be hydric in nature. This information can be found in the Hydric Soils of Florida Handbook, Third Edition (March 2000).

LAND USE TYPES/VEGETATIVE COMMUNITIES

The Turkey Lake Apartments project site currently supports four (4) distinct land use types/vegetative communities within its boundaries (Figure 5). These areas were identified utilizing the Florida Land Use, Cover Forms Classification System, Level III (FLUCFCS,

FDOT, January 1999). These land use types/vegetative communities include uplands and wetland/other surface water systems. The upland communities within the subject property consist of Disturbed Lands (740). The wetland/other surface water communities consist of Lakes (520), Reservoir (530) and Shoreline (652). The following provides a brief description of each land use types/vegetative communities identified on the site:

Uplands:

740 Disturbed Lands

The majority of the subject site's upland component is comprised of Disturbed Lands (740), per the FLUCFCS. This area was historically a mobile home park with several paved streets that has been abandoned for some time. Vegetative species identified in this area includes bahia grass (*Paspalum notatum*), prickly-pear cactus (*Opuntia humifusa*), grape-vine (*Vitis* spp.), American beautyberry (*Callicarpa americana*), Mexican clover (*Richardia* spp.), saw palmetto (*Serenoa repens*), ragweed (*Ambrosia artemisiifolia*), purple passionflower (*Passiflora incarnata*), dog fennel (*Eupatorium capillifolium*), cabbage palm (*Sabal palmetto*), American pokeweed (*Phytolacca americana*), caesarweed (*Urena lobata*), saltbush (*Baccharis halimifolia*), rattlebox (*Crotalaria* spp.), Virginia creeper (*Parthenocissus quinquefolia*), blackberry (*Rubus cuneifolius*), lantana (*Lantana camara*), beggarticks (*Bidens alba*), Ilima (*Sida cordifolia*), bracken fern (*Pteridium aquilinum*), heartwing dock (*Rumex hastatulus*), guineagrass (*Panicum maximum*) and hairy indigo (*Indigofera hirsuta*); with scattered slash pine (*Pinus elliotii*), and live oak (*Quercus virginiana*).

Wetlands and Surface Waters:

520 Lakes

The western limits of this property contain a portion of a large water body identified as Big Sand Lake. This lake system is defined by the FLUCFCS as Lakes (520). The lake is an open water area with emergent vegetation scattered including Carolina willow (*Salix caroliniana*), Peruvian primrose willow (*Ludwigia peruviana*), buttonbush (*Cephalanthus occidentalis*), broomsedge (*Andropogon* spp.), saltbush (*Baccharis halimifolia*), cattail (*Typha* spp.), pickerelweed (*Pontederia cordata*), duck potato (*Sagittaria latifolia*), spatterdock (*Nuphar advena*), white waterlily (*Nymphaea odorata*), and marsh pennywort (*Hydrocotyle* spp.).

530 Reservoir

There is an area in the south-central portion of the site that is characterized as a Reservoir (530), per the FLUCFCS. This area is comprised of a man-made pond that was utilized for the historic mobile home park. Vegetative species identified within this surface water community includes Carolina willow (*Salix caroliniana*), cattail (*Typha* spp.), maidencane (*Panicum hemitomon*), Peruvian primrose willow (*Ludwigia peruviana*), saltbush (*Baccharis halimifolia*), blackberry (*Rubus* spp.), royal fern (*Osmunda regalis*), grape-vine (*Vitis* spp.), greenbriar (*Smilax* spp.), Chinese tallow (*Sapium sebiferum*), wax myrtle (*Myrica cerifera*), broomsedge (*Andropogon* spp.), dogfennel (*Eupatorium capillifolium*), spikerush (*Eleocharis* spp.), sedges (*Carex* spp. and *Cyperus* spp.), marsh pennywort (*Hydrocotyle umbellata*) and blackberry (*Rubus cuneifolius*).

652 Shoreline

There is an extensive band of herbaceous wetlands located between Big Sand Lake and the upland portion of the project site. This system is characterized as Shoreline (652), per the FLUCFCS. The vegetative species identified in this shoreline include wax myrtle (*Myrica cerifera*), Carolina willow (*Salix caroliniana*), Peruvian primrose willow (*Ludwigia peruviana*), buttonbush (*Cephalanthus occidentalis*), broomsedge (*Andropogon* spp.), dogfennel (*Eupatorium capillifolium*), saltbush (*Baccharis halimifolia*), St. John's wort (*Hypericum* spp.), cattail (*Typha* spp.), sand cordgrass (*Spartina bakerii*), maidencane (*Panicum hemitomon*), blue maidencane (*Amphicarpum muhlenbergianum*), yellow-eyed grass (*Xyris* spp.), flattop goldenrod (*Euthamia graminifolia*), pickerelweed (*Pontederia cordata*), duck potato (*Sagittaria latifolia*), Carolina redroot (*Lachnanthes caroliana*), spatterdock (*Nuphar advena*), white waterlily (*Nymphaea odorata*), goldenrod (*Solidago* spp.), spikerush (*Eleocharis* spp.), sedges (*Carex* spp. and *Cyperus* spp.) marsh pennywort (*Hydrocotyle umbellata*), bahiagrass (*Paspalum notatum*) and blackberry (*Rubus cuneifolius*).

PROTECTED SPECIES

Using the methodologies outlined in the Florida Fish and Wildlife Conservation Commission's (FFWCC's) Wildlife Methodology Guidelines (revised September 2012), an assessment for "listed" floral and faunal species occurring within the subject property boundaries was conducted. The survey covered approximately 100% of the subject property. During this assessment, particular attention was given to those listed species that have the potential to occur in Orange County (Table 1). The review included direct observations, as well as evidence of a particular species' presence such as tracks, burrows, tree markings and birdcalls. The listed plant and wildlife assessment was conducted in October 2017. No plant species listed by either the Florida Department of Agriculture (FDA) or U.S. Fish and Wildlife Service (USFWS) was

identified on the site during the assessment conducted. However, one (1) species was identified that is listed as “commercially exploited” by the Florida Department of Agriculture and Consumer Services (FDACS). Harvesting of this species, royal fern (*Osumunda regalis*), for commercial gain is not allowed. However, the listing of this species poses no restrictions towards the development of the subject property. The following is a list of those wildlife species observed or otherwise noted during the evaluation of the site:

Birds

Black Vulture (*Coragyps atratus*)
Common Grackle (*Quiscalus quiscula*)
Northern Cardinal (*Cardinalis cardinalis*)
Northern Mockingbird (*Mimus polyglottos*)
Turkey Vulture (*Cathartes aura*)

Mammals

armadillo (*Dasypus novemcinctus*)
eastern cottontail (*Sylvilagus floridanus*)
eastern gray squirrel (*Sciurus carolinensis*)
Virginia opossum (*Didelphis virginiana*)

Reptiles and Amphibians

black racer (*Coluber constrictor*)
green anole (*Anolis caroliniana*)
green treefrog (*Hyla cinerea*)

None of the above identified species are listed in the FFWCC’s Official Lists - Florida’s Endangered Species, Threatened Species and Species of Special Concern (January, 2013)The following provides a brief description of species that relate to development of the property.

Bald Eagle (Haliaeetus leucocephalus)

State protected by F.A.C. 68A-16.002 and federally protected by both the Migratory Bird Treaty Act (1918) and the Bald and Golden Eagle Protection Act (1940)

In August of 2007, the U.S. Fish and Wildlife Service (USFWS) removed the Bald Eagle from the list of federally endangered and threatened species. Additionally, the Bald Eagle was removed from FFWCC’s imperiled species list in April of 2008. Although the Bald Eagle is no longer protected under the Endangered Species Act, it is still protected under the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act and FFWCC’s Bald Eagle rule (Florida Administrative Code 68A-16.002 Bald Eagle (*Haliaeetus leucocephalus*)).

In May of 2007, the USFWS issued the National Bald Eagle Management Guidelines. In April of 2008, the FFWCC adopted a new Bald Eagle Management Plan that was written to closely follow the federal guidelines. Under FFWCC's new management plans, buffer zones are recommended based on the nature and magnitude of the project or activity. The recommended protective buffer zone is 660-feet or less from the nest tree, depending on what activities or structures are already near the nest. A FFWCC Eagle permit is not needed for any activity occurring outside of the 660-foot buffer zone. No activities are permitted within 330-feet of a nest during the nesting season, October 1 through May 15 or when Eagles are present at the nest.

In addition to the on-site review for "listed" species, BTC conducted a review of the FFWCC's recorded Bald Eagle (*Haliaeetus leucocephalus*) nest sites on or in the vicinity of the subject property. This review revealed one (1) Bald Eagle nest, through the 2015 nesting season, within one (1.0) mile of the subject site. This nest, OR-047, is located approximately 4,500 feet southwest of the project site. The location of this nest should have no effect on development of the subject property.

USFWS CONSULTATION AREAS

The U.S. Fish and Wildlife Service has established "consultation areas" for certain listed species. Generally, these consultation areas only become an issue if USFWS consultation is required, which is usually associated with permitting through the U.S. Army Corps of Engineers. The reader should be aware that species presence and need for additional review are often determined to be unnecessary early in the permit review process due to lack of appropriate habitat or other conditions. However, the USFWS makes the final determination.

Consultation areas are typically regional in size, often spanning multiple counties where the species in question is known to exist. Consultation areas by themselves do not indicate the presence of a listed species. They only indicate an area where there is a potential for a listed species to occur and that additional review might be necessary to confirm or rule-out the presence of the species. The additional review typically includes the application of species-specific criteria to rule-out or confirm the presence of the species in question. Such criteria might consist of a simple review for critical habitat types. In other cases, the review might include the need for species-specific surveys using established methodologies that have been approved by the USFWS.

The Turkey Lake Apartments site is located within four (4) USFWS Consultation Areas which include the Red Cockaded Woodpecker (*Picoides boreali*), Everglade Snail Kite (*Rostrhamus sociabilis*), Florida Scrub-Jay (*Aphelocoma coerulescens*) and Sand Skink (*Neoseps reynoldsi*).

The following provides a brief description of this respective species, its habitat and the potential for additional review:

Red Cockaded Woodpecker (Picoides boreali)
Federally Listed as “Endangered”

The Red Cockaded Woodpecker (*Picoides boreali*) is a federally endangered species by the USFWS. The basis for the listing is loss and degradation of suitable habitat. This species is commonly found in open park-like pine forests maintained by periodic fire, such as mature long-leaf pine ecosystem. The Red Cockaded Woodpecker is a federally protected, endangered species that is protected and should not be injured, harmed, molested or killed.

No Red Cockaded Woodpeckers were observed within the subject site during the wildlife survey conducted by BTC. There is no suitable habitat for this species and no nesting trees were found within the project boundaries. As such, it is anticipated that no further action should be required pertaining to the Red Cockaded Woodpecker.

Everglade Snail Kite (Rostrhamus sociabilis)
Federally Listed as “Endangered” by USFWS

The subject site falls within the USFWS Consultation Area for the Everglade Snail Kite. Currently the Snail Kite is listed as “Endangered” by the USFWS. Snail Kites are similar in size to Red-shouldered Hawks. All Snail Kites have deep red eyes and a white rump patch. Males are slate gray, and females and juveniles vary in amounts of white, light brown, and dark brown, but the females always have white on their chin. Kites vocalize mainly during courtship and nesting. They may occur in nearly all of the wetlands of central and southern Florida. They regularly occur in lake shallows along the shores and islands of many major lakes, including Lakes Okeechobee, Kissimmee, Tohopekaliga (Toho) and East Toho. They also regularly occur in the expansive marshes of southern Florida such as Water Conservation Areas 1, 2, and 3, Everglades National Park, the upper St. John’s River marshes and Grassy Waters Preserve.

No Snail Kites were observed within the subject site during the wildlife survey conducted by BTC. There is minimal suitable habitat for this species within the project boundaries. As such, it is anticipated that no further action should be required pertaining to Snail Kites.

Florida Scrub-Jay (*Aphelocoma coerulescens*)
Federally Listed as “Threatened” by USFWS

Currently the Florida Scrub-Jay is listed as threatened by the USFWS. Florida Scrub Jays are largely restricted to scattered, often small and isolated patches of sand pine scrub, xeric oak, scrubby flatwoods, and scrubby coastal stands in peninsular Florida (Woolfenden 1978a, Fitzpatrick et al. 1991). They avoid wetlands and forests, including canopied sand pine stands. Optimal Scrub-Jay habitat is dominated by shrubby scrub, live oaks, myrtle oaks, or scrub oaks from 1 to 3 m (3 to 10 ft.) tall, covering 50% to 90 % of the area; bare ground or sparse vegetation less than 15 cm (6 in) tall covering 10% to 50% of the area; and scattered trees with no more than 20% canopy cover (Fitzpatrick et al. 1991).

No Scrub Jays were observed on the subject site during the cursory survey conducted by BTC. There is no suitable habitat for this species within the project boundaries. As such, it is anticipated that no further action should be required pertaining to Florida Scrub-Jays.

Sand Skink (*Neoseps reynoldsi*)
Federally Listed as “Threatened” by USFWS

The subject site falls within the Sand Skink Consultation Area for the United States Fish and Wildlife Service (USFWS). The sand skink is listed as “Threatened” by the USFWS. The sand skink exists in areas vegetated with sand pine (*Pinus clausa*) - rosemary (*Ceratiola ericoides*) scrub or a long leaf pine (*Pinus palustris*) - turkey oak (*Quercus laevis*) association. Habitat destruction is the primary threat to this species’ survival. Citrus groves, residential, commercial and recreational facilities have depleted the xeric upland habitat of the sand skink. All properties within the limits of this consultation area that are located at elevations greater than 80’ and contain suitable (moderate-to-well drained soils) soils are believed by USFWS to be areas of potential sand skink habitat.

The entire project site is located at an elevation below the minimum 80’ and therefore no further action should be required pertaining to sand skinks.

The environmental limitations described in this document are based on observations and technical information available on the date of the on-site evaluation. This report is for general planning purposes only. The limits of any on-site wetlands/surface waters can only be determined and verified through field delineation and/or on-site review by the pertinent regulatory agencies. The wildlife surveys conducted within the subject property boundaries do not preclude the potential for any listed species, as noted on Table 1 (attached), currently or in the future. Should you have any questions or require any additional information, please do not hesitate to contact our office at (407) 894-5969. Thank you.

Regards,

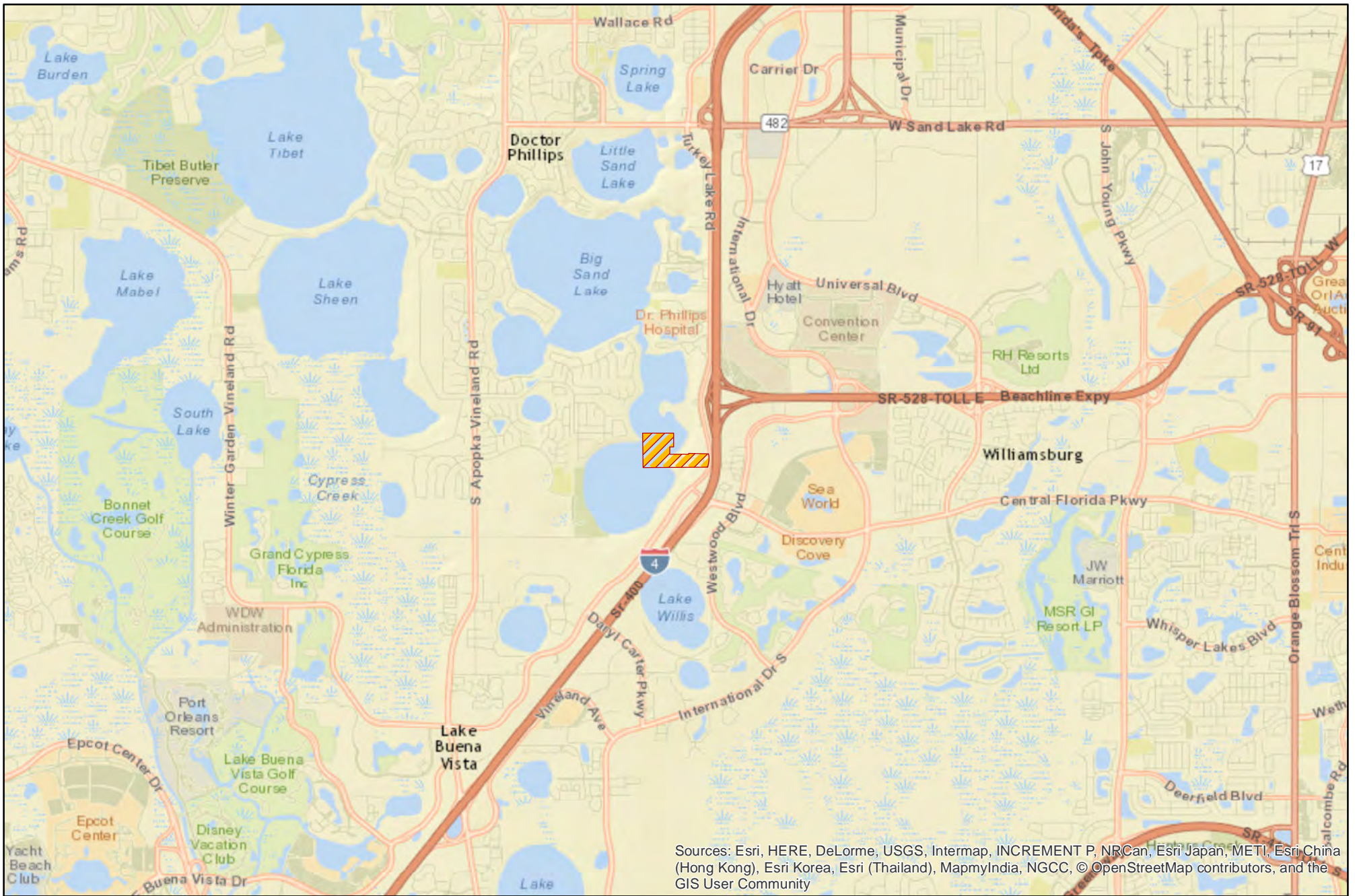


Daniel Gough
Project Manager

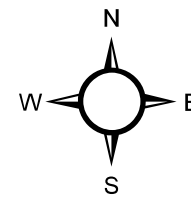


John Miklos
President

Attachments



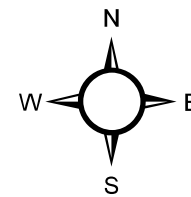
Turkey Lake Apartments
 Orange County, Florida
 Figure 1
 Location Map

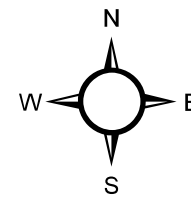
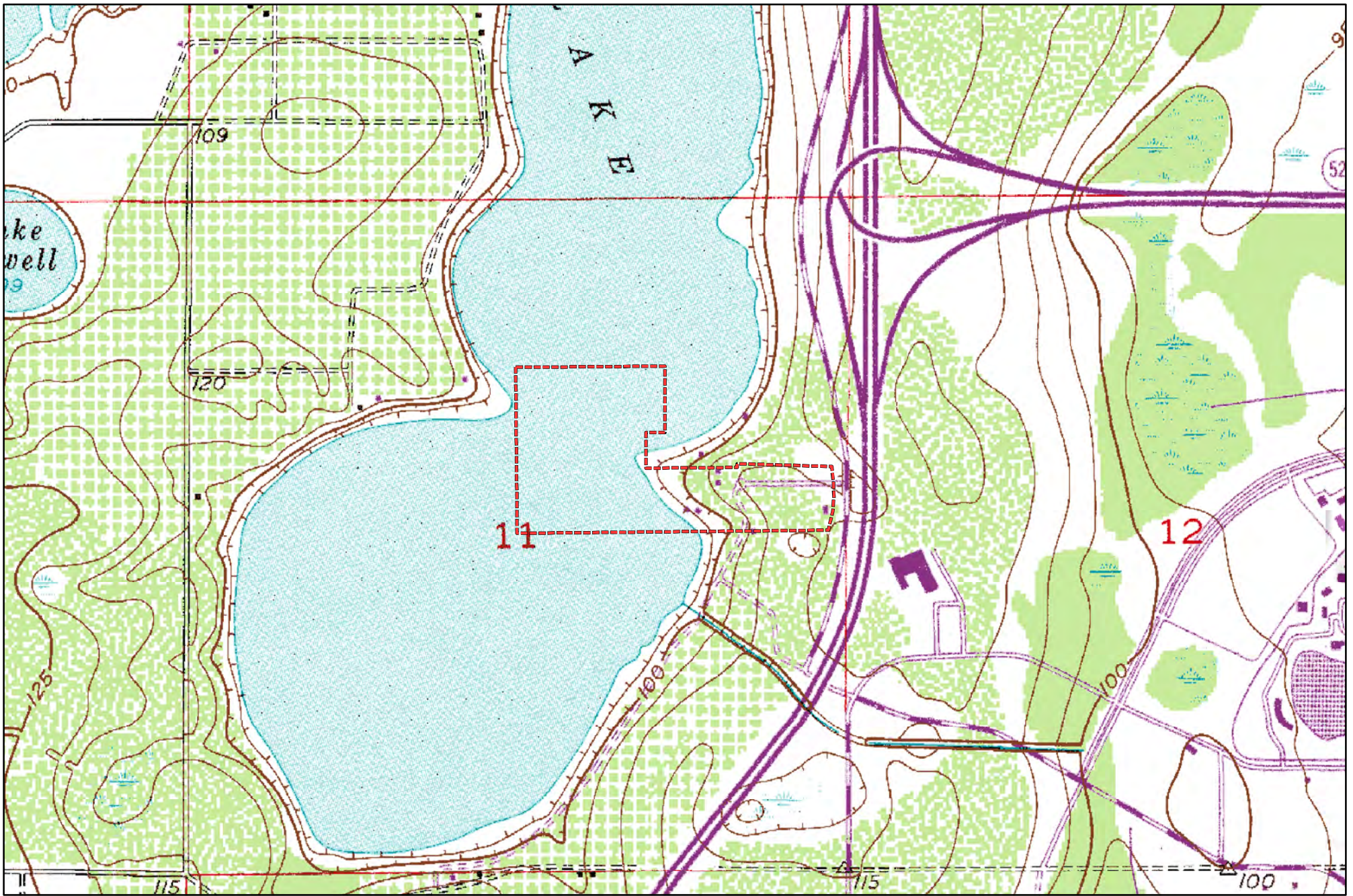


6,750 Feet
 Project #: 544-13
 Produced By: DBG
 Date: 8/28/2017







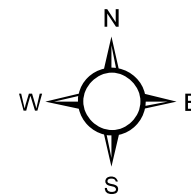
Turkey Lake Apartments
Orange County, Florida
Figure 2
2016 Aerial Photograph





Soils Legend

-  <all other values>
-  3 - Basinger fine sand, depressional, 0 to 1 percent slopes
-  20 - Immokalee fine sand
-  38 - St. Lucie fine sand, 0 to 5 percent slopes

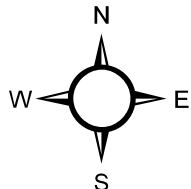


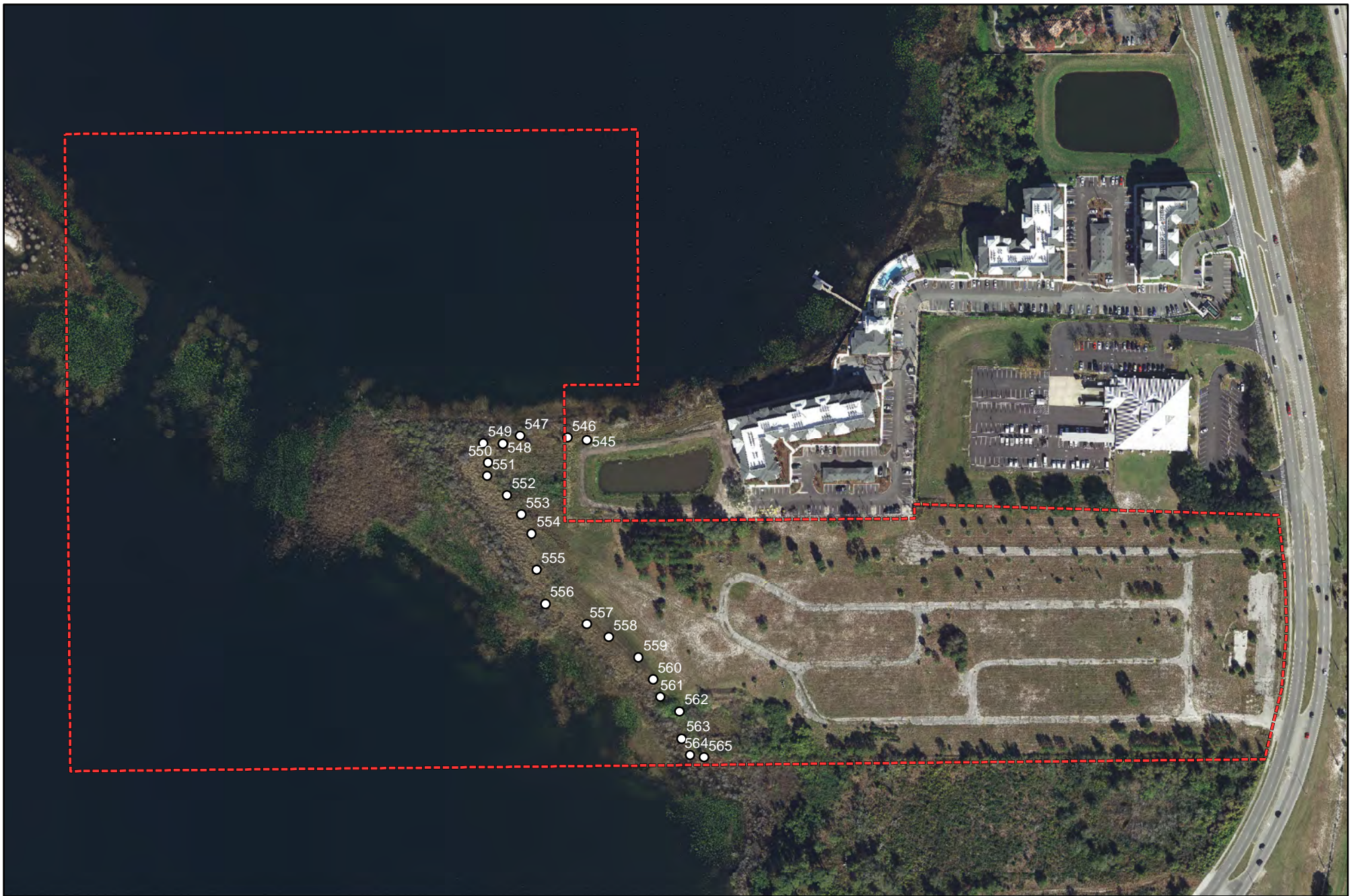


Legend

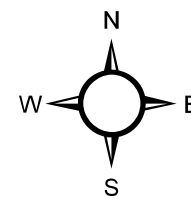
- Turkey Lake Apt.
- 520, Lakes
- 530, Reservoir
- 652, Shoreline
- 740, Disturbed Lands

Turkey Lake Apartments
 Orange County, Florida
 Figure 5
 FLUCFCS Map





Turkey Lake Apartments
 Orange County, Florida
 Figure 6
 Wetland Flags



360 Feet
 Project #: 544-13
 Produced By: DBG
 Date: 9/26/2017

Table 1:		Potentially Occuring Listed Wildlife and Plant Species in Orange County, Florida	
Scientific Name	Common Name	Federal Status	State Status
REPTILES			
<i>Alligator mississippiensis</i>	American alligator	SAT	FT(S/A)
<i>Drymarchon corais couperi</i>	eastern indigo snake	LT	FT
<i>Gopherus polyphemus</i>	gopher tortoise	C	ST
<i>Lampropeltis extenuata</i>	short-tailed snake	N	ST
<i>Pituophis melanoleucus mugitus</i>	Florida pine snake	N	ST
<i>Plestiodon reynoldsi</i>	sand skink	LT	FT
BIRDS			
<i>Aphelocoma coerulescens</i>	Florida scrub-jay	LT	FT
<i>Athene cunicularia floridana</i>	Florida burrowing owl	N	ST
<i>Caracara cheriway</i>	Crested Caracara	LT	FT
<i>Egretta caerulea</i>	little blue heron	N	ST
<i>Egretta tricolor</i>	tricolored heron	N	ST
<i>Falco sparverius paulus</i>	southeastern American kestrel	N	ST
<i>Grus canadensis pratensis</i>	Florida sandhill crane	N	ST
<i>Haliaeetus leucocephalus</i>	bald eagle	N	**
<i>Mycteria americana</i>	wood stork	LT	FT
<i>Pandion haliaetus</i>	osprey	N	SSC*
<i>Picoides borealis</i>	red-cockaded woodpecker	LE	FE
<i>Platalea ajaja</i>	roseate spoonbill	N	ST
<i>Sterna antillarum</i>	least tern	N	ST
MAMMALS			
<i>Sciurus niger shermani</i>	Sherman's fox squirrel	N	SSC
VASCULAR PLANTS			
<i>Bonamia grandiflora</i>	Florida bonamia	LT	E
<i>Calopogon multiflorus</i>	Many-flowered Grass-pink	N	T
<i>Centrosema arenicola</i>	Sand Butterfly Pea	N	E
<i>Chionanthus pygmaeus</i>	Pygmy Fringe Tree	LE	E
<i>Centrosema arenicola</i>	sand butterfly pea	N	N
<i>Coelorachis tuberculosa</i>	piedmont jointgrass	N	N
<i>Deeringothamnus pulchellus</i>	beautiful pawpaw	LE	E
<i>Eriogonum longifolium</i> var <i>gnaphalifolium</i>	scrub buckwheat	LT	E
<i>Helianthus debilis</i> ssp <i>tardiflorus</i>	beach sunflower	N	N
<i>Ilex opaca</i> var <i>arenicola</i>	scrub holly	N	N
<i>Illicium parviflorum</i>	star anise	N	E
<i>Lechea cernua</i>	nodding pinweed	N	T
<i>Lupinus aridorum</i>	scrub lupine	LE	E
<i>Matelea floridana</i>	Florida spiny-pod	N	E
<i>Monotropa hypopithys</i>	piresap	N	E
<i>Najas filifolia</i>	Narrowleaf Naiad	N	T
<i>Nemastylis floridana</i>	Celestial Lily	N	E
<i>Nolina atopocarpa</i>	Florida beargrass	N	T
<i>Nolina brittoniana</i>	Britton's beargrass	LE	E
<i>Ophioglossum palmatum</i>	hand fern	N	E
<i>Panicum abscissum</i>	cutthroat grass	N	E
<i>Paronychia chartacea</i> ssp <i>chartacea</i>	paper-like nailwort	LT	E
<i>Persea humilis</i>	scrub bay	N	N
<i>Pecluma plumula</i>	Plume Polypody	N	E
<i>Polygonella myriophylla</i>	Small's jointweed	LE	E
<i>Prunus geniculata</i>	scrub plum	LE	E
<i>Pteroglossaspis ecristata</i>	Giant Orchid	N	T
<i>Stylisma abdita</i>	scrub stylisma	N	E
<i>Warea amplexifolia</i>	clasping warea	LE	E
<i>Zephyranthes simpsonii</i>	redmargin lily	N	T

FEDERAL LEGAL STATUS

LE-Endangered: species in danger of extinction throughout all or a significant portion of its range.

LT-Threatened: species likely to become Endangered within the foreseeable future throughout all or a significant portion of its range.

SAT-Endangered due to similarity of appearance to a species which is federally listed such that enforcement personnel have difficulty in attempting to differentiate between the listed and unlisted species.

C-Candidate species for which federal listing agencies have sufficient information on biological vulnerability and threats to support proposing to list the species as Endangered or Threatened.

XN-Non-essential experimental population.

N-Not currently listed, nor currently being considered for listing as Endangered or Threatened.

STATE LEGAL STATUS - ANIMALS

FE- Listed as Endangered Species at the Federal level by the U. S. Fish and Wildlife Service

FT- Listed as Threatened Species at the Federal level by the U. S. Fish and Wildlife Service

FXN- Federal listed as an experimental population in Florida

FT(S/A)- Federal Threatened due to similarity of appearance

ST- State population listed as Threatened by the FFWCC. Defined as a species, subspecies, or isolated population which is acutely vulnerable to environmental alteration, declining in number at a rapid rate, or whose range or habitat is decreasing in area at a rapid rate and as a consequence is destined or very likely to become an endangered species within the foreseeable future.

SSC-Listed as Species of Special Concern by the FFWCC. Defined as a population which warrants special protection, recognition, or consideration because it has an inherent significant vulnerability to habitat modification, environmental alteration, human disturbance, or substantial human exploitation which, in the foreseeable future, may result in its becoming a threatened species. (SSC* for *Pandion haliaetus* (Osprey) indicates that this status applies in Monroe county only.)

N-Not currently listed, nor currently being considered for listing.

*** State protected by F.A.C. 68A-16.002 and federally protected by both the Migratory Bird Treaty Act (1918) and the Bald and Golden Eagle Protection Act (1940)*

STATE LEGAL STATUS - PLANTS

E-Endangered: species of plants native to Florida that are in imminent danger of extinction within the state, the survival of which is unlikely if the causes of a decline in the number of plants continue; includes all species determined to be endangered or threatened pursuant to the U.S. Endangered Species Act.

T-Threatened: species native to the state that are in rapid decline in the number of plants within the state, but which have not so decreased in number as to cause them to be Endangered.

N-Not currently listed, nor currently being considered for listing.

Traffic Impact Analysis

RE: Tilden Road Subdivision
Orange County, FL
Traffic Impact Analysis (TIA) for Future Land Use Map Amendment (FLUMA),
06/01/2018

The following Traffic Impact Analysis (TIA) was prepared in support of a Future Land Use Map Amendment (FLUMA) for the above referenced project located in Orange County, Florida. This TIA was performed in accordance with the methodology prescribed for FLUMAs in Orange County.

Project Description

This traffic analysis is being conducted to assess the impact of the proposed Tilden Road residential subdivision. **Figure 1** depicts the site location and surrounding transportation network.



Figure 1: Project Location Map

Development Densities

The requested amendment is to change the FLUM designation of the property from Rural to Village Garden Home. **Table 1** provides the maximum allowable use under both the current and proposed FLUM designations.

Table 1: Development Densities

Land Use Designation	Acres	Density	Total (DUs)
Current FLUM Designation			
Rural	20.15	1DU/10AC	2
Proposed FLUM Designation			
Village Garden Home	18.54*	4 DU/AC	74

*Developable Acreage (Gross Acres-Wetlands)

Trip Generation

A comparison of the net change in the number of trips generated by the site was calculated as described below. **Table 2** summarizes the trip generation analysis conducted using information published by the Institute of Transportation Engineers (ITE) in the *Trip Generation Manual, 9th Edition*. The calculation indicates that the proposed development is anticipated to generate a total of 720 new net daily trips of which 71 occur during the PM peak hour. ITE Trip Generation scatter plots are included for reference in **Attachment A**.

Table 2: Trip Generation

ITE Code	Land Use	Size	Daily		PM Peak Hour			
			Rate	Trips	Rate	Total	Enter	Exit
Existing FLUM Designation								
210	Single Family Residential	2 DU	14.36	29	1.55	3	2	1
Proposed FLUM Designation								
210	Single Family Residential	74 DU	10.11	749	1.00	74	46	28
Net Change in Trips			--	720	--	71	44	27

Trip Distribution

The trip distribution pattern was derived using the adopted travel demand model for this area, in this case the *Orlando Urban Area Transportation Study (OUATS)* model. A select zone analysis was conducted to determine the project's trip distribution pattern. The OUATS plots of project trip distribution are provided in **Attachment B**. This trip distribution was applied to the project's ITE-derived trip generation to assign project trips to the study roadway network.

Study Area

The study roadway segments considered in the analysis include the segments in a 1-mile radius listed in the Orange County Traffic Concurrency Management Program (TCMP) as provided in **Attachment C**.

Planned and Programmed Improvements

The Orange County Capital Improvement Program (CIP), Capital Improvement Element (CIE), and the Long Range Transportation Plan (LRTP) were reviewed in an effort to identify any planned or programmed improvements to the existing transportation facilities in this area. None were identified in the project influence area. Avalon Road is to be widened in the future but the timing of this improvement has not been determined.

Projected Conditions Analysis

An analysis of the projected conditions was conducted to determine the proposed development's impact on the study roadway segments.

Existing Conditions Segment Analysis

The existing conditions on the roadway network were analyzed by comparing the latest available traffic volumes on each of the roadway segments to the adopted service volumes. The roadway segment traffic data was obtained from *Orange County TCMP* database. **Table 3** provides the analysis of the existing roadway segment analysis. As indicated, all the study segments are operating within their respective Level of Service standard.

Projected Conditions Segment Analysis

Projected conditions were assessed to evaluate the impact of the proposed amendment on the roadway network. The projected conditions analysis was performed for the short term (5-year) and the horizon year (2030).

Background traffic volumes were developed by applying an annual growth trend to existing traffic volumes. A trends analysis of the historical traffic volumes on Tilden Road and Winter Garden-Vineland Road indicated annual growth rates of 1.70% and 1.52% respectively. Therefore, to be conservative a 2% annual growth rate was utilized for this study. The FDOT Trends analysis worksheets are provided in **Attachment D**.

The short term and horizon year analyses are provided in **Table 4** and **Table 5**. As indicated, in the tables, all the study segments are projected to continue to operate within their respective adopted LOS standard in both the short term (5-year) and the horizon year (2030).

Table 3: Existing (2017) Roadway Segment Analysis

Roadway Segment	Num	Capacity Group	# of Lanes	LOS Std	Total Capacity	PM Pk Vol	Peak Dir	Exl LOS Met?
Avalon Rd								
New Independence to Tilden Rd	26.1	Horizons West - Class I	2	E	880	336	NB	Y
Tilden Rd to Stoneybrook West Pkwy	27	Horizons West - Class I	2	E	880	639	NB	Y
Stoneybrook West Pkwy								
Avalon Rd to One-Way Pairs (W)	423.3	Horizons West - Class II	4	E	1,700	1,074	WB	Y
Stoneybrook West Pkwy (EB)								
One-Way Pairs (W) to WGVR	423.4	Rural Signalized (1-Way)	2	D	1,896	804	EB	Y
Stoneybrook West Pkwy (WB)								
One-Way Pairs (W) to WGVR	423.45	Rural Signalized (1-Way)	2	D	1,896	1,221	WB	Y
Tilden Rd								
Avalon Rd to WGVR	434	Horizons West - Class II	2	E	800	458	EB	Y
Tiny Rd**								
Bridgewater Crossings Blvd to Tilden Rd	529.5	Horizons West - Hwy	2	E	1,640	267	NB	Y
Western Blwy								
New Independence to WGVR	510.8	Horizons West - Expy	4	E	3,940	1,480	SB	Y

Table 4: Projected Short Term (5-Year) Roadway Segment Capacity Analysis

Roadway Segment	Num	Capacity Group	# of Lanes	LOS Std	Total Capacity	Peak Dir	Short Term B'grd Vol	Trip Dist*	Project Trips	LOS Met? (Short Term)
Avalon Rd										
New Independence to Tilden Rd	26.1	Horizons West - Class I	2	E	880	NB	370	7%	2	Y
Tilden Rd to Stoneybrook West Pkwy	27	Horizons West - Class I	2	E	880	NB	703	17%	5	Y
Stoneybrook West Pkwy										
Avalon Rd to One-Way Pairs (W)	423.3	Horizons West - Class II	4	E	1,700	WB	1181	4%	1	Y
Stoneybrook West Pkwy (EB)										
One-Way Pairs (W) to WGVR	423.4	Rural Signalized (1-Way)	2	D	1,896	EB	884	0%	0	Y
Stoneybrook West Pkwy (WB)										
One-Way Pairs (W) to WGVR	423.45	Rural Signalized (1-Way)	2	D	1,896	WB	1343	0%	0	Y
Tilden Rd										
Avalon Rd to WGVR	434	Horizons West - Class II	2	E	800	EB	504	65%	18	Y
Tiny Rd**										
Bridgewater Crossings Blvd to Tilden Rd	529.5	Horizons West - Hwy	2	E	1,640	NB	294	0%	0	Y
Western Bltwy										
New Independence to WGVR	510.8	Horizons West - Expy	4	E	3,940	SB	1628	12%	3	Y

* Highest Percentage on the Segment

** Roadway not in the model. 0% trip distribution assumed as the land uses along Tiny Road are residential in nature.

Table 5: Projected Horizon Year (2030) Roadway Segment Capacity Analysis

Roadway Segment	Num	Capacity Group	# of Lanes	LOS Std	Total Capacity	Peak Dir	Horizon B'grd Vols	Trip Dist*	Project Trips	LOS Met (Horizon)?
Avalon Rd										
New Independence to Tilden Rd	26.1	Horizons West - Class I	2	E	880	NB	423	7%	2	Y
Tilden Rd to Stoneybrook West Pkwy	27	Horizons West - Class I	2	E	880	NB	805	17%	5	Y
Stoneybrook West Pkwy										
Avalon Rd to One-Way Pairs (W)	423.3	Horizons West - Class II	4	E	1,700	WB	1353	4%	1	Y
Stoneybrook West Pkwy (EB)										
One-Way Pairs (W) to WGVR	423.4	Rural Signalized (1-Way)	2	D	1,896	EB	1013	0%	0	Y
Stoneybrook West Pkwy (WB)										
One-Way Pairs (W) to WGVR	423.45	Rural Signalized (1-Way)	2	D	1,896	WB	1538	0%	0	Y
Tilden Rd										
Avalon Rd to WGVR	434	Horizons West - Class II	2	E	800	EB	577	65%	18	Y
Tiny Rd**										
Bridgewater Crossings Blvd to Tilden Rd	529.5	Horizons West - Hwy	2	E	1,640	NB	336	0%	0	Y
Western Blwy										
New Independence to WGVR	510.8	Horizons West - Expy	4	E	3,940	SB	1865	12%	3	Y

* Highest Percentage on the Segment

** Roadway not in the model. 0% trip distribution assumed as the land uses along Tiny Road are residential in nature.

Attachment A
ITE Trip Generation Information

Single-Family Detached Housing (210)

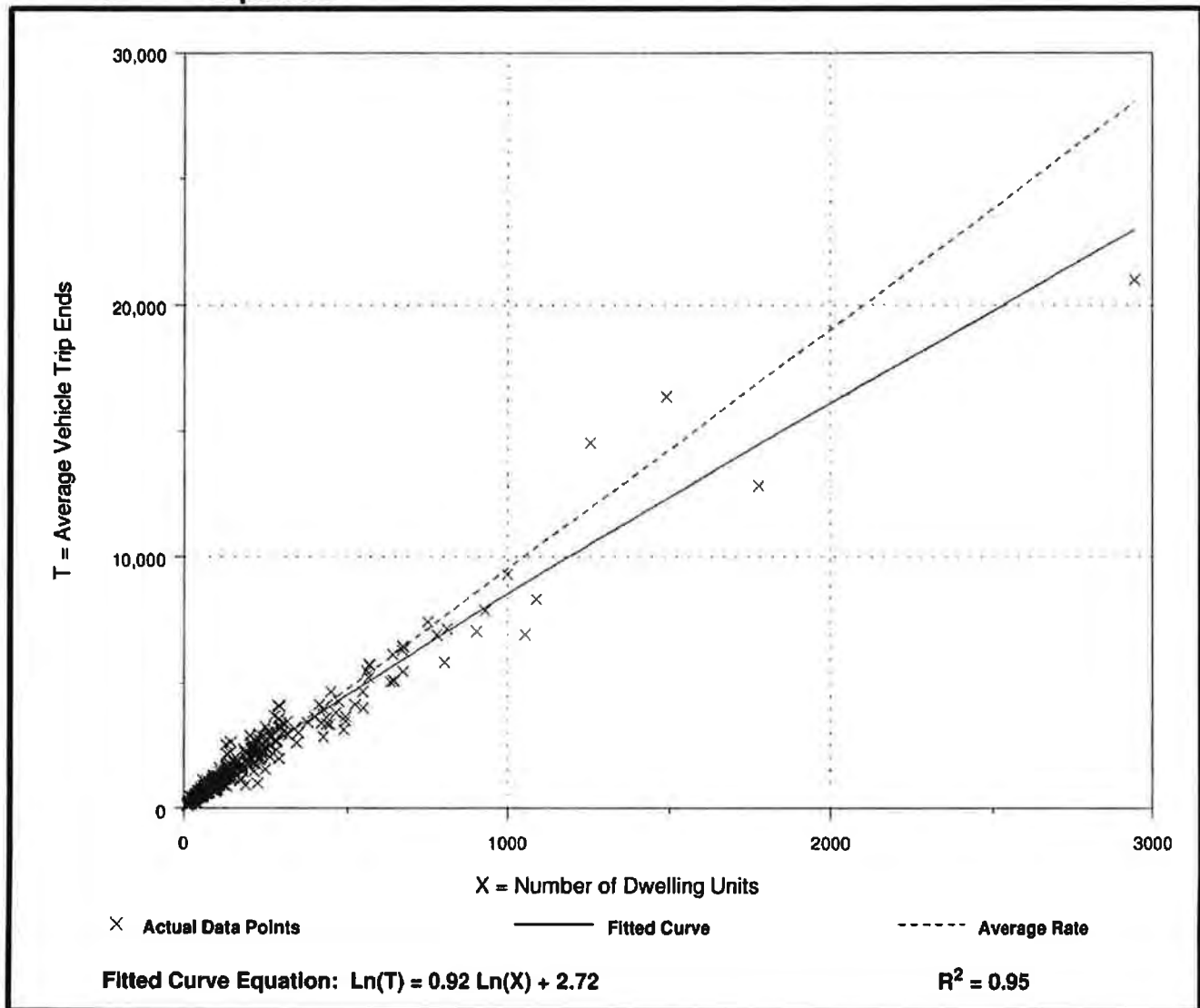
**Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday**

Number of Studies: 355
Avg. Number of Dwelling Units: 198
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
9.52	4.31 - 21.85	3.70

Data Plot and Equation



Single-Family Detached Housing (210)

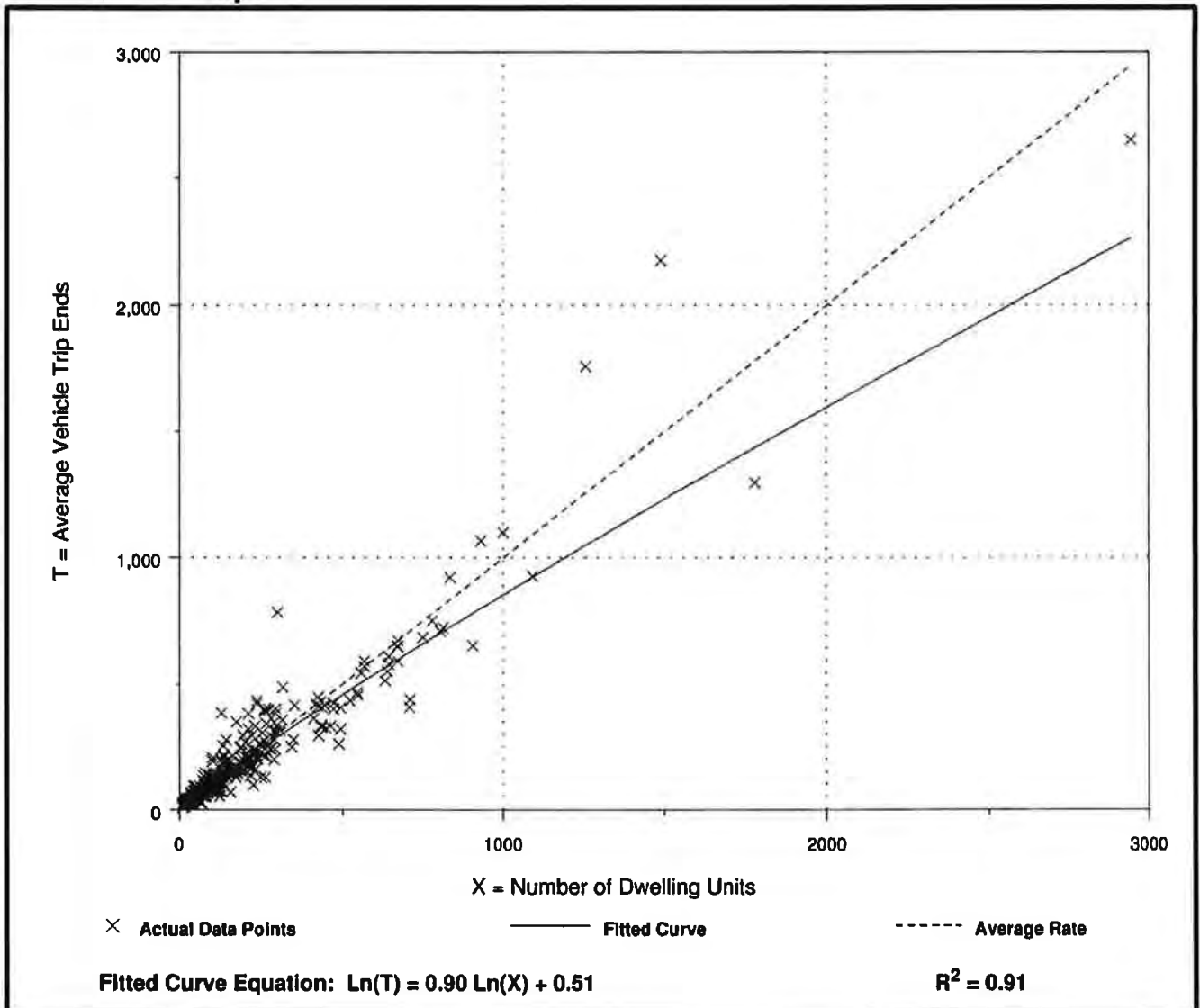
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Number of Studies: 321
 Avg. Number of Dwelling Units: 207
 Directional Distribution: 63% entering, 37% exiting

Trip Generation per Dwelling Unit

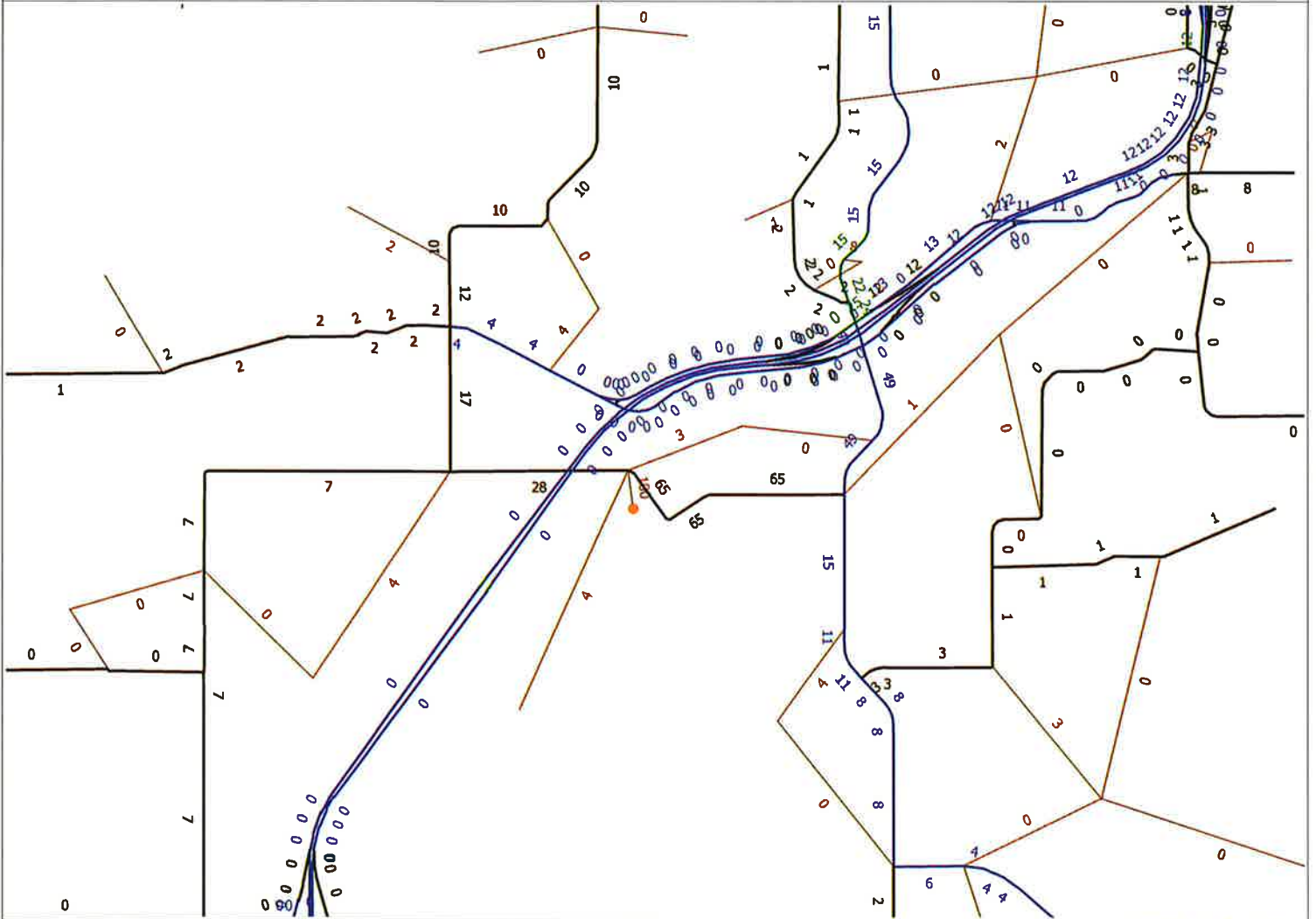
Average Rate	Range of Rates	Standard Deviation
1.00	0.42 - 2.98	1.05

Data Plot and Equation



Attachment B
OUAT Model Plot

Trip Distribution



Attachment C
Orange County TCMP Information



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>
<i>Avalon Rd</i>														
26.1	New Independence Pkwy	Tilden Rd	3.7	Cnty	Horizons West - Class I	2	E	880	6,794	336	NB	544	0	D
27	Tilden Rd	Stoneybrook West Pkwy	0.73	Cnty	Horizons West - Class I	2	E	880	12,900	639	NB	241	0	D
<i>Stoneybrook West Pkwy</i>														
423.3	Avalon Rd	One-Way Pairs (W)	0.85	Cnty	Horizons West - Class II	4	E	1700	21,317	1,074	WB	626	0	E
<i>Stoneybrook West Pkwy (EB)</i>														
423.4	One-Way Pairs (W)	Winter Garden-Vineland Rd	1.42	Cnty	Rural Signalized (1-way)	2	D	1896	21,317	804	EB	0	1,092	C
<i>Stoneybrook West Pkwy (WB)</i>														
423.45	One-Way Pairs (W)	Winter Garden-Vineland Rd	1.38	Cnty	Rural Signalized (1-way)	2	D	1896	21,317	1,221	WB	0	675	C
<i>Tilden Rd</i>														
434	Avalon Rd	Winter Garden-Vineland Rd	2.17	Cnty	Horizons West - Class II	2	E	800	9,248	458	EB	347	0	F
<i>Tiny Rd</i>														
529.5	Bridgewater Crossings Blvd	Tilden Rd	1.79	Cnty	Horizons West - Hwy	2	E	1640	4,587	267	NB	1373	0	E
<i>Western Bltwy</i>														
510.8	New Independence Pkwy	Winter Garden-Vineland Rd	4.38	ST	Horizons West - Expy	4	E	3940	25,400	1,480	SB	9	2,451	B

* 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.

Tuesday, January 30, 2018

Attachment D
Trends Analysis

FLORIDA DEPARTMENT OF TRANSPORTATION
 TRANSPORTATION STATISTICS OFFICE
 2016 HISTORICAL AADT REPORT

COUNTY: 75 - ORANGE

SITE: 8177 - TILDEN ROAD, E OF CR-545/AVALON ROAD - OFF SYSTEM

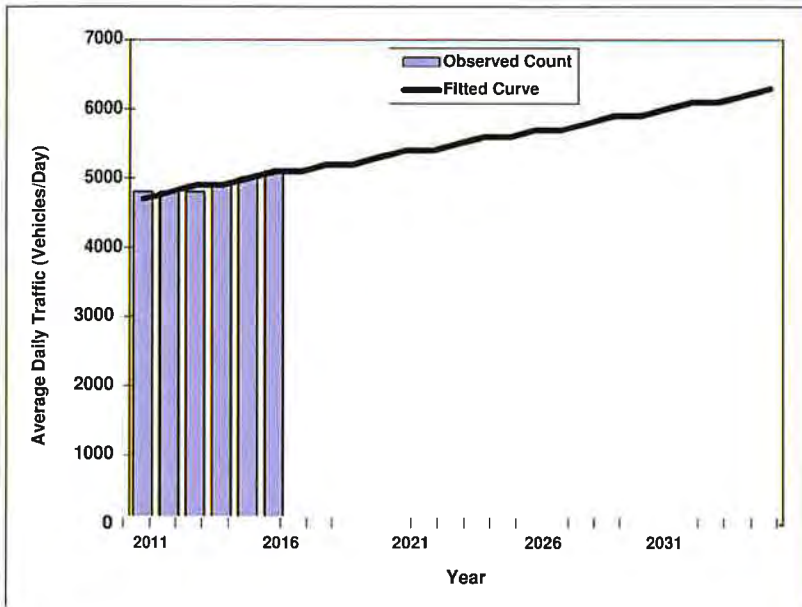
YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2016	5100 V	0	0	9.00	52.50	5.70
2015	5000 R	0	0	9.00	53.20	4.40
2014	4900 T			9.00	53.20	3.80
2013	4800 S	0	0	9.00	53.30	4.10
2012	4800 F	0	0	9.00	52.90	3.60
2011	4800 C	E 0	W 0	9.00	52.70	3.50

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
 S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
 V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
 *K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

Traffic Trends - V3.0
TILDEN Road -- E of CR 545

FIN#	0
Location	1

County:	Orange (75)
Station #:	750592
Highway:	TILDEN Road



Year		
2012	4800	4800
2013	4800	4900
2014	4900	4900
2015	5000	5000
2016	5100	5100
2018 Opening Year Trend		
2018	N/A	5200
2023 Mid-Year Trend		
2023	N/A	5500
2030 Design Year Trend		
2030	N/A	5900

** Annual Trend Increase:	63
Trend R-squared:	86.43%
Trend Annual Historic Growth Rate:	1.70%
Trend Growth Rate (2016 to Design Year):	1.12%
Printed:	23-Feb-18
Straight Line Growth Option	

*Axle-Adjusted

FLORIDA DEPARTMENT OF TRANSPORTATION
 TRANSPORTATION STATISTICS OFFICE
 2016 HISTORICAL AADT REPORT

COUNTY: 75 - ORANGE

SITE: 8330 - CR-535, 0.22 MI S OF TILDEN RD - OFF SYSTEM

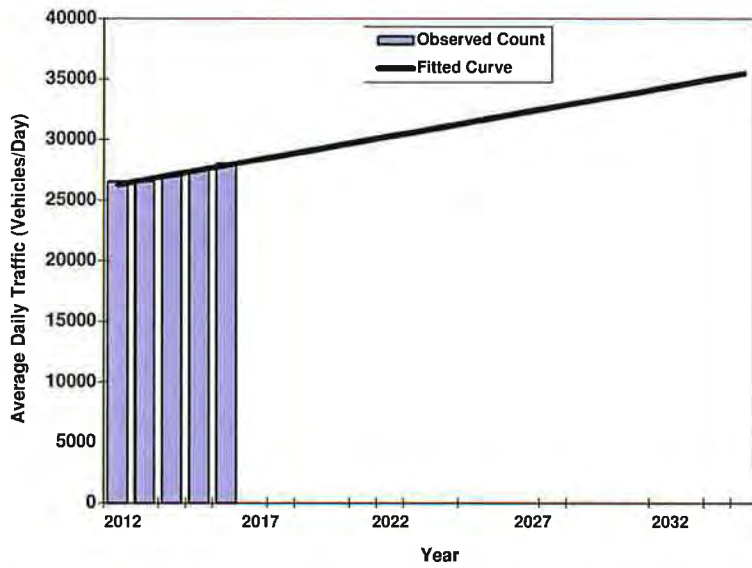
YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2016	28000 R	0	0	9.00	52.50	6.00
2015	27500 T	0	0	9.00	53.20	7.20
2014	27000 S	0	0	9.00	53.20	5.70
2013	26500 F	0	0	9.00	53.30	5.40
2012	26500 C	N 0	S 0	9.00	52.90	5.20

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
 S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
 V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
 *K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

Traffic Trends - V3.0
CR 535 -- 0.22 miles so Tilden Rd

FIN#	0
Location	1

County:	Orange (75)
Station #:	750592
Highway:	CR 535



Year	Observed Count	Fitted Curve
2013	26500	26700
2014	27000	27100
2015	27500	27500
2016	28000	27900
2018 Opening Year Trend		
2018	N/A	28700
2023 Mid-Year Trend		
2023	N/A	30700
2030 Design Year Trend		
2030	N/A	33500

** Annual Trend Increase:	400
Trend R-squared:	94.12%
Trend Annual Historic Growth Rate:	1.52%
Trend Growth Rate (2016 to Design Year):	1.43%
Printed:	23-Feb-18
Straight Line Growth Option	

*Axle-Adjusted

Appendix 6:
Traffic Study by Traffic & Mobility Consultants, Inc.
February 22, 2018



MEMORANDUM

February 22, 2018

Re: Lake Austin PD
Preliminary TFA Review
Project № 18027

This analysis was prepared in support of a proposed amendment to the County's Comprehensive Plan changing the designation of the Lake Austin PD from Short Term Rental and associated commercial uses to a Residential PD. The property is located west of Avalon Road (CR 545) and north of US 192, in Orange County, as illustrated in **Figure 1**



Figure 1 – Site Location

The current FLU designation allows a maximum development of 3,332 short term rental units along with 20,000 square feet of ancillary administration space and 10,000 square feet of retail space. The proposed amendment will reduce the maximum development intensity of the site to 500 single family residential units.

A comparative trip generation analysis was prepared to determine if the amendment will result in increased or reduced traffic on the transportation network. The trip generation of the currently approved Short-Term Rental use was calculated based on the rates established in the previously approved Development of Regional Impact (DRI). The office and commercial space was assumed to be ancillary to the use. As for the proposed residential use, the trip generation was calculated using information published in the ITE *Trip Generation Manual, 10th Edition*, as summarized in **Table 1**.

**Table 1
Trip Generation Analysis**

ITE Code	Land Use	Size	Rates		Trips	
			Daily	Peak	Daily	Peak
Existing - Activity Center Mixed Use (ACMU)						
n/a	Short-Term Rental	3,332 Units	4.27*	0.43*	14,228	1,433
Proposed - Activity Center Residential (ACR)						
210	Residential	500 DU	9.14	0.95	4,570	475
Net Change in Trips					-9,658	-958

* Short Term Rental trip generation rate obtained from previous DRI/ADA.

Trip generation analysis based on ITE *Trip Generation Manual, 10th Edition*.

It is evident from the analysis above that the proposed comprehensive plan amendment will significantly reduce the trip generation intensity of the site. Therefore, the proposed amendment will not have an adverse impact on the transportation facilities.

It should be noted that the project will be required to undergo further analysis through the transportation concurrency process as further development approvals are pursued for the proposed development program on the site.

ATTACHMENTS

Single-Family Detached Housing (210)

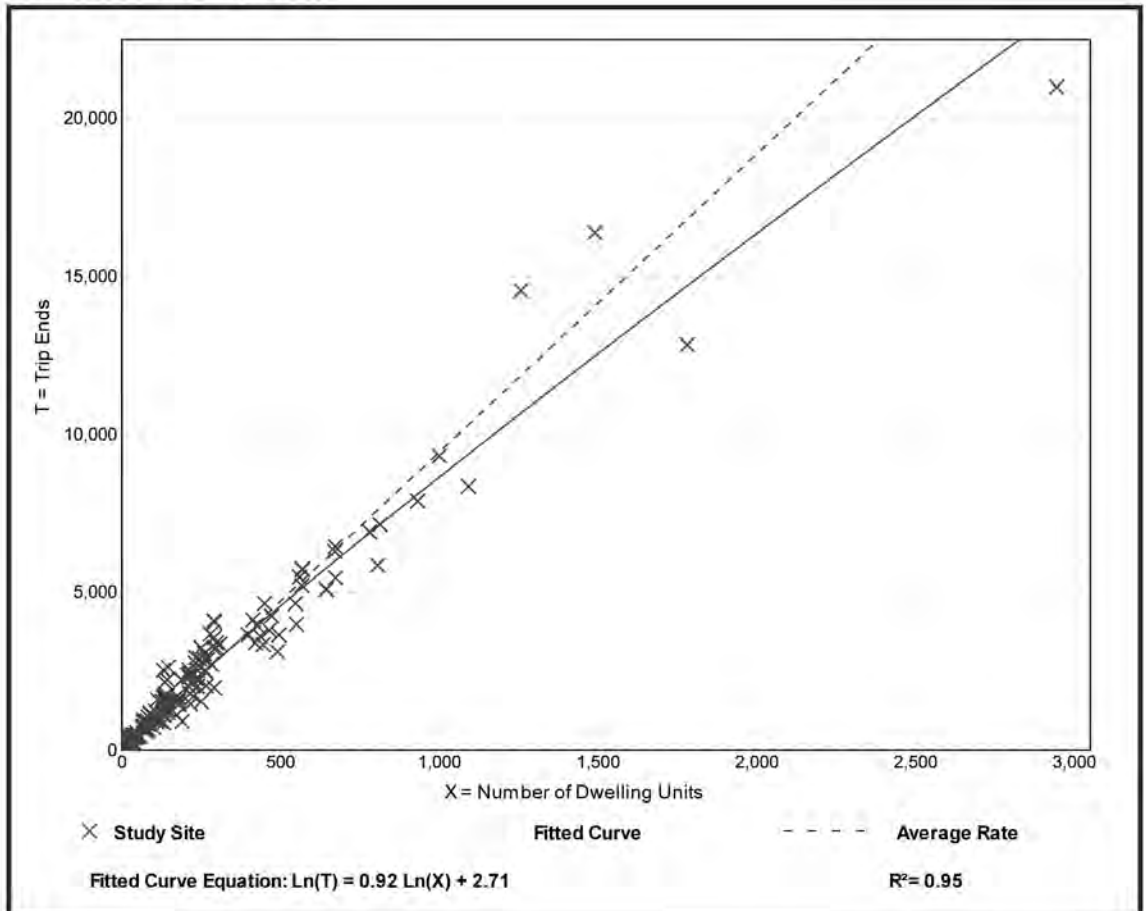
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 159
Avg. Num. of Dwelling Units: 264
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
9.44	4.81 - 19.39	2.10

Data Plot and Equation



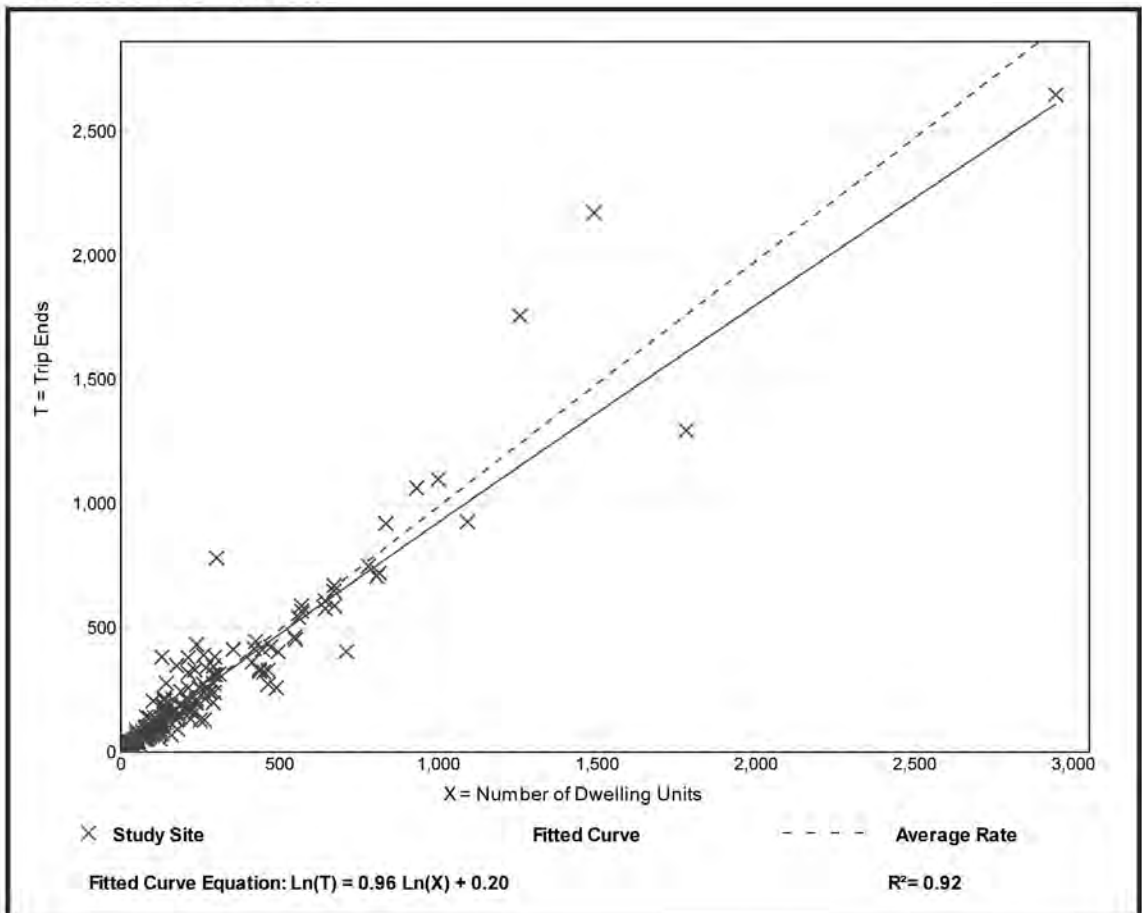
Single-Family Detached Housing (210)

Vehicle Trip Ends vs: Dwelling Units
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 190
 Avg. Num. of Dwelling Units: 242
 Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.99	0.44 - 2.98	0.31

Data Plot and Equation



MEMORANDUM

February 22, 2018

Re: World Resort PD
Preliminary TFA Review
Project № 18025

This analysis was prepared in support of a proposed amendment to the County’s Comprehensive Plan changing the designation of the subject property from Activity Center Mixed Use (ACMU) to Activity Center Residential (ACR). The 23.13-acre property is located south of SR 417 and east of SR 535 in Orange County, as illustrated in **Figure 1**



Figure 1 – Site Location

The current ACMU land use allows a maximum development density of 60 hotel rooms per acre. The proposed ACR land use reduces the maximum density to 30 residential units per acres. A comparison of the existing and proposed land use designations' maximum development is summarized as follows:

Current FLU – ACMU: 60 rooms/acre x 23.13 acres = 1,387 hotel rooms
Proposed FLU – ACR: 30 units/acre x 23.13 = 693 dwelling units

A comparative trip generation analysis was prepared using information published in the ITE *Trip Generation Manual, 10th Edition*, as summarized in **Table 1**.

Table 1
Trip Generation Analysis

ITE Code	Land Use	Size	Rates		Trips	
			Daily	Peak	Daily	Peak
Existing - Activity Center Mixed Use (ACMU)						
310	Hotel	1,387 Room	10.98	0.73	15,229	1,013
Proposed - Activity Center Residential (ACR)						
220	Apartments	693 DU	5.45	0.44	3,777	305
Net Change in Trips					-11,452	-708

Trip generation analysis based on ITE Trip Generation Manual, 10th Edition.

It is evident from the analysis above that the proposed comprehensive plan amendment will significantly reduce the trip generation intensity of the site. Therefore, the proposed amendment will not have an adverse impact on the transportation facilities.

It should be noted that the project will be required to undergo further analysis through the transportation concurrency process as further development approvals are pursued for the proposed development program on the site.

ATTACHMENTS

Multifamily Housing (Mid-Rise) (221)

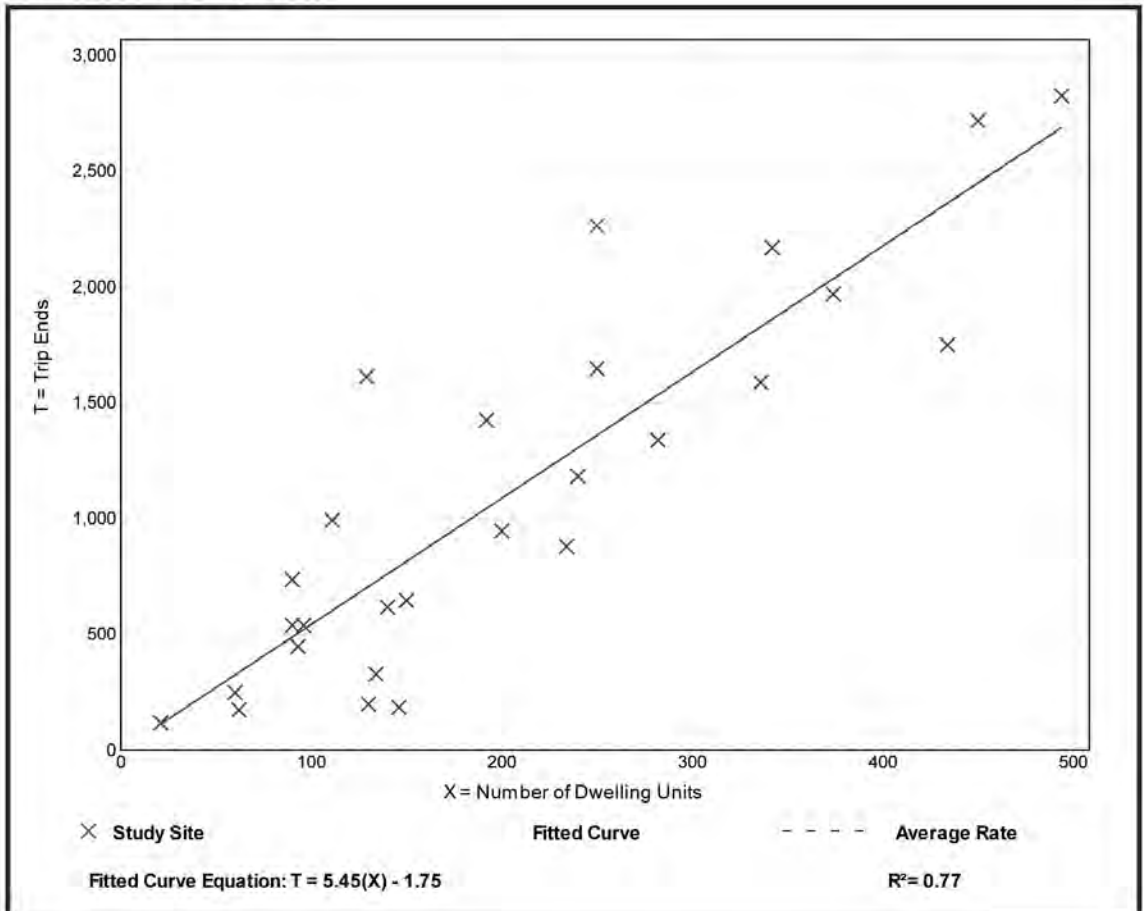
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 27
Avg. Num. of Dwelling Units: 205
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
5.44	1.27 - 12.50	2.03

Data Plot and Equation



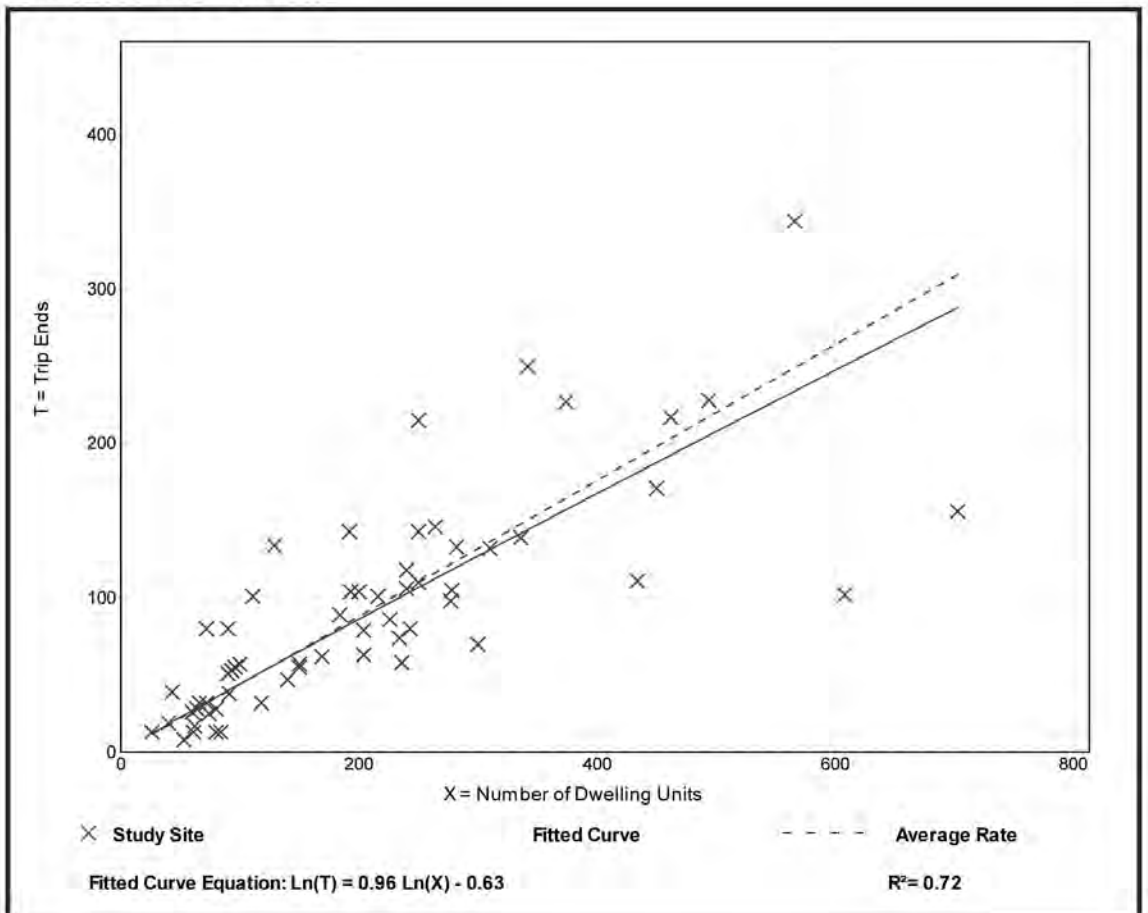
Multifamily Housing (Mid-Rise) (221)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
 Number of Studies: 60
 Avg. Num. of Dwelling Units: 208
 Directional Distribution: 61% entering, 39% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.44	0.15 - 1.11	0.19

Data Plot and Equation



Hotel (310)

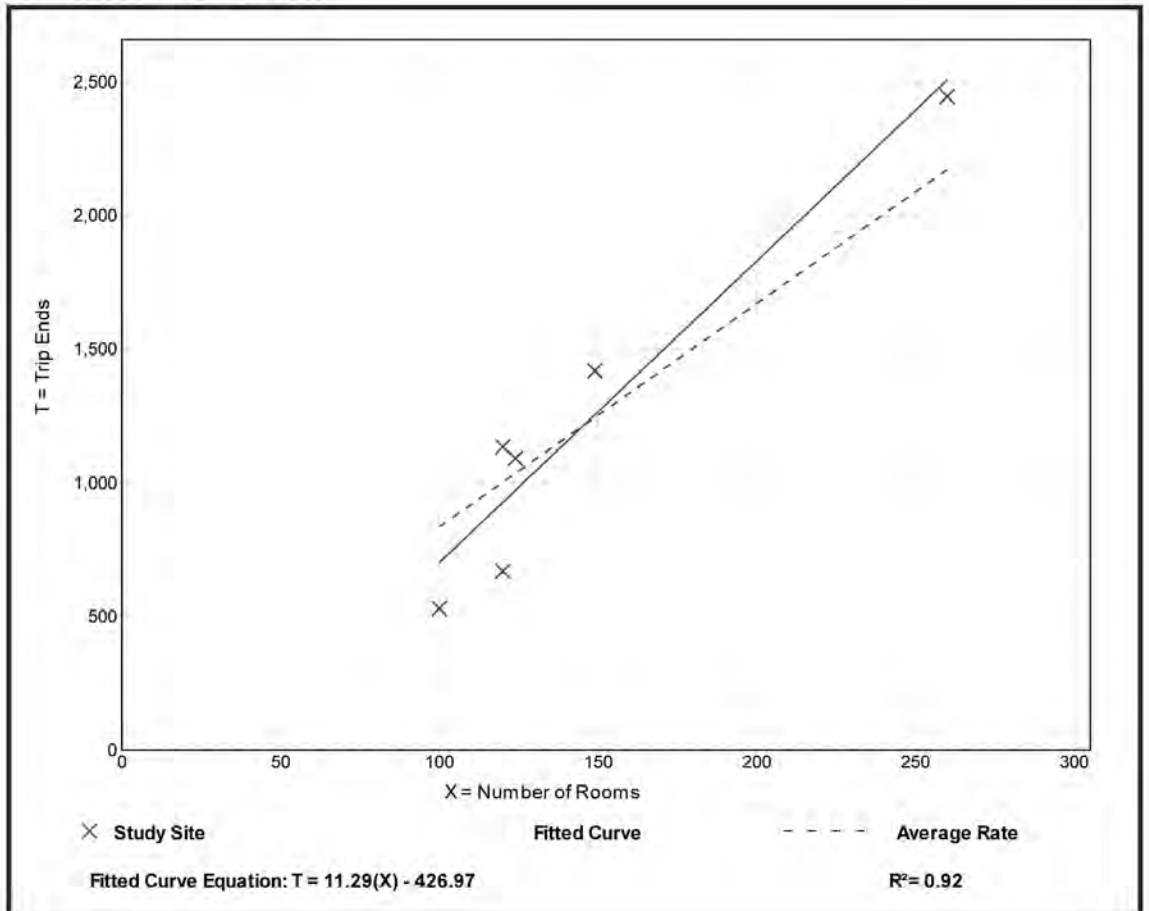
Vehicle Trip Ends vs: Rooms
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 6
Avg. Num. of Rooms: 146
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
8.36	5.31 - 9.53	1.86

Data Plot and Equation



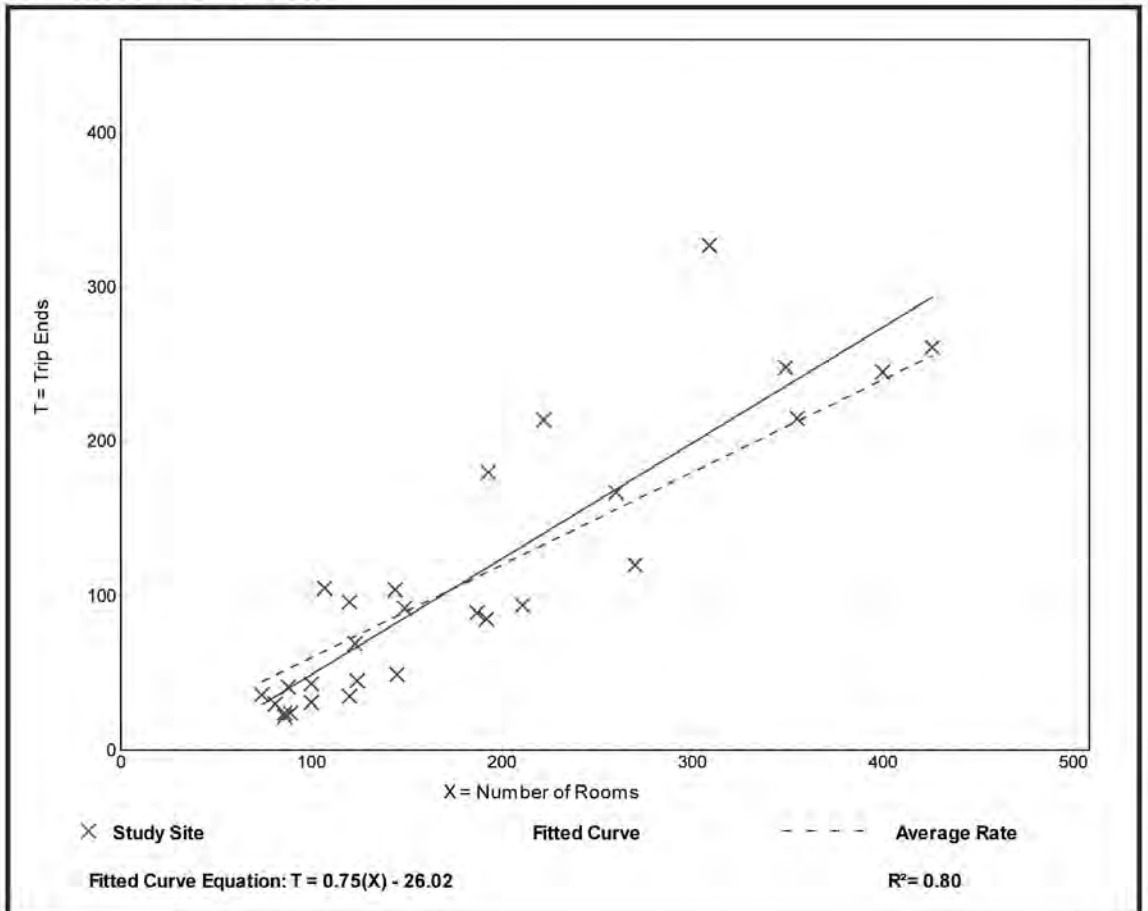
Hotel (310)

Vehicle Trip Ends vs: Rooms
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 28
Avg. Num. of Rooms: 183
Directional Distribution: 51% entering, 49% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.60	0.26 - 1.06	0.22

Data Plot and Equation



KERINA PARKSIDE

Future Land Use Amendment Transportation Analysis

FEBRUARY 2018

Prepared By:

Kimley»»Horn

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

**Kerina Parkside
Orange County, Florida**

Prepared for:

Kerina, Inc.

Prepared by:

Kimley-Horn and Associates, Inc.

February 2018

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James M. Taylor

PE #69979

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Appendices

- Appendix A: Orange County CMS Report**
- Appendix B: Internal Capture Worksheets**
- Appendix B: Travel Demand Model Outputs**
- Appendix C: Background Volume Worksheet**

1.0 INTRODUCTION

1.1 PURPOSE

Kimley-Horn and Associates, Inc. was retained by Kerina, Inc. to analyze and document transportation impacts associated with a proposed Orange County Comprehensive Policy Plan (CPP) Future Land Use (FLU) amendment for +/-125.1 acres of property located within the Kerina Parkside Planned Development (PD). The subject property consists of Tracts 4, 7, and 8 of the PD and is generally located off of Fenton Street and South Apopka-Vineland Road in Orange County, Florida as shown in **Figure 1**.

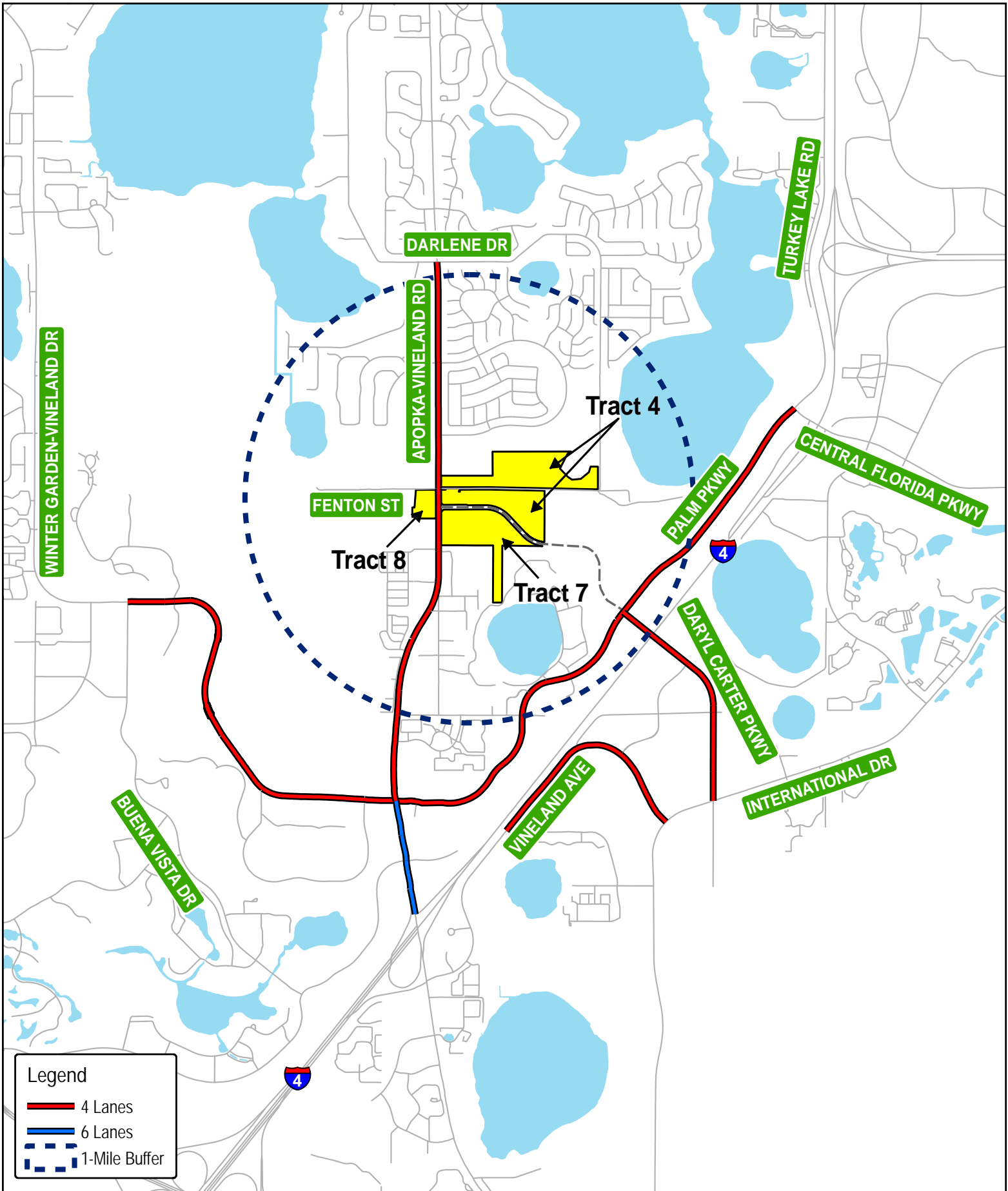
The Applicant is requesting a FLU amendment for the subject property from Low Density Residential (LDR) and Low-Medium Density Residential (LMDR) designations to a Planned Development (PD) designation which will allow for a mix of uses. This transportation analysis was conducted to assess the maximum feasible traffic impact associated with the proposed FLU amendment for the Short-Term (Year 2020) and Long-Term (Year 2030) horizons. **Table 1** shows that the current maximum future land use associated with Tracts 4, 7, and 8 is 990 residential dwelling units (DUs). The proposed PD FLU zoning would allow for 450 Single Family DUs, 350 Multi Family DUs, 200 Assisted Living Facility beds, 50,000 square feet of Office, and 100,000 square feet of Retail.

1.2 STUDY AREA

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

Table 1: Current FLU Maximum Land Use Allowance

Tract	Parcel ID	Acres	Current FLU Designation	Current FLU Max Density	Current Max FLU Land Use (DUs)
4	10-24-28-0000-00-053	43.5	LDR	4 DU/ac	174
4	15-24-28-5844-00-050	33.2	LMDR	10 DU/ac	332
7	15-24-28-5844-00-211	40.5	LMDR	10 DU/ac	405
8	15-24-28-5844-00-130	7.9	LMDR	10 DU/ac	79
Totals =		125.1			990 DU

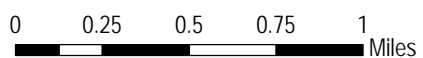


Kerina Parkside Location Map

Kimley»Horn

© 2018 Kimley-Horn and Associates, Inc.
 189 S Orange Ave, Suite 1000, Orlando FL 32801
 Phone: (407) 898-1511

Project Number: 049099004
 Date: February 2018



2.0 EXISTING CONDITION ANALYSIS

A PM peak hour capacity analysis was performed for roadway segments within the study area 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 19, 2018 and is provided in **Appendix A**. The existing PM peak hour capacity analysis is shown in **Table 1**.

As shown in the table, all study area roadway segments currently operate within the corresponding adopted MSV (no existing deficiencies).

Table 2: Existing PM Peak Hour Capacity Analysis

CMS ID	Roadway	From	To	Length	Lanes	Adopted LOS	AADT	PM PHPD Existing		
								MSV	PM PHPD	Deficiency?
19	Apopka-Vineland Rd	W.G.-Vineland Rd	Fenton Rd	1.43	4	E	24,009	2,000	1,210	No
19.1		Fenton Rd	Darlene Rd	1.01	4	E	23,855	2,000	1,202	No
95.8	Daryl Carter Pkwy	Palm Pkwy	Regency Village Dr	0.37	4	E	10,031	2,000	476	No
95.9		Regency Village Dr	International Dr	0.65	4	E	6,839	2,000	343	No
348.55	Palm Pkwy/Turkey Lake	W.G.-Vineland Rd	Central Florida Pkwy	2.68	4	E	21,934	2,000	1,105	No
445.12	Vineland Ave	Little Lake Bryan Pkwy	International Dr	1.07	4	E	13,561	2,000	663	No
460	Winter Garden-Vineland Rd	Interstate 4	Apopka-Vineland Rd	0.51	6	E	53,375	3,020	2,535	No
461		Apopka-Vineland Rd	Buena Vista Dr	1.87	4	E	35,778	2,000	1,651	No

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 proposed FLU rezone was determined by forecasting maximum project trips from the anticipated land use associated with the proposed Planned Development (PD) designation and subtracting the maximum trips allowed under the current Low Density Residential (LDR) and Low-Medium Density Residential (LMDR) designations.

Under the current FLU designations, the +/-125.1 acres of property could develop a maximum of 990 DUs. In calculating maximum trip generation potential, it is assumed that the LDR portion (4 DU/ac) would develop with Single Family units (174 DUs) and the LMDR portion (10 DU/ac) would develop with Multi Family units (816 DUs). Trip generation for the existing zoning was determined using trip rates from ITE Land Use Code (LUC) 210 and 220.

Under the proposed FLU designation of PD, the property could develop a mix of uses up to a maximum of 450 Single Family DUs, 350 Multi Family DUs, 200 Assisted Living Facility beds, 50,000 square feet of Office, and 100,000 square feet of Retail. ITE's *Trip Generation Handbook, 3rd Edition* was referenced to calculate internal capture of trips within the mixed-use plan. Internal capture worksheets are provided in **Appendix B**. A 33% pass-by trip reduction was applied to external retail trips per Orange County's Transportation Impact Fee Update September 2012 for ITE LUC 820 (100,000 to 200,000 square feet).

Table 2 provides a summary of the maximum trip generating potential for the property under the current FLU zoning and the proposed FLU zoning. Maximum trip generation impact from the proposed FLU amendment is provided as the difference between the proposed and the existing development potential. The maximum anticipated impact of the proposed zoning change is 1,115 new external daily trips and 211 new external PM peak hour trips (77 in / 134 out).

Table 3: Trip Generation Summary

Current FLU Zoning Allowance											
Daily	Land Use	ITE LUC	Size	Units	Trip Rate ¹	Daily Trip Generation					
						Total	In ¹		Out ¹		
	Single Family Residential	210	174	DU	9.80	1,705	50%	853	50%	852	
Multi Family Apartment	220	816	DU	7.37	6,014	50%	3,007	50%	3,007		
New External Trips					7,719	3,860		3,859			
PM Peak Hour	Land Use	ITE LUC	Size	Units	Trip Rate ¹	PM Peak Hour Trip Generation					
						Total	In ¹		Out ¹		
	Single Family Residential	210	174	DU	0.99	172	63%	108	37%	64	
Multi Family Apartment	220	816	DU	0.54	441	63%	278	37%	163		
New External Trips					613	386		227			
Proposed FLU Zoning Allowance											
Daily	Land Use	ITE LUC	Size	Units	Trip Rate ¹	Daily Trip Generation					
						Total	In ¹		Out ¹		
	Single Family Residential	210	450	DU	9.80	4,410	50%	2,205	50%	2,205	
	Multi Family Apartment	220	350	DU	7.37	2,580	50%	1,290	50%	1,290	
	Assisted Living Facility	254	200	Beds	2.60	520	50%	260	50%	260	
	Office	710	50	KSF	10.00	500	50%	250	50%	250	
	Commercial	820	100	KSF	30.66	3,066	50%	1,533	50%	1,533	
	Total Generated Trips					11,076	5,538		5,538		
	Internal Capture ² =		13.2%	(see IC worksheet)			1,394	697		697	
	Net External Trips					9,682	4,841		4,841		
Pass by Trips (LUC 820) ³ =		33.0%	(of external retail trips)			808	418		390		
New External Trips					8,874	4,423		4,451			
PM Peak Hour	Land Use	ITE LUC	Size	Units	Trip Rate ¹	PM Peak Hour Trip Generation					
						Total	In ¹		Out ¹		
	Single Family Residential	210	450	DU	0.99	446	63%	281	37%	165	
	Multi Family Apartment	220	350	DU	0.54	189	63%	119	37%	70	
	Assisted Living Facility	254	200	Beds	0.26	52	38%	20	62%	32	
	Office	710	50	KSF	1.03	52	66%	8	84%	44	
	Commercial	820	100	KSF	3.14	314	48%	151	52%	163	
	Total Generated Trips					1,053	579		474		
	Internal Capture ² =		14.8%	(see IC worksheet)			148	74		74	
	Net External Trips					905	505		400		
Pass by Trips (LUC 820) ³ =		33.0%	(of external retail trips)			81	42		39		
New External Trips					824	463		361			
Maximum Additional Trips											
Daily New External Trips (Proposed - Existing)					1,155	563		592			
PM Peak New External Trips (Proposed - Existing)					211	77		134			

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

²Internal capture rate per procedures in ITE Trip Generation Handbook, 3rd Edition (2014). Internal capture worksheet provided in Appendix.

³Pass-by trip rate = 100% - % New Trip. % New Trips for ITE LUC 820 (100-200 KSF) is reported in Orange County's Transportation Impact Fee Update September 2012 at 67%.

3.2 TRIP DISTRIBUTION AND ASSIGNMENT

Distribution of additional project trips from the proposed FLU amendment on study area roadways was determined using travel demand model forecasting based on Florida Standard Urban Transportation Model Structure (FSUTMS). FDOT District Five's 2010/2045 Central Florida Regional Planning Model (CFRPM v6) model set was used to forecast the project trip distribution for the subject property trips for both the Short-Term (2020) and Long-Term (2030) horizons.

Socioeconomic data associated with the PD land use for the property was loaded into two (2) new traffic analysis zone (TAZ) and situated within the cost feasible roadway networks in a manner to appropriately represent access to the development. The updated models were then run to distribute trips for all model trip purposes between allocated origins and destinations. Project trip distribution percentages were extracted from the completed model runs, and the data was reviewed to ensure the results were reasonable. The additional project trips from the proposed FLU amendment were then assigned to study area roadway segments accordingly.

Plots of the model outputs showing project distribution are included in **Appendix C**.

4.0 SHORT-TERM (2020) ANALYSIS

Background daily traffic for the Short-Term (2020) horizon was developed for each segment by reviewing the output from three growth methods and extracting the maximum volume within a 3% 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 2020 CFRPM run [Peak Season Weekday Average Daily Traffic (PSWADT) model volumes were adjusted using Orange County's countrywide Model Output Conversion Factor (MOCF) to convert to Average Annual Daily Traffic(AADT)], and application of CMS data to existing counts as provided by Orange County. Plots of the model outputs showing model PSWADT background volumes are included in **Appendix C**. A worksheet showing the development of background AADT is provided in **Appendix D**.

Build-out PM peak hour directional volumes for the Short-Term (2020) horizon were developed by adding the project trip assignment to the background traffic. The Short-Term (2020) PM peak-hour capacity analysis is shown in **Table 4**. As shown in the table, all study area roadway segments are anticipated to operate within the corresponding adopted MSV (no deficiencies) in the Short-Term (2020) horizon without and with the additional project trips from the proposed FLU amendment.

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

CMS ID	Roadway	From	To	Lanes	PM PHPD Background (2020)					PM PHPD Project Trips					PM PHPD Build-out (2020)		
					MSV	Existing PmPk	Growth Rate	PM PHPD	Deficient ?	IN = Trip Distrib	77 Project Peak	OUT = NB/EB	134 SB/WB	% MSV	MSV	PM PHPD	Deficient ?
19	Apopka-Vineland Rd	W.G.-Vineland Rd	Fenton Rd	4	2,000	1,210	3.0%	1,355	No	30.2%	S	23	40	2.0%	2,000	1,378	No
19.1		Fenton Rd	Darlene Rd	4	2,000	1,202	3.0%	1,346	No	15.1%	N	20	12	1.0%	2,000	1,366	No
95.8	Daryl Carter Pkwy	Palm Pkwy	Regency Village Dr	4	2,000	476	3.0%	533	No	27.1%	E	36	21	1.8%	2,000	569	No
95.9		Regency Village Dr	International Dr	4	2,000	343	3.0%	384	No	25.6%	E	34	20	1.7%	2,000	418	No
348.55	Palm Pkwy/Turkey Lake	W.G.-Vineland Rd	Central Florida Pkwy	4	2,000	1,105	3.0%	1,238	No	15.0%	N	20	12	1.0%	2,000	1,250	No
445.12	Vineland Ave	Little Lake Bryan Pkwy	International Dr	6	2,000	663	3.0%	743	No	3.5%	S	3	5	0.2%	2,000	748	No
460	Winter Garden-Vineland Rd	Interstate 4	Apopka-Vineland Rd	4	3,020	2,535	3.0%	2,839	No	24.0%	S	19	32	1.1%	3,020	2,858	No
461		Apopka-Vineland Rd	Buena Vista Dr	4	2,000	1,651	3.0%	1,849	No	3.7%	W	3	5	0.2%	2,000	1,852	No

5.0 LONG-TERM (2030) ANALYSIS

As described in the Short-Term 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 3% annual growth rate cap. Plots of the model outputs showing model PSWADT background volumes are included in **Appendix C**. A worksheet showing the development of background AADT is provided in **Appendix D**.

Build-out 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) PM peak-hour capacity analysis is shown in **Table 5**. As shown in the table, all study area roadway segments are anticipated to operate within the corresponding adopted MSV in the Long-Term (2030) horizon with the exception of Winter Garden-Vineland Road from Interstate 4 to Buena Vista Drive. This deficiency was identified in the background and build-out scenarios and, therefore, is not triggered by the addition of project traffic.

Table 5: Long-Term (2030) PM Peak Hour Capacity Analysis

CMS ID	Roadway	From	To	Lanes	PM PHPD Background (2030)					PM PHPD Project Trips				PM PHPD Build-out (2030)			
					MSV	Existing PmPk	Growth Rate	PM PHPD	Deficient ?	IN = 77 Trip Distrib	OUT = 134 Project Peak	NB/EB	SB/WB	% MSV	MSV	PM PHPD	Deficient ?
19	Apopka-Vineland Rd	W.G.-Vineland Rd	Fenton Rd	4	2,000	1,210	3.0%	1,718	No	29.8%	S	23	40	2.0%	2,000	1,758	No
19.1		Fenton Rd	Darlene Rd	4	2,000	1,202	3.0%	1,707	No	14.8%	N	20	11	1.0%	2,000	1,727	No
95.8	Daryl Carter Pkwy	Palm Pkwy	Regency Village Dr	4	2,000	476	3.0%	676	No	20.6%	E	28	16	1.4%	2,000	704	No
95.9		Regency Village Dr	International Dr	4	2,000	343	3.0%	487	No	18.7%	E	25	14	1.3%	2,000	512	No
348.55	Palm Pkwy/Turkey Lake	W.G.-Vineland Rd	Central Florida Pkwy	2	2,000	1,105	3.0%	1,569	No	18.4%	N	25	14	1.2%	2,000	1,594	No
445.12	Vineland Ave	Little Lake Bryan Pkwy	International Dr	6	2,000	663	3.0%	941	No	2.9%	S	2	4	0.2%	2,000	945	No
460	Winter Garden-Vineland Rd	Interstate 4	Apopka-Vineland Rd	2	3,020	2,535	3.0%	3,600	Yes	24.2%	S	19	32	1.1%	3,020	3,632	Yes
461		Apopka-Vineland Rd	Buena Vista Dr	2	2,000	1,651	3.0%	2,344	Yes	3.0%	W	2	4	0.2%	2,000	2,348	Yes

6.0 CONCLUSION

This Future Land Use (FLU) transportation analysis for the proposed FLU amendment of +/-125.1 acres of property located within the Kerina Parkside PD was performed in accordance with Orange County's Comprehensive Policy Plan Amendment Methodology. The proposed amendment would change the current FLU designation of the property from Low Density Residential (LDR) and Low-Medium Density Residential (LMDR) designations to a Planned Development (PD) designation which would allow for up to 450 Single Family DUs, 350 Multi Family DUs, 200 Assisted Living Facility beds, 50,000 square feet of Office, and 100,000 square feet of Retail.

The analysis concluded that the maximum amount of additional traffic which could occur as a result of the FLU amendment is 1,115 new external daily trips and 211 new external PM peak hour trips (77 in / 134 out). These PM peak trips were added to the roadway network to determine the maximum feasible traffic impact associated with the proposed FLU amendment for the Short-Term (Year 2020) and Long-Term (Year 2030) horizons.

The results of the Short-Term (2020) analysis concluded that all study area roadway segments are anticipated to operate within the corresponding adopted maximum service volumes both without and with the additional project trips from the proposed FLU amendment. The Long-Term (2030) analysis concluded the same with the exception of Winter Garden-Vineland Road from Interstate 4 to Buena Vista Drive. However, this future deficiency was identified in both the background and build-out scenarios and, therefore, is not triggered by the additional (potential) project traffic from the FLU 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>Ln</i>	<i>LOS</i>	<i>Min Cap</i>	<i>Total AADT</i>	<i>PmPk</i>	<i>PkDir</i>	<i>Comm Trips</i>	<i>Avail Cap*</i>	<i>LOS</i>
<i>Apopka-Vineland Rd</i>														
19	Winter Garden-Vineland Rd	Fenton Rd	1.43	Cnty	Urban - Class I	4	E	2000	24,009	1,210	NB	478	312	C
19.1	Fenton Rd	Darlene Rd	1.01	Cnty	Urban - Class I	4	E	2000	23,855	1,202	NB	352	446	C
<i>Daryl Carter Pkwy</i>														
95.8	Palm Pkwy	Regency Village Dr	0.37	Cnty	Urban - Class I	4	E	2000	10,031	476	EB	0	1,524	C
95.9	Regency Village Dr	International Dr	0.65	Cnty	Urban - Class I	4	E	2000	6,839	343	EB	0	1,657	C
<i>Interstate 4</i>														
500	Osceola County Line	Beachline Expy	6.29	ST	Urban Freeway	6	E	6080	#####	9,753	SB	0	0	F
<i>Palm Pkwy / Turkey Lake Rd</i>														
348.55	Winter Garden-Vineland Rd	Central Florida Pkwy	2.68	Cnty	Urban - Class I	4	E	2000	21,934	1,105	SB	154	741	C
<i>Vineland Ave</i>														
445.12	Little Lake Bryan Pkwy	International Dr	1.07	Cnty	Urban - Class I	4	E	2000	13,561	663	SB	26	1,311	C
<i>Winter Garden-Vineland Rd</i>														
460	Interstate 4	Apopka-Vineland Rd	0.51	ST	Urban - Class I	6	E	3020	53,375	2,535	NB	246	239	C
461	Apopka-Vineland Rd	Buena Vista Dr	1.87	Cnty	Horizons West - Class I	4	E	2000	35,778	1,651	EB	252	97	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.

APPENDIX B
Internal Capture Worksheets

Internal Capture Summary

GROSS TRIP GENERATION						
Land Use	Daily		A.M. Peak Hour		P.M. Peak Hour	
	Enter	Exit	Enter	Exit	Enter	Exit
Office	250	250	42	7	8	44
Retail	1,533	1,533	58	36	151	163
Restaurant	0	0	0	0	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	3,495	3,495	119	371	400	235
Hotel	0	0	0	0	0	0
	5,278	5,278	219	414	559	442

INTERNAL TRIPS						
Land Use	Daily		A.M. Peak Hour		P.M. Peak Hour	
	Enter	Exit	Enter	Exit	Enter	Exit
Office	119	64	3	2	7	10
Retail	267	351	6	4	24	44
Restaurant	0	0	0	0	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	311	282	2	5	43	20
Hotel	0	0	0	0	0	0
	697	697	11	11	74	74

EXTERNAL TRIPS						
Land Use	Daily		A.M. Peak Hour		P.M. Peak Hour	
	Enter	Exit	Enter	Exit	Enter	Exit
Office	131	186	39	5	1	34
Retail	1,266	1,182	52	32	127	119
Restaurant	0	0	0	0	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	3,184	3,213	117	366	357	215
Hotel	0	0	0	0	0	0
	4,581	4,581	208	403	485	368

% Internal Capture =	Daily		A.M. Peak Hour		P.M. Peak Hour	
	13.2%		3.5%		14.8%	

Notes:

- Methodology for AM Peak Hour and PM Peak Hour based on the Trip Generation Handbook, 3rd Edition, published by the Institute of Transportation Engineers
- Methodology for Daily based on the average of the Unconstrained Rates for the AM Peak Hour and PM Peak Hour

DAILY

GROSS TRIP GENERATION

Land Use	Daily	
	Enter	Exit
Office	250	250
Retail	1,533	1,533
Restaurant	0	0
Cinema/Entertainment	0	0
Residential	3,495	3,495
Hotel	0	0
	5,278	5,278

Estimated Trip Origins within a Mixed-Use Development (Daily) (Average of A.M. Peak Hour and P.M. Peak Hour)

Origin Land Use	Destination Land Use					
	Office	Retail	Restaurant	Cinema/Ent.	Residential	Hotel
Office		24%	34%	0%	2%	0%
Retail	16%		21%	2%	20%	3%
Restaurant	17%	28%		4%	11%	5%
Cinema/Entertainment	1%	11%	16%		4%	1%
Residential	3%	22%	21%	0%		2%
Hotel	38%	15%	39%	0%	1%	

Estimated Trip Destinations within a Mixed-Use Development (Daily) (Average of A.M. Peak Hour and P.M. Peak Hour)

Origin Land Use	Destination Land Use					
	Office	Retail	Restaurant	Cinema/Ent.	Residential	Hotel
Office		20%	13%	1%	2%	0%
Retail	18%		40%	13%	24%	9%
Restaurant	22%	29%		16%	11%	38%
Cinema/Entertainment	3%	2%	2%		2%	1%
Residential	30%	14%	17%	0%		6%
Hotel	2%	3%	6%	0%	0%	

*** BASED ON EXIT ***

(Exit) Land Use	(Enter) Land Use					
	Office	Retail	Restaurant	Cinema/Ent.	Residential	Hotel
Office		60	84	0	4	0
Retail	238		322	31	307	38
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	105	751	716	0		52
Hotel	0	0	0	0	0	

*** BASED ON ENTER ***

(Exit) Land Use	(Enter) Land Use					
	Office	Retail	Restaurant	Cinema/Ent.	Residential	Hotel
Office		307	0	0	70	0
Retail	44		0	0	839	0
Restaurant	55	445		0	367	0
Cinema/Entertainment	8	31	0		70	0
Residential	75	207	0	0		0
Hotel	4	46	0	0	0	

*** MINIMUM ***

(Exit) Land Use	(Enter) Land Use					
	Office	Retail	Restaurant	Cinema/Ent.	Residential	Hotel
Office		60	0	0	4	0
Retail	44		0	0	307	0
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	75	207	0	0		0
Hotel	0	0	0	0	0	

INTERNAL TRIPS

Land Use	Daily	
	Enter	Exit
Office	119	64
Retail	267	351
Restaurant	0	0
Cinema/Entertainment	0	0
Residential	311	282
Hotel	0	0
	697	697

A.M. PEAK HOUR

GROSS TRIP GENERATION

Land Use	A.M. Peak Hour	
	Enter	Exit
Office	42	7
Retail	58	36
Restaurant	0	0
Cinema/Entertainment	0	0
Residential	119	371
Hotel	0	0
	219	414

Table 6.1 Unconstrained Internal Person Trip Capture Rates
for Trip Origins within a Mixed-Use Development (A.M. Peak Hour)

Origin Land Use	Destination Land Use					
	Office	Retail	Restaurant	Cinema/Ent.	Residential	Hotel
Office		28%	63%	0%	1%	0%
Retail	29%		13%		14%	0%
Restaurant	31%	14%		0%	4%	3%
Cinema/Entertainment	0%	0%	0%		0%	0%
Residential	2%	1%	20%	0%		0%
Hotel	75%	14%	9%	0%	0%	

Table 6.2 Unconstrained Internal Person Trip Capture Rates
for Trip Destinations within a Mixed-Use Development (A.M. Peak Hour)

Origin Land Use	Destination Land Use					
	Office	Retail	Restaurant	Cinema/Ent.	Residential	Hotel
Office		32%	23%	0%	0%	0%
Retail	4%		50%	0%	2%	0%
Restaurant	14%	8%		0%	5%	4%
Cinema/Entertainment	0%	0%	0%		0%	0%
Residential	3%	17%	20%	0%		0%
Hotel	3%	4%	6%	0%	0%	

*** BASED ON EXIT ***

(Exit) Land Use	(Enter) Land Use					
	Office	Retail	Restaurant	Cinema/Ent.	Residential	Hotel
Office		2	4	0	0	0
Retail	10		5	0	5	0
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	7	4	74	0		0
Hotel	0	0	0	0	0	

*** BASED ON ENTER ***

(Exit) Land Use	(Enter) Land Use					
	Office	Retail	Restaurant	Cinema/Ent.	Residential	Hotel
Office		19	0	0	0	0
Retail	2		0	0	2	0
Restaurant	6	5		0	6	0
Cinema/Entertainment	0	0	0		0	0
Residential	1	10	0	0		0
Hotel	1	2	0	0	0	

*** MINIMUM ***

(Exit) Land Use	(Enter) Land Use					
	Office	Retail	Restaurant	Cinema/Ent.	Residential	Hotel
Office		2	0	0	0	0
Retail	2		0	0	2	0
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	1	4	0	0		0
Hotel	0	0	0	0	0	

INTERNAL TRIPS

Land Use	A. M. Peak Hour	
	Enter	Exit
Office	3	2
Retail	6	4
Restaurant	0	0
Cinema/Entertainment	0	0
Residential	2	5
Hotel	0	0
	11	11

P.M. PEAK HOUR

GROSS TRIP GENERATION

Land Use	P.M. Peak Hour	
	Enter	Exit
Office	8	44
Retail	151	163
Restaurant	0	0
Cinema/Entertainment	0	0
Residential	400	235
Hotel	0	0
	559	442

Table 6.1 Unconstrained Internal Person Trip Capture Rates
for Trip Origins within a Mixed-Use Development (P.M. Peak Hour)

Origin Land Use	Destination Land Use					
	Office	Retail	Restaurant	Cinema/Ent.	Residential	Hotel
Office		20%	4%	0%	2%	0%
Retail	2%		29%	4%	26%	5%
Restaurant	3%	41%		8%	18%	7%
Cinema/Entertainment	2%	21%	31%		8%	2%
Residential	4%	42%	21%	0%		3%
Hotel	0%	16%	68%	0%	2%	

Table 6.2 Unconstrained Internal Person Trip Capture Rates
for Trip Destinations within a Mixed-Use Development (P.M. Peak Hour)

Origin Land Use	Destination Land Use					
	Office	Retail	Restaurant	Cinema/Ent.	Residential	Hotel
Office		8%	2%	1%	4%	0%
Retail	31%		29%	26%	46%	17%
Restaurant	30%	50%		32%	16%	71%
Cinema/Entertainment	6%	4%	3%		4%	1%
Residential	57%	10%	14%	0%		12%
Hotel	0%	2%	5%	0%	0%	

*** BASED ON EXIT ***

(Exit) Land Use	(Enter) Land Use					
	Office	Retail	Restaurant	Cinema/Ent.	Residential	Hotel
Office		9	2	0	1	0
Retail	3		47	7	42	8
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	9	99	49	0		7
Hotel	0	0	0	0	0	

*** BASED ON ENTER ***

(Exit) Land Use	(Enter) Land Use					
	Office	Retail	Restaurant	Cinema/Ent.	Residential	Hotel
Office		12	0	0	16	0
Retail	2		0	0	184	0
Restaurant	2	76		0	64	0
Cinema/Entertainment	0	6	0		16	0
Residential	5	15	0	0		0
Hotel	0	3	0	0	0	

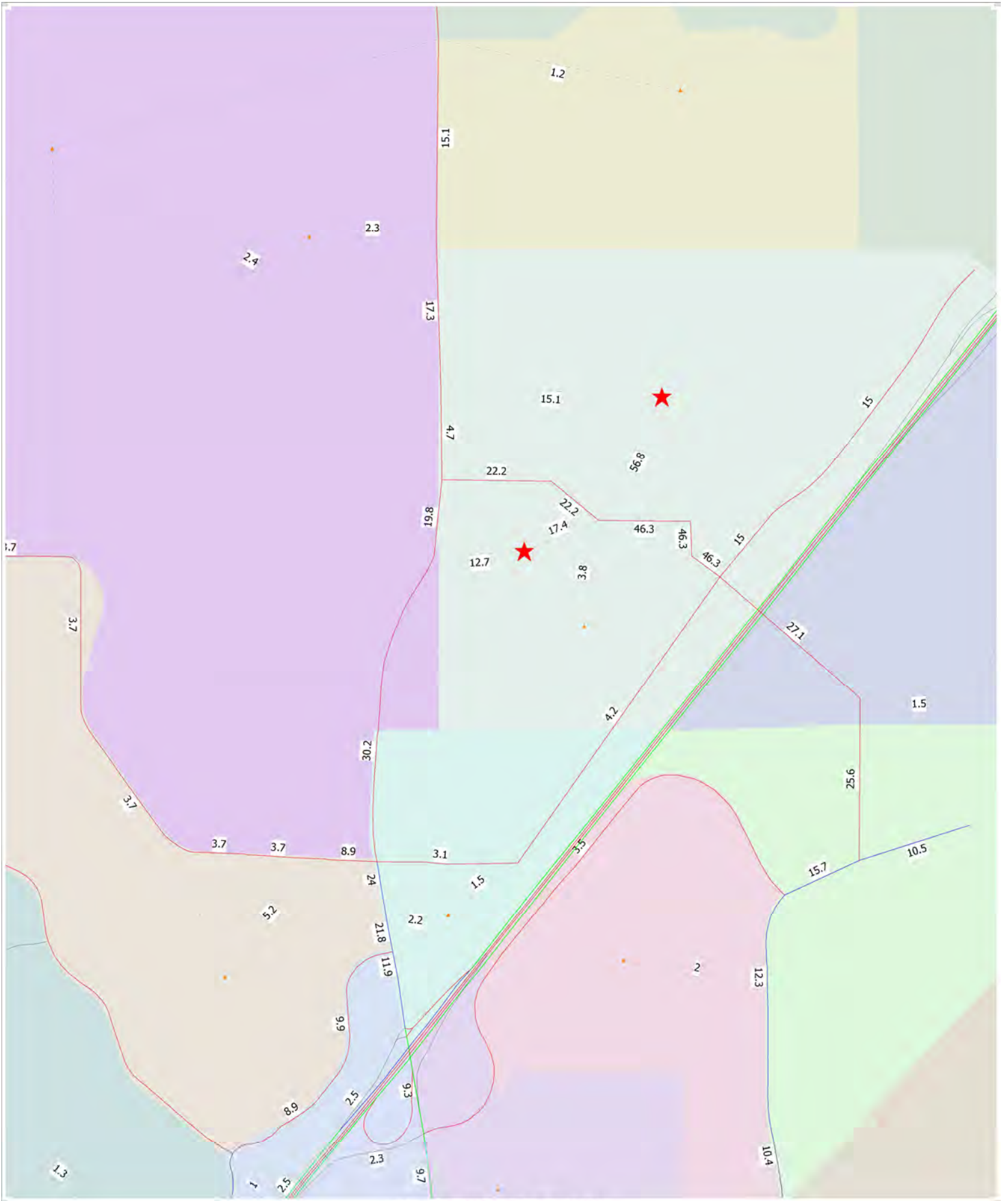
*** MINIMUM ***

(Exit) Land Use	(Enter) Land Use					
	Office	Retail	Restaurant	Cinema/Ent.	Residential	Hotel
Office		9	0	0	1	0
Retail	2		0	0	42	0
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	5	15	0	0		0
Hotel	0	0	0	0	0	

INTERNAL TRIPS

Land Use	P.M. Peak Hour	
	Enter	Exit
Office	7	10
Retail	24	44
Restaurant	0	0
Cinema/Entertainment	0	0
Residential	43	20
Hotel	0	0
	74	74

APPENDIX C
Travel Demand Model Outputs

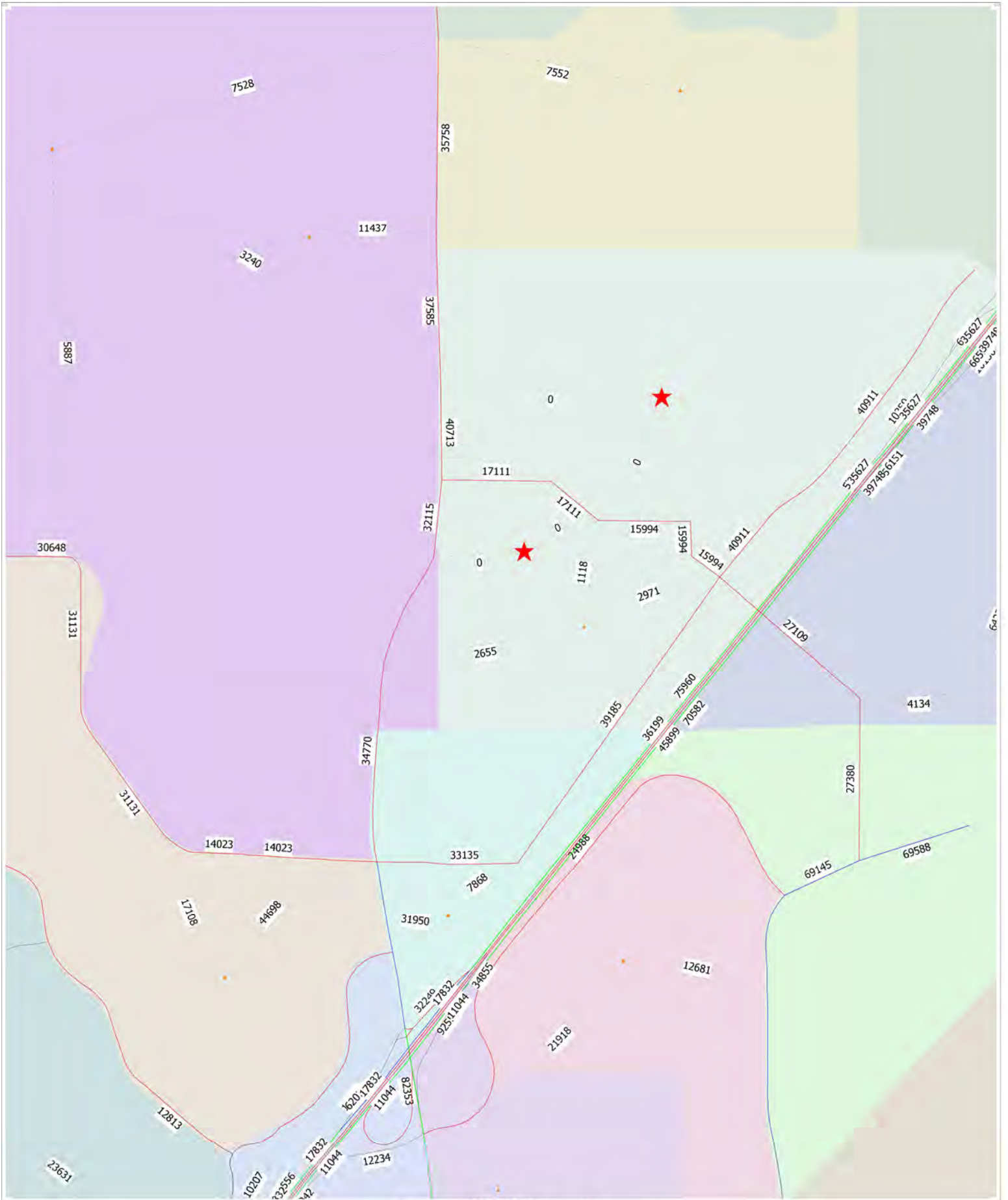


Percent Project Distribution (2020)

Kerina Parkside

CFRPMv6 - Year 2030 Cost Feasible Network and SE Data

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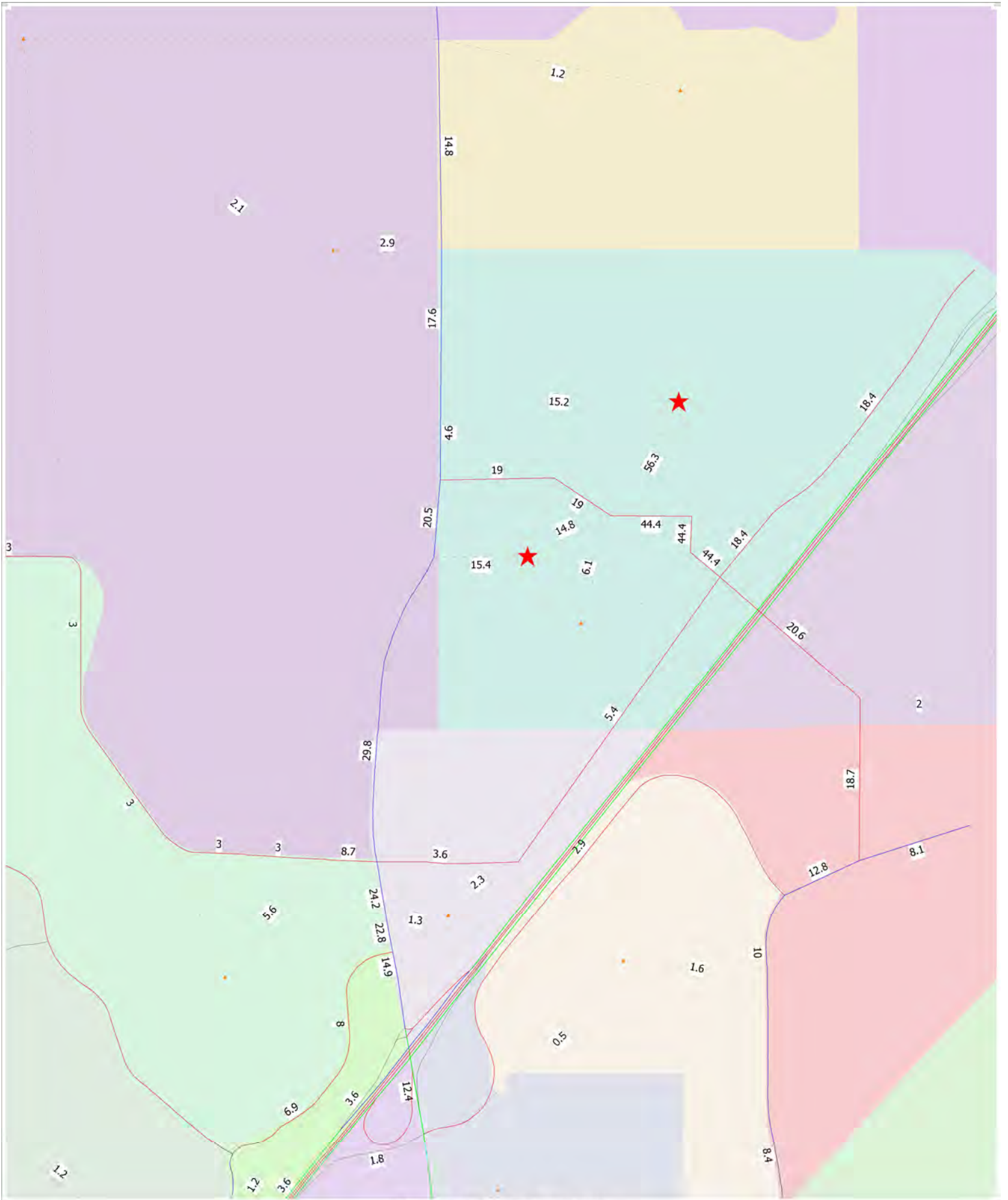


Background Model Volume (2020)

Kerina Parkside

CFRPMv6 - Year 2030 Cost Feasible Network and SE Data

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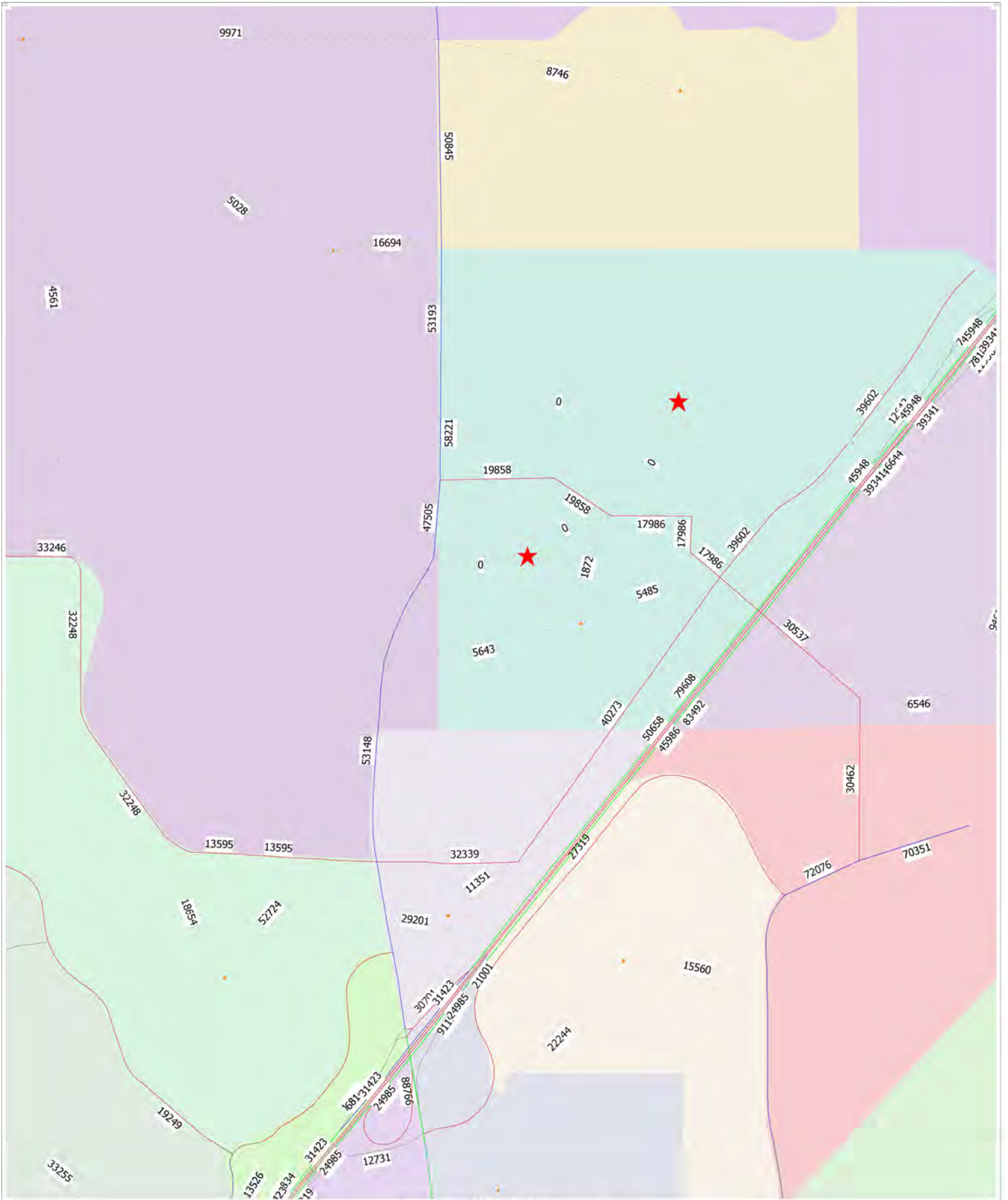


Percent Project Distribution (2030)

Kerina Parkside

CFRPMv6 - Year 2030 Cost Feasible Network and SE Data

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Background Model Volume (2030)

Kerina Parkside

CFRPMv6 - Year 2030 Cost Feasible Network and SE Data

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APPENDIX D
Background Volume Worksheet

Table D1: Development of Background Daily Traffic

From	To	From	Historical AADT					AADT (CMS) 2016	2020 FORECAST										2030 FORECAST									
			2012	2013	2014	2015	2016		5-Year Historical Forecast	Raw Model Volume	MOCF	Model AADT	PM Comm Trips	PMPk Vol	Existing plus Comm	3% Annual Growth Cap	Max AADT w/ cap	Annual Growth Rate	5-Year Historical Forecast	Raw Model Volume	MOCF	Model AADT	PM Comm Trips	PMPk Vol	Existing plus Comm	3% Annual Growth Cap	Max AADT w/ cap	Annual Growth Rate
			2020	2020	2020	2020	2020		2020	2020	2020	2020	2020	2020	2020	2020	2020	2020	2030	2030	2030	2030	2030	2030	2030	2030	2030	2030
Apopka-Vineland Rd	W.G.-Vineland Rd	Fenton Rd	18,604	21,973	21,224	22,388	24,009	24,009	28,375	40,713	0.98	39,899	478	1,210	33,494	26,890	26,890	3.0%	39,600	53,148	0.98	52,085	478	1,210	33,494	34,093	34,093	3.0%
	Fenton Rd	Darlene Rd		30,192	21,723	21,883	23,855	23,855	14,045	35,758	0.98	35,043	352	1,202	30,841	26,718	26,718	3.0%	0	50,845	0.98	49,828	352	1,202	30,841	33,874	33,874	3.0%
Daryl Carter Pkwy	Palm Pkwy	Regency Village Dr				7,164	10,031	10,031	21,499	27,109	0.98	26,567	0	476	10,031	11,235	11,235	3.0%	50,169	30,537	0.98	29,926	0	476	10,031	14,244	14,244	3.0%
	Regency Village Dr	International Dr				5,077	6,839	6,839	13,887	27,380	0.98	26,832	0	343	6,839	7,660	7,660	3.0%	31,507	30,462	0.98	29,853	0	343	6,839	9,711	9,711	3.0%
Palm Pkwy/Turkey Lake	W.G.-Vineland Rd	Central Florida Pkwy	14,930	16,087	18,889	18,938	21,934	21,934	28,271	40,911	0.98	40,093	154	1,105	24,991	24,566	24,566	3.0%	45,130	40,273	0.98	39,468	154	1,105	24,991	31,146	31,146	3.0%
Vineland Ave	Little Lake Bryan Pkwy	International Dr	10,805	10,912	9,857	10,476	13,561	13,561	14,168	24,988	0.98	24,488	26	663	14,093	15,188	15,188	3.0%	19,244	27,319	0.98	26,773	26	663	14,093	19,257	19,257	3.0%
Winter Garden-Vineland Rd	Interstate 4	Apopka-Vineland Rd	50,185	45,987	48,909	51,853	53,375	53,375	57,409	73,997	0.98	72,517	246	2,535	58,555	59,780	59,780	3.0%	69,655	83,084	0.98	81,422	246	2,535	58,555	75,793	75,793	3.0%
	Apopka-Vineland Rd	Buena Vista Dr	26,974	27,721	28,741	30,821	35,778	35,778	42,432	31,131	0.98	30,508	252	1,651	41,239	40,071	40,071	3.0%	63,140	32,248	0.98	31,603	252	1,651	41,239	50,805	50,805	3.0%



**COMMUNITY, ENVIRONMENTAL & DEVELOPMENT SERVICES DEPARTMENT
CONCURRENCY MANAGEMENT OFFICE**

SCOTT SKRABAN, MPA, CONCURRENCY MANAGEMENT OFFICIAL

201 South Rosalind Avenue, 2nd Floor

Reply To: Post Office Box 1393

Orlando, Florida 32802-1393

Telephone 407-836-5617 ■ Fax 407-836-2930 ■ <http://www.ocfl.net>

March 30, 2018

Mr. Momtaz Barq
Terra-Max Engineering, Inc.
1507 South Hiawasse Road, Suite 211
Orlando, Florida 32835

**SUBJECT: Declaration of State Emergency Extension Requests
Executive Orders 17-146, 17-177 (178), 17-230, 17-235, 17-259, 17-285, 17-287,
17-304, 17-329, 17-330, 18-017, and 18-047
Transportation Capacity Reservation Certificate No. 12-033
Transportation Impact Fee Zone: 004
CASTILLA VILLAGE**

ACTION: APPROVED
New Expiration Date: **March 4, 2022**

Dear Mr. Barq:

This letter is in response to your request for an extension of the above referenced Transportation Capacity Reservation Certificate (TCRC) expiration date.

In 2011, the legislature enacted legislation that tolls permit expirations during, and extends them following, as state of emergency declared by the Governor. This provision is codified in Section 252.363, Florida Statutes. The Reservation Certificate holder must submit the written notification within 90 days after the expiration of the declaration of emergency. Please note that normally each extension provides sixty-days and six months beyond the current expiration date, however, given the number of executive orders issued by the Governor this year and due to the overlapping nature of many of those executive orders, the length of time available under each state of emergency varies, please reference the table below:

Executive Order Number	State of Emergency Declaration	Executive Order Extension Timeframe
17-146	Opioid	22 days + 6 months
17-177 (178)	Opioid Extension	20 days
17-230	Opioid Extension 2	23 days
17-235	Irma	6 days + 6 months
17-259	Maria	28 days + 6 months
17-285	Opioid Extension 3	23 days
17-287	Irma Extension	30 days
17-304	Maria Extension	25 days
17-329	Opioid Extension 4	25 days
17-330	Irma Extension 2	7 days
18-017	Maria Extension 2	27 days
18-047	Opioid Extension 4	25 days

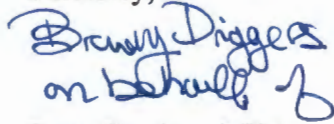
Total = 261 days & 18 months

These extensions are in addition to any extensions granted by HB 7023, HB 503, HB 7207, SB 1752, SB 360, or any other Executive Order.

Our records indicate that an approved Transportation Capacity Reservation Certificate was established on April 24, 2013, reflecting an expiration date of February 27, 2018. This account has previously been granted additional extensions, providing the account with an expiration date of December 16, 2019. The executive order extensions have been granted and your new expiration date is: **March 4, 2022**. Please be advised, if all or any portion of the reserved capacity is not permitted within the reservation period, the non-permitted portion of the reserved capacity will be transferred to the available capacity bank on March 5, 2022.

If you should have any questions, please do not hesitate to contact the Concurrency Management Office at (407) 836-5617.

Sincerely,



Scott Skraban, MPA

Concurrency Management Official

Community, Environmental & Development Services Department

SS/nc

Appendix B: Transportation Analysis

The proposed development is limited to the 89,721 total daily trips listed on the approved Hannah Smith PD land use plan and vested under the Turkey Lake Road Agreement. The request to change the future land use designation from ACMU/ACR to PD-C/MDR decreases the trip generation. Therefore, a transportation analysis is not provided as it is not needed since both the Comprehensive Plan Amendment and PD rezoning applications will not generate trips over the vested amount.

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

SEP 24 1996 VS BS

This instrument was prepared by
and should be returned to:
Miranda F. Fitzgerald, Esq.
LOWNDES, DROSDICK, DOSTER,
KANTOR & REED, P.A.
215 N. Eola Drive
P.O. Box 2809
Orlando, FL 32802-2809

Orange Co FL 5800721
10/15/96 02:59:36pm
OR Bk 5138 Pg 1988
Rec 424.50

ACTIVITY CENTER TURKEY LAKE ROAD NETWORK AGREEMENT

THIS ACTIVITY CENTER TURKEY LAKE ROAD NETWORK AGREEMENT (the "Agreement") is made and entered into by and among ORANGE COUNTY, a political subdivision of the State of Florida (the "County"), whose address is 201 South Rosalind Avenue, Orlando, Florida 32801, RTD-ONE INC., a Florida corporation, whose address is c/o Combined Capital Corporation, 2801 Fruitville Road, Suite 135, Sarasota, Florida 34237 ("RTD"), JAMES R. BOYCE, individually and as Trustee, and Christine Darrow Boyce (a/k/a Chris Darrow and Christine Darrow), whose addresses are P.O. Box 88, Dyer, Nevada 89010 (referred to collectively as "Boyce"), HANNAH L. SMITH, whose address is c/o Pamela O. Price, Attorney, Gray, Harris & Robinson, P.A., 201 East Pine Street, Orlando, Florida 32801 ("Hannah Smith"), and SEBELLE SMITH DYMMEK, DOSIA MAE SMITH JIMENEZ (f/k/a Dosia Mae Smith), AND MIRANDA ROSE SMITH BAILEY (f/k/a Miranda Rose Smith), collectively having an address for the purposes of this Agreement of P.O. Box 420159, Kissimmee, Florida 34742-1059 (referred to collectively as the "Smith Sisters"); RTD, Boyce, and

RETURN TO: COMPTROLLER CLERK OF THE BOARD
201 S. ROSALIND AVE. ORLANDO, FL 32801

Hannah Smith and the Smith Sisters are hereinafter sometimes referred to collectively as "Owners" and individually as "Owner."

W I T N E S S E T H:

WHEREAS, RTD is the fee simple owner of certain real property located in Orange County, Florida, more particularly described in Exhibit "A" attached hereto and made a part hereof by this reference (the "RTD Property"); and

WHEREAS, Boyce is the fee simple owner of certain real property located in Orange County, Florida, more particularly described in Exhibit "B" attached hereto and made a part hereof by this reference (the "Boyce Property"); and

OR Bk 5138 Pg 1989
Orange Co FL 5800721

WHEREAS, Hannah Smith is the fee simple owner of certain real property located in Orange County, Florida, more particularly described in Exhibit "C" attached hereto and made a part hereof by this reference (the "Hannah Smith Property"); and

WHEREAS, the Smith Sisters are the fee simple owners of certain real property located in Orange County, Florida, more particularly described in Exhibit "D" attached hereto and made a part hereof by this reference (the Smith Sisters Property); and

WHEREAS, the RTD Property, the Boyce Property, the Smith Sisters Property and a portion of the Hannah Smith Property (together referred to as the "Properties") are identified within the Orange County Comprehensive Policy Plan 1990-2010 (the "Comprehensive Plan") Future Land Use Map, the International Drive Activity Center Strategic Development Plan Element (the "I-Drive Element") and I-Drive Activity Center Future Land Use Map (the "I-Drive Future Land Use Map") with the designation "Activity Center Residential" ("ACR"); and

OR Bk 5138 Pg 1990
Orange Co FL 5800721

WHEREAS, certain residential, neighborhood commercial and other described uses are allowed within lands designated ACR; and

WHEREAS, approximately 253 acres of the RTD Property is currently approved as the Ruby Lake Ranch Planned Development (the "P-D") and the remaining seventeen (17) acres is currently zoned RC-E, under Chapter 38 of the Orange County Code; and

WHEREAS, the RTD Property P-D provides for a mixed-use resort/resort residential development; and

WHEREAS, the Boyce Property, the Smith Sisters Property and a portion of the Hannah Smith Property are currently zoned R-CE, under Chapter 38 of the Orange County Code; and

WHEREAS, the County has determined that the dedication of right-of-way for, and the phased construction of, an arterial road network extending northward from Palm Parkway and connecting with Apopka-Vineland Road at the Fenton Road intersection and connecting with the right-of-way of Turkey Lake Road, as shown on the drawing attached hereto as Exhibit "E" and made a part hereof by this reference (the "Road Network"); (i) is consistent with and furthers the goals, objectives and policies of the Comprehensive Plan and the I-Drive Element; (ii) is of public purpose and necessity; (iii) is of substantial economic benefit to the County and its citizens; and (iv) is important for the enhancement of the public transportation network and the safe and efficient flow of vehicular traffic within the International Drive Activity Center area; and

OR Bk 5138 Pg 1991
Orange Co FL 5800721

WHEREAS, the County will process Comprehensive Plan Amendments (the "Plan Amendments") to incorporate the Road Network into the I-Drive Element and to designate portions of the Properties (the "Amendment Property") to be served by the proposed Road Network as Activity Center Mixed Use ("ACMU"), as shown on the drawing attached hereto as Composite Exhibit "F" and made a part hereof by this reference; and

WHEREAS, under threat of condemnation and in accordance with the terms of this Agreement, the Owners are willing to dedicate right-of-way to the County for the Road Network; and

WHEREAS, the purpose of this Agreement is to set forth the understandings and agreements of the parties with respect to the dedication of lands for the Road Network, construction of Phase I of the Road Network (the "Phase I Improvements") and certain related matters involving the development of the Properties, all as more particularly set forth in this Agreement.

NOW THEREFORE, for and in consideration of the above premises, the mutual covenants and agreements set forth herein, and for other good and valuable consideration each to the others provided, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

DR Bk 5138 Pg 1992
Orange Co FL 5800721

1. Premises. The above premises are true and correct and are hereby incorporated as material provisions of this Agreement by this reference.

2. The Road Network Right-of-Way. The right-of-way for the Road Network shall be divided into the following segments:

(a) Segment A. Segment A of the Road Network shall be defined as 130 feet of right-of-way, 65 feet on each side of a centerline beginning at the Palm Parkway/Lake Avenue intersection and extending northeasterly to the easternmost property line of the Hannah Smith Property (the "Segment A Right-of-Way").

(b) Segment B. Segment B of the Road Network shall be generally defined as 130 feet of right-of-way, 65 feet on each side of a centerline beginning at a connection with Segment A on the Hannah Smith Property and extending northwesterly to the east side of the north line of the County right-of-way easement recorded at O.R. Book 715, Page 549, of the Public Records of Orange County, Florida (the "County Easement") (the "Segment B Right-of-Way") as further depicted in Exhibit "E".

OR Bk 5138 Pg 1993
Orange Co FL 5800721

(c) Segment C. Segment C of the Road Network shall be defined as the Fenton Road right-of-way, owned by Hannah Smith, consisting of not more than 60 feet, 30 feet on each side of a centerline, extending from the east side of the north line of the County Easement west to Apopka-Vineland Road, except that the right-of-way adjacent to the cemetery shall be 30 feet wide (the "Segment C Right-of-Way").

(d) Segment D. Segment D of the Road Network shall be defined as 130 feet of right-of-way, 65 feet on each side of a centerline, extending northeasterly from the eastern boundary of the Hannah Smith Property and connecting with the right-of-way of Turkey Lake Road (the "Segment D Right-of-Way").

The approximate locations of Segments A, B, C, and D are depicted on the drawing of the Road Network attached hereto as Exhibit "E." The right-of-way in Segments A, B, C and D is

collectively referred to in this Agreement as the "Road Network Right-of-Way."

3. Dedication of Right-of-Way and Impact Fee Credits

3.1 The Owners with land in Segment A shall dedicate to Orange County in accordance with Section 2(a) hereinabove:

(a) right-of-way for lanes 1 and 2 of the Road Network without any claim for impact fee credits or other monetary compensation from the County; and

OR Bk 5138 Pg 1994
Orange Co FL 5800721

(b) right-of-way for lanes 3 and 4 of the Road Network, in return for impact fee credits equaling one hundred percent (100%) of the fair market value of the land so dedicated, based on 55 feet of right-of-way, with the date of valuation being the day prior to the date of the final hearing at which the County considers adoption of the Owners' Plan Amendments; and

(c) right-of-way for lanes 5 and 6 of the Road Network for future public transportation uses without any claim for impact fee credits or other monetary compensation from the County.

3.2 The Owner with land in Segment B shall dedicate to Orange County in accordance with Section 2(b) hereinabove:

(a) right-of-way for lanes 1 and 2 of the Road Network without any claim for impact fee credits or other monetary compensation from the County; and

(b) right-of-way for lanes 3 and 4 of the Road Network, in return for impact fee credits equaling one hundred percent (100%) of the fair market value of the land so dedicated, based on 55 feet of right-of-way, with the date of valuation being the day prior to the date of the final hearing at which the County considers adoption of the Owners' Plan Amendments;

(c) for that portion of Segment B containing 130 feet, right-of-way for lanes 5 and 6 of the Road Network for future public transportation uses without any claim for impact fee credits or other monetary compensation from the County; and

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(d) 60 feet of right-of-way extending northward from the right-of-way described in Subsections 3.2(a) and (b) above to Smith-Bennett Road for public transportation purposes without any claim for impact fee credits or other monetary compensation from the County.

3.3 The Owner with land in Segment C shall dedicate to the County in accordance with 2(c) above, for public transportation purposes 60 feet of right-of-way along that portion of Fenton Road extending west from the County Easement, except that portion of Fenton Road that abuts the cemetery, where the Owner shall dedicate

30 feet of right-of-way, without any claim for impact fee credits or other monetary compensation from the County. The County shall vacate any and all public rights or interests it may have in that portion of the existing graded section of Fenton Road extending east from the County Easement to Smith-Bennett Road.

3.4 The Owner with land in Segment D shall dedicate to the County in accordance with Section 2(d) hereinabove:

(a) right-of-way for lanes 1 and 2 of the Road Network without any claim for impact fee credits or other monetary compensation from the County;

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(b) right-of-way for lanes 3 and 4 of the Road Network, in return for impact fee credits equaling one hundred percent (100%) of the fair market value of the land so dedicated, based on 55 feet of right-of-way, with the date of valuation being the day prior to the date of the final hearing at which the County considers adoption of the Owners' Plan Amendments; and

(c) right-of-way for lanes 5 and 6 of the Road Network for future public transportation uses without any claim for impact fee credits or other monetary compensation from the County.

3.5 In addition to the Road Network Right-of-Way dedications described in this Section 3, the Owners shall provide

the exclusive drainage easements described in Subsection 5.9 of this Agreement without any claim for impact fee credits for that portion of the easement area needed to serve lanes 1 and 2 of the Phase I Improvements. The Owners shall receive impact fees credits for granting any drainage easements needed to serve lanes 3, 4, 5 and 6 of the Road Network Right-of-Way. Valuation of such easements shall be in accordance with the procedures established in the County's Road Impact Fee Ordinance.

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3.6 As consideration for the Owners' right-of-way dedications of 130 feet to include Lanes 5 and 6, the County hereby acknowledges that the Owners have satisfied the condition of the reservation of a 15 foot wide transit easement along each side of the Road Network in Segments A, B and D as provided for in Policy 2.2.2 of the I-Drive Element.

4. Phase I Improvements. As used herein, the Phase I Improvements shall have one of the following configurations:

(a) Configuration No. 1. A four-lane urban road section beginning at the intersection of Palm Parkway and Lake Avenue and extending northeasterly through Segment A; connecting with a four-lane urban road section which extends through Segment B and tapers to a two-lane urban road section at the County Easement; and then continuing as a two-lane urban road section within Segment C to and connecting with Apopka-Vineland Road; or

(b) Configuration No. 2. A four-lane urban road section beginning at the intersection of Palm Parkway and Lake Avenue and extending northeasterly through Segment A and Segment D connecting with Turkey Lake Road.

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5. Design of the Phase I Improvements. Unless otherwise agreed by the Owners, Miller-Sellen Associates, Inc. shall be engaged by the Owners, at the Owners' expense as provided in this Section 5, as the project engineer for the design and engineering of the Phase I Improvements (the "Project Engineer"). By separate agreement, the Owners have caused the Project Engineer to commence the design of the Phase I Improvements (including attendant drainage facilities) in accordance with the I-Drive Master Road Network development guidelines, if any, in effect on the date of execution of this Agreement. In the event of any conflict between the terms of the Owners' agreement with Miller-Sellen Associates, Inc. and this Agreement, this Agreement shall control.

5.1 Preliminary Centerline Alignment. The Project Engineer has prepared a preliminary centerline alignment as shown on Exhibit "E" for the Road Network Right-of-Way through Segments A, B, C and D (the "Preliminary Centerline Alignment") and has generated preliminary legal descriptions for that portion of the Road Network Right-of-Way to be dedicated by each Owner. Any subsequent adjustment to the Preliminary Centerline Alignment shall be approved by the County Engineer and shall not result in a shift

of the Preliminary Centerline Alignment of greater than 15 feet without the written consent of each Owner affected by the shift of the Preliminary Centerline Alignment.

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5.2 Preliminary Engineering Drawings. Immediately following August 12, 1996, the Project Engineer shall commence preliminary design and engineering work and prepare preliminary engineering drawings (the "Preliminary Engineering Drawings") which shall (i) establish the final centerline of the Road Network Right-of-Way, which shall be consistent with the Preliminary Centerline Alignment, (the "Final Centerline Alignment"); (ii) contain final legal descriptions (and sketches thereof) of that portion of the Road Network Right-of-Way on each Owner's property; and (iii) provide preliminary engineering details for the Phase I Improvements consistent with Configuration No. 2, if on or before August 12, 1996, the Smith Sisters have executed one or more counterparts of this Agreement and delivered to Escrow Agent as provided for in Subsection 5.9 of this Agreement a Warranty Deed containing the preliminary legal description of the Segment D right-of-way; otherwise, the Preliminary Engineering Drawings shall be consistent with Configuration No. 1. The Preliminary Engineering Drawings shall: (i) conform to applicable County standards as they exist on the Effective Date of this Agreement, as hereinafter defined; (ii) conform to the Access Management Criteria set forth in Subsection 5.7 of this Agreement (in the event of a conflict between the applicable County standards and the Access

Management Criteria, the Access Management Criteria shall control); and (iii) preliminarily locate the drainage areas for the Phase I Improvements such that drainage areas on each Owner's property shall substantially serve that portion of the Phase I Improvements located on each Owner's property.

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5.3 Preliminary Design and Engineering Costs. The preliminary design and engineering costs shall include the costs of preparing the Preliminary Centerline Alignment and preliminary legal descriptions for the Road Network Right-of-Way, as well as the costs of preparing the Preliminary Engineering Drawings described in Subsection 5.2 of this Agreement (the "Preliminary Design and Engineering Costs"). The costs of the Preliminary Centerline Alignment, the preliminary legal descriptions, the Final Centerline Alignment and the final legal descriptions for the Road Network Right-of-Way shall be allocated among the Owners on the basis of the estimated length of the Road Network Right-of-Way extending through each Owner's property. The balance of the costs of the Preliminary Engineering Drawings shall be allocated among the Owners on the basis of the length of the Phase I Improvements measured at the centerline (rounded to the nearest foot) extending through each Owner's property. The Project Engineer has provided each Owner a lump sum estimate of the Preliminary Design and Engineering Costs (the "Preliminary Cost Estimate"). Each Owner's proportionate share of the Preliminary Cost Estimate was paid to the Project Engineer prior to execution of this Agreement.

5.4 Adjustment of Owners' Preliminary Cost Proportionate Share. Following completion of the Preliminary Engineering Drawings, the Project Engineer shall establish each Owner's proportionate share of the Preliminary Design and Engineering Costs, as determined in accordance with the provisions of Subsection 5.3 (the "Preliminary Cost Proportionate Share").

Each Owner's share of the Preliminary Cost Estimate shall be adjusted using the actual Preliminary Design and Engineering Costs and final Road Network Right-of-Way measurements so that each Owner contributes to the Preliminary Design and Engineering Costs no more and no less than its actual Preliminary Cost Proportionate Share. The Project Engineer shall invoice each Owner any additional amount due and owing, and this sum shall be paid to the Project Engineer within ten (10) days after the Owner's receipt of the invoice.

5.5 This Subsection intentionally omitted and left blank.

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5.6 Owner Default. If any Owner fails to timely fulfill any of its funding or other obligations of this Section 5, the other Owners, the Project Engineer, or any of them, shall be entitled to pursue all remedies which are available at law or in equity against the defaulting Owner.

5.7 Road Network Access Management Criteria. The

Owners and the County agree that ingress, egress and access to, from and between any completed section of the Road Network and the adjoining Owner's property shall conform to the following access management criteria (the "Access Management Criteria"):

(a) the RTD Property shall be served by not less than five (5) full service median openings;

(b) the Boyce Property shall be served by not less than one (1) full service median opening;

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(c) the Hannah Smith Property shall be served by not less than one (1) full service median opening in Segment A and not less than five (5) full service median openings in Segment B;

(d) the Smith Sisters Property shall be served by not less than seven (7) full service median openings;

(e) notwithstanding (a) through (d) above, each full service median opening shall be not less than 660 feet from any other full service median opening; provided, however, the County Engineer shall have the authority to allow less distance between full service median openings than provided herein, as may be necessitated by site design or good engineering practices as determined by the County Engineer;

(f) right-in/right-out access points shall not be less than 330 feet from any other right-in/right-out access cut or full service median opening; provided, however, the County Engineer shall have the authority to allow less distance between any right in/right out access points or full service median openings than provided herein, as may be necessitated by site design or good engineering practices as determined by the County Engineer; and

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(g) in all other respects, the location, configuration, spacing and number of access points, turn lanes, curb cuts and similar access related improvements shall be determined at the time a preliminary subdivision plan or development plan, as applicable, is submitted to the County for any portion of the Properties.

5.8 Escrow of Deeds and Other Documents. The dedication by each Owner of its portion of the Road Network Right-of-Way shall be by Warranty Deed under threat of condemnation as evidenced by the Certificate of Necessity issued by the County on July 23, 1996, and shall be free and clear of all liens, encumbrances and other matters affecting title to the Road Network Right-of-Way, except ad valorem real property taxes for the year of the conveyance, liens, electrical transmission and distribution easements, drainage easements, platted rights-of-way and other matters which would not prevent the County's utilization of such portion of the Road Network Right-of-Way for road right-of-way purposes (collectively referred to as the "Permitted Exceptions"). The County acknowledges

that portions of the Properties are encumbered by remnant portions of platted rights-of-way which, at the option of the affected Owner, may be vacated or otherwise removed prior to the commencement of development on the affected portions of the Properties and after or concurrent with dedication of the Road Network Right-of-Way. The County agrees to cause appropriate staff to diligently and in good faith process any petitions to vacate or platting applications by any Owner to eliminate these remnant portions of platted rights-of-way. The Owners agree to cooperate with one another and not oppose the vacation of any presently platted rights-of-way

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5.9 Timing of Delivery of Deeds and Other Documents to Escrow Agent. Not later than August 12, 1996, each Owner shall deliver to Lowndes, Drosdick, ~~Doster~~, Kantor & Reed, P.A. (the "Escrow Agent"), in escrow, subject to the escrow provisions of Section 7 of this Agreement, a Warranty Deed containing the preliminary legal description of the Road Network Right-of-Way located on that Owner's property, based on the Project Engineer's Preliminary Centerline Alignment of the Road Network (the "Preliminary Deed"). Not later than October 15, 1996, each Owner shall deliver to Escrow Agent a substitute legal description of that Owner's portion of Road Network Right-of-Way, based on the Final Centerline Alignment, to be attached to the Warranty Deed (the "Final Deed"). Each Owner shall also deliver not later than October 15, 1996, the following documents:

(a) title evidence confirming that such Owner has record fee simple title to the portion of its property being conveyed, subject only to those of the Permitted Exceptions which relate to such property;

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(b) a Certificate of Non-foreign Status from such Owner confirming that such Owner is not a foreign person or entity for the purposes of U.S. income taxation in compliance with Section 1445 of the Internal Revenue Code;

(c) a sworn affidavit from such Owner confirming that, other than those of the Permitted Exceptions which relate to the property being conveyed, there are no liens, encumbrances, agreements or other matters affecting title to the property being conveyed which would prevent the County's utilization of such portion of the Road Network Right-of-Way for road right-of-way purposes;

(d) partial releases, satisfactions or other instruments necessary to release or remove any outstanding mortgages, liens, encumbrances or other matters which would prevent the County's utilization of such portion of the Road Network Right-of-Way for road right-of-way purposes;

(e) a temporary drainage easement in favor of the County, describing the drainage areas on that Owner's property as

set forth in the Preliminary Engineering Drawings. The temporary drainage easement instrument shall provide that it will automatically terminate upon the fee simple owner of the drainage area providing the County with a permanent easement in a substitute location, acceptable to the County, that achieves the same purpose intended by the temporary drainage easement and such easement shall be delivered to the County either (i) prior to construction plan approval on the affected portion of each Owner's property or, (ii) within twenty (20) years from the Effective Date of this Agreement, as hereinafter defined, whichever occurs first; and

(f) a legal description of that Owner's Property which was designated as ACMU at the final hearing held on the Owners' Plan Amendments (the "ACMU-Designated Property"). However, for the purposes of Subsections 9.3 and 9.4 herein, the Smith Sisters shall also provide a legal description of the Smith Sisters' ACMU-Designated Property, less the Smith Sisters' Outparcel as defined in Section 8.7.

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5.10 Condition of Title. Each Owner shall be responsible, at its sole cost and expense, for ensuring that the property described in its Preliminary Deed (including the condition of the title to this property) shall remain unchanged from the date of delivery of its Preliminary Deed to the Escrow Agent through the date of delivery of its substitute legal description for the Final Deed to the Escrow Agent and, thereafter, that the property

described in the Final Deed (including the condition of title to this property) shall remain unchanged through the end of the escrow term.

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5.11 Recording Costs. Each Owner agrees to pay all recording costs for its Final Deed and all corrective and other instruments required pursuant to this Section 5 to clear title to the portion of its property being conveyed. Each Owner shall also pay the costs of recording any drainage easement in favor of the County. The parties to this Agreement agree that the Road Network Right-of-Way is being acquired by the County for public purpose and necessity in lieu of condemnation and that these transactions therefore are exempt from documentary stamps. However, if these transactions are subsequently deemed taxable, the County shall pay the cost of the documentary stamps to be affixed to the Deeds as the benefits accruing to the County from and the public purpose of these acquisitions warrant such expenditure. Real property taxes for the year of the dedication shall be prorated in accordance with Section 196.295, Florida Statutes.

5.12 Default. If any Owner fails to timely deliver its Final Deed and other required documents, or otherwise fails to fully comply with the provisions of this Section 5, the other parties, or any of them, shall be entitled to pursue all remedies which are available at law or in equity, including an action for specific performance against the defaulting Owner.

6. Approval of Land Use Designations. The County acknowledges that the proposed ACMU Future Land Use Map designation for the Amendment Property as shown on the drawing attached hereto as Exhibit "F" is deemed to be compatible with and to further the objectives of the Comprehensive Plan and the I-Drive Element. RTD, Boyce, Hannah Smith and the Smith Sisters have filed applications for Plan Amendments regarding the Road Network Right-of-Way and to designate the Amendment Property as ACMU. The Plan Amendments shall not affect the Comprehensive Plan Future Land Use Map designation of the remaining portions of the Properties nor any existing vested rights determinations. Each Owner shall be responsible for the payment of the Plan Amendment filing and review fees relating to its property.

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6.1 Further Participation Contingencies. The obligation of each Owner to further participate in the conveyance of Road Network Right-of-Way and construction of the Phase I Improvements in accordance with the provisions of this Agreement is contingent upon (i) the County's adoption of the Owners' Plan Amendments during the 96-2 cycle of Comprehensive Plan amendments; (ii) the issuance by the Florida Department of Community Affairs of a notice that the Plan Amendments are in compliance with Chapter 163, Part II, Florida Statutes; and (iii) and the passage of the applicable appeal period following the County's adoption of the Owners' Plan Amendments without an administrative proceeding or appeal having been filed. The Owners agree not to appeal an approval by the

County of the Owners' Plan Amendments. In the event the County shall not adopt the Owners' Plan Amendments, as provided above, any Owner may elect to cancel this Agreement by written notice thereof to the County and the other Owners given not later than twenty (20) days after the County's final hearing on cycle 96-2 Comprehensive Plan amendments, whereupon this Agreement shall be of no further force and effect and, other than each Owner's obligation to pay its Preliminary Cost Proportionate Share as provided in Section 5 of this Agreement, which shall survive the termination of this Agreement, the parties hereto shall be relieved of any further obligations hereunder.

DR Bk 5138 Pg 2009
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6.2 Participation in Appeal. In the event the County approves the Owners' Plan Amendments and an administrative proceeding or appeal is filed, each Owner agrees to engage legal counsel and diligently and in good faith pursue a legal challenge of the administrative proceeding or appeal and the County agrees to continue to support the Owners' Plan Amendments in the appeal. If any Owner fails to timely and diligently pursue a legal challenge of the administrative proceeding or appeal in accordance with this Subsection 6.2, the other parties, or any of them, shall be entitled to pursue all remedies which are available at law or in equity against the non-participating Owner. If the administrative proceeding or appeal is not resolved in a manner which leaves intact the County's approval of the Owners' Plan Amendments within one hundred eighty (180) days after the filing of the

administrative proceeding or appeal, any Owner may elect to cancel this Agreement by written notice thereof to the County and the other Owners given not sooner than one hundred eighty (180) days after the date upon which the administrative proceeding or appeal is filed and not later than twenty (20) days after written notice to the Owners of the final adjudication or full settlement of the administrative proceeding or appeal, as applicable, whereupon this Agreement shall be of no further force and effect, and the parties hereto shall be relieved of any further obligations hereunder. Nothing contained in this Subsection 6.2 shall be construed to require each party to engage separate legal counsel in connection with its legal challenge of the appeal, it being the intention of the parties that the parties, or any of them, may agree to engage the same legal counsel if appropriate to do so considering the potential for conflicts of interest.

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7. Delivery of Deeds for Road Network Right-of-Way. The Escrow Agent is hereby authorized and directed to release from escrow and deliver to the County the Final Deeds and other related documents being held by Escrow Agent as provided in Section 5 of this Agreement within ten (10) days following the expiration of the time periods within which each Owner may elect to cancel this Agreement in accordance with Subsections 6.1 or 6.2 of this Agreement. In the event any Owner elects to cancel this Agreement in accordance with Subsections 6.1 or 6.2 hereof, the Escrow Agent is authorized and directed to return to the respective Owners, not

later than five (5) days after timely notification of the cancellation, each Owner's Final Deed and all other documents being held by Escrow Agent.

OR Bk 5138 Pg 2011
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It is agreed that the duties of Escrow Agent hereunder are purely ministerial in nature and shall be expressly limited to the safekeeping of the Preliminary Deeds, Final Deeds and other related documents and the disposition of same in accordance with this Agreement. Each Owner hereby indemnifies Escrow Agent and agrees to hold it harmless from and against any and all claims, liabilities, damages, costs, penalties, losses, actions, suits or proceedings at law or in equity, and any other expenses, fees, or charges of any character or nature, which it may incur or with which it may be threatened directly or indirectly arising from or in any way connected with this Agreement, whether or not the Final Deeds and other related documents shall have been released and delivered to the County, and in connection therewith, indemnifies Escrow Agent against any and all expenses, including attorneys' fees and the cost of defending any action, suit, or proceeding or resisting any claim whether or not litigation is instituted. This indemnity and hold harmless shall not apply to Escrow Agent's negligence or willful breach of this Agreement.

In event of doubt as to its duties or liabilities under the provisions of this Agreement, Escrow Agent, at its sole discretion, may continue to hold the Final Deeds and other related documents

until the parties mutually agree in writing to the disposition thereof; or until a judgment of a court of competent jurisdiction shall determine the rights of the parties thereto; or may deposit the Final Deeds and other related documents with the court of appropriate jurisdiction in the county in which the Properties are located. Upon notifying all parties concerned of such action, all liability on the part of Escrow Agent shall fully terminate, except to the extent of accounting for any Final Deeds or other related documents delivered out of escrow. In the event of any suit between the Owners wherein Escrow Agent is made a party by virtue of acting as Escrow Agent hereunder, or in the event of any suit where Escrow Agent impleads the subject matter of the escrow, Escrow Agent shall be entitled to recover its reasonable attorney's fees and costs. The Owners agree that Escrow Agent shall not be liable to any party or person whomsoever for the misdelivery to Owners or County of the Final Deeds and other related documents unless such misdelivery shall be due to willful breach of this Agreement or gross negligence on the part of Escrow Agent.

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8. Construction of the Phase I Improvements.

8.1 Constructing Party Designation. Any Owner may elect to manage and bear the cost of the final design, engineering and construction of the Phase I Improvements in accordance with the provisions of this Section 8 (the "Constructing Party") by written notice thereof to the other parties given at any time after the expiration of the time periods within which any Owner can cancel

this Agreement in accordance with Subsections 6.1 or 6.2 hereof. If more than one Owner desires to be the Constructing Party, the first Owner to give timely notice of its election to be the Constructing Party after the time periods specified in Subsection 6.1 and 6.2 of this Agreement have expired shall be deemed the Constructing Party. The construction of the Phase I Improvements under this Agreement is a private matter among the Owners, and the County is not involved in the construction of the improvements.

8.2 Plans and Specifications. Within thirty (30) days after designation as the Constructing Party, the Constructing Party shall commence or cause to be commenced the preparation of the final plans as outlined hereinbelow.

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The Constructing Party shall cause the Project Engineer to conclude the design and engineering of the Phase I Improvements consistent with applicable County standards as they exist on the Effective Date of this Agreement, as hereinafter defined, and consistent with the Access Management Criteria set forth in Subsection 5.7 of this Agreement (in the event of a conflict between the applicable County standards and the Access Management Criteria, the Access Management Criteria shall control). The Constructing Party shall also cause the Project Engineer to prepare final construction plans and specifications in conformity with the Preliminary Engineering Drawings (the "Plans and Specifications"). The Constructing Party shall also cause the Project Engineer to

secure all permits and approvals necessary for the construction of the Phase I Improvements.

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8.3 Notice to Other Owners. The Constructing Party shall, on a continuing basis, distribute to the other Owners, copies of (i) the Plans and Specifications; (ii) any request for proposal used to solicit bids for the Phase I Improvements; and (iii) a minimum of three (3) competitive bids submitted in response to the request for proposal, upon receipt by the Constructing Party. The other Owners may, within twenty (20) days of receipt of any of the above referenced documents, provide to the Constructing Party their comments to said documents. Notwithstanding the foregoing, the Constructing Party shall have the sole authority to determine and select the construction contractor for the Phase I Improvements based upon the bids submitted. The Constructing Party shall make the Plans and Specifications available to the County for its review prior to commencing construction.

At least thirty (30) days before commencing construction of the Phase I Improvements, the Constructing Party shall provide the other Owners copies of: (i) the proposed contract for construction of the Phase I Improvements; (ii) the Project Engineer's estimate of the Phase I Improvements Construction Costs (as defined herein); and (iii) the Project Engineer's estimate of each Owner's Construction Cost Proportionate Share for lanes 1 and 2 of the Phase I Improvements.

8.4 Timely Construction and Completion. The Constructing Party shall continually exercise its good faith efforts to secure such permits, commence construction of the Phase I Improvements, and complete the construction of the Phase I Improvements in accordance with the Plans and Specifications and subject to County inspection and approval so that Phase I Improvements may be opened to vehicular traffic within eighteen (18) months after the commencement of construction (the "Completion Date"). The County agrees to use its best efforts to conduct County inspection and approval processes in a timely manner in order to accommodate the earliest possible Completion Date. Upon final acceptance of the Phase I Improvements, the County shall be responsible for the entire cost of maintenance, repair, expansion and replacement of the Phase I Improvements. The County hereby designates the Phase I Improvements as a County Minor Arterial Road.

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8.5 Lien-Free Construction. The Constructing Party shall cause the construction of the Phase I Improvements to be performed in a lien free manner and shall be responsible for the payment of all costs related thereto, including the prompt bonding and removal of any liens or claims of lien which create any encumbrance over all or any portion of the Road Network Right-of-Way. The Constructing Party agrees to indemnify and hold the County and the other Owners harmless of and from any and all construction, materialman's or laborer's liens or any other liens, claims,

actions, loss, costs, and/or expense (including reasonable attorneys' and paralegals' fees and costs, whether at trial or on appeal) arising out of or in any way related to the provision of any labor, materials or services by any materialman, laborer or subcontractor in connection with the construction of the Phase I Improvements.

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8.6 Liability Insurance. The Constructing Party agrees to carry, or cause its contractor to carry, a public liability insurance policy to afford protection against any and all claims for personal injury, death or property damage occurring in, upon, adjacent to or connected with the Phase I Improvements, together with builder's risk, worker's compensation coverage and comprehensive automobile liability insurance (including owned, non-owned and hired vehicles) from a company and in amounts reasonably satisfactory to the County; provided however, in no event shall the coverage amount of the public liability insurance policy be required to exceed \$3,000,000.00. All such policies of insurance shall name the County and other Owners as additional insureds. All policies of insurance required pursuant to this Subsection 8.6 shall be issued by insurance companies licensed to do business in the State of Florida, authorized to issue such policies and having a general policy holder's rating of not less than "A" and a financial rating of "AAA" as rated in the current issue of "Best's" Insurance Reports. Copies of all such insurance policies shall be provided to the County and other Owners prior to commencement of

the construction of the Phase I Improvements and at the time of any renewals and/or modifications of such policies. Each such policy shall require that the County and other Owners be given at least ten (10) days advance written notice by the insurer prior to the cancellation thereof.

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8.7 Certificates of Occupancy/Letter of Credit. The County shall not issue any Certificates of Occupancy within any portion of the Owners' ACMU-Designated Property, except that portion of the Smith Sisters Property described as that part of the north 1/2 of the southeast 1/4 of Section 11, Township 24 South, Range 28 East, lying west of Interstate No. 4, and outside the right of way of Central Florida Parkway and Turkey Lake Road (as Turkey Lake Road is being realigned in the case of Orange County v. Jade Bridge, Inc., et.al, Case No. 95-79, Circuit Court, Orange County, Florida) as generally depicted with cross-hatching in Exhibit "G" attached hereto (the "Smith Sisters' Outparcel"), until the County issues a Certificate of Completion for the Phase I Improvements. If, however, the Constructing Party and any other Owner or Owners (the "Contributing Owner") elects to post an irrevocable letter of credit in a form acceptable to the County or a cash bond if acceptable to the County, ensuring completion of the Phase I Improvements within two (2) years following commencement of construction of the Phase I Improvements, the Constructing Party and the Contributing Owner may also obtain Certificates of

Occupancy within its ACMU-Designated Property prior to issuance of the Certificate of Completion.

The Constructing Party shall provide to the other Owners thirty (30) days written notice of its intent to post an irrevocable letter of credit or cash bond. Any Owner may, within that thirty (30) day notice period, notify the Constructing Party of such Owner's intention to participate in the letter of credit or post a cash bond. Any Contributing Owner's participation shall not be less than that Contributing Owner's proportionate share of the construction costs as provided in the construction contract for the Phase I Improvements.

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9. Construction Costs of the Phase I Improvements. As used herein, the term "Phase I Improvements Construction Costs" shall include all costs incurred by the Constructing Party for the final design, permitting, construction and landscaping of the Phase I Improvements, as well as a management and administration fee that shall not exceed six percent (6%) of the costs incurred in the final design, engineering, construction and landscaping of the Phase I Improvements, or \$150,000, whichever is less. The Phase I Improvements Construction Costs shall be equally divided between (i) lanes 1 and 2, including associated drainage facilities, (the "Cost of Lanes 1 and 2"); and (ii) lanes 3 and 4, including any taper or transition from a four-lane section to a two-lane section,

and also including associated drainage facilities (the "Cost of Lanes 3 and 4").

9.1 Owners' Construction Cost Proportionate Share. The Cost of Lanes 1 and 2 shall be proportionally allocated among the Owners by multiplying the Cost of Lanes 1 and 2 by a fraction, the numerator of which is the length measured at the centerline (rounded to the nearest foot) of the Phase I Improvements constructed on each Owner's property and the denominator of which is the entire length measured at the centerline of the Phase I Improvements (rounded to the nearest foot) (the "Owner's Construction Cost Proportionate Share").

OR Bk 5138 Pg 2019
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9.2 County's Share of Phase I Improvements Construction Costs. The Constructing Party and Contributing Owner, if any, shall receive impact fee credits (on a proportionate basis) for one hundred percent (100%) of the Cost of Lanes 3 and 4, which credit shall be in addition to any other impact fee credits for right-of-way and drainage pursuant to this Agreement. The impact fee credits shall be issued in accordance with the procedures established in the County's Road Impact Fee Ordinance; provided, however, if the Constructing Party and Contributing Owner, if any, elect to post the irrevocable Letter of Credit or cash bond referenced in Subsection 8.7 of this Agreement, the Constructing Party and Contributing Owner shall, upon posting the letter of credit or cash bond, be entitled to receive impact fee credits for

the projected Cost of Lanes 3 and 4. The contribution for construction costs of any Contributing Owner who contributes more than its proportionate share of the construction costs as set forth in Subsection 8.7 is referred to as "Excess Contribution".

9.3 Final Determination of Construction Cost. Within forty-five (45) days after the date upon which the Phase I Improvements are opened to vehicular traffic, the Constructing Party shall cause the Project Engineer to prepare and furnish to each Owner, the County, and Escrow Agent a statement which includes: (i) the actual Phase I Improvements Construction Costs; (ii) the Cost of Lanes 1 and 2; (iii) each Owner's Construction Cost Proportionate Share expressed as an amount per gross acre of each Owner's ACMU-Designated Property; and (iv) the Cost of Lanes 3 and 4 (collectively the "Statement"). Upon the request of the County or any Owner, the Constructing Party and/or the Project Engineer shall make available the information upon which the Statement required by this Subsection 9.3 was based. As used in this Subsection 9.3 and the following Subsection 9.4, the term "ACMU-Designated Property" shall exclude the Smith Sisters' Outparcel.

OR Bk 5138 Pg 2020
Orange Co FL 5800721

9.4 Lien for Owners' Construction Cost Proportionate Share. Each Owner, other than the Constructing Party, hereby grants to the Constructing Party and any Contributing Owner, who has made an Excess Contribution, a lien on that Owner's ACMU-Designated

Property as security for full payment of Owner's Construction Cost Proportionate Share (the "Roadway Construction Lien"). Within five (5) days following receipt of the Statement described in Subsection 9.3 of this Agreement, Escrow Agent shall release to the Constructing Party and any Contributing Owner, who has made an Excess Contribution, the legal descriptions of the other Owners' ACMU-Designated Property for use in completing and recording in the Public Records of Orange County the Notice of Lien in the form attached hereto as Exhibit "H." The unpaid balance of each Owner's Construction Cost Proportionate Share shall bear interest at the rate of five percent (5%) per annum simple interest commencing on the Second Anniversary of the date on which the Notice of Lien is recorded against that Owner's property. Notwithstanding the foregoing, the maximum amount of principal and interest to be repaid hereunder shall not exceed the Owner's Construction Cost Proportionate Share adjusted for any increase (or decrease) in the Consumer Price Index ("Index") from the Second Anniversary of the date the Notice of Lien is recorded to the date of payment.

If the Owner's Construction Cost Proportionate Share is paid in partial payments, the limitation shall apply to each partial payment.

OR Bk 5138 Pg 2021
Orange Co FL 5800721

For example, if the Owner's Construction Cost Proportionate Share is \$1,000,000.00 (principal), and this is repaid in two payments, to wit: \$500,000.00 principal plus accrued interest at

5% on said \$500,000.00 principal on the Third Anniversary Date, and the remaining \$500,000.00 principal and accrued interest at 5% on said \$500,000.00 on the Fifth Anniversary Date, the amount due before the application of the Index limitation is as follows: (i) the first partial payment is \$525,000.00 on the Third Anniversary Date; and (ii) the second and final partial payment is \$575,000.00 on the Fifth Anniversary Date.

DR Bk 5138 Pg 2022
Orange Co FL 5800721

If the Index at the Second Anniversary Date is 100, and at the Third Anniversary Date is 106, then the maximum amount due for the first partial payment is $106/100 \times 500,000.00 = \$530,000.00$. Since the payment due is the lesser of the two amounts, the payment at the Third Anniversary Date would be \$525,000.00 (\$500,000.00 at 5% interest for one year).

If at the Fifth Anniversary Date the Index is 112, then the maximum due at the Fifth Anniversary is $112/100 \times 500,000.00 = \$560,000.00$. Thus the payment at the Fifth Anniversary Date would be \$560,000.00, since this is less than \$575,000.00. Partial payments need not be made on the Anniversary Date.

The Index shall mean the statistics published in the Monthly Labor Review by the U.S. Department of Labor, Bureau of Labor Statistics (the "Bureau"), designated Consumer Price Index for all urban consumers (CPI-U), unadjusted U.S. City Average, with a standard reference base period of 1982-1984 = 100. If the

compilation and/or publication of the Index shall be transferred from the Bureau to any other department, bureau, or agency of the United States of America, or if the Bureau shall adopt a successor Index, the Index published by such successor department, bureau or agency or such successor Index shall be adopted and used as a standard of computing cost-of-living adjustments to the interest rate. In the event no Index is published for the year in which the interest rate is due, the levels of computation for purposes of adjustments to the interest rate shall be established by interpolation from the published levels nearest to the date on which the levels are to be determined.

OR Bk 5138 Pg 2023
Orange Co FL 5800721

The Roadway Construction Lien on each Owner's property shall be partially paid and satisfied pro-rata on an acre-by-acre basis at such time as the Owner conveys that portion of its ACMU-Designated Property to a third party or that portion of the ACMU-Designated Property is approved by the County as part of a preliminary subdivision plan or development plan. Interest shall only be due with respect to the proportionate part of the principal being paid for the release of lien. Any payment in satisfaction and release of lien, in whole or in part, shall be shared between and paid proportionately to the Constructing Party and the Contributing Owner who has made an Excess Contribution. For the purposes of this Agreement only, conveyance to a third party shall not include conveyance of all or any portion of the Smith Sisters Property to any of the Smith Sisters, individually or in

combination with each other. This exclusion shall not apply, however, to a conveyance to any one or more of the Smith Sisters in combination with any third party who is not one of the Smith Sisters. For the purpose of this Agreement only, a transfer or transfers of the stock of RTD so that there is a change in the majority control of the voting and/or nonvoting stock of RTD shall be deemed a transfer to a third party. RTD shall immediately notify the Constructing Party in writing of any such transfer. The County shall not issue a building permit for any portion of the Owner's ACMU-Designated Property until the building permit applicant furnishes a recorded Partial Satisfaction of Lien applicable to all ACMU-Designated Property included in any approved preliminary subdivision plan or development plan which serves as the basis for the building permit application. It shall be incumbent upon each Owner or its successors in interest to supply proof to the County that the Roadway Construction Lien has been satisfied at the time of application for a preliminary subdivision plan or development plan.

DR Bk 5138 Pg 2024
Orange Co FL 5800721

10. Zoning Status. The parties hereto acknowledge that a majority of the RTD Property is currently zoned Planned Development (P-D) and that it is vested for consistency with the Comprehensive Plan and I-Drive Element. Although the construction of the Phase I Improvements and the development of tourist commercial uses within the Amendment Property as contemplated by the Plan Amendments may require an amendment to the RTD Property P-D, the County and RTD

agree that the execution of this Agreement, the filing for and approval of the Plan Amendments and the construction of the Phase I Road Improvements shall not, without further action and consent by RTD, be considered an application or request for amendments or changes to the approved RTD Property P-D. The County agrees that the current Comprehensive Plan and zoning designations of those portions of the Owners' Properties outside the Amendment Property and the ability of each Owner to develop the same in conformity with such comprehensive plan and/or zoning classifications shall not be restricted by the execution of this Agreement, the filing for and approval of the Plan Amendments and the eventual construction of the Road Network improvements. Nothing in this Agreement shall restrict development of the Amendment Property in accordance with the land use designation in effect on the date of this Agreement. The County further agrees that any substantial change to the RTD Property P-D which may be necessitated by the addition of the Road Network and any proposed tourist commercial development on the Amendment Property, shall not restrict timeshare or hotel uses as to that portion of the RTD Property presently designated ACR, it being the intent of the County and RTD to continue the exception for resort/resort residential uses applicable to the RTD Property P-D in accordance with the I-Drive Element Policy 3.1.6.

OR Bk 5138 Pg 2025
Orange Co FL 5800721

11. Agricultural Exemptions. Nothing in this Agreement shall be construed to adversely affect any Owner's agricultural exemption.

12. Maintenance of ACMU Designation. The County acknowledges that the Owners' agreements with respect to the dedication of the Road Network Right-of-Way and the other commitments of the Owners set forth herein are made in reliance upon the County's agreements relating to the Plan Amendments set forth in Section 6 of this Agreement, under threat of condemnation, and upon the other obligations of the County contained in this Agreement. The County further acknowledges that any future change or modification to an ACMU designation of the Amendment Property on the Comprehensive Plan Future Land Use Map or I-Drive Element Future Land Use Map would result in substantial financial hardship to the Owners. Therefore, in the event an ACMU designation on the Properties is changed or modified, or if the uses allowable under or the criteria applicable to the ACMU designation as they exist on the Effective Date of this Agreement, as hereinafter defined, are changed or modified with respect to the Amendment Property, without the prior written consent of each affected Owner, the County acknowledges and agrees that each affected Owner shall be entitled to pursue all remedies against the County which are available at law or in equity, specifically including a claim under common law vested rights, and the County hereby waives any ultra vires defense to such action.

13. Owners' Indemnification of County and Waiver.

(a) To the fullest extent permitted by law, the Owners shall, jointly and individually, indemnify and hold harmless the County from and against all claims, damages, losses and expenses, including reasonable attorneys' fees and costs, arising out of, or resulting from disputes between or among the Owners concerning the subject matter of this Agreement. For purposes of this Subsection 13(a), the term "Owners" is limited to the disputing Owners.

(b) The Owners, each individually and collectively hereby waive, on behalf of themselves, their successors and assigns, any right to bring an action against the County in either inverse condemnation or for other claims related to drainage and arising out of or resulting from the design and construction of the Road Network improvements. This covenant shall run with the land as to each Owners' property.

(c) The Owners shall ensure that the County is designated as a third party beneficiary, with full enforcement rights, to any and all agreements among the Owners and the Project Engineer referenced in Section 5 herein which provide for the preliminary design and engineering of the Phase I Improvements and/or the final design, permitting and administration of the construction of the Phase I Improvements (the "Design Agreements"). The Owners shall also ensure that the County is designated as a third party beneficiary, with full enforcement rights, to any and all agreements entered into by the Constructing Party, pursuant to Subsection 8.3, for the construction of the Phase I Improvements (the "Construction Agreements"). The Owners shall provide or cause to be provided to the County copies of the Design Agreements and Construction Agreements to allow the County to review said contracts and confirm the inclusion of the County as a third party beneficiary to same prior to the issuance of any permits related to the Phase I Improvements. Should the Owners fail to provide the

required third party beneficiary provision in the Design Agreements or the Construction Agreements, as required, the Owners acknowledge that the County may delay the issuance of permits until such provision has been included.

14. Impact Fee Credits. Impact fee credits issued pursuant to this Agreement shall be available for use by the Owner receiving the credits without expiration, until such time as the credits are fully depleted. Further, these credits may be used by each Owner in the development of its property or sold or otherwise transferred to the owner(s) of other lands within the same Transportation Impact Fee Zone (Transportation Impact Fee Zone #4) for use in the development of such lands. Construction of any additional improvements in the Road Network Right-of-Way in excess of or in addition to the Phase I Improvements (the "Phase II Improvements") shall be eligible for impact fee credits in accordance with Section 23-95 of the Orange County Code as it exists on the Effective Date of this Agreement, a copy of which is attached as Exhibit "I". The County hereby designates the Phase II Improvements as a County Minor Arterial Road.

15. Vested Rights. In consideration of: (i) the Owners' voluntary commitments for Road Network Right-of-Way dedications; (ii) the public transportation benefits to be derived by the dedication of the Road Network Right-of-Way; and (iii) the waiver of claims for impact fee credits or other monetary contributions from the County for a portion of the Road Network Right-of-Way; and upon delivery to the County of each Owner's Final Deed for that Owner's entire portion of the Road Network Right-of-Way, the County shall issue to that Owner a Common Law Vested Rights Certificate which vests against concurrency requirements all development within that Owner's Property which is determined to be consistent with the applicable Future Land Use Map Designation. The Vested Rights Certificate shall expressly acknowledge that the dedication of Road

Network Right-of-Way furthers the County's Comprehensive Plan policies promoting public transportation in the International Drive Activity Center and such dedication shall be deemed to comply with any public transportation concurrency exception criteria that may be subsequently adopted for the International Drive Activity Center.

OR Bk 5138 Pg 2029
Orange Co FL 5800721

16. Recording; Binding Effect. This Agreement shall be recorded in the Public Records of Orange County, Florida and shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, successors and assigns and shall run with the title to the RTD Property, the Boyce Property, the Hannah Smith Property and the Smith Sisters Property and be binding upon any person, firm, corporation or other entity acquiring any interest in all or any portion of the Properties. RTD shall be responsible for and bear the cost of recording this Agreement.

17. Severability. If any provision of this Agreement, the deletion of which would not adversely affect the receipt of any material benefits by any party hereunder or substantially increase the burden of any party hereunder, shall be held to be invalid or unenforceable to any extent by a court of competent jurisdiction, the same shall not affect in any respect whatsoever the validity or enforceability of the remainder of this Agreement.

18. Notices; Proper Form. Any notice required or allowed to be delivered hereunder shall be in writing and be deemed to be delivered upon receipt before 5:00 p.m. on a business day by hand delivery, facsimile, overnight courier or U.S. Mail, postage prepaid, certified mail, return receipt requested and addressed to a party at the address set forth opposite the party's name below, or at such other address as the party shall have specified by written notice to the other party delivered in accordance herewith:

County: Orange County Administrator
201 South Rosalind Avenue
Orlando, Florida 32801
(fax) (407) 836-7399

With copies to: Orange County Attorney's Office
201 South Rosalind Avenue
P.O. Box 1393
Orlando, Florida 32802
Attn: County Attorney
(fax) 407/836-5888

DR Bk 5138 Pg 2030
Orange Co FL 5800721

and

Orange County Planning Manager
201 South Rosalind Avenue
P.O. Box 1393
Orlando, Florida 32802
(fax) (407) 836-5862

RTD: RTD ONE INC.
c/o Combined Capital Corporation
2801 Fruitville Road
Sarasota, Florida 34237
(fax) (941) 485-2806

With a copy to: Miranda E. Fitzgerald, Attorney
Lowndes, Drosdick, Doster,
Kantor & Reed, P. A.
215 North Eola Drive
Orlando, Florida 32801
(fax) (407) 423-4495

Boyce: James Boyce
P.O. Box 88
Dyer, Nevada 89010
(fax) (619) 972-1064

With a copy to: Ted B. Edwards, Esquire
Smith, MacKinnon, Harris, Greeley, et al
P.O. Box 2254
Orlando, Florida 32802-2254
(fax) (407) 843-2448

Hannah L. Smith: Hannah L. Smith
c/o Pamela O. Price, Attorney
Gray, Harris & Robinson, P.A.
201 East Pine Street
Orlando, Florida 32801
(fax) (407) 244-5690

Smith Sisters: SeBelle Smith Dymmek,
Dosia Mae Smith Jimenez and
Miranda Rose Smith Bailey
P.O. Box 420159
Kissimmee, Florida 34742-1059
(fax) (407) 847-8477

With a copy to: A. Kurt Ardaman, Esquire
Fishback, Dominick, Bennett,
Stepter & Ardaman
170 East Washington Street
Orlando, Florida 32801
(fax) (407) 425-2863

19. Binding Effect. This Agreement shall run with the Properties and inure to the benefit of, and be binding upon, the parties hereto and their successors and assigns.

20. Disclaimer of Third Party Beneficiaries. Except as provided in Sections 13(c) and 19, this Agreement is solely for the benefit of the formal parties hereto and no right or cause of action shall accrue by reason hereof to or for the benefit of any third party not a formal party hereto. Nothing in this Agreement, expressed or implied, is intended or shall be construed to confer upon or give any person or entity any right, remedy or claim under or by reason of this Agreement or any provisions or conditions hereof, other than the parties hereto and their respective representatives, heirs, successors and assigns.

21. Private Undertaking. The parties acknowledge that the RTD Property, Boyce Property, Hannah Smith Property and Smith Sisters Property are private developments, and nothing herein contained is intended or shall be deemed to create any interest therein in the general public or to create any partnership, joint venture or other like relationship between the County and one or more of the Owners or between the Owners.

22. Time of the Essence. Time is hereby declared of the essence in the performance of the duties and obligations of the respective parties to ~~this~~ Agreement.

OR Bk 5138 Pg 2032
Orange Co FL 5800721

23. Applicable Law. This Agreement and the provisions contained herein shall be construed, controlled and interpreted according to the laws of the State of Florida, and venue for any action to enforce the provisions of this Agreement shall be in the Circuit Court for Orange County, Florida.

24. Effective Date. This Agreement shall become effective upon the date of execution by the last of the parties hereto (the "Effective Date").

25. Interpretation. This Agreement shall not be construed more strictly against one party than against the other merely by virtue of the fact that it may have been prepared by counsel for one of the parties, it being recognized that all parties have

contributed substantially and materially to the preparation hereof. Captions and section headings in this Agreement are provided for convenience only and shall not be deemed to explain, modify, amplify or aid in the interpretation, construction or meaning of this Agreement.

26. Attorneys' Fees. Each party to this Agreement agrees to bear its own attorney's fees and costs in connection with all actions to be undertaken in compliance with this Agreement. In the event of litigation among any parties to this Agreement, the prevailing party shall be entitled to recover all costs incurred therein from the non-prevailing party or parties, including attorneys', paralegals' and legal assistants' fees incurred in trial, declaratory actions, appellate proceedings, post judgment proceedings and bankruptcy court.

OR Bk 5138 Pg 2033
Orange Co FL 5800721

27. Survival. The obligations of this Agreement shall survive the conveyance of Road Network Right-of-Way to the County.

28. Amendments. No amendment, modification or other change in this Agreement shall be binding upon the parties unless in writing and executed by all of the parties hereto.

29. Entire Agreement. This Agreement embodies and constitutes the entire understanding of the parties with respect to the subject matter addressed herein, and all prior or contemporaneous

agreements, understandings, representations and statements, oral or written, are merged into this Agreement.

30. Counterparts. This Agreement may be executed in any number of counterparts, all of which taken together shall constitute one and the same instrument; and any party or signatory hereto may execute this Agreement by signing any such counterpart.

31. Cancellation of this Agreement. In the event this Agreement is not fully executed by the parties or, if fully executed is subsequently canceled in accordance with Subsections 6.1 or 6.2 hereof, the existence of this Agreement shall not be used by any of the parties in support of or in opposition to obtaining land use approvals or development orders of any kind from the County or the Florida Department of Community Affairs.

32. Authority to Contract. The execution of this Agreement has been duly authorized by the appropriate body or official of all parties hereto, each party has complied with all the requirements of law and each party has full power and authority to enter into this Agreement.

DR BK 5138 Pg 2034
Orange Co FL 5800721

IN WITNESS WHEREOF, RTD, Boyce, Hannah Smith, the Smith Sisters and the County have executed this Agreement in manner and form sufficient to bind them on the dates set forth below.

"COUNTY"

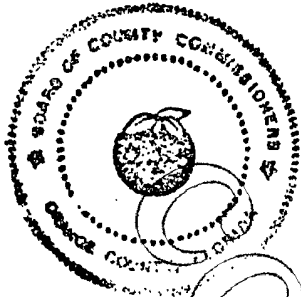
ATTEST:

Martha O. Haynie, County
Comptroller as Clerk to the
Board of County Commissioners

[Signature]
Assistant Deputy Clerk

Orange County, Florida, a
political subdivision of the
State of Florida

By: [Signature]
Linda W. Chapin
County Chairman
Date: SEP 26 1996



Approved as to Form. For
Reliance by Orange County Only

By: [Signature]
Paul H. Chipok
Assistant County Attorney

"RTD"

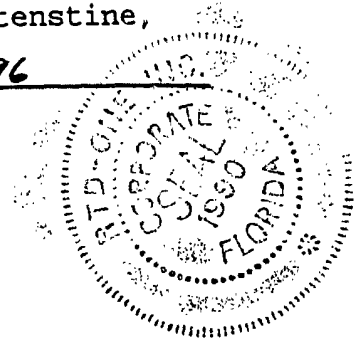
Signed, sealed and delivered
in the presence of:

[Signature]
Name: LARINE PILGEMAN

[Signature]
Name: LIZOBETH BEAS

RTD-ONE INC., a Florida
corporation

By: [Signature]
J. Michael Hartenstine,
President
Date: 8-8-96



OR Bk 5138 Pg 2035
Orange Co FL 5800721

STATE OF FLORIDA
COUNTY OF Sarasota

The foregoing instrument was acknowledged before me this 8th
day of August, 1996, by J. MICHAEL HARTENSTINE as
President of RTD-ONE INC., a Florida Corporation, on behalf of the
corporation, who is/is not personally known to me or who has
produced _____ as
identification.



"OFFICIAL NOTARY SEAL"
LIZABETH BERG
MY COMM. EXP. 10-4-98
No. CC 411584

Lizabeth Berg
Printed Name: Lizabeth Berg
Notary Public, State of Florida
Commission #: CC 411584
My commission expires: 10-4-98

(NOTARY SEAL)

"BOYCE"

Name: _____

James Boyce, individually and
as Trustee
Date: _____

Name: _____

OR Bk 5138 Pg 2036
Orange Co FL 5800721

Name: _____

Christine Darrow Boyce (a/k/a
Chris Darrow and Christine
Darrow)

Name: _____

Date: _____


STATE OF FLORIDA
COUNTY OF _____

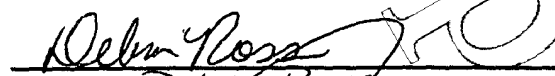
The foregoing instrument was acknowledged before me this ____ day of _____, 1996, by J. MICHAEL HARTENSTINE as President of RTD-ONE INC., a Florida Corporation, on behalf of the corporation, who is/is not personally known to me or who has produced _____ as identification.


Printed Name: _____
Notary Public, State of _____
Commission #: _____
My commission expires: _____


(NOTARY SEAL)



Name: GREG METEVIA


"BOYCE"
James Boyce, individually and as Trustee
Date: 8-9-96


Name: DEBRA ROSS


Name: GREG METEVIA


Christine Darrow Boyce (a/k/a Chris Darrow and Christine Darrow)

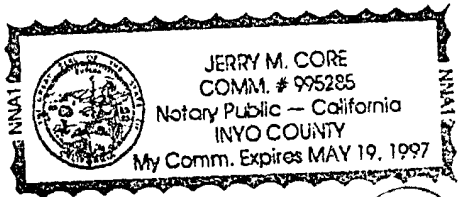

Name: Debra Ross

Date: 8-9-96

OR Bk 5138 Pg 2037
Orange Co FL 5800721

STATE OF CALIFORNIA
COUNTY OF INYO

The foregoing instrument was acknowledged before me this 9th
day of AUGUST, 1996 by JAMES BOYCE, individually and as
Trustee of _____, who is/is not personally
known to me or who has produced SATISFACTORY EVIDENCE
as identification.



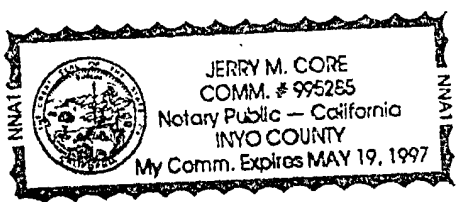
Jerry M. Core
Printed Name: JERRY M. CORE
Notary Public, State of CALIFORNIA
Commission #: 995285
My commission expires: 05-19-97

(NOTARY SEAL)



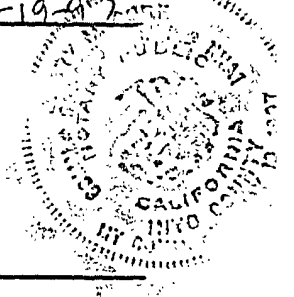
STATE OF CALIFORNIA
COUNTY OF INYO

The foregoing instrument was acknowledged before me this 9th
day of AUGUST, 1996 by CHRISTINE DARROW BOYCE (a/k/a
Chris Darrow and Christine Darrow), who is/is not personally known
to me or who has produced SATISFACTORY EVIDENCE as
identification.



Jerry M. Core
Printed Name: JERRY M. CORE
Notary Public, State of CALIFORNIA
Commission #: 995285
My commission expires: 05-19-97

(NOTARY SEAL)



"HANNAH L. SMITH"

Name: _____

Hannah L. Smith

Date: _____

Name: _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 1996 by JAMES BOYCE, individually and as Trustee of _____, who is/is not personally known to me or who has produced _____ as identification.

Printed Name: _____
Notary Public, State of _____
Commission #: _____
My commission expires: _____

(NOTARY SEAL)

OR Bk 5138 Pg 2039
Orange Co FL 5800721

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 1996 by CHRISTINE DARROW BOYCE (a/k/a Chris Darrow and Christine Darrow), who is/is not personally known to me or who has produced _____ as identification.

Printed Name: _____
Notary Public, State of _____
Commission #: _____
My commission expires: _____

(NOTARY SEAL)

"HANNAH L. SMITH"


Pamela D. Price
Name: PAMELA D. PRICE

Hannah L. Smith
Hannah L. Smith
Date: Aug 7, 1996

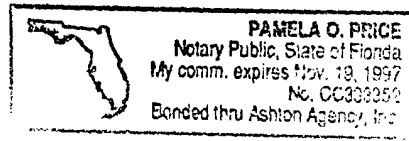
Sharon Van Ravenswaay
Name: Sharon Van Ravenswaay

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 7th
day of August, 1996 by HANNAH L. SMITH, who is/is not
personally known to me or ~~who has produced~~
as identification.


Printed Name: Pamela O. Price
Notary Public, State of Florida
Commission #: CC 333352
My commission expires: 11-19-97

(NOTARY SEAL)



"SMITH SISTERS"

Name: _____

SeBelle Smith Dymmek

Date: _____

Name: _____

OR Bk 5138 Pg 2040
Orange Co FL 5800721

Name: _____

Dosia Mae Smith Jimenez (f/k/a
Dosia Mae Smith)

Date: _____

Name: _____

Name: _____

Miranda Rose Smith Bailey (f/k/a
Miranda Rose Smith)

Date: _____

Name: _____

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this ___ day of _____, 1996 by HANNAH L. SMITH, who is/is not personally known to me or who has produced _____ as identification.

Printed Name: _____
Notary Public, State of _____
Commission #: _____
My commission expires: _____

(NOTARY SEAL)
OR Bk 5138 Pg 2041
Orange Co FL 5800721

Sadie D. Fleming
Name: SADIE D. FLEMING

"SMITH SISTERS"
SeBelle Smith Dymmek
SeBelle Smith Dymmek
Date: 8/8/96

Jacqueline L. Bass
Name: JACQUELINE L. BASS

Name: _____

Dosia Mae Smith Jimenez (f/k/a
Dosia Mae Smith)
Date: _____

Name: _____

Name: _____

Miranda Rose Smith Bailey (f/k/a
Miranda Rose Smith)
Date: _____

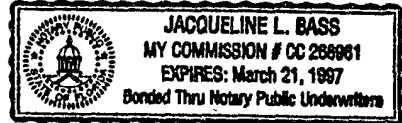
Name: _____

STATE OF FLORIDA
COUNTY OF OSCEOLA

The foregoing instrument was acknowledged before me this 8th day of AUGUST, 1996 by SEBELLE SMITH, who is/is not personally known to me or who has produced 10/11/96 as identification.

Jacqueline L. Bass
Printed Name: JACQUELINE L. BASS
Notary Public, State of FLORIDA
Commission #: 3/21/97 02266961
My commission expires: 3/21/97

(NOTARY SEAL)



STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 1996 by DOSIA MAE SMITH JIMENEZ (f/k/a Dositia Mae Smith), who is/is not personally known to me or who has produced _____ as identification.

Printed Name: _____
Notary Public, State of _____
Commission #: _____
My commission expires: _____

(NOTARY SEAL)

STATE OF _____
COUNTY OF _____

OR Bk 5138 Pg 2042
Orange Co FL 5800721

The foregoing instrument was acknowledged before me this _____ day of _____, 1996 by MIRANDA ROSE SMITH BAILEY (f/k/a Miranda Rose Smith), who is/is not personally known to me or who has produced _____ as identification.

Printed Name: _____
Notary Public, State of _____
Commission #: _____
My commission expires: _____

(NOTARY SEAL)

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this ___ day of _____, 1996 by HANNAH L. SMITH, who is/is not personally known to me or who has produced _____ as identification.

Printed Name: _____
Notary Public, State of _____
Commission #: _____
My commission expires: _____

(NOTARY SEAL)

OR Bk 5138 Pg 2043
Orange Co FL 5800721

"SMITH SISTERS"

Name: _____

SeBelle Smith Dymmek

Date: _____

Name: _____

Name: _____

Dosia Mae Smith Jimenez (f/k/a

Dosia Mae Smith)

Date: _____

Name: _____

Chris Carrell
Name: Chris Carrell

Miranda Rose Smith Bailey
Miranda Rose Smith Bailey (f/k/a
Miranda Rose Smith)
Date: August 8, 1996

L. G. Logan
Name: L. G. Logan

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 1996 by SEBELLE SMITH, who is/is not personally known to me or who has produced _____ as identification.

Printed Name: _____
Notary Public, State of _____
Commission #: _____
My commission expires: _____

(NOTARY SEAL)

OR Bk 5138 Pg 2044
Orange Co FL 5800721

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 1996 by DOSIA MAE SMITH JIMENEZ (f/k/a Dositia Mae Smith), who is/is not personally known to me or who has produced _____ as identification.

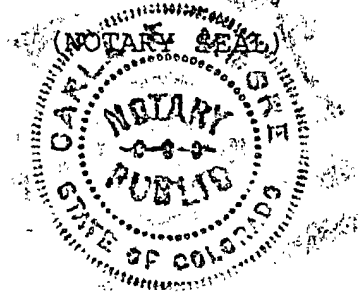
Printed Name: _____
Notary Public, State of _____
Commission #: _____
My commission expires: _____

(NOTARY SEAL)

STATE OF Colorado
COUNTY OF San Miguel

The foregoing instrument was acknowledged before me this 8 day of August, 1996 by MIRANDA ROSE SMITH BAILEY (f/k/a Miranda Rose Smith), who is/is not personally known to me or who has produced Drivers License as identification.

Carla E Moore
Printed Name: Carla E Moore
Notary Public, State of Colorado
Commission #: N/A
My commission expires: 12-11-96

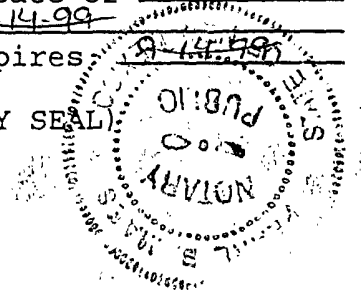


STATE OF FLORIDA ~~DE MEXICO~~
COUNTY OF ORANGE ~~SAN MIGUEL~~

The foregoing instrument was acknowledged before me this ~~9th~~
day of August, 1996 by HANNAH L. SMITH, who is/is ~~not~~
personally known to me or who has produced ~~DM Drivers Lic.~~
as identification.

~~PEARL B. MAES~~
Printed Name: Pearl B. Maes
Notary Public, State of De Mexico
Commission #: 9-14-99
My commission expires 9-14-99

(NOTARY SEAL)



"SMITH SISTERS"

Pearl B. Maes
Name: Pearl B. Maes

P.O. Box 3210 W. URM 87701
Name: Pearl B. Maes

Monica J. Pearson
Name: Monica J. Pearson

414 Grant St W. URM 87701
Name: Monica J. Pearson

Name: _____

Name: _____

SeBelle Smith Dymmek
Date: _____

Dosia Mae Smith Jimenez
Dosia Mae Smith Jimenez (f/k/a
Dosia Mae Smith)
Date: 8-9-96

OR Bk 5138 Pg 2045
Orange Co FL 5800721

Miranda Rose Smith Bailey (f/k/a
Miranda Rose Smith)
Date: _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 1996 by SEBELLE SMITH, who is/is not personally known to me or who has produced _____ as identification.

Printed Name: _____
Notary Public, State of _____
Commission #: _____
My commission expires: _____

(NOTARY SEAL)

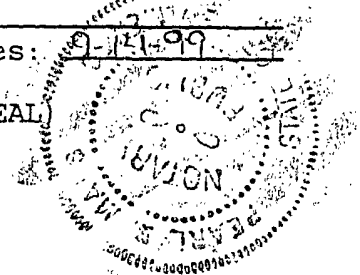
OR Bk 5138 Pg 2046
Orange Co FL 5800721

STATE OF New Mexico
COUNTY OF San Miguel

The foregoing instrument was acknowledged before me this 9th day of August, 1996 by DOSIA MAE SMITH JIMENEZ (f/k/a Dositia Mae Smith), who is/is not personally known to me or who has produced Driver License (New Mexico) as identification.

Pearl B. Maes
Printed Name: Pearl B. Maes
Notary Public, State of New Mexico
Commission #: _____
My commission expires: 9-11-99

(NOTARY SEAL)



STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 1996 by MIRANDA ROSE SMITH BAILEY (f/k/a Miranda Rose Smith), who is/is not personally known to me or who has produced _____ as identification.

Printed Name: _____
Notary Public, State of _____
Commission #: _____
My commission expires: _____

(NOTARY SEAL)

EXHIBIT LIST

- "A" Legal Description - RTD Property
- "B" Legal Description - Boyce Property
- "C" Legal Description - Hannah L. Smith Property
- "D" Legal Description - Smith Sisters Property
- "E" Road Network Drawing
- "F" Amendment Property Drawing
- "G" Legal Description - Tax Parcel 11-24-28-0000-00-004 of Smith Sisters Property
- "H" Notice of Lien Form
- "I" Section 23-95 of the Orange County Code

F:\USR\WORDPROC\609\478.2

OR Bk 5138 Pg 2047
Orange Co FL 5800721

AGREEMENT AND ACKNOWLEDGEMENT

I have read and understand the modifications to the Activity Center Turkey Lake Road Network Agreement, and acknowledge and agree to the substitution of pages 6, 8, 10, 40, 41, 42 and 44, and Exhibit "C", as modified, into the Activity Center Turkey Lake Road Network Agreement.

"RTD"

Signed, sealed and delivered in the presence of:

RTD-ONE INC., a Florida corporation

[Signature]
Name: Donald F. Rehan, Jr.

By: [Signature]
J. Michael Hartenstine,
President
Date: 9/16/96

[Signature]
Name: Sherry L. Glau

OR Bk 5138 Pg 2048
Orange Co FL 5800721

STATE OF FLORIDA
COUNTY OF Sumter

The foregoing instrument was acknowledged before me this 16 day of September, 1996, by J. MICHAEL HARTENSTINE as President of RTD-ONE INC., a Florida Corporation, on behalf of the corporation, who is/is not personally known to me or who has produced Personally Known as identification.

[Signature]
Printed Name: Sherry L. Glau
Notary Public, State of Florida
Commission #: CC506583
My commission expires: 11/21/99



"OFFICIAL NOTARY SEAL"
SHERRY L. GLAU
MY COMM. EXP. 11-21-99
No. CC 506583

(NOTARY SEAL)

AGREEMENT AND ACKNOWLEDGEMENT

I have read and understand the modifications to the Activity Center Turkey Lake Road Network Agreement, and acknowledge and agree to the substitution of pages 6, 8, 10, 40, 41, 42 and 44, and Exhibit "C", as modified, into the Activity Center Turkey Lake Road Network Agreement.

Sadie D. Fleming
Name: SADIE D. FLEMING
Larry Fleming
Name: LARRY FLEMING

SeBelle Smith Dymmek
SeBelle Smith Dymmek
Date: 9/17/96

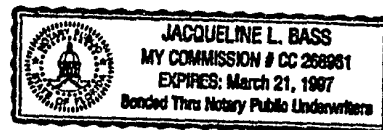
DR Bk 5138 Pg 2049
Orange Co FL 5800721

STATE OF FLORIDA
COUNTY OF OSCEOLA

The foregoing instrument was acknowledged before me this 17th day of September, 1996 by SEBELLE SMITH ~~WHO~~ ^{DYMMEK} ~~is/is not~~ personally known to me or who has produced _____ as identification.

Jacqueline L. Bass
Printed Name: JACQUELINE L. BASS
Notary Public, State of FLORIDA
Commission #: 00266961
My commission expires: 3/21/97

(NOTARY SEAL)



AGREEMENT AND ACKNOWLEDGEMENT

I have read and understand the modifications to the Activity Center Turkey Lake Road Network Agreement, and acknowledge and agree to the substitution of pages 6, 8, 10, 40, 41, 42 and 44, and Exhibit "C", as modified, into the Activity Center Turkey Lake Road Network Agreement.

Name: Joan L. Acker
Joan Acker
Name: Ken Bailey
Ken Bailey

Miranda Rose Smith Bailey
Miranda Rose Smith Bailey (f/k/a
Miranda Rose Smith)
Date: September 17, 1996

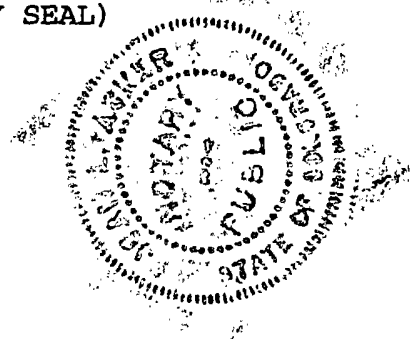
OR Bk 5138 Pg 2050
Orange Co FL 5800721

STATE OF COLORADO
COUNTY OF BOULDER

The foregoing instrument was acknowledged before me this 17 day of SEPTEMBER, 1996 by MIRANDA ROSE SMITH BAILEY (f/k/a Miranda Rose Smith), who is/is not personally known to me or who has produced DRIVER LICENSE as identification.

Joan L. Acker
Printed Name: Joan L. Acker
Notary Public, State of COLORADO
Commission #: _____
My commission expires MAY 8, 1997

(NOTARY SEAL)



AGREEMENT AND ACKNOWLEDGEMENT

I have read and understand the modifications to the Activity Center Turkey Lake Road Network Agreement, and acknowledge and agree to the substitution of pages 6, 8, 10, 40, 41, 42 and 44, and Exhibit "C", as modified, into the Activity Center Turkey Lake Road Network Agreement.

PEARL B. MAES
Name: PEARL B. MAES

NANCY J. MARTINEZ
Name: NANCY J. MARTINEZ

DOSIA MAE SMITH JIMENEZ
Dosia Mae Smith Jimenez (E/k/a
Dosia Mae Smith) 9.19.96
Date: _____

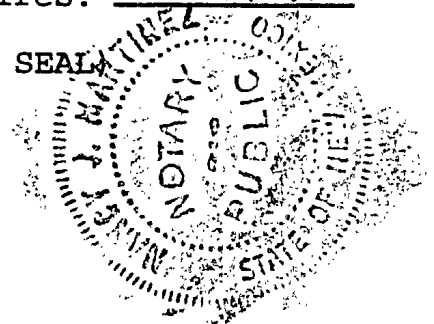
DR Bk 5138 Pg 2051
Orange Co FL 5800721

STATE OF NEW MEXICO
COUNTY OF SAN MIGUEL

The foregoing instrument was acknowledged before me this 19th day of SEPTEMBER, 1996 by DOSIA MAE SMITH JIMENEZ (E/k/a Dosia Mae Smith), who is/is not personally known to me or who has produced _____ as identification.

NANCY J. MARTINEZ
Printed Name: NANCY J. MARTINEZ
Notary Public, State of NEW MEXICO
Commission #: 72
My commission expires: 12-31-96

(NOTARY SEAL)



AGREEMENT AND ACKNOWLEDGEMENT

I have read and understand the modifications to the Activity Center Turkey Lake Road Network Agreement, and acknowledge and agree to the substitution of pages 6, 8, 10, 40, 41, 42 and 44, and Exhibit "C", as modified, into the Activity Center Turkey Lake Road Network Agreement.

Vanna K. Baker
Name: VANNA K. BAKER

"HANNAH L. SMITH"
Hannah L. Smith
Hannah L. Smith
Date: 9-13-96

Pamela O. Price
Name: Pamela O. Price

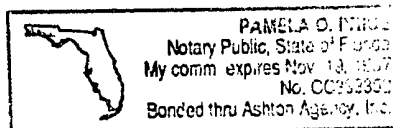
OR Bk 5138 Pg 2052
Orange Co FL 5800721

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 13th day of Sept, 1996 by HANNAH L. SMITH, who is/is not personally known to me or who has produced as identification _____

Pamela O. Price
Printed Name: _____
Notary Public, State of _____
Commission #: _____
My commission expires: _____

(NOTARY SEAL)



AGREEMENT AND ACKNOWLEDGEMENT

I have read and understand the modifications to the Activity Center Turkey Lake Road Network Agreement, and acknowledge and agree to the substitution of pages 6, 8, 10, 40, 41, 42 and 44, and Exhibit "C", as modified, into the Activity Center Turkey Lake Road Network Agreement.

Jerry M. Core
Name: JERRY M. CORE
Sean M. O'Brien
Name: SEAN M. O'BRIEN

James Boyce
"BOYCE"
James Boyce, individually and
as Trustee
Date: 9-17-96

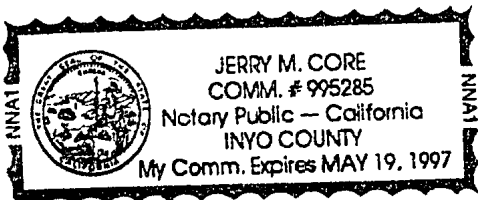
Christine Darrow Boyce

Jerry M. Core
Name: JERRY M. CORE
Sean M. O'Brien
Name: SEAN M. O'BRIEN

Christine Darrow Boyce (a/k/a
Chris Darrow and Christine
Darrow)
Date: 9-17-96

STATE OF CALIFORNIA
COUNTY OF INYO

The foregoing instrument was acknowledged before me this 17
day of SEPTEMBER, 1996 by JAMES BOYCE, individually and as
Trustee of _____, who is/is not personally
known to me or who has produced NEVADA DRIVERS LICENSE
as identification.



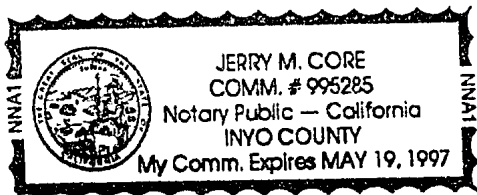
Jerry M. Core
Printed Name: JERRY M. CORE
Notary Public, State of CALIFORNIA
Commission #: 995285
My commission expires: 5-19-97

(NOTARY SEAL)

OR Bk 5138 Pg 2054
Orange Co FL 5800721

STATE OF CALIFORNIA
COUNTY OF INYO

The foregoing instrument was acknowledged before me this 17
day of SEPTEMBER, 1996 by CHRISTINE DARROW BOYCE (a/k/a
Chris Darrow and Christine Darrow), who is/is not personally known
to me or who has produced NEVADA DRIVERS LICENSE as
identification.



Jerry M. Core
Printed Name: JERRY M. CORE
Notary Public, State of CALIFORNIA
Commission #: 995285
My commission expires: 5-19-97

(NOTARY SEAL)

ACTIVITY CENTER TURKEY LAKE ROAD
NETWORK AGREEMENT

EXHIBIT "A"

RTD PROPERTY

OR Bk 5138 Pg 2055
Orange Co FL 5800721

LEGAL DESCRIPTION

Commence at the South 1/4 Corner of Section 15, Township 24 South, Range 28 East, Orange County, Florida, thence along the West line of the SE 1/4 of said Section 15 North 00°02'12" East 663.16 feet to a point on the South line of the North 1/2 of the SW 1/4 of the SE 1/4 of said Section 15; thence North 89°50'55" East 443.69 feet to the POINT OF BEGINNING; thence North 00°02'42" West 258.27 feet to a point on the Normal High Water Line of Lake Ruby at an elevation of 115.50 as located May 03, 1991; thence along said Normal High Water Line the following 15 courses and distances; South 72°13'11" East 100.06 feet, South 88°29'01" East 274.02 feet, South 82°37'38" East 256.78 feet, North 67°36'48" East 123.86 feet, North 54°16'49" East 82.15 feet, North 32°23'17" East 176.41 feet, North 31°00'14" East 361.92 feet, North 14°33'13" East 296.55 feet, North 00°37'39" East 96.05 feet, North 00°43'36" East 108.61 feet, North 12°59'54" West 181.50 feet; North 19°27'36" West 194.63 feet, North 09°51'21" West 189.99 feet, North 28°24'25" West 118.93 feet, North 44°12'36" West 142.87 feet to a point on the North line of the SE 1/4 of said Section 15; thence along said North line South 89°59'24" East 1339.48 feet to the West 1/4 Corner of Section 14, Township 24 South, Range 28 East, Orange County, Florida; thence along the North line of the SW 1/4 of said Section 14, North 89°09'03" East 1319.89 feet to a point on the Westerly Right of Way line of State Road 400 (Interstate Highway No. 4); thence along said Westerly Right of Way line the following three courses and distances; South 38°21'48" West 760.20 feet; South 51°38'11" East 250.00 feet; South 38°21'48" West 1593.05 feet to a point on the north line of Lot 113, Munger Land Co. as recorded in Plat Book E, page 22 of the Public Records of Orange County, Florida; thence along said north line of Lot 113 South 88°24'39" West 28.60 feet to a point on the west line of said Lot 113; thence along said west line of Lot 113 South 00°20'11" East 35.06 feet to a point on aforementioned Westerly Right of Way line; thence along said Westerly Right of Way line South 38°21'48" West 762.24 feet to a point on a line 30.00 feet north of and parallel with the South line of the SE 1/4 of said Section 15; thence along said line South 89°47'42" West 872.06 feet to a point on the West line of the South 1/2 of

the SE 1/4 of the SE 1/4 of said Section 15; thence along said West line North 00°08'59" West 631.91 feet to a point on the South line of the North 1/2 of the SW 1/4 of the SE 1/4 of said Section 15; thence along said South line South 89°50'55" West 887.90 feet to the Point of Beginning.

Containing 108.32 acres more or less.

F:\USR\PPRICE\HANNAH\DOCUMENT\EXHIBIT.A

DR Bk 5138 Pg 2056
Orange Co FL 5800721

COPY

ACTIVITY CENTER TURKEY LAKE ROAD
NETWORK AGREEMENT

EXHIBIT "B"

BOYCE PROPERTY

LEGAL DESCRIPTION OF A 9-BLOCK ORANGE CENTER SUBDIVISION TRACT

Part of the S-1/2 of Section 14-24-28 and also being a part of the Plat of Orange Center Subdivision as recorded in Plat Book D, Page 143, of the Public Records of Orange County, Florida, more particularly described as follows:

All of Blocks 17, 18, 19, 36, 37, 60, 63, 100 and 101, less the following out parcels:

Outparcels: Lot 24, Block 101

and

Beginning 61 feet north of southwest corner of Lot 12, Block 17 continue north 16 feet east 100 feet south 69 feet west 92 feet north 53 feet west 8 feet to point of beginning) [County Lift Station]

OR Bk 5138 Pg 2057
Orange Co FL 5800721

ACTIVITY CENTER TURKEY LAKE ROAD
NETWORK AGREEMENT

EXHIBIT "C"

HANNAH SMITH PROPERTY

LEGAL DESCRIPTION

OR Bk 5138 Pg 2058
Orange Co FL 5800721

Home Grove West

THE FOLLOWING DESCRIBED LANDS IN ORANGE COUNTY, FLORIDA, ALL LOCATED IN TOWNSHIP 24 SOUTH, RANGE 28 EAST AND LYING NORTH AND WEST OF INTERSTATE HIGHWAY NO. 4:

(1) SOUTHEAST 1/4 OF SECTION 11 (LESS RIGHT OF WAY CONTAINED IN O.R. 4146, PAGE 4190).

(2) SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 11.

(3) WEST 1/2 OF THE NORTHEAST 1/4 AND THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 14, LESS THAT PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, LYING EASTERLY OF INTERSTATE HIGHWAY NO. 4 AND WEST OF LAKE WILLIS AND ALL THAT PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 14. LYING WEST OF LAKE WILLIS.

(5) NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14 LESS: THE NORTH 30 FEET OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 AND THE EAST 30 FEET OF THE NORTH 347 FEET OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14.

(6) EAST 3/4 OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 15.

(7) ALL OF BLOCKS 60-84, INCLUSIVE, OF CENTRAL ORANGE PARK, PER PLAT THEREOF RECORDED AT PLAT BOOK "O", PAGES 63, 64 AND 65, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LESS AND EXCEPT LOTS 4 AND 5, BLOCK 69, AND LOTS 35, 36, 37, 38 AND 39, BLOCK 71.

INCLUDING THE FOLLOWING STREETS WHICH WERE CLOSED, VACATED AND ABANDONED BY RESOLUTION DATED JULY 3, 1958 AND RECORDED IN OFFICIAL RECORDS BOOK 395, PAGE 377, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA:

(i) ALL OF HOLT PLACE, COLLEGE PLACE, PARK PLACE, PARK AVENUE, MONTICELLO AVENUE, BRAMBLETON AVENUE, LAFAYETTE AVENUE, GRANDBY STREET AND PLUME STREET.

(ii) THAT PORTION OF CHURCH STREET LYING BETWEEN THE SOUTH LINE OF COLLEGE AVENUE AND THE NORTH LINE OF HIGHLAND AVENUE.

(iii) THOSE PORTIONS OF MAIN STREET AND ROBBINFIELD BOULEVARD LYING NORTH OF HIGHLAND AVENUE.

TOGETHER WITH:

THE NORTH 30 FEET OF THE NORTHEAST 1/4 OF SECTION 15, LESS THE WEST 30 FEET.

Less that portion of the above-described property lying east of the east boundary and the northerly extension of the east boundary of the parcel described on the next page entitled "Legal Description of HOME GROVE CENTRAL PARCEL Formerly Known as Hannah L. Smith Parcel"

AND

Less and except the parcel described on the next page entitled "Legal Description of HOME GROVE CENTRAL PARCEL Formerly Known as Hannah L. Smith Parcel"

DR Bk 5138 Pg 2059
Orange Co FL 5800721

LEGAL DESCRIPTION OF HOME GROVE CENTRAL PARCEL
FORMERLY KNOWN AS HANNAH L. SMITH PARCEL

COMMENCE AT THE NORTH 1/4 CORNER OF SECTION 14, TOWNSHIP 24 SOUTH, RANGE 28 EAST, FOR A POINT OF REFERENCE, THENCE RUN S. 88°47'07" W. ALONG THE NORTH LINE THEREOF, 149.76 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING THE NORTH LINE OF SAID SECTION 14 RUN S 00°14'13" W. 1556.95 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 4; THENCE RUN S 38°37'04" W. ALONG SAID INTERSTATE HIGHWAY NO. 4 1449.36 FEET TO THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 14; THENCE RUN S. 89°27'44" W. 300.14 FEET TO THE EAST RIGHT OF WAY LINE OF ROBBINFIELD BOULEVARD; THENCE RUN N 00°14'13" E ALONG SAID EAST RIGHT OF WAY LINE 1098.01 FEET TO THE SAID NORTH RIGHT OF WAY LINE OF HIGHLAND AVENUE; THENCE RUN S 89°10'55" W ALONG SAID NORTH RIGHT OF WAY LINE, 35.13 FEET; THENCE DEPARTING THE SAID NORTH LINE RUN N 00°14'13" E. 1167.85 FEET; THENCE RUN N 88°47'07" E. 135.14 FEET; THENCE RUN N. 00°14'30" E. 391.84 FEET TO A POINT ON THE 101.4 CONTOUR LINE, HEREINAFTER REFERRED TO AS POINT "A"; THENCE CONTINUE N 00°14'30" E. 6.28 FEET TO THE NORTH LINE OF SAID SECTION 14; THENCE RUN N 00°17'40" W ALONG A LINE PARALLEL TO THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 11, 1339.41 FEET; THENCE RUN N 89°05'15" E. 1100.29 FEET TO A LINE PARALLEL TO THE SAID WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 11; THENCE RUN S 00°17'40" E PARALLEL TO SAID WEST LINE, 1224.14 FEET TO A POINT ON THE 101.4 CONTOUR LINE, SAID POINT BEING N 82°45'37" E. 1108.43 FEET FROM POINT "A"; THENCE CONTINUE S 00°17'40" E. 107.56 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

THE EAST 5.12 FEET OF BLOCKS 65, 66, 67, AND 68, CENTRAL ORANGE PARK AS RECORDED IN PLAT BOOK O, PAGES 63-65, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 63.091 ACRES MORE OR LESS LYING ABOVE THE 101.4 CONTOUR LINE.

F:\USR\PPRICE\HANNAH\DOCUMENT\EXHIBIT.C

OR Bk 5138 Pg 2060
Orange Co FL 5800721

ACTIVITY CENTER TURKEY LAKE ROAD
NETWORK AGREEMENT

EXHIBIT "D"

SMITH SISTERS' PROPERTY

LEGAL DESCRIPTION

PARCEL A - HOME GROVE CENTRAL

COMMENCE AT THE NORTH 1/4 CORNER OF SECTION 14, TOWNSHIP 24 SOUTH, RANGE 28 EAST, FOR A POINT OF REFERENCE, THENCE RUN S. 88°47'07" W. ALONG THE NORTH LINE THEREOF, 149.76 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING THE NORTH LINE OF SAID SECTION 14 RUN S 00°14'13" W. 1556.95 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 4; THENCE RUN S 38°37'04" W. ALONG SAID INTERSTATE HIGHWAY NO. 4 1449.36 FEET TO THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 14; THENCE RUN S. 89°27'44" W. 300.14 FEET TO THE EAST RIGHT OF WAY LINE OF ROBBINFIELD BOULEVARD; THENCE RUN N 00°14'13" E ALONG SAID EAST RIGHT OF WAY LINE, 1098.01 FEET TO THE SAID NORTH RIGHT OF WAY LINE OF HIGHLAND AVENUE; THENCE RUN S 89°10'55" W ALONG SAID NORTH RIGHT OF WAY LINE, 35.13 FEET; THENCE DEPARTING THE SAID NORTH LINE RUN N 00°14'13" E. 1167.85 FEET; THENCE RUN N 88°47'07" E. 135.14 FEET; THENCE RUN N. 00°14'30" E. 391.84 FEET TO A POINT ON THE 101.4 CONTOUR LINE, HEREINAFTER REFERRED TO AS POINT "A"; THENCE CONTINUE N 00°14'30" E. 6.28 FEET TO THE NORTH LINE OF SAID SECTION 14; THENCE RUN N 00°17'40" W ALONG A LINE PARALLEL TO THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 11, 1339.41 FEET; THENCE RUN N 89°05'15" E. 1100.29 FEET TO A LINE PARALLEL TO THE SAID WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 11; THENCE RUN S 00°17'40" E PARALLEL TO SAID WEST LINE, 1224.14 FEET TO A POINT ON THE 101.4 CONTOUR LINE, SAID POINT BEING N 82°45'37" E. 1108.43 FEET FROM POINT "A"; THENCE CONTINUE S 00°17'40" E. 107.56 FEET TO THE POINT OF BEGINNING.

AND:

THE EAST 5.12 FEET OF BLOCKS 65, 66, 67, AND 68, CENTRAL ORANGE PARK AS RECORDED IN PLAT BOOK O, PAGES 63-65, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 63.091 ACRES MORE OR LESS LYING ABOVE THE 101.4 CONTOUR LINE.

DR Bk 5138 Pg 2061
Orange Co FL 5800721

CONTINUED ON NEXT PAGE

TOGETHER WITH:

PARCEL B - HOME GROVE EAST

THE FOLLOWING DESCRIBED LANDS IN ORANGE COUNTY FLORIDA, ALL LOCATED IN TOWNSHIP 24 SOUTH, RANGE 28 EAST AND LYING WEST OF INTERSTATE HIGHWAY NO. 4 AND EAST OF PARCEL A AND THE NORTHERLY EXTENSION OF THE EASTERN BOUNDARY OF PARCEL A DESCRIBED ABOVE:

- (1) THE SOUTHEAST 1/4 OF SECTION 11 (LESS RIGHT OF WAY CONTAINED IN O.R. 4146, PAGE 4190, PUBLIC RECORDS, ORANGE COUNTY, FLORIDA)
- (2) SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 11
- (3) WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 14
- (4) THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 14

Less existing rights of way

F:\USR\PPRICE\HANNAH\DOCUMENT\EXHIBIT D

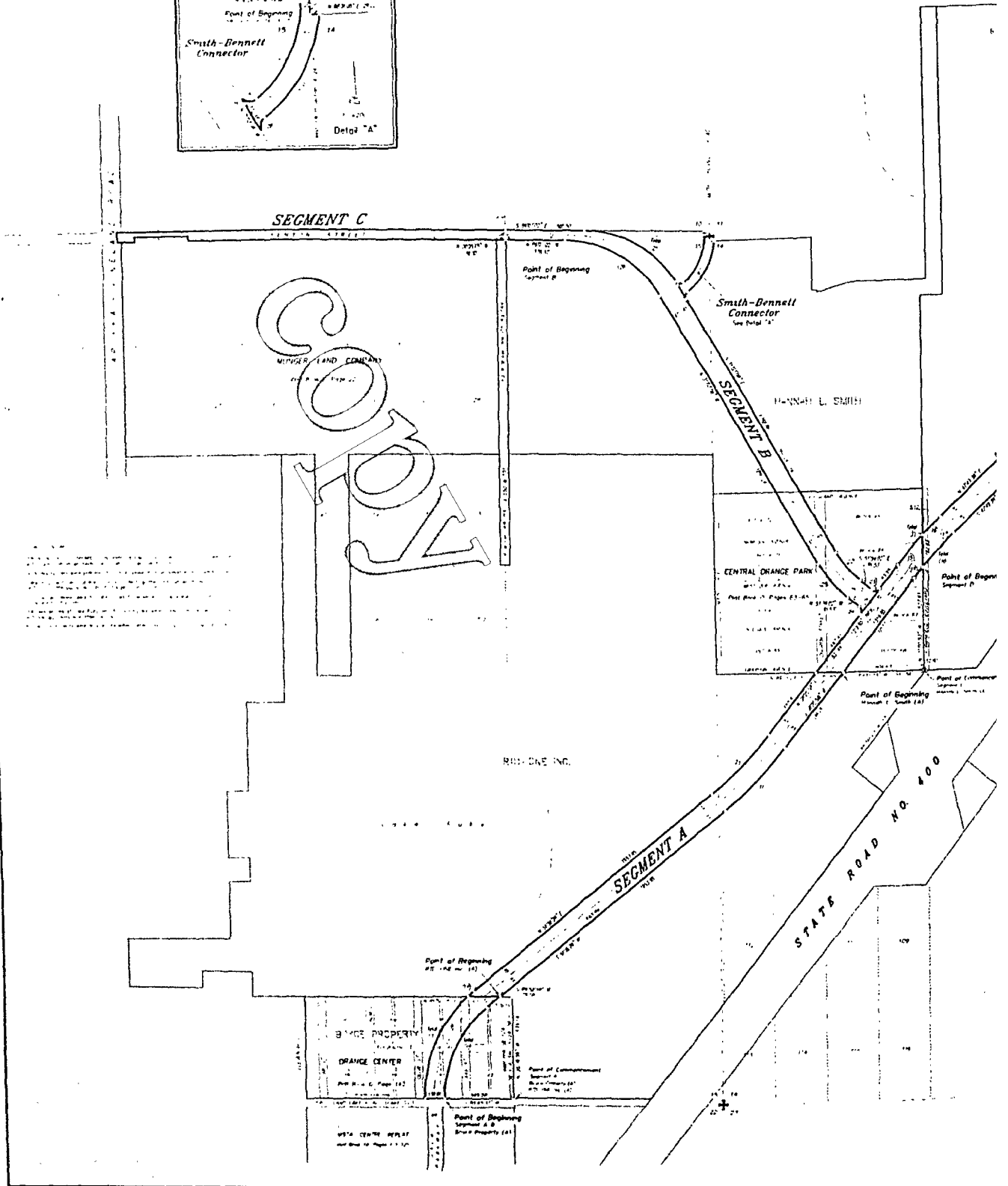
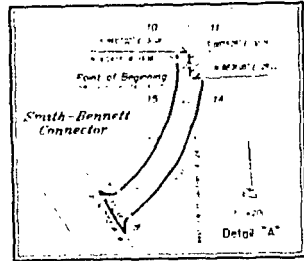
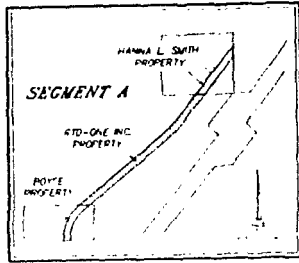
COBY

OR Bk 5138 Pg 2062
Orange Co FL 5800721

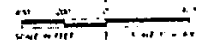
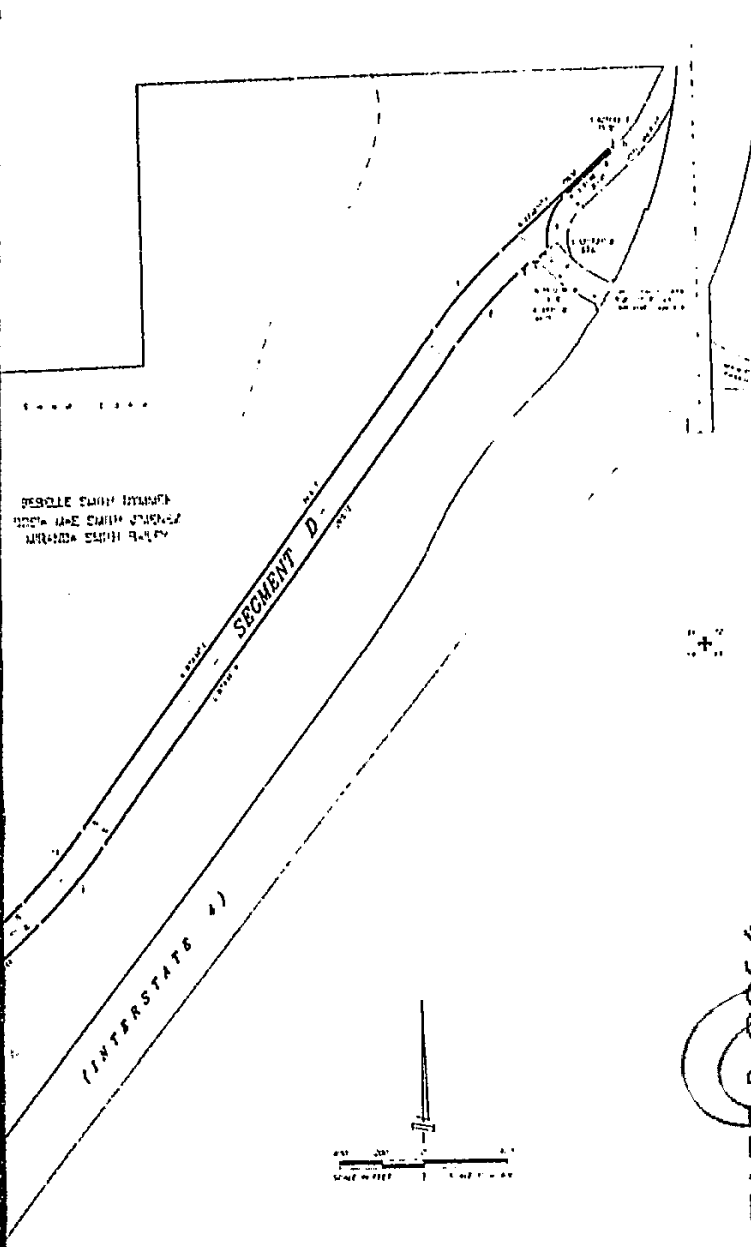
OR BK 5138 Pg 2063
Orange Co FL 5800721

EXHIBIT E

PROPOSED EXTENSIONS OF
&
TURKEY LAKE ROAD and FENTON ROAD
A Portion of Sections 10, 11, 14 and 15 Township 24 South, Range 28 E
Orange County, Florida



RESOLVE SURVEY INSTRUMENTS
 FROM THE SURVEY OFFICE
 NARRANDA SURVEY OFFICE



CURVE CHART

STATION	CHORD BEARING	CHORD DISTANCE	ARC BEARING	ARC DISTANCE	CHORD BEARING	CHORD DISTANCE	ARC BEARING	ARC DISTANCE
1	88° 51'	10.76	88° 51'	10.76	88° 51'	10.76	88° 51'	10.76
2	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
3	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
4	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
5	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
6	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
7	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
8	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
9	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
10	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
11	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
12	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
13	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
14	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
15	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
16	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
17	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
18	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
19	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
20	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
21	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
22	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
23	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
24	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
25	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
26	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
27	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
28	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
29	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
30	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
31	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
32	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
33	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
34	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
35	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
36	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
37	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
38	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
39	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76
40	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76	272° 54'	10.76

SEGMENT A
 A portion of the ... bearing ... length ...

SEGMENT B
 A portion of the ... bearing ... length ...

SEGMENT C
 A portion of the ... bearing ... length ...

SEGMENT D
 A portion of the ... bearing ... length ...

SEGMENT E
 A portion of the ... bearing ... length ...

SEGMENT F
 A portion of the ... bearing ... length ...

SEGMENT G
 A portion of the ... bearing ... length ...

SEGMENT H
 A portion of the ... bearing ... length ...

SEGMENT I
 A portion of the ... bearing ... length ...

SEGMENT J
 A portion of the ... bearing ... length ...

SEGMENT K
 A portion of the ... bearing ... length ...

SEGMENT L
 A portion of the ... bearing ... length ...

SEGMENT M
 A portion of the ... bearing ... length ...

SEGMENT N
 A portion of the ... bearing ... length ...

SEGMENT O
 A portion of the ... bearing ... length ...

SEGMENT P
 A portion of the ... bearing ... length ...

SEGMENT Q
 A portion of the ... bearing ... length ...

SEGMENT R
 A portion of the ... bearing ... length ...

SEGMENT S
 A portion of the ... bearing ... length ...

SEGMENT T
 A portion of the ... bearing ... length ...

SEGMENT U
 A portion of the ... bearing ... length ...

SEGMENT V
 A portion of the ... bearing ... length ...

SEGMENT W
 A portion of the ... bearing ... length ...

SEGMENT X
 A portion of the ... bearing ... length ...

SEGMENT Y
 A portion of the ... bearing ... length ...

SEGMENT Z
 A portion of the ... bearing ... length ...

OR BK 5138 Pg 2064
 Orange Co FL 5800721

Special Purpose Survey
 Sketch of Description

GANUNG-BELTON ASSOCIATES, INC.
 1270 E. Washington Street, Orlando, FL 32801 (407) 998-0888
 Gary Harris & Robinson
 Gary Harris Gary Robinson
 PLS REC 04/11/00 1 of 1

Activity Center Turkey Lake Road Network Agreement
Exhibit "E"

Surveyor's Notes:

This survey is not intended to represent a boundary survey. No corners were set and information shown hereon is subject to field verification.

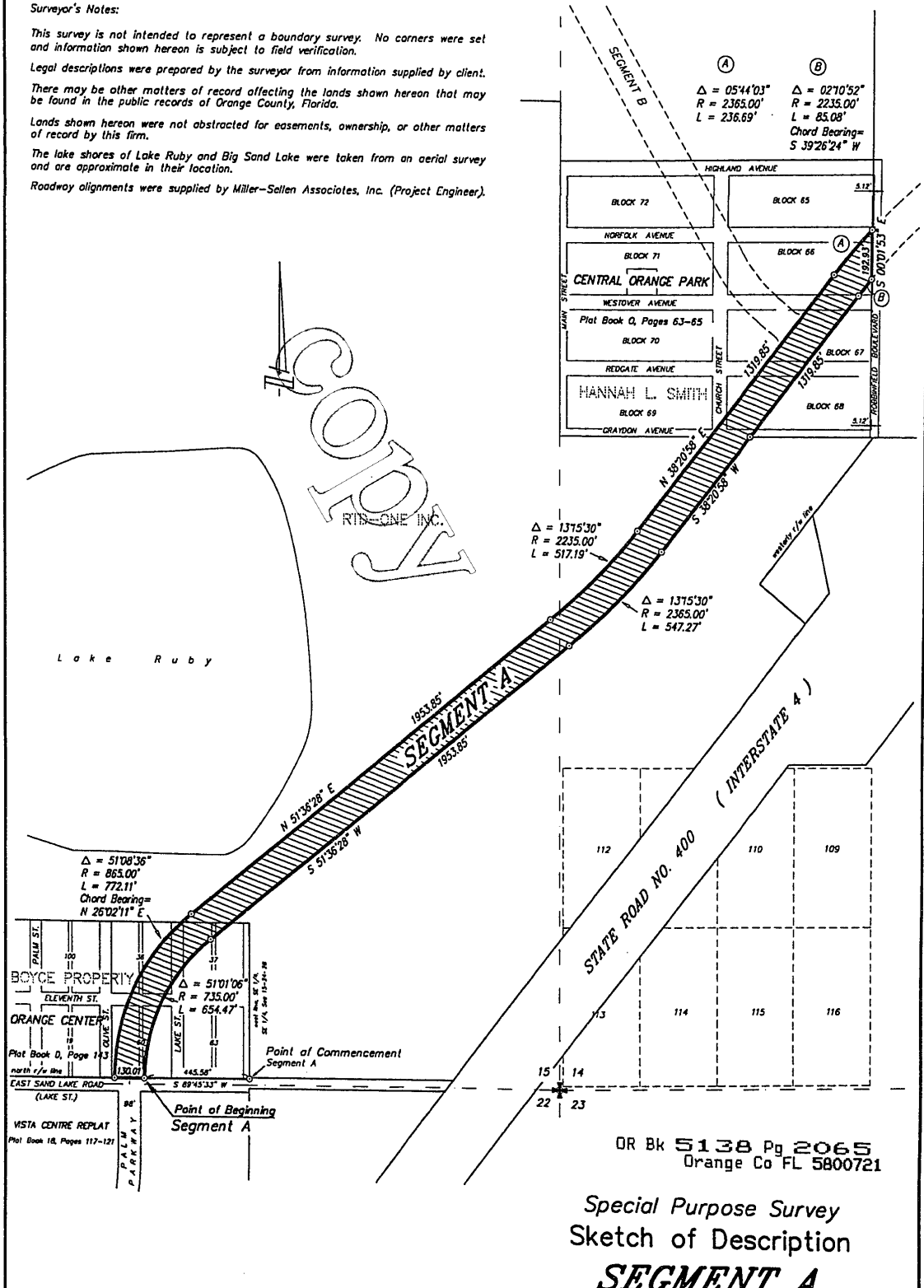
Legal descriptions were prepared by the surveyor from information supplied by client.

There may be other matters of record affecting the lands shown hereon that may be found in the public records of Orange County, Florida.

Lands shown hereon were not abstracted for easements, ownership, or other matters of record by this firm.

The lake shores of Lake Ruby and Big Sand Lake were taken from an aerial survey and are approximate in their location.

Roadway alignments were supplied by Miller-Sellen Associates, Inc. (Project Engineer).



OR Bk 5138 Pg 2065
Orange Co FL 5800721

Special Purpose Survey
Sketch of Description
SEGMENT A

SKETCH OF DESCRIPTION ONLY - NOT A SURVEY
NO CORNERS WERE SET BY GANUNG-BELTON ASSOCIATES, INC. AND THE
AUTHOR ASSUMES NO RESPONSIBILITY BEYOND ACCEPTED MATHEMATICAL CLOSURES
ALL BEARINGS AND DISTANCES SHOWN HEREON ARE SUBJECT TO FIELD
VERIFICATION.

See Sheet 2 of 12 for Legal Description

PREPARED FOR: Gray, Harris & Robinson		JOB NO. 9643	UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, PRINT, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID. <i>R. Clayton Ganung</i> R. CLAYTON GANUNG REG. P.L.S. NO. 4236
GIDA GANUNG - BELTON ASSOCIATES, INC. professional surveyors and mappers		SHEET 1 OF 12	
1275 E. Robinson Street, Orlando, FL 32801 (407) 894-6656		DATE 8/6/96	
		SCALE 1" = 500'	

SEGMENT A

A portion of Sections 14 and 15, Township 24 South, Range 28 East, Orange County, Florida, being more particularly described as follows:

A portion of Sections 14 and 15, Township 24 South, Range 28 East, Orange County, Florida, being more particularly described as follows:

Commence at the intersection of the north right-of-way line of East Sand Lake Road with the west line of the Southeast 1/4 of the Southeast 1/4 of said Section 15; thence run S 89°45'33" W, along the north right-of-way line of East Sand Lake Road, a distance of 445.58 feet for the **POINT OF BEGINNING**; thence continue S 89°45'33" W, along said north right-of-way line, a distance of 130.01 feet said point being on a non-tangent curve, concave southeasterly, having a radius of 865.00 feet and a central angle of 51°08'36"; thence on a chord bearing of N 26°02'11" E, run 772.11 feet along the arc of said curve to the point of tangency thereof; thence run N 51°36'28" E, a distance of 1953.85 feet to the point of curvature of a curve, concave northwesterly, having a radius of 2235.00 feet and a central angle of 13°15'30"; thence run northeasterly, along the arc of said curve, a distance of 517.19 feet to the point of tangency thereof; thence run N 38°20'58" E, a distance of 1319.85 feet to the point of curvature of a curve, concave southeasterly, having a radius of 2365.00 feet and a central angle of 05°44'03"; thence run northeasterly, along the arc of said curve, a distance of 236.69 feet to a point lying 5.12 feet west of the west right-of-way line of Robinfield Boulevard; thence run S 00°01'53" E, parallel with said west right-of-way line, a distance of 192.93 feet to a point on a non-tangent curve, concave southeasterly, having a radius of 2235.00 feet and a central angle of 02°10'52"; thence on a chord bearing of S 39°26'24" W, run 85.08 feet along the arc of said curve to the point of tangency thereof; thence run S 38°20'58" W, a distance of 1319.85 feet to the point of curvature of a curve, concave northwesterly, having a radius of 2365.00 feet and a central angle of 13°15'30"; thence run southwesterly, along the arc of said curve, a distance of 547.27 feet to the point of tangency thereof; thence run S 51°36'28" W, a distance of 1953.85 feet to the point of curvature of a curve, concave southeasterly, having a radius of 735.00 feet and a central angle of 51°01'06"; thence run southwesterly, along the arc of said curve, a distance of 654.47 feet to the **POINT OF BEGINNING**.

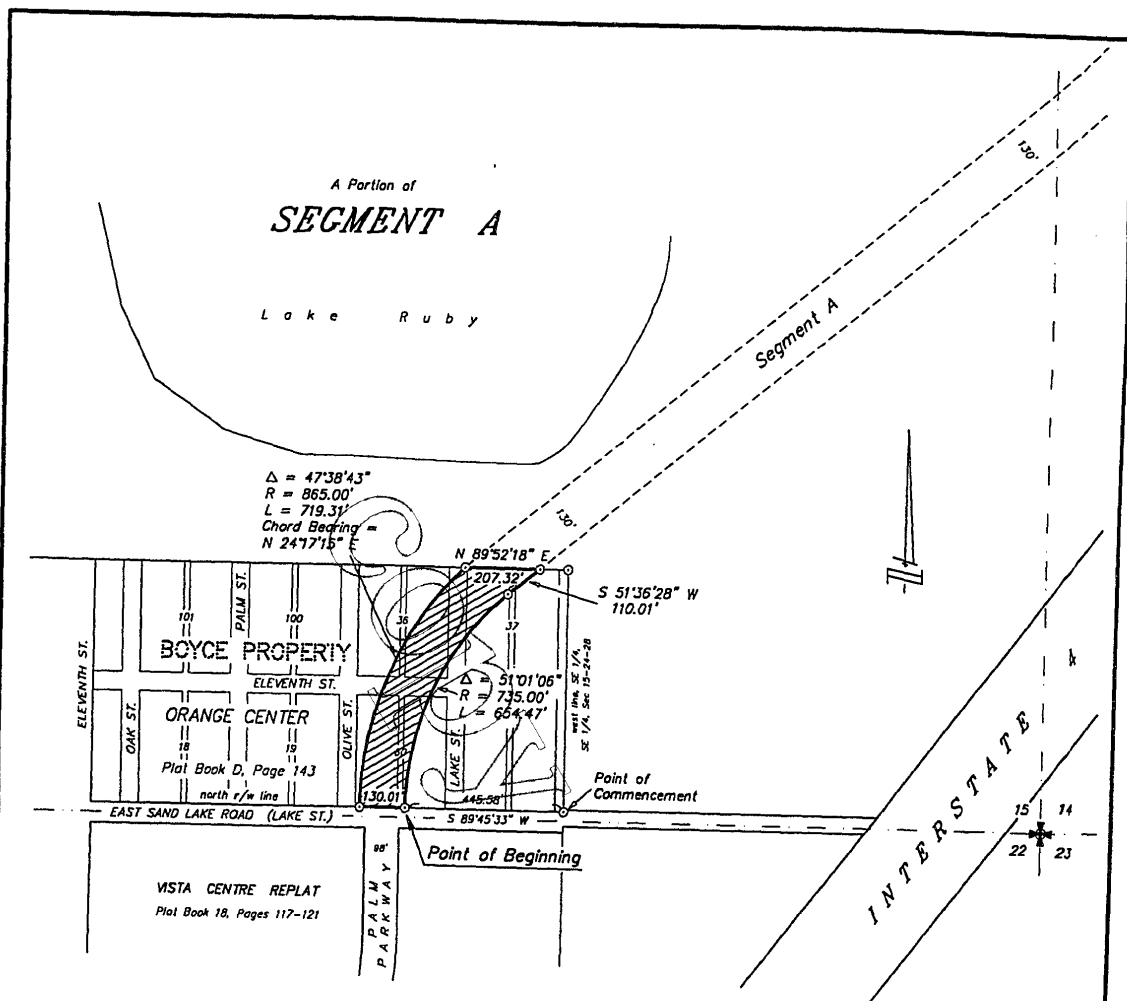
Less existing rights-of-way

OR Bk 5138 Pg 2066
Orange Co FL 5800721

Containing 13.97 acres, more or less.

Sheet 2 of 12

Prepared by:
Ganung-Belton Associates, Inc.
1275 E. Robinson Street
Orlando, FL 32801
August 6, 1996
GBA Job No. 9643



Legal Description

A portion of Section 15, Township 24 South, Range 28 East, Orange County, Florida, being more particularly described as follows:

Commence at the intersection of the north right-of-way line of East Sand Lake Road with the west line of the Southeast 1/4 of the Southeast 1/4 of said Section 15; thence run S 89°45'33" W, along the north right-of-way line of East Sand Lake Road, a distance of 445.58 feet for the POINT OF BEGINNING; thence continue S 89°45'33" W, a distance of 130.01 feet to a point on a non-tangent curve, concave southeasterly, having a radius of 865.00 feet and a central angle of 47°38'43"; thence run N 89°52'18" E, a distance of 207.32 feet along the arc of said curve to a point; thence run S 51°36'28" W, a distance of 110.01 feet to the point of curvature of a curve, concave southeasterly, having a radius of 735.00 feet and a central angle of 51°01'06"; thence run S 51°36'28" W, a distance of 654.47 feet to a point to the POINT OF BEGINNING.

Less existing rights-of-way

Containing 2.21 acres, more or less.

OR Bk 5138 Pg 2067
Orange Co FL 5800721

**Special Purpose Survey
Sketch of Description
(Boyce Property)**

Surveyor's Notes:

This survey is not intended to represent a boundary survey. No corners were set and information shown hereon is subject to field verification.

Legal descriptions were prepared by the surveyor from information supplied by client.


There may be other matters of record affecting the lands shown hereon that may be found in the public records of Orange County, Florida.

Lands shown hereon were not abstracted for easements, ownership, or other matters of record by this firm.

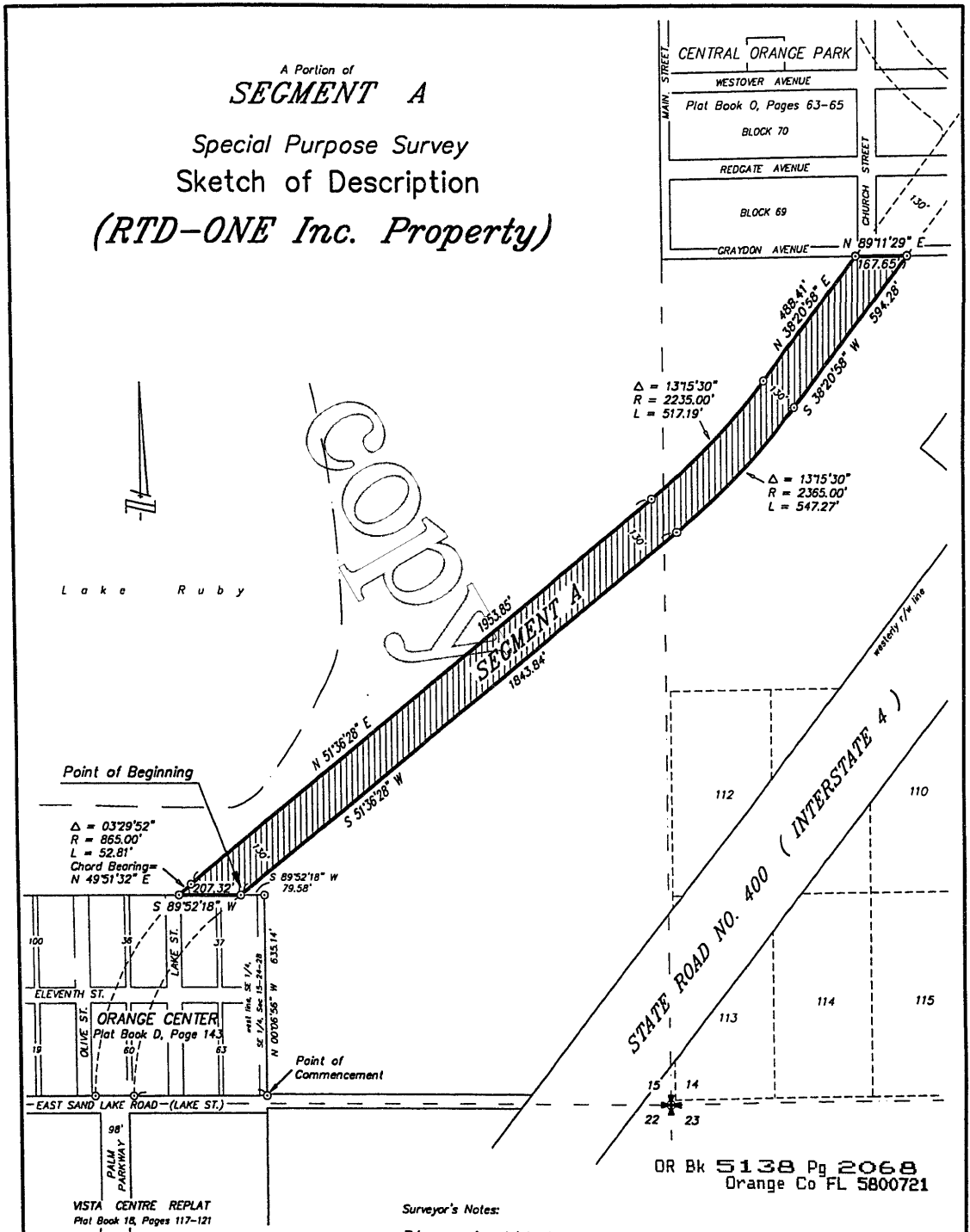
The lake shores of Lake Ruby and Big Sand Lake were taken from an aerial survey and are approximate in their location.

Roadway alignments were supplied by Miller-Seilen Associates, Inc. (Project Engineer).

SKETCH OF DESCRIPTION ONLY - NOT A SURVEY
NO CORNERS WERE SET BY GANUNG-BELTON ASSOCIATES, INC. AND THE AUTHOR ASSUMES NO RESPONSIBILITY BEYOND ACCEPTED MATHEMATICAL CLOSURES. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE SUBJECT TO FIELD VERIFICATION.

PREPARED FOR: Gray, Harris & Robinson		JOB NO. 9643	UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAN OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.
GANUNG - BELTON ASSOCIATES, INC.		SHEET 3 of 12	
professional surveyors and mappers		DATE 8/6/96	
1275 E. Robinson Street, Orlando, FL 32801 (407) 894-6656		SCALE 1" = 400'	
		 R. CLAYTON GANUNG REG. P.L.C. 4238	

A Portion of
SEGMENT A
 Special Purpose Survey
 Sketch of Description
 (RTD-ONE Inc. Property)



OR Bk 5138 Pg 2068
 Orange Co FL 5800721

Surveyor's Notes:

This survey is not intended to represent a boundary survey. No corners were set and information shown hereon is subject to field verification.

Legal descriptions were prepared by the surveyor from information supplied by client.

There may be other matters of record affecting the lands shown hereon that may be found in the public records of Orange County, Florida.



Lands shown hereon were not abstracted for easements, ownership, or other matters of record by this firm.

The lake shores of Lake Ruby and Big Sand Lake were taken from an aerial survey and are approximate in their location.

Roadway alignments were supplied by Miller-Sellen Associates, Inc. (Project Engineer).

SKETCH OF DESCRIPTION ONLY - NOT A SURVEY
 NO CORNERS WERE SET BY GANUNG-BELTON ASSOCIATES, INC. AND THE AUTHOR ASSUMES NO RESPONSIBILITY BEYOND ACCEPTED MATHEMATICAL CLOSURES. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE SUBJECT TO FIELD VERIFICATION.

See Sheet 5 of 12 for Legal Description

PREPARED FOR: Gray, Harris & Robinson  GANUNG - BELTON ASSOCIATES, INC. professional surveyors and mappers 1275 E. Robinson Street, Orlando, FL 32801 (407) 894-6656	JOB NO. 9643	UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING SKETCH, PLAN OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.  R. CLAYTON GANNING REG. P.L.S. NO. 4236
	SHEET 4 of 12	
	DATE 8/6/96	
	SCALE 1" = 400'	

RTD-ONE INC.

(Segment A)

A portion of Sections 14 and 15, Township 24 South, Range 28 East, Orange County, Florida, being more particularly described as follows:

Commence at the intersection of the north right-of-way line of East Sand Lake Road with the west line of the Southeast 1/4 of the Southeast 1/4 of said Section 15; thence run N 00°06'56" W, along the west line of the Southeast 1/4 of the Southeast 1/4 of said Section 15, a distance of 635.14 feet to point on the north boundary line of the plat of *ORANGE CENTER*, according to the plat thereof, as recorded in Plat Book "D", Page 143, Public Records of Orange County, Florida; thence run S 89°52'18" W, along the north boundary line thereof, a distance of 79.58 feet for the **POINT OF BEGINNING**; thence continue S 89°52'18" W, a distance of 207.32 feet to a point on a non-tangent curve, concave southeasterly, having a radius of 865.00 feet and a central angle of 03°29'52"; thence on a chord bearing of N 49°51'32" E, run 52.81 feet along the arc of said curve to the point of tangency thereof; thence run N 51°36'28" E, a distance of 1953.85 feet to the point of curvature of a curve, concave northwesterly, having a radius of 2235.00 feet and a central angle of 13°15'30"; thence run northeasterly, along the arc of said curve, a distance of 517.19 feet to the point of tangency thereof; thence run N 38°20'58" E, a distance of 488.41 feet; thence run N 89°11'29" E, a distance of 167.65 feet; thence run S 38°20'58" W, a distance of 594.28 feet to the point of curvature of a curve, concave northwesterly, having a radius of 2365.00 feet and a central angle of 13°15'30"; thence run southwesterly, along the arc of said curve, a distance of 547.27 feet to the point of tangency thereof; thence run S 51°36'28" W, a distance of 1843.84 feet to the **POINT OF BEGINNING**.

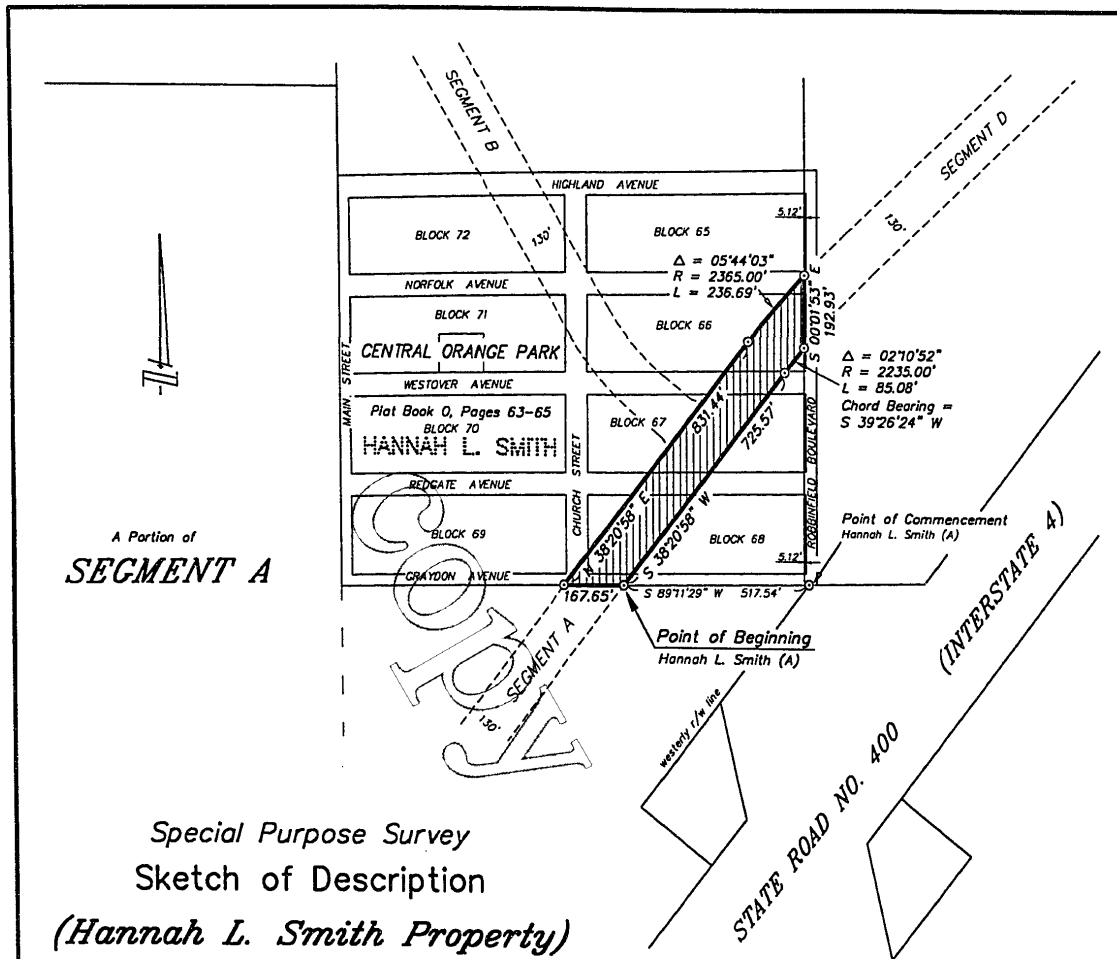
Less existing rights-of-way

Containing 8.95 acres, more or less.

OR Bk 5138 Pg 2069
Orange Co FL 5800721

Sheet 5 of 12

Prepared by:
Ganung-Belton Associates, Inc.
1275 E. Robinson Street
Orlando, FL 32801
August 6, 1996
GBA Job No. 9643



A Portion of
SEGMENT A

Special Purpose Survey
Sketch of Description
(Hannah L. Smith Property)

OR Bk 5138 Pg 2070
Orange Co FL 5800721

Legal Description

A portion of Section 14, Township 24 South, Range 28 East, Orange County, Florida being a part of the plat of CENTRAL ORANGE PARK, according to the plat thereof, as recorded in Plat Book "O", Pages 63 through 65, Public Records of Orange County, Florida, being more particularly described as follows:

Commence at the intersection of the westerly limited access right-of-way line of Interstate 4 (State Road No. 400) with the south boundary line of said CENTRAL ORANGE PARK; thence run S 89°11'29" W, along the south boundary line of said CENTRAL ORANGE PARK, a distance of 517.54 feet for the POINT OF BEGINNING; thence continue S 89°11'29" W, a distance of 167.65 feet; thence run N 38°20'58" E, a distance of 831.44 feet to the point of curvature of a curve, concave southeasterly, having a radius of 2365.00 feet and a central angle of 05°44'03"; thence run northeasterly, along the arc of said curve, a distance of 236.69 feet to a point lying 5.12 feet west of the west right-of-way line of Rabinfield Boulevard; thence run S 00°01'53" E, parallel with said west right-of-way line, a distance of 192.93 feet to a point on a non-tangent curve, concave southeasterly, having a radius of 2235.00 feet and a central angle of 02°10'52"; thence on a chord bearing of S 39°26'24" W, run 85.08 feet along the arc of said curve to the point of tangency thereof; thence run S 38°20'58" W, a distance of 725.57 feet to the POINT OF BEGINNING.

Less existing rights-of-way

Containing 2.81 acres, more or less.

Surveyor's Notes:

This survey is not intended to represent a boundary survey. No corners were set and information shown hereon is subject to field verification.

Legal descriptions were prepared by the surveyor from information supplied by client.

There may be other matters of record affecting the lands shown hereon that may be found in the public records of Orange County, Florida.

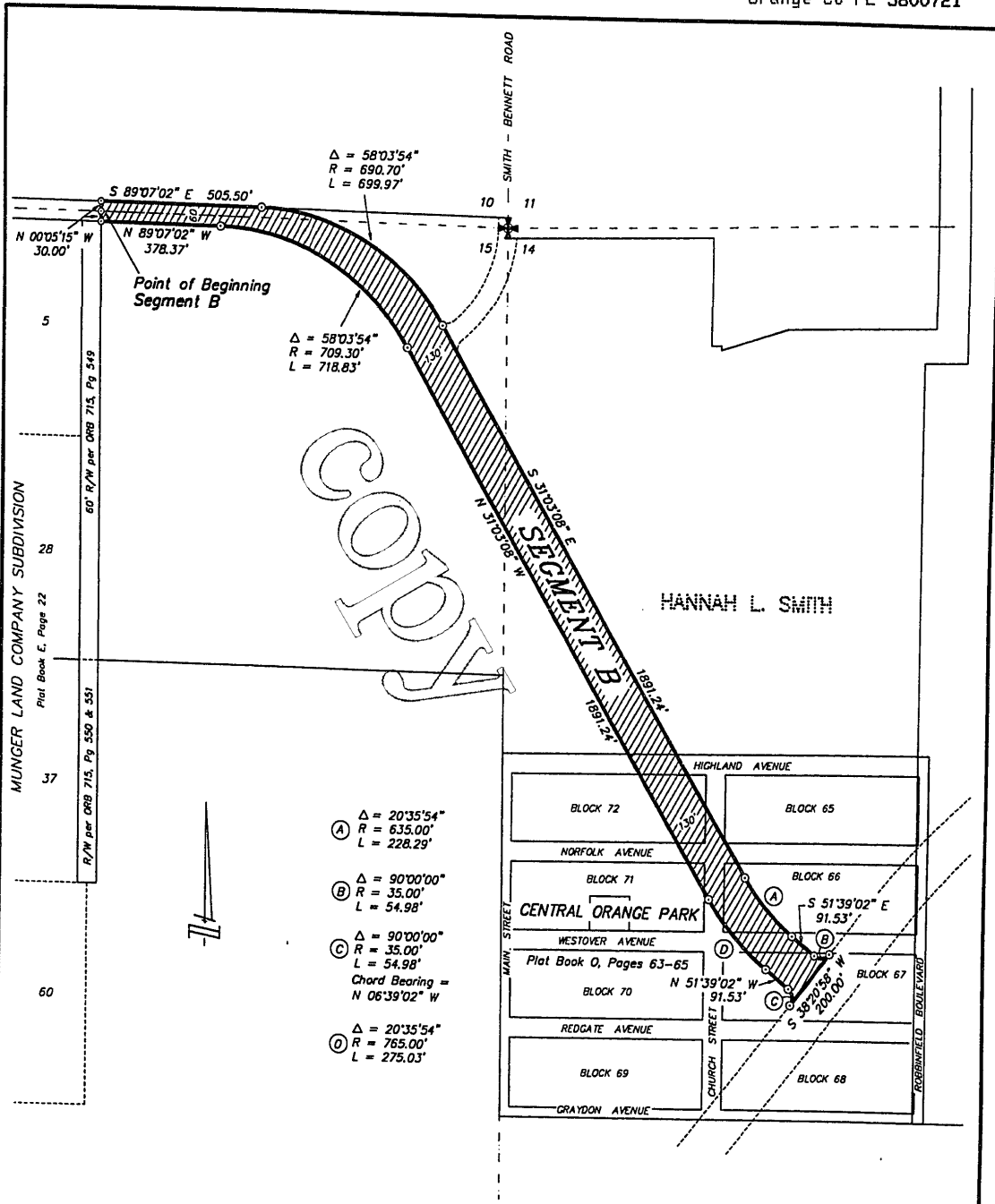
Lands shown hereon were not abstracted for easements, ownership, or other matters of record by this firm.

The lake shores of Lake Ruby and Big Sand Lake were taken from an aerial survey and are approximate in their location.

Roadway alignments were supplied by Miller-Sellen Associates, Inc. (Project Engineer).

SKETCH OF DESCRIPTION ONLY - NOT A SURVEY
NO CORNERS WERE SET BY GANUNG-BELTON ASSOCIATES, INC. AND THE AUTHOR ASSUMES NO RESPONSIBILITY BEYOND ACCEPTED MATHEMATICAL CLOSURES. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE SUBJECT TO FIELD VERIFICATION.

PREPARED FOR: Gray, Harris & Robinson		JOB NO. 9643	UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID. <i>[Signature]</i> CLAYTON CONING REG. P. NO. 4238
GANUNG - BELTON ASSOCIATES, INC. professional surveyors and mappers		SHEET 6 of 12	
1275 E. Robinson Street, Orlando, FL 32801 (407) 894-6656		DATE 8/6/96	
		SCALE 1" = 400'	



COPY

- Ⓐ $\Delta = 20^{\circ}35'54''$
 $R = 635.00'$
 $L = 228.29'$
- Ⓑ $\Delta = 90^{\circ}00'00''$
 $R = 35.00'$
 $L = 54.98'$
- Ⓒ $\Delta = 90^{\circ}00'00''$
 $R = 35.00'$
 $L = 54.98'$
Chord Bearing =
 $N 06^{\circ}39'02'' W$
- Ⓓ $\Delta = 20^{\circ}35'54''$
 $R = 765.00'$
 $L = 275.03'$

Special Purpose Survey
Sketch of Description
SEGMENT B

Surveyor's Notes:
 This survey is not intended to represent a boundary survey. No corners were set and information shown hereon is subject to field verification.
 Legal descriptions were prepared by the surveyor from information supplied by client.
 There may be other matters of record affecting the lands shown hereon that may be found in the public records of Orange County, Florida.
 Lands shown hereon were not abstracted for easements, ownership, or other matters of record by this firm.
 The lake shores of Lake Ruby and Big Sand Lake were taken from an aerial survey and are approximate in their location.
 Roadway alignments were supplied by Miller-Sellen Associates, Inc. (Project Engineer).

SKETCH OF DESCRIPTION ONLY - NOT A SURVEY
 NO CORNERS WERE SET BY GANUNG-BELTON ASSOCIATES, INC. AND THE AUTHOR ASSUMES NO RESPONSIBILITY BEYOND ACCEPTED MATHEMATICAL CLOSES. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE SUBJECT TO FIELD VERIFICATION.

PREPARED FOR: Gray, Harris & Robinson		JOB NO. 9643	UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID. R. CLAYTON GANUNG REG. P. E. NO. 4238
GANUNG - BELTON ASSOCIATES, INC. professional surveyors and mappers		SHEET 7 of 12	
1275 E. Robinson Street, Orlando, FL 32801 (407) 894-6656		DATE 8/6/96	
		SCALE 1" = 400'	

See Sheet 6 of 10 for Legal Description

SEGMENT B

A portion of Sections 10, 14 and 15, Township 24 South, Range 28 East, Orange County, Florida, being more particularly described as follows:

BEGIN at the intersection of the east right-of-way line of an existing sixty (60) foot right-of-way line as recorded in Official Records Book 715, Page 549, Public Records of Orange County, Florida, with the south line of said Section 10; thence run N 00°05'15" W, a distance of 30.00 feet; thence run S 89°07'02" E, a distance of 505.50 feet to the point of curvature of a curve, concave southwesterly, having a radius of 690.70 feet and a central angle of 58°03'54"; thence run southeasterly, along the arc of said curve, a distance of 699.97 feet to the point of tangency thereof; thence run S 31°03'08" E, a distance of 1891.24 feet to the point of curvature of a curve, concave northeasterly, having a radius of 635.00 feet and a central angle of 20°35'54"; thence run southeasterly, along the arc of said curve, a distance of 228.29 feet to the point of tangency thereof; thence run S 51°39'02" E, a distance of 91.53 feet to a point of curvature of a curve, concave northwesterly, having a radius of 35.00 feet and a central angle of 90°00'00"; thence run 54.98 feet along the arc of said curve to a point; thence run S 38°20'58" W, a distance of 200.00 feet to a point on a non-tangent curve, concave southwesterly, having a radius of 35.00 feet and a central angle of 90°00'00"; thence on a chord bearing of N 06°39'02" W, run 54.98 feet along the arc of said curve to the point of tangency thereof; thence run N 51°39'02" W, a distance of 91.53 feet to the point of curvature of a curve, concave northeasterly, having a radius of 765.00 feet and a central angle of 20°35'54"; thence run northwesterly, along the arc of said curve, a distance of 275.03 feet to the point of tangency thereof; thence run N 31°03'08" W, a distance of 1891.24 feet to the point of curvature of a curve, concave southwesterly, having a radius of 709.30 feet and a central angle of 58°03'54"; thence run northwesterly, along the arc of said curve, a distance of 718.83 feet to the point of tangency thereof; thence run N 89°07'02" W, a distance of 378.37 feet to a point on the aforementioned east right-of-way line of an existing sixty (60) foot right-of-way line; thence run N 00°05'15" W, along said east right-of-way line, a distance of 30.00 feet to the *POINT OF BEGINNING*.

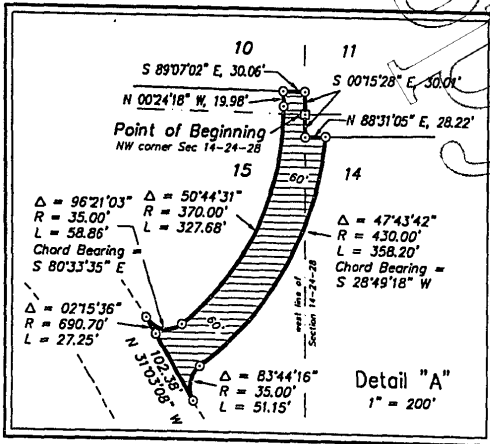
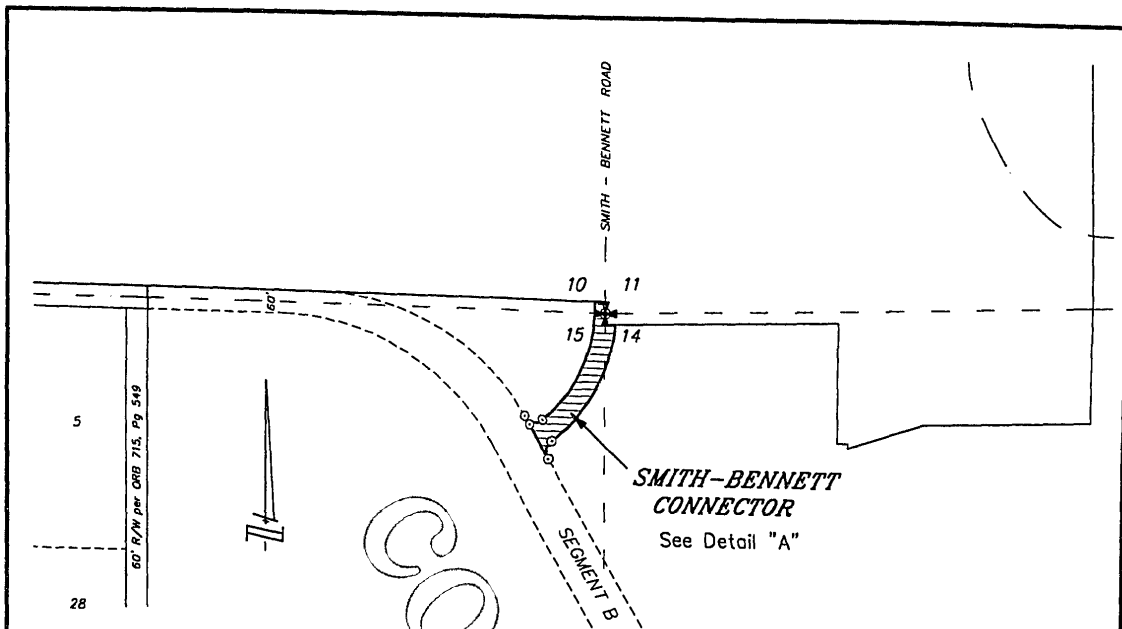
Less existing rights-of-way

Containing 9.12 acres, more or less.

OR Bk 5138 Pg 2072
Orange Co FL 5800721

Sheet 8 of 12

Prepared by:
Ganung-Bellon Associates, Inc.
1275 E. Robinson Street
Orlando, FL 32801
August 6, 1996
GBA Job No. 9643



DR Bk 5138 Pg 2073
Orange Co FL 5800721

Surveyor's Notes:
 This survey is not intended to represent a boundary survey. No corners were set and information shown hereon is subject to field verification.
 Legal descriptions were prepared by the surveyor from information supplied by client.
 There may be other matters of record affecting the lands shown hereon that may be found in the public records of Orange County, Florida.
 Lands shown hereon were not abstracted for easements, ownership, or other matters of record by this firm.
 The lake shores of Lake Ruby and Big Sand Lake were taken from an aerial survey and are approximate in their location.
 Roadway alignments were supplied by Miller-Sellen Associates, Inc. (Project Engineer).

Legal Description

A portion of Sections 10, 14 and 15, Township 24 South, Range 28 East, Orange County, Florida, being more particularly described as follows:

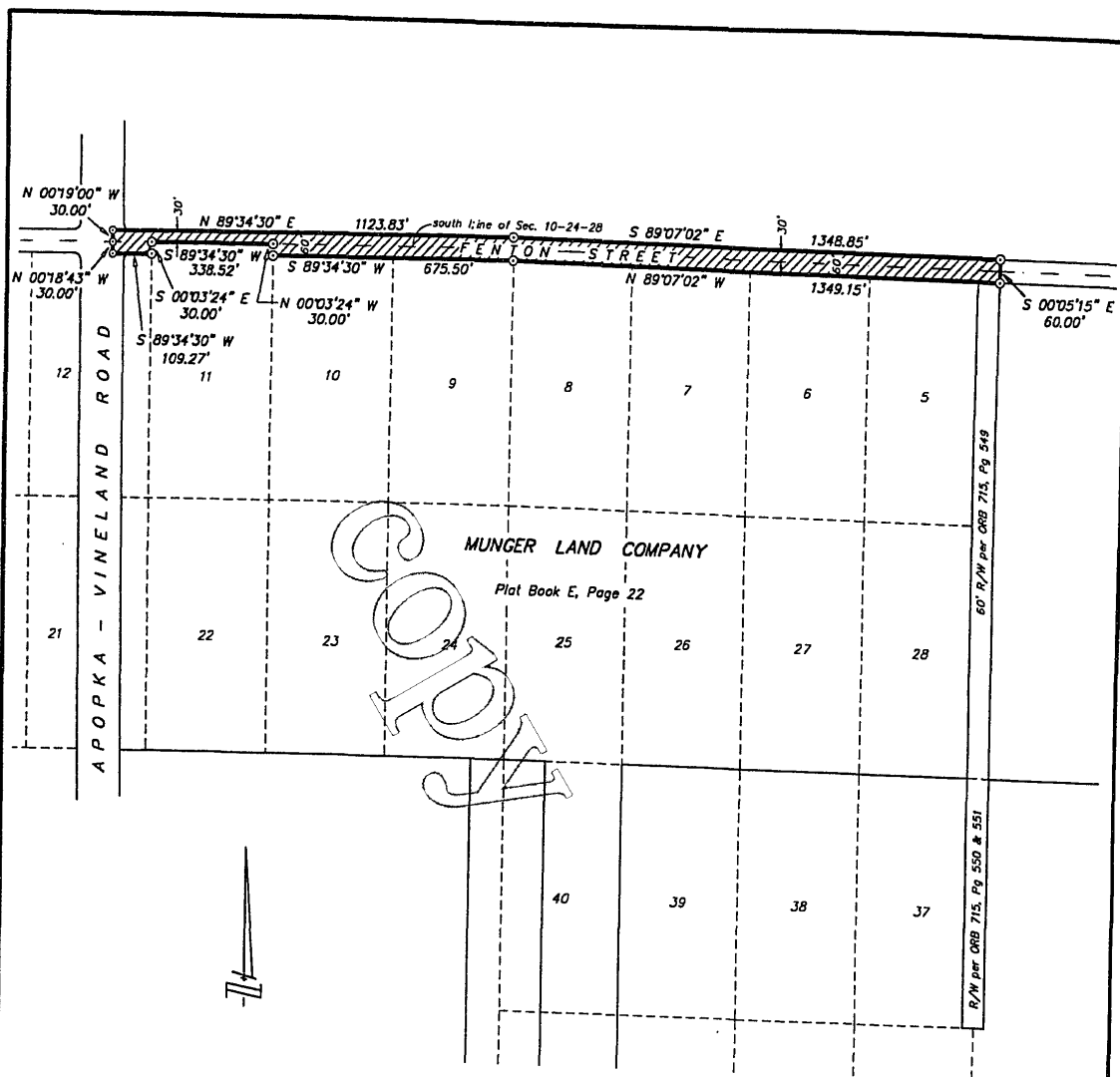
BEGIN at the northwest corner of said Section 14; thence run S 00°15'28" E, along the west line of said Section 14, a distance of 30.01 feet; thence run N 88°31'05" E, a distance of 28.22 feet to a point on a non-tangent curve, concave northwesterly, having a radius of 430.00 feet and a central angle of 47°43'42"; thence on a chord bearing of S 28°49'18" W, run 358.20 feet along the arc of said curve to the point of reverse curvature with a curve, concave southeasterly, having a radius of 35.00 feet and a central angle of 83°44'16"; thence run southwesterly, along the arc of said curve, a distance of 51.15 feet to a point; thence run N 31°03'08" W, a distance of 102.38 feet to the point of curvature of a curve, concave southwesterly, having a radius of 690.70 feet and a central angle of 02°15'36"; thence run northwesterly, along the arc of said curve, a distance of 27.25 feet to the point of reverse curvature with a curve, concave northeasterly, having a radius of 35.00 feet and a central angle of 96°21'03"; thence run southeasterly, along the arc of said curve, a distance of 58.86 feet to the point of compound curvature with a curve, concave northwesterly, having a radius of 370.00 feet and a central angle of 50°44'31"; thence run northeasterly, along the arc of said curve, a distance of 327.68 feet to the point of tangency thereof; thence run N 00°24'18" W, a distance of 19.98 feet; thence run S 89°07'02" E, a distance of 30.06 feet to a point on the east line of said Section 10; thence run S 00°15'28" E, along the east line of said Section 10, a distance of 30.01 feet to the POINT OF BEGINNING.

Less existing rights-of-way
 Containing 0.55 acres, more or less.

Special Purpose Survey
 Sketch of Description
**SMITH-BENNETT
 CONNECTOR**

SKETCH OF DESCRIPTION ONLY - NOT A SURVEY
 NO CORNERS WERE SET BY GANUNG-BELTON ASSOCIATES, INC. AND THE AUTHOR ASSUMES NO RESPONSIBILITY BEYOND ACCEPTED MATHEMATICAL CLOSES. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE SUBJECT TO FIELD VERIFICATION.

PREPARED FOR: Gray, Harris & Robinson		JOB NO. 9643	UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA-LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAN OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.
GIDA GANUNG - BELTON ASSOCIATES, INC. professional surveyors and mappers		SHEET 9 of 12	
1275 E. Robinson Street, Orlando, FL 32801 (407) 894-6656		DATE 8/6/96	
		SCALE 1" = 400'	



Legal Description

The South 30 feet of Section 10, Township 24 South, Range 28 East lying East of Apopka-Vineland Road and West the the east right-of-way line of Right-of-Way per Official Records Book 715, Page 549, Public Records of Orange County, Florida, and the North 30 feet of Lots 5, 6, 7, 8, 9, 10 and 12, MUNGER LAND COMPANY SUBDIVISION, according to the plat thereof, as recorded in Plat Book E, Pages 3, 7, 22 and 23, Public Records of Orange County, Florida in Section 15, Township 24 South, Range 28 East, Orange County, Florida.

Less existing rights-of-way

Containing 3.17 acres, more or less.

OR Bk 5138 Pg 2074
Orange Co FL 5800721

**Special Purpose Survey
Sketch of Description
SEGMENT C**

Surveyor's Notes:

This survey is not intended to represent a boundary survey. No corners were set and information shown hereon is subject to field verification.

Legal descriptions were prepared by the surveyor from information supplied by client.

There may be other matters of record affecting the lands shown hereon that may be found in the public records of Orange County, Florida.

Lands shown hereon were not obstructed for easements, ownership, or other matters of record by this firm.

The lake shores of Lake Ruby and Big Sand Lake were taken from an aerial survey and are approximate in their location.

Roadway alignments were supplied by Miller-Sellen Associates, Inc. (Project Engineer).

SKETCH OF DESCRIPTION ONLY - NOT A SURVEY

NO CORNERS WERE SET BY GANUNG-BELTON ASSOCIATES, INC. AND THE AUTHOR ASSUMES NO RESPONSIBILITY BEYOND ACCEPTED MATHEMATICAL CLOSURES. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE SUBJECT TO FIELD VERIFICATION.

PREPARED FOR: **Gray, Harris & Robinson**

GANUNG - BELTON ASSOCIATES, INC.
professional surveyors and mappers

1275 E. Robinson Street, Orlando, FL 32801 (407) 894-6656

JOB NO. 9643

SHEET 10 of 12

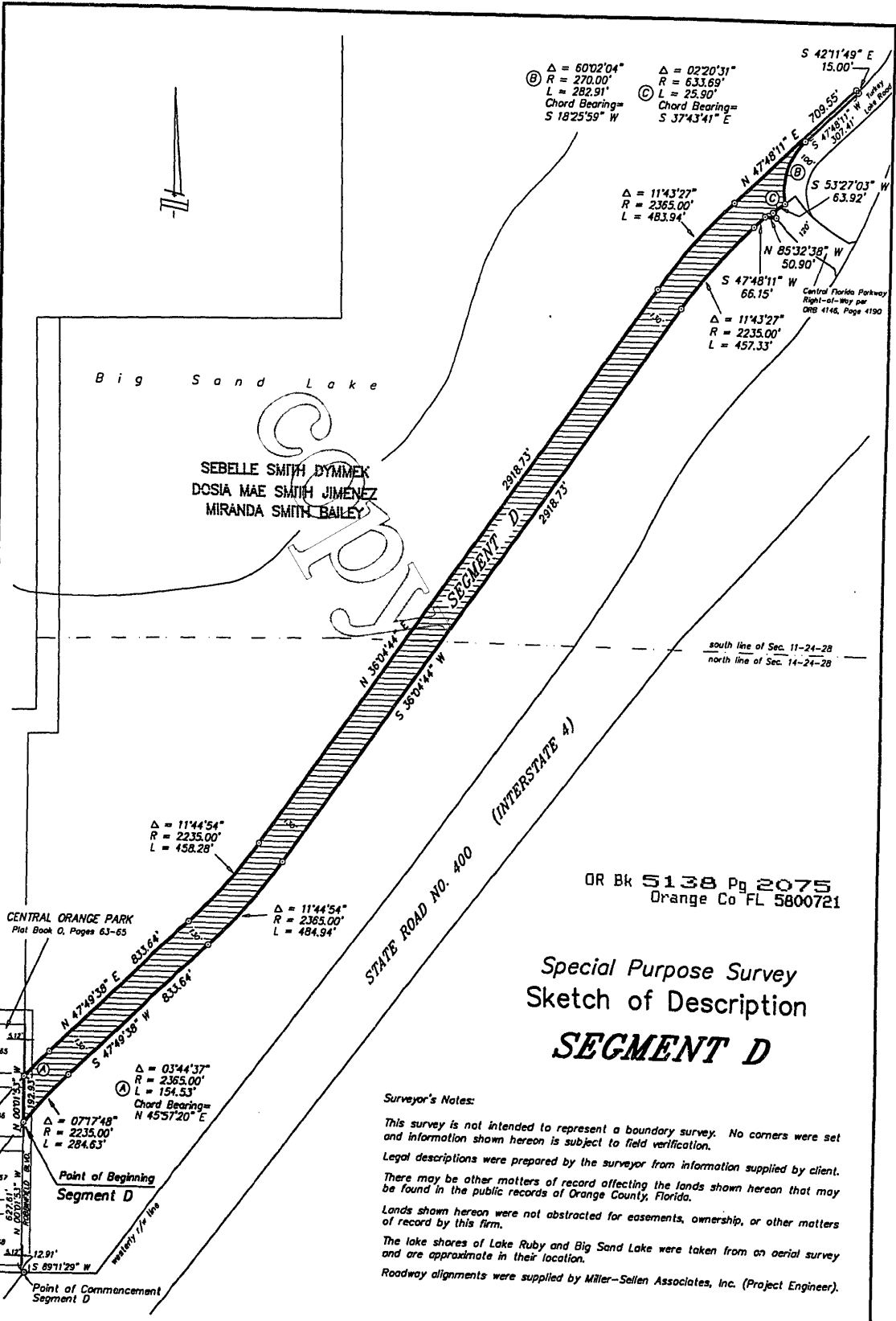
DATE 8/6/96

SCALE 1" = 400'

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

[Signature]
CLAYTON GANUNG

REG. P.L.S. NO. 4238



Big Sand Lake

SEBELLE SMITH DYMMEK
DOSIA MAE SMITH JIMENEZ
MIRANDA SMITH BAILEY

CENTRAL ORANGE PARK
Plot Book O, Pages 63-65

STATE ROAD NO. 400
(INTERSTATE 4)

south line of Sec. 11-24-28
north line of Sec. 14-24-28

OR Bk 5138 Pg 2075
Orange Co FL 5800721

Special Purpose Survey
Sketch of Description
SEGMENT D

Surveyor's Notes:

This survey is not intended to represent a boundary survey. No corners were set and information shown hereon is subject to field verification.
Legal descriptions were prepared by the surveyor from information supplied by client.
There may be other matters of record affecting the lands shown hereon that may be found in the public records of Orange County, Florida.
Lands shown hereon were not abstracted for easements, ownership, or other matters of record by this firm.
The lake shores of Lake Ruby and Big Sand Lake were taken from an aerial survey and are approximate in their location.
Roadway alignments were supplied by Miller-Sellen Associates, Inc. (Project Engineer).

See Sheet 12 of 12 for Legal Description

SKETCH OF DESCRIPTION ONLY - NOT A SURVEY
NO CORNERS WERE SET BY GANUNG-BELTON ASSOCIATES, INC. AND THE AUTHOR ASSUMES NO RESPONSIBILITY BEYOND ACCEPTED MATHEMATICAL CLOSURES. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE SUBJECT TO FIELD VERIFICATION.

PREPARED FOR: Gray, Harris & Robinson		JOB NO. 9643	UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID. <i>[Signature]</i> CLAYTON GANUNG REG. P.L.S. No. 4236
GANUNG - BELTON ASSOCIATES, INC. professional surveyors and mappers		SHEET 11 of 12	
1275 E. Robinson Street, Orlando, FL 32801 (407) 894-6656		DATE 8/6/96	
		SCALE 1" = 500'	

SEGMENT D

A portion of Sections 11 and 14, Township 24 South, Range 28 East, together with the East 5.12 feet of Blocks 65, 66, 67 and 68, of the plat of *CENTRAL ORANGE PARK*, according to the plat thereof, as recorded in Plat Book "O", Pages 63 through 65, Public Records of Orange County, Florida, being more particularly described as follows:

Commence at the intersection of the westerly limited access right-of-way line of Interstate 4 (State Road No. 400) with the south boundary line of said *CENTRAL ORANGE PARK*; thence run S 89°11'29" W, along the south boundary line of said *CENTRAL ORANGE PARK*, a distance of 12.91 feet; thence run N 00°01'53" W, (on a line being 5.12 feet west of the west right-of-way line of Robinfield Boulevard), a distance of 627.61 feet for the **POINT OF BEGINNING**; thence continue N 00°01'53" W, (parallel with the west right-of-way line of Robinfield Boulevard) a distance of 192.93 feet to a point on a non-tangent curve, concave southeasterly, having a radius of 2365.00 feet and a central angle of 03°44'37"; thence on a chord bearing of N 45°57'20" E, run 154.53 feet along the arc of said curve to the point of tangency thereof; thence run N 47°49'38" E, a distance of 833.64 feet to the point of curvature of a curve, concave northwesterly, having a radius of 2235.00 feet and a central angle of 11°44'54"; thence run northeasterly, along the arc of said curve, a distance of 458.28 feet to the point of tangency thereof; thence run N 36°04'44" E, a distance of 2918.73 feet to the point of curvature of a curve, concave southeasterly, having a radius of 2365.00 feet and a central angle of 11°43'27"; thence run northeasterly, along the arc of said curve, a distance of 483.94 feet to the point of tangency thereof; thence run N 47°48'11" E, a distance of 709.55 feet; thence run S 42°11'49" E, a distance of 15.00 feet to a point on the northwesterly right-of-way line of Turkey Lake Road; thence run southwesterly along said northwesterly right-of-way line, the following two (2) courses and distances; S 47°48'11" W, a distance of 307.41 feet to a point on a non-tangent curve, concave southeasterly, having a radius of 270.00 feet and a central angle of 60°02'04"; thence on a chord bearing of S 18°25'59" W, run 282.91 feet along the arc of said curve to a point on the westerly right-of-way line of Central Florida Parkway, as recorded in Official Records Book 4146, Page 4190, Public Records of Orange County, Florida; thence run southerly along said westerly right-of-way line, the following two (2) courses and distances S 53°27'03" W, a distance of 63.92 feet to a point on a non-tangent curve, concave northeasterly, having a radius of 633.69 feet and a central angle of 02°20'31"; thence on a chord bearing of S 37°43'12" E, run 25.90 feet along the arc of said curve to a point; thence run N 85°32'38" W, a distance of 50.90 feet; thence run S 47°48'11" W, a distance of 66.15 feet to the point of curvature of a curve, concave southeasterly, having a radius of 2235.00 feet and a central angle of 11°43'27"; thence run southwesterly, along the arc of said curve, a distance of 457.33 feet to the point of tangency thereof; thence run S 36°04'44" W, a distance of 2918.73 feet to the point of curvature of a curve, concave northwesterly, having a radius of 2365.00 feet and a central angle of 11°44'54"; thence run southwesterly, along the arc of said curve, a distance of 484.94 feet to the point of tangency thereof; thence run S 47°49'38" W, a distance of 833.64 feet to the point of curvature of a curve, concave southeasterly, having a radius of 2235.00 feet and a central angle of 07°17'48"; thence run southwesterly, along the arc of said curve, a distance of 284.63 feet the **POINT OF BEGINNING**.

Less existing rights-of-way

Containing 15.59 acres, more or less.

DR Bk 5138 Pg 2076
Orange Co FL 5800721

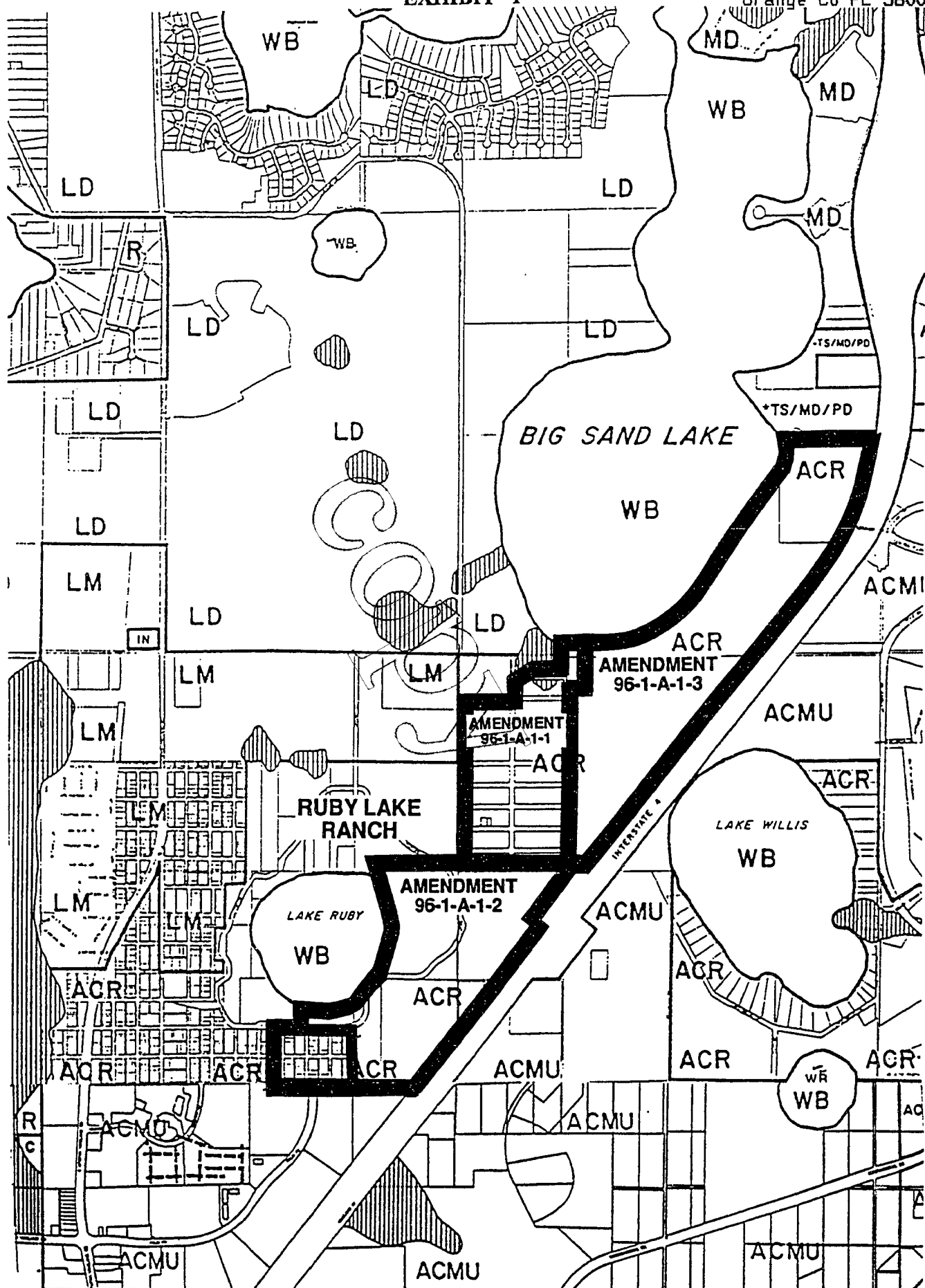
Sheet 12 of 12

Prepared by:
Ganung-Belton Associates, Inc.
1275 E. Robinson Street
Orlando, FL 32801
August 6, 1996
GBA Job No. 9643

ACTIVITY CENTER TURKEY LAKE ROAD
NETWORK AGREEMENT

OR Bk 5138 Pg 2077
Orange Co FL 5800721

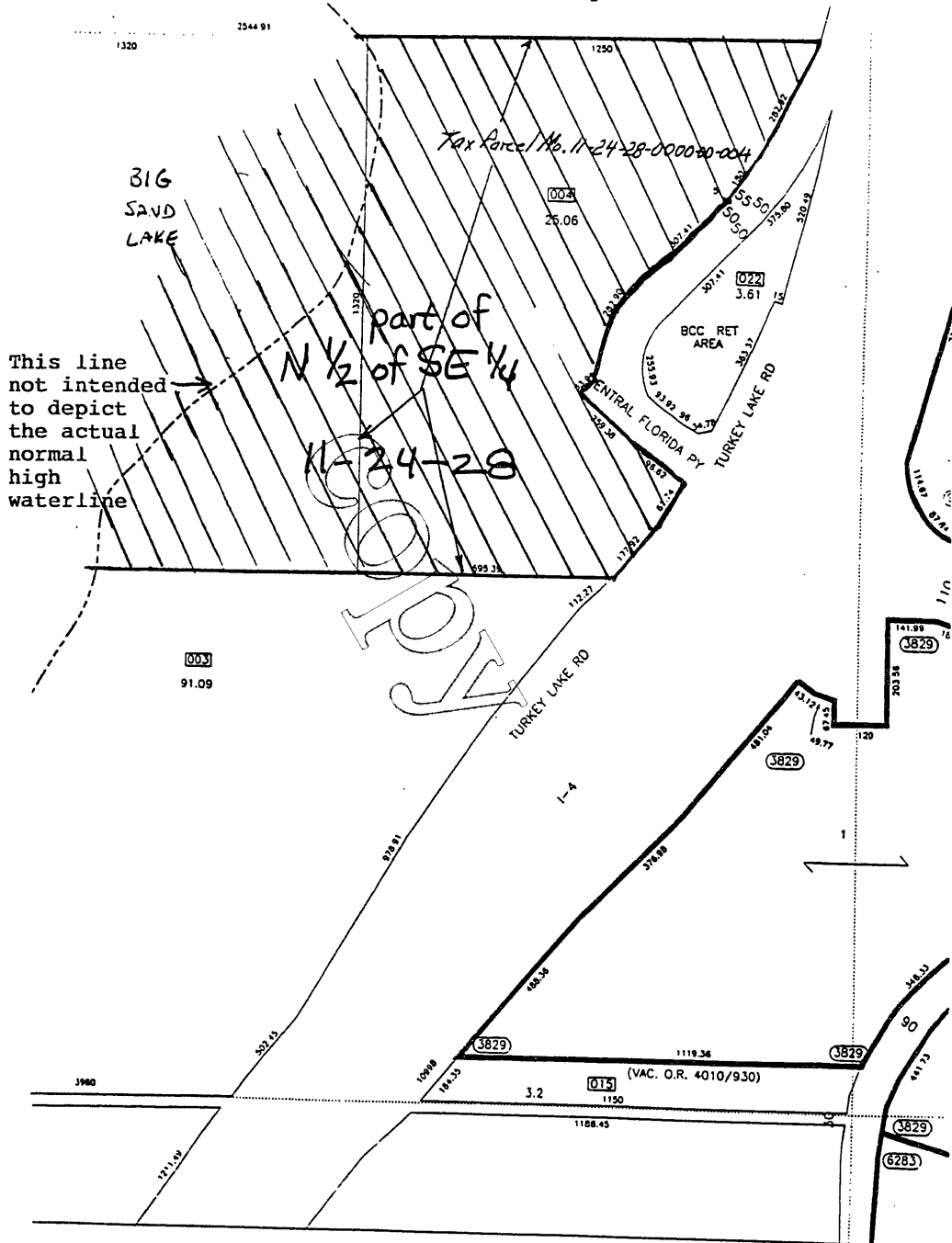
EXHIBIT "F"



ACTIVITY CENTER TURKEY LAKE ROAD NETWORK AGREEMENT

EXHIBIT "G"

Smith Sisters' Outparcel



1000

Exhibit "G"

Max X: 503547
OR Bk 5138 Pg 2078
Orange Co FL 5800721

		<p>OFFICE OF THE PROPERTY APPRAISER ORANGE COUNTY, FLORIDA MAPPING/GIS DIVISION. APPRAISAL SUPPORT SERVICES</p>
		<p>RICHARD T. CROTTY PROPERTY APPRAISER</p>
<p><small>This cadastral map is produced for property appraisal purposes. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation.</small></p>		
<p>PEMBROOK DP</p>	<p>DATE 06/11/96</p>	<p>SEC 11 TWP 24 RNG 28 QS 00</p>

EXHIBIT "H"

THIS INSTRUMENT PREPARED BY
AND SHOULD BE RETURNED TO:

OR Bk 5138 Pg 2079
Orange Co FL 5800721

ACTIVITY CENTER TURKEY LAKE ROAD
NETWORK AGREEMENT

NOTICE OF LIEN

This is a Notice of Lien in favor of _____,
whose address is _____,
for the Owner's Construction Cost Proportionate Share and interest
thereon, pursuant to the Activity Center Turkey Lake Road Network
Agreement, recorded in Official Records Book _____, Page _____,
Public Records of Orange County, Florida upon the following
described property in Orange County, Florida:

[INSERT LEGAL DESCRIPTION]

The name(s) of the record owner(s) of the above-described
property is/are _____
whose address(es) is/are _____.

This lien is in the total amount of \$ _____, as of the
date of the filing of this lien, plus interest.

The amounts described herein shall be due and partial releases
given as provided in the Activity Center Turkey Lake Road Network
Agreement.

By: _____
Print Name: _____
Title: _____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____
day of _____, 199__, by _____. He/she is
personally known to me or produced _____ as
identification.

Signature of Notary Public

AFFIX NOTARY STAMP

(Print Notary Name
My Commission Expires: _____
Commission No.: _____

F:\USR\WORDPROC\609\477.WPD\3

COPY

OR Bk 5138 Pg 2080
Orange Co FL 5800721

EXHIBIT "I"

ORANGE COUNTY CODE
IMPACT FEES

§ 23-96

Sec. 23-95. Credits.

(a) An applicant shall be entitled to a credit against any road impact fee assessed pursuant to this article in an amount equal to the cost of off-site improvements (including on-site arterial roads, but not including on-site collector roads) or contributions of land, money or services for off-site improvements (including on-site arterial roads, but not including on-site collector roads) contributed or previously contributed, paid for or committed to by the applicant or his predecessor in interest as a condition of any development permit issued by the county. The cost of such improvements shall be based on the following criteria:

- (1) The actual cost, or estimated cost of improvements based on recent bid sheet information of the county (except with respect to credits by reason of an on-site arterial road the credit shall be limited to the extent of excess capacity created); and
- (2) A pro rata share of the appraised land value of the parent parcel (which land value is based on the "date of valuation" as defined in section 23-88) as determined by an M.A.I. appraiser who was selected and paid for by the applicant, and who used accepted right-of-way appraisal techniques. If the appraisal does not conform to the requirements of this article and the applicable administrative regulations, the appraisal shall be corrected and resubmitted. In the event the county administrator or his designee accepts the methodology of the appraisal but disagrees with the appraised value, he may engage another appraiser and the value shall be an amount equal to the average of the two (2) appraisals.

(b) If the cost of the improvement was paid for or the contribution was made prior to August 31, 1985, credits are not allowed. If the cost of the improvement was paid for or the contribution was made between August 31, 1985 and August 30, 1986, the applicant must apply for the credit within twelve (12) months from September 1, 1990. If an improvement or contribution is made after August 30, 1986, the applicant must apply for the credit prior to the issuance of the project's first certificate of occupancy.

(c) An applicant is not entitled to use any portion of a credit account granted pursuant to this section by obtaining a refund for impact fees which were paid for building permits issued prior to the date of the planning department's receipt of the credit application unless the applicant has entered into an agreement with the county which provides otherwise.

(d) A portion or all of a credit account may be assigned and reassigned under terms and conditions acceptable to the county for use only within the road impact zone in which the project site is located.

(e) Any credit issued shall take into account as an offset to the credit an amount equal to the impact fee imposed by section 23-92 herein multiplied by the number of permits issued prior to January 1, 1986, as if Ordinance No. 85-34 had been in effect at the time of issuance of the permits.

(f) Previous development permits wherein voluntary road impact fees were specified and paid shall be binding as to any building permit already issued on land subject to the development permit. Road improvements required by previous development permits shall not be given a credit unless they meet the requirements of this section. (Code 1965, § 1-54.540; Ord. No. 85-34 § 10, 12-9-85; Ord. No. 90-15, § 1, 7-2-90; Ord. No. 91-25, § 1, 11-15-91; Ord. No. 92-21, § 4, 7-21-92)

Sec. 23-96. Vested rights.

(a) A developer or successor in interest of land which has received a development permit may petition the board of county commissioners for a vested rights determination which would exempt the petitioner from the provisions of this article. Such petition shall be evaluated based on the following criteria:

- (1) There exists a valid, unexpired governmental act of the county authorizing the specific development for which a determination is sought;
- (2) Expenditures or obligations made or incurred in reliance upon the authorizing act that are reasonably equivalent to the fees required by this article;