

ORANGE COUNTY

PLANNING DIVISION

2023-1-A-4-1

LUP-22-12-389

SIMPSON ROAD

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY
COMMISSIONERS**

JUNE 20, 2023

ADOPTION PUBLIC HEARING

PREPARED BY:

ORANGE COUNTY PLANNING, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION





Interoffice Memorandum

DATE: June 8, 2023

TO: Mayor Jerry L. Demings
-AND-
County Commissioners (BCC)

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

THROUGH: Tim Boldig, Interim Director
Planning, Environmental, and Development Services Department

SUBJECT: 2023-1 Regular Cycle Comprehensive Plan
Amendments 2023-1-A-4-1 and 2023-1-B-FLUE-4 and 2023-1-B-FLUE-8
(Simpson Road Multi-Family) and Concurrent Rezoning Request#
LUP-22-12-389 (Simpson Road Multi-Family PD/LUP)
Board of County Commissioners (BCC) Adoption Public Hearings

2023-1 Regular Cycle Comprehensive Plan Amendments 2023-1-A-4-1 and 2023-1-B-FLUE-4 and 2023-1-B-FLUE-8 and Concurrent Rezoning LUP-22-12-389 are scheduled for a BCC adoption public hearing on June 20, 2023. These amendments and concurrent rezoning request were heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at an adoption public hearing on May 18, 2023, and recommended to be adopted and approved.

The subject property is located at 5501, 5603, 5623 and 5707 Simpson Road. Generally located north of Simpson Rd., east of Ward Rd., west of Boggy Creek Rd., and north of the Orange County-Osceola County line. The request is to change the Future Land Use Map designation from Rural/Agricultural (R) to Planned Development-Medium High Density Residential (PD-MHDR) and Urban Service Area (USA) Expansion to develop up to 360 multi-family dwelling units, and up to 10,000 square feet of Institutional Uses, including churches and ancillary uses to the church.

A community meeting was held for the requests on January 11, 2023, with 22 residents in attendance with concerns for flooding and higher water levels observed along Boggy Creek after storms, increased stormwater runoff, roadway congestion and traffic.

These amendments were reviewed by the Florida Department of Economic Opportunity (DEO) and other State agencies for review and comment. DEO provided comments on April 14, 2023, raising no concerns with the proposed amendment. Pursuant to 163.3184, Florida Statutes, the proposed amendments must be adopted within 180 days of receipt of the comment letter. The Regular Cycle Amendments undergoing the State-Expedited

Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete.

Any questions concerning this document should be directed to Alberto A. Vargas, Manager, Planning Division, at (407) 836-5802 or Alberto.Vargas@ocfl.net or Jason Sorensen, AICP, Chief Planner at (407) 836-5602 or Jason.Sorensen@ocfl.net.

**ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and adopt Amendments 2023-1-A-4-1, 2023-1-B-FLUE-4 and 2023-1-B-FLUE-8, Planned Development-Medium-High Density Residential (PD-MHDR) Future Land Use map designation and Urban Service Area (USA) expansion, approve the associated ordinance, and approve the rezoning request, LUP-22-12-386, Simpson Road Multi-Family Planned Development/Land Use Plan (PD/LUP) dated "Received March 15, 2023" subject to sixteen (16) conditions in the staff report, including nine (9) waivers from Orange County Code.
District 4**

AAV/jhs/sw

Enc: 2023-1 Regular Cycle Amendments 2023-1-A-4-1 and 2023-1-B-FLUE-4
and 2023-1-B-FLUE-8 and Concurrent Rezoning Request# LUP-22-12-389
BCC Adoption Staff Report

c: Jon V. Weiss, P.E., Deputy County Administrator
Joel Prinsell, Deputy County Attorney
Whitney Evers, Assistant County Attorney
Roberta Alfonso, Assistant County Attorney
Jason Sorensen, AICP, Chief Planner, Planning Division
Olan D. Hill, AICP, Assistant Manager, Planning Division
Nicolas Thalmueller, AICP, Planning Administrator, Planning Division
Read File

2023 FIRST REGULAR CYCLE AMENDMENTS TO THE 2010-2030 COMPREHENSIVE PLAN ADOPTION PUBLIC HEARINGS

INTRODUCTION

This is the Board of County Commissioners (BCC) adoption public hearing staff report for the First Regular Cycle Amendments 2023-1-A-4-1 and 2023-1-B-FLUE-4 and 2023-1-B-FLUE-8 to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). The adoption public hearings for these amendments were conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on May 18, 2023. These amendments are scheduled for adoption public hearings before the BCC on June 20, 2023.

The 2023-1 Regular Cycle Amendments scheduled for BCC consideration on June 20 were heard by the PZC/LPA at transmittal public hearings on January 19, 2023, and by the BCC at transmittal public hearings on February 21, 2023.

Please note the following modifications to this report:

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

The 2023-1 Regular Cycle – State-Expedited Review Amendments scheduled for consideration on June 20 include one privately-initiated Future Land Use Map Amendment located in District 4 with a concurrent rezoning request and two associated staff-initiated text amendments. The proposed Future Land Use Map Amendment entails a change to the Future Land Use Map for a property greater than ten acres in size. The staff-initiated amendments involve changes to the Goals, Objectives, and/or Policies of the Comprehensive Plan.

The Regular Cycle State-Expedited Review Amendments were reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On April 14, 2023, DEO issued a comment letter, which did not contain any concerns about the amendments undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendments must be adopted within 180 days of the comment letter. The Regular Cycle Amendments undergoing the State-Expedited Review process 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 July 2023, 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 Alberto.Vargas@ocfl.net, or Jason Sorensen, AICP, Chief Planner, at (407) 836-5602 or Jason.Sorensen@ocfl.net.

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	-and-	
	2023-1-B-FLUE-4 PD Density and Intensity	
	-and-	
	2023-1-B-FLUE-8 USA Expansion	
	-and-	
	Rezoning LUP-22-12-389	A-2 (Farmland Rural District) to PD (Planned Development District) (Simpson Road Multi-Family PD/LUP) Also requested are nine (9) waivers from Orange County Code: 1) A waiver from Section 38-1258(a) to allow a maximum height of four (4) stories/seventy (70) feet for multi-family buildings within one hundred (100) feet of single-family zoned property, in lieu of a maximum height of one story for multi-family residential buildings located within one hundred (100) feet of single family zoned property; 2) A waiver from Section 38-1258(b) to allow buildings to be four (4) stories/seventy (70) feet in height, in lieu of varying in building height with a maximum of fifty (50) percent of buildings being three (3) stories (not to exceed forty (40) feet) in height, with the remaining buildings being one (1) story or two (2) stories in height, when located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property;

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		3) A waiver from Section 38-1258(c) to allow a building height of seventy (70) feet and four (4) stories, in lieu of not exceeding three (3) stories (40 feet) in height, when located within one hundred and fifty (150) feet of single-family zoned property; 4) A waiver from Section 38-1258(d) to allow a building height of seventy (70) feet and four (4) stories in lieu of 40' and three (3) stories; 5) A waiver from Section 38-1258(e) to allow for parking and other paved areas for multi-family development to be located 16.5 feet from single-family zoned property (northern property line) in lieu of twenty-five (25) feet; 6) A waiver from Section 38-1258(f) to not require a six (6) foot high masonry, brick, or block wall for multi-family development adjacent to single-family zoned property, in lieu of requiring a six (6) foot high masonry, brick or block wall; 7) A waiver from Section 34-209 to provide no masonry wall adjacent to a roadway that has over 8,000 daily trips in lieu of providing a masonry wall adjacent to a roadway that has over 8,000 daily trips; 8) A waiver from Section 38-1476 to allow a ten percent reduction for multi-family parking at a ratio of 1.35 spaces for efficiencies and one-bedroom units and 1.80 for two (2) and three (3) bedroom units, in lieu of the required 1.5 parking spaces per one (1) bedroom apartment and 2 parking spaces per two (2) & three (3) bedroom apartments; and 9) A waiver from Section 38-1254(2) to allow for the southern boundary of the property to allow a minimum building setback of twenty-five (25) feet from a major collector street (Simpson Road) in lieu of thirty-five (35) feet.	
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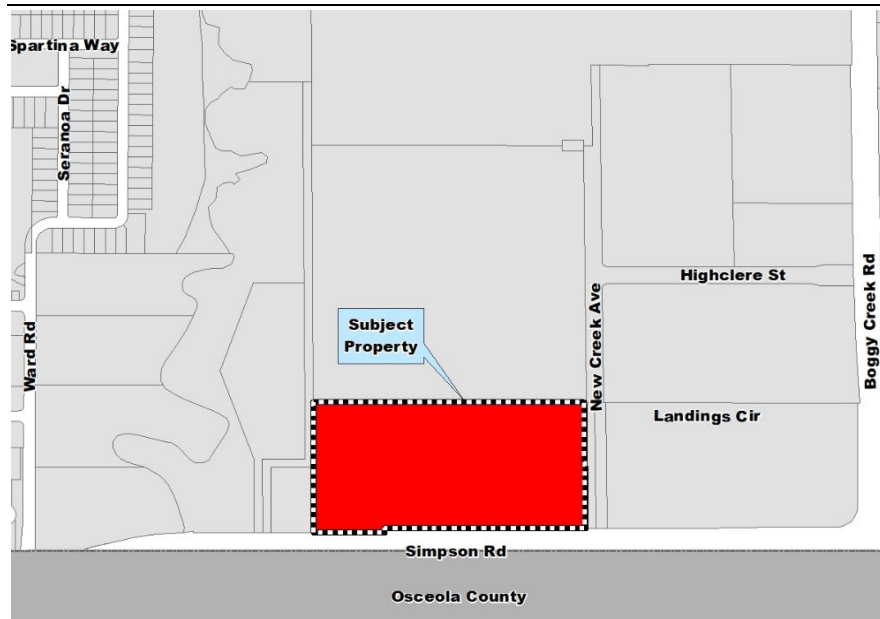
2023-1 Regular Cycle State Expedited Review Comprehensive Plan Amendments

Privately Initiated Future Land Use Map Amendment

Amendment Number	Concurrent Rezoning or Substantial Change	Owner	Agent	Tax ID Number(s)	General Location / Comments	BCC Commission District	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
2023-1-A-4-1 Simpson Road Multifamily	LUP-22-12-389	Boggy Creek South Property, Inc., Genesee Christian Center of Okaloosa Florida, Inc., and Ralph Jency	Eric Reasch, SBME, Inc.	33-24-38-0000-00-014/01/002/003	SR01, SR05, SR23, and SR73 Simpson Rd, generally located north of Simpson Rd and the Orange County Okaloosa County line, west of Boggy Creek Rd, and east of Ward Rd and Boggy Creek	4 - Maribel Gomez Contorno	Rural/Agricultural (R)	Planned Development- Medium-High Density Residential (PD- MHDR)	A-2 (Farmland Rural District)	PD (Planned Development District)(Simpson Road Multi-Family PDLUP)	17.74 gross ac.	Maria Catili	Adopt	Adopt & Approve with 16 conditions (8-6)
2023-1 Regular Cycle Comprehensive Plan Amendments														
Staff Initiated Comprehensive Plan Map and Text Amendment														
Amendment Number	Sponsor		Description of Proposed Changes to the 2019-2039 Comprehensive Plan (CP)									Project Planner	Staff Rec	LPA Rec
2023-1-B-FLUE-4 (FLUE 1.4)	Planning Division		Text amendment to Future Land Use Element Policy FLUE 1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County, associated with Amendment 2023-1-A-4-1									Maria Catili	Adopt	Adopt (8-6)
2023-1-B-FLUE-6 (USA policy)	Planning Division		Text Amendment to Future Land Use Element Policy FLU1.2.4 regarding allocation of additional lands to the Urban Service Area (USA), associated with Amendment 2023-1-A-4-1									Maria Catili	Adopt	Adopt (8-6)

ABBREVIATIONS INDEX:

ABBREVIATIONS INDEX: IND-Industrial; C-Commercial; O-Office; LDR-Low Density Residential; LMDR-Low-Medium Density Residential; MDR-Medium Density Residential; HDR-High Density Residential; PD-Planned Development; EDU-Educational; CONS-
Wetland/Conservation; PROCS-Parks/Recreation/Open Space; OS-Open Space; R-Rural/Agriculture; RS-Rural Settlement; RS 1/1-Rural Settlement 1/1; RS 1/2-Rural Settlement 1/2; RSLD 2/1-Rural Settlement Low Density; GC-Growth Center; LP-Lake Picket; PD-Planned
Development; USA-Urban Service Area; WS-Water Body; CP-Comprehensive Plan; FLUEP-Future Land Use Map; FLUEP-Future Land Use Element; TRNS-Transportation Element; COPPS-Goals, Objectives, and Policies; OSU-Objective; A-2-Farmland Rural District; R-CC-
Country Estate District; RCE-6-Rural Country Estate Residential District; PD-Planned Development District; PD-PP-Planned Development-Regulating Plan; PD-RS-Planned Development-Rural Settlement; SR-State Road; AC-Across



Applicant: Eric Raasch, Inspire Placemaking Collective (formerly S&ME, Inc.)
Owners: Boggy Creek South Property, Inc.; Genesis Christian Center of Orlando Florida Inc.; and Ralph Jeudy
Location: 5501, 5603, 5623 and 5707 Simpson Road. Generally located north of Simpson Rd., east of Ward Rd., west of Boggy Creek Rd., and north of the Orange County-Osceola County line.
Existing Use: Vacant and Church
Parcel ID Numbers: 33-24-30-0000-00-014; 33-24-30-0000-00-031, -032 and -033.
Tract Size: 17.7 gross/net acres

The following meetings and hearings have been held for this proposal:			Project Information	
Report/Public Hearing		Outcome		
✓	Community Meeting	January 11, 2023	Request: Rural/Agricultural (R) to Planned Development – Medium-High Density Residential (PD-MHDR) and Urban Service Area (USA) expansion	
✓	Staff Report	Recommend Transmittal	Proposed Development Program: Up to 360 multi-family dwelling units, and up to 10,000 square feet of Institutional Uses, including churches and ancillary uses to the church.	
✓	LPA Transmittal January 19, 2023	Recommend Transmittal (7-0)	Division Comments: Environmental, Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis of each public facility. Environmental: CAD-22-10-209 was approved indicating there are no wetlands or surface waters located on-site.	
✓	BCC Transmittal February 21, 2023	Transmitted (7-0)	Transportation: The proposed Future Land Use indicates that the proposed multifamily use will result in an increase of 138 pm peak hour trips and therefore will impact area roadways. Several segments of Boggy Creek Road are projected to be deficient in the short term (2027) and 2040 horizon year.	
✓	State Agency Comments – None	April 13, 2023 (DEO), April 14, 2023 (FDOT)	Schools: Capacity is presently not available at the middle, or high schools. A relief middle school for South Creek Middle is planned for 2024. Additionally, there is a proposed school site, 119-H-SE-3, which is planned to relieve the high school. The school site was previously scheduled for construction in 2029, but was removed from the 10 year work program.	
✓	LPA Adoption May 18, 2023	Adoption (8-0)	Concurrent Rezoning: LUP-22-12-389 from A-2 to PD (Simpson Road Multi-Family PD/LUP) is recommended for approval.	
	BCC Adoption	June 20, 2023		

2023-1-A-4-1



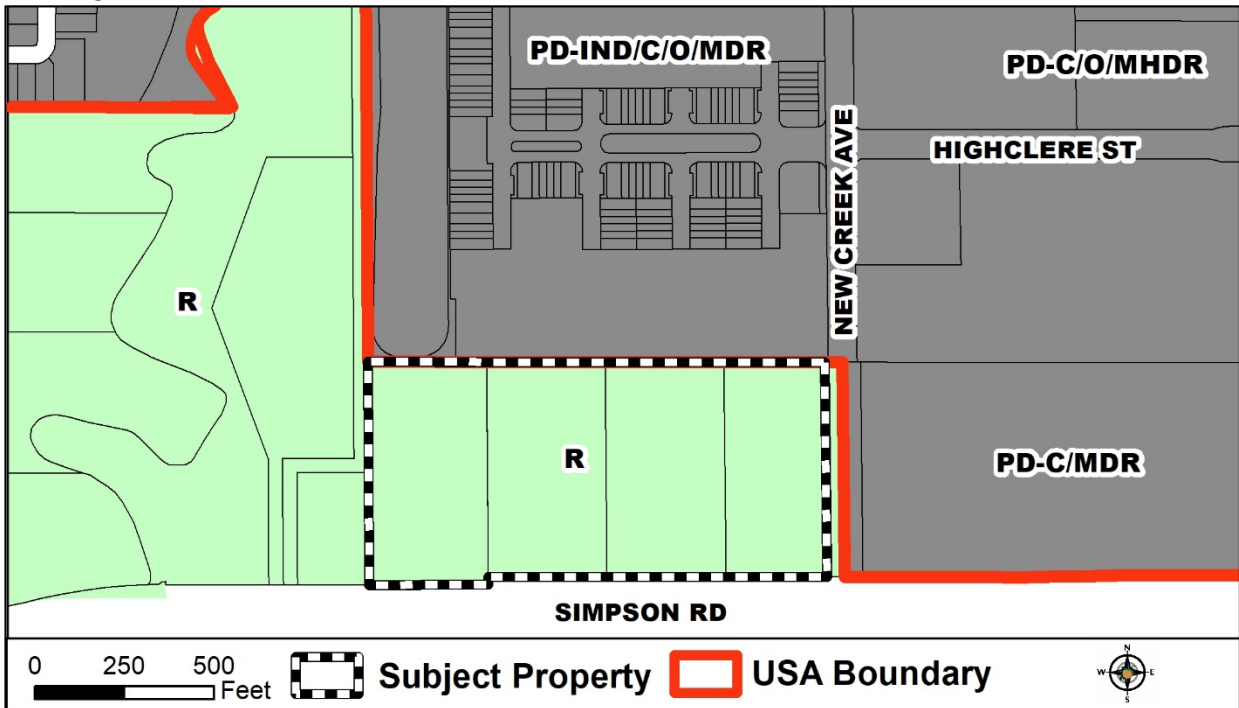
Subject Property



1 inch = 500 feet

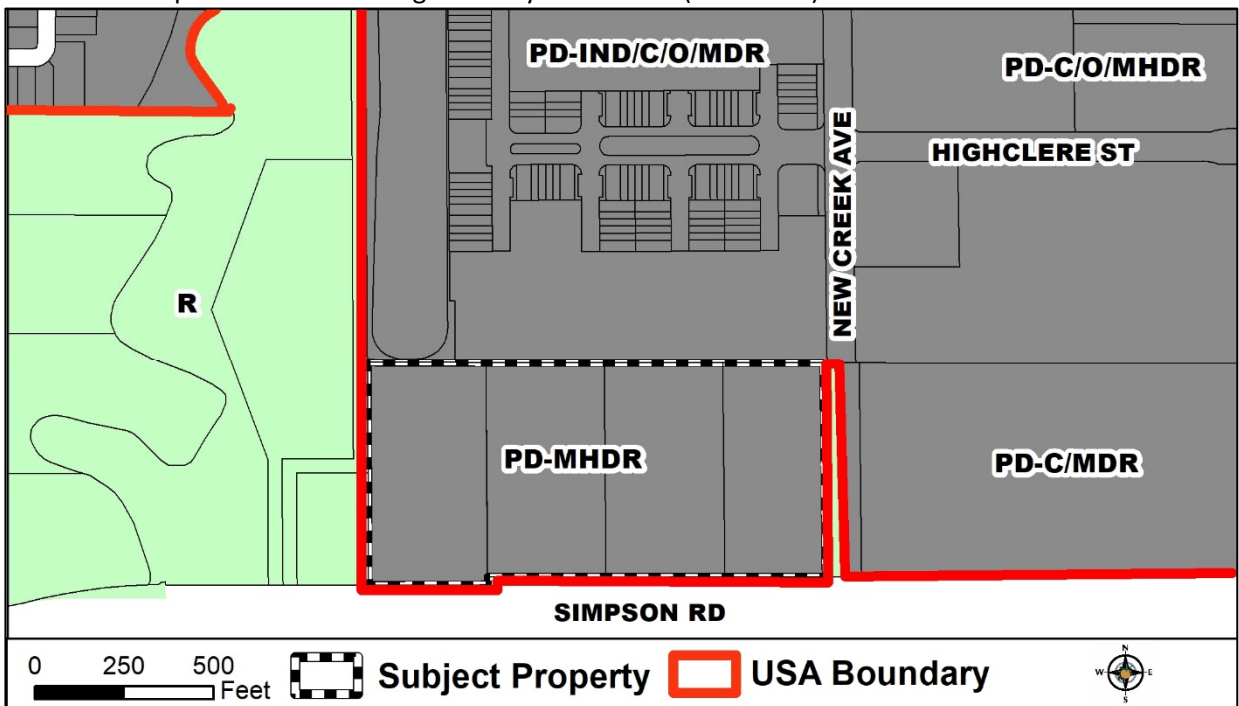
FUTURE LAND USE - CURRENT

Rural / Agricultural (R)



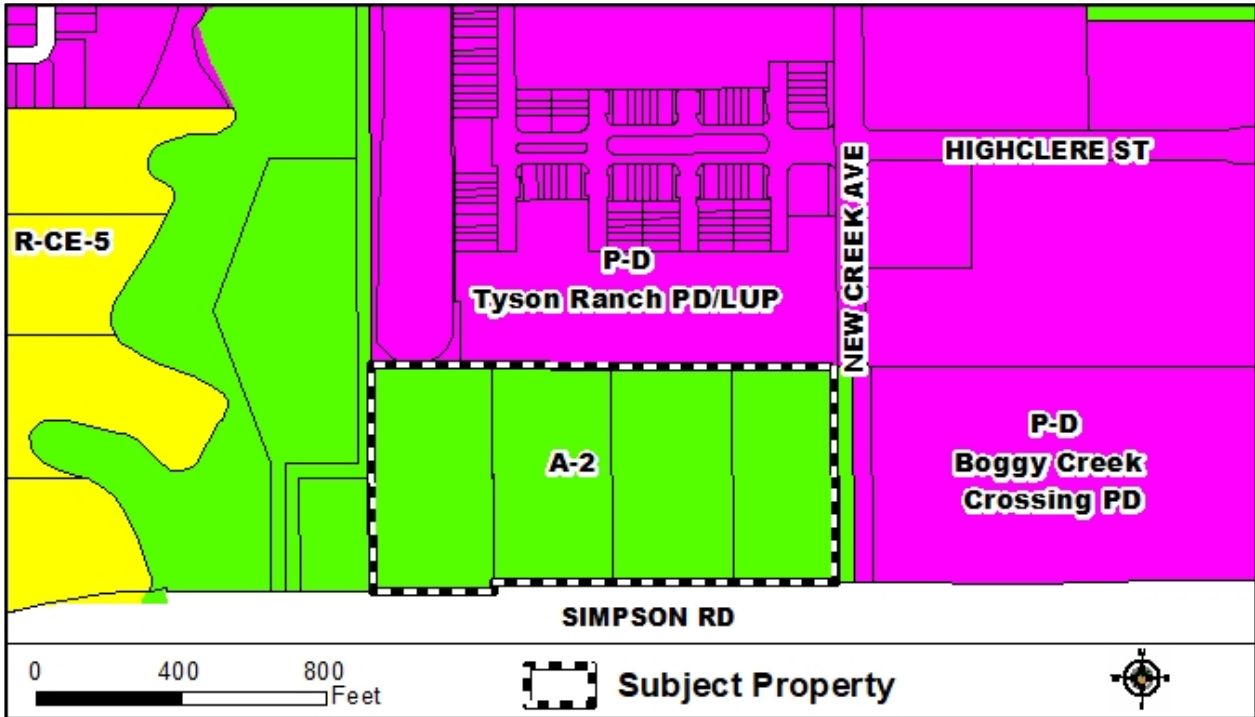
FUTURE LAND USE - PROPOSED

Planned Development – Medium High Density Residential (PD-MHDR)



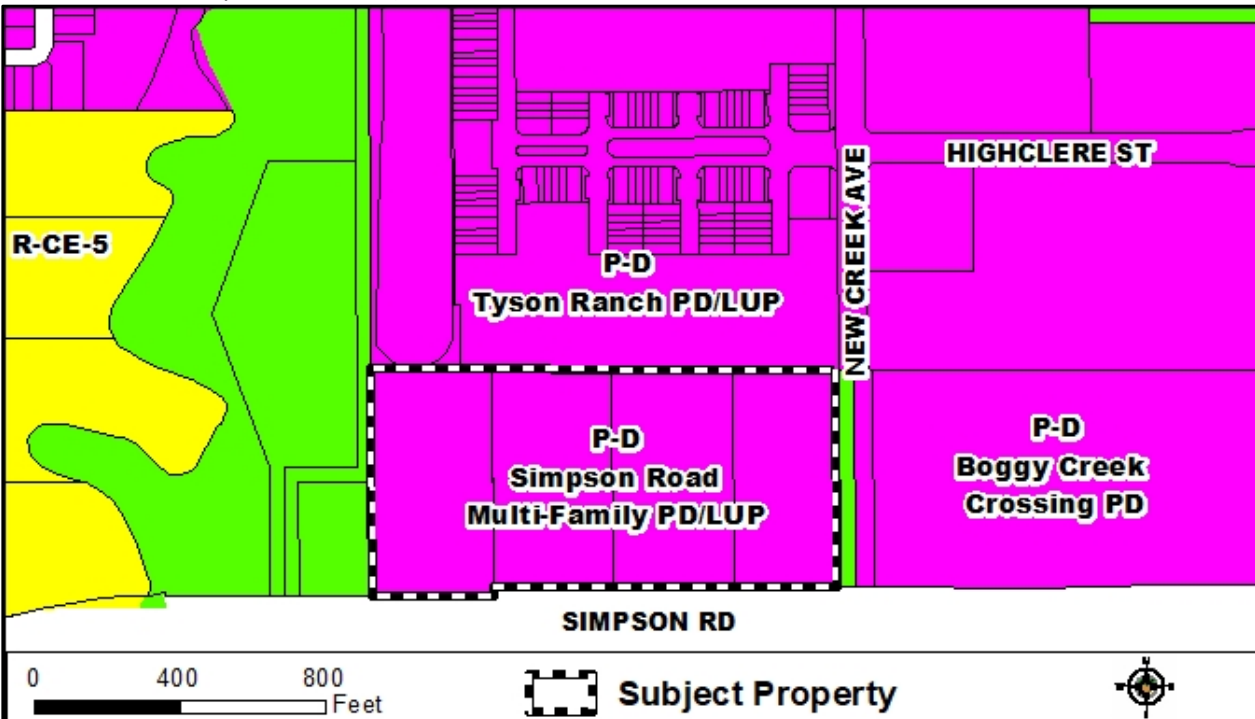
ZONING – CURRENT

A-2 (Farmland Rural District)



ZONING – PROPOSED

PD (Planned Development District)



STAFF RECOMMENDATIONS

1. **FUTURE LAND USE MAP AMENDMENT 2023-1-A-4-1:** Make a finding of consistency with the Comprehensive Plan (see Future Land Use Element Goal FLU1, Objectives FLU1.1, FLU1.2, FLU1.3, and FLU1.4, and Policies FLU1.1.2, FLU1.1.4, FLU1.2.2, FLU1.2.4, FLU1.3.1, FLU1.3.2, FLU1.3.3, FLU1.4.2, FLU2.3.7, FLU6.1.3, FLU6.1.5, FLU8.1.1, FLU8.1.2, FLU8.1.4, FLU8.1.5.2, and FLU8.2.1), determine that the amendment is in compliance, and **ADOPT** Amendment 2023-1-A-4-1, Rural/Agricultural (R) to Planned Development-Medium-High Density Residential (PD-MHDR) and Urban Service Area (USA) Expansion.
2. **FUTURE LAND USE TEXT AMENDMENT 2023-1-B-FLUE-4:** Make a finding of consistency with the Comprehensive Plan, determine that the amendment is in compliance, and **ADOPT** Amendment 2023-1-B-FLUE-4 to include the development program for Amendment 2023-1-A-4-1 in Future Land Use Element Policy FLU8.1.4.
3. **FUTURE LAND USE TEXT AMENDMENT 2023-1-B-FLUE-8:** Make a finding of consistency with the Comprehensive Plan, determine that the amendment is in compliance, and **ADOPT** Amendment 2023-1-B-FLUE-8, to include in the Urban Service Area (USA) the subject property of Amendment 2023-1-A-4-1, expanding the USA boundary by 17.7 acres.
4. **REZONING LUP-22-12-389 (April 12, 2023, DRC Recommendation):** Make a finding of consistency with the Comprehensive Plan and **APPROVE** Rezoning Case LUP-22-12-389, Simpson Road Multi-Family Planned Development/Land Use Plan (PD/LUP) dated "Received March 15, 2023", subject to the following sixteen (16) conditions, including nine (9) requested waivers from Orange County Code:
 1. Development shall conform to the Simpson Road Multi-Family Planned Development Land Use Plan Amendment dated "Received March 15, 2023," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received March 15, 2023," the condition of approval shall control to the extent of such conflict or inconsistency.
 2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or

representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. If applicable, an Acknowledgement of Contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, must be executed and recorded in the Public Records of Orange County, Florida, prior to final approval of this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

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8. A traffic study must be submitted to, and approved by, Orange County prior to approval of the first Development Plan and / or Preliminary Subdivision Plan associated with this Planned Development. Should the need for any modifications at the intersection of the entrance of New Creek Avenue and Simpson Road result from the study, the applicant shall work with Osceola County to complete any necessary improvements.
 9. Authorization from Osceola County allowing connection to Simpson Road and drainage system is required prior to certificate of completion.
 10. Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential, and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.
 11. The developer shall obtain wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
 12. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The MUP and updates must be approved prior to Construction Plan approval.
 13. Short term/transient rental is prohibited. Length of stay shall be for 180 consecutive days or greater.
 14. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 of the Orange County Code.
 15. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.
 16. The following waivers from Orange County Code are granted:
 - a. A waiver from Section 38-1258(a) to allow a maximum height of four (4) stories/seventy (70) feet for multi-family buildings within one hundred (100) feet of single-family zoned property, in lieu of a maximum height of one story for multi-family residential buildings located within one-hundred (100) feet of single family zoned property.

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- b. A waiver from Section 38-1258(b) to allow buildings to be four (4) stories/seventy (70) feet in height, in lieu of varying in building height with a maximum of fifty (50) percent of buildings being three (3) stories (not to exceed forty (40) feet) in height, with the remaining buildings being one (1) story or two (2) stories in height, when located between one hundred plus (100+) feet to one hundred and fifty (150) feet of single-family zoned property.
 - c. A waiver from Section 38-1258(c) to allow a building height of seventy (70) feet and four (4) stories, in lieu of not exceeding three (3) stories (40 feet) in height, when located within one hundred and fifty (150) feet of single-family zoned property.
 - d. A waiver from Section 38-1258(d) to allow a building height of seventy (70) feet and four (4) stories in lieu of 40' and three (3) stories.
 - e. A waiver from Section 38-1258(e) to allow for parking and other paved areas for multi-family development to be located 16.5 feet from single-family zoned property (northern property line) in lieu of twenty-five (25) feet.
 - f. A waiver from Section 38-1258(f) to not require a six (6) foot high masonry, brick, or block wall for multi-family development adjacent to single-family zoned property, in lieu of requiring a six (6) foot high masonry, brick or block wall.
 - g. A waiver from Section 34-209 to provide no masonry wall adjacent to a roadway that has over 8,000 daily trips in lieu of providing a masonry wall adjacent to a roadway that has over 8,000 daily trips.
 - h. A waiver from Section 38-1476 to allow a ten percent reduction for multi-family parking at a ratio of 1.35 spaces for efficiencies and one-bedroom units and 1.80 for two (2) and three (3) bedroom units, in lieu of the required 1.5 parking spaces per one (1) bedroom apartment and 2 parking spaces per two (2) & three (3) bedroom apartments.
 - i. A waiver from Section 38-1254(2) to allow a minimum building setback of twenty-five (25) feet from a major collector street (Simpson Road) in lieu of thirty-five (35) feet for the southern boundary of the property.

ANALYSIS

1. Background and Development Program

The applicant is seeking to change the Future Land Use Map (FLUM) designation of the subject parcel from Rural/Agricultural (R) to Planned Development- Medium-High Density Residential (PD-MHDR) along with an Urban Service Area expansion (USA) and a rezoning from A-2 (Farmland Rural District) to PD (Planned Development District). Although, the maximum development potential on the site under the proposed FLUM designation of PD-MHDR is 619 dwelling units (35 dwelling units/acre), the applicant is proposing 360 multi-family units and 10,000 square feet of Institutional Uses for the existing church.

Future Land Use Map amendments requesting the Planned Development future land use designation must specify maximum densities and intensities for the proposed development program. If the requested amendment is adopted, the development program will be incorporated into **Future Land Use Element Policy FLU8.1.4** of the Comprehensive Plan, addressed in related staff-initiated text **Amendment 2023-1-B-FLUE-4**. As previously mentioned, if approved, the development program would allow 360 multi-family residential units and 10,000 square feet of Institutional Uses.

The majority of the subject property is vacant, and one of the parcels is developed with a church on the westernmost parcel, while the remaining parcels consists of heavily wooded vacant lots. The subject property is currently located within the recently adopted Boggy Creek Expansion Area (Amendment 2022-2-B-FLUE-7) and has a future land use designation of Rural/Agricultural (R). Per **Future Land Use Element Policy FLU6.1.3**, this designation permits a density of one (1) dwelling unit per ten (10) acres.

Amended **FLU1.2.2** allows urban development upon Future Land Use Map amendment and associated USA boundary approval for urban land uses within the Boggy Creek USA Expansion Area (depicted on Map 5a of the Future Land Use Map Series). New Policy **FLU8.1.5.2** has determined that those properties within the Boggy Creek Urban Service Area (USA) Expansion Area, as depicted on Map 5a of the Future Land Use Map Series, are consistent with the adopted USA, Objective FLU1.3, and associated policies and may apply for a Future Land Use Map (FLUM) amendment for urban land use designations consistent with FLU1.1.2 and FLU1.1.4A.

Table 1 Existing and Proposed Development

	<u>Existing</u>	<u>Proposed</u>
Service Area	Rural Service Area (RSA)	Urban Service Area (USA)
Future Land Use	Rural/Agricultural	Planned Development-Medium-High Density Residential (PD-MHDR)
Zoning	A-2 (Farmland Rural District)	PD (Planned Development District)
Density	1 dwelling unit per 10 acres	Up to 360 multifamily dwelling units
Intensity	Floor Area Ratio of 1.0	Up to 10,000 square feet of Institutional Uses, including churches and ancillary uses for churches

The subject property is located on the north side of Simpson Road near the intersection with Boggy Creek Road, adjacent to the Orange County/Osceola County line. Simpson Road and Boggy Creek

Road are both being widened to four lanes, and the Boggy Creek Road is being widened from the existing two lanes to four lanes with construction estimated to be completed by October 2024.

Development in the area is transitioning to suburban. Properties to the north and east of the subject property have a Future Land Use designation of Planned Development, and each site has an approved development program. These uses include single family (west of Boggy Creek), townhomes, multi-family, office, commercial, and an assisted living facility. The Boggy Creek Crossing PD/LUP immediately east of the subject property is recently completed construction, and the PD/LUP for Tyson Ranch immediately north is currently under construction. About two miles north of the site is the edge of the Orlando International Airport (OIA), and northeast is Lake Nona's Medical City.

Boggy Creek Area Amendment History and Proposed Development

The subject property is located in an area known as the Boggy Creek Area. In 2005, an application was submitted with a request to amend the Comprehensive Plan and the Future Land Use Map to create the 1,272-acre Boggy Creek Enclave. However, the eastern 622 acres was proposed to remain a large-lot single-family community, while the western portion was of a different character with relatively large land holdings. The western portion was considered compatible for urban development. The application request included expanding the Urban Service Area boundary to include the entire enclave and changing the future land use designation from Rural/Agricultural to Boggy Creek Neighborhood District, with policies in the Comprehensive Plan. Along with the policies, a conceptual master plan identifying land uses, densities, roadways, and parks was proposed. The overall goal was to ensure consistent development and interior pedestrian and vehicular circulation. It was noted that the eastern portion of the Boggy Creek Enclave was to remain in its current development framework and "limit future attempts at urban scale development applications in the eastern portion of the Boggy Creek Enclave." This proposal was not adopted. Since that time, development has occurred piecemeal as individual applications for Future Land Use Map amendments and Urban Service Area boundary expansions have been submitted.

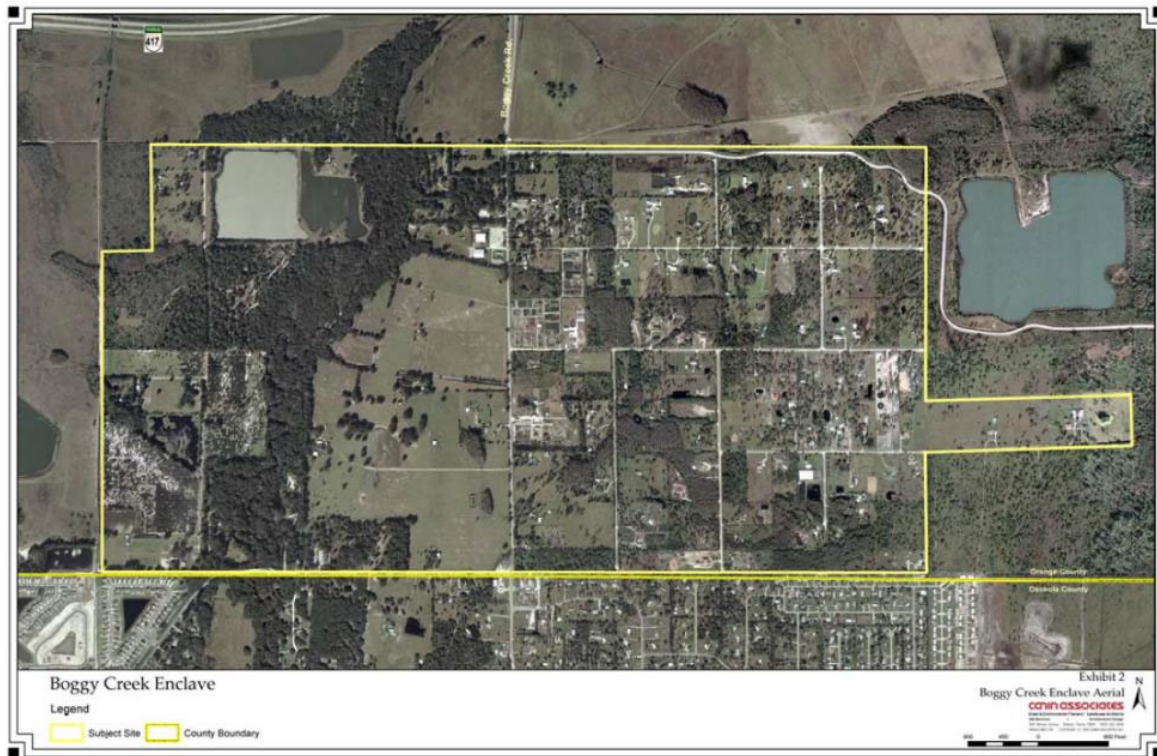


Figure 1 Boggy Creek Enclave. Source: Canin Associates Justification Statement, 2005

The map and table below depict recent Future Land Use Map amendments within Orange County, along with proposed annexations into the City of Orlando and development in the City of Orlando near the subject site. As shown on the map, development is occurring in the area surrounding the subject property, changing the landscape of the area from rural to suburban. Until recently, proposed development was along the west side of Boggy Creek Road. Two annexation requests are pending with the City of Orlando for two properties along Boggy Creek Road and New Hope Road. Additionally, the Poitras development was approved in 2008 for an approximately 1,807-acre site.

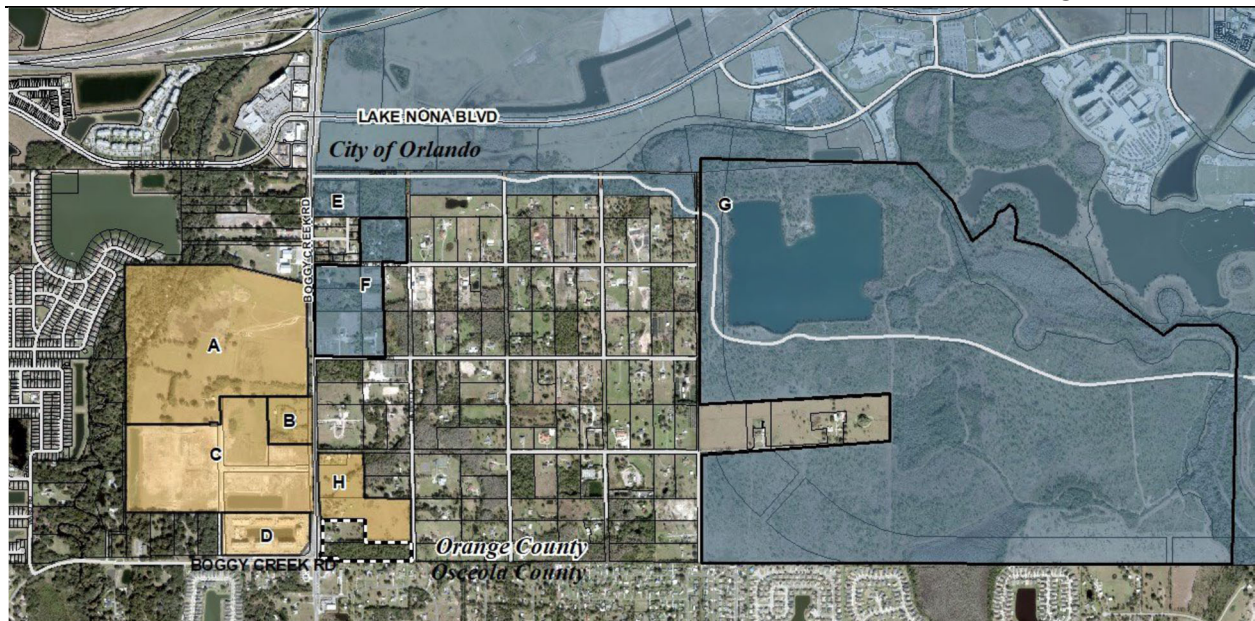


Table 2 Previous and Proposed Amendments in the Boggy Creek Area

Map	Name	Proposed	Development Program
A	Nona West	Planned Development-Commercial/Office/Medium Density Residential/Conservation (PD-C/O/MDR/CONS)	150,000 sq. ft. of retail commercial uses, 150,000 sq. ft. of office uses, 762 multi-family residential units, 188 townhome units, 29-unit (58-bed) ALF, and 22.8 acres of conservation land
B	Bonnemaison	Planned Development-Commercial/Office/Medium Density Residential (PD-C/O/MDR)	50,000 sq. ft. of retail commercial, 100,000 sq. ft. office space, and 170 multi-family residences
C	Tyson Ranch	Planned Development-Industrial/Commercial/Office/Medium Density Residential (PD-IND/C/O/MDR)	100,000 sq. ft. commercial, 275,000 sq. ft. of office, 250 hotel rooms, 450 multi-family dwelling units, and 300 single-family dwelling units
D	Boggy Creek Crossing	Planned Development-Medium Density Residential (PD-MDR)	310 multi-family dwelling units
E	Boggy Creek Properties	Proposed Annexation Urban Village Land Use	Not provided
F	Beth Road Annexation	Proposed Annexation Urban Village Land Use	78,700 sq. ft. of non-residential uses, 380 multi-family units, and 92 townhomes
G	Poitras City of Orlando (entire site not shown on map)	Urban Village Conservation	2,400,000 sq. ft. of non-residential uses, 4,192 residential units, fire station, and airport support district including a vertiport
H	Bennett Place	Planned Development/Commercial/Medium Density Residential (PD-C/MDR)	Up to 350 multifamily dwelling units and 15,000 sq. ft. of commercial

COMMUNITY MEETING

An in-person Community Meeting was held on January 11, 2023. Approximately 22 members of the public were in attendance. Issues raised during the meeting included concerns with flooding, higher water levels observed after Hurricane Ian and other recent storm events, increased stormwater runoff from new developments to adjacent properties along Boggy Creek, and concerns with roadway congestion and traffic due to construction activity in the area. The applicant team indicated that they will need to meet County floodplain standards requiring the development to retain their stormwater on-site and stormwater ponds will be sized to accordingly.

Finally, there were questions regarding the status of road improvements to Boggy Creek Road and Simpson Road, and how access to Simpson Road would affect the area roadways. The Boggy Creek widening improvements are scheduled for completion in 2024. The applicant team indicated that they have coordinated with Osceola County on their right-of-way needs, and access to the development will be from the north/south Spine Road, on the eastern boundary of the property, to Boggy Creek Road.

The Simpson Road Phase 1 Widening Project being undertaken by Osceola County is currently under construction and includes 10-foot wide sidewalks on both sides of the Simpson Road between Myers Road and Boggy Creek Road, a distance of approximately 1.2 miles, to provide a narrower median, 11-foot travel lanes and wider, and the 10-foot sidewalks. The existing bridge on the west of Boggy Terrace Drive will be modified to accommodate the new improvements. In addition to new roadway and sidewalk construction, the Project includes median width modifications, reconstruction of driveways and drainage modifications. A new traffic signal will be constructed at the intersection of Simpson Road and Ward Road as part of this Project.

2. Amendment Analysis

The following Comprehensive Plan Goals, Objectives, and Policies appear to be most pertinent to the review of **Amendment 2023-1-A-4-1** and related text amendments and are specifically discussed in the paragraphs below.

Future Land Use Element Goal FLU1, Objective FLU1.1, and Policies FLU1.1.1, FLU1.1.2(A), FLU1.1.2(B), FLU1.1.4(A), FLU1.1.4(B) and FLU1.2.2 (See also new Policy FLU8.1.5.2) describe Orange County's urban planning framework, including the requirement that urban land uses shall be concentrated within the Urban Service Area, and upon future land use approval and associated USA boundary approval within the Boggy Creek Expansion Area. The **Medium-High Density Residential (MHDR)** future land use designation is intended for urban-style multi-family residential development within the Urban Service Area with a density of up to thirty five (35) dwelling units per acre, or a maximum of 619 dwellings. The applicant is proposing 360 multifamily dwellings. The Planned Development (PD) future land use designation promotes adjacent land use compatibility and physical integration and design.

Adoption of the proposed **PD-MHDR** future land use designation and approval of the associated rezoning petition will allow for a multifamily residential uses on the subject property, with specific design and development standards established to help ensure compatibility with neighboring development.

Staff finds the proposed amendment consistent with **Future Land Use Element Policies FLU8.1.2, FLU8.1.3, and FLU8.1.4**, which address Planned Developments (PDs). PDs are intended to incorporate a broad mix of uses under specific design standards, provided that the PD land uses are consistent with the cumulative densities or intensities identified on the Future Land Use Map. Additionally, these policies require showing the designation on the Future Land Use Map and adopting the site-specific development plan into Policy FLU8.1.4.

Future Land Use Element Objective FLU1.4 and Policies FLU1.4.1 and FLU1.4.2 contain location and development criteria that must be used to guide the distribution, extent, and location of urban land uses and encourage compatibility with existing neighborhoods. **Policy FLU1.4.1** states that Orange County shall promote a range of living environments and employment opportunities to achieve a stable and diversified population and community. **Policy FLU1.4.2** ensures that land use changes are compatible with and serve existing neighborhoods. The requested multifamily residential development program meets the intent of the aforementioned policies by promoting a range of “living environment”. The proposal entails the development of up to 360 multi-family residential uses to balance and support the approved commercial uses on surrounding PDs in Orange County.

Future Land Use Element Policy FLU8.2.1 states that land use changes shall be required to be compatible with the existing development and development trends in the area. The development trend in this area is showing a change from rural uses to urban uses, as reflected in the previously-approved Future Land Use Map amendments along the west side of Boggy Creek Road, as proposed by the Boggy Creek Enclave study, which—while not adopted—serves as a guiding document for this area of the County. The recent proposed annexations into the City of Orlando along the east side of Boggy Creek Road, along with the Poitras development approved by Orlando in 2008, suggest increased development pressure from Orlando.

In a larger context, the property is near the south access to the Orlando International Airport (OIA) and approximately two miles from Lake Nona/Medical City. Lake Nona/Medical City has created a significant employment center for this area of the County, home to Nemours Children’s Hospital, Veterans Administration Hospital, UCF Medical School, and other medical-related businesses. Boggy Creek Road itself serves as a functional extension of SR 436 through OIA and provides direct access to the Kissimmee/St. Cloud area of Osceola County, giving it the potential to become an important urban corridor.

Future Land Use Element Policy FLU8.2.10 ensures land use compatibility with residential-zoned areas and protection of the residential character of those areas through performance standards. These standards may be incorporated as conditions of approval as part of the Planned Development rezoning request.

Future Land Use Element Policy FLU8.2.11 states that 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. The subject site is located in an area that is transitioning from rural to suburban. The request would provide housing, medical, commercial, and hotel uses in an area with development that is primarily rural single-family residential.

Future Land Use Element Policies FLU1.3.1 and FLU1.3.2 ensure the efficient provision of infrastructure, protection of the environment, land use compatibility with adjacent land development, consistency with the Comprehensive Plan and compliance with procedural steps, and additional criteria for the expansion of the Urban Service Area boundary within the Boggy Creek Expansion Area, which is provided in greater detail below.

Policy FLU2.3.7 states that access management controls, including joint driveways, frontage roads, and cross-access agreements shall be applied to all development proposals. The applicant states he will work with the County to establish cross access agreements and required roadway improvements along Boggy Creek Road.

In summary, the proposed amendment allows for the transition of a rural land use to suburban land uses, consistent with previous amendments in the surrounding area.

Future Land Use Element Objective OBJ FLU1.3 and its associated policies outline the process by which proposed expansions of the Urban Service Area shall be evaluated. **Future Land Use Element Policy FLU1.3.1** calls for a comprehensive review to ensure that proposed amendments would allow for the efficient provision of infrastructure, protection of the environment, and land use compatibility with adjacent land development. **Future Land Use Element Policy FLU1.3.2** provides additional procedural steps and criteria required for consideration of proposed Urban Service Area expansions.

Consistent with **FLU1.3.1** and **FLU1.3.2** the subject property abuts, and at least 25% of the property is contiguous to, the existing Urban Service Area boundary and does not protrude in a ribbonlike manner into the Rural Service Area. As previously discussed, the development trend for the immediate area within the current Urban Service Area boundary is characterized by suburban-style development. As such, adoption of this proposed amendment would allow for an continuation of the existing development trend.

Additionally, the sprawl indicators outlined in **FLU1.3.1(A)** include criteria to determine whether a proposed amendment will impact the efficient use, availability, and cost of providing infrastructure and services. Staff has determined that the location and proposed intensity of development coincide with the availability of infrastructure and services and do not constitute an inefficient extension.

Future Land Use Element Policy FLU1.3.1(C) requires the County to consider additional factors when evaluating development proposals for inclusion within the Urban Service Area. Consistent with the components of this policy, staff has previously discussed how the proposed development program would contribute to the urban goals and strategies of the Comprehensive Plan.

AMENDMENT 2023-1-B-FLUE-4

Policy FLU8.1.4 Amendment

Future Land Use Element Policy FLU8.1.4 lists the development program for Planned Development (PD) Future Land Use Map designations adopted since January 1, 2007. The development program for this requested amendment is proposed for incorporation into **Policy FLU8.1.4** via a staff-initiated text amendment (Amendment 2023-1-B-FLUE-4). The maximum development program for Amendment 2023-1-A-4-1, if adopted, would be up to 360 multifamily dwellings.

Amendment Number	Adopted Designation	FLUM	Maximum Density/ Intensity	Ordinance Number
<u>2023-1-A-4-1</u> (Simpson Road Multi-Family)	PD-MHDR (Planned Development – Medium High Density Residential)		Up to 360 multi-family residential units, and up to 10,000 square feet of Institutional uses, including churches and ancillary uses for the church	<u>2023-</u>

AMENDMENT 2023-1-B-FLUE-8

Urban Service Area Expansion

Section 163.3177(6)(a).9, Florida Statutes, requires that the future land use element shall discourage the proliferation of urban sprawl. This section contains indicators to evaluate a request for the expansion of an Urban Service Area, contained in Section 163.3177(6)(a).9.a(I)-(XIII). These requirements are reflected in **Future Land Use Element Objective FLU1.3**. This objective states that no new expansions to the Urban Service Area boundary shall be permitted unless supported by data and analysis demonstrating consistency with the Objectives FLU1.2 and FLU1.3 and associated policies.

The Urban Service Area (USA) expansion for Simpson Road Multifamily appears to be consistent with the applicable Goals, Objectives, and Policies of the Comprehensive Plan, and with amended Policy **FLU1.2.2** and new Policy **FLU8.1.5.2** which allows for the urban service area expansion upon Future Land Use Map amendment approval within the Boggy Creek Expansion Area.

FLU1.2.4 The County will continue to monitor the Urban Service Area allocation. Through this process, the following applicants have satisfied these requirements and are recognized as expansions to the Urban Service Area.

Amendment Number	Name	Size (Acres)	Ordinance Number

<u>2023-1-A-4-1</u>	<u>Simpson Road Multi-Family</u>	<u>17.7</u>	<u>2023-</u>

COMPATIBILITY

The subject property is part of what is currently a rural enclave surrounded by existing and planned suburban development. As detailed above, previous Future Land Use Map Amendments and Planned Developments have been approved for a variety of urban uses to the north and east of the site. The development trend within the portion of the area within the County's Urban Service Area and the portion controlled by the City of Orlando is to allow for a transition from rural to suburban land uses. The current multifamily proposal is consistent with this trend.

The requested amendment would allow land uses that are compatible with the permitted uses along Boggy Creek Road. The proposal is to construct up to 360 multi-family residential units. The requested development program is consistent with the current trend along the west side of Boggy Creek Road and is compatible with activity in the larger context of Lake Nona and Poitras in the City of Orlando.

DIVISION COMMENTS: ENVIRONMENTAL, PUBLIC FACILITIES, AND SERVICES

Environmental

EPD Review Summary:

- Current aerial photographs, soils, land cover and flood maps show inconclusive indicators of potential wetlands or surface waters onsite. A submittal for a Binding Determination of Exemption (BDE) will be required for an official determination.
- Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

FLUM Amendment Comments:

1. Binding Determination of Exemption – Current aerial photographs, soils, land cover and flood maps show inconclusive indicators of potential wetlands or surface waters onsite. A submittal for a Binding Determination of Exemption (BDE) will be required for an official determination. *Reference OC Code Chapter 15 Environmental Control, Article X Wetland Conservation Areas, Section 381, Subsection (a).* Subsequent to the comment, CAD-22-10-209 indicates there are no wetlands or surface waters located on-site.
2. Existing Septic and Well – If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water Management District, about the system permit application, modification or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells. *Reference OC Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.*
3. Habitat Permit Compliance – Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the

U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

4. Jurisdictional Coordination – This environmental review only addresses Orange County environmental regulatory code, however, the project shall also obtain and comply with all other existing environmental permits and applicable environmental regulations of, but not limited to: the Army Corps of Engineers, the Florida Department of Environmental Protection, and the applicable Water Management District, the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC). It is possible that one of the other agencies could deny the request even if the County approves it, or they may have other natural resource protective requirements. Therefore, it is imperative that this proposed request be addressed on a multi-agency basis.

Additional EPD Comments:

1. Impaired Waters – Boggy Creek has been designated as an impaired water body by the Impaired Waters Rule, *Chapter 62-303 of the Florida Administrative Code*. Be aware that the Environmental Protection Division will not support any variance requests affecting the water quality of Boggy Creek or wetlands connected to the creek without some extra protective measures by the applicant. These will likely include but are not limited to: a high efficiency septic system, shoreline plant enhancement, wetland buffer and a pollution abatement swale easement. In addition, state code may have other restrictions.
2. Demolition – Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information, or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400. *Reference OC Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 4 Asbestos requirements, Sec.108 Notification procedure and requirements, Subsection A(1).*
3. Solid Waste Disposal – Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides, and pesticides), and construction or demolition

Transportation

AMENDMENT 2023-1-A-4-1 (Simpson Road Multi-Family)

PROJECT SPECIFICS

Parcel ID:	33-24-30-0000-00-014/033/032/031
Location:	5501/5603/5623/5707 Simpson Road
Acreage:	~17.70
Request FLUM:	From: Rural (R) To: Planned Development – Medium High Density Residential (PD-MHDR)
Request Zoning:	From: Farmland Rural District (A-2) To: Planned Development (PD)
Existing Development:	Church and Undeveloped
Development Permitted Under Current FLUM:	Two (2) dwelling units

Proposed 360 multi-family units
 Density/Intensity:

Trip Generation (ITE 11th Edition)

Land Use Scenario	PM Pk. Hr. Trips	% New Trips	New PM Pk. Hr. Trips
Existing Use: Two (2) dwelling units	3	100%	3
Proposed Use: 360 multi-family units	141	100%	141
Totals:	138		138

Net New Trips (Proposed Development less Allowable Development): 138

Future Roadway Network

Road Agreements: No

Planned and Programmed Roadway Improvements: Boggy Creek Road from the Osceola County Line to S.R. 417 - Boggy Creek Road South will be widened from a two-lane roadway to a four-lane roadway from the Orange/Osceola County line to SR 417. The widening will include sidewalks, bicycle lanes, roadway lighting, and median landscaping. At the time of this report, the project is 73% overall complete.

Right of Way Requirements: Osceola County may have ROW needs. Osceola County's website shows that Steven Kane is the contact person. The applicant stated during the LPA hearing that they have coordinated with Osceola County and there are no ROW needs at this time.

Summary

The applicant is requesting to change ~17.70 acres from Rural to PD-MHDR and rezone from A-2 to PD, to allow for the construction of multi-family apartments.

Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed multi-family use will result in an increase in the number of 138 pm peak trips and therefore will impact the area roadways. The development will undergo further evaluation and will be required to mitigate capacity deficiencies on the transportation network in accordance with the requirements of the Orange County Concurrency Management System.

Roadway Capacity Analysis

A traffic Study was submitted with the case for review and comment. The subject property is located adjacent to Simpson Road.

Based on existing conditions, there are currently one (1) deficient roadway segment within the project's impact area along Boggy Creek Road from the Central Florida Greenway to the Osceola County Line. This information is dated and subject to change.

Based on the trip distribution, 67% of vehicles are travelling EB on Simpson Road out of the development.

The segments in the short-term year (2027) that are projected to operate at Level of Service "F" as a result of the background traffic and committed trips are:

- Boggy Creek Road from the Central Florida Greenway to the Osceola County Line

The horizon year (2040) showed that under the proposed FLUM designation, the following segments are projected to operate at Level of Service “F”:

- Boggy Creek Road from S. Access Road to the Central Florida Greenway
- Boggy Creek Road from the Central Florida Greenway to the Osceola 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.

Public Schools

The applicant has requested a formal capacity determination by Orange County Public Schools for 360 multifamily units. There is capacity available at the elementary school (Stonewyck), but there is no capacity available at the middle and high schools (South Creek and Cypress Creek). A new elementary reliever school, Stonewyck Elementary, opened in 2022, and a middle reliever school is scheduled for 2024 for South Creek Middle School. No reliever schools are planned for the Cypress Creek High School. Although there are no high schools planned to relieve the high school capacity, there is a proposed school site, 119-H-SE-3, which is planned to include a new high school. The school site was previously scheduled for construction in 2029, but was removed from the 10 year work program. The middle school is currently at an adjusted utilization rate of 108.9% and if this project is approved the adjusted utilization rate would increase to 111.0%. The high school currently has an adjusted utilization rate of 133.9% and if this project is approved, the adjusted utilization rate would increase to 134.9%. This determination (OC-22-070) expires July 11, 2023.

Utilities

This property is within Orlando Utilities Commissions water service area.

This property is within Orange County Utilities Wastewater and Reclaimed Water Service Areas.

Wastewater: Development within this property will be required to connect to Orange County Utilities wastewater system. The connection points will be assessed during Final Engineering/Construction Plan permitting.

Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required

3. Policy References

- GOAL FLU1** URBAN FRAMEWORK. Orange County shall implement an urban planning framework that provides for long-term, cost-effective provision of public services and facilities and the desired future development pattern for Orange County
- OBJ FLU1.1** Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development (See FLU1.1.2.B and FLU1.1.4). The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development.
- Policy FLU1.1.1** Urban uses shall be concentrated within the Urban Service Area, except as specified for the Horizon West Village and Innovation Way Overlay (Scenario 5), Growth Centers, and to a limited extent, Rural Settlements.
- Policy FLU1.1.2A.** The Future Land Use Map shall reflect the most appropriate maximum and minimum densities for residential development. Residential development in Activity Centers and Mixed Use Corridors, the Horizon West Village and Innovation Way Overlay (Scenario 5) and Growth Centers may include specific provisions for maximum and minimum densities. The densities in the International Drive Activity Center shall be those indicated in the adopted Strategic Development Plan.
- Policy FLU1.1.2B.** The following are the maximum residential densities permitted within the Urban Service Area for all new single use residential development or redevelopment. Future Land Use densities for the following categories shall be:

FLUM Designation	General Description	Density
Urban Residential – Urban Service Area		
Low Density Residential (LDR)	Intended for new residential projects within the USA where urban services such as water and wastewater facilities are present or planned. This category generally includes suburban single family to small lot single-family development.	0 to 4 du/ac
Low-Medium Density Residential (LMDR)	Recognizes low- to medium-density residential development within the USA, including single-family and multi-family residential development.	0 to 10 du/ac
Medium Density Residential (MDR)	Recognizes urban-style multi-family residential densities within the USA.	0 to 20 du/ac
Medium-High Density Residential (MHDR)	Recognizes a transition in density between highly urbanized areas and medium density residential development that support public transit and neighborhood-serving amenities within a reasonable pedestrian walkshed.	0 to 35 du/ac
High Density Residential (HDR)	Recognizes high-intensity urban-style development within the USA.	0 to 50 du/ac

Policy FLU1.1.4 In addition to FLU1.1.2(B), permitted densities and/or intensities for residential and non-residential development can be established through additional Future Land Use designations. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C). The Future Land Use and Zoning Correlation is found in FLU8.1.1.

B. URBAN MIXED USE OPTIONS – The following Future Land Use designations allow for a mix of uses. Per a settlement agreement with the State Department of Community Affairs, Orange County’s Planned Development Future Land Use designation now requires an adopted text amendment to specify the maximum intensity and density of a project. See Policy FLU8.1.4. Mixed-Use Corridors are a staff initiated option intended to complement the County’s Alternative Mobility Areas and Activity Center policies.

FLUM Designation	General Description	Density/ Intensity
Urban Mixed Use– Urban Service Area		
Planned Development (PD)	The PD designation ensures that adjacent land use compatibility and physical integration and design. Development program established at Future Land Use approval may be single or multiple use. See FLU8.1.4. Innovation Way is another large planning area similar in some respects to the planning process for Horizon West. Developments within the Innovation Way Overlay (Scenario 5) are processed as Planned Developments. Innovation Way is being implemented through the policies found in Chapter 4.	Must establish development program at Future Land Use amendment stage per FLU8.1.4.

OBJ FLU1.2 URBAN SERVICE AREA (USA) CONCEPT; USA SIZE AND MONITORING. Orange County shall use the Urban Service Area concept as an effective fiscal and land use technique for managing growth. The Urban Service Area shall be used to identify the area where Orange County has the primary responsibility for providing infrastructure and services to support urban development.

Policy FLU1.2.2 Urban development during the 2007-2030 planning period, as identified in FLU1.2.1, will occur only in the Urban Service Area (USA) and the established boundary for the Horizon West Special Planning Area (SPA) (depicted on Map 2 of the Future Land Use Map Series); the Innovation Way Overlay (depicted on Map 4 of the Future Land Use Map Series); Growth Centers where urban services are available, as specified by Joint Planning Area Agreement or other agreement(s); and, upon Future Land Use Map amendment and associated USA boundary approval for urban land uses, the Boggy Creek USA Expansion Area (depicted on Map 5a of the Future Land Use Map Series).

Policy FLU1.2.4 The County will continue to monitor the Urban Service Area allocation. Through this process, the following applicants have satisfied these requirements and are recognized as expansions to the Urban Service Area.

OBJ FLU1.3 APPLICATION FOR URBAN SERVICE AREA EXPANSION. No new expansions to the Urban Service Area boundary, except for those planned for Horizon West and the Innovation Way Overlay, and the Boggy Creek Expansion Area shall be permitted

	unless supported by data and analysis demonstrating consistency with Objectives FLU1.2 and FLU1.3 and associated policies. Orange County shall use the following process to evaluate Urban Service Area expansions, and as a means for achieving its goals with respect to accommodating growth within the USA and implementing the Comprehensive Plan.
Policy FLU1.3.1	All amendments to the Urban Service Area shall include a comprehensive review to ensure the efficient provision of infrastructure, protection of the environment, and land use compatibility with adjacent development.
Policy FLU1.3.2	An application to expand the Urban Service Area shall be approved only when the application is found to be consistent with the Comprehensive Plan and complies with the following procedural steps and additional criteria, with the exception of those planned for Horizon West and the Innovation Way Overlay, and the Boggy Creek Expansion Area.
Policy FLU1.3.3	All applications must be accepted as complete by the County for the application to be processed pursuant to Objective FLU1.3. The determination of completeness shall include the use of data that meets generally acceptable professional standards as well as addressing all issues required by this process. An accepted application does not bind staff or the LPA to an affirmative recommendation, or the BCC in its final decision on the Future Land Use Amendment request. An application request can be denied based on inadequate or inconsistent data with respect to the County's commitment to the 2030 vision.
OBJ FLU1.4	The following location and development criteria shall be used to guide the distribution, extent, and location of urban land uses, and encourage compatibility with existing neighborhoods as well as further the goals of the 2030 CP.
Policy FLU1.4.1	Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.
Policy FLU1.4.2	Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.
Policy FLU2.3.7	Access management controls, including but not limited to joint driveways, frontage roads and cross-access agreements along collector and arterial roadways, shall be applied to all development and redevelopment proposals consistent with the Land Development code.
Policy FLU6.1.3	Residential uses in areas designated Rural shall be limited to a maximum density of 1 DU/10 acres. Density shall refer to the total number of units divided by developable land area, excluding natural water bodies and conservation areas (wetlands areas). Agriculturally zoned areas that do not have active agricultural use may be the subject of amendments to the comprehensive plan in order that such areas may be rezoned to an appropriate residential category. Cluster zoning shall not be permitted in the Rural Service Area except where required for protection of significant environmental features, such as Wekiva Study Area, Class I conservation areas or rare upland habitat.
Policy FLU6.1.5	Agriculturally zoned land shall be rezoned to an appropriate residential district prior to subdivision for residential purposes.

Policy FLU8.1.1(a) The following zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities; market demand and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C). Orange County's **Zoning and Future Land Use Correlation** is referenced herein as follows:

Zoning and Future Land Use Correlation		
<i>FLUM Designation</i>	<i>Density/Intensity</i>	<i>Zoning Districts</i>
Urban Residential		
Medium-High Density Residential (MDR)	(0 to 35 du/ac) + workforce housing bonus	R-2, R-3, UR-3, PD, U-V

Policy FLU8.1.2 Planned Developments (PDs) intended to incorporate a broad mixture of uses under specific design standards shall be allowed, provided that the PD land uses are consistent with the cumulative densities or intensities identified on the Future Land Use Map. (Policy 3.1.19)

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

Policy FLU8.1.5.2 - Those properties within the Boggy Creek Urban Service Area (USA) Expansion Area, as depicted on Map 5a of the Future Land Use Map Series, have been determined to be consistent with the adopted USA, Objective FLU1.3, and associated policies and may apply for a Future Land Use Map (FLUM) amendment for urban land use designations consistent with FLU1.1.2 and FLU1.1.4A. Those properties along the Boggy Creek Road Corridor between Boggy Creek Road and Happy Lane shall submit a privately-initiated Planned Development (PD) FLUM amendment application and corresponding Planned Development/Land Use Plan (PD/LUP) rezoning request, as established in Policies FLU1.1.4B. and FLU8.1.3.1, and shall be consistent with the Boggy Creek Road Corridor Development Standards in Table FLU8.1.3.1.

Policy 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.

LOCAL PLANNING AGENCY (LPA)/ ADOPTION PUBLIC HEARING SYNOPSIS – May 18, 2023

The LPA Adoption staff report was presented to the Local Planning Agency on May 18, 2023, with a finding of consistency with the comprehensive plan, and a recommendation to adopt the plan amendments and recommend approval of the rezoning request. The applicant was present and agreed with staff recommendations. No members of the public appeared to speak regarding these amendments.

During discussion, Commissioner Spears indicated his support for the amendment and rezoning, but recommended a commercial component to the project to enhance area walkability. The applicant Eric Raasch responded that the development has direct access and pedestrian connections to the existing Tyson Ranch PD immediately north of the Simpson Road Multi-Family PD with substantial non-residential and commercial entitlements within walking distance to the Simpson Rd project.

A motion was made by Commissioner Pavon and seconded by Commissioner Fernandez to making a finding of consistency with the comprehensive plan and recommend **ADOPTION** of Amendments 2023-1-A-4-1, and related Amendments 2023-1-B-FLUE-4 and 2023-1-B-FLUE-8, and recommend **APPROVAL** of rezoning LUP-22-12-389, Simpson Road Multi-Family Planned Development/Land Use Plan (PD/LUP), dated "Received March 15, 2023", subject to the 16 conditions listed in the staff report. The motion carried unanimously (8-0).

Motion / Second	<i>Walter Pavon / Eddie Fernandez</i>
Voting in Favor	<i>Nelson Pena, Walter Pavon, George Wiggins, David Boers, Eddie Fernandez, Gordon Spears, Evelyn Cardenas and Camille Evans</i>
Voting in Opposition	<i>None</i>
Absent	<i>Michael Arrington</i>

Subject Parcels



Site Photos

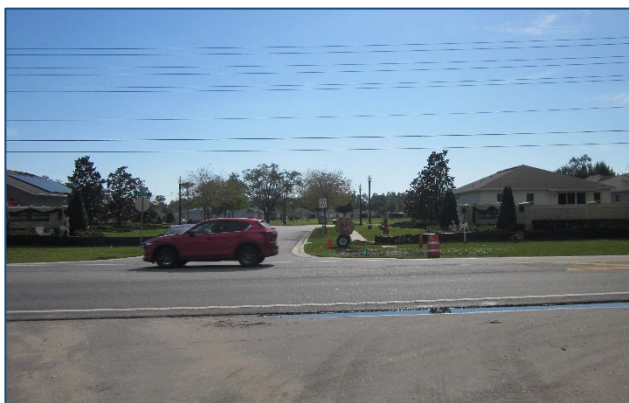
North – Tyson Ranch PD Under Construction



East – Multifamily (Boggy Creek Crossings)



South – Osceola County Single Family



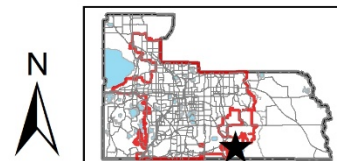
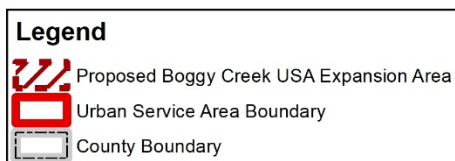
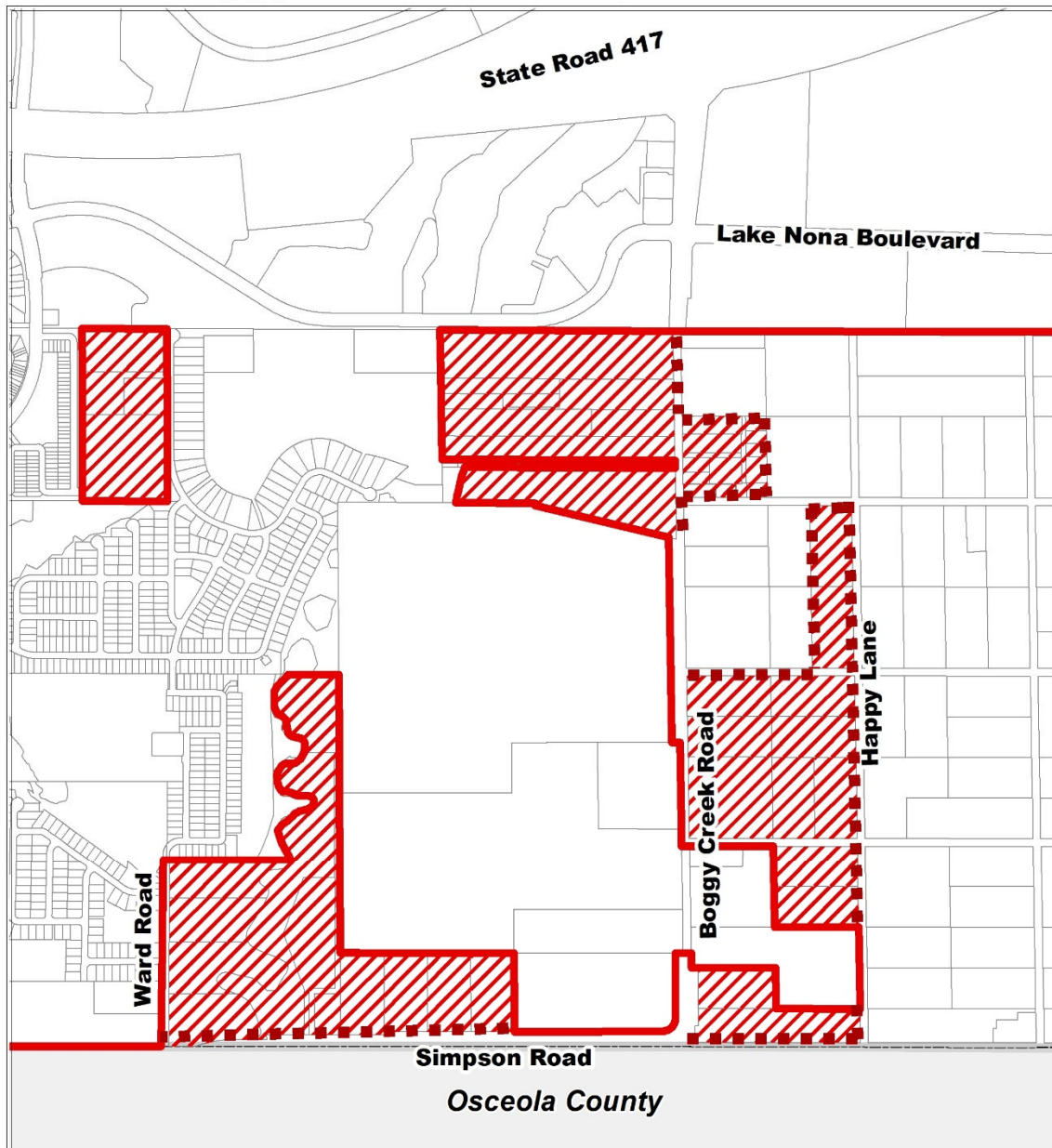
West – Vacant (Boggy Creek)



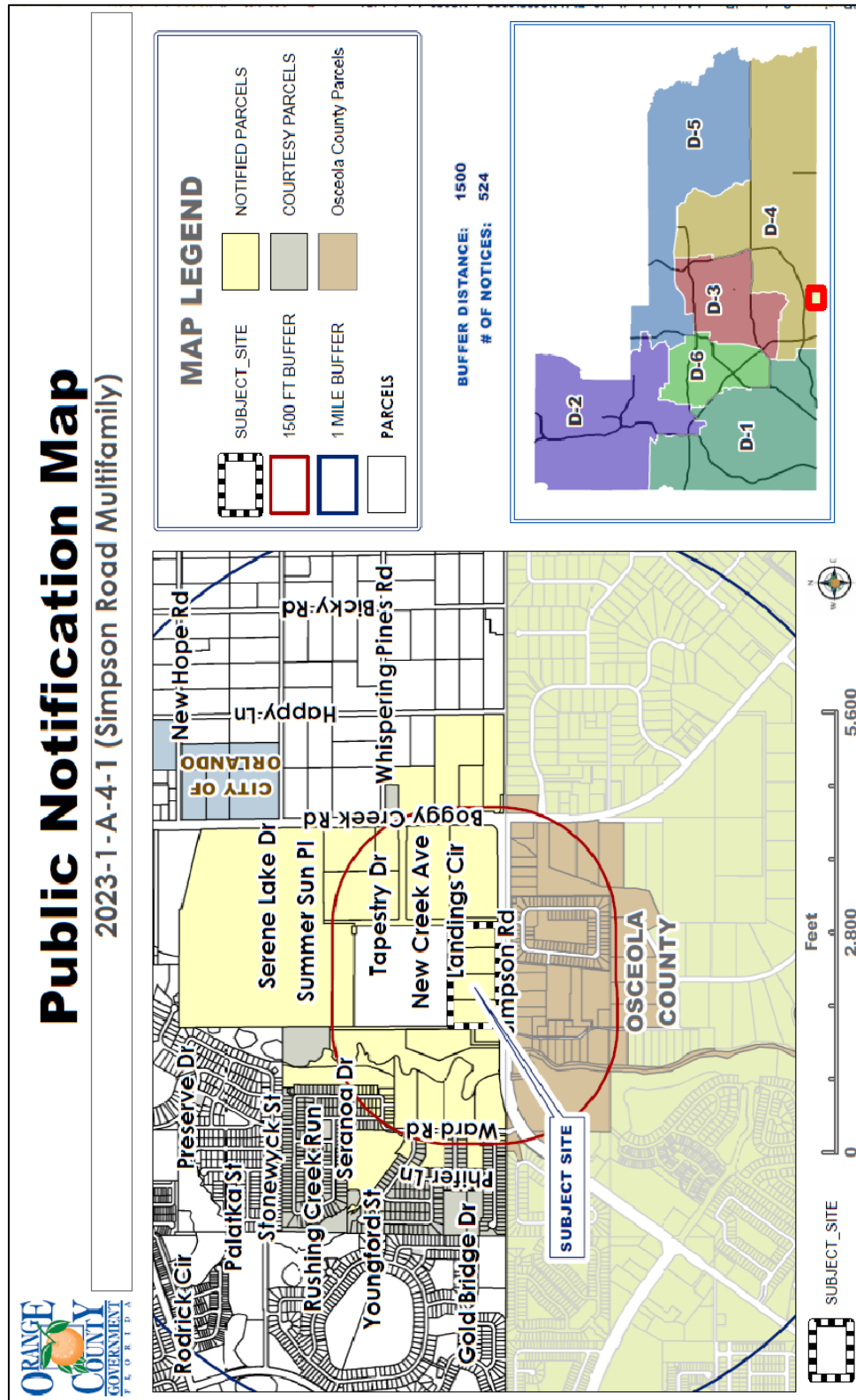
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[illegible]

Map 5a Boggy Creek USA Expansion Area



Notification Map



ORDINANCE NO. 2023-_____

AN ORDINANCE PERTAINING TO COMPREHENSIVE
PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING
THE ORANGE COUNTY COMPREHENSIVE PLAN,
COMMONLY KNOWN AS THE “2010-2030
COMPREHENSIVE PLAN,” AS AMENDED, BY ADOPTING
AMENDMENTS PURSUANT TO SECTION 163.3184(3),
FLORIDA STATUTES, FOR THE 2023 CALENDAR YEAR
(FIRST CYCLE); AND PROVIDING EFFECTIVE DATES.

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

Section 1. Legislative Findings, Purpose, and Intent.

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

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

c. On June 20, 2023, the Board of County Commissioners held a public hearing on
the adoption of the proposed amendments to the Comprehensive Plan, as described in this
ordinance, and decided to adopt them.

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

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

attached hereto and incorporated herein.

Section 4. Amendments to the Text of the Future Land Use Element. The Comprehensive Plan is hereby further amended by amending the text of the Future Land Use Element to read as follows, with underlines showing new numbers and words, and strike-throughs indicating repealed numbers and words. (Words, numbers, and letters within brackets identify the amendment number and editorial notes, and shall not be codified.)

* * *

[Amendment 2023-1-B-FLUE-4:]

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

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
* * *	* * *	* * *	* * *
<u>2023-1-A-4-1 Simpson Road Multi-Family</u>	<u>Planned Development-Medium-High Density Residential (PD-MHDR) and Urban Service Area (USA) Expansion</u>	<u>Up to 360 multi-family residential units and up to 10,000 square feet of Institutional uses, including churches and ancillary uses for the church</u>	<u>2023-</u>

Such policy allows for a one-time cumulative density or intensity differential of 5% based on ADT within said development program.

* * *

[Amendment 2023-1-B-FLUE-8:]

FLU1.2.4 The County will continue to monitor the Urban Service Area allocation. Through this process, the following applicants have satisfied these requirements and are recognized as expansions to the Urban Service Area.

53

* * *

Amendment Number	Name	Acreage	Ordinance Number
* * *	* * *	* * *	* * *
<u>2023-1-A-4-1</u>	<u>Simpson Road</u> <u>Multi-Family</u>	<u>17.7</u>	<u>2023-</u>

54 Such policy allows for a one-time cumulative density or intensity differential of 5% based on
55 ADT within said development program.

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* * *

58 ***Section 5. Effective Dates for Ordinance and Amendments.***

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

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

65 (c) No development orders, development permits, or land uses dependent on any of
66 these amendments may be issued or commence before the amendments have become effective.

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ADOPTED THIS 20th DAY OF JUNE, 2023.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk to the Board of County Commissioners

By: _____
Deputy Clerk

APPENDIX “A”

FUTURE LAND USE MAP AMENDMENT

<i>Appendix A*</i>		
<i>Privately-Initiated Future Land Use Map Amendment</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
2023-1-A-4-1	Rural/Agricultural (R)	Planned Development-Medium-High Density Residential (PD-MHDR) and Urban Service Area (USA) Expansion
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		



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

FORMAL SCHOOL CAPACITY DETERMINATION CAPACITY LETTER

January 18, 2023

VIA E-MAIL: ERAASCH@SMEINC.COM

Eric Raasch
S & Me, INC
1615 Edgewater Dr., Suite 200
Orlando, FL 32804

Application OC-22-070 (Simpson Rd Multifamily)

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 Extension
Development Application #:	2023-1-A-4-1
Project Name:	Simpson Rd Multifamily
OCPS Completed Application Date:	August 31 st , 2022
Parcel #(s):	33-24-30-0000-00-014/031/032/033
Requested New Units (#):	SF: MF: 357 TH:
Vested Unit(s):	SF: 3 MF: TH:
Total Project Units:	360
School Board District:	# 3

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:

	Stonewyck ES	South Creek MS	Cypress Creek HS
Jurisdictional Analysis	N/A	N/A	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 July 11th, 2023. 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. 2022391 or e-mail me at christopher.mills@ocps.net with any questions.

Sincerely,



Christopher Mills, AICP
Senior Administrator, Facilities Planning

SC/cm

Attachments – Attachment A: Detailed Capacity Analysis

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

Attachment A



School Capacity Determination

User ID CCM January 12, 2023 09:39:38

Project ID: CEA – OC –22 –070

Valid Until: July 11, 2023

Project Name:		SIMPSON ROAD MULTIFAMILY		
Unvested Units	Single Family Units:	0	Single Family Units:	3
	Multi Family Units:	357	Multi Family Units:	0
	Multi Family High Rise Units:	0	Multi Family High Rise Units:	0
	Town Homes Units:	0	Town Homes Units:	0
	Mobile Home Units:	0	Mobile Home Units:	0
		Vested Units		

Capacity Enhancement	School Level	Elementary	Middle	High
	CSA:	B		
	School:	STONEWYCK ES	SOUTH CREEK MS	CYPRESS CREEK HS
	Analysis of Existing Conditions			
	School Capacity (2021-2022)	837	1,132	2,764
	Enrollment (2021-2022)	610	1,143	3,472
	Utilization (2021-2022)	0.0%	99.0%	119.0%
	LOS Standard	110.0%	100.0%	100.0%
	Available Seats	311	0	0
	Analysis of Reserved Capacity			
	School Level	Elementary	Middle	
	Encumbered Capacity	0	84	186
	Reserved Capacity	0	6	42
	Adjusted Utilization	72.9%	108.9%	133.9%
	Adjusted Available Seats	311	0	0
	Analysis of Proposed Development			
	Students Generated	50.337	23.205	28.560
	Adjusted Utilization	78.9%	111.0%	134.9%
	AVAILABLE/NOT AVAILABLE	AVAILABLE	NOT AVAILABLE	NOT AVAILABLE
	Number of Seats to Mitigate	0.000	23.205	28.560

STONEWYCK ES	
SOUTH CREEK MS	SCHEDULED FOR RELIEF IN 2024
CYPRESS CREEK HS	

Orange County EPD Comments to the Local Planning Agency for the
2023-1 Regular Cycle Comprehensive Plan Amendments
November 30, 2022

Plan Amendment Number	2023-1-A-4-1
Project Name	Simpson Road Multifamily
Requested Change	FLU from Rural/Agricultural to Planned Development - Medium-High Density Residential (PD-MHDR)
Parcels	33-24-30-0000-00-014, 33-24-30-0000-00-033, 33-24-30-0000-00-032, and 33-24-30-0000-00-031
General Location	5501, 5603, 5623, and 5707 Simpson Road; generally bounded by Simpson Road to the south, Ward Road to the west, Boggy Creek to the west
Proposed Development	360 multi-family units
Area	17.70 gross acres
Agent	S&ME, Inc. (Eric Raasch)
Owner	Boggy Creek South Property, Inc., Genesis Christian Center of Orlando Florida, Inc., and Ralph Jeudy
District	4
Comments Prepared by	Alyse Tristram, Alyse.Tristram@ocfl.net , 407-836-1471

EPD Review Summary:

- An Orange County Conservation Area Determination CAD-22-10-209 was approved by the Environmental Protection Division (EPD) on November 21, 2022. EPD has determined that there are no wetlands or surface waters (conservation areas) located on the site.
- Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

FLUM Amendment Comments:

1. No Conservation – An Orange County Conservation Area Determination CAD-22-10-209 was approved by the Environmental Protection Division (EPD) on November 21, 2022. EPD has determined that there are no wetlands or surface waters (conservation areas) located on the site.
2. Existing Septic and Well – If any existing septic tanks or wells are required or in use, the applicant shall notify the Florida Department of Health (FDOH) and local Water

Orange County EPD Comments to the Local Planning Agency for the
2023-1 Regular Cycle Comprehensive Plan Amendments
November 30, 2022

Management District, about the system permit application, modification or abandonment prior to earthwork or construction. Permits shall be applied for and issued by the appropriate agencies. Contact the FDOH for the septic system and both FDOH and the Water Management District for wells. *Reference OC Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal.*

3. Habitat Permit Compliance – Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
4. Jurisdictional Coordination – This environmental review only addresses Orange County environmental regulatory code, however, the project shall also obtain and comply with all other existing environmental permits and applicable environmental regulations of, but not limited to: the Army Corps of Engineers, the Florida Department of Environmental Protection, and the applicable Water Management District, the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC). It is possible that one of the other agencies could deny the request even if the County approves it, or they may have other natural resource protective requirements. Therefore, it is imperative that this proposed request be addressed on a multi-agency basis.

Additional EPD Comments:

1. Impaired Waters – Boggy Creek has been designated as an impaired water body by the Impaired Waters Rule, *Chapter 62-303 of the Florida Administrative Code*. Be aware that the Environmental Protection Division will not support any variance requests affecting the water quality of Boggy Creek or wetlands connected to the creek without some extra protective measures by the applicant. These will likely include but are not limited to: a high efficiency septic system, shoreline plant enhancement, wetland buffer and a pollution abatement swale easement. In addition, state code may have other restrictions.
2. Demolition – Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information, or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400. *Reference OC Code Chapter 15 Environmental Control, Article III Air Quality Control, Division 4 Asbestos requirements, Sec.108 Notification procedure and requirements, Subsection A(1).*
3. Solid Waste Disposal – Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides, and pesticides), and construction or demolition

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November 30, 2022

debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

4. Erosion Control – Use caution to prevent erosion during construction along the boundary of the property, into wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2-inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall be protected. This may require periodic street sweeping. *Reference OC Code Chapter 34 Subdivision Regulations, Article VII Stormwater Management, Division 2 General Design Criteria, Sec. 250 Open Drainage Facilities, (g).*

AMENDMENT 2023-1-A-4-1 (Simpson Road Multi-Family)

PROJECT SPECIFICS

Parcel ID:	33-24-30-0000-00-014/033/032/031
Location:	5501/5603/5623/5707 Simpson Road
Acreage:	~17.70
Request FLUM:	From: Rural (R) To: Planned Development – Medium High Density Residential (PD-MHDR)
Request Zoning:	From: Farmland Rural District (A-2) To: Planned Development (PD)
Existing Development:	Church and Undeveloped
Development Permitted Under Current FLUM:	Two (2) dwelling units
Proposed Density/Intensity:	360 multi-family units

Trip Generation (ITE 11th Edition)

Land Use Scenario	PM Pk. Hr. Trips	% New Trips	New PM Pk. Hr. Trips
Existing Use: Two (2) dwelling units	3	100%	3
Proposed Use: 360 multi-family units	141	100%	141
Totals:	138		138

Net New Trips (Proposed Development less Allowable Development): 138

Future Roadway Network

Road Agreements: No

Planned and Programmed Roadway Improvements: Boggy Creek Road from the Osceola County Line to S.R. 417 - Boggy Creek Road South will be widened from a two-lane roadway to a four-lane roadway from the Orange/Osceola County line to SR 417. The widening will include sidewalks, bicycle lanes, roadway lighting, and median landscaping. At the time of this report, the project is 73% overall complete.

Right of Way Requirements: Osceola County may have ROW needs. Osceola County's website shows that Steven Kane is the contact person.

Summary

The applicant is requesting to change ~17.70 acres from Rural to PD-MHDR and rezone from A-2 to PD, to allow for the construction of multi-family apartments.

Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed multi-family use will result in an increase in the number of 138 pm peak trips and therefore will impact the area roadways. The development will undergo further evaluation and will be required to mitigate capacity deficiencies on the transportation network in accordance with the requirements of the Orange County Concurrency Management System.

Roadway Capacity Analysis

A traffic Study was submitted with the case for review and comment. The subject property is located adjacent to Simpson Road.

Based on existing conditions, there are currently one (1) deficient roadway segment within the project's impact area along Boggy Creek Road from the Central Florida Greenway to the Osceola County Line. This information is dated and subject to change.

Based on the trip distribution, 67% of vehicles are travelling EB on Simpson Road out of the development.

The segments in the short-term year (2027) that are projected to operate at Level of Service “F” as a result of the background traffic and committed trips are:

- Boggy Creek Road from the Central Florida Greenway to the Osceola County Line

The horizon year (2040) showed that under the proposed FLUM designation, the following segments are projected to operate at Level of Service “F”:

- Boggy Creek Road from S. Access Road to the Central Florida Greenway
- Boggy Creek Road from the Central Florida Greenway to the Osceola 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.