

ORANG



PLANNING DIVISION

2022-1 REGULAR CYCLE AMENDMENTS 2022-1-A-5-1 (fka 2021-2-A-5-2) 2022-1-B-FLUE-2

2010 - 2030 COMPREHENSIVE PLAN

## BOARD OF COUNTY COMMISSIONERS

MAY 10, 2022 TRANSMITTAL PUBLIC HEARING

PREPARED BY: ORANGE COUNTY COMMUNITY, ENVIRONMENTAL AND DEVELOPMENT SERVICES

PLANNING DIVISION COMPREHENSIVE PLANNING SECTION Interoffice Memorandum



May 10, 2022

TO:	Mayor Jerry L. Demings -AND-
	County Commissioners (BCC)
FROM:	Alberto A. Vargas, MArch., Manager, Planning Division
THROUGH:	Jon V. Weiss, P.E., Director Planning, Environmental, and Development Services Department
SUBJECT:	2022-1 Regular Cycle Comprehensive Plan Amendments 2022-1-A-5-1 (fka 2021-2-A-5-2) and 2022-1-B-FLUE-2 (Sustanee)

Board of County Commissioners (BCC) Transmittal Public Hearing

2022-1 Regular Cycle Comprehensive Plan Amendments 2022-1-A-5-1 (fka 2021-2-A-5-2) and 2022-1-B-FLUE-2 are scheduled for a BCC transmittal public hearing on May 10, 2022. These amendments were heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at a transmittal public hearing on April 21, 2022.

The report is also available under the Amendment Cycle section of the County's Comprehensive Planning webpage. See:

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

The above-referenced 2022-1 Regular Cycle Amendments scheduled for consideration on May 10 include a privately-initiated Future Land Use Map Amendment located in District 5 and an associated staff-initiated text amendment. The privately-initiated map amendment involves a change to the Future Land Use Map (FLUM) for a property over 10 acres in size. The staff-initiated text amendment entails 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/or the other State agencies in July 2022. Pursuant to 163.3184, Florida Statutes, the proposed amendments must be adopted within 180 days of receipt of the comment letter. The adoption hearings are tentatively scheduled before the LPA on August 18, 2022, and before the BCC in September 2022.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch, Manager, Planning Division, at (407) 836-5802 or <u>Alberto.Vargas@ocfl.net</u> or Greg

2022-1 Regular Cycle Amendments 2022-1-A-5-1 (fka 2021-2-A-5-2) and 2022-1-B-FLUE-2 BCC Transmittal Public Hearings May 10, 2022 Page 2

Golgowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or <u>Gregory.Golgowski@ocfl.net</u>.

## AAV/sw

- Enc: 2022-1 Regular Cycle Amendments 2022-1-A-5-1 (fka 2021-2-A-5-2) and 2022-1-B-FLUE-2 BCC Transmittal Staff Report
- c: Christopher R. Testerman, AICP, Deputy County Administrator Joel Prinsell, Deputy County Attorney Whitney Evers, Assistant County Attorney Roberta Alfonso, Assistant County Attorney Gregory Golgowski, AICP, Chief Planner, Planning Division Olan D. Hill, AICP, Assistant Manager, Planning Division Nicolas Thalmueller, AICP, Acting Planning Administrator, Planning Division Read File

## 2022 FIRST REGULAR CYCLE AMENDMENTS TO THE 2010-2030 COMPREHENSIVE PLAN TRANSMITTAL PUBLIC HEARING

## INTRODUCTION

This is the Board of County Commissioners (BCC) transmittal staff report for the First Regular Cycle Amendments 2022-1-A-5-1(fka 2021-2-A-5-2) and 2022-1-B-FLUE-2 to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). These amendments were heard by the Local Planning Agency (LPA) during a transmittal public hearing held on April 21, 2022, and will go to the Board of County Commissioners (BCC) for a transmittal public hearing on May 10, 2022.

The above-referenced 2022-1 Regular Cycle Amendments include a privately-initiated map amendment located in District 5 and an associated staff-initiated text amendment. 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, expected in July 2022. Adoption public hearings are tentatively scheduled before the LPA on August 18, 2022 and the BCC in September 2022.

Once the Regular Cycle amendments have been adopted by the BCC, they will become effective 31 days after DEO notifies the County that the plan amendment package is complete. These amendments are expected to become effective in November 2022, provided no challenges are brought forth for any of the amendments.

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

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	-and-		
	2022-1-B-FLUE-2 FLU8.1.4	Text amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County, associated with Amendment 2022-1-A-5-1 (fka 2021-2-A-5-2 and 2020-1-A-5-1)	

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#### 2022-1 Regular Cycle State Expedited Review Comprehensive Plan Amendments

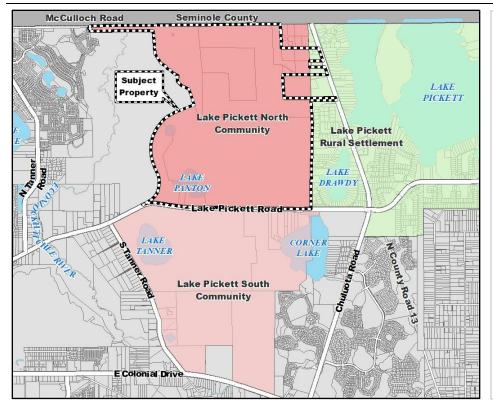
#### Privately-Initiated Future Land Use Map Amendment

Amendment Number	Concurrent Rezoning or Substantial Change	Owner	Agent	Tax ID Number(s)	General Location / Comments	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:	Zoning Map Designation FROM:	Zoning Map Designation TO:	Acreage	Project Planner	Staff Rec	LPA Rec
District 5													
2022-1-A-5-1 (Sustanee) (fka 2021-2-A-5-2 - Sustanee and 2020-1 A-5-1 - Sustany)	I- Yes	Rolling R. Ranch, LTD; Lamar Mary R.; Eloise A. Rybolt Revocable Trust; and Lake Pickett North, LLC	Brian Canin, Canin Associates	[*04-22-32-0000-00-006/007/009/ 045/046/052/053* Lake Pickett Rural Settlement (RS) Parcels]; 05-22-32-0000-00- 001/002/066/07//011/012/013/014; 07-22-32-0000-00-001/020/026/027; 08-22-32-0000-00-018	Generally located north of Lake Pickett Rd., south of the Orange/Seminole County line, east of the Econlockhatchee River, and west of Chuluota Rd.	Rural/Agricultural (R)	Lake Pickett (LP)	A-2 (Farmland Rural District) and R-CE (Country Estate District)	PD-RS (Planned Development-Rural	Plan Amendment: 1417.72 gross ac./ 916.94 net devopable ac. (Excludes approximately 18.1 ac. of RS Parcels) Rezoning:1,435.82 gross ac./935.04 net developable ac. (Includes 18.1 ac. RS Parcels)	Maria A. Cahill, AICP	Transmit	Do Not Transmit (6-0)
	2022-1 Regular Cycle Comprehensive Plan Amendments Staff-Initiated Comprehensive Plan Text Amendment												
Amendment N	Number	Sponsor	Description of Proposed Changes to the 2010-2030 Comprehensive Plan (CP) Project Planner Staff Rec				LPA Rec						
2022-1-B-FLUE-2	(FLU8.1.4)	Planning Division	Text amendment to							Do Not Transmit (6-0)			

ABBREVIATIONS INDEX: IND-Industrial; C-Commercial; O-Office; LDR-Low Density Residential; LMDR-Low-Medium Density Residential; MDR-Medium Density Residential; MHR-Medium Density Residential; MHR-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; LP-Lake Pickett; 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; LUP-Land Use Plan; LUPA-Land Use Plan Amendment; CDR-Change Determination Request; PD-Planned Development District; RP-Regulating Plan; R-CE-Country Estate District; A-2-Farmland Rural District; C-1-Retail Commercial District; SR-State Road; AC-Acres

ABBREVIATIONS INDEX:

## BCC Transmittal Staff Report Amendment 2022-1-A-5-1 Amendment 2022-1-B-FLUE-2



## Applicant:

Brian Canin, Canin Associates

#### Owners:

Rolling R. Ranch, LTD; Mary Rybolt Lamar; Eloise A. Rybolt RT; and Lake Pickett North LLC

Location: Generally located north of Lake Pickett Road, south of the Orange/Seminole County boundary line, east of N. Tanner Road and the Econlockhatchee Sandhills Conservation Area, and west of Chuluota Road.

Existing Use: Undeveloped agricultural land

Parcel ID Numbers: 05-22-32-0000-00-001/002/006/007/ 011/012/013; 07-22-32-0000-00-001/026/027; 05-22-32-0000-014; 07-22-32-0000-00-020; 08-22-32-0000-00-018

Tract Size: ±1,417.72 gross /±916.94 net developable acres

The	ollowing meetings and he	arings have been held:	Project Information
Repo	ort/Public Hearing	Outcome	<b>Request:</b> Rural/Agricultural (Lake Pickett North) (R) to Lake Pickett (LP) and Staff-Initiated Text Amendment to incorporate the proposed development program into Policy FLU8.1.4
~	Community meeting held March 29, 2022 approximately 195 people in attendance See public notification map for notice area	Overall the comments were negative. Issues of concern include urban sprawl, traffic and safety to bicyclists and pedestrians, impacts to existing communities, and the environment, including wildlife, water quality and flooding.	<b>Proposed Development Program:</b> The proposal is to change the Future Land Use Map (FLUM) designation of approximately 1,417.72 acres from <b>Rural/Agricultural (R)</b> to <b>Lake Pickett (LP)</b> to allow up to 2,388 single family detached dwelling units within 8 neighborhoods, 90,100 square feet of Community Space consisting of a Community Space Complex, multi-purpose trails, community amenities, and Adequate Public Facilities including but not limited to a middle or K-8 public school, and a fire station. The Conceptual Regulating Plan rezoning will include an additional ±18 acres within the Lake Pickett Rural Settlement with 12 additional units for a total of 2,400 units.
~	Staff Report	Recommend Transmittal	<b>Public Facilities and Services:</b> Please see the Public Facilities Analysis Appendix for specific analysis on each public facility.
~	LPA Transmittal April 21, 2022	Recommend Do Not Transmit (6-0)	<b>Environmental:</b> Conservation Area Determination: CAD-19-09-136 was issued on January 11, 2022 replaced expired CAD 07-134. A Modification: CAD-19-09-136-MOD was issued on March 2, 2022 to
	BCC Transmittal	May 10, 2022	correct the project boundary. This determination is valid through January 11, 2027. Utilities: Adequate Public Facilities for stormwater, wastewater and
	State Agency Comments	July 2022	reclaimed water, as needed, will be required to support this development, including multiple connection points to existing Orange County Utilities (OCU) mains.
	LPA Adoption	August 18, 2022	<b>Transportation</b> : The proposed use will generate 2,122 net new PM Peak Hour Trips by Year 2040. The applicant Term Sheet estimates \$34 million in proportionate share payments and \$33.4 million in impact fees. A Road Network Agreement will be needed with the adoption of

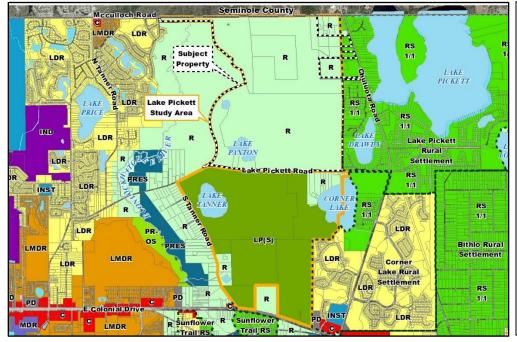
### BCC Transmittal Staff Report Amendment 2022-1-A-5-1 Amendment 2022-1-B-FLUE-2

		the plan amendment, and additional right of way is needed for the widening of Lake Pickett Road. <b>Schools:</b> A school capacity determination (#OC-19-091) was issued on June 29, 2020, with an expiration of December 8, 2020. This determination was extended again to February 3, 2022, but has since expired.
BCC Adoption	September 2022	<b>Concurrent Rezoning:</b> A rezoning application is expected if the proposed Future Land Use Map amendment is transmitted.

## AERIAL



## **FUTURE LAND USE**



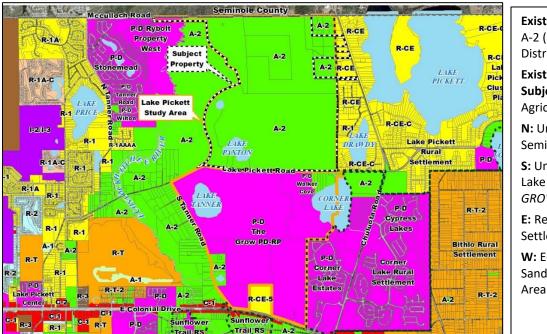
Current Future Land Use Designation: Rural 1/10 (R)

**Special Area Information** The site is within the Econlockhatchee River Protection Area.

## **FUTURE LAND USE – AS PROPOSED**



## ZONING



Existing Zoning: A-2 (Farmland Rural District) Existing Uses Subject: Undeveloped Agricultural Land N: Undeveloped, Seminole County S: Undeveloped, Lake Pickett South (*The GROW PD-RP*) E: Residential / Rural Settlement W: Econlockhatchee Sandhills Conservation

## **Staff Recommendation**

**FUTURE LAND USE MAP AMENDMENT 2022-1-A-5-1:** Staff recommends a finding that the information contained in the application for the proposed amendment is sufficiently complete; that the proposed amendment is consistent with the Comprehensive Plan (see cited policies) and has the potential to be found "in compliance," as defined by Section 163.3184(1)(b), Florida Statutes; and that the Local Planning Agency recommend to the Board of County Commissioners that the Future Land Use Map Amendment 2022-1-A-5-1 (fka 2021-2-A-5-2 and 2020-1-A-5-1), Rural/Agricultural (Lake Pickett North) (R) to Lake Pickett (LP) be **TRANSMITTED** to the reviewing agencies.

Cited policies include Future Land Use Element Goal FLU6 – Protection of Rural Land Resources and Other Assets, Objective OBJ FLU6.8 – Lake Pickett Future Land Use Designation and associated Policies FLU6.8.1 – 6.8.15, Objective FLU6.9 and Policies FLU6.9.1 – 6.9.6 addressing the Future Land Use Map Amendment and rezoning processes, and Future Land Use Element Policies FLU1.4.2, FLU 8.1.4, FLU8.2.1, and FLU8.2.11.

**FUTURE LAND USE TEXT AMENDMENT 2022-1-B-FLUE-2:** Staff recommends a finding the proposed amendment has the potential to be found "in compliance," as defined by Section 163.3184(1)(b), Florida Statutes, and that the Local Planning Agency recommend to the Board of County Commissioners that Amendment 2022-1-B-FLUE-2 be **TRANSMITTED** to the state reviewing agencies.

## Analysis

## 1. Background & Development Program

The subject property is located north of Lake Pickett Road, east of Tanner Road and the Econlockhatchee Sandhills Conservation Area, west of Chuluota Road and south of the Orange and Seminole County border. The gross acreage of the future land use amendment parcels is 1,417.72

acres, including wetlands. The net developable acreage is 916.94 acres. Lake Pickett Road creates a boundary between the subject site known as Lake Pickett North Community, or Sustanee, and Lake Pickett South Community, The Grow. The proposed new Future Land Use Map (FLUM) designation of Lake Pickett (LP) is proposed to be applied to the subject property.

The proposed development program of the LP FLUM amendment will allow up to 2,388 dwellings within 8 neighborhoods, and 90,100 square feet of Community Space consisting of a Community Space Complex, multi-purpose trails and other community amenities, and Adequate Public Facilities (APF) to include facilities for stormwater, wastewater and/ or reclaimed water, a middle or K-8 public school, and fire station.

The subject site is currently undeveloped agricultural land; however, it can be developed with the following densities under the existing FLUM designation: Rural/Agricultural (R) which allows for a density of 1 dwelling unit per ten acres (1 DU/10 acres). The proposed rezoning will include approximately 18 additional acres of Rural Settlement 1/1 (RS 1/1) located in the Lake Pickett Rural Settlement and which allows a density of 1 dwelling unit per acre (1 DU/acre).

The existing zoning designations on the subject properties are A-2 (Farmland Rural District) and R-CE (Country Estate District). If the requested FLUM amendment is transmitted, the applicant will submit the required Lake Pickett Planned Development-Regulating Plan (PD-RP) for zoning review.

In addition to the zoning request to PD-RP, the rezoning will include a request for Planned Development-Rural Settlement (PD-RS) rezoning for the additional 18 acres within the Lake Pickett Rural Settlement with 12 additional units for a total development program of 2,400 dwellings within the Lake Pickett North Community of Sustanee.

The subject property, either independently or in conjunction with the adjacent Lake Pickett South Community, has been the subject of several development proposals since 2009. The following table provides the details of these proposed projects.

	2009 Rybolt	2013-1 New Ideas	2013-2 Lake Pickett North	2014-1 Urban Transect	2014-1 Rural Transition	2015-2/ 2016-1 Lake Pickett
Residential	5,000 du	223 du	3,200 du	5,390 du	4,961 du	4,255 du
Non- residential	2,225,000 ft <sup>2</sup>	N/A	200,000 ft <sup>2</sup>	740,000 ft <sup>2</sup>	250,000 ft <sup>2</sup>	237,000 ft <sup>2</sup>
Gross acreage	1,441 acres	223 acres	1,441 acres	2,677 acres	2,677 acres	2,673 acres
Results of Application	Denied at Transmittal	Withdrawn by Applicant	Insufficient Application	Replaced by Rural Transition	Withdrawn by Applicant	The Grow- Approved Sustany- Denied

#### Lake Pickett Study Area Policies

The Lake Pickett Study Area Policies and related text amendments (Case # 2015-2-P-FLUE-1) *were adopted* by the Orange County Board of County Commissioners into the Comprehensive Plan on **July 12, 2016**. On September 20, 2016 that same year, the Board approved the Lake Pickett FLUM designation for the Lake Pickett South Community, known as the Grow (FLUM 2015-2-A-5-1). The Lake Pickett policies adopted by Ordinance 2016-17, did not take *effect* until **April 2, 2018**.

## BCC Transmittal Staff Report Amendment 2022-1-A-5-1 Amendment 2022-1-B-FLUE-2

The decision of the Board to adopt the amendments was challenged by members of the public, who filed a *Petition* on August 11, 2016 with the Division of Administrative Hearings (DOAH) (Petition Case No. 16-556GM) asserting the amendments were not "in compliance." The DOAH Recommended Order issued on August 11, 2017 agreed with Petitioners that the amendments were internally inconsistent and not "in compliance". The DOAH Recommended Order was referred to the Governor and Cabinet sitting as the Administration Commission for a Final Order. The Final Order was issued on **March 7, 2018** and found the amendments to be "in compliance" (Case No. ACC-17-002). The decision of the Governor and Cabinet was ultimately per curiam affirmed by the Fifth District Court of Appeals upon appeal.

The Lake Pickett (LP) Future Land Use Map (FLUM) designation for the South Community, The Grow was approved, however, the LP FLUM designation for the North Community, Sustany (renamed in the current application to Sustanee) was denied on November 15, 2016 (fka 2016-1-A-5-1, 2015-2-A-5-2, 2015-1-A-5-2). The approved development program for "The Grow" includes 2,078 residential units, 172,000 sf of non-residential (commercial and office), and a 20-acre community park and elementary school.

The proposed Lake Pickett North Community, Sustanee, development program with the approved development program for the Lake Pickett South Community, aka The Grow, would allow the following totals, including a comparison to the 2015 requests:

	2015- 2/2016-1 LP South - The Grow	2020-1/LP North - Sustany 2022-1/LP North - Sustanee	Totals, LP South and North- The Grow and Sustanee	2015-2/ 2016-1 Lake Pickett Totals	+Increase /-Decrease	
Residential	2,078 du	2,400 du	4,478 du	4,255 du	+223 du	
Non- residential	172,000 ft <sup>2</sup>	90,100 ft <sup>2</sup>	262,100 ft <sup>2</sup>	237,000 ft <sup>2</sup>	-25,100 ft <sup>2</sup>	
Gross acreage	1,189.8 gross/ 835 net	1,435.82 gross/935 net	2,626 acres	2,673 acres (Lake Pickett Study Area)	-47 acres	
Results of Application	Approved	Proposed				

#### Staff-Initiated Text Amendment

For the current FLUM and rezoning, the applicant proposes to develop the subject property with up to 2,400 single-family detached dwellings, 90,100 square feet of Community Spaces and Amenities, and 31<u>+</u> acres of Adequate Public Facilities (APF) and multi-purpose trails, including stormwater facilities, water, wastewater and reclaimed water facilities as needed, a dedicated fire station, and a public school site.

**Future Land Use Element Policy FLU8.1.4** establishes the development programs for Planned Development (PD) and Lake Pickett (LP) 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 2022-1-B-FLUE-2. If adopted, the maximum development program for Amendment 2022-1-A-5-1 will be as follows:

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
<u>2022-1-A-5-1</u> Sustanee	Lake Pickett (LP)	2,400 Single-family Detached Dwelling Units; 90,100 ft <sup>2</sup> of Community Spaces and Amenities; Multi-Purpose Trails, and 31 acres of Adequate Public Facilities (APF) including a 2-acre Fire Station and 29-acre Middle or K-8 Public School site.	<u>2022-</u>

The applicant stated the intent and purpose of Sustanee is to develop a sustainable and well-balanced community in the semi-rural subregion of East Orange County. The Sustanee Community is intended to be viable and sustainable for over 100 years – a 5 Generation Community designed around integrating habitat for people and the habitat of wildlife to benefit the well-being of both with a design focus on developing a sustainable and environmentally focused community.

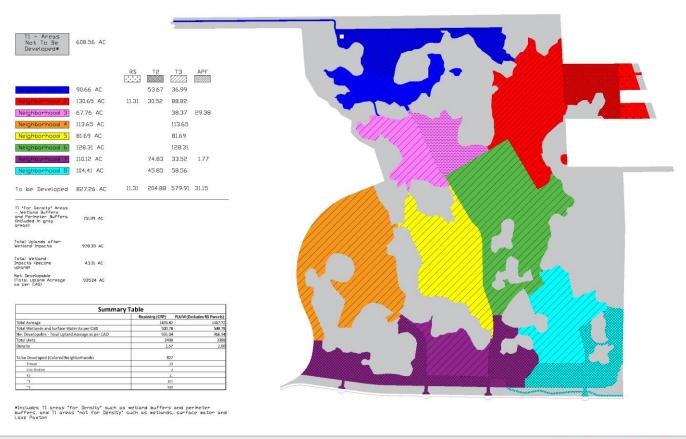
The project will implement a Transect-based development framework using compact and pedestrianoriented neighborhoods organized around community amenities, or central focal points, developed as open space or community space. Open space amenities may include community gardens, parks, tot lots, pergolas or similar open walled structure. Community spaces will include a Community Space Complex and may include community buildings, day care centers, civic gathering spaces or other enclosed building or structures.

Sustanee has been designed with eight neighborhoods which are planned, each with a 5-minute pedestrian shed, organized around a neighborhood focal point. The neighborhoods will be designed to contain a mixture of housing types and lot sizes with the denser development surrounding the shared central community amenity. Lot sizes increase as the development moves outward toward the boundary, ultimately matching the lot size and density of the abutting neighborhoods, settlements and Lake Pickett South Community. The applicant stated that Florida Green Building Coalition standards and other sustainable initiatives will be applied to the design and construction of structures within the proposed community.

Sustanee is proposing to create a non-profit, the "Sustanee Foundation," develop a Community Space Complex for educational and research programs in partnership with UF/IFAS' Program for Resource Efficient Communities (PREC), and to participate in efforts such as the Sustanee SEEP (A Stormwater Ecological Enhancement Project), and the Sustainable Floridians Benchmarking and Monitoring Program in conjunction of UF/IFAS.

Sustanee employs T-2 and T-3 as residential transect zones to govern development densities and intensities. Consistent with the Lake Pickett policies, no T-4 areas are proposed for development. The developable acreage of Neighborhoods and Transects are shown on **Figure 1**. The average overall developable acreage density is approximately 2.6 DU/acre.

The overall proposed conceptual design and development program for the subject site, Sustanee, are depicted on the Conceptual Regulating Plan, **Figure 2** below. Compliance of the Conceptual Regulating Plan with the guiding principles and requirements of the Lake Pickett (LP) FLUM designation, and with other Goals, Objectives, and Policies of the Orange County Comprehensive Plan are discussed in the project analysis portion of this staff report.



## Figure 1 – Neighborhoods and Transects Acreages

#### Sustanee<sup>™</sup> EXHIBIT 5 - DEVELOPABLE ACREAGE AND DENSITY BY TRANSECTS

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		6.4	





## Figure 2 – Lake Pickett North – Conceptual Regulating Plan

Sustanee™ **EXHIBIT 1 - CONCEPTUAL REGULATING PLAN** 

500	1000	2000	urban planning · landscap	e architecture - architecture , florida 32801 407.422.4040
-		feet	February 28, 2022	CA Job No: 218086

#### 2. Project Analysis

#### Consistency

The proposed FLUM amendment appears to be **consistent** with the Comprehensive Plan goals, objectives, and policies. The LP FLUM designation of Lake Pickett (LP) (see Objectives FLU6.8 and FLU6.9, and associated policies) will govern future development of the Lake Pickett Study Area located outside of the Urban Service Area (USA), north of SR 50, south of Seminole County boundary, east of Tanner Road and west of Chuluota Road. The Objectives and Policies provide guiding principles for development of the area, establish a development framework, including densities and intensities of future development and its character, ensure provision of infrastructure, outline funding mechanisms for infrastructure improvements, and describe procedures for obtaining the LP Future Land Use designation and subsequent Lake Pickett-Planned Development-Regulating Plan (PD-RP) rezoning.

The paragraphs below summarize the LP policy langauge and describe how the requested amendment meets principles and standards outlined in the policies.

#### Lake Pickett (LP) Future Land Use Designation

**GOAL FLU6, Protection of Rural Land Resources and Other Assets,** requires the County to manage land uses within the Rural Service Area. The following Objectives and Policies have been created and are illustrated on the Conceptual Regulating Plan (CRP) to meet the Goal FLU6 requirements. Excerpted language from the adopted policies are shown in italicized text.

**OBJ FLU6.8** creates LP FLUM designation and is intended to manage the transition of development in the Lake Pickett areas from the surrounding rural densities and preservation areas to more dense neighborhood zones clustered toward the center of the Lake Pickett areas. Using Transect Zones the LP Future Land Use designation provides a method of gradually transitioning from less to more dense development while preserving both natural system and habitats and the existing rural character within the Rural and Rural Settlement Future Land Uses. Each series of Transect Zones builds upon another from the least dense Transect to the densest Transect. Rural character is preserved by using like-to-like densities and lot sizes at the boundary. As illustrated on the CRP, the least dense transects border surrounding inaccessible preservation lands and existing communities while the more dense development is accessible to park lands and existing infrastructure.

**Policy FLU6.8.1** establishes LP guiding principles, compliance with which allows the Lake Pickett North area to meet the overall intent of the LP FLUM designation.

- Preserve the rural lifestyle and character of existing communities through Transect Zone principles of urban design, integration and preservation of natural resources, amenities such as shared community gardens and greenhouses and other low impact agricultural uses, parks and play spaces, and areas promoting community congregation, fitness and well-being. The CRP depicts how the Applicant intends to meet the criteria to manage conservation, open space and community areas, such as:
  - a) *Preserving Natural Areas*: As illustrated on the CRP, large conservation areas are proposed between neighborhoods and in connection with existing habitats and protected land. Where conservation lands border the property and are accessible, newly constructed trail heads and improvements to existing public trails are proposed.
  - b) *Providing Open Space Areas:* Areas of open space are present in each transect and are available to be designated for preservation of green space, outdoor sports fields, community gardens, parks and similar spaces according to the character of the neighborhood. An

extensive trail system connects these areas to other neighborhoods. Newly proposed and existing pedestrian and bicycle trails connect to existing and proposed county/state trail systems, proposed roadways, and the surrounding existing and proposed communities.

- c) *Constructing Community Space Areas*: Currently school and fire station locations are illustrated. A conservation education center is also proposed and will be identified as part of the minimum five percent (5%) of the total thirty-five percent (35%) open space requirement for this development. Additional facilities will appear on the LP-PD Regulating Plan.
- Implement a "complete streets" philosophy by identifying, creating and constructing an interconnected network for all users and all modes of transportation, consistent with, and appropriate to, the neighborhood design and community character. As shown on the CRP, an extensive network of interconnected trails and sidewalks is proposed.
- Use Transect Zones to govern development intensities and densities within neighborhoods. As illustrated on the CRP, the least dense Transects are proposed at the border of existing communities while the denser Transects are internal to the project.
- Provide a transition between existing development, which is rural in character and located along the perimeter of the community. Large buffers are proposed along roadways to preserve existing viewscapes, and Transect Zones are designed to match the character and density of the surrounding community. Less dense Transects along the border transition into denser Transects in the interior and adjacent to publically accessible conservation area trails.
- Create a mix of walkable neighborhoods organized around centralized focal points that serve as neighborhood destinations. Areas of open space are present in each transect.

**Policy FLU6.8.2** establishes Transect Zones and their associated densities and intensities. Three of the proposed Transect Zones, T-1 Conservation, T-2 Rural and T-3 Edge, are proposed for this property. T-4 Center Zone, which allows for non-residential development, is not proposed.

- *T1 Natura/Wetland:* Consists of natural lands including wetlands and their buffers, conservation areas, habitat corridors, and similar lands. As illustrated on the CRP, this designation is prevalent along existing environmentally sensitive lands and lands bordering minimally developed lands.
- T2 Rural: Links existing low intensity uses, such as those within the Rural Settlement to the east, to the higher density neighborhoods proposed within the interior of the North Lake Pickett area. Development in these areas is proposed to remain at or below the average dwelling units per acre (2 DU/acre). The applicant proposes an average density of .5 DU/acre (1 DU/2 acres) in T2 Rural Zone.
- *T3 Edge*: Development is limited to the most interior areas and areas serving as access to public lands for which trail heads and trail improvements are proposed. Development in this area is proposed to remain at or below an average density of 5 DU/acre, a maximum FAR of 0.25, or a combination thereof. The applicant proposes an average density of 3.94 DU/acre in T3 Natural Zone.

**Policy FLU6.8.3** provides options for transitioning from the existing development in the surrounding communities to more dense uses proposed to occur on the subject site. **FLU6.8.3** requires for at least one, and allows for up to four opportunities to establish compatibility with the adjoining community at the edges of the property. For the Lake Pickett North area, the Econlockhatchee Sandhills Conservation Area is exempt. The CRP show, the applicant proposes *substantial buffers* consisting of native plant species. Additionally, a 300' buffer is proposed along the Orange and Seminole County line.

**Policy FLU6.8.7** states that low intensity agricultural uses, consisting of agricultural lands and agricultural facilities, may be established to promote community interaction, facilitate fitness and healthy lifestyles, provide recreation and education, and preserve rural character. Agriculture is anticipated, as stated on the CRP. Agricultural uses may include community gardens, community greenhouses and other like uses.

**Policy FLU6.8.9** requires that all development within each of the Lake Pickett communities shall be organized as neighborhoods designed around a centralized focal point, provide for a mix of housing types and/or lot sizes, be walkable in character, and limited to 125 acres. All neighborhood development shall generally be located within a ¼-mile distance from the centralized focal point, which may include lands that are part of the open space and community space systems. As illustrated on the CRP, each of the proposed neighborhoods includes a centralized focal point area, provides sufficient area for a mixture of housing styles and/or lot sizes, and is connected by a well-developed pedestrian trail and sidewalk system. The focal points are sufficiently large, connected to streets, sidewalks and trails, and occur within appropriately sized Transect Zones.

**Policies FLU6.8.8, FLU6.8.11, FLU6.8.12 and FLU6.8.13** provide standards for street network, street typology, and interconnectivity. In particular, the following requirements of the proposed policy language are addressed on the Sustanee CRP.

- Complete streets for all users and various modes of transportation; pedestrian orientation of streets. The proposed street system is both interconnected and augmented by an extensive trail network. As shown on the CRP, the proposed street network discourages cut through traffic while providing the required connectivity for all modes of transportation. Additionally, independent bicycle trails are proposed for this community.
- At a minimum, street typology shall consist of collector streets and local neighborhood streets. Additional street types may be proposed on the Conceptual Regulating Plan. Both local and collector streets appear on the CRP. Connectivity via local streets is proposed between the proposed two Lake Pickett communities as shown.
- Connectivity between the two communities bordered by Lake Pickett Road shall be provided by two lane local streets. Connectivity between the two communities, if approved, shall also be provided utilizing local street design and trail concepts that facilitate access but discourage cutthrough traffic between the communities. Street connections shall be made between adjacent developments and neighborhoods to continue the interconnected transportation network. As illustrated, connection with the Lake Pickett South area, the Rural Settlement to the east, and Chuluota and Lake Pickett Roads are proposed. Very few cul-de-sacs are presented, and they all have reasonable access to streets and trails.
- Each Lake Pickett community shall contain an interconnected multi-purpose trail system. An extensive trail system, including new access and off-site improvements to trails is proposed as illustrated. Connection to the trail is proposed and, as illustrated, no impediments to trail access are proposed.

Finally, a school site has been depicted on the proposed CRP to ensure compliance with **Policy FLU6.8.15.** 

#### Lake Pickett FLUM Amendment Submittal Requirements

Proposed **Objective OBJ FLU6.9** and **Policy FLU6.9.1** outline submittal requirements for a Lake Pickett Future Land Use Map (FLUM) Amendment, including a list items that have to be provided by an applicant. Paragraphs below specify how the Lake Pickett North submittal met these criteria.

- 1. Conceptual Regulating Plan (CRP), which is a general and illustrative representation of the proposed development and location of transects. The CRP shall depict the following:
  - General location of Transect Zones (shown see Figure 1 depicting the proposed locations of three transects T1, T2 and T3, and the existing Lake Pickett Rural Settlement)
  - General location and types of proposed agricultural uses (is applicable), conservation areas, and transitional treatments (shown on Figure 1 as a site note stating that an agricultural use is anticipated and may include community gardens, community greenhouses and/or other like uses)
  - General location of neighborhoods based on ¼-mile radius pedestrian shed (shown see Figure 1 that identifies eight (8) potential neighborhoods within the proposed development)
  - Location of existing and planned major roadways, trails or other transportation modes (shown see Figure 1 showing the proposed transportation and trail network within the community, the proposed East Orange Trail, and proposed connections to the existing Roadways Lake Pickett Road and Chuluota Road)
  - Potential and required external connections locations, including those between the Lake Pickett communities (shown – see Figure 1; four vehicular connections to Lake Pickett Road of which three vehicular and two trail connections are proposed Lake Pickett South community are shown, as well as the proposed connection to Chuluota Road through the Rural Settlement)
  - General location of public school sites and a copy of the applications for a Capacity Enhancement Agreement (CEA) with Orange County Public Schools (school site shown see Figure 1 depicting a proposed middle school/K-8 site
  - Net developable area for the project and for each of the Transect Zones (shown see Figure 1 insert table; net developable acreage is ±916.94 acres)
  - Overall proposed community development program (shown see Figure 2, CRP insert table that identifies gross acreage, net developable acreage, and proposed number of units of each transect, including T1, T2 and T3, and existing Rural Settlement)
- 2. OCPS Capacity Enhancement or Mitigation Agreement (prior to adoption)

The applicant received the formal determination from OCPS on June 29, 2020 with an expiration date of December 8, 2020. An extension of the formal school capacity determination was provided with a new expiration date of February 3, 2022 (OCPS reference #OC-19-091). The determination finds that elementary and middle school capacity is not available; and further finds that this project does not meet the minimum criteria established by the Orange County Charter and Code to proceed through the joint approval process with significantly affected local governments. At the Community Meeting, representatives from OCPS indicated that capacity is available at the Elementary, Middle and High Schools that would serve the project. The formal determination of capacity will need to be updated prior to adoption. However, the development is still required to enter into an Adequate Facilities Agreement (APF Agreement) for the dedication of the

proposed public school site within the PD-RP and submit for concurrency review and if necessary, enter into a Concurrency Mitigation Agreement.

3. Transportation Analysis

The updated Transportation Analysis was submitted to the Transportation Planning Division in January 2022. The analysis was updated based on the County's review of the analysis and issued comments to the applicant on December 6, 2021, which are included in the Public Facilities Analysis section of this staff report. The draft Sustanee Global Term Sheet estimates the project's proportionate share contribution to be approximately \$35.4 million. The project's estimated transportation impact fee to be approximately \$33.8 million. Additional transportation-related information can also be found in the Public Facilities Analysis section.

4. Justification and Consistency

The updated justification statement was submitted to the Orange County Planning Division on January 12, 2022.

- 5. Infrastructure and Public Services (this requires compliance with the Orange County Concurrency Management Ordinance; also see Figure 1, which depicts the proposed location of a fire station)
- 6. Community Meeting/Public Participation

A community meeting was held on March 29, 2022, at East River High School to facilitate public input on the proposed Lake Pickett Future Land Use Map amendment. If Transmitted, a second community meeting will be held before adoption public hearings. A brief description of the meeting follows, and the Community Meeting Memorandum is attached.

#### 1<sup>st</sup> Community Meeting (March 29, 2022, East River High School, 6:00 PM to 7:30 PM)

Orange County staff provided an overview of the future land use map amendment request, and review and adoption process for the plan amendment and regulating plan noting the background and history of the Lake Pickett designation.

Sustanee, the Lake Pickett North Community, is proposed as a sustainable environmentally focused community on nature, wellness and education. The development will include a 120 acre education and nature center in partnership with the creation of the Sustanee Foundation and a team from University of Florida's Program for Resource Efficient Communities.

Orange County Transportation Planning reviewed the initial findings of the Northeast Orange County Area-wide Transportation Study (NEOCATS) intended to identify potential transportation projects to improve network connectivity and provide relief to constrained transportation corridors, and explained that the study would be used to identify potential future transportation improvements in the area.

Approximately 195 people attended, and the overall tone was negative. Major concerns included traffic congestion and safety, school capacity, intrusion and destruction of wildlife habitat, pedestrian and bicycle safety, septic tanks, stormwater and flooding, and pollution of the Econlockhatchee River.

The review of the policy languge (Objective OBJ FLU6.8 and associated policies) indicates the the applicant has met all of the submittal requirements for the FLUM Amendment outined in **Policy FLU6.9.1**. The Conceptual Regulating Plan submitted by the applicant also meets the development framework established by the policy languge for the LP FLUM designation. Overall, the proposed amendment appears to be consistent with policies of the Comprehensive Plan related to the Lake Pickett area.

#### Environmental, Public Facilities and Services Comments

**Environmental:** An environmental analysis is required for this property. The property is located within the Econlockhatchee River Protection Area. Detailed comments from the Environmental Protection Division outline Orange County Chapter 15, Article XI, Econlockhatchee River Protection Ordinance requirements and Critical Area Regulations Sec. 15-443. Wetlands and habitat rich uplands have been noted on this site.

**Wetland Conservation Areas.** There are wetlands and surface waters located within the subject properties totaling 500.78 acres that will require protection per Orange County Code (OCC) Chapter 15, Article X Wetland Conservation Areas. Conservation Area Determination CAD-19-09-136 was issued on 1/11/2022 replacing expired CAD 07-134. A Conservation Area Determination Modification CAD-19-09-136-MOD was issued on 3/2/2022 to correct the project boundary. No changes to the approved wetland and/or surface water boundaries were made under this modification. Approval of this request does not authorize any direct or indirect impacts to conservation areas or to the required upland buffers.

All development shall be consistent with the conservation element of the Comprehensive Plan and the conservation regulations. [Reference OCC Chapter 30 Planning and Development, Article VIII Site Development, Division 1, Section 30-246 Conservation Areas.]

All acreages regarding conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Every application for activity subject to Orange County Code Chapter 15 Environmental Control shall be reviewed to determine the functional significance, scarcity, replaceability, vulnerability and productivity of the habitat on the lands to be considered in both the pre- and post-development condition. The applicants are advised not to make financial decisions based upon a presumption of approved conservation encroachment by development within the wetland or the upland protective buffer areas. Any plan showing development in a wetland or protective upland buffer area without Orange County and other jurisdictional government agency wetland permits is speculative and may not be approved.

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. [Reference OCC Chapter 15 Environmental Control, Article X Wetland Conservation Areas, subject to, but limited to, 15-396 Compensation required for unavoidable loss and 15-419 Evaluation Criteria.]

Surface waters located on these properties include Lake Paxton, Lake Tanner, Corner Lake, a portion of the Big Econ River and unnamed tributaries. Clearly label and indicate the Normal High Water Elevation (NHWE) lines of the lakes on all development plans or permit applications, in addition to any wetland and setback lines. [Reference OCC Chapter 38 Zoning, Article VIII P-D Planned Development District, Division 1 Generally, Section 38-1206 Development Plan shall include identification of land and water bodies and show natural features. Reference OCC Chapter 34 Subdivision Regulations, Article IV Specifications for Plans and Plats, Section 34-131 Preliminary Subdivision Plan Supporting Data shall include information (identification and contour line) on the normal high water elevation.]

These properties are located within the geographical limits of the (Big) Econlockhatchee River Protection Ordinance. Basin-wide regulations apply which include but are not limited to, wetland buffers, habitat preservation and wildlife management, stormwater management, and landscaping with native plant species. [Reference OCC Chapter 15 Article XI Econlockhatchee River Protection, Section 15-442 Basin-wide regulations.]

**Habitat Protection.** Development of the subject property shall comply with all state and federal regulations pertaining to wildlife or plants that are listed as endangered, threatened, or species of special concern by the U.S. Fish and Wildlife Service (FWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC). The Preliminary Environmental Assessment reports submitted with these requests indicated evidence of several protected wildlife species in the area such as gopher tortoise, Sherman's fox squirrel, American bald eagle, Florida sandhill crane, little blue heron and white ibis. An updated Environmental Assessment indicating protected wildlife species will be required.

Portions of the property have been identified as part of the Florida Department of Environmental Protection, Priority Ecological Greenway Network 2013. This project of the Florida Ecological Greenway Network (FEGN) identifies areas of opportunity for protecting a statewide network of ecological hubs and linkages designed to maintain large landscape-scale ecological functions including focal species habitat and ecosystem services throughout the state. The FEGN aggregates various data identifying areas of ecological significance from the Florida Natural Areas Inventory, Florida Fish and Wildlife Conservation Commission, existing and proposed conservation lands, and other relevant data. These data were combined to identify large, landscape-scale areas of ecological significance (ecological hubs), and a network of landscape linkages and corridors connecting the hubs into a statewide ecological greenways system (ecological greenways and wildlife corridors). Based on our experience with similar projects, developing potions of this area of ecological significance would diminish the functionality of the area as a greenway and move the land use from a state of higher sustainability to a state of lower sustainability in terms of the resources needed to sustain the lower state. The applicant shall provide reasonable assurance that the habitat and ecological function of this ecosystem will not be diminished as a result of the proposed development. Road and pedestrian crossings of the wetlands and environmentally sensitive corridors shall be minimized over wetlands and floodplains and shall be designed to allow for unimpeded passage of wildlife.

**Design Considerations.** The natural topography, soils and vegetation should be preserved and utilized, where possible through the careful location and design of all elements such as circulation ways, buildings, open space and drainage facilities. Designation and use of conservation areas must be consistent with adopted growth management policy. [Referencer OCC Chapter 38 Zoning. Article VIII PD Planned Development District, Division 2 General Site Development Standards, Section 38-1228.]

Approval of this request does not constitute approval of a permit for the construction of boat docks (including but not limited to boardwalks or observation piers) or a boat ramp. Any person desiring to construct a boat dock or boat ramp within Unincorporated Orange County shall first apply for a permit prior to the installation. [A boat dock requires additional permitting under OCC Chapter 15, Article IX, Dock Construction. A boat ramp requires additional permitting under OCC Chapter 15, Article XV, Boat Ramps. Application shall be submitted to the Orange County Environmental Protection Division.]

This site is adjacent to lands that are managed by the St Johns River Water Management District (SJRWMD). The covenants, conditions, and restrictions (CC&Rs) shall contain notification to potential purchasers, builders or tenants of this development 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.

Development shall coordinate the proposed trail system with the SJRWMD to ensure that it connects with the trail system already established within the Econ Sandhills Conservation Area.

**Pollution Prevention.** Pollution abatement swales shall be provided and maintained upland of streams and canals and the NHWE on all lakes, inclusive of wetlands connected to lakes. If wetland protection buffers are present, then the swale shall be located upland of the buffer. Areas that drain away from lakes do not require a swale. [Reference OCC Chapter 34 Subdivision Regulations, Article IV Specifications for Plans and Plats, Section 34-132(c)(2).]

Portions of the Lake Pickett North and South development will discharge into an impaired water body. The Impaired Waters Rule, Chapter 62-303 of the Florida Administrative Code may increase the requirements for pollution abatement treatment of stormwater as part of future approvals of related Basin Management Action Plans currently in development by the state Department of Environmental Protection (FDEP). The applicant is advised to follow related legislation in order to assure compliance with future regulations.

If on-site sewage treatment disposal systems (OSTDS) are installed, nutrients passing through septic drainfields shall be detected prior to their transport to the Econlockhatchee River basin, as well as other water bodies and wetlands in the vicinity of the project. The developer is responsible for addressing adverse impacts to existing water quality.

The development shall include measures to prevent excess nutrients from entering water bodies via storm water run-off or base flow. Preventive measures that may be required by the Impaired Waters Rule through Basin Management Action Plans may include the County to require proper fertilizer management and the installation of curb inlet baskets to prevent entrained litter and other debris from entering the stormwater system.

Some areas of the subject properties have a prior land use that may have resulted in petroleum spills, agricultural related contamination (including cattle operations), and fertilizer, pesticide or herbicide spillage. No activity will be permitted on the site that may disturb, influence or interfere with: areas of soil or groundwater contamination, any remediation activities, or within the hydrological zone of influence of the contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP). An owner/operator who exacerbates the existing contamination, introduces contamination into previously uncontaminated media, or does not properly document and dispose of any excavated or extracted media that is contaminated may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S.

**Additional Regulations.** This review does not release the applicant from complying with all other Federal, State, and Local rules and regulations. If this review conflicts with those of any other Agency, Department or Division, the permittee must comply with the most stringent requirements.

<u>**Transportation:**</u> The analysis of the proposed development indicates that it will result in 2,256 PM Peak Hour trips resulting in a net increase of 2,122 PM Peak Hour trips by Year 2040. There are several planned roadway improvements being studied within the project impact area.

**NORTH EAST ORANGE COUNTY AREAWIDE TRANSPORTATION STUDY (NEOCATS)** - The study area is bounded by Colonial Drive (SR 50) to the south, Seminole County Line to the north, Alafaya Trail (SR 434) to - Colonial Drive (SR 50) to Alafaya Trail (SR 434) to West end of Chuluota Road. The main

objective of this study is to identify and analyze potential transportation projects that would improve network connectivity and provide relief to constrained corridors. The study shall develop a prioritized list of regional roadway improvements as well as intersection improvements, transit, pedestrian, and bicycle enhancements. The Roadway Conceptual Analysis is approximately 5% complete at the time of this report. This information is dated and subject to change.

**CHULULOTA ROAD ROADWAY CONCEPTUAL ANALYSIS** - Chuluota Road - Colonial Drive (SR 50) to Lake Pickett Road. The purpose of the study is to assess and recommend roadway improvements anticipated to improve safety and traffic flow in the area. The study considers the social and environmental impacts of adding travel lanes and other features such as, but not limited to, drainage conveyance and treatment improvements, a segment of the East Orange Trail and sidewalk, raised medians, lighting, landscaping and intersection improvements. The Roadway Conceptual Analysis is approximately 15% complete at the time of this report. This information is dated and subject to change.

Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed development will result in an increase in the number of pm peak trips and therefore impact the area roadways. Based on the Concurrency Management System Database, several roadways within the project impact area do not operate at acceptable levels of service and capacity is not available to be encumbered.

- The subject property is not located within the County's Alternative Mobility Area.
- The subject property is located along a backlogged/constrained facility or multimodal corridor.
- The allowable development based on the approved future land use will generate 134 pm peak hour trips.
- The proposed use will generate 2,256 pm peak hour trips resulting in a net increase of 2,122 pm peak hour trips.
- The subject property is located north of Lake Pickett Road and west of Chuluota Road. Based on the Concurrency Management System (CMS) database dated January 12, 2022, several roadway segments currently operate at Level of Service F and capacity is not available to be encumbered. Other roadway segments within the project impact area operate at acceptable levels of service. This information is dated and is subject to change.

The Existing roadway network analysis revealed the following roadway segments are operating below their adopted LOS standard:

- Chuluota Road from Colonial Drive to Lake Pickett Road
- Colonial Drive from Woodbury Road to Chuluota Road
- McCulloch Road from Lockwood Boulevard to N Tanner
- Woodbury Road from Lake Underhill Road to Colonial Drive

Based on YR 2025, the following roadway segments are operating below their adopted LOS standard:

- Alafaya Trail from University Boulevard to Colonial Drive
- Chuluota Road from Lake Pickett Road to Seminole County Line
- Colonial Drive from Woodbury Road to S.R. 520
- Lake Pickett Road from Colonial Drive to East Sustanee Road
- Woodbury Road from Waterford Lakes Pkwy to Colonial Drive

Based on YR 2040, the following roadway segments are operating below their adopted LOS standard:

• Alafaya Trail from University Boulevard to Colonial Drive

- Colonial Drive from Woodbury Road to SR 520
- McCulloch Road from Alafaya Trail to Lockwood Boulevard
- N Tanner Road from Lake Pickett Road to Seminole County Line

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.

<u>Utilities:</u> Multiple connection points to existing Orange County Utilities (OCU) mains will be required to support this development. Main sizes and connection points will be determined by developer master utility planning and coordination with OCU. Existing utilities in the vicinity of the project area include: PW: 24-inch main on E. Colonial Dr., 20-inch main on Lake Pickett Road at N. Tanner Rd, 16-inch main on Chuluota Road; WW: 24-inchforce main on Old Cheney Hwy at Dew St.

#### Compatibility

The proposed Future Land Use Map (FLUM) Amendment appears to be **compatible** with the development trends in the surrounding area.

Future Land Use Element **Policies FLU1.4.2** and **FLU8.2.1** require land use changes to be compatible with the existing character and evolving development trends in the area. The areas located east the Lake Pickett North property, on both site of Chuluota Road, are part of Lake Pickett Rural Settlement, the majority of which is currently developed at the density of one dwelling unit per acre (1 DU/acre). The area south of the subject site, Lake Pickett South, aka The Grow received the LP FLUM designation (case #2015-2-A-5-1), similar to the request of the subject site. If adopted, both communities will be developed under a similar framework and guiding principles and, while differences are expected due to differences in the proposed densities and intensities and an overall community character of each of the developments, many similarities will also likely be observed.

On the west side, the subject property is adjacent to the Econlockhatchee Sandhills Conservation Area, and the proposal for the subject site incorporates many aspects of preservation and conservation associated with it. More specifically, the whole proposed character of *Sustanee*, the Lake Pickett North community, is based on the principles of conservation, environmental preservation and ecological sensitivity.

In accordance with Future Land Use **Policy FLU8.2.11**, which states that compatibility may also be determined by the design attributes of a project and its urban form, the proposed request incorporates principles of transitioning from the surrounding neighborhoods and communities through provision of like-to-like densities and buffers along its perimeter. For instance, the proposed Sustanee Conceptual Regulating Plan shows a buffer along Lake Pickett Road provided to ensure that the rural character of this existing roadway is being preserved. In addition, a buffer, which can also serve as a wildlife corridor, is provided along the north boundary of the subject site to ensure compatibility with larger-lot residential and agricultural uses located in Seminole County.

The review of the proposed amendment demonstrates that the proposed development appears to be compatible with the character of the surrounding communities, and it also provides additional measures to ensure and enhance such compatibility.

#### 3. Policy References

- FLU1.4.2 Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.
- OBJ FLU6.8 LAKE PICKETT FUTURE LAND USE DESIGNATION. The Lake Pickett (LP) Future Land Use designation shall only apply to the area located north of East Colonial Drive, south of Orange County boundary line, east of South Tanner Road and/or the Econlockhatchee Sandhills Conservation Area, as applicable, and west of Chuluota Road, which is depicted on Map 22 of the Future Land Use Map series Lake Pickett Study Area. This Objective shall be implemented through the following development framework policies.

The LP designation manages the transition of development from surrounding rural neighborhood densities and preservation areas to more dense development clustered towards the center of the Lake Pickett Study Area. Transition is provided through compatibility measures such as perimeter treatments, and preservation of natural systems/habitats.

Compatibility is ensured on LP lands through the use of Transect Zones, conservation best management practices, neighborhood design principles and interconnected open space systems and streets with a strong pedestrian/bicycle orientation. Transect Zones allow development to occur by gradually transitioning from less to more dense development. Each Transect Zone shall have a stated density unique to that Transect, and each series of Transect Zones shall build upon each other from the least dense Transect to the most dense Transect. Transect Zones allow contiguous rural character to be preserved by using like-to-like lot configurations along the boundary.

Nothing in these policies is intended to supersede Orange County's existing environmental regulations contained in Chapter 15, Articles X and XI, Orange County Code of Ordinances. (Added 7/16, Ord. 2016-17)

#### POLICIES

- FLU6.8.1 **Lake Pickett Guiding Principles.** All future development within the Lake Pickett Study Area shall adhere to the following guiding principles
  - Preserve the rural lifestyle and character of existing communities through design, integration and preservation of natural resources, amenities such as shared community gardens and greenhouses and other low impact agricultural uses, parks and play spaces, and areas promoting community congregation, fitness and wellbeing.
  - Manage conservation, open space and community areas by:
    - a) Preserving *Natural Areas*, which include but not limited to lands governed by Chapter 15, Articles X and XI of the Orange County Code, by protecting native species, habitat, and water quality, and other natural resources in accordance with all applicable governmental regulations;
    - b) Providing Open Space Areas for the preservation of green space and community character through agricultural lands, upland and wetland buffers, outdoor sports fields, parks, pathways and trails that connect to existing and proposed county/state trail systems, and cultural, artistic, and open nonwalled structures, which promote gathering and outdoor community activity;

- c) Constructing *Community Space Areas* containing public amenities, such as community buildings, indoor sports facilities, agricultural facilities, education centers, child care facilities, and similar built environment facilities that promote intercommunity congregation, healthy living and personal enrichment.
- Implement a "complete streets" philosophy by identifying, creating and constructing an interconnected network for all users and all modes of transportation, consistent with, and appropriate to, the neighborhood design and community character.
- Use Transect Zones to govern development intensities and densities within neighborhoods.
- Provide a transition between existing development, which is rural in character and located along the perimeter of the community, and more intense uses within the Lake Pickett Study Area. Such transition shall be provided through the treatment of edges based upon the context, character, and scale of adjacent development.
- Create a mix of walkable neighborhoods organized around centralized focal points that serve as neighborhood destinations. Each neighborhood shall provide a mix of housing types and/or lot sizes and community space areas, as defined in Policy FLU6.8.1 (c).

(Added 07/16, Ord. 2016-17)

- FLU6.8.2 **Transect Zones.** Development densities and intensities within each Lake Pickett community and neighborhood shall be governed through the use of Transects, which will define a series of zones that transition from the rural edge to the denser core. The Transect Zones provide the basis for neighborhood structure, which requires walkable streets, mixed use, transportation options, and housing diversity. The Transect Zones vary by the ratio and level of intensity and density of their natural, built, and social components. Average densities associated with Transect Zones are determined by dividing the total number of units within a Transect Zone by the net developable area of such Transect Zones. The net developable area is defined in FLU1.1.2(C). Each of the Transect Zones is described below:
  - T1 Natural: Consists of natural lands including land unsuitable for settlement due to topography, hydrology, conservation area designation, habitat corridors, or listed species (plant or animal) habitat protection areas. The T1 Natural Zone shall be applied to areas that will remain undeveloped and/or designated for agriculture use, passive recreation, conservation, or related activities, buffer zones that have been permanently protected from development, and areas previously conveyed to a state or local agency for protection.
  - **T2 Rural:** Consists of sparsely settled lands in open or cultivated states and allows for compatibility with natural and rural areas. The T2 Rural Zone shall serve as a link between existing Rural Settlements or agricultural uses, and higher density neighborhoods within each Lake Pickett community. To provide compatibility with the adjacent developed areas, the T2 Rural Zone may include like-to-like type density buffers, such as matching lot sizes, as further defined in Policy FLU6.8.3. Where large single family lots are used as a buffer or transition between existing and proposed development, the lots within the transition area shall include additional building setbacks along the perimeter of the development to remain undeveloped. The average density of development shall not exceed 2 DU/acre.
  - **T3 Edge:** Consists of lands with predominantly single-family detached residential uses within walkable neighborhoods but may also include central focal point uses,

community buildings, and community gardens and parks. Rear loaded attached single-family uses may be permitted when located either proximate to T4 Center Zone, on the community loop road or spine road, or adjacent to central focal points that are located at least 250 feet away from the T2 Rural Zone. Development shall not exceed an average density of 5 DU/acre, a maximum FAR of 0.25, or a combination thereof.

- T4 Center: Consists of lands developed with a mix of residential (single-family attached and vertically integrated uses) and non-residential uses, including commercial, office, service, and civic uses that serve the Lake Pickett community, as well as surrounding area. Residential density and non-residential intensity shall be calculated on the net developable acreage (gross acreage less natural waterbodies and wetlands). The average residential density within the overall T4 shall not exceed 6.0 units per acre, and the average non-residential intensity within the overall T4 center shall not exceed a 0.15 Floor Area Ratio (FAR). Although density and intensity within specific T4 development tracts may exceed the maximum average of the overall T4 Center, higher concentrations of development shall be located in the most southerly portion of Lake Pickett Study Area, adjacent to SR 50, at a maximum FAR of 1.0. Multi-family complexes shall be prohibited. (Added 07/16, Ord. 2016-17)
- FLU6.8.3 **Transition.** Transitional treatment of the edges of the Lake Pickett area, that is contextual, is critical for achieving compatibility with existing adjacent development. Transition should be accomplished through any one or more of the following mechanisms.
  - Lands located along the perimeter within the Lake Pickett Study Area shall be of the compatible with adjacent lands outside Lake Pickett Study Area, with the exception of the Econlockhatchee Sandhills Conservation Area.
  - Substantial buffers consisting of Florida native plant species, as required by Chapter 15 Article XI of the Orange County Code, shall be used to replace or enhance perimeter transition treatment and shall be provided along Lake Pickett Road and South Tanner Road to preserve existing rural viewsheds or create a visual buffer from the proposed development within Lake Pickett communities. The buffer along Lake Pickett Road shall average 200 feet in width on each side, and in no case shall such buffer be less than 100 feet. The buffer along South Tanner Road shall be a minimum of 100 feet in width. Buffers shall be developed in conjunction with the Lake Pickett Planned Development Regulating Plan (PD-RP) and shall be depicted as T1 Natural/Wetland Zone on the Conceptual Regulating Plan. All buffers within each community, excluding rights-of-way maintained by Orange County, shall be designated on a PD-RP as tracts and maintained by a Homeowners Association, or a similar type of organization.
  - To ensure preservation and to enhance protection of lands located north of Lake Pickett Study Area, including the East Rural Area of Seminole County, a minimum of 300-foot buffer shall be provided along the County boundary line and designated as T1 Natural/Wetland Transect Zone on the Conceptual Regulating Plan. Such buffer can serve as a wildlife corridor.
  - Additional compatibility measures, including site design standards, shall be determined during the PD rezoning process and included on a Lake Pickett PD-RP. (Added 07/16, Ord. 2016-17)
- FLU6.8.4 **Green Infrastructure Plan.** Each community within the Lake Pickett Study Area shall adhere to a Green Infrastructure Plan. The Green Infrastructure Plan shall include a Master Stormwater Plan that identifies applicable Low Impact Development (LID)

practices described in the Orange County LID Manual, and a Master Conservation, Open Space and Community Space Plan that shows all three levels of open space systems defined in Policy FLU6.8.1 and identifies proposed connection(s) to community and countywide trail systems.

The Green Infrastructure Plan shall describe the relationship between stormwater management facilities, components of the conservation, open space and community area systems, and applicable LID practices, and may define a bonus system which describes open space credits for use of LID practices and provision of amenities in the traditional stormwater management facilities. Amenitized stormwater management facilities, as well as master stormwater facilities and LID practices incorporated within the components of the interconnected open and community space systems, may be used to satisfy a portion of the minimum thirty-five percent (35%) open space requirement for each of Lake Pickett communities, which is further defined in Policy FLU6.8.6. Amenitized stormwater management facilities shall not count for more than fifty percent (50%) of the total required open space, while the combination of LID practices and amenitized stormwater facilities shall not count for more than seventy-five percent (75%) of the total required open space.

The Green Infrastructure Plan containing performance standards, specifications and programs proposed to govern development within each Lake Pickett community shall be finalized and adopted as part of a Lake Pickett PD-RP. (Added 07/16, Ord. 2016-17)

- FLU6.8.5 **Natural Areas.** Natural areas, as defined in Policy FLU6.8.1, are not included in the requirement for open space or community space, the standards for which are provided in Policy FLU6.8.6. To promote viability and assure continuity of habitat, Lake Pickett communities shall interconnect uplands, wetlands, floodplain and stormwater management facilities. (Added 07/16, Ord. 2016-17)
- FLU6.8.6 **Open Space and Community Space.** Each community, as described in Policy FLU6.8.8, shall have a minimum thirty-five percent (35%) of net developable land incorporated within the open space and community space systems as identified in Policy FLU6.8.1(b) and (c), respectively. Community space as identified in Policy FLU 6.8.1(c) may occupy a maximum of five percent (5%) of the combined total open and community space.

The interconnected open space and community space systems shall be submitted as part of the Green Infrastructure Plan, and their development standards shall be finalized as part of the Lake Pickett PD-RP. Any proposed amendments to components of the interconnected open and community space systems may be reviewed and approved by the Development Review Committee. In no case, however, shall the interconnected open and community space systems be less than thirty-five percent (35%) of the net developable land. Upland landscape and wetland buffers, as provided in accordance with Policy FLU6.8.3 and depicted on a Conceptual Regulating Plan and/or Lake Pickett PD-RP, may count towards meeting the minimum open space requirement. Additionally, recreational facilities associated with a public school site can be used to satisfy a portion of the minimum open space requirement.

The Green Infrastructure Plan shall take into account, identify and incorporate measures to implement the goals of the *Sustainable Orange County Plan* (as accepted by the Orange County Board of County Commissioners on May 13, 2014), including, but not limited to, provision of clean water and clean air, preservation of green and open spaces, creation of walkable neighborhoods and provision of transit choices. (Added 07/16, Ord. 2016-17)

FLU6.8.7 **Agriculture**. Low-intensity agricultural uses, consisting of agricultural lands and agricultural facilities, may be established to promote community interaction, facilitate

fitness and healthy lifestyles, provide recreation and education, and preserve rural character.

Agricultural uses may include activities such as those permitted within the A-R (Agricultural-Residential) Zoning District, as well as equestrian facilities and lands. The use or sale of harvested produce for on or off-site restaurants and farmer's markets shall be allowed. (Added 07/16, Ord. 2016-17)

- FLU6.8.8 **Communities.** Subject to approvals, there may be two communities within Lake Pickett Study Area; one to the north of Lake Pickett Road and another community south of Lake Pickett Road. While each community can be designed to meet the development standards outlined below independently, connectivity between the two communities shall also be provided using local street design and trail concepts that facilitate access but discourage cut-through traffic between the communities. (Added 07/16, Ord. 2016-17)
- FLU6.8.9 **Neighborhoods.** All development within each of the Lake Pickett communities shall be organized as neighborhoods designed around a centralized focal point, park, community garden, community center, civic building/use, day care facility, or a similar type of use. Each neighborhood shall provide for a mix of housing styles and/or lot sizes, be walkable in character, and limited to 125 acres. All neighborhood development shall generally be located within a ¼-mile distance from the centralized focal point. Centralized focal point shall average a minimum of 1 acre in size and be connected to trails or complete streets and, to the extent possible, to all other focal points in the community, as well as schools and community parks. Focal points may include lands that are part of the open space and community space systems. (Added 07/16, Ord. 2016-17)
- FLU6.8.10 **Community Centers.** Development within the T4 Center Transect Zone may include community center(s) incorporating non-residential (neighborhood-commercial and office) uses and civic facilities that are larger in size than those accommodated within the community space areas. The community centers shall be compatible with the surrounding residential uses, and their performance standards shall be outlined on a Lake Pickett PD-RP. (Added 07/16, Ord. 2016-17)
- FLU6.8.11 **Street Network.** All streets in Lake Pickett communities shall be designed and operated for all users, including pedestrians, bicyclists and motorists. All streets shall have a pedestrian orientation and may include on-street parking and/or bike lanes. At a minimum, street typology shall consist of collector streets and local neighborhood streets. Additional street types may be proposed on the Conceptual Regulating Plan. Street typology and cross-sections shall be finalized on the Lake Pickett PD-RP. Connectivity between the two communities bordered by Lake Pickett Road shall be provided by two lane local streets. (Added 07/16, Ord. 2016-17)
- FLU6.8.12 **Interconnectivity.** Each Lake Pickett community shall provide a street network that supports vehicular, bicycle, and pedestrian modes of transportation while discouraging cut-through traffic within the neighborhoods. The connectivity measure shall be provided on a Lake Pickett PD-RP as identified in FLU 6.9.2.

To provide continuous circulation systems for pedestrians, bicyclists and automobiles, unconnected streets (culs-de-sac, T turnarounds and dead ends) shall be avoided. In places where an unconnected street cannot be avoided, pedestrian and bicycle connectivity shall be provided with a through-connection designed into the street. Street connections shall be made between adjacent developments and neighborhoods to

continue the interconnected transportation network. (Added 07/16, Ord. 2016-17)

FLU6.8.13 **Trail System.** Each Lake Pickett community shall contain an interconnected multi-purpose trail system. Additional facilities may also be located within open or community space areas and utility corridors (through use agreements if allowed with the utility) or other

corridors, as approved by the County. Parcels that are isolated from the primary development area by natural features shall be required to provide pedestrian paths that connect to the interconnected trail system. Features proposed within wetlands or similarly regulated natural area will be required to meet environmental permitting requirements. The overall trail system shall be designed to lead to a destination, such as a central focal point of each neighborhood, school, commercial development, or a similar type of use, and it shall be connected both internally and externally.

Should the alignment of the County's East Orange Trail (a multi-use trail that is part of the countywide trail system, which is proposed along the County's northern boundary and Chuluota Road) be modified to allow for integration into the Lake Pickett communities, the integrity of this trail shall be maintained and the number of driveway and street crossing shall be minimized.

The general location of the trails and their connectivity to the surrounding communities shall be depicted on the Conceptual Regulating Plan and finalized on Lake Pickett PD-RP. (Added 07/16, Ord. 2016-17)

FLU6.8.14 Infrastructure and Public Services: Water, Wastewater and Reclaimed Water. All development within the Lake Pickett shall receive service from central water, wastewater, and reclaimed water facilities operated by Orange County.

Water, wastewater, and reclaimed water transmission and collection infrastructure shall be sized to accommodate the ultimate flows at build out for the entire LP Study Area. Sizes and connection points to existing utilities shall be in accordance with a Master Utility Plan (MUP) approved by Orange County Utilities. Water, wastewater, and reclaimed water systems shall be designed to facilitate future extensions.

To support the capital improvements necessary to provide utilities service to each Lake Pickett community, the County may impose conditions on a Lake Pickett PD-RP requiring the pre-payment of 500 ERUs (for wastewater capacity) and 500 ERCs (for water capacity) prior to the first phases of development within the Lake Pickett Study Area. In addition, an APF Utility Tract for a reclaimed water facility that is no greater than five acres in size shall be included in the Adequate Public Facilities Agreement(s) referenced in Policy FLU6.9.2.

Prior to construction plan approval for any Lake Pickett PD-RP, all property owners within the PD-RP, excluding public entities, shall be required to enter into an agreement between the parties addressing their proportionate share of funds for the costs of off-site and on-site master utilities sized to Lake Pickett Study Area requirements. Property owners may elect to use alternate financing in lieu of the private proportionate cost share agreement, provided master utilities sized for Lake Pickett Study Area requirements are constructed. (Added 07/16, Ord. 2016-17)

- FLU6.8.15 **Neighborhood Schools**. Public schools shall be a permitted use in the LP future land use designation. The Conceptual Regulating Plan for each Lake Pickett community shall depict a reserved school site for Orange County Public Schools. The adopted Lake Pickett PD-RP shall contain the following school facilities:
  - Lake Pickett community north of Lake Pickett Road: One middle school or K-8 school;
  - Lake Pickett community south of Lake Pickett Road: One elementary school.

School sites shall be located in accordance with the County's Public School Siting Ordinance, as may be amended from time to time, and shall be sited in each community in coordination with, and approval from, Orange County Public Schools (OCPS). To be

#### BCC Transmittal Staff Report Amendment 2022-1-A-5-1 Amendment 2022-1-B-FLUE-2

eligible for school impact fee credits at a value not to exceed \$58,000 per acre, the school sites shall be located in an area of the community to provide functional access for all users, including pedestrians, bicyclists and motorists of all ages, and shall be served by the trail network and at least two (2) full access points or connections to collector or local streets within each community. The school sites shall be included in the Master Stormwater Plan and provide offsite stormwater retention satisfying the applicable needs for the school. Prior to the conveyance of the school site to Orange County Public Schools, the school site shall be free of all hazardous materials or endangered species. Connections to adequate infrastructure for electric, central water with sufficient fire flow not to exceed 3,200 gallons per minute, wastewater and reclaimed water transmission and collection in accordance with the requirements of Orange County Public Schools and the Master Utility Plan, shall be provided at the property boundary to the school sites prior to conveyance of the school sites. If these conditions are not met, school impact fee credits will be valued at a maximum of \$28,000 per acre.

Sites shall be conveyed to OCPS in accordance with the Capacity Enhancement Agreement (CEA), which shall be fully executed prior to approval of the LP Future Land Use Map (FLUM) Amendment. (Added 07/16, Ord. 2016-17)

OBJ FLU6.9 Lake Pickett Future Land Use Map (FLUM) Amendment and Conceptual Regulating Plan (CRP) and Lake Pickett Planned Development Regulating Plan (PD-RP). Development approval of a community within the Lake Pickett Study Area shall require an LP Future Land Use Map designation, public outreach, an approved Lake Pickett Transportation Term Sheet or other transportation mitigation framework presented to and reviewed by the Board of County Commissioners and corresponding Agreement(s) for provision of infrastructure, and an approved Lake Pickett PD-RP, which determines the adopted boundaries and location of the Transect Zones. The proposed Transect Zone locations shall be illustrated on the Conceptual Regulating Plan (CRP) during the FLUM amendment process and finalized on an approved Lake Pickett PD-RP. (Added 07/16, Ord. 2016-17)

#### POLICIES

- FLU6.9.1 Lake Pickett Future Land Use Map Amendment. Requirements for all Lake Pickett Future Land Use Map Amendments include, but not limited to, submittal of the draft Conceptual Regulating Plan, proposed development program, a justification statement, an OCPS Consistency Determination Application, a Transportation Study, and the proposed community meeting schedule and shall be met at the time of submittal. Depending on the circumstances of the LP application, additional information may be required for transportation, utilities, drainage or other pertinent data as determined by Planning Division staff. Requirements shall include the following:
  - Conceptual Regulating Plan (CRP): A CRP, a general and illustrative representation of the proposed development and location of transects, is precursory to a Lake Pickett PD-RP. A CRP shall be provided during the transmittal process and shall be refined throughout the review process. The following items shall either be depicted on a CRP or included as an attachment:
    - General location of Transect Zones
    - General location and types of the proposed agricultural uses (if applicable), natural areas, and transitional treatments
    - General location of neighborhoods based on ¼-mile radius pedestrian sheds

- Location of existing and planned major roadways, trails or other transportation modes
- Location of potential and required connections, including external locations to adjacent roadways and those between the two Lake Pickett communities, and required internal connections between neighborhoods
- General location of public school sites and a copy of the application for a Capacity Enhancement Agreement with Orange County Public Schools
- Net developable land area for the project and for each of the Transect Zones
- Overall proposed community development program
- OCPS Capacity Enhancement or Mitigation Agreement: Prior to adoption of the FLUM amendment, a Capacity Enhancement Agreement (CEA) shall be approved and fully executed by Orange County Public Schools that mitigates the impact of the LP designation on the public school system. The CEA shall address the procedure for conveying the school sites to OCPS and address APF requirements. The value of the school site shall not exceed \$58,000 per acre, and the school site must meet all Orange County Public School requirements to receive this value.
- **Transportation Analysis:** The traffic study shall be coordinated with the Orange County Transportation Planning Division and submitted in accordance with the deadlines for the associated LP FLUM amendment. The traffic study will be part of the data and analysis for the requisite adoption of a Term Sheet or transportation mitigation framework presented to and reviewed by the Board of County Commissioners and corresponding Transportation Network Agreement(s) required with the Board of County Commissioners Comprehensive Plan adoption public hearing.
- Justification and Consistency: The justification statement shall identify relevant Comprehensive Plan policies and explain how the proposed request is consistent with the identified policies. Any privately-initiated text amendment(s) related to the application shall also be included and explained as part of the justification statement. Proposals for privately-initiated text amendments also shall include an evaluation of consistency with the Comprehensive Plan.
- Infrastructure and Public Services: Development within the Lake Pickett Study Area shall be subject to the requirements of the Orange County's Concurrency Management Ordinance, as amended, unless a separate agreement has been entered into with the County to establish an alternative method for addressing development impacts. Provision of land, connection, and access will be made to accommodate the siting and operation of utility and emergency services facilities, conveyances, and equipment accordingly.
- **Community Meetings/Public Participation:** A minimum of two community meetings/public workshops shall be held. All workshops are subject to the County's notification requirements. The County maintains the discretion to require additional community meetings/workshops as part of the application review process. (Added 07/16, Ord. 2016-17)
- FLU6.9.2 Properties within the Lake Pickett Study Area that obtain the LP FLUM designation must rezone to Lake Pickett Planned Development-Regulating Plan and comply with the applicable agreements of Policies FLU6.9.2 and FLU6.9.3. The following items shall be submitted for completion of the Lake Pickett Planned Development-Regulating Plan rezoning:

- **A. Regulating Plan:** All PD applications shall meet all PD submittal requirements, and shall have a Lake Pickett Planned Development Regulating Plan (PD-RP) documenting the final locations of open space and preservation areas, Transect Zones, streets, neighborhoods, schools, trails, and parks. More specifically, each Lake Pickett PD-RP shall demonstrate consistency with the Lake Pickett Guiding Principles listed in FLU6.8.1 and provide detailed performance standards for the following community elements:
  - Developable land area (requires an approved Conservation Area Determination)
  - Transition buffer requirements for areas along Lake Pickett Road and South Tanner Road, and any additional compatibility measures
  - Neighborhood locations based on ¼-mile pedestrian shed oriented around the central focal points
  - Final location, boundaries, and land areas of each of the Transect Zones
  - Proposed locations of community centers (if any) and their performance standards
  - Street typology and cross-sections and pedestrian/bicycle facility standards
  - Intersection density and connectivity measures within and between Lake Pickett communities and neighborhoods (per Policies FLU6.8.11 and FLU6.8.12)
  - Final Green Infrastructure Plan integrating stormwater management facilities, required conservation, open space and community space (including location and type of park facilities and the proposed trail network, and Low Impact Development (LID) practices providing standards for a bonus system described in FLU6.8.4.
  - Landscape and streetscape requirements and their proposed maintenance responsibility
  - General location(s) of public school sites and their proposed pedestrian/bicycle connections
  - General location of police substations, fire stations, utility tract(s), and government buildings (if any)
  - Summary of measures taken to comply with the Comprehensive Plan Conservation Element, including habitat and conservation area protection. Locations of stand-alone agricultural uses, their typology, and performance standards (Agricultural uses incorporated into a community open space area shall be depicted on the Green Infrastructure Plan).
- **B. Development Program:** The proposed community development program shall show unit counts and average densities and intensities by Transect Zone and their phasing, if applicable, and it shall be included and adopted as part of a Lake Pickett PD-RP and their totals incorporated into Policy FLU8.1.4. The development program shall be substantially consistent with the program submitted with a CRP and approved with a LP FLUM amendment, with revisions necessary to reflect any changes to the Transect Zones boundaries or as required for consistency with the provisions of the Regulating Plan and required Agreements. Any request to increase the development totals for a Lake Pickett PD-RP, as listed in FLU8.1.4, must be approved through an application to amend the Comprehensive Plan.
- **C. Infrastructure Agreements:** To facilitate coordinated roadways, utilities, and school locations, the following agreements must be executed prior to or concurrent with the adoption of a Lake Pickett PD-RP:
  - OCPS Capacity Enhancement or Mitigation Agreement

- A Transportation Term Sheet or transportation mitigation framework presented to and reviewed by the Board of County Commissioners and corresponding Transportation Network Agreement(s); and
- Adequate Public Facilities Agreement ("APF Agreement") for applicable facilities within the PD-RP, such as sheriff, fire, utilities, public school sites, roads, and parks and recreation, substantially similar in form and substance to APF Agreements as such are described in Chapter 30, Article XIV, Orange County Code (the "APF Ordinance").

Neighborhood parks and community trails that are not within the County rights-ofway will be owned and maintained by the home/property owner associations. Ownership and maintenance of community parks will be determined on a case-bycase basis.

Prior to approval of each LP-PD Regulating Plan, the developer shall meet with Orange County Utilities to discuss connection points for water, wastewater, and reclaimed water.

(Added 07/16, Ord. 2016-17)

- FLU6.9.3 **Funding of Transportation Improvements.** The Lake Pickett Transportation Term Sheet or other transportation mitigation framework presented to and reviewed by the Board of County Commissioners, as well as the corresponding Transportation Network Agreements shall require a financially feasible, long-range transportation infrastructure funding framework and capital improvements program as defined by the County and applicable policies in the Comprehensive Plan, including but not limited to, Objective CIE1.6 and implementing Policies CIE1.6.5 and CIE1.6.6. The planned transportation improvements shall ensure the overall safe and efficient movement of vehicles, pedestrians and cyclists through an interconnected multimodal transportation network. Potential funding sources for projects may include the following:
  - Developer Contributions
  - Road Impact Fees
  - Available State or Federal Highway or Transit Funds
  - Municipal Service Taxing Unit/Municipal Service Benefit Unit
  - Tax Increment Financing District
  - Community Development District
  - County INVEST funding
  - Others as approved by the Board of County Commissioners.

Orange County shall evaluate alternative funding mechanisms to ensure the adequate financing or funding of needed public facilities, including transportation infrastructure, necessary to accommodate the proposed development within the LP Future Land Use designation for the Lake Pickett Study Area defined in Objective FLU6.8. The County shall require developer participation in such funding programs, except that OCPS shall not be required to participate in any community development district or other potential funding sources.

A Lake Pickett PD-RP shall be implemented through a Lake Pickett Transportation Network Agreement(s), which shall:

A. Identify the list of transportation infrastructure improvements necessary to support the LP Future Land Use designation;

- B. Denote specific private or public entities responsible for implementation and completion of each transportation infrastructure improvement;
- C. Relate the completion of critical transportation improvements to development entitlements (i.e. trip allocations) and development phasing to identify when improvements are required; and
- D. Demonstrate satisfaction of the requirements of the Orange County's Concurrency Management Ordinance, as amended.

Future Land Use Map (FLUM) amendments within the Lake Pickett designation shall not be approved without a Lake Pickett Transportation Term Sheet or other transportation mitigation framework also presented to and reviewed by the Board of County Commissioners. Prior to County approval of any Comprehensive Plan amendment or any subsequent FLUM amendments, a corresponding Transportation Network Agreement that substantially conforms with a Lake Pickett Transportation Term Sheet or other transportation mitigation framework presented to and reviewed by the Board of County Commissioners must be signed by the owners of a majority of the acreage it addresses. (Added 07/16, Ord. 2016-17)

- FLU6.9.4 **Availability of Needed Transportation Facilities.** A Lake Pickett Transportation Term Sheet or other transportation mitigation framework presented to and reviewed by the Board of County Commissioners shall reflect a transportation funding framework and describe the roles and responsibilities of the participating parties and timing of required transportation improvements as to ensure a coordinated infrastructure improvement program. (Added 07/16, Ord. 2016-17)
- FLU6.9.5 **East Orange Area-wide Transportation Study.** By Spring 2020, the County shall commence an East Orange Area-wide Transportation Study. The study area shall generally be bounded by the Seminole County line to the north, SR 50 to the south, Alafaya Trail to the west, and Chuluota Road to the east. The purpose of the study is to identify and analyze potential transportation projects to improve network connectivity and provide relief to constrained transportation corridors. The study shall be used by the County to identify potential future transportation improvement projects. In conducting the study, the County shall seek comment from local residents, property owners, and community associations. The County also shall coordinate with the Florida Department of Transportation, the Central Florida Expressway Authority, LYNX, the University of Central Florida, Central Florida Research Park, and Seminole County. (Added 07/16, Ord. 2016-17)
- FLU6.9.6 In an effort to preserve the existing Chuluota Road buffer to the maximum extent possible, in the event the existing buffer is adversely impacted by County roadway expansion the County shall, in accordance with its usual policies and procedures, endeavor to provide a buffer between the expanded roadway and adjoining communities. In the event such buffer does not reasonably shield the roadway from view of adjoining communities, the County shall act to reasonably shield the expanded roadway from view. Such shielding shall, to the extent reasonably possible, be accomplished through the use of trees, enhanced landscaping, and/or other vegetation. For other roadway improvements in the Lake Pickett Overlay, the County will endeavor to maintain existing buffers and will consider similar compatibility measures on a case-by-case basis. (Added 07/16, Ord. 2016-17)

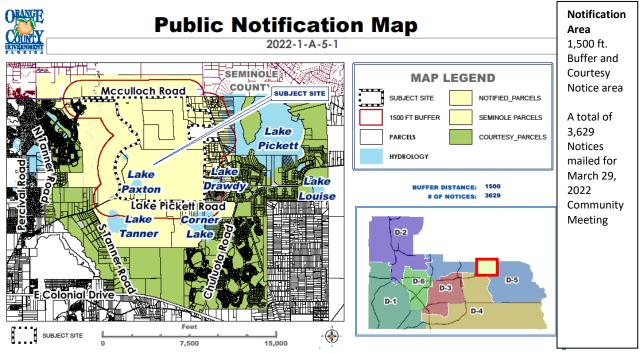
- FLU8.2.1 Land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be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

Site Visit Photos	
Subject Site - Pasture	Subject Site – Old Farmhouse
Subject Site – Sandhill "Cranes and Cows"	Subject Site – Sandhill Crane
Subject Site – Rural Settlement Parcel	Subject Site – Econlockhatchee River

## Site Visit Photos



# PUBLIC NOTIFICATION MAP





# **Community Meeting Memorandum**

DATE:	April 14, 2022
то:	Greg Golgowski, Chief Planner, Planning Division
FROM:	Maria Cahill, AICP Planner
SUBJECT:	Amendment 2022-1-A-5-1 – Community Meeting Notes
C:	Project file

**Location of Project**: Generally located north of Lake Pickett Road, south of the Orange-Seminole County boundary line, east of N Tanner Road and the Econlockhatchee Sandhills Conservation Area, west of Chuluota Road.

**Meeting Date and Location:** March 29, 2022 at 6:00 pm, East River High School, 650 East River Falcons Way, Orlando, Florida 32833.

### Attendance:

District Commissioner Orange County staff	Emily Bonilla, District 5 Commissioner Maria Cahill, Gregory Golgowski, Alberto Vargas, Jenny DuBois, Karen McGuire and Sue Watson, Planning Division; Jon Weiss, Planning, Environmental and Development Services Department; Dale Mudrak, Diana Almodovar, Public Works Department; Brian Sanders, Hatem Abou-Senna, Scott Nager, Transportation Planning Division; Laura Tatro, Utilities; Amanda Hallenbeck, Neal Thomas, Environmental Protection Division
Applicant team	Brian Canin, Susana Gonzales, Sean Ells, Sean Froelich, Dana Lancar, Gregory Lee, and Tre' Evers
Property owner	Rolling R Ranch, LTD; Mary Rybolt Lamar, Eloise A Rybolt RT, and Lake Pickett North LLC
Residents	3,629 notices sent; 195 in attendance

**Overview of Project:** The applicant, Brian Canin, representing the property owners, has requested to change the Future Land Use Map (FLUM) designation of approximately 1,417.72 acres from **Rural/Agricultural (R) 1 DU/acre** to **Lake Pickett (LP)** to allow up to 2,388 dwelling units within 8 neighborhoods, a Community Space Complex, a multi-purpose trail, community amenities, a middle or K-8 public school, and a fire station. The Planned Development-Regulating Plan (PD-RP) and Planned Development-Rural Settlement (PD-RS) rezoning to adopt the Lake Pickett Planned Development Regulating Plan will be including an additional 18.1 acres within the Lake Pickett Rural Settlement (RS) with 12 additional units, for a total of 2,400 dwellings.

**Meeting Summary:** Commissioner Bonilla opened the meeting and took two straw polls at the meeting. Overall the majority were opposed and comments were generally negative.

Orange County staff provided an overview of the future land use map amendment request, and review and adoption process for the plan amendment and regulating plan noting the background and history of the Lake Pickett designation.

The applicant team presented the Sustanee application. The Lake Pickett North Community, is proposed as a sustainable environmentally focused community on nature, wellness and education. The development will include a 120-acre education and nature center in partnership with the creation of the Sustanee Foundation and a team from University of Florida's Program for Resource Efficient Communities.

Orange County Transportation Planning reviewed the initial findings of the Northeast Orange County Area-wide Transportation Study (NEOCATS) intended to identify potential transportation projects to improve network connectivity and provide relief to constrained transportation corridors, and explained that the study would be used to identify potential future transportation improvements in the area.

Approximately 195 people attended, and the overall tone was negative. Major concerns included urban sprawl, traffic congestion and safety, school capacity, intrusion and destruction of wildlife habitat, pedestrian and bicycle safety, septic tanks, stormwater and flooding, and pollution of the Econlockhatchee River.

DEVELOPMENT SERVICES DEPARTMENT



### PLANNING AND DEVELOPMENT DIVISION

Maria Cahill, AICP, Planner III Orange County Planning and Development Division 201 South Rosalind Avenue 2<sup>nd</sup> Floor Orlando, FL 32801

RE: Sustanee Development

Good afternoon Maria:

Thank you for the opportunity to review the plans for the proposed Sustanee Development. After review, Seminole County Staff offers the following comments and respectfully requests clarification on certain items. Seminole County appreciates the intergovernmental relationship and attention that Orange County has given to Seminole County in regards to the Sustanee Development. Below are staff's comments and questions.

- The pedestrian trail that is shown along McCulloch Road on the conceptual plan shows an arrow stopping at what looks like a residential neighborhood. Is the proposed trail connecting to a private neighborhood, or is it within the McCulloch Road right-of-way? If the pedestrian trail is being proposed along the McCulloch Road right-of-way, is it on the North part of the right-of-way (Seminole County) or the South part of the right-of-way (Orange County) side? Please clarify.
- 2. What is the width of the proposed pedestrian trail? Please clarify.
- 3. What type of material (i.e. wood, pavement) will be used to build the pedestrian trail? Is the pedestrian trail going to be used to build the trail? Please clarify.
- 4. In regards to future community meetings, can Seminole County be added to the list of notifications on any future meetings that will be held?
- 5. The fire station to the south of the development, shows "Proposal only". County staff believes that a future fire station would be beneficial to the development itself as well as the surrounding developments. Please see Fire Chief, Otto Drozd's letter in regards to the proposed fire station, attached.
- 6. Based on the submitted Traffic Study, the Ingress/Egress access ways onto Chuluota Road show a 2-lane road, but shows an increase in traffic onto Chuluota

**DEVELOPMENT SERVICES DEPARTMENT** 



PLANNING AND DEVELOPMENT DIVISION

in 2025 projections. Seminole County is concerned with the impact to Seminole County's portion of Chuluota Road/CR 419. This is and continues to be a concern for Seminole County Residents.

Seminole County Staff offers the following options to assist in reducing traffic into Seminole County:

- Shifting the project's access roadway onto Chuluota Road/CR 419 further south, away from Seminole County;
- Reducing the speed limits of Chuluota Road/CR 419 and other internal feeder roadways;
- Adding curves to the project's access roadway to increase the travel time to CR419;
- Adding speed tables to the project's access roadway that leads onto Chuluota;
- Reduce or limit the future widening of Chuluota Road; and
- Regarding the traffic study, staff requests the applicant's traffic engineer please include the following in the analysis:
  - o Seminole County roadways; and
  - Model the impact of the internal roadway treatment to traffic volumes into Seminole County.

Thank you again for the opportunity to comment. Please let me know if you have any questions.

Kindest Regards,

elecca Hannock

Rebecca Hammock Development Services Planning & Development Division

1101 EAST FIRST STREET • SANFORD FL 32771-1468 • TELEPHONE (407) 665-7403 • FAX (407) 665-7385 WWW.SEMINOLECOUNTYFL.GOV

### SEMINOLE COUNTY FIRE DEPARTMENT

SEMINOLE COUNTY

Fire Chief Otto Drozd III

Administration Michael Johansmeyer, Deputy Chief

**Operations/Special Operations** Matt Kinley, Deputy Chief

EMS Operations Sam Thurmond, Assistant Chief

Professional Standards/ Training John Thibert, Assistant Chief

Fire Support/Logistics Becky Ward, Assistant Chief

Planning Don Harkins, Assistant Chief

Fire Prevention Christina Diaz, Fire Marshal

A Shift Commander Ben DeCuir, Assistant Chief

**B Shift Commander** Ron Blake, Assistant Chief

C Shift Commander Bradley Hawver, Assistant Chief



1 50 ESLINGER WAY SANFORD FL 32773 TELEPHONE (407) 665-5175 FAX (407) 665-5010 WWW.SEMINOLECOUNTYFL.GOV May 21, 2021

Rebecca Hammock, AICP Development Services Director Seminole County

**Re: Sustanee Project** 

Ms. Hammock,

As a provider of emergency services within the unincorporated portions of Seminole County and within the cities of Altamonte Springs, Winter Springs, and Castleberry, the Seminole County Fire Department has long standing, mutual aid, and closest unit response agreements with our surrounding counties and cities. These agreements are designed to deliver timing, reliable, efficient, and effective life and property saving emergency services. Therefore, any development that could impact our current service delivery model is of concern.

The Seminole County Fire Department has reviewed the proposed Sustanee Planned Development in the Lake Pickett area of East Orange County. This area is covered by a network of Orange County and Seminole County Fire Stations and by a joint Seminole County/Orange County Fire Station (FS 65) located on UCF property. This joint station (FS 65) is one of the busiest in our system, so any increase in calls to the area greatly affects not only that station, but our joint response partners as well.

The proposed Sustanee Planned Development will produce an increase in population which typically results in an increase in 911 calls, an increase in traffic, an increase in response time, and a decrease in unit availability. This is of further concern given limited existing road networks and the adverse impact that additional development will have on SCFD. While we are supportive of the growth and development, there needs to be the corresponding additional resources so that the same level of service can be provided to all citizens, visitors, and guests of Seminole County.

Sincerely

Otto Drozd IN Fire Chief Seminole County Fire Department



April 28, 2022

Honorable Jerry L. Demings, Orange County Mayor Honorable Nicole H. Wilson, Commissioner District 1 Honorable Christine Moore, Commissioner District 2 Honorable Mayra Uribe, Commissioner District 3 Honorable Maribel Gomez Cordero, Commissioner District 4 Honorable Emily Bonilla, Commissioner District 5 Honorable Victoria P. Siplin, Commissioner District 6

Orange County Government 201 South Rosalind Avenue 5<sup>th</sup> Floor Orlando, FL 32801

## SUBJECT: Lake Pickett North, Sustanee Future Land Use Map Amendment Transmittal to the Orange County Comprehensive Plan

Dear Mayor and Commissioners:

On March 22, 2020, the Seminole County Board of County Commissioners received an update from County staff on the status of the proposed 2021 Sustance Conceptual Regulatory Plan (SCRP). As you may recall, Seminole County has been monitoring and providing comments and recommendations to Orange County Mayors and Boards of County Commissioners on the progress of this subject proposal in various forms beginning in 2015.

Regarding the subject property, Seminole County has historically been concerned about the following: (a) potential land use incompatibility and urbanization in Orange County adjacent to the Seminole County East Rural Area; (b) proposed extension of McCulloch Road and associated crossing of the Econlockhatchee River; (c) increased stormwater volume from development of this property and potential affects upon surface water quality; and (d) emergency response.

Ensuring the protection and preservation of the County's East Rural Area, the Seminole County Comprehensive Plan established the East Rural Area in 1991. The East Rural Area is where urban development is not anticipated and is characterized by: (a) agricultural uses; (b) large lot residential uses served primarily by on-site water wells and septic tanks; (c) rural roads; (d) limited commercial encroachments; (e) ample views of wooded areas and open spaces; and (f) occasional rural villages that provide the commercial and community support services required by the residents and rural businesses.

The Comprehensive Plan Future Land Use designation adjacent to Orange County along the area from the Econlockhatchee River east to CR 419, and beyond, is Rural-5 allowing for

single family residential development at a net density of one (1) dwelling unit per five (5) net buildable acres (*Various Rural Area Policies and Future Land Use Designations, Seminole County Comprehensive Plan*).

Seminole County voters approved a referendum that established a Rural Area and a Rural Boundary in the Home Rule Charter through a map and a legal description for inclusion into the Seminole County Comprehensive Plan, which is an example of Seminole County's efforts to protect and preserve the East Rural Area. The Future Land Use designations contained in the Seminole County Comprehensive Plan control the density and intensity of development. Additionally, the Board of County Commissioners must approve all changes to the Future Land Use designations regardless of whether any lands in the East Rural Area are located within a municipality.

The following is our understanding of the proposed project and our comments and requests for additional information and analysis.

## Land Use Compatibility

The proposed Sustanee Conceptual Regulatory Plan (SCRP) will contain up to 2,400 single family residential dwelling units and a total developable density of 2.90 acres.

We understand the approximate residential density in the T2 (Rural Zone) adjacent to Seminole County would be no more than two (2) dwelling units per acre. If the density calculation includes the T1 (Natural/Wetland Transect Zone), the approximate residential would be 1.5 dwelling units per acre.

To ensure preservation and to enhance protection of lands located north of the Lake Pickett Study Area, including the East Rural Area of Seminole County, a minimum 300-foot buffer shall be provided along the County boundary line and designated as T1 (Natural/Wetland Transect Zone) on a Conceptual Regulating Plan. Such buffer can serve as a wildlife corridor (*Policy FLU 6.8.3, Transition, Orange County Comprehensive Plan*).

### **Transportation Management**

We fully support the Applicant's intention not to create a vehicular bridge crossing of the Econlockhatchee River (an Outstanding Florida Water) that would extend McCulloch Road from its current terminus, east to intersect with Chuluota Road (CR 419). Extending McCulloch Road would increase pressure to urbanize Seminole County's East Rural Area and would be likely unfeasible due to cost; environmental constraints; and both public and private opposition.

In 2013, Seminole County removed the proposed widening of CR 419 (Chuluota Road) from the 2001 Infrastructure Tax Program. This decision was driven by citizen concern and the County's desire to further the goal of rural preservation in eastern Seminole County. In keeping with that effort, we request that Orange County ensure the transportation network for

the Sustanee project to be designed in a manner that discourages additional trips north onto CR 419 and to help maintain the rural character of the area. Seminole County respectfully requests the following additional analysis. The following considerations from Seminole County are based on the 2021 Sustanee Transportation Facility Analysis (TFA).

- The Sustanee Transportation Facility Analysis (TFA), prepared by Traffic and Mobility Consultants, does not include Chuluota Road (CR 419) north into Seminole County as part of the analysis. The TFA indicates that 15% of project traffic will travel into Seminole County. Seminole County requests an update to the TFA to determine the Level of Service (LOS) on Chuluota Road (CR 419) from the project entrance north to Lake Mills Road to account for the 15% of project trips.
- Section 4 Planned and Programmed Improvements (page 7) of the TFA, lists McCulloch Road (from Lockwood Boulevard to Old Lockwood Road/Tanner Road) as programmed to be widened to a 4-lane roadway. In Table 5, the existing volume to capacity is therefore incorrect, since 2-lanes are existing for the 2025 and 2045 Network and Volumes. The development will add approximately 9% of traffic to this roadway section, which is significant. Seminole County requests updates to this section of McCulloch Road to only 2-lanes and adjust the Level of Service and correct the 9% projects trips as needed. If there is a proposal to widen this segment of McCulloch Road, please coordinate with Seminole County for approval. In addition, we request an update to Table 5 existing volume capacity to only 2-lanes and please adjust the Level of Service and correct the 9% project trips as needed.
- Section 4 also lists Chuluota Road as planned to be widened to 4-lanes from Colonial Drive to the Seminole County Line. We request the 4-lane improvement end at the access point to the Sustanee project to provide for a better transition from the proposed 4-lane section down to the existing 2-land section as Chuluota Road continues into Seminole County. We request the 4-lane improvement end at the access point to the project to provide for a better transition from the proposed 4-lane section down to the existing 2-lane section as Chuluota Road continues into Seminole County.
- The development proposes to add 1% of project trips onto Old Lockwood Road. Please analyze Old Lockwood Road, a Seminole County Roadway, for pre and post development traffic conditions, and analyze the signalized intersection of Old Lockwood Road and McCulloch to determine if development trips will affect this intersection.
- In the 2025 Existing Network, add McCulloch Road from SR 434 to Tanner Road as part of the analysis.
- Add Seminole County roadways, Chuluota Road and Old Lockwood Road to Table 5, 6, and 7 of the TFA.

- In Section 6.2 in the 2025 Conditions Analysis, McCulloch Road should be included as a deficient roadway in the list provided. The number of existing lanes listed should remain at only 2-lanes (Lockwood Boulevard to Old Lockwood Road).
- As an effected local government, we will continue to monitor and participate as needed in the North East Orange County Area Transportation Study (NEOCATS) (*FLU 6.9.5 East Orange Area-wide Transportation Study, Orange County Comprehensive Plan*).
- We request that Orange County coordinate with the Seminole County Public Works Department regarding transportation management.
- We also understand that the Applicant will dedicate the proposed trail extension to Orange County following trail construction. If a parking lot/trail head is constructed, we request that the lot include lighting to discourage potential non-trail uses in this remote area.

## Stormwater and Surface Water Quality Management

Seminole County is responsible for complying with surface water quality degradation regardless of the source. With the northerly drainage pattern in the area, stormwater generated by the proposed development will affect surface water quality in Seminole County.

Stormwater and Surface Water Considerations from Seminole County

- Any upstream development should minimize its stormwater runoff and volume to decrease the potential for nutrient loading to Lake Pickett as well as the Econlockhatchee River (an Outstanding Florida Water) and surrounding wetlands.
- Portions of the Lake Pickett North development will discharge into an impaired water body. The Impaired Waters Rule, Chapter 62-303 of the Florida Administrative Code, may increase the requirements for pollution abatement treatment of stormwater as part of future approvals of related Basin Management Actions Plans currently in development by the State Department of Environmental Protection.
- Documentation should be provided to ensure that there is no contamination of the property.
- The proposed development will increase stormwater volume flowing from Orange County into the Lake Pickett sub basin in Seminole County, potentially resulting in flooding issues within Seminole County.
- The project is in the Big Econlockhatchee drainage basin and has the potential to affect several waterbodies, including Lake Pickett and the Big Econlockhatchee River.

- Seminole County requests the opportunity to participate in the stormwater management plan relating to this project.
- We request that Orange County coordinate with the Seminole County Public Works Department regarding stormwater and surface water quality management.

### **Emergency Response**

The proposed Sustanee Conceptual Regulating Plan includes a fire station on the north side of Lake Pickett Road, west of Chuluota Road (CR 419).

## Additional Emergency Response Considerations from Seminole County

- In 2021, Seminole County provided a letter to Orange County stating that: (a) increased population in this area will likely result in increased 911 calls, increased traffic, and response times, and a decrease in unit availability; and (b) the area is covered with a network of Orange County and Seminole County Fire Stations and by a joint Seminole/Orange County Fire Station (FS 65) located on University of Central Florida property. Fire Station 65 is one of the busiest fire stations, so an increase in calls will affect this station and Seminole County's joint response partners.
- We request that Orange County coordinate with the Seminole County Fire Department regarding timing of construction of the proposed Fire Station.

In summary, we respectfully request that the Orange County Board of Commissioners carefully consider the concerns and additional considerations of the Seminole County Board of County Commissioners contained in this letter as to (a) protecting and preserving Seminole County's East Rural Area; (b) Land Use Compatibility; (c) Transportation Management; (d) Stormwater and Surface Water Quality; and (e) Emergency Response in reaching a decision to transmit the proposed Lake Pickett North, Sustanee Future Land Use Map Amendment to the Orange County Comprehensive Plan. If transmitted, we request that this letter be included in the transmittal package to the Florida Department of Economic Opportunity and other agencies.

Thank you for providing notice to Seminole County residents in this area of the proposal and for the several community meetings regarding development proposals on this property. We appreciate your staff keeping us apprised and for the opportunity to comment on the Sustanee development proposal.

If you have questions regarding any of the matters in this letter, please contact Rebecca Hammock, AICP, Development Services Director, at 407-665-7396, or by email at <a href="mailto:rhammock@seminolecountyfl.gov">rhammock@seminolecountyfl.gov</a>.

Sincerely,

Bob Dallari, Chairman Seminole County Board of County Commissioners

BD/tm/tsb

Distribution (via email): Byron Brooks, Orange County Administrator Chris Testerman, Orange County Deputy Administrator Jon Weiss, Director, Orange County Planning, Environmental & Development Services Alberto Vargas, Planning Manager, Orange County Planning Division Greg Golgowski, AICP, Chief Planner, Orange County Planning Division Bryant Applegate, Interim County Manager Tricia Johnson, Deputy County Manager Meloney Koontz, Assistant County Manager Paul Chipok, Acting County Attorney Rebecca Hammock, AICP, Development Services Director Mary Moskowitz, AICP, Planning & Development Manager Seminole County BCC Records Sean Froelich, Chief Operating Officer, Partner, Columnar Holdings, LLC



## **Interoffice Memorandum**

Date: December 11, 2021

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

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

# Subject:Facilities Analysis and Capacity Report2022-1 Regular Cycle Comprehensive Plan Amendments

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

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

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

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

 cc: Andres Salcedo, P.E., Deputy Director, Utilities Department Laura Tatro, P.E., Chief Engineer, Utilities Engineering Division Kelly Nowell, P.E., LEED AP, Senior Engineer, Utilities Engineering Division Gregory Golgowski, Chief Planner, Planning Division Christopher DeManche, MPA, Planner III, Planning Division File: 37586; 2022-1 Regular Cycle

#### Potable Water and Wastewater Facilities Analysis for 2022-1 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
2022-1-A-1-1 (Crosland/Rita)	23-24-28-5844-00-680	PW: Orange County Utilities WW: Orange County Utilities RW: Orange County Utilities	PW:   24-inch watermain within International Drive right-of-way     WW:   30-inch forcemain within International Drive right-of-way     RW:   24-inch and 12-inch reclaimed watermain within International Drive right-of-way	Activity Center Residential (ACR)	350	0	0	0.096	0.079	0.096	0.079	Yes	South
2022-1-A-2-1 (Plymouth Sorrento)	06-21-28-7172-04-010; 06-21-28-7172-05-050	PW: City of Apopka WW: City of Apopka RW: City of Apopka	PW: Contact City of Apopka WW: Contact City of Apopka RW: Contact City of Apopka	Medium Density Residential (MDR)	516	0	0	N/A	N/A	N/A	N/A	N/A	N/A
2022-1-A-4-1 (Reserve at Alafaya)	12-23-31-0000-00-006, -011, -012, -013	PW: Orange County Utilities WW: Orange County Utilities RW: Orange County Utilities	PW:   24-inch watermain within Alafaya Trail right-of-way and 16-inch watermain within Innovation Way right-of-way     WW:   36-inch forcemain within Alafaya Trail right-of-way and 8-inch forcemain within Innovation Way right-of-way     RW:   30-inch reclaimed watermain within Alafaya Trail right-of-way and Innovation Way right-of-way	Planned Development-Commercial / Low-Medium Density Residential / Medium Density Residential / Parks and Recreation / Open Space (PD-C/LMDR/MDR/PR-OS) and Medium Density Residential (MDR)	2,250	0	350,000	0.651	0.533	0.651	0.533	Yes	East
2022-1-A-5-1 (FKA 2021-2-A-5-2) (Sustanee)	04-22-32-0000-00-006,-007,-009,-045,-046,-052,- 053; 05-22-32-0000-00-001,-002,-006,-007,-011,- 012,-013,-014; 06-22-32-0000-00-002;07-22-32- 0000-00-001,-020,-026,-027; 08-22-32-0000-00- 018	PW: Orange County Utilities WW: Orange County Utilities RW: Orange County Utilities	PW: TBD* WW: TBD* RW: TBD*	Lake Pickett (LP)	2,400	0	90,100	0.668	0.547	0.668	0.547	Yes	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.

\* 2022-1-A-5-1 water, wastewater and reclaimed water demands and connection points will be addressed as the project proceeds through the DRC and construction permitting processes.

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



**Environmental Protection Division** 

# CONSERVATION AREA DETERMINATION MODIFICATION

Determination No: CAD-19-09-136-MOD Date Issued: January 11, 2022 Date Modified: March 2, 2022 Date Expires: January 11, 2027

### **Activity Location:**

Lake Pickett Road, Orlando, FL 32820

Parcel ID Nos.: 05-22-32-0000-00-012, 05-22-32-0000-00-014, 05-22-32-0000-00-002, 05-22-32-0000-00-006, 05-22-32-0000-00-007, 05-22-32-0000-00-013, 07-22-32-0000-00-001, 05-22-32-0000-00-001, 07-22-32-0000-00-020, 04-22-32-0000-00-009, 04-22-32-0000-00-053, 04-22-32-0000-00-006, 04-22-32-0000-00-046, 04-22-32-0000-00-045, 04-22-32-0000-00-0053, 04-22-32-0000-00-052, 05-22-32-0000-00-011, 08-22-32-0000-00-018, 07-22-32-0000-00-026, and 07-22-32-000-00-027

Parcel Descriptions: Final project boundary and description as depicted and described on the project boundary survey.

Orange County Commission District: 5

### **Permittee(s) / Authorized Entity:**

Eloise A. Rybolt Revocable Trust, Rolling R Ranch, Ltd., Mary Lamar, and Lake Pickett North, LLC c/o Danny Gough Bio-Tech Consulting, Inc. E-mail: <u>danny@btc-inc.com</u>

The Environmental Protection Division (EPD) has received your revised certified survey received on February 7, 2022, which accurately depicts the approved limits of the jurisdictional surface waters and/or wetlands (conservation areas) on the above-referenced property. The purpose of this modification is to correct the project boundaries. No changes to previously approved wetland and/or surface waters boundaries have been made. This Conservation Area Determination (CAD) replaces CAD-19-09-136 and is binding for a period of five years.

Orange County Environmental Protection Division 3165 McCrory Place, Suite 200 Orlando, Florida 32803 407-836-1400/ Fax: 407-836-1499 www.OCEPD.org

Surface Water/ Wetland Identification		
Number	Class	FLUCCS <sup>1</sup> / Remarks
SW 1 <sup>2</sup>	Ι	630 Wetland Forested Mixed and 510 Streams and Waterways / Isolated wetland connected to and includes natural surface water bodies (includes Econlockhatchee River and Lake Paxton) greater than 40 acres.
AA	III	641 Freshwater Marsh / Isolated system less than five acres.
В	III	641 Freshwater Marsh / Isolated system less than five acres.
ВО	III	641 Freshwater Marsh / Isolated system less than five acres.
BZ <sup>2</sup>	Ι	641 Freshwater marsh / Has a hydrological connection to surface waters (Corner Lake and Lake Drawdy) (including OSW 17 – historic tributary).
CA	III	641 Freshwater Marsh / Isolated system less than five acres.
D	II	621 Cypress / Isolated system greater than five acres and less than 40 acres.
DA	III	643 Wet Prairie / Isolated system less than five acres.
EA	III	641 Freshwater Marsh / Isolated system less than five acres.
ER	III	641 Freshwater Marsh / Isolated system less than five acres.
ET	Ι	641 Freshwater Marsh / Has a hydrological connection to surface waters (Corner Lake and Lake Drawdy) (including OSW 17).
EZ	III	643 Wet Prairie / Isolated system less than five acres.
FH <sup>2</sup> *	Ι	621 Cypress / Isolated wetland greater than 40 acres.

The conservation area(s) have been classified as follows:

G	III	641 Freshwater Marsh / Isolated system less than five acres.
HI	III	641 Freshwater Marsh / Isolated system less than five acres.
НО	III	641 Freshwater Marsh / Isolated system less than five acres.
Ι	III	643 Wet Prairie / Isolated system less than five acres.
JW	III	643 Wet Prairie / Isolated system less than five acres.
K	III	641 Freshwater Marsh / Isolated system less than five acres.
М	III	643 Wet Prairie / Isolated system less than five acres.
NS	III	641 Freshwater Marsh / Isolated system less than five acres.
0	Π	641 Freshwater Marsh / Isolated system greater than five acres and less than 40 acres.
OE	III	641 Freshwater Marsh / Isolated system less than five acres.
OJ	III	643 Wet Prairie / Isolated system less than five acres.
OK	III	643 Wet Prairie / Isolated system less than five acres.
OL	III	625 Hydric Pine Flatwoods / Isolated system less than five acres.
OP	III	621 Cypress / Isolated system less than five acres.
Р	III	641 Freshwater Marsh / Isolated system less than five acres.
Q <sup>2</sup>	Ι	611 Bay Swamp and 621 Cypress / Wetland greater than 40 acres.
R	III	641 Freshwater Marsh and 625 Hydric Pine Flatwoods / Isolated system less than five acres.
RA1	III	641 Freshwater Marsh / Isolated system less than five acres.

RA2	II	641 Freshwater Marsh / Isolated system greater than five acres and less than 40 acres.
RA3	III	641 Freshwater Marsh / Isolated system less than five acres.
RH	III	641 Freshwater Marsh / Isolated system less than five acres.
S	III	641 Freshwater Marsh and 621 Cypress / Isolated system less than five acres.
SA	III	611 Bay Swamp and 621 Cypress / Isolated less than five acres.
SH	III	641 Freshwater Marsh / Isolated system less than five acres.
SR	III	641 Freshwater Marsh / Isolated system less than five acres.
W <sup>2</sup>	Ι	621 Cypress / Wetland system greater than 40 acres. (Has hydrological connection off-site to wetland FH).
WA	III	641 Freshwater Marsh / Isolated system less than five acres.
WC	III	641 Freshwater Marsh / Isolated system less than five acres.
WF	II	621 Cypress / Wetland system greater than five acres less than 40 acres.
WJ	III	643 Wet Prairie / Isolated system less than five acres.
Х	III	641 Freshwater Marsh / Isolated system less than five acres.
Y	III	641 Freshwater Marsh / Isolated system less than five acres.
Ζ	III	641 Freshwater Marsh / Isolated system less than five acres.
ZX	III	643 Wet Prairie / Isolated system less than five acres.
W-2	III	641 Freshwater Marsh / Isolated system less than five acres.

W-3	III	641 Freshwater Marsh / Isolated system less than five acres.
W-KG	III	641 Freshwater Marsh / Isolated system less than five acres.
DE*	III	641 Freshwater Marsh / Isolated system less than five acres.
W1-2	III	622 Pond Pine / Isolated system less than five acres.
SW 2 <sup>3</sup>	III	510 Streams and Waterways / Upland cut ditch less than five acres.
SW 7	III	510 Streams and Waterways / Upland cut ditch less than five acres.
SW 8	III	510 Streams and Waterways / Upland cut ditch less than five acres.
SW 9	III	510 Streams and Waterways / Upland cut ditch less than five acres.
SW 10	III	510 Streams and Waterways / Upland cut ditch less than five acres.
SW 11	III	510 Streams and Waterways / Upland cut ditch less than five acres.
SW 12	III	510 Streams and Waterways / Upland cut ditch less than five acres.
SW 14	III	510 Streams and Waterways / Upland cut ditch less than five acres.
SW 15	III	510 Streams and Waterways / Upland cut ditch less than five acres.
SW 16	III	510 Streams and Waterways / Upland cut ditch less than five acres.
SW 17 <sup>24</sup>	Ι	510 Streams and Waterways / Natural Waterway with hydrological connection to surface waters (Corner Lake and Lake Drawdy) (includes previously identified wetlands BZ and ET) <sup>4</sup>
SW KGK	III	534 Reservoir less than 10 acres / Isolated pond less than five acres.

SW NS	III	534 Reservoir less than 10 acres / Isolated pond less than five acres.
SW DG	III	534 Reservoir less than 10 acres / Isolated pond less than five acres.
SW 13 <sup>3</sup>	III	534 Reservoir less than 10 acres / Isolated pond less than five acres.

<sup>1</sup>Florida Land Use, Cover and Forms Classification System (FLUCCS) Handbook, Florida Department of Transportation, January 1999 (Third Edition).

<sup>2</sup>SW-1 extends offsite to north, south and west; SW 17 extends offsite to the east and south; Q extends offsite to the east; FH extends offsite to the north; and W extends offsite to the north.

<sup>3</sup>Names changed from classification letter: OSW 1 changed to SW 2 and SW1-3 changed to SW 13.

<sup>4</sup>SW 17 includes wetlands BZ and ET previously identified in the classification letter. This was modified because BZ and ET are connected to and a part of the SW 17 natural waterway.

\*corrected – FH remarks corrected for Class I description; Wetland name W-DE change to DE.

Approved, subject to the following conditions:

- 1. The enclosed survey accurately depicts the limits of the jurisdictional surface waters/wetlands on the referenced property, as confirmed by EPD during the site inspection. This determination letter, along with the approved survey, constitutes final approval of the CAD.
- 2. The limits of wetlands and surface waters delineated on the approved survey are only binding for a period of five years from the date of CAD issuance provided physical conditions on the property do not change so as to alter the boundaries of surface waters or wetlands during that period. 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. Changes in surface waters or wetland boundaries resulting from work authorized by a permit pursuant to Chapter 15, Article X, Section 15-376, will not be considered as altering the boundary for the purposes of this condition.
- 3. This CAD 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 rectify the conflict or comply with the most stringent conditions.
- 4. No construction, clearing, alteration, filling or grading is allowed within the limits of the conservation area unless approved by the County.
- 5. The property owner/permittee is also responsible for addressing any adverse secondary impacts to surface waters, wetlands, or conservation areas that may occur as a result of the development of the site.
- 6. The County may revoke this CAD upon finding that the applicant has submitted inaccurate information to the County regarding the delineation of surface waters or wetlands on the project site.
- 7. This CAD supersedes any existing determinations made on this parcel.

- 8. This property is located in the Econlockhatchee River Protection Area; therefore, upland buffers averaging 50 feet in width with a minimum of 25 feet in width shall be required for Class I and II conservation areas.
- 9. An additional protection zone is established for the main river channel of the Econlockhatchee River at least 1,100 feet landward as measured from the stream edge of the Econlockhatchee River main channel, and at least 50 feet of uplands landward of the landward edge of the wetlands abutting the main river channel and the named tributaries.
- 10. An additional protection zone is established for the main river channel of the Econlockhatchee River at least 550 feet landward as measured from the stream's edge of the major tributaries and at least 50 feet of uplands landward of the landward edge of the wetlands abutting the main river channel and the named tributaries. Named tributaries are Econlockhatchee River Swamp, Fourmile Creek, Little Creek, Turkey Creek, Green Branch, Cowpen Branch, Hart Branch and Long Branch.
- 11. Please be advised that per Orange County Code Chapter 15, Article VIII, Section 15-304 (a), no development, land clearing, or other tree cutting or tree removal shall be permitted without first obtaining a Conservation Area Impact (CAI) permit, tree removal permit and/or building permit with concurrent tree removal approval, unless exempted per<u>section 15-279(a)(9)</u>. Contact Orange County Zoning at 407-836-5807 or <u>Zoning@ocfl.net</u> for questions regarding tree and/or vegetation clearing within the designated uplands on this property.

If you should have any questions concerning this review, please contact Karen Garrett-Kraus at 407-836-1496 or Karen.Garrett-Kraus@ocfl.net.

Project Manager:

Karen Harret - Kraus

Karen Garrett-Kraus, Team Leader – Environmental Compliance and Enforcement

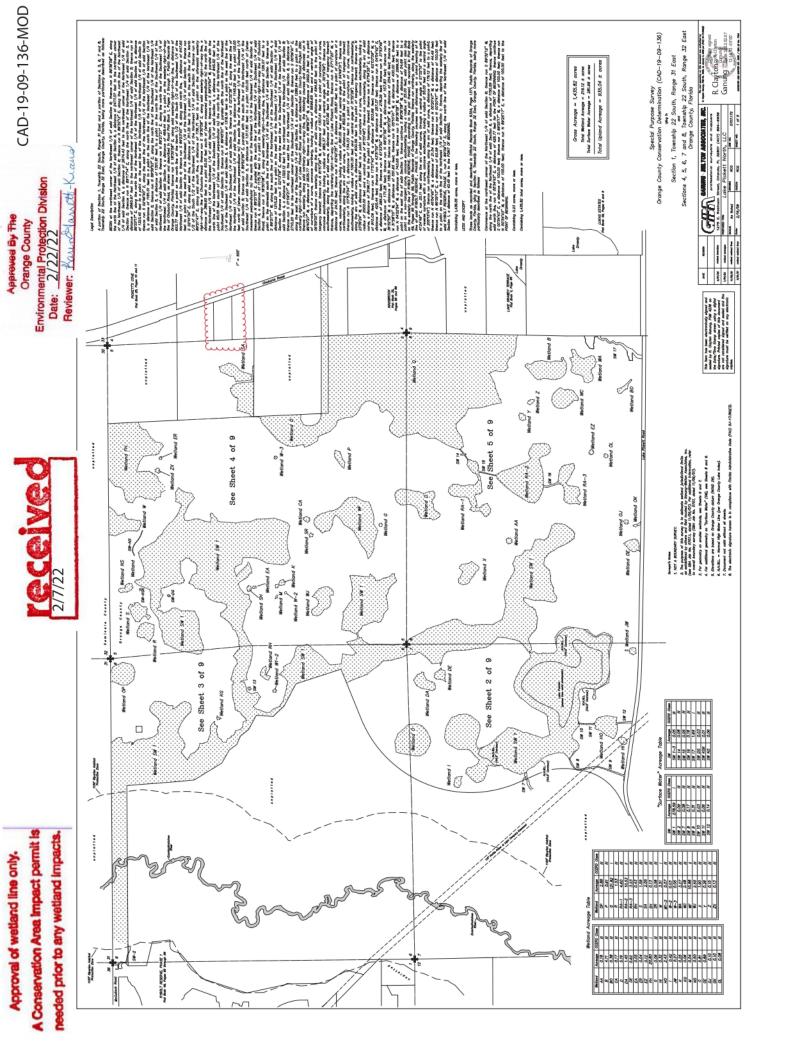
Authorized for the Orange County Environmental Protection Division by:

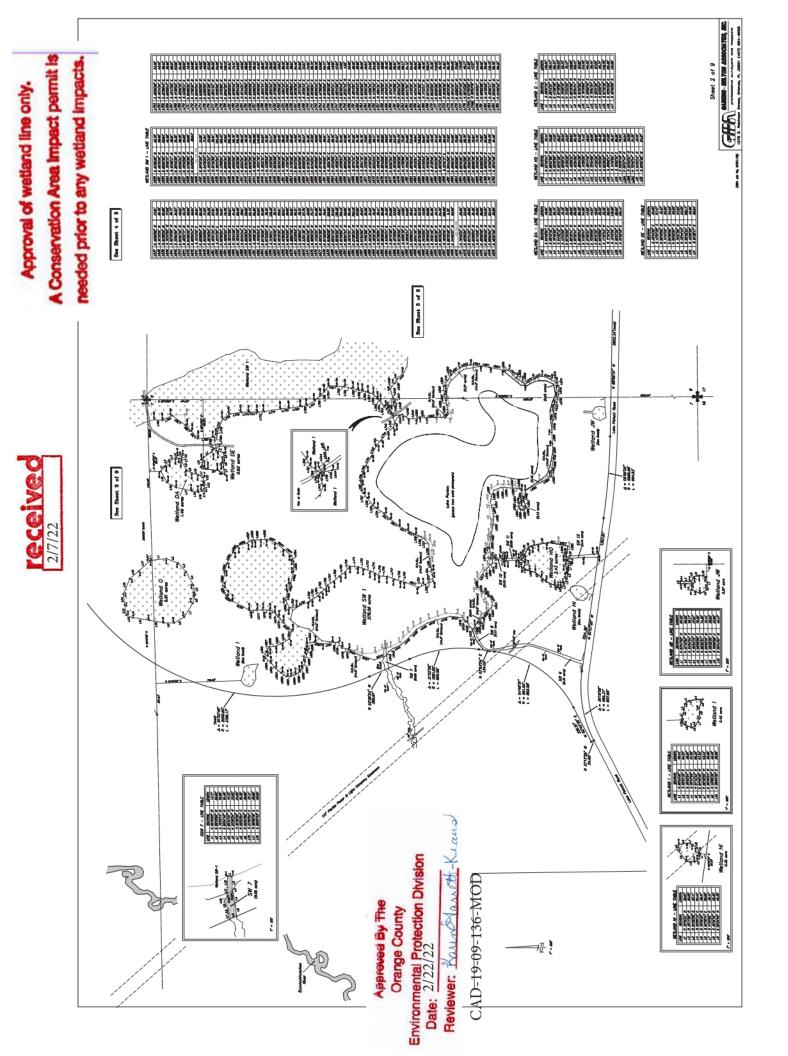
Elizabeth R. Johnson for

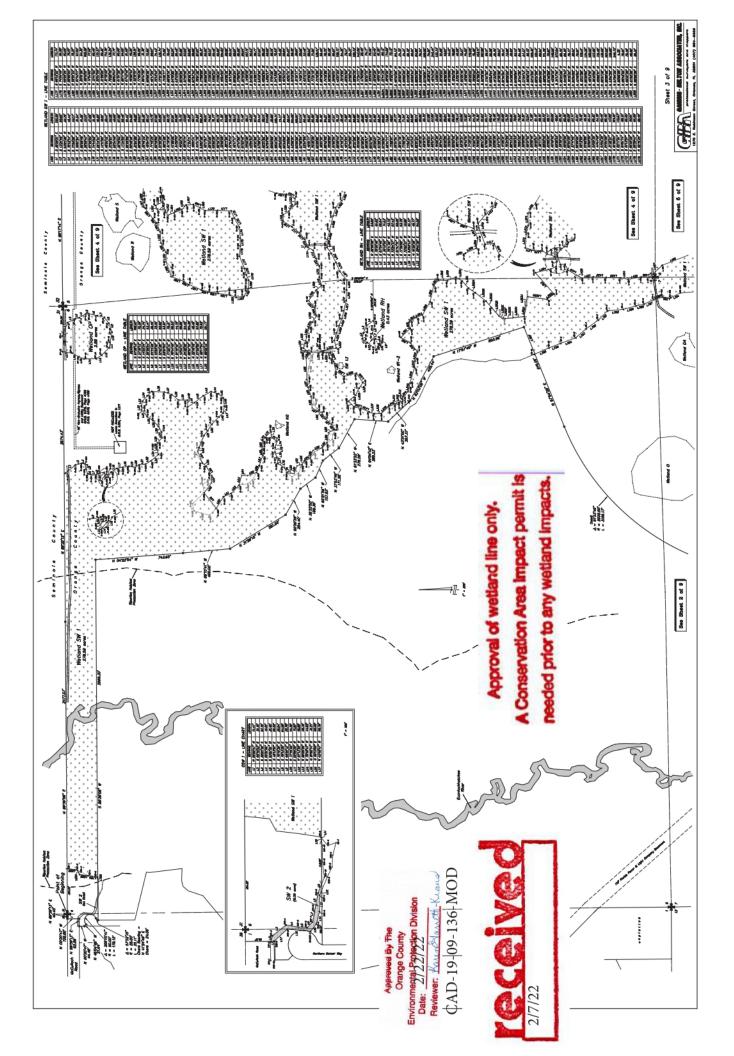
David Jones, P.E., CEP, Environmental Protection Officer

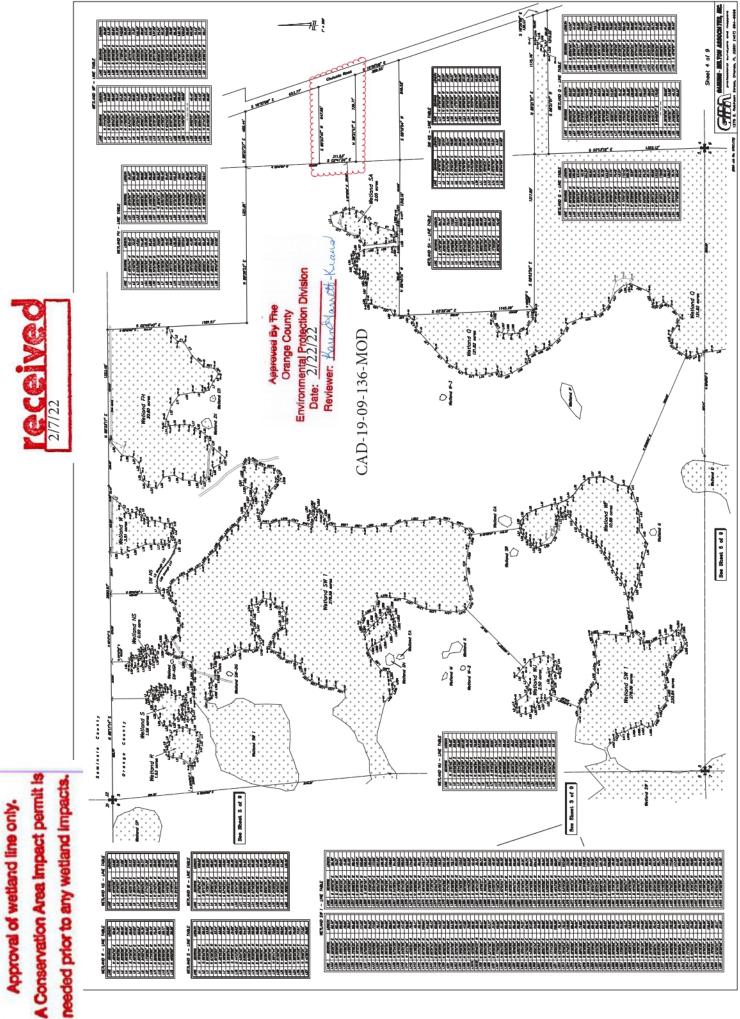
KGK/NH7TK/H/ERJ/DJ: gfdjr Attachment: Approved Survey

c: Lake Pickett North, LLC, 5656 Sherry Lane, Suite 1000, Dallas, TX 75225 Eloise A. Rybolt Revocable Trust, PO Box 3350, Winter Park, FL 32790 Rolling R Ranch, Ltd., PO Box 3350, Winter Park, FL 32790 Mary Lamar, PO Box 3350, Winter Park, FL 32790 Marc Von Canal, SJRWMD, <u>mvoncana@sjrwmd.com</u> Maria Cahill, Orange County Planning Division, <u>Maria.Cahill@ocfl.net</u> Conservation Planning Services, FWC, <u>conservationplanningservices@MyFWC.com</u> Rocco Campanale, Orange County Property Appraiser's Office, <u>rcampanale@ocpafl.org</u>



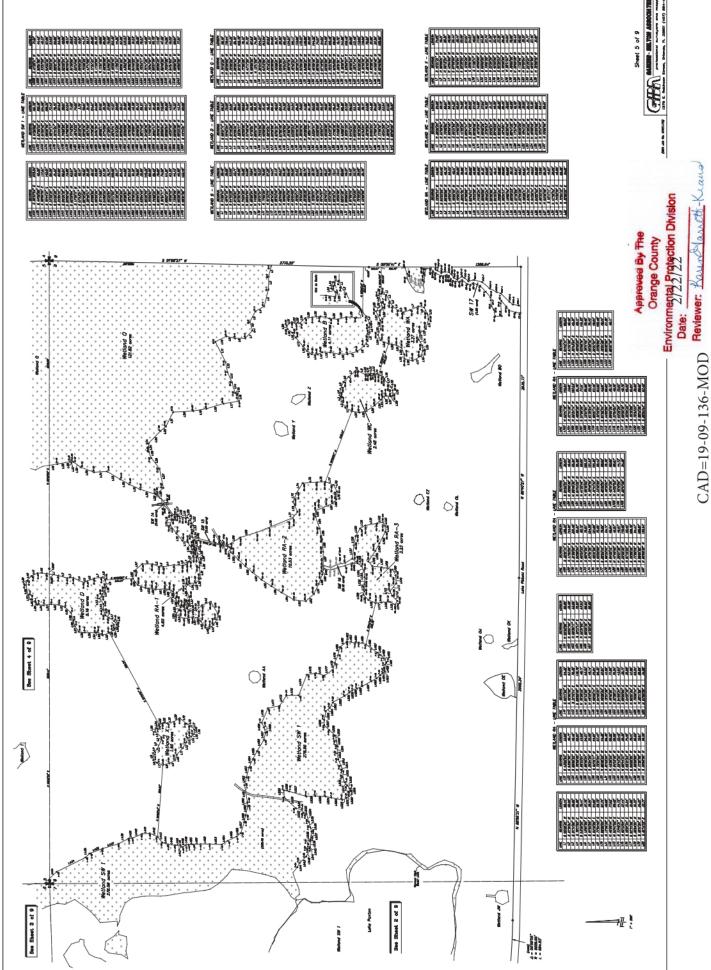


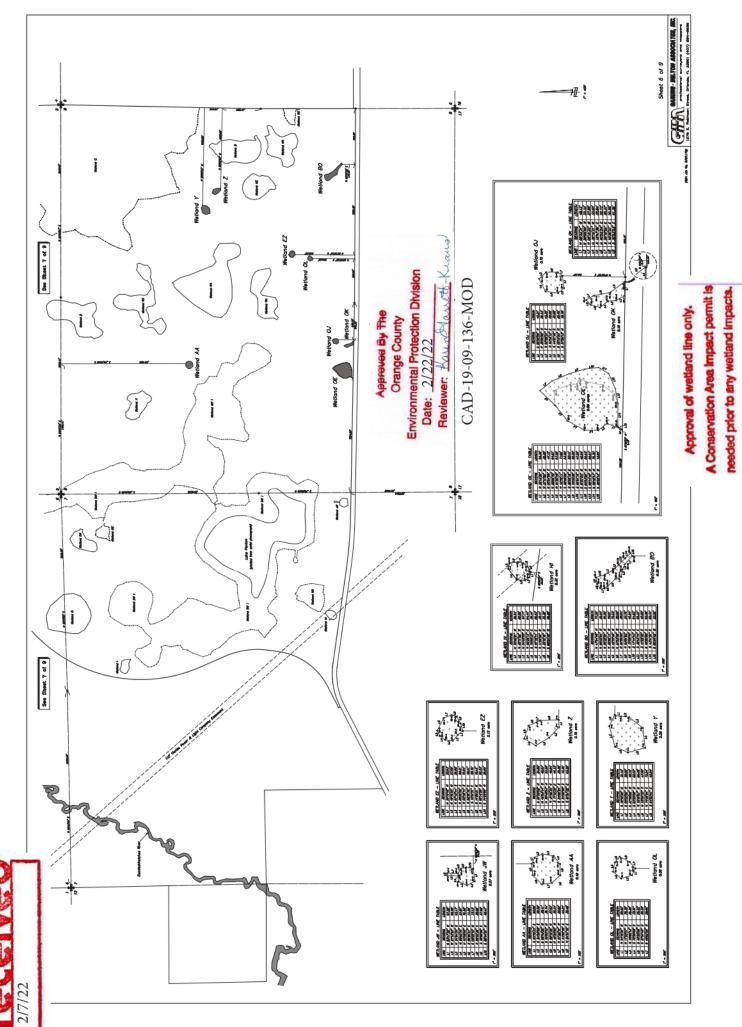




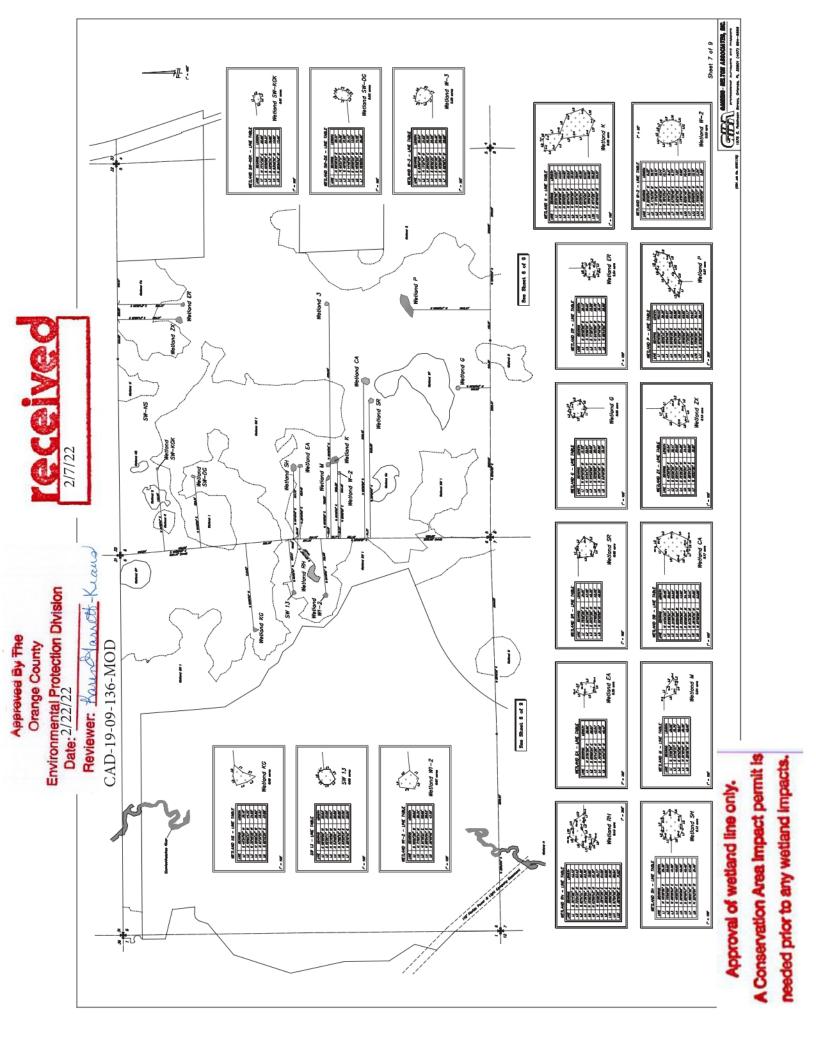
Approval of wettand line only. A Conservation Area Impact permit is needed prior to any wettand impacts.

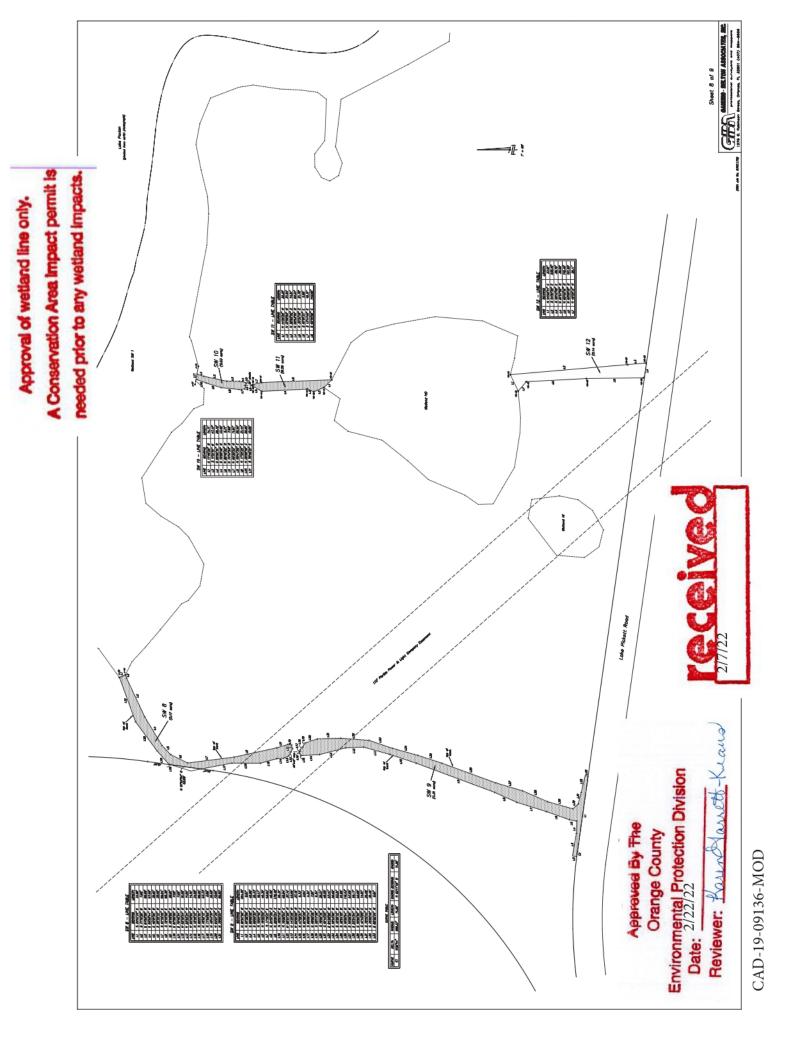


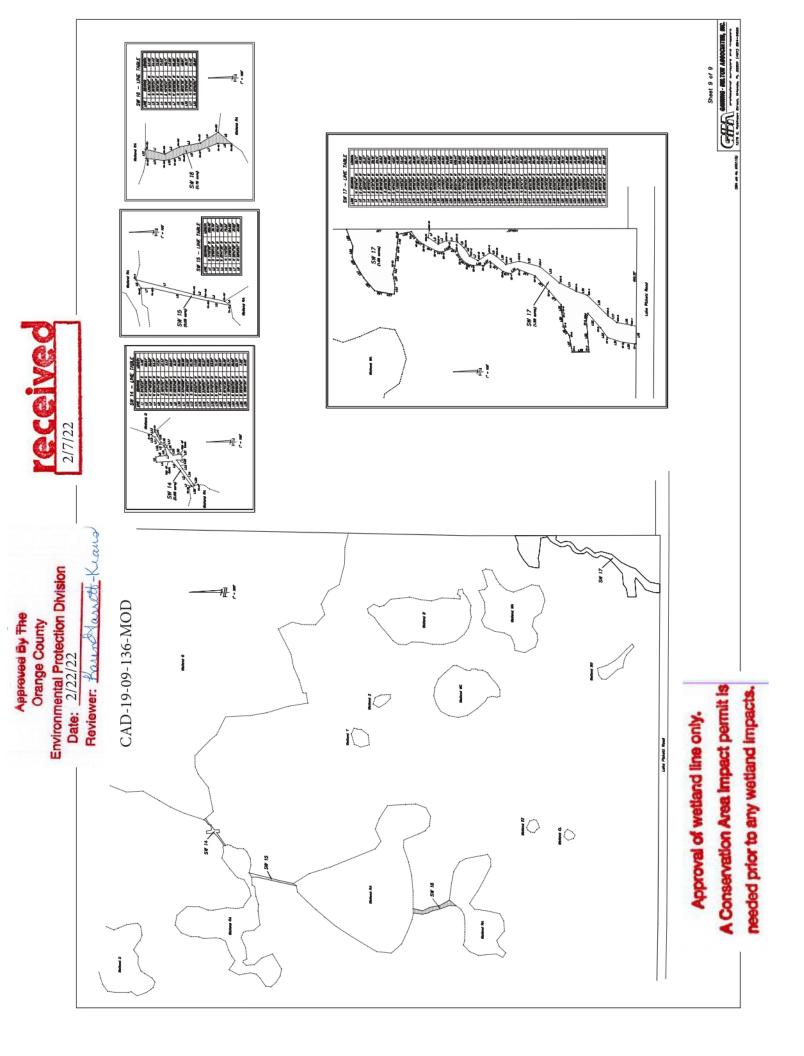




received









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

## FORMAL SCHOOL CAPACITY DETERMINATION CAPACITY LETTER

June 29, 2020

### VIA E-MAIL: JJAMES@SHUTTS.COM

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

### Application OC-19-091 (Sustany)

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

Type of Development Application	FLUM		
	Rezoning		
	Amendment or	r Extension	
Development Application #:	2020-1-A-5-1		
Project Name:	Sustany		
OCPS Completed Application Date:	December 9, 2019		
Parcel #(s):	Multiple Parcels		
Requested New Units (#):	SF: 2,484	MF: 0	TH: 0
Vested Unit(s):	SF: 16	MF: 0	TH: 0
Total Project Units:	2,500		
School Board District:	# 1		

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

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

	East Lake ES	Corner Lake MS	East River HS
Jurisdictional Analysis	Orange County – 100%	Orange County – 100%	N/A

Given the above analysis, this project does not meet the minimum criteria established by the Orange County Charter and Code to proceed through the joint approval process with the identified significantly affected local government(s). Additional information on the joint approval process can be obtained from Orange County

**This determination expires on** <u>December 8, 2020</u>. OCPS is not required to extend the expiration date of this determination letter. In the event this project does not possess Development Application approval from Orange County by the expiration date, but still intends to move forward in the development process, the applicant must resubmit the application and application fee to be reevaluated by OCPS. In addition, should the scope of the project change (e.g., modification of unit count and/or unit type), a new determination will be required.

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

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

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

Sincerely,

the they

Steven Thorp, AICP Sr. Administrator, Facilities Planning

STT

Attachments – Attachment A: Detailed Capacity Analysis

CC: Sue Watson, Orange County (via e-mail) Maria Cahill, Orange County (via e-mail) Thomas Moore, OCPS (via e-mail) Project File

### Attachment A



Facilities Planning Orange County Public Schools

## School Capacity Determination

Us	er ID #:	109591	December 11, 2019	13:11:34

Project ID:	CEA - OC	-19 -0	91 Valid Until	December 8, 2020	
Project Name:			SUSTANY		
	Single Family Units:	2484		Single Family Units:	16
Unvested Units	Multi Family Units:	о	Vested Units	Multi Family Units:	o
	Town Homes Units:	0		Town Homes Units:	0

School Level	Elementary	Middle	High
CSA:	J		
School:	EAST LAKE ES	CORNER LAKE MS	EAST RIVER HS
	Analysis of Exis	ting Conditions	
School Capacity (2019-2020)	756	1,114	3,002
Enrollment (2019-2020) Utilization (2019-2020) LOS Standard	526	921	2,038
E Utilization (2019-2020)	70.0%	83.0%	68.0%
B LOS Standard	110.0%	100.0%	100.0%
Available Seats	306	193	964
Available Seats	Analysis of Res	erved Capacity	
School Level	Elementary	Middle	
Encumbered Capacity	31	12	221
Reserved Capacity	0	0	0
Adjusted Utilization	73.7%	83.8%	75.2%
Magnetic Adjusted Available Seats	275	181	743
0	Analysis of Propo	sed Development	
Students Generated	474.444	235.980	325.404
Adjusted Utilization	136.4%	104.9%	86.1%
PASS/FAIL	FAIL	FAIL	PASS
Number of Seats to Mitigate	199.444	54.980	0.000

EAST LAKE ES	
CORNER LAKE MS	
EAST RIVER HS	



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September 16, 2020

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

Re: Extension of Formal School Capacity Determination Capacity Letter for Shutts & Bowen, LLP Pursuant to Declaration of State of Emergency for Sustany (OC-19-091)

Dear Juli,

The School Board of Orange County, Florida ("School Board") is in receipt of your correspondence dated September 14, 2020 in regard to the above-referenced matter delivered in accordance with Section 252.363, *Florida Statutes*. After review of your correspondence and the attached executive orders, we hereby acknowledge the extension of the Formal School Capacity Determination Capacity Letter, #OC-19-091 for the project known as Sustany in unincorporated Orange County in accordance with the following schedule:

Executive	Incident	Date	Expiration	Extension	Original	New
Orders		Issued	Date	Period	Expiration Date	Expiration Date
20-52, 20-114, 20-166, 20-213	COVID-19	3/9/2020	11/4/2020	6 mos. + 240 days	December 8, 2020	February 3, 2022

Thank you for your attention in this matter. Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,

Jad M. Brewer, Esq. Staff Attorney III – Planning and Real Estate

cc: Steven Thorp, AICP, Facilities Planning, OCPS
Vitonni Jenkins, Facilities Planning (OCPS)
Sue Watson, Orange County (via e-mail)
Maria Cahill, Orange County (via email)

## STATE OF FLORIDA office of the governor executive order number 20-52

(Emergency Management - COVID-19 Public Health Emergency)

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, in late 2019, a new and significant outbreak of COVID-19 emerged in China; and

WHEREAS, the World Health Organization previously declared COVID-19 a Public Health Emergency of International Concern; and

WHEREAS, in response to the recent COVID-19 outbreak in China, Iran, Italy, Japan and South Korea, the Centers for Disease Control and Prevention ("CDC") has deemed it necessary to prohibit or restrict non-essential travel to or from those countries; and

WHEREAS, on March 1, 2020, I issued Executive Order number 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

WHEREAS, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 7, 2020, I directed the Director of the Division of Emergency Management to activate the State Emergency Operations Center to Level 2 to provide coordination and response to the COVID-19 emergency; and

WHEREAS, as of March 9, 2020, eight counties in Florida have positive cases for COVID-19, and COVID-19 poses a risk to the entire state of Florida; and

WHEREAS, the CDC currently recommends community preparedness and everyday prevention measures be taken by all individuals and families in the United States, including voluntary home isolation when individuals are sick with respiratory symptoms, covering coughs and sneezes with a tissue and disposal of the tissue immediately thereafter, washing hands often with soap and water for at least 20 seconds, using of alcohol-based hand sanitizers with 60%-95% alcohol if soap and water are not readily available and routinely cleaning frequently touched surfaces and objects to increase community resilience and readiness for responding to an outbreak; and

WHEREAS, the CDC currently recommends mitigation measures for communities experiencing an outbreak including staying at home when sick, keeping away from others who are sick, limiting face-to-face contact with others as much as possible, consulting with your healthcare provider if individuals or members of a household are at high risk for COVID-19 complications, wearing a facemask if advised to do so by a healthcare provider or by a public health official, staying home when a household member is sick with respiratory disease symptoms if instructed to do so by public health officials or a health care provider; and

WHEREAS, as Governor, I am responsible for meeting the dangers presented to this state and its people by this emergency.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, Chapter 252, Florida Statutes, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. Because of the foregoing conditions, I declare a state of emergency exists in the State of Florida.

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Section 2. I designate the Director of the Division of Emergency Management ("Director") as the State Coordinating Officer for the duration of this emergency and direct him to execute the State's Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with the emergency. Additionally, I designate the State Health Officer and Surgeon General as a Deputy State Coordinating Officer and State Incident Commander.

Pursuant to section 252.36(1)(a), Florida Statutes, I delegate to the State Coordinating Officer the authority to exercise those powers delineated in sections 252.36(5)-(10), Florida Statutes, which he shall exercise as needed to meet this emergency, subject to the limitations of section 252.33, Florida Statutes. In exercising the powers delegated by this Order, the State Coordinating Officer shall confer with the Governor to the fullest extent practicable. The State Coordinating Officer shall also have the authority to:

A. Seek direct assistance and enter into agreements with any and all agencies of the United States Government as may be needed to meet the emergency.

B. Designate additional Deputy State Coordinating Officers, as necessary.

C. Suspend the effect of any statute, rule, or order that would in any way prevent, hinder, or delay any mitigation, response, or recovery action necessary to cope with this emergency.

D. Enter orders as may be needed to implement any of the foregoing powers; however, the requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such orders issued by the State Coordinating Officer; however, no such order shall remain in effect beyond the expiration of this Executive Order, to include any extension.

Section 3. I order the Adjutant General to activate the Florida National Guard, as needed, to deal with this emergency.

3

Section 4. I find that the special duties and responsibilities resting upon some State, regional, and local agencies and other governmental bodies in responding to the emergency may require them to suspend the application of the statutes, rules, ordinances, and orders they administer. Therefore, I issue the following authorizations:

A. Pursuant to section 252.36(1)(a), Florida Statutes, the Executive Office of the Governor may suspend all statutes and rules affecting budgeting to the extent necessary to provide budget authority for state agencies to cope with this emergency. The requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such suspension issued by the Executive Office of the Governor; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extension.

B. Each State agency may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of that agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency. This includes, but is not limited to, the authority to suspend any and all statutes, rules, ordinances, or orders which affect leasing, printing, purchasing, travel, and the condition of employment and the compensation of employees. For the purposes of this Executive Order, "necessary action in coping with the emergency" means any emergency mitigation, response, or recovery action: (1) prescribed in the State Comprehensive Emergency Management Plan ("CEMP"); or (2) ordered by the State Coordinating Officer. The requirements of sections 252.46 and 120.54, Florida Statutes, shall not apply to any such suspension issued by a State agency; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extensions. C. In accordance with section 465.0275, Florida Statutes, pharmacists may dispense up to a 30-day emergency prescription refill of maintenance medication to persons who reside in an area or county covered under this Executive Order and to emergency personnel who have been activated by their state and local agency but who do not reside in an area or county covered by this Executive Order.

D. In accordance with section 252.38, Florida Statutes, each political subdivision within the State of Florida may waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

1) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;

2) Entering into contracts; however, political subdivisions are cautioned against entering into time and materials contracts without ceiling as defined by 2 CFR 200.318(j) or cost plus percentage contracts as defined by 2 CFR 200.323(d);

- 3) Incurring obligations;
- 4) Employment of permanent and temporary workers;
- 5) Utilization of volunteer workers;
- 6) Rental of equipment;

7) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and,

8) Appropriation and expenditure of public funds.

E. All State agencies responsible for the use of State buildings and facilities may close such buildings and facilities in those portions of the State affected by this emergency, to the extent necessary to meet this emergency. I direct each State agency to report the closure of any State building or facility to the Secretary of the Department of Management Services. Under the authority contained in section 252.36, Florida Statutes, I direct each County to report the closure of any building or facility operated or maintained by the County or any political subdivision therein to the Secretary of the Department of Management Services. Furthermore, I direct the Secretary of the Department of Management Services to:

1) Maintain an accurate and up-to-date list of all such closures; and,

2) Provide that list daily to the State Coordinating Officer.

Section 5. I find that the demands placed upon the funds appropriated to the agencies of the State of Florida and to local agencies are unreasonably great and the funds currently available may be inadequate to pay the costs of coping with this emergency. In accordance with section 252.37(2), Florida Statutes, I direct that sufficient funds be made available, as needed, by transferring and expending moneys appropriated for other purposes, moneys from unappropriated surplus funds, or from the Budget Stabilization Fund.

Section 6. All State agencies entering emergency final orders or other final actions in response to this emergency shall advise the State Coordinating Officer contemporaneously or as soon as practicable.

Section 7. Medical professionals and workers, social workers, and counselors with good and valid professional licenses issued by states other than the State of Florida may render such services in Florida during this emergency for persons affected by this emergency with the condition that such services be rendered to such persons free of charge, and with the further condition that such services be rendered under the auspices of the American Red Cross or the Florida Department of Health.

6

Section 8. All activities taken by the Director of the Division of Emergency Management and the State Health Officer and Surgeon General with respect to this emergency before the issuance of this Executive Order are ratified. This Executive Order shall expire sixty days from this date unless extended.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 9th day of March, 2020

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## STATE OF FLORIDA OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 20-114 (Emergency Management – Extension of Executive Order 20-52 – COVID-19)

WHEREAS, on March 1, 2020, I issued Executive Order 20-51, directing the Florida Department of Health to issue a Public Health Emergency due to COVID-19; and

WHEREAS, on March 9, 2020, I issued Executive Order 20-52, declaring a state of emergency for the entire state due to COVID-19; and

WHEREAS, on March 25, 2020, President Donald J. Trump approved my request and declared a Major Disaster due to COVID-19 in Florida; and

WHEREAS, on April 29, 2020, after consulting with my Task Force to Re-Open Florida, I issued Executive Order 20-112, my "Phase 1: Safe. Smart. Step-by-Step. Plan for Florida's Recovery"; and

WHEREAS, I, as Governor of Florida, am committed to providing all available resources and assisting all Floridians and our local communities with their efforts; and

WHEREAS, no state of emergency declared pursuant to the Florida Emergency Management Act may continue for more than 60 days unless renewed by the Governor; and

WHEREAS, the impact of COVID-19 poses a continuing threat to the health, safety and welfare of the State of Florida and its residents.

**NOW, THEREFORE, I, RON DESANTIS**, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

Section 1. The state of emergency declared in Executive Order 20-52, will be extended for 60 days following the issuance of this order for the entire State of Florida.

Section 2. To the extent Executive Order 20-112, Phase 1: Safe. Smart. Step-by-Step. Plan for Florida's Recovery, amended or extended any executive order related to COVID-19, the referenced executive orders shall remain in effect, as modified.

Section 3. All actions taken by the Director of the Division of Emergency Management as the State Coordinating Officer with respect to this emergency before the issuance of this Executive Order are ratified, and he is directed to continue to execute the State's Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with the emergency.

Section 4. Except as amended herein, Executive Order 20-52 is ratified and reaffirmed.



ATTEST:

SECRETARY OF STATE

IN TESTIMONY WH EREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 8th dep of May, 2020.

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## STATE OF FLORIDA OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 20-166 (Emergency Management – Extension of Executive Order 20-52 – COVID-19)

WHEREAS, on March 9, 2020, I issued Executive Order 20-52, declaring a state of emergency for the entire state due to COVID-19; and

WHEREAS, on March 25, 2020, President Donald J. Trump approved my request and declared a Major Disaster due to COVID-19 in Florida; and

WHEREAS, on June 3, 2020, I issued Executive Order 20-139, implementing Phase 2 of my Safe. Smart. Step-by-Step. Plan for Florida's Recovery; and

WHEREAS, I, as Governor of Florida, am committed to providing all available resources and assisting all Floridians and our local communities with their efforts; and

WHEREAS, no state of emergency declared pursuant to the Florida Emergency Management Act may continue for more than 60 days unless renewed by the Governor; and

WHEREAS, the impact of COVID-19 poses a continuing threat to the health, safety and welfare of the State of Florida and its residents.

**NOW, THEREFORE, I, RON DESANTIS**, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

Section 1. The state of emergency declared in Executive Order 20-52, as extended by Executive Order 20-114, will be extended for 60 days following the issuance of this order for the entire State of Florida.

<u>Section 2</u>. To the extent Executive Order 20-139, Phase 2: Safe. Smart. Step-by-Step. Plan for Florida's Recovery, amended or extended any executive order related to COVID-19, the referenced executive orders shall remain in effect, as modified.

Section 3. All actions taken by the Director of the Division of Emergency Management as the State Coordinating Officer with respect to this emergency before the issuance of this Executive Order are ratified, and he is directed to continue to execute the State's Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with the emergency.

Section 4. Except as amended herein, Executive Order 20-52, extended by Executive Order 20-114, is ratified and reaffirmed.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 7th day of July, 2020.

RON DESANTIS, GOVERNOR

ATTEST:

Re

SECRETARY OF STAT



## STATE OF FLORIDA OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 20-213 (Emergency Management -Extension of Executive Order 20-52-COVID-19)

WHEREAS, on March 9, 2020, I issued Executive Order 20-52, declaring a state of emergency for the entire state due to COVID-19; and

WHEREAS, on March 25, 2020, President Donald J. Trump approved my request and declared a Major Disaster due to COVID-19 in Florida; and

WHEREAS, on June 3, 2020, I issued Executive Order 20-139, implementing Phase 2 of my Safe. Smart. Step-by-Step. Plan for Florida's Recovery; and

WHEREAS, I, as Governor of Florida, am committed to providing all available resources and assisting all Floridians and our local communities with their efforts; and

WHEREAS, no state of emergency declared pursuant to the Florida Emergency Management Act may continue for more than 60 days unless renewed by the Governor; and

WHEREAS, the impact of COVID-19 poses a continuing threat to the health, safety and welfare of the State of Florida and its residents.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

Section 1. The state of emergency declared in Executive Order 20-52, as extended by Executive Orders 20-114 and 20-166 will be extended for 60 days following the issuance of this order for the entire State of Florida.

<u>Section 2</u>. All actions taken by the Director of the Division of Emergency Management as the State Coordinating Officer with respect to this emergency before the issuance of this Executive Order are ratified, and he is directed to continue to execute the State's Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with the emergency.

Section 3. Except as amended herein, Executive Order 20-52, extended by Executive Orders 20-114 and 20-166, and as amended by Executive Order 20-192, is ratified and reaffirmed.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 4th day of September 200.



KON DESANTIS, GOVERNOR

ATTEST: le RETARY

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