

ORANGE COUNTY

PLANNING DIVISION

2022-2 REGULAR

CYCLE

AMENDMENTS

2010 - 2030 COMPREHENSIVE PLAN

BOARD OF COUNTY

COMMISSIONERS

JULY 12, 2022
TRANSMITTAL PUBLIC HEARING

PREPARED BY:
ORANGE COUNTY COMMUNITY, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION



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

INTRODUCTION

This is the Board of County Commissioners (BCC) transmittal staff report for the Second Regular Cycle Amendments 2022-2-A-4-1 and 2022-2-B-FLUE-4 to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). These amendments were heard by the Local Planning Agency (LPA) during a transmittal public hearing held on June 16, 2022, and will go to the Board of County Commissioners (BCC) for a transmittal public hearing on July 12, 2022.

The above-referenced 2022-2 Regular Cycle Amendments include a privately-initiated map amendment located in District 4 and one staff-initiated text amendment. Since this is the transmittal stage for these amendments, there will be a second round of public hearings for adoption after the Florida Department of Economic Opportunity (DEO) and other State agencies complete their review of the proposed amendments and provide comments, expected in August 2022. Adoption public hearings are tentatively scheduled before the LPA on October 20, 2022 and the BCC on November 15, 2022.

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

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

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DATE: July 12, 2022
TO: Mayor Jerry L. Demings
-AND-
County Commissioners
FROM: Alberto A. Vargas, MArch., Manager, Planning Division
THROUGH: Jon V. Weiss, P.E., Director
Planning, Environmental, and Development Services Department
SUBJECT: 2022-2 Regular Cycle Comprehensive Plan Amendments
2022-2-A-4-1 and 2022-2-B-FLUE-4 (Tupperware Heights)
Board of County Commissioners (BCC) Transmittal Public Hearing

Please find the staff report and associated back-up materials for the 2022-2-A-4-1 and 2022-2-B-FLUE-4 Regular Cycle Comprehensive Plan Amendments. These amendments were heard by the Local Planning Agency (LPA) at a transmittal public hearing held June 16, 2022. The amendments are scheduled for a BCC transmittal public hearing on July 12, 2022.

The above-referenced 2022-2 Regular Cycle Amendments include a privately-initiated map amendment located in District 4 and one staff-initiated text amendment. The privately-initiated map amendment involves a change to the Future Land Use Map (FLUM) for a property over ten acres in size. The staff-initiated amendment entails changes to the Goals, Objectives, or Policies of the Comprehensive Plan.

Following the BCC transmittal public hearing, the proposed amendments will be transmitted to the Florida Department of Economic Opportunity (DEO) and other State agencies for review and comment. Staff expects to receive comments from DEO and/or the other State agencies in August 2022. Pursuant to 163.3184, Florida Statutes, the proposed amendments must be adopted within 180 days of receipt of the comment letter. The adoption hearings are tentatively scheduled before the LPA on October 20, 2022, and the BCC on November 15, 2022.

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

AAV/sgw

Enc: 2022-2-A-4-1 and 2022-2-B-FLUE-4 Regular Cycle Amendments BCC Transmittal Staff Report

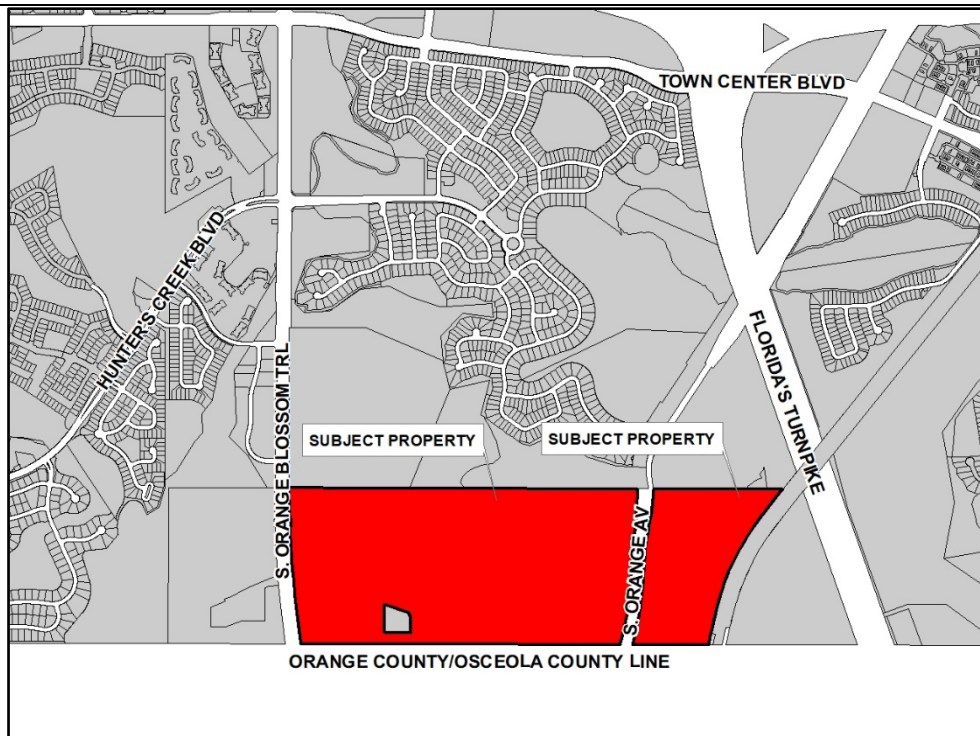
c: Christopher R. Testerman, AICP, Deputy County Administrator
Jon V. Weiss, P.E., Director, Planning, Environmental, and Development Services Department
Nicolas Thalmueller, AICP, Acting Planning Administrator, Planning Division
Gregory Golgowski, Chief Planner, Planning Division

**2022-2 Regular Cycle State Expedited Review Comprehensive Plan Amendments
Privately Initiated Future Land Use Map Amendment**

Amendment Number	Concurrent Rezoning or Substantial Change	Owner	Agent	Tax ID Number(s)	General Location / Comments	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:	Zoning Map Designation FROM:	Zoning Map Designation TO:	Acreage	Project Planner	Staff Rec	LPA Rec
District 4													
2022-2-A-4-1 (Tupperware Heights)	Expected	OC-IB II Property Owner, LLC	Abdul Alkadry, PE	34-24-29-8729-01-000; 34-24-29-8729-02-000; 34-24-29-8729-03-000; 34-24-29-8729-00-001; 34-24-29-8729-00-002; and 34-24-29-8729-00-003	Generally located east of S. Orange Blossom Trl., west of Florida's Turnpike, and north of the Orange County/Osceola County line	Planned Development-Medium Density Residential/Commercial/Office (PD-MDR/C/O)(Senior Adult Housing)	Planned Development-Medium-High Density Residential/Commercial/Office (PD-MHDR/C/O)	PD (Planned District)(Tupperware Heights PD)	PD (Planned District)(Tupperware Heights PD)	202.445 gross ac./60.89 net developable ac.	Chris DeManche	Transmit	Transmit (5-0)
2022-2 Regular Cycle Comprehensive Plan Amendments Staff Initiated Comprehensive Plan Text Amendment													
Amendment Number	Sponsor	Description of Proposed Changes to the 2010-2030 Comprehensive Plan (CP)									Project Planner	Staff Rec	LPA Rec
2022-2-B-FLUE-4 (FLU8.1.4)	Planning Division	Text amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County associated with Amendment 2022-2-A-4-1									Chris DeManche	Transmit	Transmit (5-0)

ABBREVIATIONS INDEX:

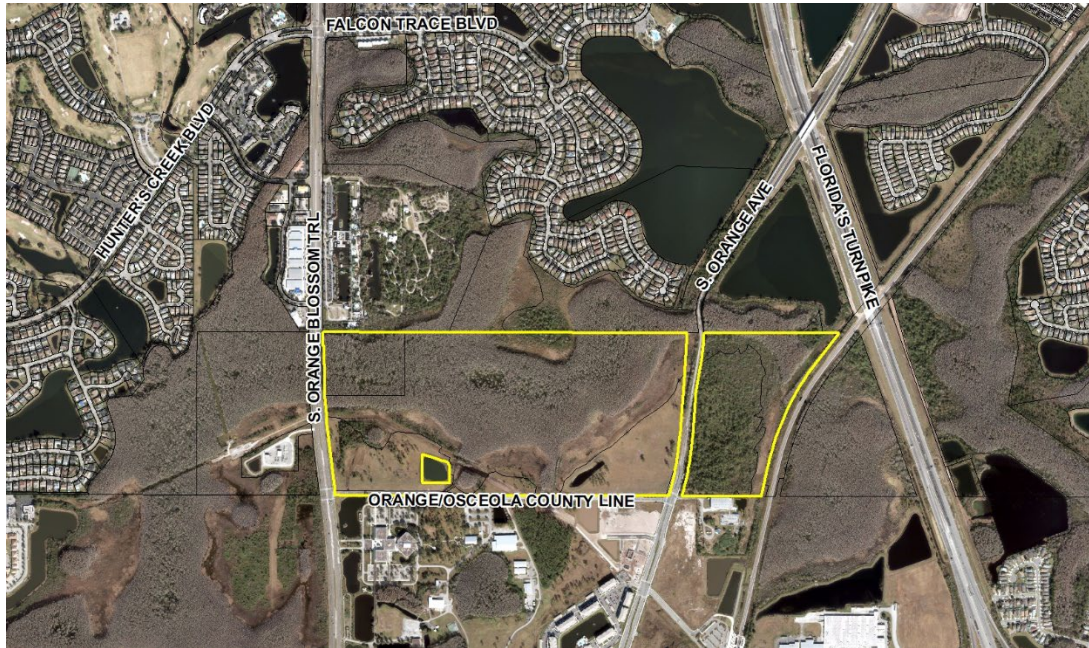
ABBREVIATIONS INDEX: IND-Industrial; C-Commercial; O-Office; LDR-Low Density Residential; LMDR-Low-Medium Density Residential; MDR-Medium Density Residential; MHDR-Medium-High Density Residential; HDR-High Density Residential; PD-Planned Development; V-Village; CONS-Wetland/Conservation; PR/OS-Parks/Recreation/Open Space; OS-Open Space; GB-Greenbelt; SPA-Special Planning Area; R-Rural/Agricultural; TS-Timeshare; RS-Rural Settlement; ACMU-Activity Center Mixed Use; ACR-Activity Center Residential; GC-Growth Center; R-Resort; PD-Planned Development; USA-Urban Service Area; WB-Water Body; CP-Comprehensive Plan; FLUM-Future Land Use Map; FLUE-Future Land Use Element; TRAN-Transportation Element; GOPS-Goals, Objectives, and Policies; OBJ-Objective; LUP-Land Use Plan; LUPA-Land Use Plan Amendment; CDR- Change Determination Request; PD-Planned Development District; A-2- Farmland Rural District; A-1-Citrus Rural District; SR-State Road; AC-Acres



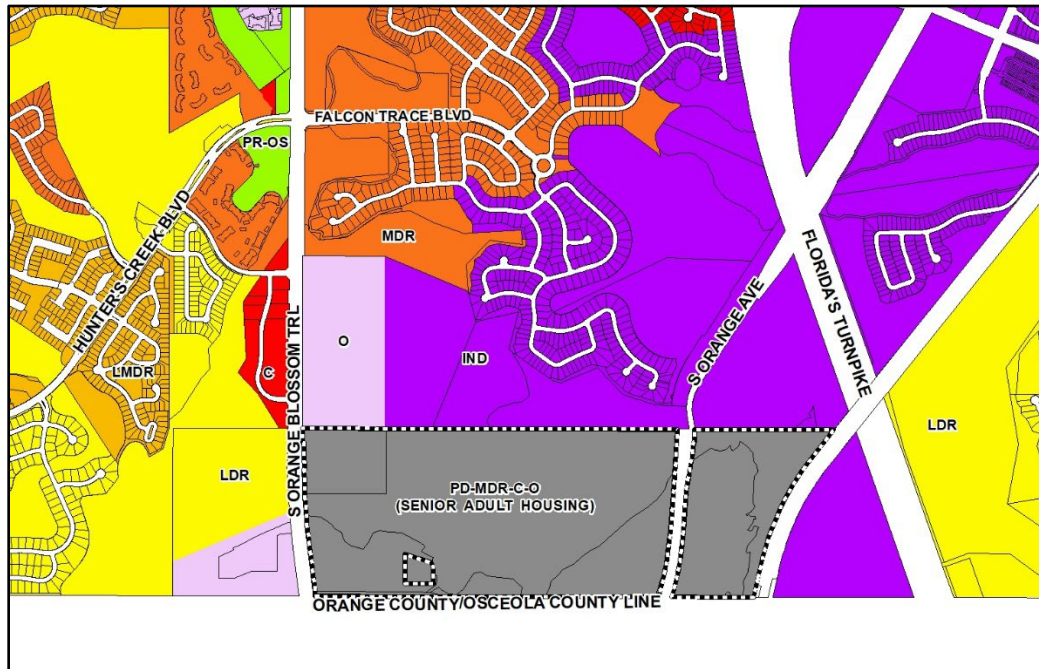
Applicant/Owner: Abdul Alkadry, Harris Civil Engineers, LLC; OC-IB II Property Owner LLC
Location: Generally located east of South Orange Blossom Trail, west of Florida's Turnpike, and north of the Orange County/Osceola County line.
Existing Use: Vacant parcels
Parcel ID Numbers: 34-24-29-8729-01-000; 34-24-29-8729-02-000; 34-24-29-8729-03-000; 34-24-29-8729-20-001; 34-24-29-8729-00-002; 34-24-29-8729-00-001; and 34-24-29-8729-00-003
Tract Size: 202.445 gross acres (60.89 net acres)

The following meetings and hearings have been held:		Project Information
Report/Public Hearing	Outcome	
✓ Community Meeting May, 18, 2022	25 residents attended and the overall tone of the meeting was neutral	Request: Planned Development – Medium Density Residential/Commercial/Office (PD-MDR/C/O) (Senior Adult Housing) to Planned Development – Medium-High Density Residential/Commercial/Office (PD-MHDR/C/O)
✓ Staff Report	Recommend Transmittal	Proposed Development Program: Up to 1,354 dwelling units and 263,480 square feet of commercial and office uses.
✓ LPA Transmittal June 16, 2022	Recommend Transmittal (5-0)	Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis of each public facility. Environmental: This site is included in an Orange County Conservation Area Determination, CAD-12-11-033.
BCC Transmittal	July 12, 2022	Transportation: The allowable development based on the approved future land use will generate 2,713 pm peak hour trips. Utilities The subject site is located in the Orange County Utilities potable water, wastewater and reclaimed water service areas.
State Agency Comments	August 2022	
LPA Adoption	October 20, 2022	Concurrent Rezoning: A rezoning application is expected, but has not been submitted by the applicant at this time for concurrent review.
BCC Adoption	November 15, 2022	

SITE AERIAL



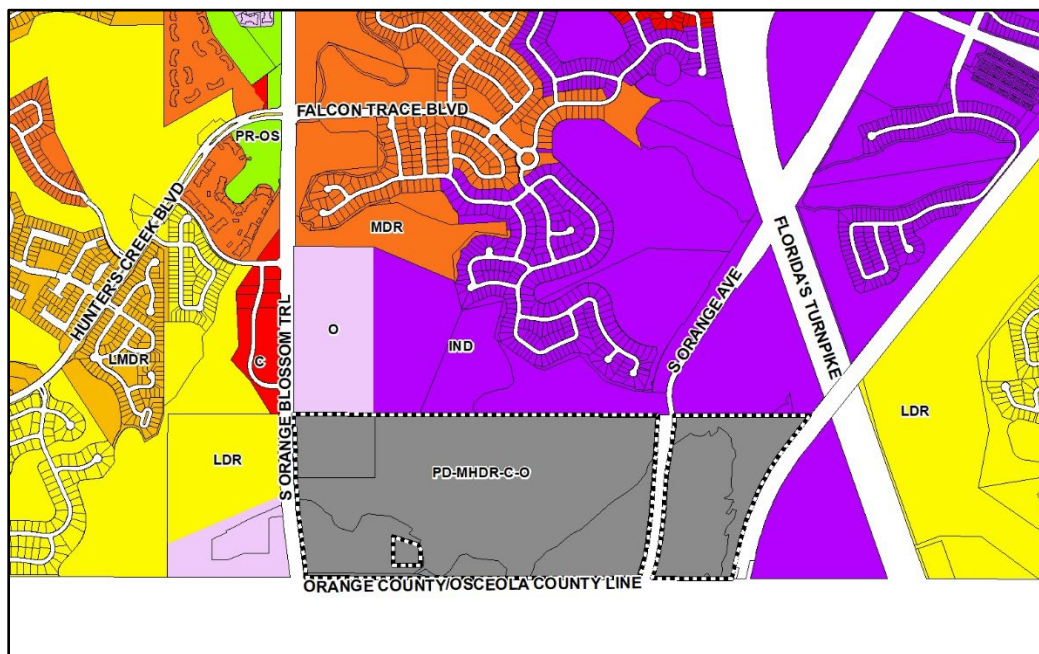
FUTURE LAND USE - CURRENT



Current Future Land Use Designation

Planned Development –
Medium Density
Residential/Commercial/
Office (PD-MDR/C/O)
(Senior Adult Housing)

FUTURE LAND USE - PROPOSED



Proposed Future Land Use Designation

Planned Development –
Medium-High Density
Residential/Commercial/
Office (PD-MHDR/C/O)

ZONING – CURRENT



Current Zoning:
PD (Planned Development District)

Existing Uses

North:
Single-family residences

South:
Tupperware Global Headquarters; Vacant parcels

East:
Undeveloped land

West:
Undeveloped land/transmission site.

Staff Recommendation

1. **Future Land Use Map Amendment 2022-2-A-4-1:** Make a finding that the information contained in the application for the proposed amendment is sufficiently complete; that the proposed amendment has the potential to be found “in compliance,” as defined by Section 163.3184(1)(b), Florida Statutes; and that the amendment, 2022-2-A-4-1, be **TRANSMITTED** to the state reviewing agencies.
2. **Future Land Use Text Amendment 2022-2-B-FLUE-4:** Make a finding the proposed amendment has the potential to be found “in compliance,” as defined by Section 163.3184(1)(b), Florida Statutes; and recommend to the Local Planning Agency that the amendment, 2022-2-B-FLUE-4, be **TRANSMITTED** to the state reviewing agencies.

Analysis

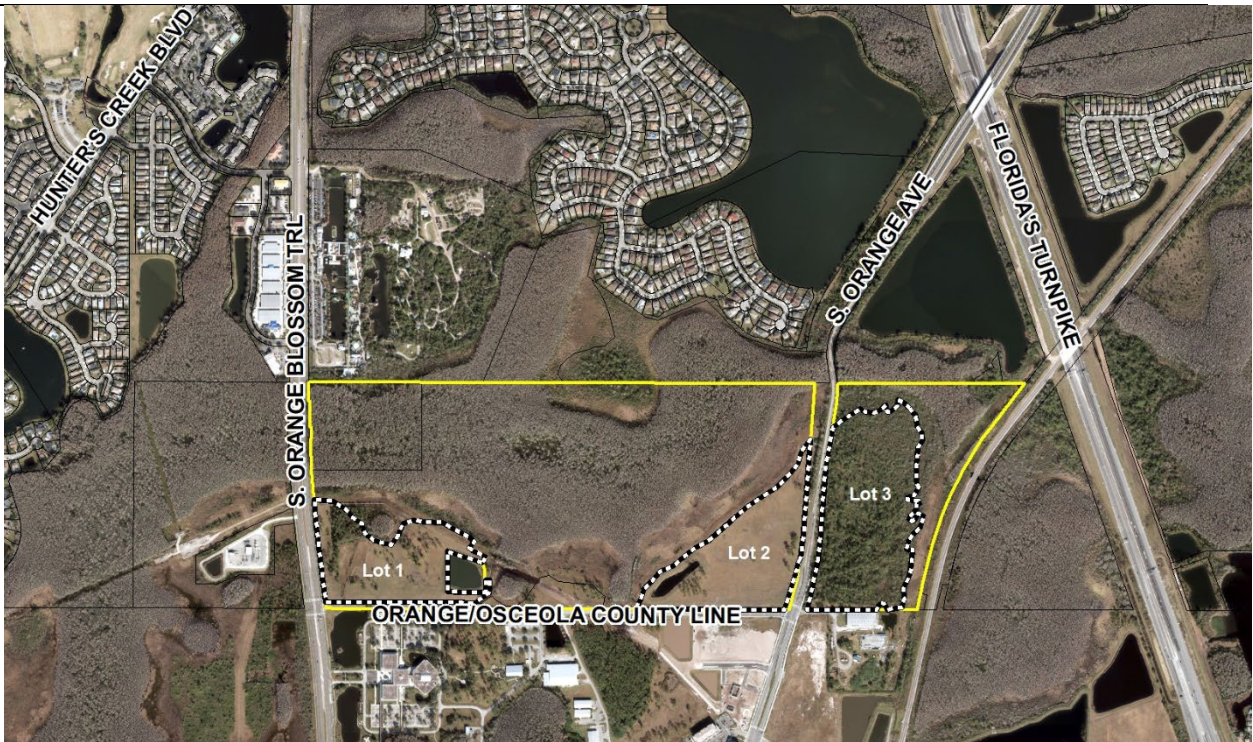
Background & Development Program

The applicant, Abdul Alkadry, Harris Civil Engineers, LLC., has requested to change the Future Land Use Map (FLUM) designation of the subject property from Planned Development – Medium Density Residential/Commercial/Office (PD-MDR/C/O) (Senior Adult Housing) to Planned Development – Medium-High Density Residential/Commercial/Office (PD-MHDR/C/O). The proposed FLUM designation would permit a mixed use project comprised of residential densities of up to thirty-five (35) dwelling units per acre, along with commercial and office uses with a Floor Area Ratio (FAR) of 1.50 and 1.25, respectively. The applicant is also proposing the removal of the Senior Adult Housing restriction. The applicant’s proposed development program is comprised of 1,354 dwelling units, and a total of 263,480 square feet of office/commercial uses across three lots. Existing site entitlements include 200 age-restricted multi-family units and 966,975 square feet of commercial and office uses.

Lot 1	Lot 2	Lot 3
Residential: 250 DU’s	Residential: 320 DU’s	Residential: 784 DU’s
Non-Residential: 96,480 sq. ft.	Non-Residential: 167,000 sq. ft.	Non-Residential: N/A

The 202.445 gross acres (60.89 net acres) subject property is comprised of seven (7) parcels representing the Tupperware Heights PD. The subject property is generally located east of South Orange Blossom Trail, west of Florida’s Turnpike, and north of the Orange County/Osceola County line. The subject property is adjacent to single-family residences to the north, the Tupperware Global Headquarters to the south, unimproved parcels to east, and unimproved parcels and an electrical transmission site to the west.

The subject property is currently undeveloped with the proposed development program limited to only three of the seven parcels comprising the Tupperware Heights PD (see map below). The remaining four (4) of the Tupperware Heights PD comprise the Mill Slough Wetland, conservation areas and upland areas. The applicant has indicated an intent to submit a PD rezoning application, but has not submitted at the time of this application.



The subject property underwent a review for a previous FLUM amendment application, 2006-1-A-4-2, which changed the FLUM designation from Industrial (I) to Planned Development-Medium Density Residential/Commercial/Office (PD-MDR/C/O) (Senior Adult Housing). The Tupperware Heights PD was established through rezoning application RZ-06-05-063, changing the zoning classification of the subject property from I-1/I-5 (Industrial District) to PD (Planned Development District).

Conservation Area Determination

Density and Floor Area Ratio (FAR) calculations are determined by dividing the total number of units/square footage by the net developable land area. The net developable land area for density and FAR calculation (intensity) is defined as the gross land area, excluding surface waters and certain conservation areas from the land area calculations. Orange County Conservation Area Determination CAD-12-11-033, was completed with a certified survey of the conservation area boundary approved on April 19, 2013, in accordance with Orange County Code Chapter 15, Article X, Wetland Conservation Areas.

The Conservation Area Determination has identified a total 202.445 gross acres encompassing the subject property, including two Class I wetlands identified as W-27 and W-33 (outside of the proposed project parcels), and one Class III surface water identified as D-1 (0.649 acres within the boundaries of parcel 34-24-29-8729-01-000), resulting in approximately 60.89 acres net developable acres.

Community Meeting

A community meeting was held on Wednesday, May 18, 2022, at the Hunter's Creek Elementary School. A total of 25 residents attended and the overall tone of the meeting was neutral. Questions and concerns were raised over the impact of future development on local roads, potential noise disturbances from commercial uses on surrounding residential areas, the protection of wetland areas and wildlife, and the overall impacts of additional residences on local school capacity. A total of 898

community meeting notices were mailed to surrounding property owners within 1200' feet of the subject property.

Future Land Use Map Amendment Analysis

Consistency

The requested FLUM amendment appears to be consistent with the applicable Goals, Objectives, and Policies of the Comprehensive Plan. The subject property is located within the County's Urban Service Area (USA) Boundary and is located in an area characterized by commercial and office uses, and a variety of housing types ranging from multi-family to single-family detached dwellings. As mentioned above, the applicant is requesting the MHDR Future Land Use Map designation to increase the density on the subject property from up to 20 dwelling units per acre to up to 35 dwelling units per acre. The applicant also requests the removal of the Senior Adult Housing restriction. The applicant is also proposing up to a total of 263,480 square feet of non-residential uses.

Future Land Use Element Goal FLU1, OBJ FLU1.1, and Policy FLU1.1.1 describe Orange County's urban planning framework, including the requirement that urban uses shall be concentrated within the Urban Service Area. As required by **OBJ FLU 1.1**, the proposed amendment is located within the Urban Service Area, and the proposed FLUM designation of MHDR will contribute to the mix of available housing options in an area of the County deemed appropriate for urban uses, as set forth in **Policy FLU1.1.1**.

Applicable to this request is **Future Land Use Element Objective FLU1.2**, which states Orange County shall use the Urban Service Area concept as an effective fiscal and land use technique for managing growth.

Also applicable is **Future Land Use Element OBJ FLU1.4**, which sets forth location and development criteria used to guide the distribution, extent, and location of urban land uses, and encourages compatibility with existing neighborhoods as well as the goals of the 2030 Comprehensive Plan.

Also applicable is **Future Land Use Element Policy FLU1.4.1**, which states Orange County shall promote a range of living environments and employment opportunities, and shall ensure that land use changes are compatible with and serve existing neighborhoods.

Also applicable is **Future Land Use Element Policy FLU8.2.2**, which states that continuous stretches of similar housing types and density of units shall be avoided. The addition of multi-family housing comprised of 1,354 dwelling units will further diversity housing options to current and future residents in Orange County.

Also applicable is **Housing Element Goal H1 and Objective H1.1**, which state that the County will promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, and will support private sector housing production capacity sufficient to meet current and anticipated housing needs.

Staff-Initiated Text Amendment

Future Land Use Element Policy FLU8.1.4 establishes the development programs for Planned Development (PD) and Lake Pickett (LP) FLUM designations adopted since January 1, 2007. The development program for this requested amendment is proposed for incorporation into Policy FLU8.1.4 via a corresponding staff-initiated text amendment, Amendment 2022-2-B-FLUE-4. The maximum development program for Amendment 2022-2-A-4-1 will be as follows:

Amendment Number	Adopted FLUM Designation	Maximum Density/ Intensity	Ordinance Number
<u>2022-2-A-4-1 Tupperware Heights</u>	Planned Development – <u>Medium-High Density Residential/Commercial/Office (PD-MHDR/C/O)</u>	<u>Up to 1,354 multi-family dwelling units</u> <u>Up to 263,480 square feet of non-residential uses</u>	<u>2022-</u>

Compatibility

The proposed Future Land Use Map amendment appears to be compatible with existing development of the surrounding area and would support private sector housing production to meet current and anticipated housing needs, and would provide a mix of non-residential uses to support existing and future residential development.

Future Land Use Element Policy FLU1.4.2, states Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods, while **Neighborhood Element Objective N1.1**, states Orange County shall ensure that future land use changes are compatible with or do not adversely impact existing or proposed neighborhoods.

The proposed mixed use project may be found consistent with **Future Land Use Element Policy FLU8.2.11**, which states compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well as its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur. The proposed change to the PD-MHDR/C/O FLUM designation would not adversely impact existing neighborhoods.

Staff recognizes the critical need in Orange County for housing diversity to meet current and future growth trends and finds the proposed PD-MHDR/C/O designation potentially compatible for the surrounding community and consistent with **Future Land Use Element Policy FLU1.4.1**, which states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

Environmental

This site is included in an Orange County Conservation Area Determination (CAD), CAD-12-11-033. The CAD identified 0.649 acres of Class III wetlands within parcel 34-24-29-8729-01-000. The current estimated net developable acreage is 60.89 acres. Any wetland encroachments will require submittal of an application for a Conservation Impact Permit.

Conservation: An Orange County Conservation Area Determination CAD-12-11-033 was issued April 19, 2013 with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD). The CAD includes two Class I wetlands identified as W-27 and W-33 (outside of the proposed project parcels), and one Class III surface water identified as D-1 (0.649 acres within the boundaries of parcel 34-24-29-8729-01-000). A permit time extension was granted for an expiration date of April 19, 2023. A wetland reclassification was granted September 4, 2020 to adjust the classification of a portion of one of the Class I wetlands (W-27) to a Class III wetland.

Conservation area on this site is recorded in South Florida Water Management District (SWFMD) conservation easement per O.R.B. 5938, PG. 3483.

1. **Conservation Area Impacts:** An Orange County Conservation Area Impact (CAI) permit #06-042 was approved on June 28, 2006 for 0.068 acres of Class III wetland impacts and 0.032 acres of secondary impacts associated with the construction of the South Orange Avenue roadway. This project will comply with all related permit conditions of approval. Any further wetland encroachments will require submittal of an application for a Conservation Impact Permit to the Orange County Environmental Protection Division as outlined in Chapter 15, Article X Wetland Conservation Areas.
2. **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).

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.

Solid Waste Disposal: Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition 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.

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).*

Transportation

Trip Generation (ITE 11th Edition)

Land Use Scenario	PM Pk. Hr. Trips	% New Trips	New PM Pk. Hr. Trips
Existing Use: 966,975 sq. ft of Commercial (C-1 uses), 200 MF units (Senior Adult Housing) *Delineated on approved LUP. FLUM approval predates FLU8.1.4 requirement for Development Programs with PD FLUM designations.	3,288	81%	2,663
	50	100%	50
Proposed Use: 1,354 MFDU and 263,480 SF Commercial	232	100%	232
	(CTR) 216	100%	216
	(NCTR) 896	71%	636
Net New Trips (Proposed Development less Allowable Development): -1,629			

Future Roadway Network

Road Agreements: Transportation Impact Fee Credit Agreement for the Tupperware Heights PD - Orange Avenue was approved on 3/7/2017 and Recorded at 20170129426 by and between Deerfield Land Corporation and Orange County for a Roadway Conceptual Analysis to be completed for Transportation Impact Fee Credits. The RCA will study 0.61 miles of Orange Avenue from the Osceola County Line to the Turnpike Bridge and recommend future roadway improvements needed. The cost of the RCA work is anticipated to be \$255,280 plus \$24,150 in reimbursable expenses. Upon County's review and approval of the Study Final Report, the Transportation Impact Fee Credit Account shall be established for Deerfield Land Corporation. On March 20, 2018 the BCC approved a First Amendment to Transportation Impact Fee Credit Agreement ("First Amendment") for Tupperware Heights PD by and between Deerfield Land Corporation and Orange County to amend the terms of the Transportation Impact Fee Credit Agreement approved by the Board of County Commissioners on March 7, 2017 and recorded at Document #20170129428. The First Amendment provides for the adjustment of the completion date for the Roadway Conceptual Analysis from March 1, 2018 to September 1, 2018. The Roadway Agreement Committee approved the First Amendment on February 7, 2018. On January 15, 2019 the Board of County Commissioners approved a Second Amendment to Transportation Impact Fee Credit Agreement for Tupperware Heights PD ("Second Amendment") recorded as Document #20190042142 by and between Deerfield Land Corporation and Orange County to amend the terms of the Transportation Impact Fee Credit Agreement approved by the Board of County Commissioners on March 7, 2017 and recorded at Document #20170129428 as amended. The Second Amendment provides for the adjustment of the completion date for the Roadway Conceptual Analysis from September 1, 2018 to August 31, 2019, and the addition of a Joint Pond Provision to allow the option for a joint-use pond, if County approves.

On September 24, 2019 the BCC approved a Third Amendment to Transportation Impact Fee Credit Agreement for Tupperware Heights PD ("Third Amendment"). The Agreement is recorded as Document # 20190615771 by and between Deerfield Land Corporation and Orange County to amend the terms of the Transportation Impact Fee Credit Agreement approved by the Board of County Commissioners on March 7, 2017 and recorded at Document #20170129428 as amended. The Third Amendment provides for the adjustment of the completion date for the Roadway Conceptual Analysis from August 31, 2019 to August 31, 2020. In addition, Section 2(b) of the agreement has been

amended to provide for a total reimbursement of \$77,550 in newsletter and newspaper advertisement costs. TCA-195 was credited \$227,831.14 on March 5, 2021.

Planned and Programmed Roadway Improvements: Orange Avenue - Orange – Osceola County line to Florida’s Turnpike (approximately 0.61 miles). Orange Avenue will be widened from two to four lanes. The widening will include the addition of bicycle and pedestrian facilities, roadway lighting, and a closed drainage system with stormwater treatment ponds. The project is approximately 15% complete (5/2022). This information is dated and subject to change.

Right of Way Requirements: None

Summary

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

- The subject property is not located along a backlogged/constrained facility or multimodal corridor.
- The allowable development based on the approved future land use will generate 2,713 pm peak hour trips.
- The proposed use will generate 1,084 pm peak hour trips resulting in a net decrease of 1,629 pm peak hour trips.
- The subject property is located north of the Osceola County Line between OBT and Orange Avenue. Based on the Concurrency Management System (CMS) database dated 5/02/2022, one (1) roadway currently operates at Level of Service F and capacity is not available to be encumbered. All other roadway segments within the project impact area operate at acceptable levels of service. This information is dated and is subject to change.
- An analysis of existing conditions reveals that all roadway segments within the study area, except one (1) are currently operating at adequate LOS.
- 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.

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.

Schools

The applicant submitted a formal school capacity determination (OC-22-018) to Orange County Public Schools (OCPS). Capacity is not available for the proposed 1,374 dwelling units. Currently, Endeavor Elementary School and Meadow Woods Middle School are under capacity, while Cypress Creek High School is currently over capacity with a total of 147 seats to mitigate.

Utilities

The subject site is located in the Orange County Utilities potable water, wastewater and reclaimed water service areas.

3. Policy References

Future Land Use Element

- 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. The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development.
- FLU1.1.1** Urban uses shall be concentrated within the Urban Service Area, except as specified for the Horizon West Village and Innovation Way Overlay (Scenario 5), Growth Centers, and to a limited extent, Rural Settlements.
- OBJ FLU1.2** **URBAN SERVICE AREA (USA); USA SIZE AND MONITORING.** Orange County shall use the Urban Service Area 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.
- 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 Comprehensive Plan.
- FLU1.4.1** Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.
- FLU1.4.2** Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.
- OBJ FLU8.2** **COMPATIBILITY.** Compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following polices shall guide regulatory decisions that involve differing land uses. **FLU8.2.1** Land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

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- FLU8.2.1** Land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.
- FLU8.2.11** Compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.
- Goal H1** Orange County's goal is to promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, to meet current and anticipated housing needs so that all our residents have the opportunity to purchase or rent standard housing.
- OBJ H1.1** The County will continue to support private sector housing production capacity sufficient to meet the housing needs of existing and future residents.

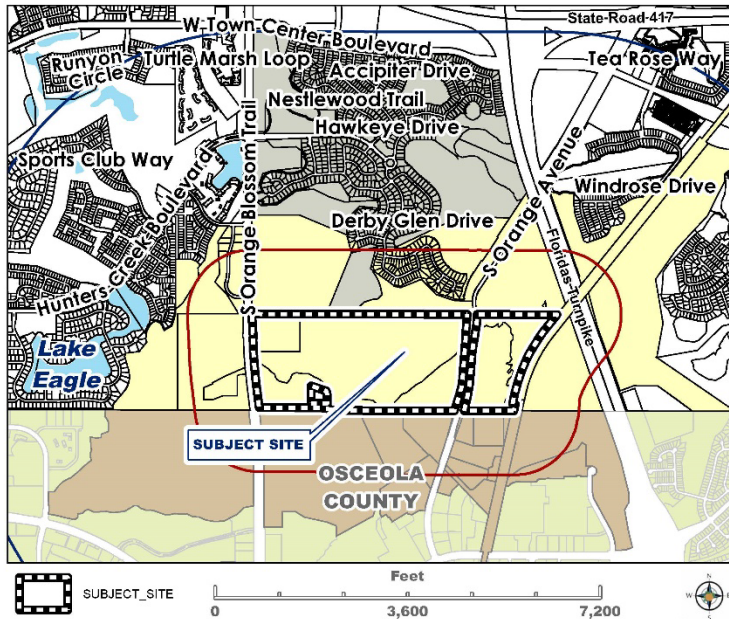
Site Visit Photos

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



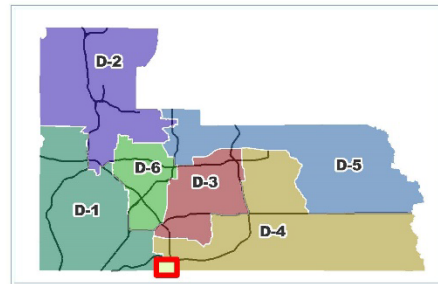
Public Notification Map

2022-2-A-4-1 (Tupperware Heights)



MAP LEGEND	
	SUBJECT_SITE
	1200 FT BUFFER
	1 MILE BUFFER
	PARCELS
	NOTIFIED PARCELS
	COURTESY PARCELS
	OSCEOLA COUNTY PARCELS
	HYDROLOGY

BUFFER DISTANCE: 1200
OF NOTICES: 898



S:\Business Systems\Board Administration\3_FLUA\2022\2022-12022-1-A\2022-2-A-4-1 (Tupperware Heights)\2022-2-A-4-1 (Tupperware Height

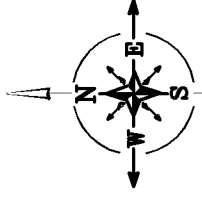
Notification Area

- 1200' buffer
- 898 notices sent

Approved Development						
ITE Code	Land Use	Size	PM Peak			
			Rate	Enter	Exit	Total
34-24-29-8729-01-000 Lot 1						
710	General Office	90	1.44	22	108	130
820	Retail Commercial	90	3.40	147	159	306
Lot 1 Subtotal						436
34-24-29-8729-02-000 Lot 2						
710	General Office	300	1.44	73	359	432
820	Retail Commercial	110	3.40	180	194	374
Lot 2 Subtotal						806
34-24-29-8729-03-000 Lot 3						
252	Multifamily Residential (Age Restricted)	200	0.25	28	22	50
710	General Office	240	1.44	59	287	346
820	Retail Commercial	90	3.40	147	159	306
Lot 3 Subtotal						702
Project Total (approved Development)						1,943

Proposed Amendment						
ITE Code	Land Use	Size	PM Peak			
			Rate	Enter	Exit	Total
34-24-29-8729-01-000 Lot 1						
221	Multifamily (Close to Rail)	--	0.29	--	--	--
221	Multifamily (Not Close to Rail)	573	0.39	136	87	223
710	General Office	892	1.44	218	1066	1,284
820	Retail Commercial	1070	3.40	1747	1892	3,639
Lot 1 Total - Maximum Trips Generated in Most Intense Use						3,639
34-24-29-8729-02-000 Lot 2						
221	Multifamily (Close to Rail)	665	0.29	83		83
221	Multifamily (Not Close to Rail)	--	0.39	--	--	--
710	General Office	1036	1.44	254	1238	1,491
820	Retail Commercial	1243	3.40	2028	2197	4,226
Lot 2 Total - Maximum Trips Generated in Most Intense Use						4,226
34-24-29-8729-03-000 Lot 3						
221	Multifamily (Close to Rail)	915	0.29	114	151	265
221	Multifamily (Not Close to Rail)	--	0.39	--	--	--
710	General Office	--	1.44	--	--	--
820	Retail Commercial	--	3.40	--	--	--
Lot 3 Total - Maximum Trips Generated in Most Intense Use						265
Project Total (Proposed Amendment)						8,130

	Approved	Proposed	Change
Lot 1	436	3,639	3,203
Lot 2	806	4,226	3,420
Lot 3	702	265	(436)
Total	1,943	8,130	6,187



(IN FEET)
 This plan may have been reduced in size. Verify before scaling dimensions



SITE LOCATION

ITE DEFINES THE "CLOSE TO RAIL" SUB-CATEGORY AS THE WALKING DISTANCE BETWEEN THE RESIDENTIAL SITE ENTRANCE AND THE CLOSEST RAIL STATION ENTRANCE AS 1/2 MILE OR LESS (I.E., 2,640'). THE SITE ENTRANCE IS AN ESTIMATED LOCATION AND IS BASED ON THE APPROVED TUPPERWARE HEIGHTS LAND USE PLAN.



PEDESTRIAN PATH:
 APPROXIMATELY
 2,353 FEET

PEDESTRIAN PATH:
 APPROXIMATELY
 2,329 FEET

Close To Rail - Tupperware Heights

Tupperware Heights
 Orange County, Florida

HARRIS
 Harris Civil Engineers, LLC
 1200 E. Hillcrest Street
 Suite 200
 Orlando, Florida 32803

Multifamily Housing (Mid-Rise) Close to Rail Transit (221)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

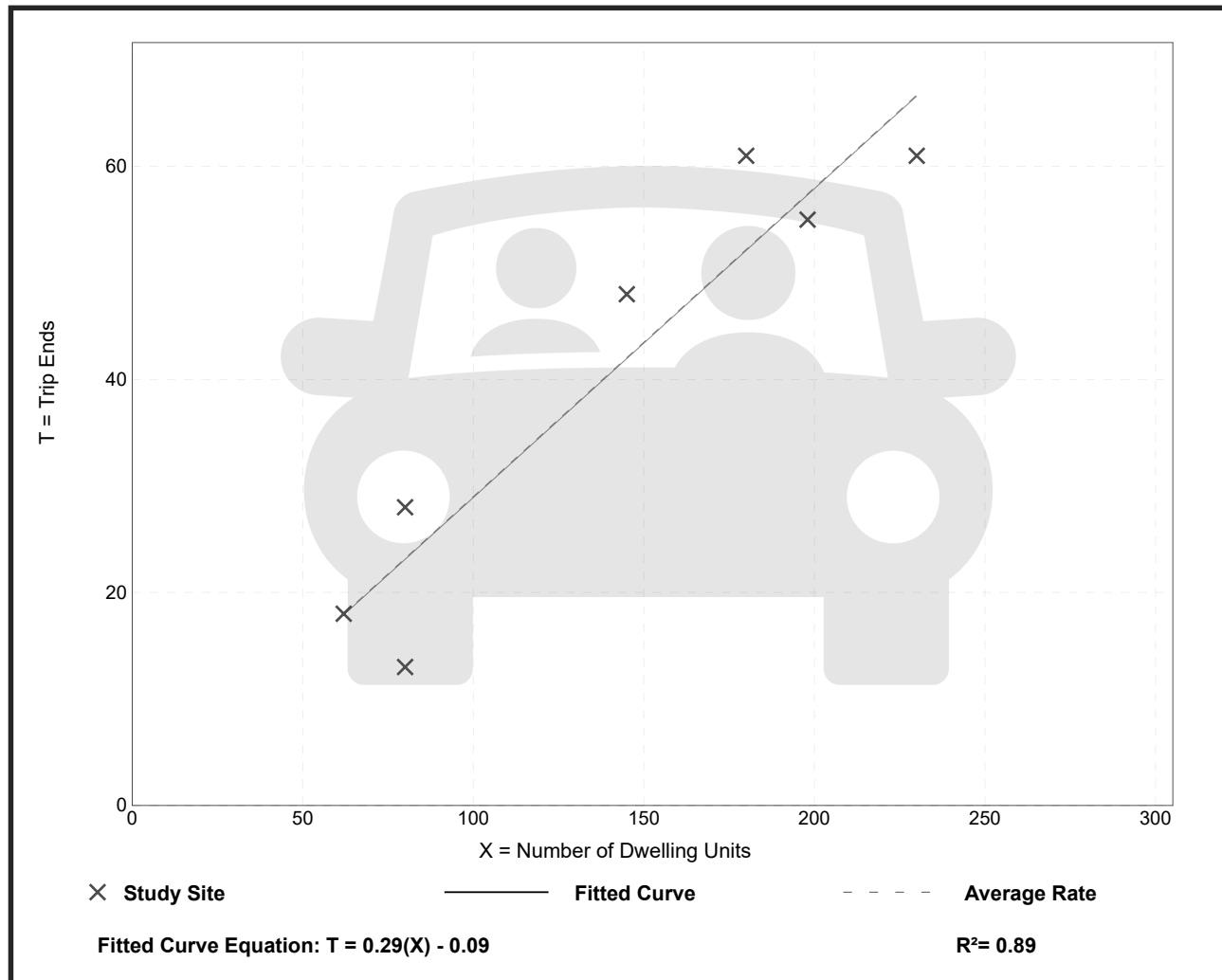
Setting/Location: General Urban/Suburban

Number of Studies: 7
 Avg. Num. of Dwelling Units: 139
 Directional Distribution: 43% entering, 57% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.29	0.16 - 0.35	0.05

Data Plot and Equation



Multifamily Housing (Mid-Rise) Not Close to Rail Transit (221)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

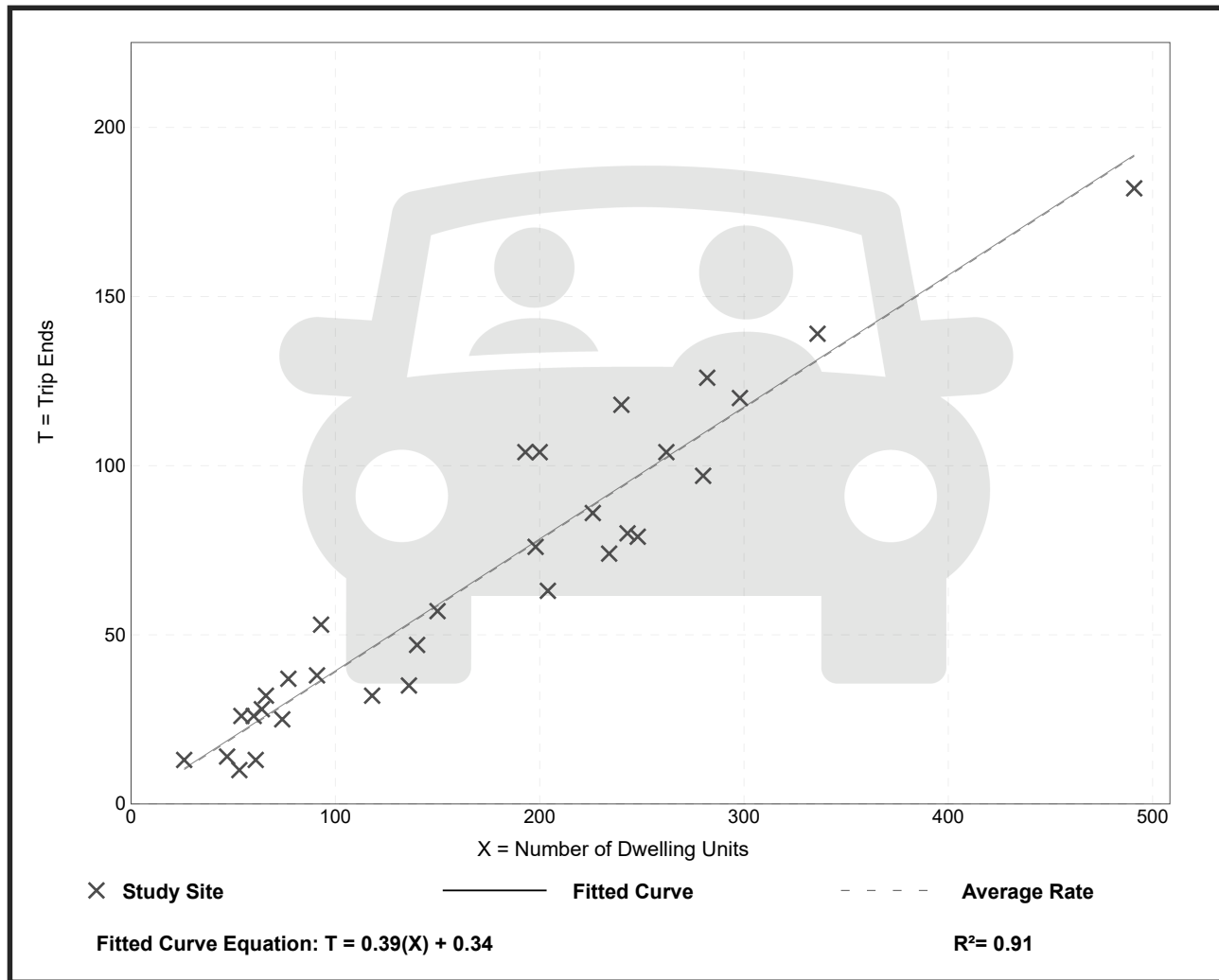
Setting/Location: General Urban/Suburban

Number of Studies: 31
 Avg. Num. of Dwelling Units: 169
 Directional Distribution: 61% entering, 39% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.39	0.19 - 0.57	0.08

Data Plot and Equation



Senior Adult Housing - Multifamily (252)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

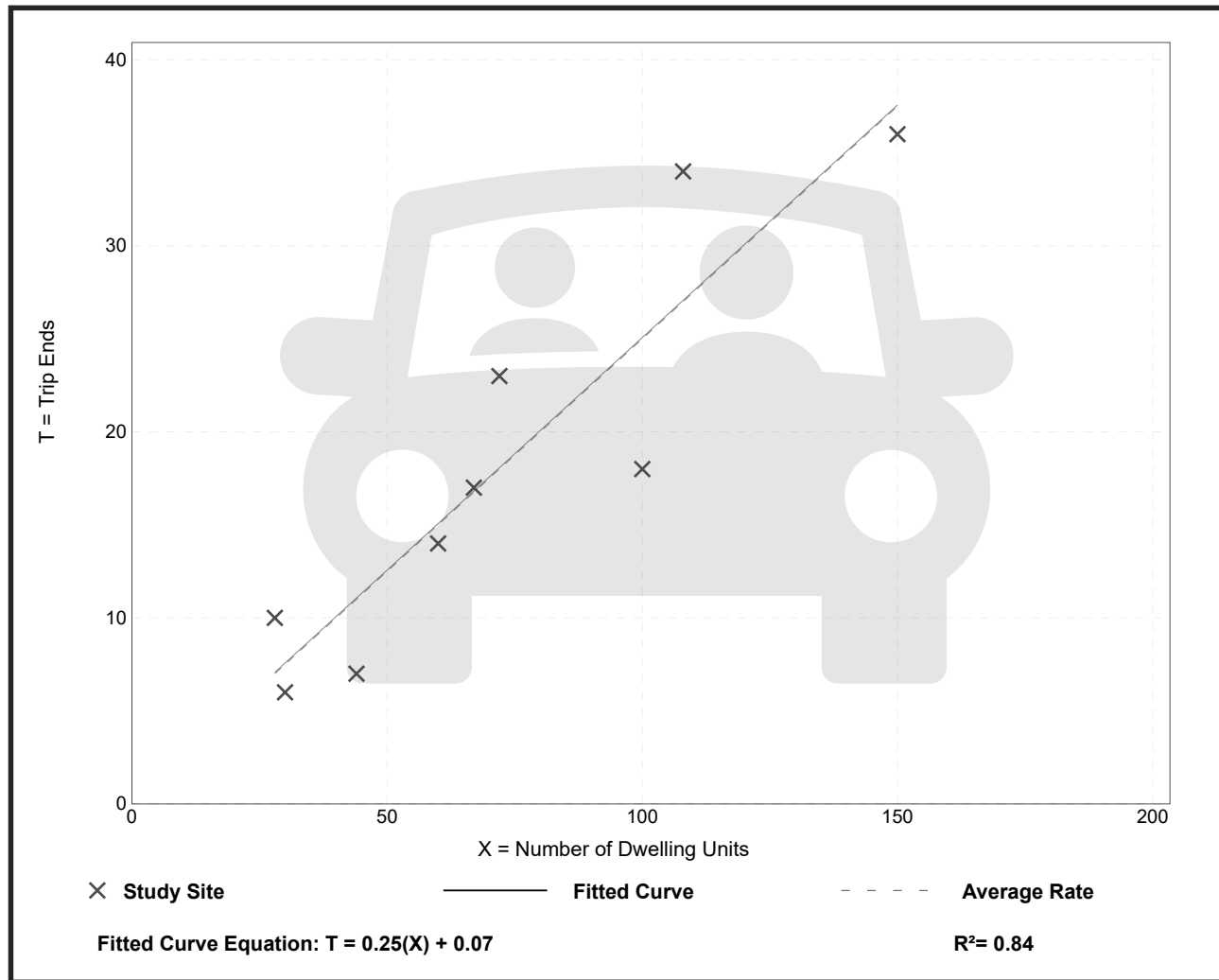
Setting/Location: General Urban/Suburban

Number of Studies: 9
 Avg. Num. of Dwelling Units: 73
 Directional Distribution: 56% entering, 44% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.25	0.16 - 0.36	0.06

Data Plot and Equation



General Office Building (710)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

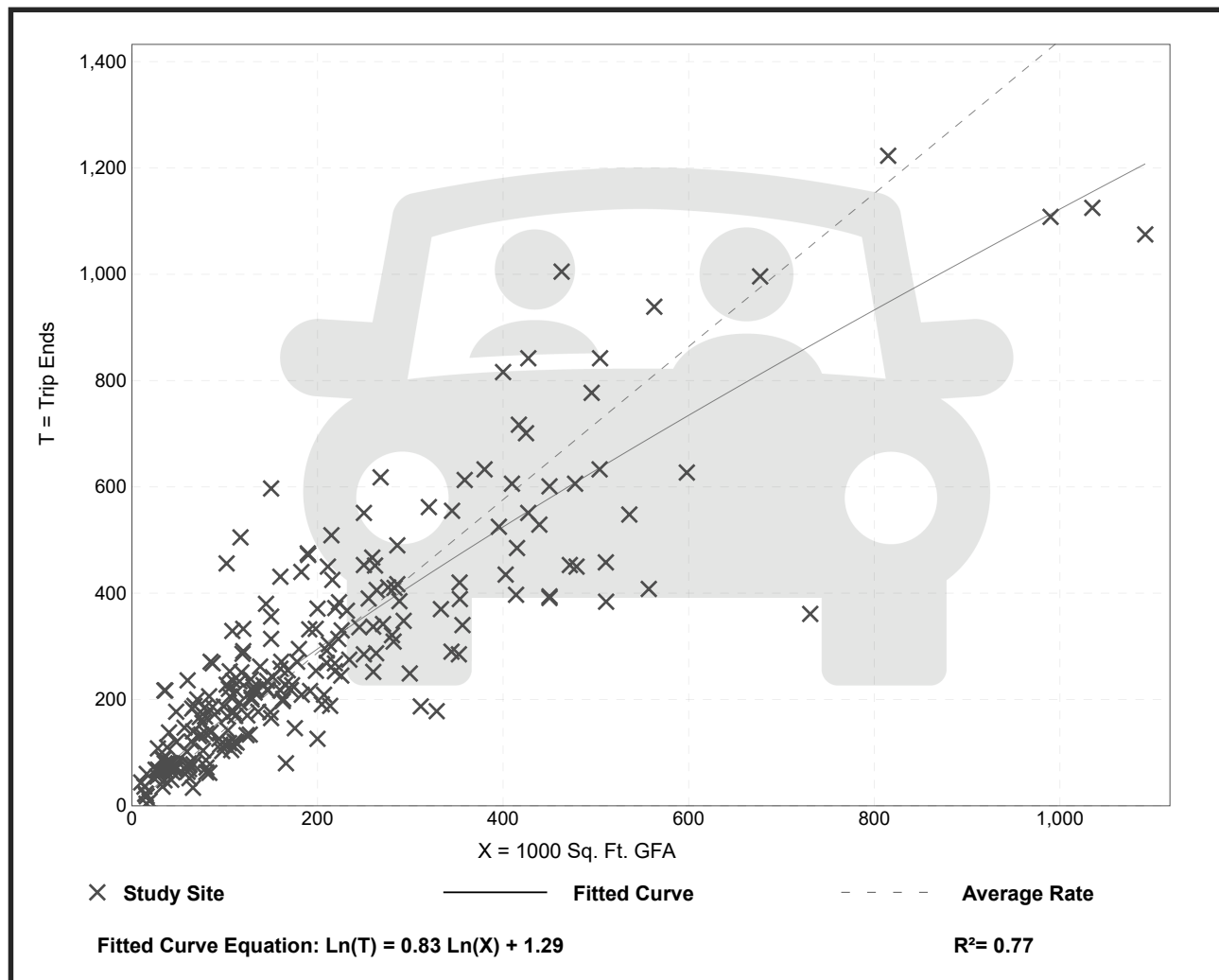
Setting/Location: General Urban/Suburban

Number of Studies: 232
 Avg. 1000 Sq. Ft. GFA: 199
 Directional Distribution: 17% entering, 83% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
1.44	0.26 - 6.20	0.60

Data Plot and Equation



Shopping Center (>150k) (820)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

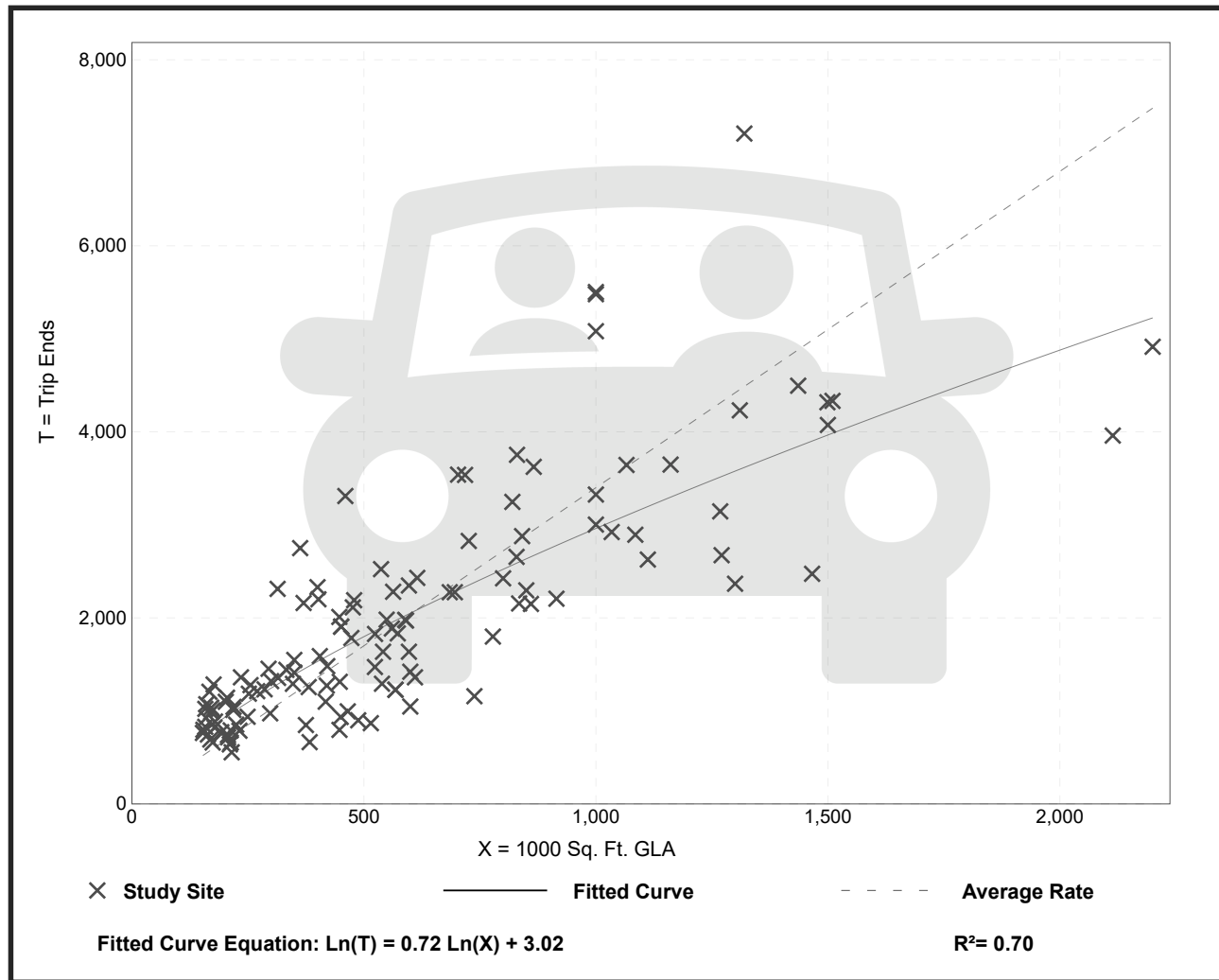
Setting/Location: General Urban/Suburban

Number of Studies: 126
 Avg. 1000 Sq. Ft. GLA: 581
 Directional Distribution: 48% entering, 52% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
3.40	1.57 - 7.58	1.26

Data Plot and Equation





Environmental Protection Division

CONSERVATION AREA DETERMINATION TIME EXTENSION

Determination No: CAD-12-11-033

Date Issued: April 19, 2013

Original Expiration: April 19, 2018

New Expiration Date: April 19, 2023

History: EPD issued CAD-12-11-033 on April 19, 2013. The project has not been started yet. On January 8, 2018 EPD received a request for permit time extension. The site conditions are the same and no changes to the wetland delineation are proposed. This permit time extension request is approved, subject to the conditions listed on the following page(s):

Activity Location:

14601 S Orange Blossom Trail, Orlando, Florida, 32837
Parcel ID: 34-24-29-0000-00-004
Orange County Commission District: 4

Permittee / Authorized Entity:

Tom Roehlk
c/o Elaine A. Imbruglia
Modica & Associates
302 Mohawk Road
Clermont, Florida 34715
E-mail: eca@modica.cc

The Environmental Protection Division (EPD) has received your certified survey dated "Received April 4, 2013", which delineates the extent of the approved Orange County conservation area on the referenced property.

Orange County Environmental Protection Division
800 Mercy Drive, Suite 4
Orlando, Florida 32808-7896.
407-836-1400/ Fax: 407-836-1499
www.OCEPD.org

The conservation area(s), as delineated in the field have been classified as follows:

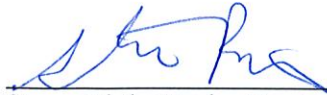
Wetland Identification Number	Class	Remarks
W-27	I	621; Cypress; Are large isolated uninterrupted wetlands forty (40) acres or larger
W-33	I	621; Cypress; Are large isolated uninterrupted wetlands forty (40) acres or larger
D-1	III	513; Ditches; This ditch connects to a Class I wetland greater than forty (40) acres in size

Approved, subject to the following conditions:

1. This survey accurately depicts the jurisdictional wetland boundary agreed upon by EPD during a site inspection conducted on May 29, 2012.
2. The limits of wetlands and surface waters delineated on the approved survey are only binding for a period of five years from the date of the CAD issuance provided physical conditions on the property do not change so as to alter the boundaries of surface waters or wetlands during that period. The limitations of this condition cannot be modified to allow for a longer duration without a complete reassessment of the limits of surface waters and wetlands occurring on the project.
3. The County may revoke this Determination upon finding that the applicant has submitted inaccurate information to the County regarding the delineation of surface waters or wetlands on the project site.
4. This CAD does not provide relief from other local, state, or federal policies, which regulate activity on the subject property. If this determination conflicts with those of any other Agency, Department or Division, the applicant must comply with the most stringent conditions.
5. No construction, clearing, alteration, filling or grading is allowed within the limits of the conservation area unless approved by EPD. The permittee is also responsible for addressing any adverse secondary impacts to surface waters, wetlands, or conservation areas that may occur as a result of the development of the site.
6. This CAD supersedes any previous Conservation Area Determinations made on this parcel
7. If any species listed by State or Federal wildlife agencies as Threatened, Endangered, or of Special Concern are present on your property, then prior to any development, all applicable permits and/or correspondence from the appropriate agencies must be submitted to EPD.

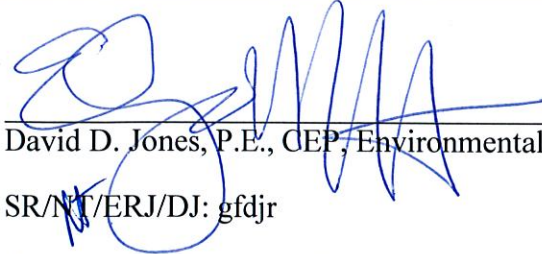
If you should have any questions concerning this review, please contact Steve Rich at (407) 836-1448 or steve.rich@ocfl.net.

Project Manager:



Steve Rich, Senior Environmental Specialist

Authorized for the Orange County Environmental Protection Division by:



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

SR/NT/ERJ/DJ: gfdjr

Attachment: Approved Survey

C: Marc Ady, SFWMD – mady@sfwmd.gov
Rocco Campanale, Orange County Property Appraiser's Office, rcampanale@ocpafl.org
Matthew Kalus, Orange County Public Works – matthew.kalus@ocfl.net
Tom Roehlk, Deerfield Land Corporation – tomroehlk@tupperware.com

