



**Interoffice Memorandum**

**DATE** August 11, 2020

**TO:** Mayor Jerry L. Demings  
-AND-  
Board of County Commissioners

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

**CONTACT PERSON:** **Ted Kozak, AICP, Chief Planner**  
**Zoning Division**  
**(407) 836-5537**

**SUBJECT:** September 22, 2020 – Appeal Public Hearing  
Applicant: Angelo's Recycling  
Appellant: Parker's Landing, LLC.  
BZA Case #SE-19-07-068, January 2, 2020; District 4  
(Related to Case #SW-19-06-001)

Board of Zoning Adjustment (BZA) Case # SE-19-07-068, located at 500 W. Landstreet Rd., Orlando, FL 32824, in District 4, is an appeal public hearing. This item was continued from the August 11, 2020 BCC hearing at the request of the appellant. The applicant is requesting a special exception to allow a construction and demolition debris recycling facility. The appellant, Parker's Landing, LLC., objects to the request due to perceived compatibility such as traffic and excessive dust. There is an approved concrete crushing permit for the property although it is not yet in operation.

The subject property is located on the southwest corner of W. Landstreet Rd. and Parkers Landing, east of Bachman Rd.

On April 24, 2019, the DRC recommended approval to allow a construction and demolition debris recycling facility and at the January 2, 2020 BZA hearing, staff recommended approval of the special exception. The proposed special exception request does not adversely affect the general public interest and is compatible with the IND-2/ IND-3 zoning district, which allows the continued provision of existing general industrial and related activities such as warehousing, manufacturing, and accessory retail uses, as well as more intense industrial operations such as recycling facilities through the special exception process. The BZA recommended approval of the special exception with a 4-1 vote subject to eight conditions, including a condition regarding turn lanes.

Page Two  
September 22, 2020 – Appeal Public Hearing  
Angelo's Recycling  
BZA Case #SE-19-07-068, September 22, 2020; District 4

The application for this request is subject to the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. A copy is available upon request in the Zoning Division.

If you have any questions regarding this matter, please contact Ted Kozak, AICP at (407) 836-5537.

**ACTION REQUESTED: Approve the applicant's request; or approve the applicant's request with modifications and/or conditions; or deny the applicant's request. District 4.**

**PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT  
ZONING DIVISION PUBLIC HEARING REPORT  
September 22, 2020**

The following is a public hearing on an appeal before the Board of County Commissioners on September 22, 2020 at 2:00 p.m.

**APPLICANT:** ANGELO'S RECYCLING

**APPELANT:** PARKER'S LANDING, LLC.

**REQUEST:** Special Exception in the IND-2/IND-3 zoning district to allow a construction and debris recycling facility.

**LOCATION:** 500 W. Landstreet Rd., Orlando, FL 32824, Southwest corner of W. Landstreet Rd. and Parkers Landing, east of Bachman Rd.

**TRACT SIZE:** 44.71 acres

**ZONING:** IND-2/IND-3

**DISTRICT:** #4

**PROPERTIES NOTIFIED:** 873

**BOARD OF ZONING ADJUSTMENT (BZA) HEARING SYNOPSIS ON REQUEST:**

Staff gave an explanation of the history of the project, including the date that the project appeared before the DRC for a recommendation of approval. Staff discussed the Community Meeting held in late June, 2019, and the fact that most of the discussion at that meeting centered on a concrete crushing plant, which is a use permitted by right on the subject property, and which is not the focus of this hearing. Staff explained how the project has been reviewed by County Transportation and Traffic Engineering Divisions, which resulted in the requirement for a deceleration lane from eastbound W. Landstreet Road to Parkers Landing. Staff noted that they had received 12 correspondence in opposition, and 2 correspondence in favor.

The applicant explained that the use is a primarily manual operation. The use is estimated to generate 88 daily trips which will be distributed throughout the hours of operation. The use will not generate any appreciable amounts of dust, noise, or odor. The deceleration lane will be designed to FDOT standards. Five (5) residents, mostly business owners in the area, spoke in opposition. Their concerns included increased dust; traffic backups on Parkers Landing; incompatibility with adjacent uses, lack of adequate buffering; and, odor.

In rebuttal, the applicant indicated that all dumpsters which will contain materials which could generate odor will be covered and protected from the elements. The

transportation study had been reviewed by County staff. The impacts which the opposition have noted are more associated with the concrete crushing operations, which are not a part of this review.

The BZA discussed access to the site and possible backups on Parkers Landing, which is a narrow street. It was noted that the applicant has an approved site plan, and any change to the access to route vehicles directly off of and on to W. Landstreet Rd. would require a revision to the plan, and likely another review by the DRC. A motion to recommend denial of the application died for lack of a second. A motion to recommend approval passed by a vote of 4-1.

### **BZA HEARING DECISION:**

A motion was made by Roberta Walton, seconded by Charles J. Hawkins, II and carried to recommend APPROVAL of the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions (4-1 and 2 absent):

1. Development in accordance with the site plan dated May 15, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. 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 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.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall design and install a dedicated eastbound right turn/deceleration lane at the intersection of W. Landstreet Rd. and Parkers Landing. The right turn lane shall be twelve (12) feet wide and shall meet the most current FDOT Standard Manual requirements. This improvement shall be designed and permitted prior to issuance of any permits for the Construction and Debris Recycling project. Construction of this improvement shall be completed prior to issuance of a Certificate of Completion for the C&D Recycling center.
5. The project shall comply with Article XVI of Chapter 9, Exterior Lighting Standards, of the Orange County Code. With the exception of security lighting, all lights shall be extinguished at close of business.

6. Hours and days of operation shall be limited to 7:00 a.m. through 7:00 p.m., Monday through Saturday.
7. Any expansions of the use shall require BZA approval.
8. All required permits shall be obtained within two (2) years or this approval becomes null and void.



**Appellant Information**

Name: Parkers Landing LLC

Address: 9101 Parkers Landing, Orlando, FL 32824

RECEIVED

Email: bhpinc@bellsouth.net Phone #: (407) 859-2601

JAN 08 2020

BZA Case # and Applicant: SE-19-07-068 - Angelo's Recycling

ORANGE COUNTY  
ZONING DIVISION

Date of BZA Hearing: 2020-01-06

Reason for the Appeal (provide a brief summary or attach additional pages of necessary):

We believe this use is not appropriate for the zoning; and we believe that the traffic count did not include

the new proposed usage. We don't believe that this business is suitable and compatible with the surrounding area and we also believe that this use will be a detriment and intrusion to the surrounding

warehouse area. In addition this usage will create an excessive amount of dust.

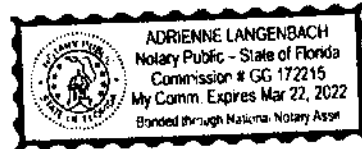
Signature of Appellant: Robert Harrell - manager Date: 2020-01-06

STATE OF Florida  
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 6 day of January, 2020, by Robert S Harrell who is personally known to me or who has produced \_\_\_\_\_ as identification and who did/did not take an oath.

Adrienne Langenbach  
Notary Public Signature

Notary Stamp:



**NOTICE: Per Orange County Code Section 30-45, this form must be submitted within 15 days after the Board of Zoning Adjustment meeting that the application decision was made.**

Fee: \$691.00 (payable to the Orange County Board of County Commissioners)

Note: Orange County will notify you of the hearing date of the appeal. If you have any questions, please contact the Zoning Division at (407) 836-3111.

See Page 2 of application for the Appeal Submittal Process.

JAN 08 2020

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JAN 02, 2020**

Case Planner: **David Nearing, AICP**

Case #: **SE-19-07-068**

Commission District: **#4**

## GENERAL INFORMATION

APPLICANT(s): ANGELO'S RECYCLING

OWNER(s): IAFRATE ROCKWOOD LLC

REQUEST: Special Exception in the IND-2/IND-3 zoning district to allow a construction and debris recycling facility.

PROPERTY LOCATION: 500 W. Landstreet Rd., Orlando, FL 32824, southwest corner of W. Landstreet Rd. and Parkers Landing, east of Bachman Rd.

PARCEL IDS: 02-24-29-8220-00-070,  
02-24-29-8220-00-290, and  
02-24-29-7268-00-071

LOT SIZE: 44.71 acres

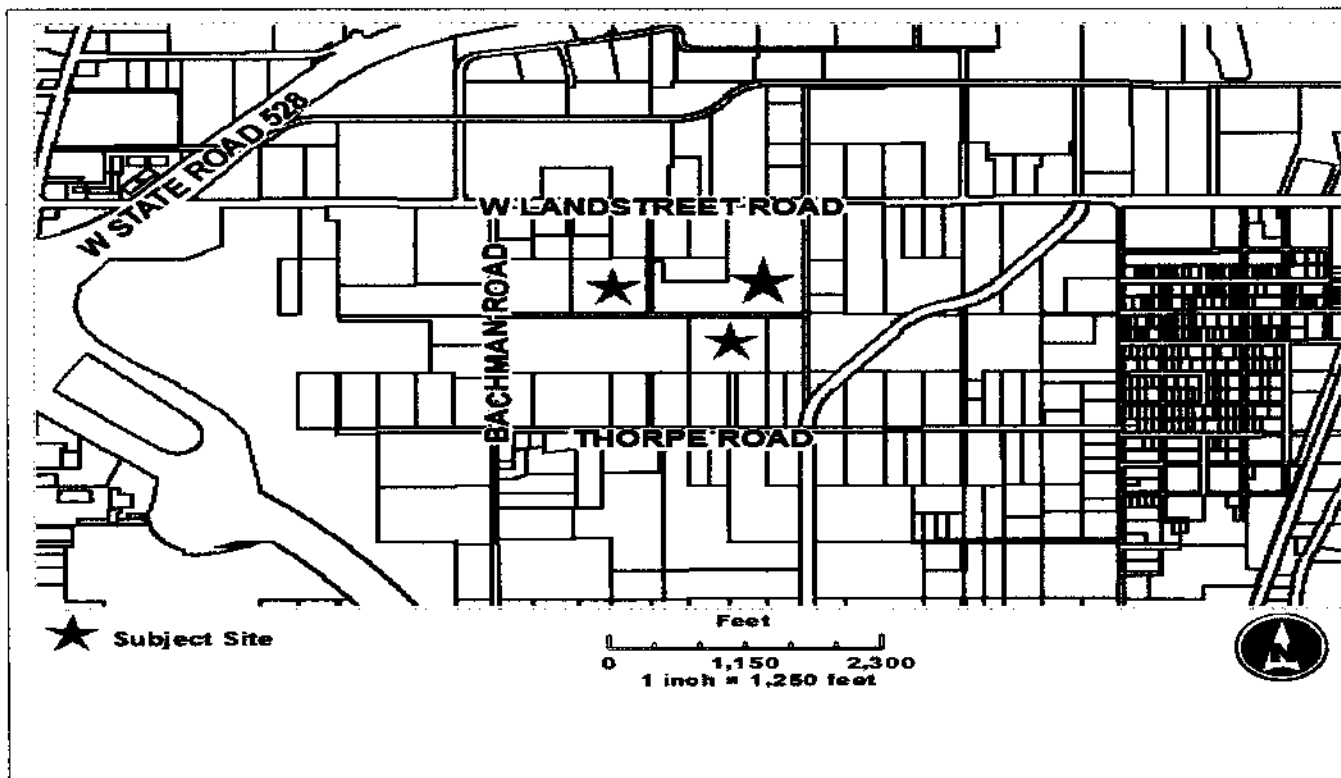
NOTICE AREA: 1 mile

NUMBER OF NOTICES: 873

## STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

## LOCATION MAP



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**SITE & SURROUNDING DATA**

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	Property	North	South	East	West
Current Zoning	IND-2/IND-3	IND-2/IND-3	IND-2/IND-3	IND-2/IND-3 & IND-4	IND-2/IND-3
Future Land Use	IND	IND	IND	IND	IND
Current Use	Vacant	Industrial	Industrial	Industrial	Industrial

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**BACKGROUND AND ANALYSIS**

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**DESCRIPTION AND CONTEXT**

The property is zoned IND-2/IND-3, Industrial Park District which allows for warehousing, manufacturing, and certain retail uses. More intense uses, such as Construction & Debris (C&D) Recycling and Processing Center, are permitted through the Special Exception Process.

The subject property consists of 44.71 acres of industrially zoned land. It is comprised of 3 separate parcels, which are separated by 40 ft. of unimproved Orange County right-of-way. The property was created through the Sphaler's Addition to Prosper Colony plat recorded January 1915.

The applicant is proposing to operate a construction and demolition debris recycling and transfer facility in conjunction with a concrete crushing operation. The recycling operation will include a transfer and recycling area, a modular scale house, and scales. Access to the proposed facility will be from Parkers Landing on an improved road.

A concrete crushing facility is permitted by right in the IND-2/IND-3 zoning district and is therefore not a consideration in this application, however a recycling operation falls under the solid waste use category of code, which requires a special exception, and per Chapter 32 (Solid Waste), the Development Review Committee (DRC) is required to review the conceptual plan and make a recommendation that the facility will be compatible with the surrounding land uses and serve the public interest prior to issuance of any recommendations by the BZA.

On April 24, 2019, the DRC recommended approval of this request for the C&D Recycling operation, and deemed it compatible with the surrounding land uses and that it would serve the public interest.

In April 2017, the applicant obtained a site work only permit (B14901479) for a concrete crushing only, however the property is currently vacant and undeveloped.

Unlike some other types of recycling, a C&D recycling operation does not deal with organic materials such as yard waste. This type of operation deals primarily with recycling four main materials; cardboard, concrete, metal, and wood.



The operation is primarily a manual one. A truck load of material enters the recycling compound and unloads the material. Workers go through the material and sort it into roll-offs. When the roll-offs are full, they are hauled to a recycling facility. Materials that cannot be recycled are placed in other roll-offs. When those roll-offs are full, they are taken to a licensed off-site disposal facility, such as a Construction & Debris landfill. There is a dedicated roll-off for organic matter such as fast food containers and residential trash, which is taken to the landfill once it reaches capacity.

The transfer and recycling operation will take place within a 100 ft. x 200 ft. area enclosed by a 6 ft. tall chain link fence along the east, west and south boundaries of the area defined on the site plan. This area will be located toward the center of the western portion of parcel 02-24-29-8220-00-070, south of an existing County retention pond. The proposed hours and days of operation are 7 a.m. to 7 p.m., Monday through Saturday. The southernmost portion of the property (parcel ID# 02-24-29-7268-00-071) will be used exclusively for a wet stormwater retention pond.

Orange County Traffic Engineering is requiring the design and installation of a dedicated eastbound right turn/deceleration lane at the intersection of Landstreet Rd and Parkers Landing. The right turn lane will be required to be 12 feet wide and shall meet the most current FDOT Standard Manual requirements. This has been added as a condition of approval.

On June 25, 2019, a Community Meeting was held at Sally Ride Elementary School. The meeting was attended by staff, the District 4 representative to the BZA, a representative of the District 4 Commissioner, the applicant's engineer, and six (6) residents. The majority of the conversation between staff, the applicant's engineers and the residents focused on the concrete crushing operation, with little discussion concerning the recycling operation.

Based on past advertising for this item staff currently has ten (11) correspondences in opposition to this request, and two (2) in favor.

**District Development Standards**

	Code Requirement	Proposed
Max Height:	50 ft.	10 ft. (Scale building)
Min. Lot Width:	N/A	1,200 (Parkers Landing)ft.
Min. Lot Size:	N/A	44.7 ac.

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**STAFF FINDINGS**

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**SPECIAL EXCEPTION CRITERIA**

**Consistent with the Comprehensive Plan**

The future land use is Industrial, and with the approval of the Special Exception, the use will be consistent with the Comprehensive Plan.

**Similar and compatible with the surrounding area**

All property within 1/2 mile or more, has an Industrial future land use designation, and is zoned IND-2/IND-3, or IND-4. IND-4 zoning is where the most intensive industrial uses are typically located. The nearest concentration of residential is located over 1/2 mile east of the subject property.

**Shall not act as a detrimental intrusion into a surrounding area**

The single largest impact which the use will have is attraction and generation of large truck traffic. The operation has been reviewed by both the Transportation Planning and Traffic Engineering Divisions. Traffic Engineering is recommending that the applicant install a deceleration lane for eastbound traffic on W. Landsreet Rd. turning onto Parkers Landing.

**Meet the performance standards of the district**

The proposal is exceeding all required setbacks, will not require any tall structures, and meets all performance standards.

**Similar in noise, vibration, dust, odor, glare, heat producing**

Given that the use is a primarily manual sorting operation, it will likely generate less noise, vibration, dust, odor, glare, and heat than other uses permitted by right in the surrounding area.

**Landscape buffer yards shall be in accordance with Section 24-5 of the Orange County Code**

The site will comply with all landscape requirements.

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## CONDITIONS OF APPROVAL

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1. Development in accordance with the site plan dated May 15, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. 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 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.
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6. Hours and days of operation shall be limited to 7 a.m. through 7 p.m., Monday through Saturday.
7. Any expansions of the use shall require BZA approval.
8. All required permits shall be obtained within two (2) years or this approval becomes null and void.

C: John Arnold for Angelo's Recycled Materials, LTD.  
855 28th Street South  
St. Petersburg, FL 33712

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COVER LETTER

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201 E. Pine Street, Suite 1000, Orlando, FL 32801  
T 407.839.3955 F 407.839.3790 W www.cornerstoneeg.com

May 15, 2019

**Via Hand Delivery**

Mr. Sean Bailey  
Orange County Board of Zoning Adjustment  
201 S. Rosalind Avenue  
Orlando, Florida 32803

Subject: Application for Special Exception  
Angelo's Recycled Materials  
Orange County, Florida

Dear Mr. Bailey:

On behalf of Angelo's Recycled Materials (Angelo's), Cornerstone, A Tetra Tech Company is submitting this application to the Board of Zoning Adjustment for a Special Exception for the Angelo's Recycled Material's C&D Recycling & Transfer Facility. Payment from Angelo's, in the amount of \$3,016.00, is enclosed.

Angelo's currently holds an Orange County permit for a concrete crushing operation (B14901479) and received a recommendation for approval from the Development Review Committee (DRC) on April 24, 2019 to recycle construction and demolition debris (C&D) on a portion of the property that is already approved for concrete crushing operations. Addition of the recycling operation will not impact proposed impervious area for stormwater management. A Conservation Area Impact Permit, No. CAI-14-05-017, was issued on January 13, 2017. Further, wetland mitigation credits have been purchased and recorded with the South Florida Water Management District.

The proposed facility is located in Section 2 of Township 24 South, Range 29 East, in Orange County, Florida and is shown on the attached DRC approved plans. More specifically, the facility is located at 500 W. Landstreet Road in Orlando, Florida. The property, through permitted for concrete crushing operations, is currently vacant and undeveloped. Three monitoring wells have been installed to collect groundwater levels in support of the solid waste permitting efforts.

The recycling operation will include addition of the transfer and recycling area, a modular scalehouse, and scales. Access to the proposed facility will be from Parkers Landing on an improved road. Traffic will proceed west through the scales and into the transfer and recycling area. The location of the proposed scalehouse, along with the previously

approved grading, stormwater management facilities, and other construction details, are included on the DRC approved plans (CD enclosed).

Proposed operating hours for the facility are 7:00 a.m. to 7:00 p.m., Monday through Saturday. The facility will be closed on Sunday. A minimum of two on-site employees, in addition to the scalehouse attendant, will be necessary for inspection and sorting the incoming waste. One of the employees must be a certified operator and will be on-site at all times the facility is operating. The number of customers served by the facility will vary based on market conditions.

The scalehouse will be modular with dimensions of 36-feet in length by 12-feet in width, with a height of 10-feet. One in-bound scale and one out-bound scale will be located adjacent to the scalehouse. The scalehouse and scales will be used for the both the permitted concrete recycling operation and the proposed C&D recycling operation. No parking facilities are proposed.

The transfer and recycling of C&D will occur on open ground in an area approximately 100-ft x 200-ft in size. C&D will be tipped from waste delivery vehicles in the transfer and recycling area, and recyclable items such as concrete, cardboard, wood, and metal will be sorted for recycling. Non-recyclable waste will be hauled off-site for disposal at a Florida Department of Environmental Protection (FDEP) permitted disposal facility. The recyclable materials sorted from the waste stream will be sold and removed from the site. No waste will be buried or disposed on the property. Groundwater monitoring will be conducted in accordance with the requirements of the Orange County Environmental Protection Division (OCEPD) and the FDEP. Site layout details, including the transfer and recycling area, scalehouse, and facility access road, are provided on Sheet 5.

Details related to the proposed operation, including description of operations, hours of operation, haul routes, signage, dust and odor control, and litter control are provided on Sheet 4. Information related to site topography, soil types, land use, flood zone, surrounding zoning, and proposed setbacks are also provided on Sheet 4.

As part of the DRC application, Angelo's requested waivers/variances for landscaping, setbacks, and stormwater. The property currently has thick, natural vegetation in the setback areas; Angelo's proposed to keep this existing vegetation rather than remove and replace. DRC proposed conditions of approval addressing the waiver request for landscape. A reduction to the southern setback requirement of Section 32-216 from 150-feet to 95-feet to the adjacent industrial property was requested. A waiver from the requirements of Section 32-216 was requested for stormwater as the site stormwater management system is already permitted and only minor modifications to the system were proposed with this plan.

Specific special exception criteria outlined on the application form are addressed by the following comments.

1. **The use shall be consistent with the Comprehensive Policy Plan.** The proposed facility is consistent with the solid waste element of the County Comprehensive Policy Plan (Objective 1.2, Policy 1.2.2).
2. **The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.** The use is similar and compatible to surrounding area land use. The site is zoned I-2/I-3 and is surrounded by industrial zoned properties.
3. **The use shall not act as a detrimental intrusion into a surrounding area.** The use will not act as a detrimental intrusion to the surrounding area. The site is zoned I-2/I-3 and is surrounded by industrial zoned properties.
4. **The use shall meet the performance standards of the district in which the use is permitted.** The use will meet the performance standards of the district. The use will also meet the strict standards of Chapter 32 (Solid Waste Ordinance).
5. **The use shall be similar in noise, vibration, dust, odor, glare, heat producing, and other characteristics that are associated with the majority of uses currently permitted in the zoning district.** The use will be similar in the above characteristics that are associated with surrounding land uses and the majority of the uses currently permitted in industrial zoning districts.
6. **Landscape buffer yards shall be in accordance with Section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.** Landscaping proposed is equivalent to or greater than that required by Orange County Code. A waiver for the typical landscaping has been proposed due to existing heavy vegetation on the property. Angelo's proposes to keep the existing vegetation within the buffers.

Attachments to this submittal include the following:

- BZA Special Exception Application Form
- Agent Authorization Forms
- Specific Project Expenditure Report Form
- Relationship Disclosure Form
- Specifications for the modular scalehouse
- Scale details
- Electronic Plan Set (recommended for approval by the DRC on April 24, 2019)

Mr. Sean Bailey  
May 15, 2019  
Page 4



Signed and notarized Agent Authorization Forms, Specific Project Expenditure Report Form, and Relationship Disclosure Form were submitted with the DRC application. Copies of those forms are included with this application.

In addition to the requirements of the BZA, the applicant must also obtain a solid waste management facility permit from the OCEPD in accordance with Chapter 32, Article V, Orange County Code, and a solid waste permit from the FDEP in accordance with Florida Administrative Code Chapter 62-701. These applications will be submitted to the appropriate agencies for review. These applications are currently being prepared and will include proposed Operations Plan, Closure Plan, Groundwater Monitoring, and Financial Assurance calculations applicable to the solid waste management facility.

Please contact me at 407-719-0608 or [jennifer.deal@tetrattech.com](mailto:jennifer.deal@tetrattech.com) or the Angelo's representative, John Arnold, at 813-477-1719 or [john.phillip.arnold@gmail.com](mailto:john.phillip.arnold@gmail.com) if you have questions during your review.

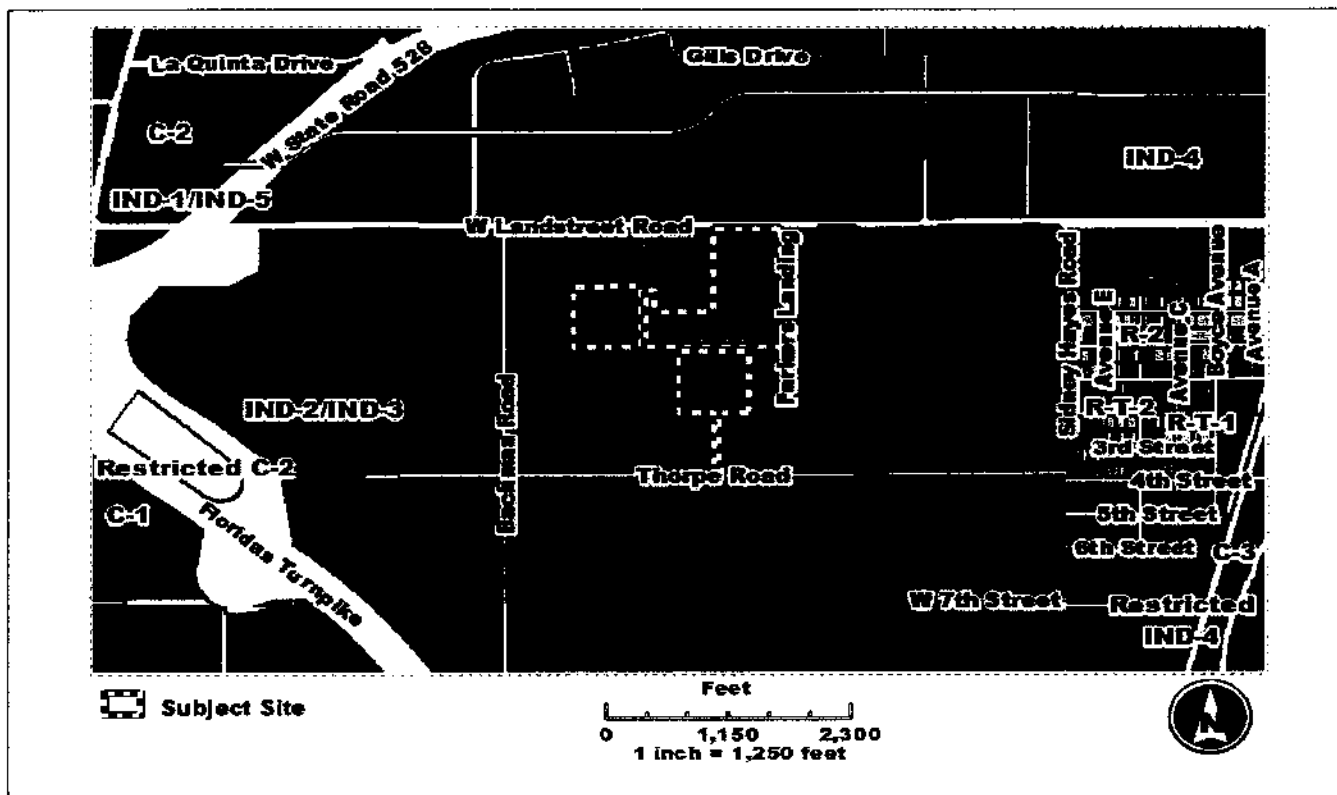
Very truly yours,

Jennifer Deal, PE

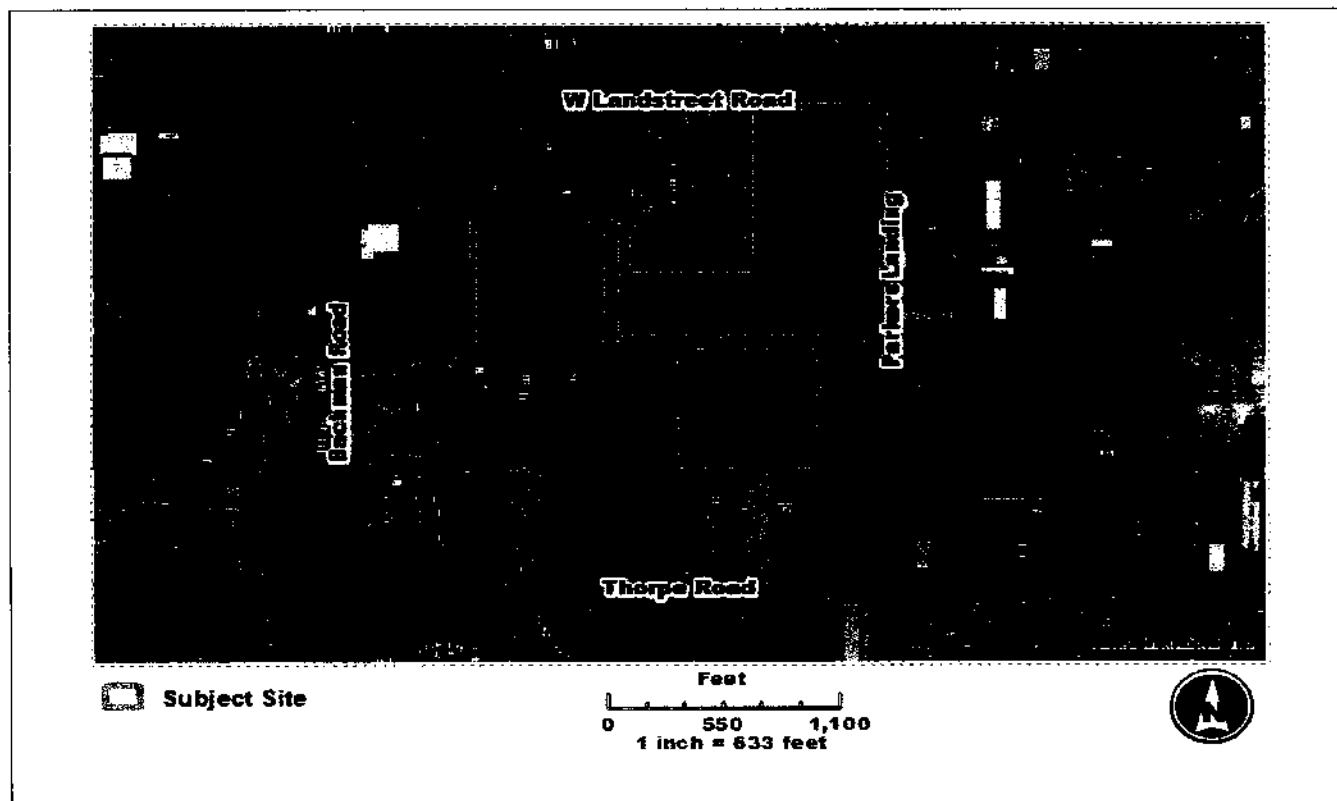
Attachments

Cc: John Arnold, Angelo's  
David Bromfield, PE, OCEPD

## ZONING MAP

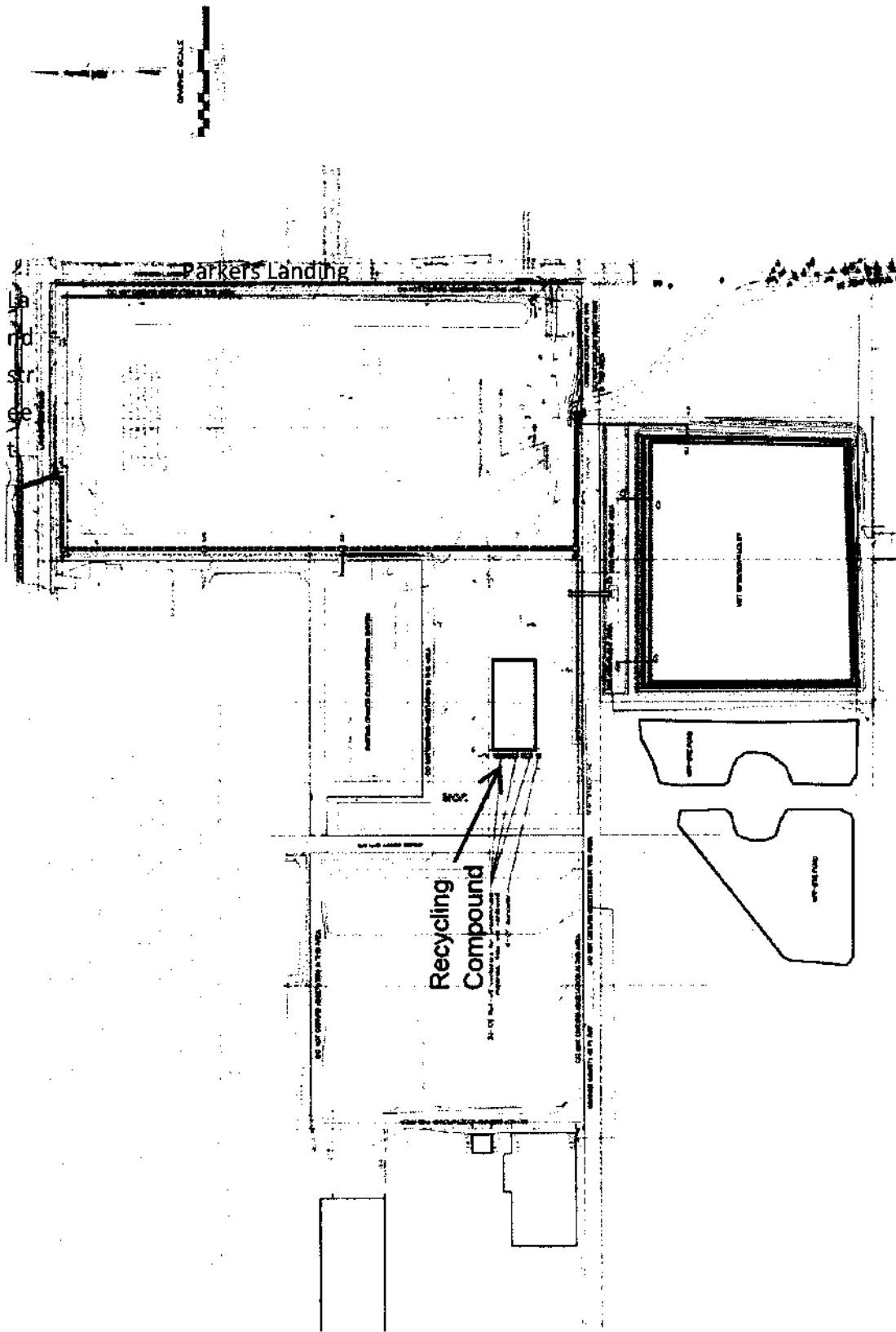


## AERIAL MAP





SITE PLAN





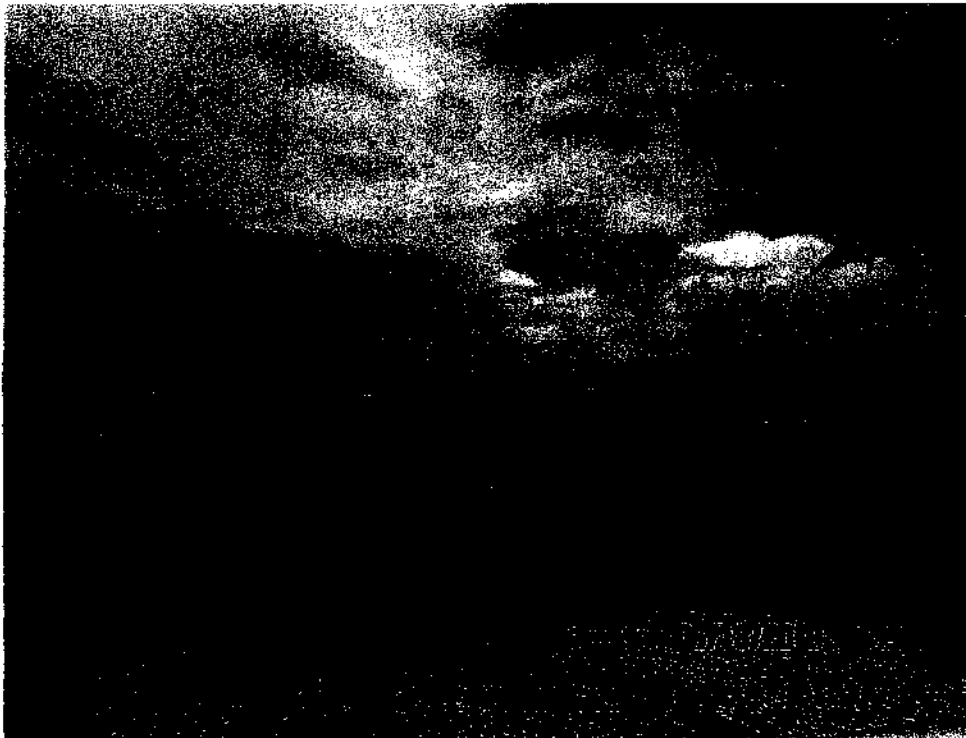
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**SITE PHOTOS**

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**Site Looking East, Taken From Parkers Landing**



**Site Looking Northwest, Taken From Parkers Landing**

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**SITE PHOTOS**

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**Site Looking North, Taken From Parkers Landing**



**Site Looking South, Taken From Parkers Landing**

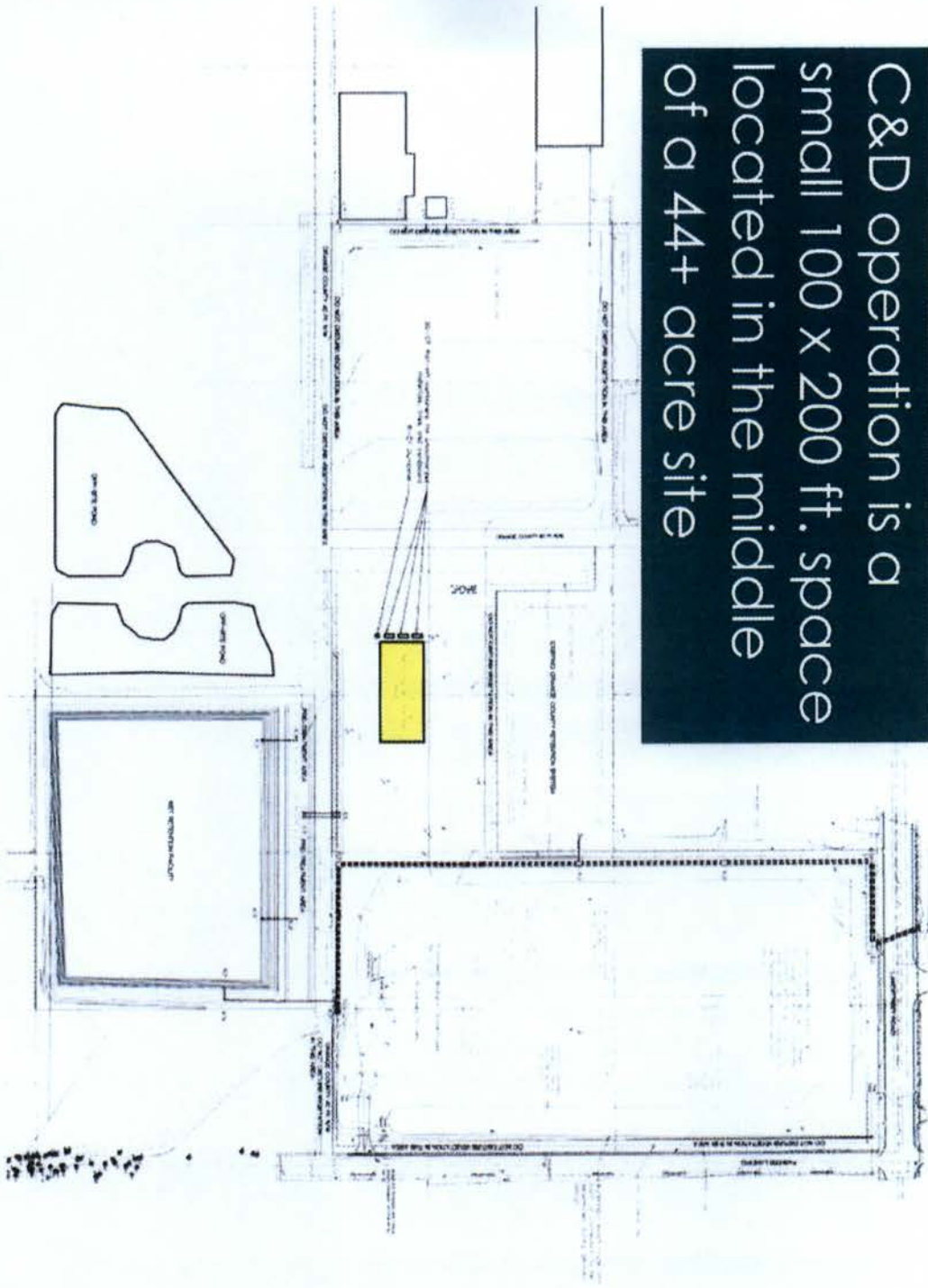
ANGELO'S RECYCLING MATERIALS  
CONSTRUCTION & DEMOLITION DEBRIS RECYCLING CENTER  
CASE NO.: SE 19-07-068

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1. Angelo's Recycling Aerial
2. Angelo's Recycling Location Sketch
3. Angelo's Special Exception Site Plan stamped received by DRC 3-21-19
4. DRC Approved Minutes for April 24, 2019
5. DRC Approved Minutes for January 22, 2020
6. Minutes of Board of Zoning Adjustment Meeting of January 2, 2020
7. Luke Transportation Access Connection Study dated December 2019
8. Luke Transportation Access Connection Study dated February 2020
9. Luke Transportation Memorandum of March 11, 2020
10. Orange County Solid Waste Management Facility Ordinance
11. Orlando Sentinel Article dated December 23, 2019
12. Affidavit of Tony Luke
13. JA Tony Luke Resume – May, 2020
14. Affidavit of Joseph Roviario
15. Joseph T. Roviario Resume - March, 2020
16. Affidavit of Jennifer Deal
17. Jennifer Deal Resume - March, 2020
18. John Arnold Resume – April, 2019



C&D operation is a small 100 x 200 ft. space located in the middle of a 44+ acre site



**Advantage**  
 ADVANTAGE ENGINEERING, INC.  
 11111 UNIVERSITY BLVD.  
 SUITE 1000, ORANGE, FL 32837  
 TEL: 407.261.1111  
 FAX: 407.261.1112  
 WWW.ADVANTAGEENGINEERING.COM

ANGEL'S RECYCLED MATERIALS  
 500 WEST LANDSTREET  
 ORANGE COUNTY, FLORIDA

ANGEL'S RECYCLING MATERIAL STORAGE  
 500 WEST LANDSTREET  
 ORANGE COUNTY, FLORIDA

*Handwritten signature and date*  
 11/11/11

DATE: 11/11/11  
 TIME: 10:00 AM  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 SCALE: 1" = 100'  
 SHEET NO: 015

11/11/11

NO. 101 WEST LANDSTREET, ORANGE COUNTY, FLORIDA  
 32837  
 407.261.1111  
 WWW.ADVANTAGEENGINEERING.COM















**Advantage**  
 Engineering, Inc.  
 1000 W. WINDYBROOK BLVD.  
 SUITE 100  
 WEST PALM BEACH, FL 33411  
 TEL: 561-833-1100  
 FAX: 561-833-1101

C.B.C.  
 ANGELO'S RECYCLED  
 MATERIALS  
 500 WEST LAND STREET  
 ORANGE COUNTY, FL 32767  
 PHONE: 407-225-2500

ANGELO'S RECYCLING  
 MATERIAL STORAGE  
 500 WEST LAND STREET  
 ORANGE COUNTY,  
 FLORIDA

P.W.  
 D.S.O.

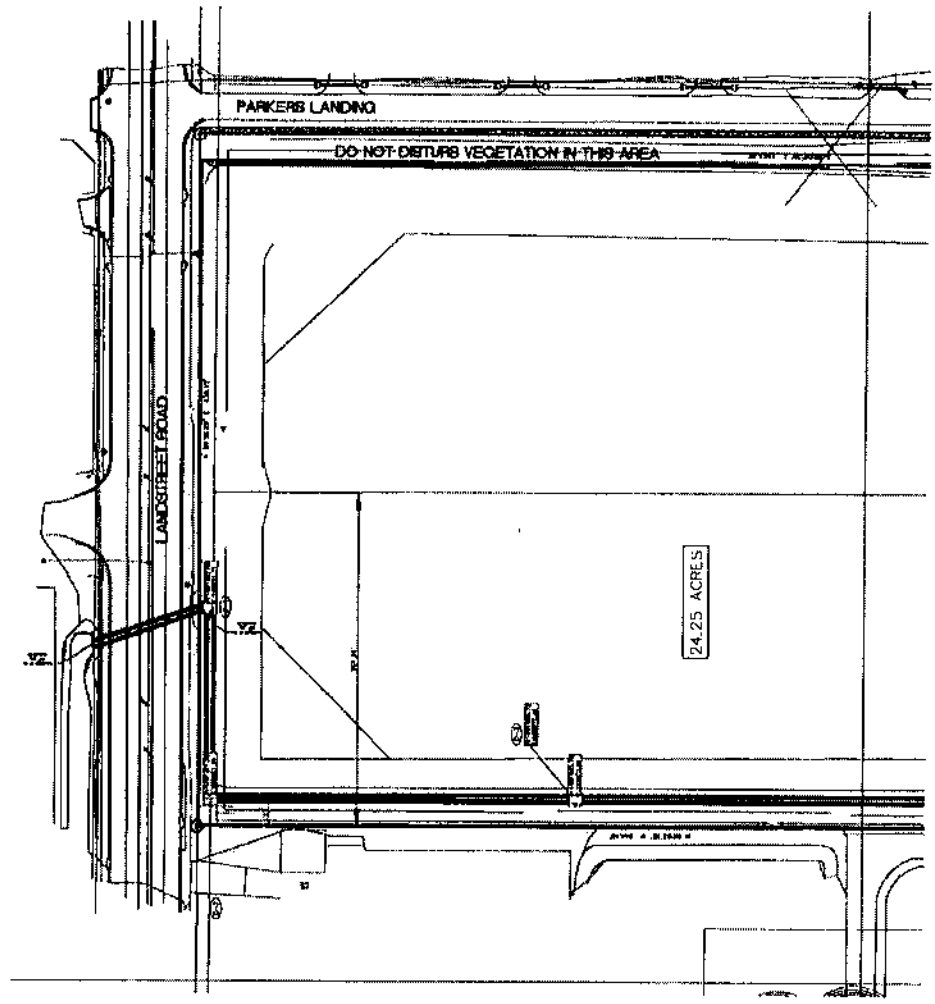
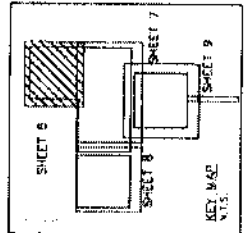
C.A.T. INC.  
 1000 W. WINDYBROOK BLVD.  
 SUITE 100  
 WEST PALM BEACH, FL 33411  
 TEL: 561-833-1100  
 FAX: 561-833-1101

1000 W. WINDYBROOK BLVD.  
 SUITE 100  
 WEST PALM BEACH, FL 33411  
 TEL: 561-833-1100  
 FAX: 561-833-1101

P.W.  
 D.S.O.

- NOTES**
1. DIMENSIONS ARE TO PROPERTY LINE UNLESS OTHERWISE NOTED.
  2. ALL WORK SHALL COMPLY WITH THE ANGELO COUNTY CODE.
  3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE ANGELO COUNTY ZONING ORDINANCES.
  4. SEE LANDSCAPE PLANS FOR ADDITIONAL DETAILS.
  5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE ANGELO COUNTY ZONING ORDINANCES.

- LEGEND**
- 1. EXISTING SIDE OF HIGHWAY
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**Advantage Engineering, Inc.**  
 10000 Highway 19, Suite 100  
 Orlando, Florida 32835  
 Phone: 407-241-1100  
 Fax: 407-241-1101

**ANGEL'S RECYCLED MATERIALS**  
 500 WEST LAND STREET  
 ORANGE COUNTY, FLORIDA  
 PHONE: 407-241-1100

**ANGEL'S RECYCLED MATERIALS**  
 500 WEST LAND STREET  
 ORANGE COUNTY, FLORIDA  
 PHONE: 407-241-1100

**ANGEL'S RECYCLED MATERIALS STORAGE**  
 500 WEST LAND STREET  
 ORANGE COUNTY, FLORIDA

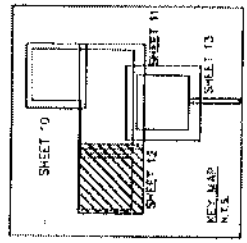
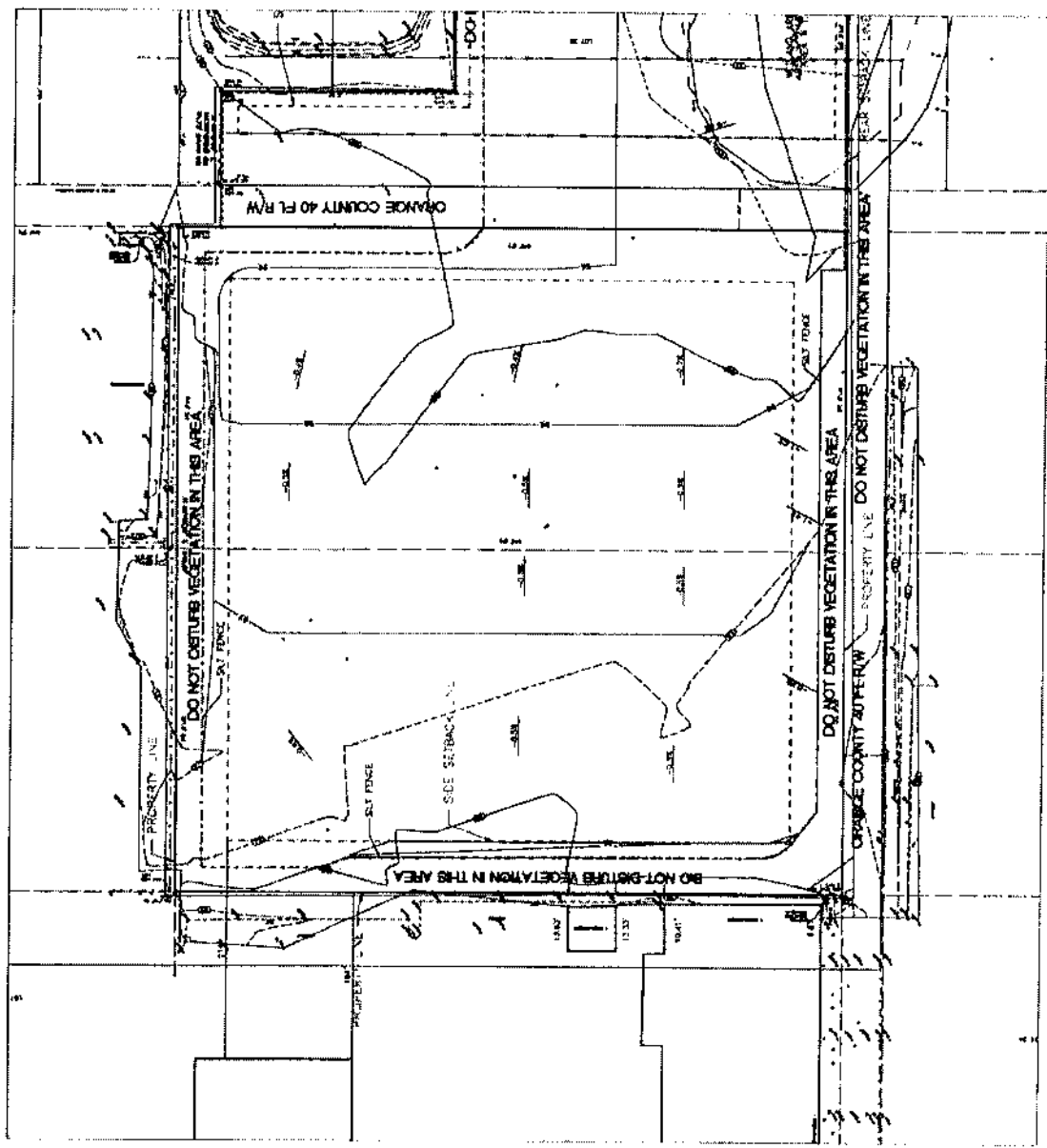
**ANGEL'S RECYCLED MATERIALS STORAGE**  
 500 WEST LAND STREET  
 ORANGE COUNTY, FLORIDA

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 ORANGE COUNTY, FLORIDA

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 500 WEST LAND STREET  
 ORANGE COUNTY, FLORIDA

**ANGEL'S RECYCLED MATERIALS STORAGE**  
 500 WEST LAND STREET  
 ORANGE COUNTY, FLORIDA

SHEET NO. 12





**Advantage**  
 ENGINEERING & ARCHITECTURE  
 1400 WESTLAND STREET, SUITE 100  
 ORANGE COUNTY, FLORIDA 32767  
 PHONE: (407) 261-1111  
 FAX: (407) 261-1112

CURB  
 ANGELO'S RECYCLED  
 MATERIALS  
 1515 WESTLAND STREET, SUITE 100  
 ORANGE COUNTY, FLORIDA 32767  
 PHONE: (407) 261-1111

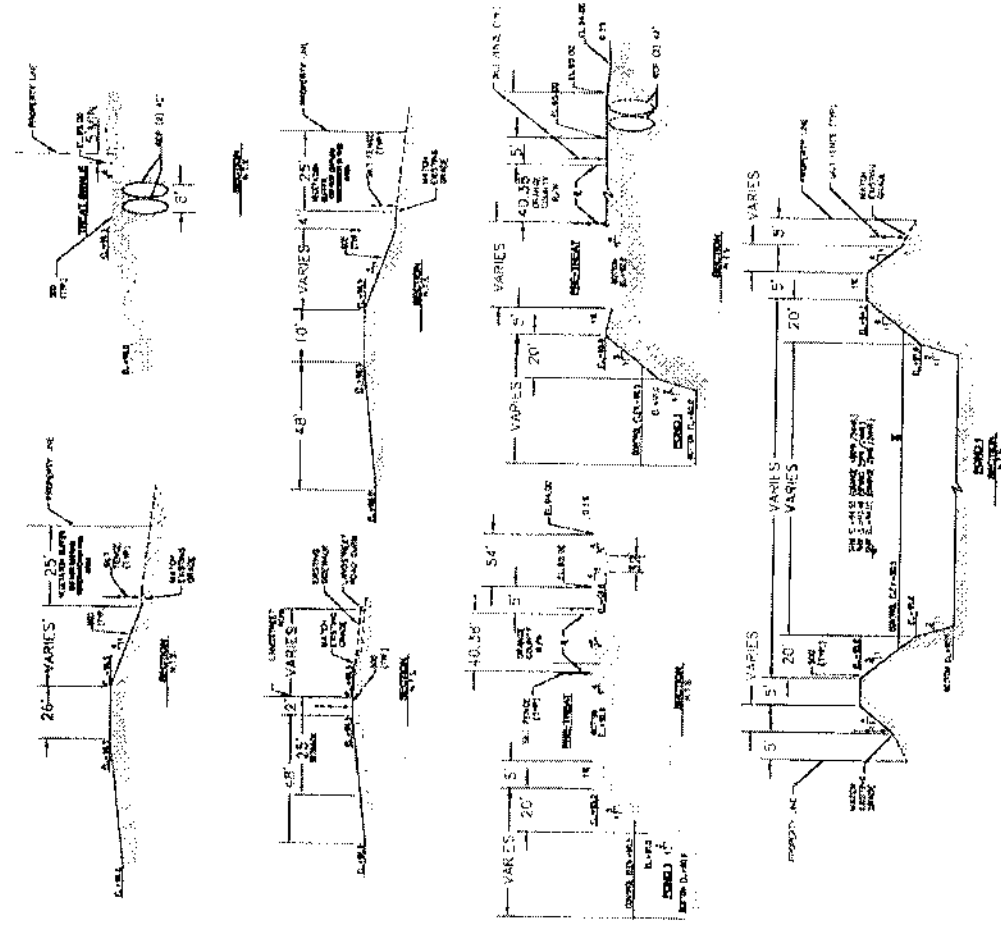
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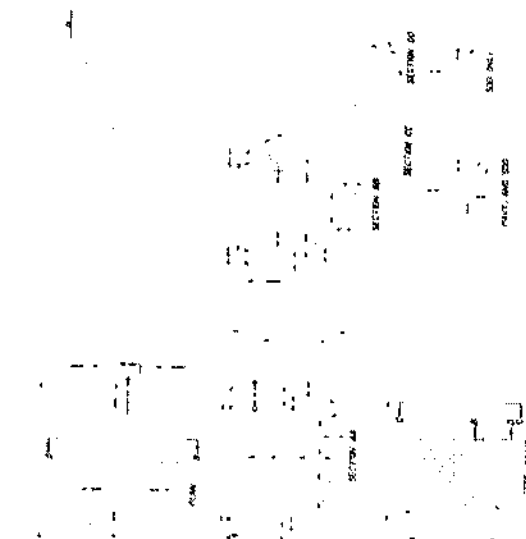
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 SCALE: AS SHOWN  
 SHEET NO.: 14  
 PROJECT NO.: 00000000

DATE: 10/15/00  
 DRAWN BY: J. B. BROWN  
 CHECKED BY: J. B. BROWN  
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 CHECKED BY: J. B. BROWN  
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TYPE C  
 TYPE 'C' INLET  
 ED. G. L. INDEX NO. 238



NOTE: SEE PLAN FOR DIMENSIONS AND LOCATIONS OF  
 ALL STRUCTURES AND UTILITIES.

DATE: 10/15/00  
 DRAWN BY: J. B. BROWN  
 CHECKED BY: J. B. BROWN  
 SCALE: AS SHOWN  
 SHEET NO.: 14  
 PROJECT NO.: 00000000

**Advantage**  
 Design Group, Inc.  
 10000 South Orange Blvd.  
 Suite 100  
 Orange, Florida 32667  
 Phone: 407-251-1111  
 Fax: 407-251-1112

**CLIENT:**  
 ANGELO'S RECYCLED  
 MATERIALS  
 500 WEST LAND STREET  
 ORANGE COUNTY, FL 32814  
 PHONE: 407-251-1111

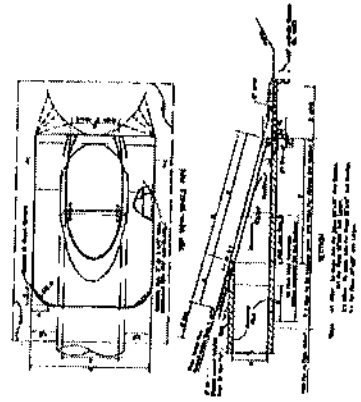
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 ANGELO'S RECYCLING  
 MATERIAL STORAGE  
 500 WEST LAND STREET  
 ORANGE COUNTY,  
 FLORIDA

**DATE:**  
 11/11/03

**DESIGNED BY:**  
 J. J. [Name]  
**CHECKED BY:**  
 [Name]  
**DATE:**  
 11/11/03

**PROJECT:**  
 ANGELO'S RECYCLING  
 MATERIAL STORAGE  
**DATE:**  
 11/11/03

**PROJECT NO.:**  
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 15



ITEM NO.	DESCRIPTION	DIMENSIONS				QUANTITIES			
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INTERIOR RECYCLING MATERIALS

**DEVELOPMENT REVIEW COMMITTEE  
APPROVED MEETING MINUTES  
APRIL 24, 2019**

<b>PROJECT NAME</b>	<b>PAGE</b>
* Kerina Parkside PD	2 - 10
* RaceTrac – Curry Ford PD / Curry Ford Road Car Wash DP	10 - 13
* Hamlin PD – UNP / Hamlin Reserve PSP / Hamlin Reserve Parcel D DP	13 - 16
* Village F Master PD / Parcels N-1, N-4, N-5, N-6, N-7, N-17, N-18, N-19 & N-20 DP	16
* Vinings at Cypress Pointe PD / Phase 1 PSP / KFC – Pizza Hut Retail DP	16 - 17
* Angelo's Recycled Materials C & D Recycling & Transfer Facility Special Exception Site Plan	17 - 19
* Oasis Reserve PSP	20
* Mary Creek at Goldenrod PSP	20
* Ivey Groves PD	20 - 24
* Springhill PD	25 - 36
* World Design Center PD / World Design Center PSP / Infinity Park Parcel 4 DP	36
* Frye Center PD	36 - 45
* University PD	45
* Grand Cypress Resort PD	45 - 46
* Grand Cypress Resort PD / Grand Cypress Phase 1 PSP / DP	46
* Grand Cypress Resort PD / Grand Cypress Phase 1 PSP / Hyatt Grand Cypress – Parking Lot Expansion DP	46 - 48
* World Design Center PD / World Design Center PSP	49
* Troy J. Drinkwater	49
* Park Bark & Fly	50 - 51
* Flamingo Crossings PD / Flamingo Crossings West DP	51 - 52
* Polo Glen PD / Polo Glen at Lake Betty DP	52
* Hamlin PD – UNP	52 - 53
<b>CONSENT AGENDA ITEMS / DEVELOPMENT PLAN APPROVALS</b>	<b>54</b>



**APPROVED MEETING MINUTES  
APRIL 24, 2019**

The Development Review Committee met on Wednesday, April 24, 2019, in the first floor conference room, Public Works Building, 4200 South John Young Parkway. Eric Raasch called the meeting to order at 9:00 a.m. with a quorum of DRC members present, and opened up the floor for public comment. No public comment was given. Discussion ensued regarding the minutes from April 10, 2019, but the decision was made to postpone approval of those minutes to the next DRC meeting. *No action taken.*

**DRC MEMBERS PRESENT FOR DISCUSSION:**

Chair of DRC  
Public Works Department  
Planning Division  
Utilities Division  
Zoning Division

ERIC RAASCH  
DIANA ALMODOVAR  
SUSAN MCCUNE  
ANDRES SALCEDO  
CAROL KNOX

**LEGAL ADVISOR:**

County Attorney's Office

WHITNEY EVERS

**OTHER STAFF:**

Environmental Protection Division  
Fiscal & Operational Support Division  
Transportation Planning Division  
Utilities Division  
Utilities Division

JOHN GEIGER  
BRANDY DRIGGERS  
HEATHER BROWNLIE  
LAURA TATRO  
DOUG HETTRICH

**COMMISSIONERS' OFFICE:**

District 1  
District 5

DIANA DETHLEFS  
BRYCE JONES

APPROVED MEETING MINUTES  
APRIL 24, 2019

6. DP-18-04-120 - DISTRICT 4  
ANGELO'S RECYCLED MATERIALS C & D RECYCLING & TRANSFER FACILITY  
SPECIAL EXCEPTION SITE PLAN

Present for discussion was Jennifer Deal. Also present for discussion was John Geiger, from EPD. Sean Bailey presented the TRG Summary Report to the DRC.

This request is to construct a recycle construction and demolition plant on 44.71 acres.

Discussion ensued regarding an associated petition to vacate for a drainage easement that will need to move forward to the Board simultaneously with this request, a potential building on the site, and possible waivers / variances from Chapter 24 and 32 related to landscaping and existing vegetation.

***MOTION by Diana Almodovar, seconded by Carol Knox, TO RECOMMEND APPROVAL OF THE ANGELO'S RECYCLED MATERIALS C AND D RECYCLING AND TRANSFER FACILITY SPECIAL EXCEPTION SITE PLAN, subject to the following conditions of approval, as amended.***

1. Development shall conform to the Angelo's Recycling Material Storage Special Exception Site Plan dated "March 21, 2019," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this site plan and the site plan dated "Received March 21, 2019," 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.

**APPROVED MEETING MINUTES  
APRIL 24, 2019**

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 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 special exception site 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. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
7. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee

**APPROVED MEETING MINUTES  
APRIL 24, 2019**

the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.

8. 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).
9. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
10. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
11. The developer shall obtain wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
12. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing wastewater systems have been designed to support all development within the DP.
13. A solid waste management facility permit will be required in accordance with Orange County Code Chapter 32, Article V, Section 32-214(a)(3).
14. If at any time a permanent building is requested, then such building shall comply with the building perimeter landscaping requirements of Orange County Code Chapter 24 Landscaping, Buffering and Open Space, assuming such building is approved through an amendment to this Special Exception Site Plan.
15. If at any time natural vegetation is insufficient to provide a visual buffer from adjacent properties, the landscaping shall be supplemented with additional shade trees in compliance with Orange County Code Chapter 24 Landscaping, Buffering and Open Space and Chapter 32.
16. Prior to, or concurrent with the Special Exception approval, the existing drainage easement shall be vacated and a new drainage easement, in favor of the County, from the applicant, shall be recorded.

***MOTION CARRIED.***

**DEVELOPMENT REVIEW COMMITTEE  
APPROVED MEETING MINUTES  
JANUARY 22, 2020**

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* Peppermill West PD / Lot 6 – Body Sculpting Family Fitness Club & Office DP	3 - 8
* World Design Center PD / World Design Center PSP / Infinity Park Parcel 4	8
DP * Lake Barton PD / La Shore PSP / Gator’s Dockside at Kirby Smith & Narcoossee Road DP	8 - 13
* Hamlin PD – UNP / Hamlin Family Dental DP	14 - 16
* World Resort PD / Poinciana Boulevard Multi-Family DP	17
* Village F Master PD / The Mark at Horizon West DP	17 - 20
* Valencia Subdivision PD / Valencia College Lane Subdivision PSP	21 - 24
* Orangewood N-9 PD	24
* Parcel 1 Land Use Plan – APF Agreement	25
* Cross Land Use Plan – APF Agreement	25 - 26
* Village F Master PD	26
* Village F Master PD	26
* Silver Pines PD	26
* The Registry on Grass Lake PD Land Use Plan Amendment	27 - 34
* Expressway Center Centrust Park PD	34
* Spring Grove – Jaffers PD / Phase 3 Parcel W16 & A Portion of Parcel W-17 PSP / DP	34 - 39
* Park Manor Estates PD / Reserve at Park Manor PSP	40
* Lake Pickett Cluster Plan	40 - 41
* Angelo’s Recycled Materials C & D Recycling & Transfer Facility Special Exception Site Plan	41 - 43
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**APPROVED MEETING MINUTES  
JANUARY 22, 2020**

The Development Review Committee met on Wednesday, January 22, 2020, in the first floor conference room, Public Works Building, 4200 South John Young Parkway. Eric Raasch called the meeting to order at 9:00 a.m. with a quorum of DRC members present, and opened up the floor for public comment. No public comment was given. The DRC Minutes of January 8, 2020, were approved, with a *MOTION by Diana Almodovar, seconded by Lindy Wolfe, TO APPROVE THE DRC MEETING MINUTES OF JANUARY 8, 2020.*

**MOTION CARRIED.**

**DRC MEMBERS PRESENT FOR DISCUSSION:**

Chair of DRC	ERIC RAASCH
Public Works Department	DIANA ALMODOVAR
Planning Division	ALBERTO VARGAS
Utilities Department	LINDY WOLFE
Zoning Division	TIM BOLDIG

**LEGAL ADVISOR:**

County Attorney's Office	ROBERTA ALFONSO
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**OTHER STAFF:**

Development Engineering Division	MATTHEW KALUS
Transportation Planning Division	HEATHER BROWNLIE

**COMMISSIONERS' OFFICE:**

District 4	PHILLIP DE TOLEDO
District 5	MELISSA STRASSNER
District 6	ROSE-NANCY JOSEPH

**APPROVED MEETING MINUTES  
JANUARY 22, 2020**

**19. DP-18-04-120 – DISTRICT 4  
ANGELO'S RECYCLED MATERIALS C & D RECYCLING & TRANSFER FACILITY  
SPECIAL EXCEPTION SITE PLAN**

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Present for discussion was Jonathan Huels.

***MOTION by Eric Raasch (stepped out of Chair), seconded by Alberto Vargas, TO AMEND THE PREVIOUS DRC ACTION OF APRIL 24, 2019, TO MODIFY CONDITION OF APPROVAL #16, as shown below:***

1. Development shall conform to the Angelo's Recycling Material Storage Special Exception Site Plan dated "March 21, 2019," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this site plan and the site plan dated "Received March 21, 2019," 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 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

**APPROVED MEETING MINUTES  
JANUARY 22, 2020**

- 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 special exception site 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. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
  7. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.



**APPROVED MEETING MINUTES  
JANUARY 22, 2020**

8. 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).
9. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
10. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
11. The developer shall obtain wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
12. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing wastewater systems have been designed to support all development within the DP.
13. A solid waste management facility permit will be required in accordance with Orange County Code Chapter 32, Article V, Section 32-214(a)(3).
14. If at any time a permanent building is requested, then such building shall comply with the building perimeter landscaping requirements of Orange County Code Chapter 24 Landscaping, Buffering and Open Space, assuming such building is approved through an amendment to this Special Exception Site Plan.
15. If at any time natural vegetation is insufficient to provide a visual buffer from adjacent properties, the landscaping shall be supplemented with additional shade trees in compliance with Orange County Code Chapter 24 Landscaping, Buffering and Open Space and Chapter 32.
16. Prior to or concurrently with issuance of any building permit for the solid waste facility Special Exception approval, the existing drainage easement shall be modified and existing improvements relocated, both to County's satisfaction.

***MOTION CARRIED.***

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT  
MEETING OF JANUARY 2, 2020**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **January 2, 2020** in the Orange County Commission Chambers on the 1st, Floor of the Orange County Administration Building, 201 South Rosalind Avenue, Orlando, Florida 32801.

**BOARD MEMBERS PRESENT:** Carolyn Karraker, Chairperson District #1  
Juan Velez — District #3  
Deborah Moskowitz, Vice Chair — District #4  
Charles J. Hawkins, II — District #6  
Roberta Walton — At Large

**BOARD MEMBERS ABSENT:** Gregory A. Jackson - District #2  
Wes A. Hodge — District #5

**STAFF PRESENT:** Nick Balevich, Planner II, Zoning Division  
David Nearing, AICP, Planner II, Zoning Division  
Brandy Driggers, Assistant Manager, Zoning Division  
Erin Hartigan, Assistant County Attorney  
Debra Phelps, Recording Secretary, FOS Division

The Chairperson called the meeting to order at 9:05 a.m.

Following the Pledge of Allegiance to the Flag, the following applications, as advertised, were called up for public hearing.

It was determined by the Board to postpone the vote for the Election of Officers towards the end of the meeting.

**APPROVAL OF MINUTES:**

The Chairperson requested a motion approving the minutes of the December 5, 2019, Board of Zoning Adjustment meeting.

A motion was made by: Deborah Moskowitz

seconded by: Charles J. Hawkins, II

and unanimously carried to **APPROVE** the minutes of the December 5, 2019, Board of Zoning Adjustment meeting.

AYE (voice vote): All members present

Absent: Gregory A. Jackson, Roberta Walton, and Wes A. Hodge

**PUBLIC COMMENT:** The Chairperson opened the floor to public comment, seeing none; the Chairperson closed the hearing for public comment and continued with the regularly scheduled agenda.

**ANGELO'S RECYCLING- SE-19-07-068**

**REQUEST:** Special Exception in the IND-2/IND-3 zoning district to allow a construction and debris recycling facility.  
**ADDRESS:** 500 W. Landstreet Rd., Orlando FL 32824  
**LOCATION:** Southwest corner of W. Landstreet Rd. and Parkers Landing, east of Bachman Rd.  
**TRACT SIZE:** 44.71 acres  
**DISTRICT#:** 4  
**LEGAL:** SPHALERS ADD TO PROSPER COLONY F/94 LOTS 7, 8 & 25 THROUGH 28 (LESS PT TAKEN ON E LOTS 8 & 25 FOR R/W PER 6013/738) & (LESS PT TAKEN ON N FOR RAW & N 147.64 FT OF LOT 27 TAKEN FOR RETENTION AREA PER 6398/2183 CIO -01-6064) & (LESS PART TAKEN OF LOT 28 FOR  
**PARCEL ID#:** 02-24-29-8220-00-070; 02-24-29-8220-00-290; and 02-24-29-7268-00-071.  
**NO. OF NOTICES:** 873

Commentaries: Two (2) in favor and twelve (12) in opposition

Staff Recommendation: Staff gave an explanation of the history of the project including the date that the project appeared before the DRC for a recommendation of approval. Staff discussed the Community Meeting held in late June 2019, and that most of the discussion centered on a concrete crushing plant, which was a use permitted by right on the subject property, therefore, not the focus of this hearing. Further, staff explained how the project had been reviewed by the County Transportation and Traffic Engineering staff, which resulted in the requirement for a deceleration lane from eastbound W. Landstreet Road to Parkers Landing. Finally, staff recommended approval of the request subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Hal Kantor (Applicant's attorney)  
Dan Wood (Neighboring business owner opposed)  
Paul Stranbinger (Opposed)  
Jim Crawford (Opposed)  
Eric Inman (Opposed)  
Douglas Bauman (Opposed)  
Jennifer Deal (Applicant's representative)

The applicant explained that the use was primarily a manual operation. The use was estimated to generate eighty-eight (88) daily trips, which would be distributed throughout the hours of operation. The use would not generate any appreciable amounts of dust, noise, or odor. The deceleration lane would be designed to FDOT standards.

Five (5) residents, mostly business owners in the area, spoke in opposition. Their concerns included increased dust; traffic backups on Parkers Landing; incompatibility with adjacent uses; lack of adequate buffering; and, odor.

In rebuttal, the applicant indicated that all dumpsters which contained materials that could generate odor, would be covered and protected from the elements. The traffic had been reviewed by County staff. The impacts of which the opposition noted were more associated with the concrete crushing operation, which was not a part of this review.

Material was submitted to the Board by the applicant to be entered into the record prior to the close of the public hearing.

**BZA Discussion:** The BZA discussed access to the site and possible backups on Parkers Landing, which was a narrow street. It was noted that the applicant had an approved site plan, and any change to the access of route vehicles directly off and onto W. Landstreet Road would require a revision to the plan, and likely another review by the BZA. A motion was made by Board member, Deborah Moskowitz, to recommend denial of the request, which died for lack of a second vote.

Another motion to recommend approval passed by a vote of 4 in favor and 1 opposed.

**BZA Action:** A motion was made by Roberta Walton, seconded by Charles J. Hawkins, II and carried to recommend APPROVAL of the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions:

1. Development in accordance with the site plan dated May 15, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. 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 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.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall design and install a dedicated eastbound right turn/deceleration lane at the intersection of W. Landstreet Road and Parkers Landing. The right turn lane shall be twelve (12) feet wide and shall meet the most current FDOT Standard Manual requirements. This improvement shall be designed and permitted prior to issuance of any permits for the Construction and Debris Recycling project. Construction of this improvement shall be completed prior to issuance of a Certificate of Completion for the C&D Recycling center.
5. The project shall comply with Article XVI of Chapter 9, Exterior Lighting Standards, of the Orange County Code. With the exception of security lighting, all lights shall be extinguished at close of business.
6. Hours and days of operation shall be limited to 7:00 a.m. through 7:00 p.m., Monday through Saturday.
7. Any expansions of the use shall require BZA approval.
8. All required permits shall be obtained within two (2) years or this approval becomes null and void.

**AYE (voice vote):** Roberta Walton, Charles J. Hawkins, II, Carolyn C. Karraker, Juan

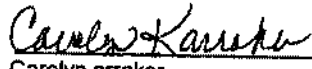
**Velez NAY (voice vote):** Deborah Moskowitz

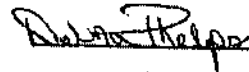
**Absent:** Gregory A. Jackson and Wes A. Hodge

**ADJOURN:**

There being no further business, the meeting was adjourned at 12:45 p.m.

**ATTEST:**

  
\_\_\_\_\_  
Carolyn Arraker  
Chairperson

  
\_\_\_\_\_  
Recording Secretary

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DECEMBER 2019

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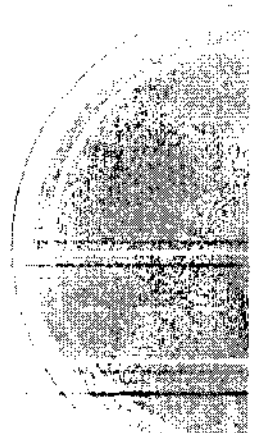
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**ANGELO'S AGGREGATE MATERIALS**  
**ACCESS CONNECTION STUDY**  
**ORANGE COUNTY PUBLIC WORKS**

**ORANGE COUNTY, FLORIDA**

ORANGE COUNTY PARCELS ID:

02-24-29-8220-00-290, 02-24-29-8220-00-070, & 02-24-29-7268-00-071



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**ORANGE COUNTY PUBLIC WORKS  
ACCESS CONNECTION STUDY**

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**ANGELO'S AGGREGATE MATERIALS  
LANDSTREET ROAD AND PARKERS LANDING  
ORANGE COUNTY, FLORIDA**

ORANGE COUNTY PARCELS ID:

02-24-29-8220-00-290, 02-24-29-8220-00-070, & 02-24-29-7268-00-071

*Prepared for:*

**Angelo's Recycled Materials**

41111 Enterprise Road  
Dade City, FL 33525

*Prepared by:*

**LUKE TRANSPORTATION ENGINEERING CONSULTANTS, INC.**

P. O. Box 941556  
Maitland, Florida 32794-1556  
407-423-8055  
www.Ltec-FL.com

**DECEMBER 2019**



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**PROFESSIONAL ENGINEERING CERTIFICATE**

I hereby certify that I am a registered professional engineer in the State of Florida practicing with Luke Transportation Engineering Consultants, a corporation authorized to operate as an engineering business (#EB-0007429), by the State of Florida Department of Professional Regulation, Board of Professional Engineers, and that I have prepared or approved the evaluation, findings, opinions, conclusions, or technical advice hereby reported for

PROJECT: Angelo's Aggregate Materials – Orange Co Access Study

LOCATION: Landstreet Road and Parkers Landing, Orange County, Florida

CLIENT: Angelo's Recycled Materials

I acknowledge that the procedures and references used to develop the results contained in this report are standard to the professional practice of transportation engineering as applied through professional judgment and experience.

NAME: J. Anthony Luke, P.E.

P.E. NO.: 42642

DATE: December 6, 2019

SIGNATURE: 



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## INTRODUCTION

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### **Purpose**

This report has been updated to incorporate the October 28, 2019 review comments from Orange County. A copy of the comments and the response are included in **Appendix A**. Where the study had been updated the review comment will be referenced.

This study was conducted in order to assess the access connections for the Angelo's Aggregate Materials ("Project") site to operate on a ±44.71-acre parcel located in the southwest quadrant of Landstreet Road and Parkers Landing/Winegard Road in Orange County, Florida. The three Orange County Parcel ID are 02-24-29-8220-00-290, 02-24-29-8220-00-070, and 02-24-29-7268-00-071. The Angelo's Aggregate Materials Project will consist of a concrete crushing operation and construction and demolition debris materials recycling facility.

**Figure 1** shows the location of the development. Currently the site is vacant.

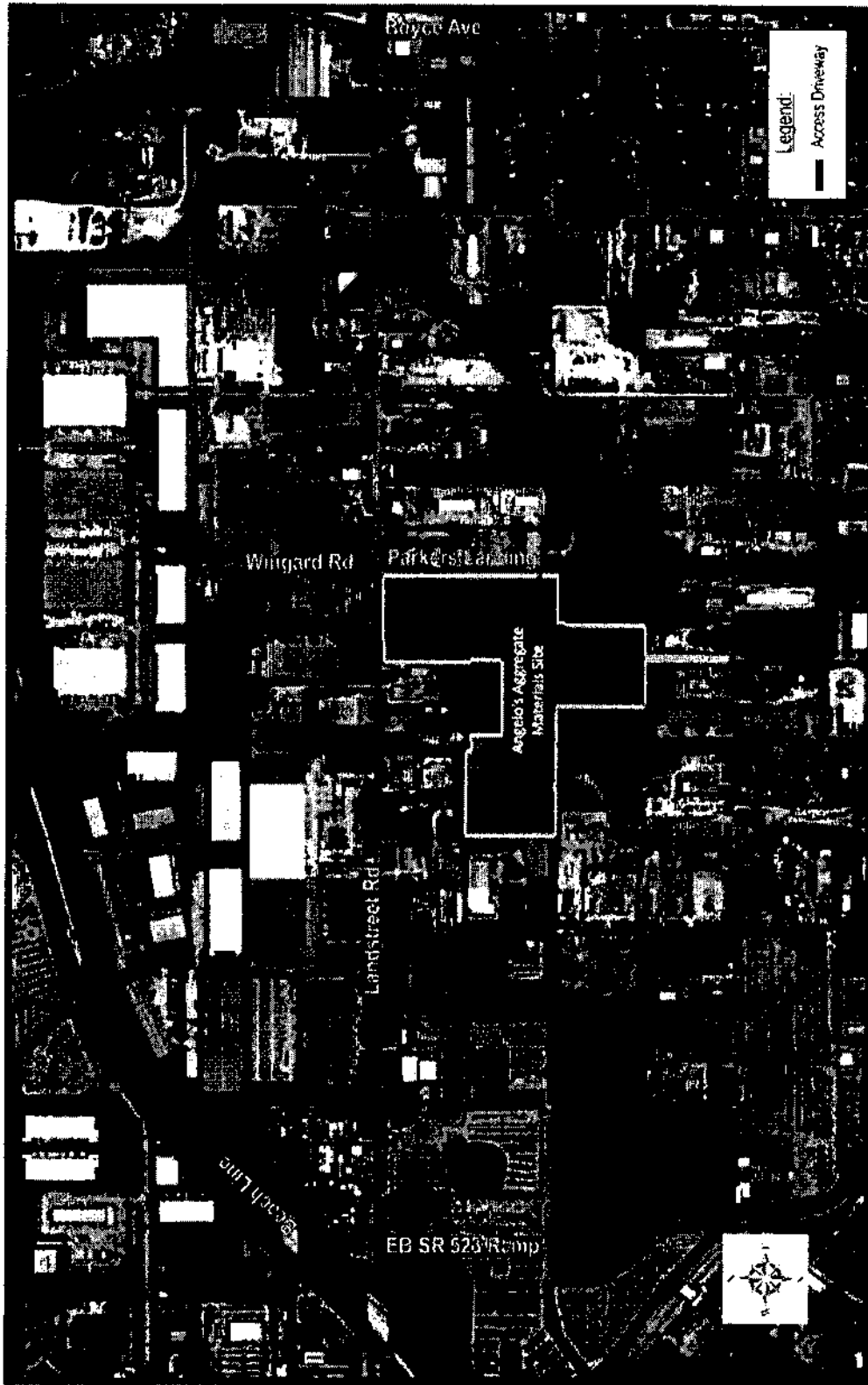
This traffic study was undertaken to provide traffic data and analysis for the existing Landstreet Road and Parkers Landing/Winegard Road intersection (Latitude 28.436065°, Longitude - 81.384139°). The proposed Angelo's Aggregate Materials access connection on Parkers Landing will align with the existing West Landstreet Properties Warehouse Entrance driveway which is approximately 1,180 feet south of Landstreet Road. **Figure 1** shows the Project site, access driveway location and the adjacent roadway network.

Landstreet Road is a five-lane east/west collector roadway with a posted speed limit 45 mph. Parkers Landing is a two-lane north/south local access roadway adjacent to the east side of the proposed development and does not have a posted speed limit.

The site layout of the development showing the proposed Project access connection is shown in **Figure 2**. As noted in the October 28, 2019 Orange County comments, the proposed development will include an eastbound right-turn lane at the Landstreet Road and Parkers Landing/Winegard Road intersection.

This study includes the following components:

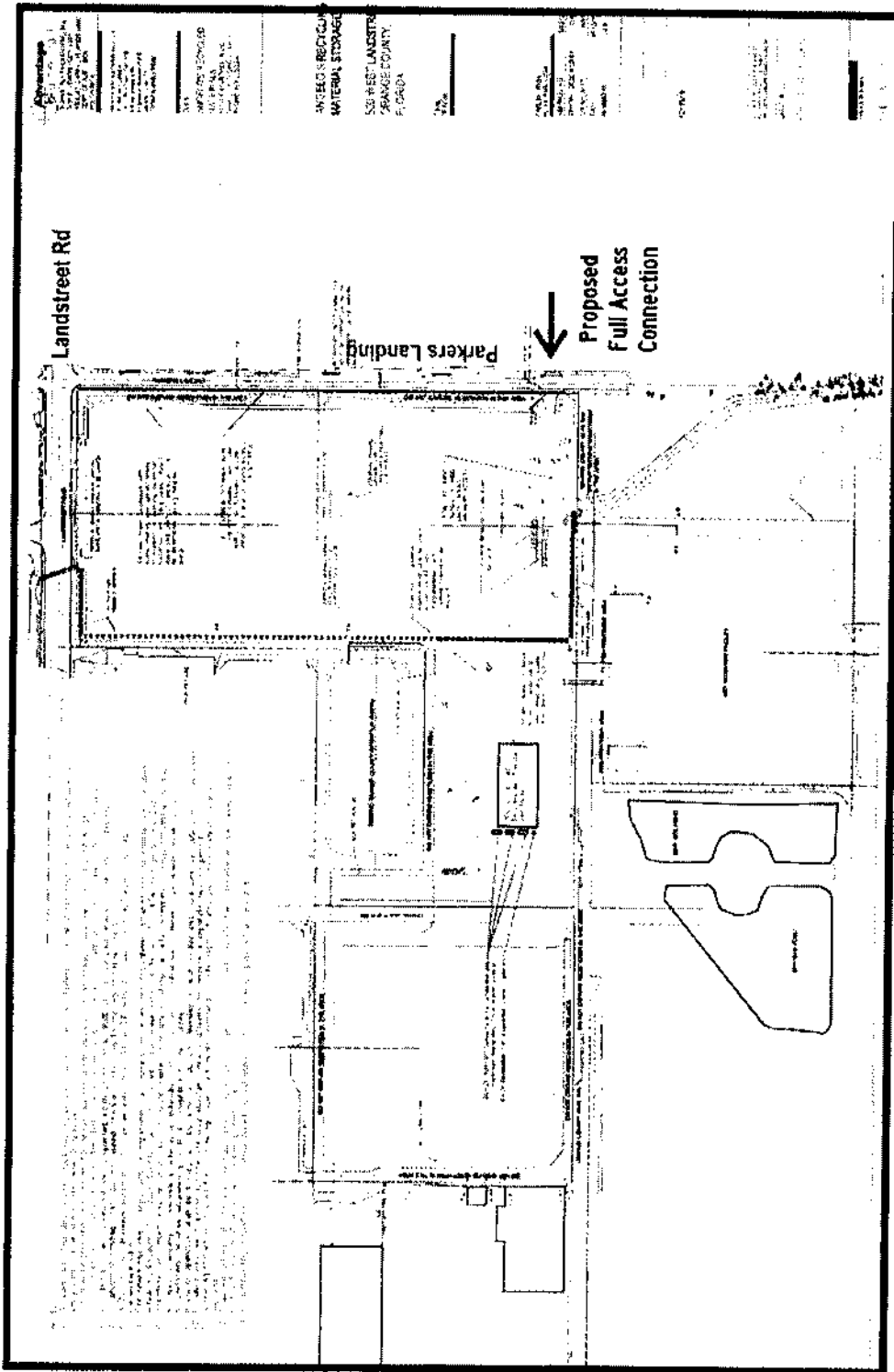
- Data Collection
  - Landstreet Road and Parkers Landing/Winegard Road turning movement count (TMC)
  - Parkers Landing and Warehouse Entrance/Future Project Entrance
- An A.M. and P.M. peak hour analysis
- Access Connection Analysis



**ANGELO'S AGGREGATE MATERIALS  
 ORANGE COUNTY, FLORIDA**

SITE LOCATION

**Figure 1**



**ANGELO'S AGGREGATE MATERIALS**  
**ORANGE COUNTY, FLORIDA**  
*Conceptual Site Plan*

**Figure 2**



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## EXISTING TRAFFIC CONDITIONS

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The following section documents the existing traffic operation adjacent to the proposed development site. The adjacent roadways surrounding the site, existing traffic, and the relationship of the site to adjacent driveways are discussed below. The purpose of this survey was to obtain information on physical and traffic characteristics of these facilities. Existing traffic volume data at the study intersections are based on turning movement counts collected by LTEC on Wednesday, October 2, 2019 (see **Appendix A** for the turning movement summary worksheets).

### Existing Conditions

Landstreet Road is a five-lane collector roadway with an east-west orientation at the Parkers Landing intersection. The center lane of Landstreet Road is a two-way left turn lane which extends from the Beachline exit ramp on the west to Boyce Avenue on the east. The south leg of the Landstreet Road Parkers Landing/Winegard Road services the existing warehouses. Both north and south legs of the intersection are under STOP control.

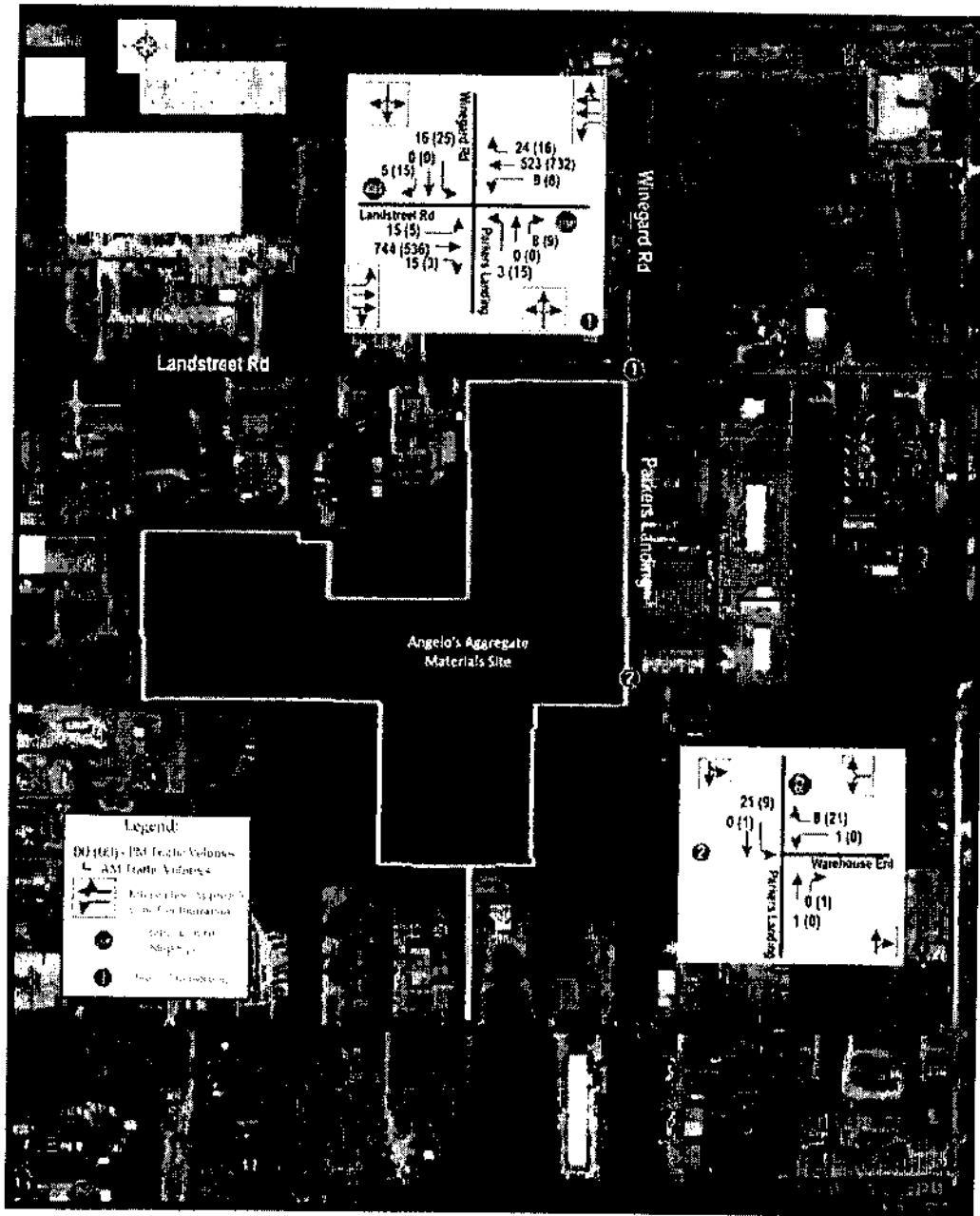
In 2018, Landstreet Road carried an average daily traffic volume of 23,277 vehicles at 0.5 miles east of Bachman Road. It has a posted speed limit of 45 miles per hour (mph).

Parkers Landing is a local roadway with an intersection at Landstreet Road and continues south approximately 1,400 feet where it terminates..

### Study Intersections Capacity Analysis

The study intersections were analyzed under existing A.M. and P.M. peak hour conditions using the procedures of the *Highway Capacity Manual, 6<sup>th</sup> Edition*, for unsignalized intersections.

**Figure 3** shows the existing A.M. and P.M. peak hour intersection turning movement traffic volumes at each of the study intersections. **Table 1** is a summary of the results of the intersection analysis. Analysis sheets are included in **Appendix B**. As can be seen, both study intersections operate at satisfactory levels of service.






**ANGELO'S AGGREGATE MATERIALS  
 ORANGE COUNTY, FLORIDA**

*Existing A.M. and P.M. Peak Hour Traffic Volumes*

**Figure 3**

**TABLE 1**  
**Existing Study Intersections Level of Service**

Approach / Movement	Lanes	Aux Lane Length (feet)	Existing Traffic Control	A.M. Peak Hour			P.M. Peak Hour			
				LnGrp Avg Delay (d) (sec/veh)	LnGrp LOS	95th %ile Queue (Feet)	LnGrp Avg Delay (d) (sec/veh)	LnGrp LOS	95th %ile Queue (Feet)	
<b>Landstreet Road and Parkers Landing/Winegard Road</b>										
EB	Left	1	100	Free Flow	9.1	A	2.5	9.9	A	0.0
	Thru	2								
	Right	<								
WB	Left	1	100	Free Flow	9.9	A	0	9.1	A	0
	Thru	2								
	Right	<								
NB	Left	>			13.9	B	3	14.5	B	5
	Thru	1								
	Right	<								
SB	Left	>			15.0	C	5	16.9	C	13
	Thru	1								
	Right	<								
<b>Parkers Landing and Warehouse Entrance</b>										
WB	Left	<			8.6	A	0	8.4	A	3
	Right	>								
NB	Thru	1		Free Flow						
	Right	<								
SB	Left	>		Free Flow	7.3	A	3	7.4	A	0
	Thru	1								

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## TRAFFIC GENERATION/DISTRIBUTION

The proposed Angelo's Aggregate Materials development site will consist of a concrete crushing operation and construction and demolition debris materials recycling facility. The development area is a 44.71-acre parcel located in southwest quadrant of the Landstreet Road and Parkers Landing intersection in Orange County, Florida. To determine the impact of this development, an analysis of its traffic characteristics was made. This included the determination of the proposed site traffic and the distribution/assignment of this new traffic to the study intersections.

### Trip Generation

An estimate of the proposed traffic to be generated at the Parkers Landing site was provided by the Applicant. The Applicants original truck operations information is included in **Appendix C** and the response to Orange County's which supports the Project trip generation is included in **Appendix A**. Utilizing the trip generation data provided, the estimated trip generation calculation is summarized in **Table 2**. The proposed land use will generate an estimated 518 vehicle trip ends per day. Of this total, 44 vehicle trip ends occur during the A.M. peak hour with 25 vehicles entering and 19 vehicles exiting the site and 44 vehicle trip ends occur during the P.M. peak hour with 19 vehicles entering and 25 vehicles exiting the site.

**TABLE 2**  
**Estimated Trip Generation (1)**

Land Use	Trip Generation Variable (2)	Trip Generation Rates						
		Daily	A.M. Peak Hour			P.M. Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
Angelo's Recycled Material Site	20,000 SF	25.90	2.23	1.27	0.96	2.19	0.94	1.25
Land Use	Trip Generation Variable	Total Trips						
		Daily	A.M. Peak Hour			P.M. Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
Angelo's Recycled Material Site	20,000 SF	518	44	25	19	44	19	25
<i>Estimated Number of Daily Trips Generated by the Proposed Angelo's Recycled Material Site Development</i>								
				1-Way Trip End		2-Way Trips		
Number of Trucks (1 Trip End per Truck) - 248 <small>(212 Unsorted Inbound &amp; 36 Sorted Outbound)</small>				248 Trip Ends		496 Trips		
Employees (2.0 Trip End per Work Vehicle) - 3				6 Trip Ends		12 Trips		
Other Trips (Delivery, Mail, FedEx, etc.) (1 Trip End per Vehicle) - 5				5 Trip Ends		10 Trips		
		<b>Total</b>		<b>259 Trip Ends</b>		<b>518 Trips</b>		

(1) Daily Trip Generation Rate based on information provided by the Applicant.

(2) Independent variable based on 100' x 200' recycling area (Square Foot as the Independent Variable).

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### Trip Distribution

The distribution and assignment of the Project traffic volumes was based on the existing turning movement counts.:



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**Access Plan**

The Project is proposed to connect to Parkers Landing and form the west leg of the Parkers Landing and Warehouse Entrance. The proposed access driveway western leg (eastbound) will be STOP controlled.

**Programmed Roadway Improvements**

No programmed roadway improvements are in the vicinity of the proposed development

## PROJECTED TRAFFIC TRANSPORTATION ASSESSMENT

Projected 2020 peak hour traffic conditions at the proposed study intersections was analyzed in accordance with the procedures of the *Highway Capacity Manual, 6<sup>th</sup> Edition* utilizing projected traffic volumes and existing/planned geometry. The background traffic growth factor for the section of Landstreet Road in the study area has been showing a historically annual growth rate of 6.4%. This annual growth rate was therefore utilized for this study for Landstreet Road and Parkers Landing. See **Appendix D** for the worksheet which shows the historic growth factor calculation to determine the historic growth.

### Study Intersection Projected Analysis

To determine the projected Level of Service provided by the intersections to be impacted by the proposed development, a capacity analysis was conducted utilizing the procedures of the *Highway Capacity Manual, 6<sup>th</sup> Edition*, for unsignalized intersections. This analysis used projected traffic volumes (see **Figure 5** for the A.M. and **Figure 6** for the P.M. peak hour traffic volumes) and existing geometric conditions. Printouts of the intersection analyses may be found in **Appendix E**.

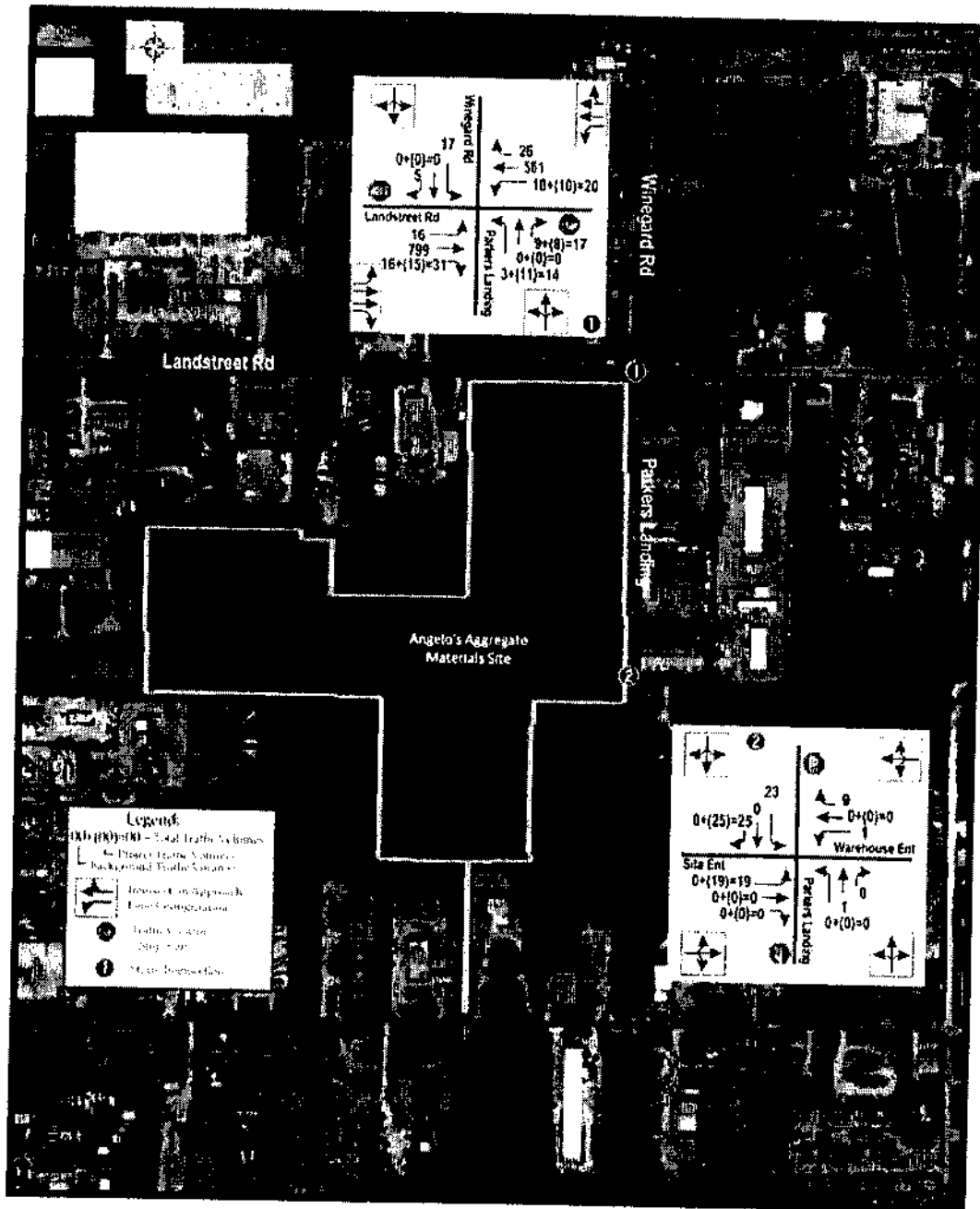
The projected intersection delay and levels of service are summarized in **Table 3**. As can be seen, the study intersections, at build-out of the proposed development will continue to operate at acceptable levels of service.

**TABLE 3**  
Projected 2020 Study Intersections Level of Service

Approach / Movement	Lanes	Aux Lane Length (feet)	Existing Traffic Control	A.M. Peak Hour			P.M. Peak Hour			
				LnGrp Avg Delay (d) (sec/veh)	LnGrp LOS	95th %ile Queue (Feet)	LnGrp Avg Delay (d) (sec/veh)	LnGrp LOS	95th %ile Queue (Feet)	
<b>Landstreet Road and Parkers Landing/Winegard Road</b>										
EB	Left	1	100	Free Flow	9.3	A	3	10.2	B	0
	Thru	2								
WB	Right	1	240	Free Flow	10.4	B	3	9.4	A	3
	Left	1	100							
NB	Thru	<		STOP	17.4	C	10	16.2	C	13
	Left	>								
SB	Thru	1		STOP	16.3	C	5	18.7	C	15
	Right	<								
<b>Parkers Landing and Warehouse Entrance/Project Entrance</b>										
EB	Left	>		STOP	9.4	A	3	9.2	A	3
	Thru	1								
WB	Right	<		STOP	8.6	A	0	8.4	A	3
	Left	>								
NB	Thru	1		Free Flow	0.0	A	0	0.0	A	0
	Right	<								
SB	Left	>		Free Flow	7.3	A	3	7.4	A	3
	Thru	1								
	Right	<								

Luke Transportation Engineering Consultants, Inc., 2019

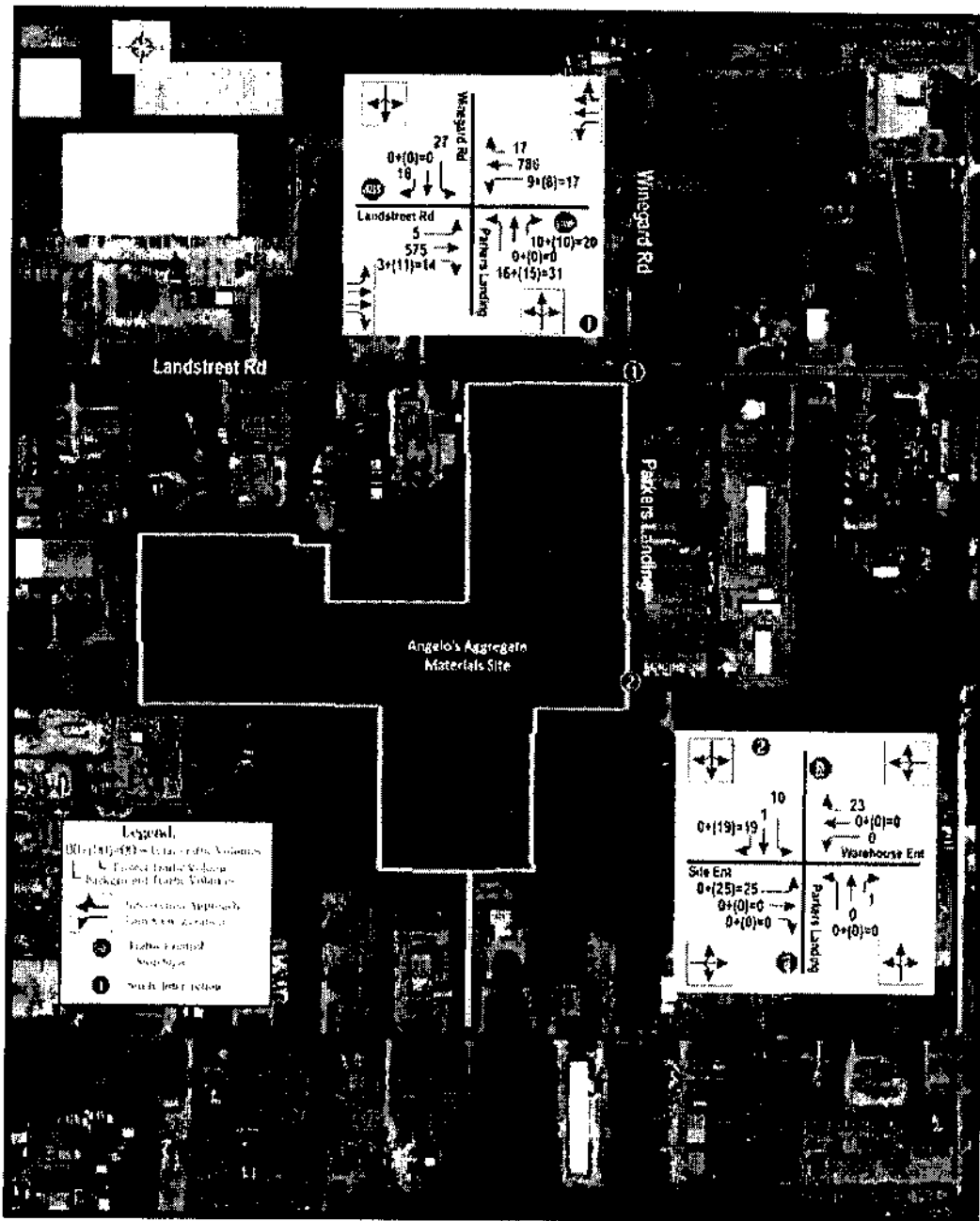




**ANGELO'S AGGREGATE MATERIALS  
 ORANGE COUNTY, FLORIDA**

*Projected 2020 A.M. Peak Hour Traffic Volumes*

**Figure 4**



**ANGELO'S AGGREGATE MATERIALS  
 ORANGE COUNTY, FLORIDA**

*Projected 2020 P.M. Peak Hour Traffic Volumes*

**Figure 5**

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### **Turn Lane Length Analysis**

The existing Landstreet Road and Parkers Landing/Winegard Road intersection currently has a westbound left-turn lane with an approximate bay length of 100 feet. Using the procedures from the *HCM 6th Edition* intersection analysis procedures, in Synchro 10, and the projected volumes at the intersection, a maximum 95<sup>th</sup> Percentile Queue length of 0.1 vehicles (up to 25 feet) is anticipated which will be accommodated within the existing left-turn bay.

The proposed eastbound right-turn lane at the Landstreet Road and Parkers Landing/Winegard Road should be designed following the *FDOT Design Standards Index 301* guidelines for a roadway with a posted speed limit of 45 mph. The eastbound right-turn lane should be designed with a total deceleration length of 240-feet, which includes a 50-foot taper.



---

## CONCLUSIONS / RECOMMENDATIONS

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This study was undertaken to evaluate existing and future traffic conditions in the vicinity of the proposed Angelo's Aggregate Materials site located near Landstreet Road and Parkers Landing in Orange County, Florida. The Angelo's Aggregate Materials Project will consist of a concrete crushing operation and construction and demolition debris materials recycling facility. The study consisted of the determination of the new vehicular trips which would utilize the area intersections as the result of the proposed development. The site's new trip ends were directionally distributed and assigned to the existing study intersection and the proposed access connection. The results of the study as documented herein are summarized below:

### Conclusions

- Build-out is projected to be by the end of 2020.
- Access for the proposed development will consist of a full access connection onto Parkers Landing.
- The new trips to be generated by the proposed development were estimated to be 518 new daily trips, 44 A.M. peak hour trips and 44 P.M. peak hour new trips.
- Based upon this analysis, all the existing unsignalized study intersections currently operate at acceptable levels of service.
- Based upon this analysis, the unsignalized study intersection of Landstreet Road and Parkers Landing/Winegard Road is projected to operate at an acceptable level of service.
- The Proposed unsignalized Project access study intersection is projected to operate at an acceptable level of service.
- The existing auxiliary left-turn lane lengths at the Landstreet Road and Parkers Landing/Winegard Road intersection have adequate length for the projected traffic volumes.
- The proposed auxiliary eastbound right-turn lane at the Landstreet Road and Parkers Landing/Winegard Road intersection should be designed with a total deceleration length of 240-feet (which includes the 50-foot taper).
- The proposed access driveway should be designed to Orange County design standards.

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**APPENDIX**

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**Appendix A – Response to County Comments**





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## MEMORANDUM

**TO:** Lauren Torres  
**FROM:** J. Anthony Luke, PE  
**DATE:** November 15, 2019  
**RE:** Angelo's Aggregate Materials 500 West Landstreet Road Traffic Study  
Response to October 28, 2019 Review Comments (LTEC N9 19-3101)

The following is the response to the October 28, 2019 review comments request for additional information. The review comments will be listed followed by our response.

**Orange County Comment:** *If there are existing plants with similar operations, why were counts not taken to get accurate information, is there back up documentation supporting the email included in the report?*

**Provide more detail on the trip generation rates and how they were calculated, specifically table 2, this can be part of the appendix.**

**Response:**

As noted in the attached letter, dated November 12, 2019, from Arnold Engineering Consulting, LLC, the Florida Department of Environmental Protection and Orange County EPD permitting process is based on the maximum quantity of waste that can be processed in one day on the tipping floor not on the number of entering and exiting vehicles. The proposed Landstreet Road facility was designed and permitted to manage 900 tons per day.

The calculation of the number of vehicles projected was based on a review of four existing C&D transfer stations (see Appendix 3 of the attached letter) documented in the Arnold Engineering Consulting, LLC document shows that the average number of entering vehicles is 75 vehicles per day and the maximum number of entering vehicles is 99 vehicles per day. The estimated number of entering vehicles, provided by the Applicant, used in the October 2019 analysis was a conservative value of 248 entering vehicles (not including the three entering employees which would bring the total to 251 entering vehicles).

Table 2 from the October 2019 report utilized the design capacity number of entering vehicles as the starting point to developed the total trip generation for the proposed



Luke Transportation Engineering Consultants

site by including employee trips as well as the other non-employee trips a business would be expected to receive during a typical day.

As a comparison, Table 2A was developed based on the maximum number of entering vehicles (99). As can be seen, using the maximum number of entering vehicles versus the design capacity entering vehicles results in an approximately 58% reduction in trips (220 versus 518) from what was utilized in the October 2019 report. Therefore, the submitted October 2019 report represents a conservative analysis.

**TABLE 2A**  
**Estimated Trip Generation (1)**

Land Use	Trip Generation Variable (2)	Trip Generation Rates						
		Daily	A.M. Peak Hour			P.M. Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
Angelo's Recycled Material Site	20,000 SF	11.00	0.95	0.34	0.41	0.93	0.40	0.53
		Total Trips						
Land Use	Trip Generation Variable	Daily	A.M. Peak Hour			P.M. Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
Angelo's Recycled Material Site	20,000 SF	220	19	31	8	19	8	11

Estimated Number of Daily Trips Generated by the Proposed Angelo's Recycled Material Site Development		
	1-Way Trip Ends	2-Way Trips
Number of Trucks (1 Trip End per Truck) - 99	99 Trip Ends	198 Trips
Employees (2.1 Trip End per Work Vehicle) - 9	6 Trip Ends	12 Trips
Other Trips (Delivery, Mail, FedEx, etc.) (1 Trip End per Vehicle) - 5	5 Trip Ends	10 Trips
<b>Total</b>	<b>110 Trip Ends</b>	<b>220 Trips</b>

(1) Daily Trip Generation Rate based on information provided by the Applicant.  
 (2) Independent variable based on 100' x 200' recycling area (Square Foot as the Independent Variable).  
 Luke Transportation Engineering Consultants, Inc., 2019

**Orange County Comment:** Full build out is discussed in the report as 2018, I see no information that this has happened yet, can you provide the status of the project, projections should be of opening year.

Response:

The 2018 reference in the first bullet point under Conclusions is a typographic effort. The projected build-out date that was used in the analysis is 2020, which was referenced in the Projected Traffic Transportation Assessment section and shown on all the future analysis tables and figures.

**Orange County Comment:** Based on the speed limit, increase in right turns and types of vehicles that will be accessing the site, an eastbound right turn deceleration lane will be required at the intersection of Landstreet Rd and Parkers Landing.

Response:

As noted in the response to the first comment regarding the trip generation calculation for the proposed development, the number of trips to be generated by this proposed development represents a conservative volume of trips based on the design capacity

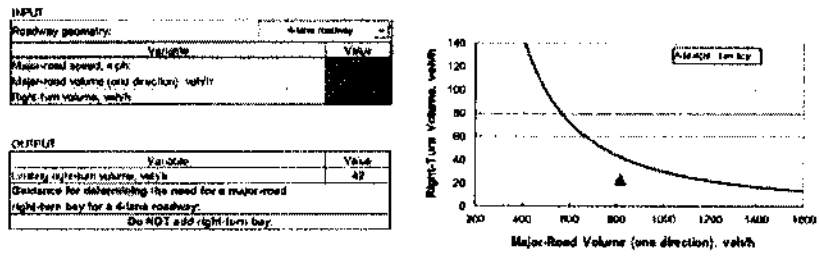
Luke Transportation Engineering Consultants

of the site and is approximately 58% higher than the maximum daily average expected at the proposed development site.

Utilizing the A.M. peak hour trips documented in Table 2A above and the Project trip distribution from the October 2018 report, the number of eastbound right-turns would be 7 ( $11 \times 0.615 = 6.77$ , use 7). As documented in the October 2019 report, the National Cooperative Highway Research Program (NCHRP) Report 457 procedures and the projected number of Project right turns (7) were used to evaluate the need for an auxiliary eastbound turn lane. The results of this analysis, similar to the October 2019 report, indicate that based on the projected right-turn traffic volumes (see below), a separate auxiliary right-turn lane at the Landstreet Road and Parkers Landing intersection is not warranted. As noted in the Output table below, the limiting right turn volume for an auxiliary right turn lane would be 42, 19 vehicles more than the estimated projected volume.

Therefore, in lieu of an auxiliary eastbound right turn-lane, a larger intersection entry radius (40 feet – 60 feet) would be a viable alternative.

Figure 2 - 8. Guideline for determining the need for a major-road right-turn bay at a two-way stop-controlled intersection.



This concludes the response to the Orange County October 28, 2019 review comments.



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Luke Transportation Engineering Consultants

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Attachment – Arnold Engineering Consulting November 12, 2019 letter



1530 McDuff Avenue South  
Jacksonville, FL 32205  
Ph. (813) 477-1719  
Arnoldjohnp@gmail.com

**Arnold Engineering Consulting, LLC**

November 12, 2019

Mr. Joseph Roviario, P.E.  
Luke Transportation Engineering Consultants  
P.O. Box 941556  
Maitland, FL 32794

RE: Angelo's Aggregate Materials  
Proposed Landstreet C&D Transfer Station  
Vehicle Projection Analysis

Dear Mr. Roviario,

Please find the additional information I have compiled, based on our discussions related to Orange County's review comments related to your Access Connection Study. The enclosed vehicle projections for the proposed Landstreet Construction and Demolition Debris (C&D) transfer station are now modeled using actual vehicle counts at four (4) other similar C&D transfer stations, owned and operated by Angelo's Aggregate Materials.

**Methodology**

The daily vehicle traffic projections for the proposed Landstreet C&D transfer station is based on calendar year 2018 scale house records from Angelo's C&D transfer stations located in Lutz, Largo, Brandon, and Lakeland. The proposed Landstreet C&D facility will function identically to these other existing facilities. All of these facilities have been in operation between 3 and 18 years and represent what can be considered mature market conditions and associated incoming vehicle traffic. A figure showing the location of these transfer stations, along with a summary of facility details, is provided in Attachment 1. Also included in Attachment 1 are pictures of typical vehicles that use these facilities. Vehicles that dump C&D materials for processing are typically smaller trucks and trailers. Outgoing C&D waste is consolidated into semi-tractor trucks.

At each existing facility location, the population within a 10-mile radius (C&D catchment area) was determined using data provided by the U.S. Census (<https://www.freemaptools.com/find-population.htm>). Scale-house records for calendar year 2018 were used to determine the number of incoming customer waste vehicles and semi-trucks at each location. The number of C&D transfer station employee vehicle counts were also included to determine the total number of incoming (which is the same as outgoing) vehicles at each facility.

The ratio of "incoming vehicles per C&D catchment area population" was then computed by dividing the population by the total vehicle count. This ratio can then be applied to the

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10-mile radius population around the Landstreet site to estimate the incoming (and outgoing) vehicles.

For this projection, the average and maximum ratios from the existing facilities were used to estimate incoming vehicles at the proposed Landstreet facility. Since all of the existing facilities have been in operation from 3 to 18 years, the vehicle projections for the Landstreet facility will also reflect what would be expected when operations reach maturity and stabilize.

The environmental permitting by the Florida Department of Environmental Protection and Orange County EPD for the Landstreet facility does not directly consider incoming or outgoing vehicle counts. Rather, the transfer station is designed and permitted based on a maximum quantity of waste that can be processed in one day on the tipping floor. This quantity typically far exceeds the actual capacity managed. This allows the C&D transfer station to handle unexpected peaks in waste stream quantities that can be associated with emergencies like hurricanes. The proposed Landstreet facility was designed and permitted to manage 900 tons/day.

#### Results

A spreadsheet is provided in Attachment 3 that lists all of the data and computations used to estimate the proposed Landstreet C&D transfer station vehicle traffic.

The average and maximum number of vehicles entering the proposed Landstreet C&D transfer station (including customers, semi-trucks, and employees) is expected to be 74 and 99 vehicles per day, respectively. The ratio of trucks to total traffic at the existing facilities is approximately 10%, or approximately 10 semi-trucks per day.

Given the small difference between the average and maximum vehicle projections, it is conservative to use the maximum projection (approximately 10 semi-trucks and 90 customer/employee vehicles) for the traffic access study. It is reasonable to assume that reaching these traffic counts would take 3 to 5 years from the date of opening. Long term (after 3 to 5 years from the start of operations), the vehicle traffic counts at the proposed Landstreet facility are expected to increase at a rate that is proportional to growth with the market area, which we estimate to be approximately 3%.

The design capacity of the proposed Landstreet C&D transfer station tipping (processing) area is 900 tons per day, which can handle up to 251 total vehicles per day. This includes approximately 25 semi-trucks per day. This exceeds the expected total vehicle count of 100 vehicles by a factor of 2.5. This demonstrates that the C&D transfer tipping area has the reserve capacity to handle peak flows that are associated with storm debris-generating events. This design vehicle capacity is not indicative of number of vehicles that are reasonably expected to access the site on a daily basis. Assuming an annual increase in vehicle traffic of 3%, which is not likely given the typical material catchment area, it would

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take over 30 years to reach the design capacity of the tipping floor.

I hope that this additional information is sufficient for your use to address the comments from Orange County. Please let me know if you have any questions, or if you need any additional information.

Sincerely,



John Arnold  
P.E. No. 47184  
Date: 11/12/19 No. 47184  
1530 McCluff Ave. S ★  
Jacksonville, FL 32205  
813-477-1719  
STATE OF FLORIDA  
PROFESSIONAL ENGINEER

enclosures



**Attachment 1**  
**Angelo's Aggregate Materials Construction and Demolition Debris (C&D) Transfer Stations**



1. Lutz C&D Transfer Station Details
  - a. Location: 1201 E 148<sup>th</sup> Ave, Lutz, FL 33549
  - b. Years in Operation: 6
  - c. Incoming vehicles 2018: 29,716
  - d. Full time C&D employees: 3
  
2. Largo C&D Transfer Station Details
  - a. Location: 1201 E 148<sup>th</sup> Ave, Lutz, FL 33549
  - b. Years in Operation: 18
  - c. Incoming vehicles 2018: 38,779
  - d. Full time C&D employees: 3
  
3. Brandon C&D Transfer Station Details
  - a. Location: 10221 Fisher Ave, Brandon FL 33619
  - b. Years in Operation: 4
  - c. Incoming vehicles 2018: 14,304
  - d. Full time C&D employees: 3

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**Lakeland C&D Transfer Station Details**

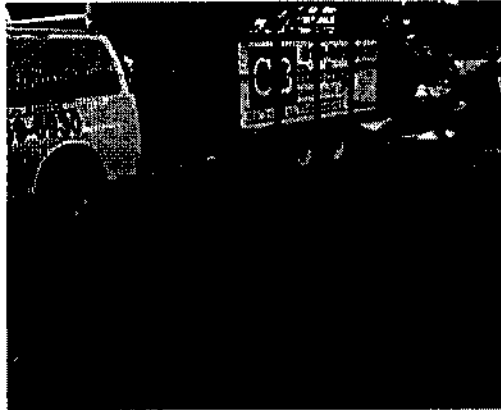
- c. Location: 1880 Fairbanks Street, Lakeland FL 33805
- f. Years in Operation: 3
- g. Incoming vehicles 2018: 6,552
- h. Full time C&D employees: 3

**Pictures of Typical Incoming Waste Vehicle**



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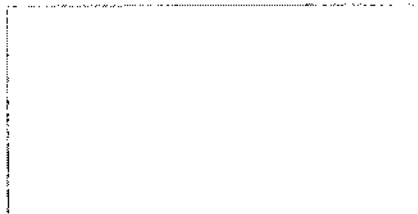
**Attachment 2  
10-Mile Radius Population Estimates**

**Angelo's Aggregate Materials - Lutz, Largo, Brandon, Landstreet, and Lakeland C&D  
Facilities**

# FreeMapTools



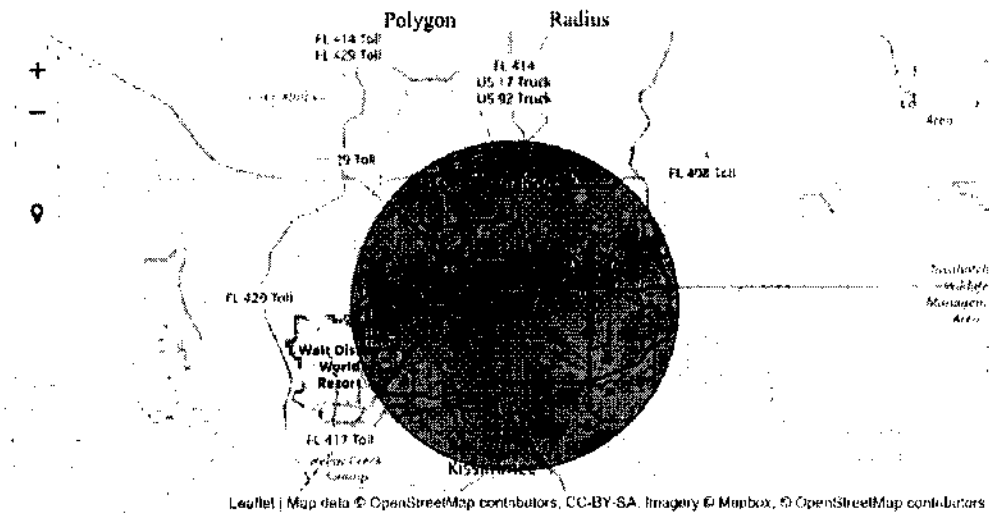
Maps you can make use of...



## Find Population on Map

Map of the world where you define an area then find out the estimated population inside that area. You can use this tool to find the population inside a radius of any location in the world or define a custom area and find the population in the area.

## Population Inside a Area Search Map



## Input

<https://www.freemaptools.com/find-population.htm>

1/6

11/8/2018

Find Population on Map

Add Radius manually : Radius 16.093440 km OR 10.00 : miles Location :  
Search...

## Output

The estimated population in the defined area is 573,760

## Options

Find Population

Zoom To Fit

Reset Map

Full Screen

## Instructions

1. Search, zoom and pan the map to find the desired location
2. Toggle the Polygon or Radius above the map to start drawing a polygon or a radius circle
3. Click on the map to define the outside edge of the polygon. You can move the edges after it has been drawn. You can delete an edge by right clicking
4. Once the area is defined, click the [Find Population] button to find the population inside
5. After a delay, the estimated population is returned and displayed below the map

Other notes:

- Click the [Full Screen] icon on the map to view the map in full screen
- Click the [Zoom To Fit] button to zoom your map in/out on the area drawn
- Click the [Reset Map] button to start again

## Example Population Estimate

# FreeMapTools



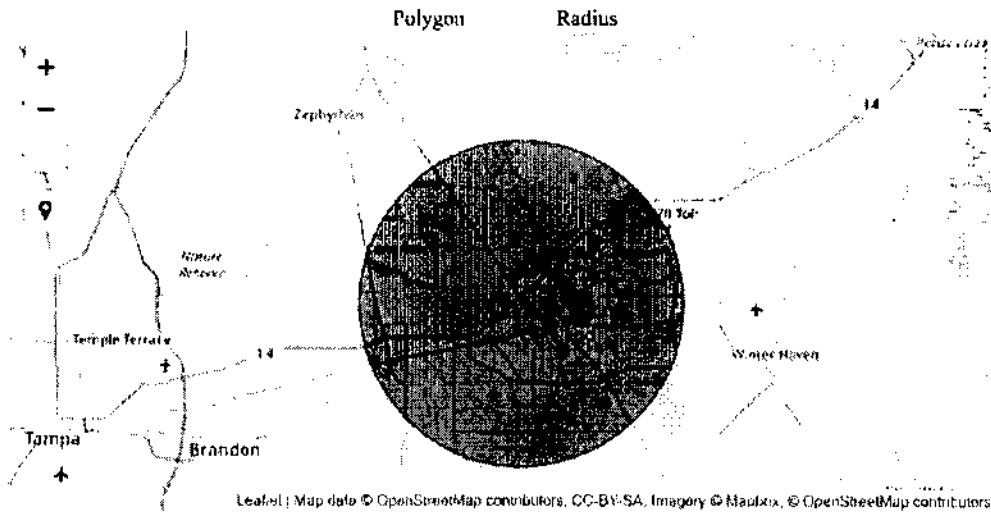
Maps you can make use of...



## Find Population on Map

Map of the world where you define an area then find out the estimated population inside that area. You can use this tool to find the population inside a radius of any location in the world or define a custom area and find the population in the area.

## Population Inside a Area Search Map



## Input

<https://www.freemaptools.com/find-population.htm>

1/6



11/8/2019

Find Population on Map

Add Radius manually : Radius 18.093440 km OR 10.00 miles Location :  
Search...

## Output

The estimated population in the defined area is 246,522

## Options

Find Population

Zoom To Fit

Reset Map

Full Screen

## Instructions

1. Search, zoom and pan the map to find the desired location
2. Toggle the Polygon or Radius above the map to start drawing a polygon or a radius circle
3. Click on the map to define the outside edge of the polygon. You can move the edges after it has been drawn. You can delete an edge by right clicking
4. Once the area is defined, click the [Find Population] button to find the population inside
5. After a delay, the estimated population is returned and displayed below the map

Other notes:

- Click the [Full Screen] icon on the map to view the map in full screen
- Click the [Zoom To Fit] button to zoom your map in/out on the area drawn
- Click the [Reset Map] button to start again

## Example Population Estimate



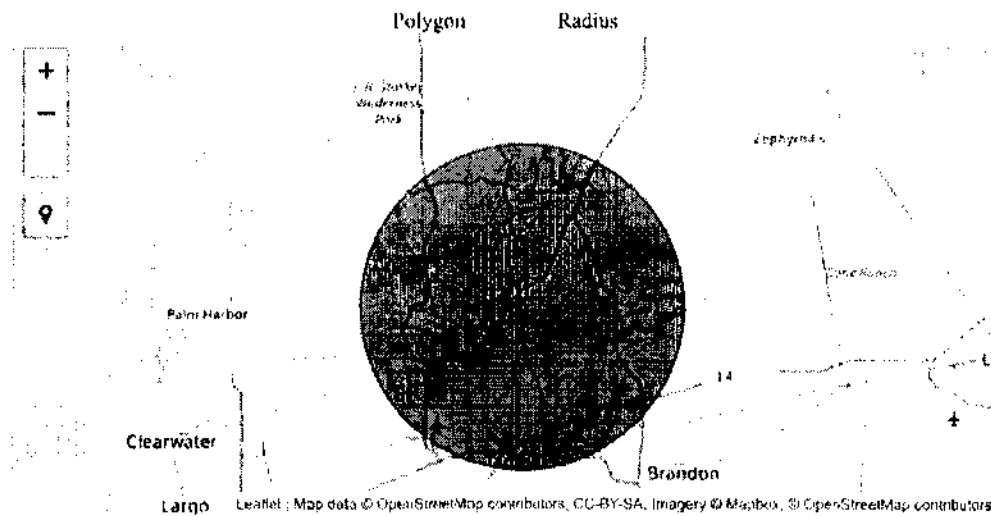
Maps you can make use of...



## Find Population on Map

Map of the world where you define an area then find out the estimated population inside that area. You can use this tool to find the population inside a radius of any location in the world or define a custom area and find the population in the area.

### Population Inside a Area Search Map



### Input

<https://www.freemaptools.com/find-population.htm>

1/6

11/6/2019

Find Population on Map

Add Radius manually : Radius: 16.093440 km OR 10.00 miles Location :  
Search...

## Output

The estimated population in the defined area is 550,389

## Options

Find Population

Zoom To Fit

Reset Map

Full Screen

## Instructions

1. Search, zoom and pan the map to find the desired location
2. Toggle the Polygon or Radius above the map to start drawing a polygon or a radius circle
3. Click on the map to define the outside edge of the polygon. You can move the edges after it has been drawn. You can delete an edge by right clicking
4. Once the area is defined, click the [Find Population] button to find the population inside
5. After a delay, the estimated population is returned and displayed below the map

Other notes:

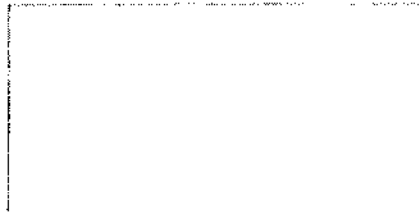
- Click the [Full Screen] icon on the map to view the map in full screen
- Click the [Zoom To Fit] button to zoom your map in/out on the area drawn
- Click the [Reset Map] button to start again

## Example Population Estimate

# FreeMapTools



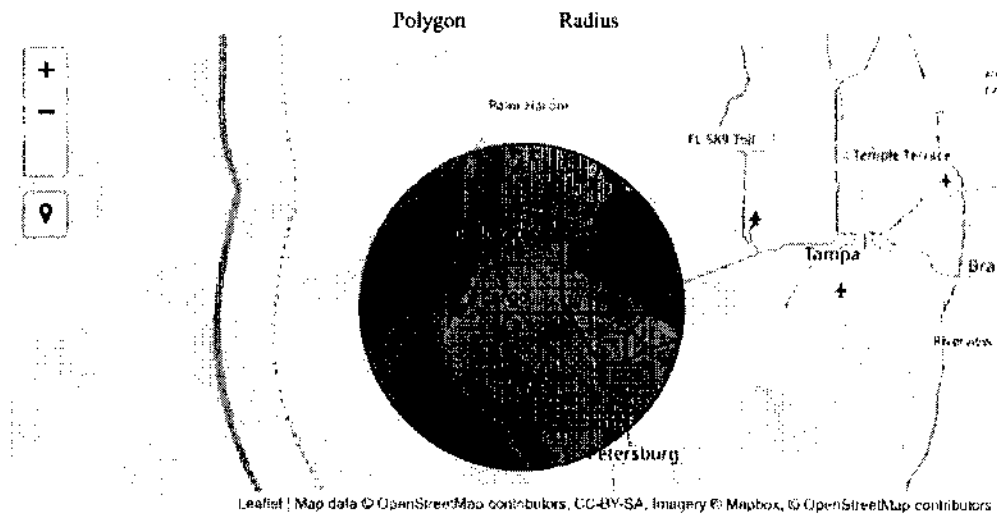
Maps you can make use of...



## Find Population on Map

Map of the world where you define an area then find out the estimated population inside that area. You can use this tool to find the population inside a radius of any location in the world or define a custom area and find the population in the area.

## Population Inside a Area Search Map



## Input

<https://www.freemaptools.com/find-population.htm>

1/6

11/8/2015

Find Population on Map

Add Radius manually : Radius 16.093440 km OR 10.00 Miles Location :  
Search...

## Output

The estimated population in the defined area is 716,118

## Options

Find Population

Zoom To Fit

Reset Map

Full Screen

## Instructions

1. Search, zoom and pan the map to find the desired location
2. Toggle the Polygon or Radius above the map to start drawing a polygon or a radius circle
3. Click on the map to define the outside edge of the polygon. You can move the edges after it has been drawn. You can delete an edge by right clicking
4. Once the area is defined, click the [Find Population] button to find the population inside
5. After a delay, the estimated population is returned and displayed below the map

Other notes:

- Click the [Full Screen] icon on the map to view the map in full screen
- Click the [Zoom To Fit] button to zoom your map in/out on the area drawn
- Click the [Reset Map] button to start again

## Example Population Estimate



# FreeMapTools



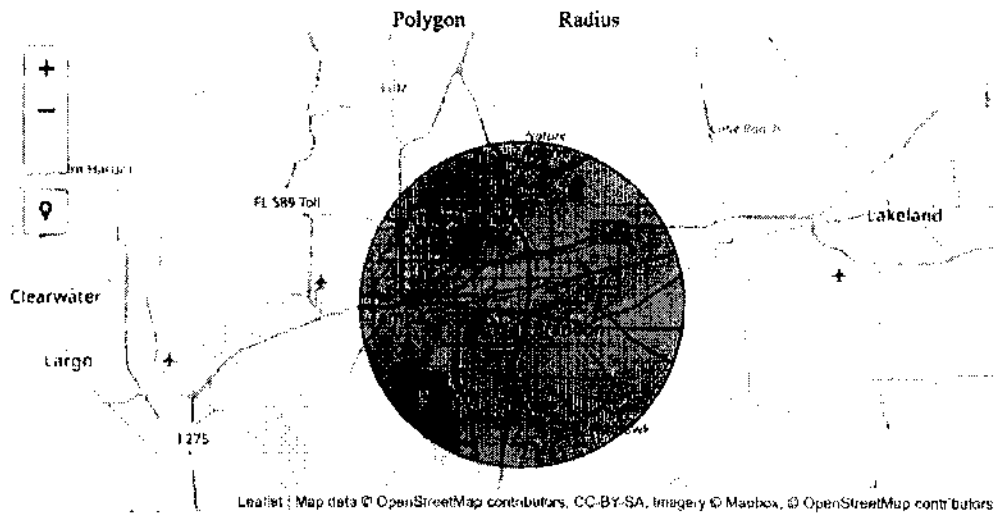
Maps you can make use of...



## Find Population on Map

Map of the world where you define an area then find out the estimated population inside that area. You can use this tool to find the population inside a radius of any location in the world or define a custom area and find the population in the area.

## Population Inside a Area Search Map



## Input

<https://www.freemaptools.com/find-population.htm>

1/6

11/8/2019

Find Population on Map

Add Radius manually : Radius 16.093440 km OR 10.00 miles Location :  
Search...

## Output

The estimated population in the defined area is 556,999

## Options

Find Population

Zoom To Fit

Reset Map

Full Screen

## Instructions

1. Search, zoom and pan the map to find the desired location
2. Toggle the Polygon or Radius above the map to start drawing a polygon or a radius circle
3. Click on the map to define the outside edge of the polygon. You can move the edges after it has been drawn. You can delete an edge by right clicking
4. Once the area is defined, click the [Find Population] button to find the population inside
5. After a delay, the estimated population is returned and displayed below the map

Other notes:

- Click the [Full Screen] icon on the map to view the map in full screen
- Click the [Zoom To Fit] button to zoom your map in/out on the area drawn
- Click the [Reset Map] button to start again

## Example Population Estimate

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**Attachment 3**  
**Angelo's Aggregate Materials - Calculations and Estimates**



**Angelo's Aggregate Materials  
 Proposed Landstreet C&D Transfer Station  
 Vehicle Projection Analysis**

**Existing C&D Transfer Stations**

C&D Transfer Station	Year Operations Commenced	10-Mile Radius Population	CY 2018* Incoming Customer Vehicles	CY 2018 Incoming Employee Vehicles	CY 2018* Incoming Semi Trucks	CY 2018 Total Incoming Vehicles	Ratio Total Incoming Vehicles to Population
Lutz	2013	550,389	25,759	912	3,045	29,716	0.0540
Brandon	2016	556,899	11,735	912	1,657	14,304	0.0257
Largo	2001	716,118	33,937	912	3,930	38,779	0.0542
Lakeland	2017	246,522	4,878	912	762	6,552	0.0266
						Average =	0.0401
						Maximum =	0.0542

\* From Scale-House Records

**Proposed Landstreet Facility**

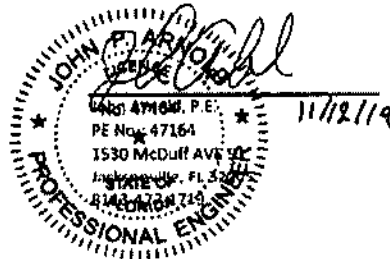
10-Mile Radius Population =	573,760
Ratio Total Inc. Veh. To Pop. (AVG) =	0.0401
Projected Total Incoming Vehicle Count (AVG) =	23,008 vehicle/yr
Annual Work Days =	313 day/yr
<b>Projected Total Incoming Vehicle Count (AVG) =</b>	<b>74 vehicle/day</b>
Ratio Inc. Veh. To Pop. (MAX) =	0.0542
Projected Incoming Vehicle Count (MAX) =	31,070 vehicle/yr
Annual Work Days =	313 day/yr
<b>Projected Incoming Vehicle Count (MAX) =</b>	<b>99 vehicle/day</b> << USE MAX
Ratio of trucks/total vehicle =	10%

**FOEP Design C&D Transfer Station Capacity**

Design Capacity of C&D Transfer Station =	900 tons/day
Avg. Capacity of Incoming Customer Vehicle (net) =	4.25 ton/Incoming vehicle
Day Incoming Customer Vehicle =	212 vehicle/day
Day Incoming Employee Vehicle =	3 vehicle/day
Avg. Capacity of Semi Truck (net) =	25 ton/semi
Day Incoming Semi-Truck =	36 semi/day
<b>C&amp;D Transfer Station Vehicle Design Capacity =</b>	<b>251 vehicles/day</b>

**Factor of Safety Related to Vehicle Counts**

Factor of Safety for Vehicle Capacity at C&D Transfer Station =	[Design Vehicle Count]/[Projected Vehicle Count]
Factor of Safety for Vehicle Capacity at C&D Transfer Station =	[251] / [99]
<b>Factor of Safety for Vehicle Capacity at C&amp;D Transfer Station =</b>	<b>2.5</b> against exceeding design capacity



## Appendix B –Traffic Counts

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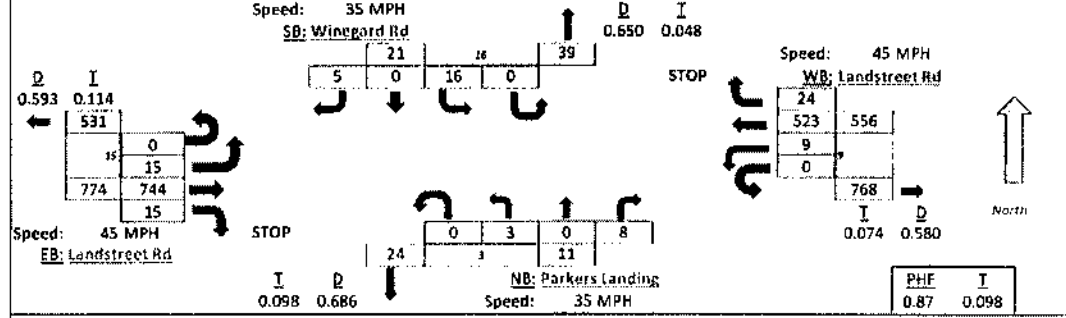


### Summary of Vehicle Movements

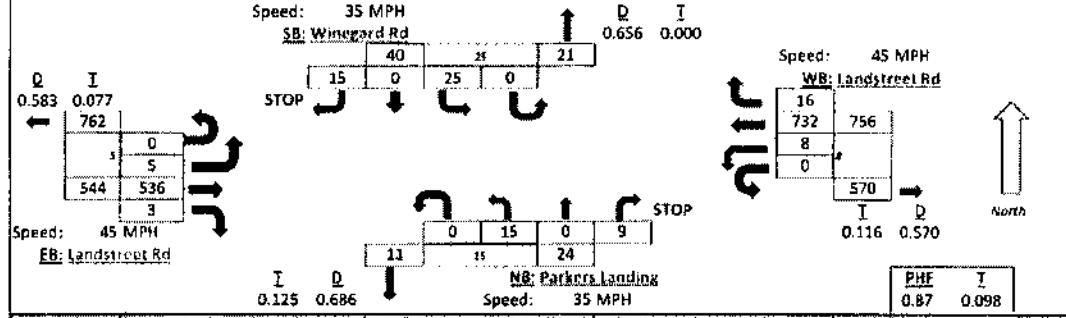
Luke Transportation Engineering Consultants

<b>Project:</b>	Angelo's Aggregate Materials	<b>LTEC LTEC</b>	<b>Ltec</b>
<b>N/S Road:</b>	Parkers Landing	<b>Observer:</b>	LTEC
<b>E/W Road:</b>	Landstreet Rd	<b>Weather:</b>	Clear
<b>Date:</b>	Wednesday, October 2, 2019	<b>Rd Condition:</b>	Ok
<b>City:</b>	Orlando	<b>Signal:</b>	No
<b>County:</b>	Orange	<b>Major St Movement:</b>	East/West
<b>FDOT Sp:</b>	1.00	<b>PM Fk Hr Factor:</b>	0.87
		<b>Latitude:</b>	28.436065°
		<b>Longitude:</b>	-81.384139°
		<b>Station #:</b>	1

#### Seasonally Adjusted A.M. Peak Hour Turning Movement Summary - 07:30 - 08:30



#### Seasonally Adjusted P.M. Peak Hour Turning Movement Summary - 16:30 - 17:30



Peak Hour	Parkers Landing Northbound				Winegard Rd Southbound				Landstreet Rd Eastbound			Landstreet Rd Westbound				
	Uturn	Lt	Thru	Rt	Uturn	Lt	Thru	Rt	Uturn	Lt	Thru	Rt	Uturn	Lt	Thru	Rt
# Lanes	1				1				1			1				
Length	100				100				100			100				
7:00 - 7:15	0	2	0	1	0	1	0	6	0	7	167	2	0	2	150	5
7:15 - 7:30	0	5	0	2	0	1	0	2	0	3	125	1	0	3	120	1
7:30 - 7:45	0	2	0	3	0	4	0	4	0	0	188	5	0	0	150	6
7:45 - 8:00	0	1	0	2	0	4	0	1	0	6	164	3	0	2	112	6
Hourly Sum	0	10	0	8	0	10	0	13	0	16	644	11	0	7	532	18
8:00 - 8:15	0	0	0	1	0	5	0	0	0	7	220	5	0	5	141	7
8:15 - 8:30	0	0	0	2	0	3	0	0	0	2	173	2	0	2	119	6
8:30 - 8:45	0	2	0	2	0	0	0	0	0	1	188	0	0	3	131	3
8:45 - 9:00	0	0	0	0	0	4	0	2	0	2	169	1	0	1	117	2
Hourly Sum	0	2	0	5	0	12	0	2	0	12	750	8	0	11	508	18
16:00 - 16:15	0	2	0	2	0	5	0	7	0	6	154	2	0	1	164	1
16:15 - 16:30	0	1	0	3	0	1	0	3	0	2	123	5	0	2	123	1
16:30 - 16:45	0	5	0	0	0	6	0	0	0	4	154	2	0	3	185	4
16:45 - 17:00	0	3	0	2	0	6	0	6	0	1	115	1	0	2	161	4
Hourly Sum	0	11	0	7	0	18	0	16	0	13	546	10	0	8	633	10
17:00 - 17:15	0	5	0	5	0	7	0	7	0	0	145	0	0	1	216	5
17:15 - 17:30	0	2	0	2	0	6	0	2	0	0	122	0	0	2	170	3
17:30 - 17:45	0	0	0	3	0	3	0	1	0	0	134	2	0	2	185	0
17:45 - 18:00	0	1	0	1	0	2	0	2	0	2	120	0	0	0	166	4
Hourly Sum	0	8	0	11	0	18	0	12	0	2	521	2	0	5	737	12
<b>A.M. Peak Hour Summary - Seasonally Adjusted with FDOT Factor</b>																
7:30 - 8:30	0	3	0	8	0	16	0	5	0	15	744	15	0	9	523	24
% Turns		27.3%		72.7%		76.2%		23.8%		1.9%	96.1%	1.9%		1.6%	94.1%	4.3%
<b>P.M. Peak Hour Summary - Seasonally Adjusted with FDOT Factor</b>																
16:30 - 17:30	0	15	0	9	0	25	0	15	0	5	536	3	0	8	732	16
% Turns		62.5%		37.5%		62.5%		37.5%		0.9%	98.5%	0.6%		1.1%	96.8%	2.1%

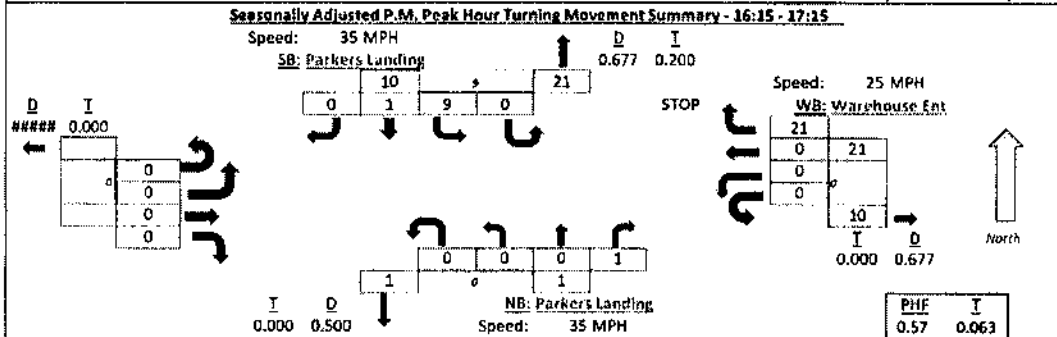
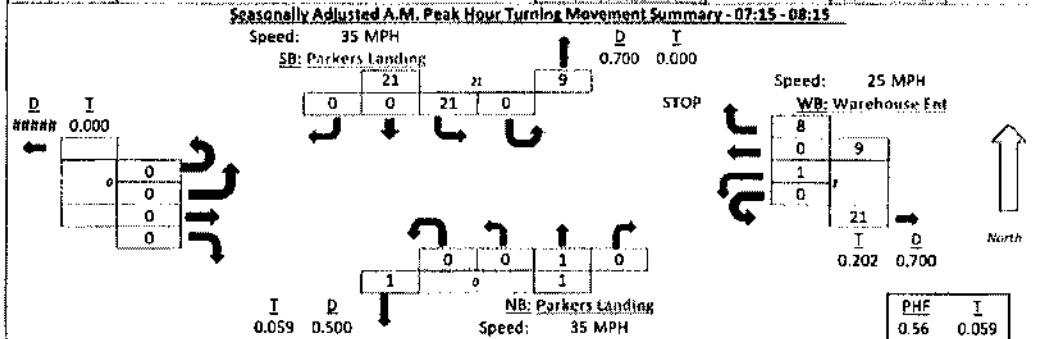
Luke Transportation Engineering Consultants, 2019



### Summary of Vehicle Movements

Luke Transportation Engineering Consultants

<b>Project:</b> Angelo's Aggregate Materials	<b>LTEC LTEC</b>
<b>N/S Road:</b> Parkers Landing	<b>Observer:</b> LTEC
<b>E/W Road:</b> Warehouse Ent	<b>Weather:</b> Clear
<b>Date:</b> Wednesday, October 2, 2019	<b>Rd Conditions:</b> OK
<b>City:</b> Orlando	<b>Signal:</b> No
<b>County:</b> Orange	<b>Major St Movement:</b> North/South
<b>PDOT Sp:</b> 1.00	<b>PM Pk Hr Factor:</b> 0.57
	<b>Latitude:</b> 28.432699°
	<b>Longitude:</b> -81.384105°
	<b>Station #:</b> 2



Peak Hour	Parkers Landing Northbound				Parkers Landing Southbound				Warehouse Ent Eastbound				Warehouse Ent Westbound			
	Uturn	Lt	Thru	Rt	Uturn	Lt	Thru	Rt	Uturn	Lt	Thru	Rt	Uturn	Lt	Thru	Rt
7:00 - 7:15	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	2
7:15 - 7:30	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	3
7:30 - 7:45	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0
7:45 - 8:00	0	0	0	0	0	5	0	0	0	0	0	0	0	0	0	0
Hourly Sum	0	0	0	0	0	14	0	0	0	0	0	0	0	0	0	5
8:00 - 8:15	0	0	1	0	0	11	0	0	0	0	0	0	0	1	0	1
8:15 - 8:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:30 - 8:45	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
8:45 - 9:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hourly Sum	0	0	1	0	0	11	1	0	0	0	0	0	0	1	0	1
16:00 - 16:15	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	4
16:15 - 16:30	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	3
16:30 - 16:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
16:45 - 17:00	0	0	0	0	0	5	0	0	0	0	0	0	0	0	0	5
Hourly Sum	0	0	0	0	0	10	0	0	0	0	0	0	0	0	0	14
17:00 - 17:15	0	0	0	1	0	1	1	0	0	0	0	0	0	0	0	11
17:15 - 17:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
17:30 - 17:45	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
17:45 - 18:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hourly Sum	0	0	1	1	0	1	1	0	0	0	0	0	0	0	0	11
<b>A.M. Peak Hour Summary - Seasonally Adjusted with FDOT Factor</b>																
7:15 - 8:15	0	0	1	0	0	21	0	0	0	0	0	0	0	1	0	8
% Turns			100.0%		100.0%								11.1%			88.9%
<b>P.M. Peak Hour Summary - Seasonally Adjusted with FDOT Factor</b>																
16:15 - 17:15	0	0	1	0	0	9	1	0	0	0	0	0	0	0	0	21
% Turns			100.0%		90.0%	10.0%										100.0%

Luke Transportation Engineering Consultants, 2019

**Appendix C – Existing Intersection Analysis Summary Worksheets**

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HCM 6th TWSC  
 1: Parkers Landing/Winegard Rd & Landstreet Rd

Existing AM  
 10/11/2019

Initial Delay, s/veh	0.5											
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Lane Configurations	1	2	3	4	5	6	7	8	9	10	11	12
Traffic Vol, veh/h	15	744	15	9	523	24	3	0	8	16	0	5
Future Vol, veh/h	15	744	15	9	523	24	3	0	8	16	0	5
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	0	-	-	0	-	-	-	-	-	-	-	-
Veh In Median Storage, #	-	0	-	-	0	-	-	2	-	-	2	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87
Heavy Vehicles, %	11	11	11	7	7	7	10	10	10	5	5	5
Mvmt Flow	17	655	17	10	601	28	3	0	8	16	0	6

Conflicting Flow All	629	0	0	872	0	0	1219	1547	436	1097	1541	315
Stage 1	-	-	-	-	-	-	898	898	-	835	835	-
Stage 2	-	-	-	-	-	-	321	649	-	462	906	-
Critical Hdwy	4.32	-	-	4.24	-	-	7.7	6.7	7.1	7.8	6.6	7
Critical Hdwy Stg 1	-	-	-	-	-	-	6.7	5.7	-	6.6	5.6	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.7	5.7	-	6.6	5.6	-
Follow-up Hdwy	2.31	-	-	2.27	-	-	3.6	4.1	3.4	3.55	4.05	3.35
Pot Cap-1 Maneuver	890	-	-	738	-	-	128	106	547	164	111	672
Stage 1	-	-	-	-	-	-	265	338	-	426	483	-
Stage 2	-	-	-	-	-	-	943	446	-	541	346	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	890	-	-	738	-	-	124	102	547	157	107	672
Mov Cap-2 Maneuver	-	-	-	-	-	-	255	265	-	338	271	-
Stage 1	-	-	-	-	-	-	280	332	-	418	457	-
Stage 2	-	-	-	-	-	-	629	439	-	522	339	-

HCM Control Delay, s	0.2		0.2		13.8		15
HCM LOS					B		C

Capacity (veh/h)	417	890	-	-	738	-	-	383
HCM Lane V/C Ratio	0.03	0.019	-	-	0.014	-	-	0.063
HCM Control Delay (s)	13.8	9.1	-	-	9.9	-	-	15
HCM Lane LOS	B	A	-	-	A	-	-	C
HCM 85th %ile Q(veh)	0.1	0.1	-	-	0	-	-	0.2



HCM 6th TWSC  
 2: Parkers Landing & Warehouse Ent

Existing AM  
 10/11/2019

Input Data						
Ini Delay, s/veh	7.4					
Traffic Data						
Lane Configurations	W	W	NB	EB	S	S
Traffic Vol, veh/h	1	8	1	0	21	0
Future Vol, veh/h	1	6	1	0	21	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh In Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	58	58	58	58	58	58
Heavy Vehicles, %	20	20	6	6	6	6
Mvmt Flow	2	14	2	0	38	0
Performance Metrics						
Conflicting Flow All	78	2	0	0	2	0
Stage 1	2	-	-	-	-	-
Stage 2	76	-	-	-	-	-
Critical Hdwy	6.6	6.4	-	-	4.16	-
Critical Hdwy Stg 1	5.6	-	-	-	-	-
Critical Hdwy Stg 2	5.6	-	-	-	-	-
Follow-up Hdwy	3.68	3.48	-	-	2.254	-
Pol Cap-1 Maneuver	862	1032	-	-	1594	-
Stage 1	976	-	-	-	-	-
Stage 2	903	-	-	-	-	-
Platoon blocked, %	-	-	-	-	-	-
Mov Cap-1 Maneuver	661	1032	-	-	1594	-
Mov Cap-2 Maneuver	661	-	-	-	-	-
Stage 1	653	-	-	-	-	-
Stage 2	903	-	-	-	-	-
HCM Control Delay						
HCM Control Delay, s	8.6	0	7.3			
HCM LOS	A					
Capacity and LOS						
Capacity (veh/h)	-	-	1010	1594	-	-
HCM Lane V/C Ratio	-	-	0.016	0.024	-	-
HCM Control Delay (s)	-	-	8.6	7.3	0	-
HCM Lane LOS	-	-	A	A	A	-
HCM 95th %ile Q(veh)	-	-	0	0.1	-	-

**HCM 6th TWSC**  
**1: Parkers Landing/Winegard Rd & Landstreet Rd**

Existing PM  
 10/11/2019

Int Delay, s/veh	0.8											
------------------	-----	--	--	--	--	--	--	--	--	--	--	--

Lane Configurations	1	↑↑	3	8	732	16	15	0	9	25	0	15
Traffic Vol, veh/h	5	536	3	8	732	16	15	0	9	25	0	15
Future Vol, veh/h	5	536	3	8	732	16	15	0	9	25	0	15
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	0	-	-	0	-	-	-	-	-	-	-	-
Veh In Median Storage, #	-	0	-	-	0	-	-	2	-	-	2	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	87	87	87	87	87	87	87	87	87	87	87	87
Heavy Vehicles, %	8	8	8	12	12	12	13	13	13	2	2	2
Mvmt Flow	8	618	3	9	641	18	17	0	10	29	0	17

Conflicting Flow All	859	0	0	619	0	0	1089	1507	310	1188	1499	430
Stage 1	-	-	-	-	-	-	630	630	-	888	888	-
Stage 2	-	-	-	-	-	-	439	877	-	320	631	-
Critical Hdwy	4.26	-	-	4.34	-	-	7.78	6.78	7.16	7.54	6.54	6.94
Critical Hdwy Stg 1	-	-	-	-	-	-	6.78	5.76	-	6.54	5.54	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.78	5.76	-	6.54	5.54	-
Follow-up Hdwy	2.28	-	-	2.32	-	-	3.63	4.13	3.43	3.52	4.02	3.32
Pot Cap-1 Maneuver	741	-	-	892	-	-	162	106	664	144	121	573
Stage 1	-	-	-	-	-	-	410	447	-	314	368	-
Stage 2	-	-	-	-	-	-	538	340	-	688	473	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	741	-	-	892	-	-	155	106	654	140	119	573
Mov Cap-2 Maneuver	-	-	-	-	-	-	332	269	-	292	292	-
Stage 1	-	-	-	-	-	-	407	443	-	311	364	-
Stage 2	-	-	-	-	-	-	517	337	-	650	469	-

HCM Control Delay, s	0.1	0.1	14.5	16.9
HCM LOS			B	C

Capacity (veh/h)	407	741	-	-	892	-	-	348
HCM Lane V/C Ratio	0.068	0.008	-	-	0.01	-	-	0.132
HCM Control Delay (s)	14.5	9.9	-	-	9.1	-	-	18.9
HCM Lane LOS	B	A	-	-	A	-	-	C
HCM 85th %ile Q(veh)	0.2	0	-	-	0	-	-	0.5



HCM 6th TWSC  
2: Parkers Landing & Warehouse Ent

Existing PM  
10/11/2019

Input						
Int Delay, s/veh	7.6					
Control						
Lane Configurations	Y		W		W	
Traffic Vol, veh/h	0	21	0	1	9	1
Future Vol, veh/h	0	21	0	1	9	1
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	57	57	57	57	57	57
Heavy Vehicles, %	2	2	2	2	20	20
Mvmt Flow	0	37	0	2	16	2

Output						
Conflicting Flow All	35	1	0	0	2	0
Stage 1	1	-	-	-	-	-
Stage 2	34	-	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	4.3	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	-	-	2.38	-
Pol Cap-1 Maneuver	978	1084	-	-	1510	-
Stage 1	1022	-	-	-	-	-
Stage 2	988	-	-	-	-	-
Platoon blocked, %	-	-	-	-	-	-
Mov Cap-1 Maneuver	967	1084	-	-	1510	-
Mov Cap-2 Maneuver	967	-	-	-	-	-
Stage 1	1011	-	-	-	-	-
Stage 2	988	-	-	-	-	-

Approach			
HCM Control Delay, s	6.4	0	6.7
HCM LOS	A		

Approach			
Capacity (veh/h)	-	1084	1510
HCM Lane V/C Ratio	-	0.034	0.01
HCM Control Delay (s)	-	6.4	7.4
HCM Lane LOS	-	A	A
HCM 95th %ile Q(veh)	-	0.1	0

Existing 10/08/2019 PM Peak Hour  
JTR

Synchro 10 Report  
Page 2

## Appendix D – Trip Generation Estimate Documents

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**Joseph Roviario**

**From:** John Arnold <john.phillip.arnold@gmail.com>  
**Sent:** Thursday, July 18, 2019 11:46 AM  
**To:** Joseph Roviario  
**Cc:** Huels, Jonathan P.; J. Anthony Luke; Deal, Jennifer  
**Subject:** Re: Angelo's Aggregate Materials - Traffic Generation Analysis

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Joseph,

I've estimated the following data for the Landstreet transfer/recycling operations based on my experience with Angelos existing, similar operations located in Lutz, Tampa, and Brandon.

- Number of employees by shift: 3 (scale house attendant, equipment operator, and spotter)
- Hours of operation and number of work shifts: 1 shift every Monday - Saturday from 7AM - 7PM; 313 days/yr
- Average number of C&D trucks per day and by hour if available: Assuming 900 tons/work day of incoming materials (281,700 tons/yr) @ 4.25 tons/vehicle @ 313 work days/yr = 212 vehicles/work day; incoming vehicles are distributed evenly throughout the day at about 17.7 vehicles/hr.
- Average number of trucks per day (and by hour, if available) taking items off-site for disposal: Assuming 900 tons/work day being transported off the site in semi-trailers @ 25.5 tons/trailer @ 313 work days/yr = 35.29 vehicles/work day; outbound trailers are distributed evenly throughout the day at about 3 trailers/hr.
- Average number of trucks per day (and by hour, if available) with sorted recycled materials: Included in the above numbers; the inbound recyclables are mixed in the waste and the outbound recyclables are transported in semi-trailers.
- Average number of customers per day (and by hour, if available): This is the same as the amount of vehicle counts above, or around 212 customers per day.

Please let me know if you have any questions or if you need any additional information.

John

On Wed, Jul 17, 2019 at 10:09 AM Joseph Roviario <jtr@itec-fl.com> wrote:

Jonathan,

In order to develop trip generation rate for the proposed development site we would need the following information:

- Number of employees by shift
- Hours of operation and number of work shifts
- Average number of C&D trucks per day and by hour if available
- Average number of trucks per day (and by hour, if available) taking items off-site for disposal
- Average number of trucks per day (and by hour, if available) with sorted recycled materials
- Average number of customers per day (and by hour, if available)

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## Appendix E – Linear Regression Worksheet



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**Historical Traffic Counts - Linear Regression Calculations**

Roadway Segment		Station Number	Orange County AADT (1)							FDOT Trends Analysis - V2.0 Linear Regression			Projected 2019	Growth Factor	Annual Growth Rate
From	To		2012	2013	2014	2015	2016	2017	2018	RSQ	Slope	Intercept			
<b>Landstreet Road</b>															
Bachman Rd	Orange Ave	7072.0	15,193	16,416	17,857	17,686	20,815	23,388	23,277	0.935	1,469,7857	13,354.0000	25,100	1.06	6.4%

1. From 2018 AADT Orange County Traffic Counts

Luke Transportation Engineering Consultants, Inc., 2019



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## Appendix F – 2020 Intersection Analysis Summary Worksheets

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HCM 6th TWSC  
 1: Parkers Landing/Winegard Rd & Landstreet Rd

2020 AM Revised  
 12/06/2019

Int Delay, s/veh	0.6											
Lane Configurations	↑↑	↑	↑↑	↑	↑↑	↑	↑↑	↑	↑↑	↑	↑↑	↑
Traffic Vol, veh/h	18	799	31	20	581	26	14	0	17	17	0	5
Future Vol, veh/h	18	799	31	20	581	26	14	0	17	17	0	5
Conflicting Pads, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	0	-	240	0	-	-	-	-	-	-	-	-
Veh In Median Storage, #	-	0	-	-	0	-	-	2	-	-	2	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	87	87	87	87	87	87	87	87	87	87	87	87
Heavy Vehicles, %	11	11	11	7	7	7	10	10	10	5	5	5
Mvmt Flow	18	918	36	23	645	30	16	0	20	20	0	6

Conflicting Flow All	675	0	0	954	0	0	1323	1675	459	1201	1696	338
Stage 1	-	-	-	-	-	-	954	954	-	708	708	-
Stage 2	-	-	-	-	-	-	369	721	-	495	990	-
Critical Hdwy	4.32	-	-	4.24	-	-	7.7	8.7	7.1	7.6	8.6	7
Critical Hdwy Stg 1	-	-	-	-	-	-	6.7	5.7	-	6.6	5.6	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.7	5.7	-	6.6	5.6	-
Follow-up Hdwy	2.31	-	-	2.27	-	-	3.6	4.1	3.4	3.55	4.05	3.35
Pot Cap-1 Maneuver	854	-	-	688	-	-	106	87	628	137	89	649
Stage 1	-	-	-	-	-	-	263	318	-	386	430	-
Stage 2	-	-	-	-	-	-	602	411	-	517	316	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	854	-	-	688	-	-	101	82	528	128	84	649
Mov Cap-2 Maneuver	-	-	-	-	-	-	232	241	-	301	235	-
Stage 1	-	-	-	-	-	-	267	311	-	378	415	-
Stage 2	-	-	-	-	-	-	577	397	-	487	309	-

HCM Control Delay, s	0.2	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3	0.3
HCM LOS	C	C	C	C	C	C	C	C	C	C	C	C

Capacity (veh/h)	335	654	-	-	688	-	-	-	343	-	-	-
HCM Lane V/C Ratio	0.106	0.022	-	-	0.034	-	-	-	0.074	-	-	-
HCM Control Delay (s)	17	9.3	-	-	10.4	-	-	-	16.3	-	-	-
HCM Lane LOS	C	A	-	-	B	-	-	-	C	-	-	-
HCM 95th %ile Q(veh)	0.4	0.1	-	-	0.1	-	-	-	0.2	-	-	-

HCM 6th TWSC  
2: Parkers Landing & Site Ent/Warehouse Ent

2020 AM  
10/11/2019

Int Delay, s/veh	5.9											
Lane Configurations	↔ ↔ ↔ ↔											
Traffic Vol, veh/h	19	0	0	1	0	8	0	1	0	23	0	25
Future Vol, veh/h	19	0	0	1	0	8	0	1	0	23	0	25
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	56	92	56	92	56	56	56	56	92
Heavy Vehicles, %	2	2	2	20	2	20	2	8	8	6	6	2
Wymt Flow	21	0	0	2	0	14	0	2	0	41	0	27

Conflicting Flow All	105	96	14	98	111	2	27	0	0	2	0	0
Stage 1	96	96	-	2	2	-	-	-	-	-	-	-
Stage 2	9	2	-	96	109	-	-	-	-	-	-	-
Critical Hdwy	7.12	8.52	6.22	7.3	6.52	6.4	4.12	-	-	4.16	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.3	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	8.12	8.52	-	8.3	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.68	4.018	3.46	2.218	-	-	2.254	-	-
Pot Cap-1 Maneuver	875	792	1066	843	779	1032	1587	-	-	1594	-	-
Stage 1	911	815	-	976	894	-	-	-	-	-	-	-
Stage 2	1012	894	-	868	805	-	-	-	-	-	-	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	846	771	1066	826	759	1032	1587	-	-	1594	-	-
Mov Cap-2 Maneuver	846	771	-	826	759	-	-	-	-	-	-	-
Stage 1	911	794	-	976	894	-	-	-	-	-	-	-
Stage 2	998	894	-	845	784	-	-	-	-	-	-	-

HCM Control Delay, s	9.4	8.6	0	4.4
HCM LOS	A	A		

Capacity (veh/h)	1587	-	-	846	1004	1594	-	-
HCM Lane V/C Ratio	-	-	-	0.024	0.016	0.026	-	-
HCM Control Delay (s)	0	-	-	9.4	8.6	7.3	0	-
HCM Lane LOS	A	-	-	A	A	A	A	-
HCM 85th %ile Q(veh)	0	-	-	0.1	0	0.1	-	-



HCM 6th TWSC  
1: Parkers Landing/Winegard Rd & Landstreet Rd

2020 PM Revised  
12/06/2019

Int Delay, s/veh 1.2

Lane Configurations	↑	↑↑	↑↑↑	↓	↓↓	↓↓↓	↔	↔↔	↔↔↔	↔↔↔↔	↔↔↔↔↔	↔↔↔↔↔↔
Traffic Vol, veh/h	5	575	14	17	788	17	31	0	20	27	0	16
Future Vol, veh/h	5	575	14	17	788	17	31	0	20	27	0	16
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	0	-	0	0	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	2	-	-	2	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	87	87	87	87	87	87	87	87	87	87	87	87
Heavy Vehicles, %	8	8	6	12	12	12	13	13	13	2	2	2
Mvmt Flow	6	661	16	20	803	20	36	0	23	31	0	16

Conflicting Flow All	923	0	0	677	0	0	1165	1636	331	1296	1642	462
Stage 1	-	-	-	-	-	-	873	873	-	953	953	-
Stage 2	-	-	-	-	-	-	492	963	-	343	689	-
Critical Hdwy	4.28	-	-	4.34	-	-	7.76	6.76	7.16	7.54	6.54	6.94
Critical Hdwy Stg 1	-	-	-	-	-	-	6.76	5.76	-	6.54	5.54	-
Critical Hdwy Stg 2	-	-	-	-	-	-	8.76	5.76	-	6.54	5.54	-
Follow-up Hdwy	2.28	-	-	2.32	-	-	3.63	4.13	3.43	3.52	4.02	3.32
Pot Cap-1 Maneuver	700	-	-	847	-	-	137	89	634	120	98	547
Stage 1	-	-	-	-	-	-	386	426	-	278	336	-
Stage 2	-	-	-	-	-	-	499	308	-	848	445	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	700	-	-	847	-	-	129	86	634	113	98	547
Mov Cap-2 Maneuver	-	-	-	-	-	-	304	242	-	249	261	-
Stage 1	-	-	-	-	-	-	363	422	-	275	328	-
Stage 2	-	-	-	-	-	-	471	301	-	617	441	-

HCM Control Delay, s 0.1      0.2      16.1      18.7  
HCM LOS C      C

Capacity (veh/h)	382	700	-	847	-	312
HCM Lane W/C Ratio	0.153	0.009	-	0.023	-	0.158
HCM Control Delay (s)	16.1	10.2	-	9.4	-	18.7
HCM Lane LOS	C	B	-	A	-	C
HCM 95th %ile Q(veh)	0.5	0	-	0.1	-	0.6

2020 Build-out 10/06/2019 PM Peak Hour  
JTR

Synchro 10 Report  
Page 1





HCM 6th TWSC  
2: Parkers Landing & Site Ent/Warehouse Ent

2020 PM  
10/11/2019

Int Delay, s/veh	6.6											
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Lane Configurations	⇄		⇄		⇄		⇄		⇄		⇄	
Traffic Vol, veh/h	25	0	0	0	0	23	0	0	1	10	1	19
Future Vol, veh/h	25	0	0	0	0	23	0	0	1	10	1	19
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh In Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	57	92	57	92	57	57	57	57	92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	20	20	2
Mvmt Flow	27	0	0	0	0	40	0	0	2	18	2	21

Conflicting Flow All	70	51	13	50	80	1	23	0	0	2	0	0
Stage 1	49	49	-	1	1	-	-	-	-	-	-	-
Stage 2	21	2	-	49	59	-	-	-	-	-	-	-
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-	-	4.3	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-	-	2.38	-	-
Pot Cap-1 Maneuver	922	840	1067	950	831	1084	1592	-	-	1510	-	-
Stage 1	964	854	-	1022	895	-	-	-	-	-	-	-
Stage 2	888	884	-	984	848	-	-	-	-	-	-	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	880	830	1087	941	821	1084	1592	-	-	1510	-	-
Mov Cap-2 Maneuver	880	830	-	941	821	-	-	-	-	-	-	-
Stage 1	964	844	-	1022	895	-	-	-	-	-	-	-
Stage 2	961	894	-	952	838	-	-	-	-	-	-	-

HCM Control Delay, s	9.2	8.4	0	3.3
HCM LOS	A	A		

Capacity (veh/h)	1592	880	1084	1510
HCM Lane V/C Ratio	-	0.031	0.037	0.012
HCM Control Delay (s)	0	9.2	8.4	7.4
HCM Lane LOS	A	A	A	A
HCM 95th %ile Q(veh)	0	0.1	0.1	0



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FEBRUARY 2020

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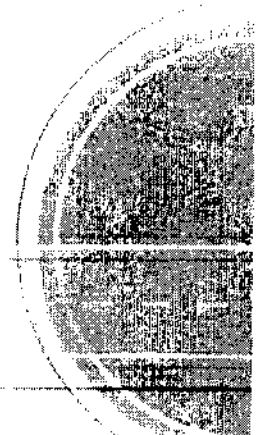
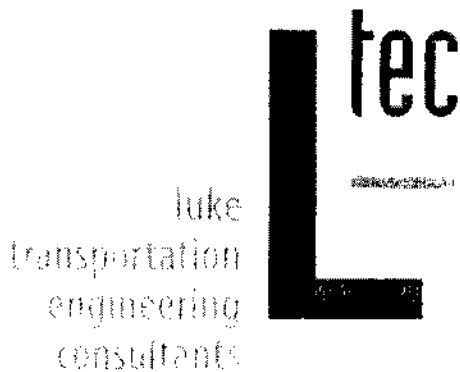
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**ANGELO'S AGGREGATE MATERIALS**  
**ACCESS CONNECTION STUDY**  
**ORANGE COUNTY PUBLIC WORKS**

**ORANGE COUNTY, FLORIDA**

ORANGE COUNTY PARCELS ID:

02-24-29-8220-00-290, 02-24-29-8220-00-070, & 02-24-29-7268-00-071



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**ORANGE COUNTY PUBLIC WORKS  
ACCESS CONNECTION STUDY**

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**ANGELO'S AGGREGATE MATERIALS  
LANDSTREET ROAD AND PARKERS LANDING  
ORANGE COUNTY, FLORIDA**

ORANGE COUNTY PARCELS ID:

02-24-29-8220-00-290, 02-24-29-8220-00-070, & 02-24-29-7268-00-071

*Prepared for:*

**Angelo's Recycled Materials**

41111 Enterprise Road  
Dade City, FL 33525

*Prepared by:*

**LUKE TRANSPORTATION ENGINEERING CONSULTANTS, INC.**

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**FEBRUARY 2020**

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**PROFESSIONAL ENGINEERING CERTIFICATE**

I hereby certify that I am a registered professional engineer in the State of Florida practicing with Luke Transportation Engineering Consultants, a corporation authorized to operate as an engineering business (#EB-0007429), by the State of Florida Department of Professional Regulation, Board of Professional Engineers, and that I have prepared or approved the evaluation, findings, opinions, conclusions, or technical advice hereby reported for

PROJECT: Angelo's Aggregate Materials – Orange Co Access Study

LOCATION: Landstreet Road and Parkers Landing, Orange County, Florida

CLIENT: Angelo's Recycled Materials

I acknowledge that the procedures and references used to develop the results contained in this report are standard to the professional practice of transportation engineering as applied through professional judgment and experience.

NAME: J. Anthony Luke, P.E.

P.E. NO.: 42642

DATE: February 11, 2020

SIGNATURE: \_\_\_\_\_

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## INTRODUCTION

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### Purpose

This report has been updated to incorporate the October 28, 2019 review comments from Orange County and the approved Concrete Crushing facility estimated traffic volumes. A copy of the comments and the response are included in **Appendix A**. Where the study had been updated the review comment will be referenced.

This study was conducted in order to assess the access connections for the Angelo's Aggregate Materials ("Project") site to operate on a ±44.71-acre parcel located in the southwest quadrant of Landstreet Road and Parkers Landing/Winegard Road in Orange County, Florida. The three Orange County Parcels ID are 02-24-29-8220-00-290, 02-24-29-8220-00-070, and 02-24-29-7268-00-071. The Angelo's Aggregate Materials Project will consist of a concrete crushing operation and construction and demolition debris materials recycling facility.

**Figure 1** shows the location of the development. Currently the site is vacant.

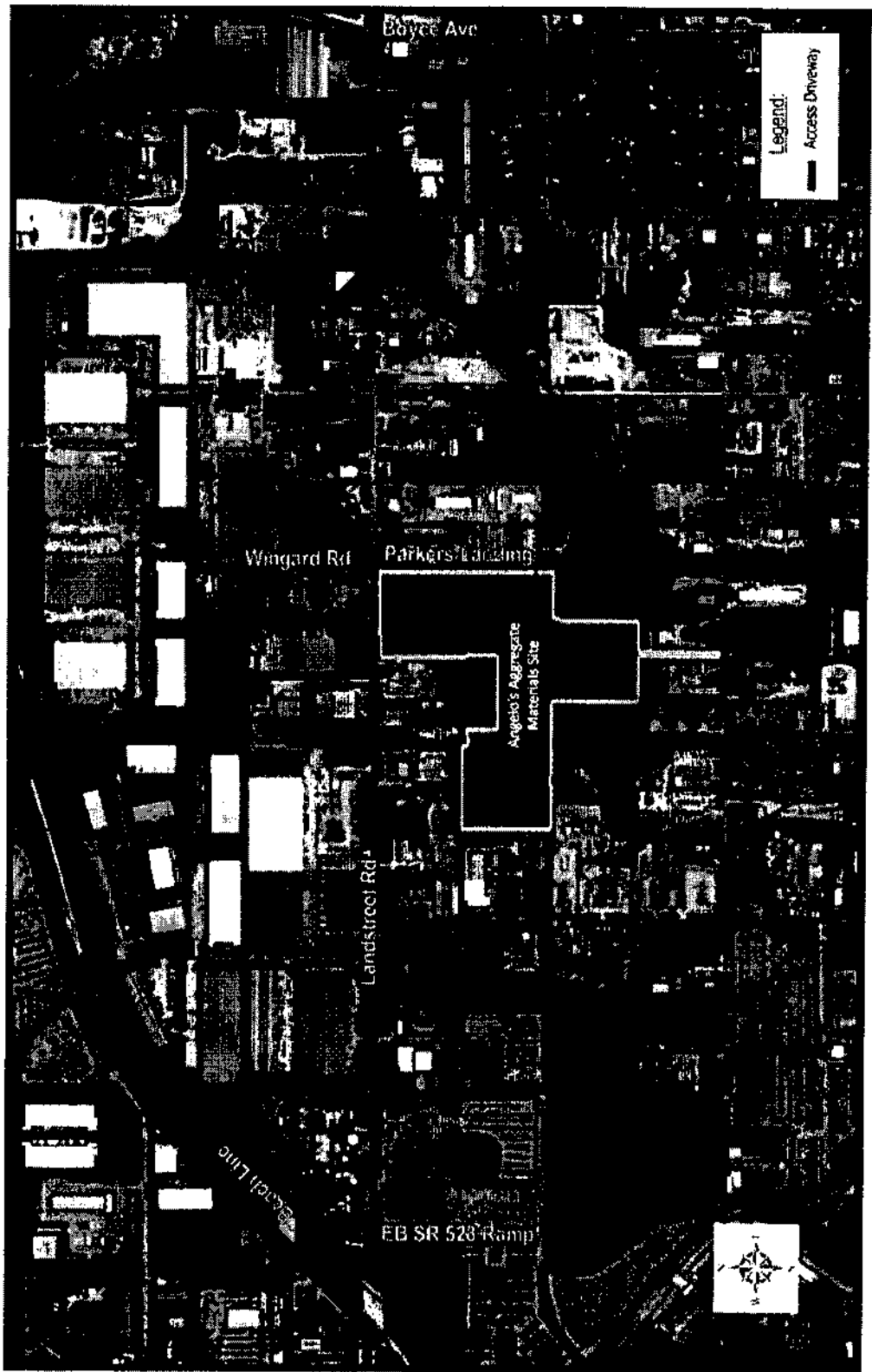
This traffic study was undertaken to provide traffic data and analysis for the existing Landstreet Road and Parkers Landing/Winegard Road intersection (Latitude 28.436065°, Longitude - 81.384139°). The proposed Angelo's Aggregate Materials access connection on Parkers Landing will align with the existing West Landstreet Properties Warehouse Entrance driveway which is approximately 1,180 feet south of Landstreet Road. **Figure 1** shows the Project site, access driveway location and the adjacent roadway network.

Landstreet Road is a five-lane east/west collector roadway with a posted speed limit 45 mph. Parkers Landing is a two-lane north/south local access roadway adjacent to the east side of the proposed development and does not have a posted speed limit.

The site layout of the development showing the proposed Project access connection is shown in **Figure 2**. As noted in the October 28, 2019 Orange County comments, the proposed development will include an eastbound right-turn lane at the Landstreet Road and Parkers Landing/Winegard Road intersection.

This study includes the following components:

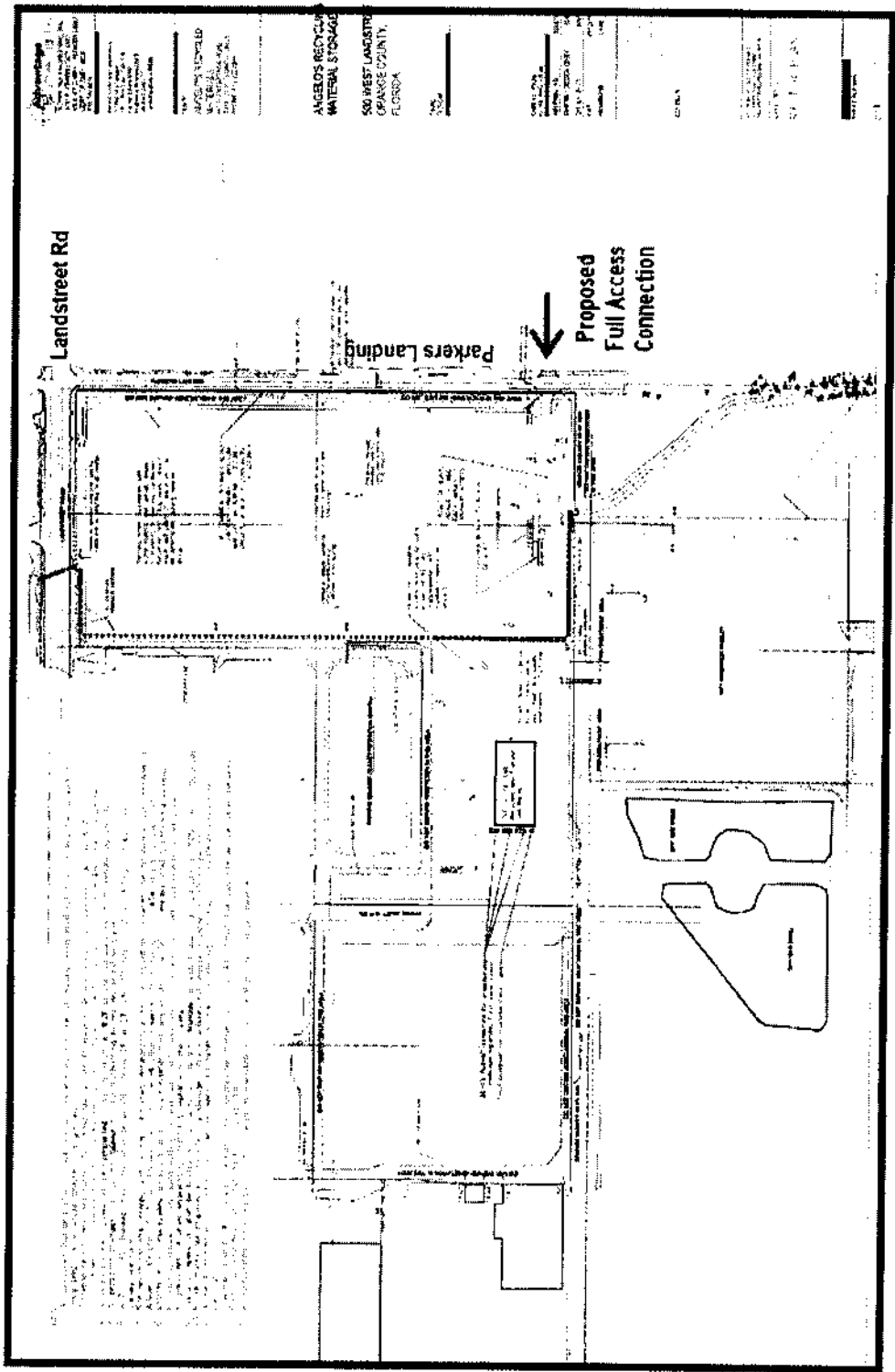
- Data Collection
  - Landstreet Road and Parkers Landing/Winegard Road turning movement count (TMC)
  - Parkers Landing and Warehouse Entrance/Future Project Entrance
- An A.M. and P.M. peak hour analysis
- Access Connection Analysis



**ANGELO'S AGGREGATE MATERIALS  
ORANGE COUNTY, FLORIDA**

SITE LOCATION

**Figure 1**



**ANGELO'S AGGREGATE MATERIALS**  
**ORANGE COUNTY, FLORIDA**  
*Conceptual Site Plan*

**Figure 2**

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## EXISTING TRAFFIC CONDITIONS

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The following section documents the existing traffic operation adjacent to the proposed development site. The adjacent roadways surrounding the site, existing traffic, and the relationship of the site to adjacent driveways are discussed below. The purpose of this survey was to obtain information on physical and traffic characteristics of these facilities. Existing traffic volume data on Parkers Landing and at the study intersections are based on a 24-hour hose count collected on Wednesday, February 5, 2020 and turning movement counts collected by LTEC on Wednesday, October 2, 2019 (see **Appendix A** for the traffic count summary worksheets).

### Existing Roadway Conditions

**Table 1** provides a list of the Parkers Landing roadway parameters utilized in the analysis. Included in this table are: number of lanes, functional classification, adopted Level of Service (LOS) standard, roadway service volumes, peak direction P.M. peak hour traffic volumes and existing LOS. Based upon this analysis, the two-lane Parkers Landing currently operates at an acceptable level of service. Parkers Landing currently carries 677 daily vehicles and does not have a posted speed limit.

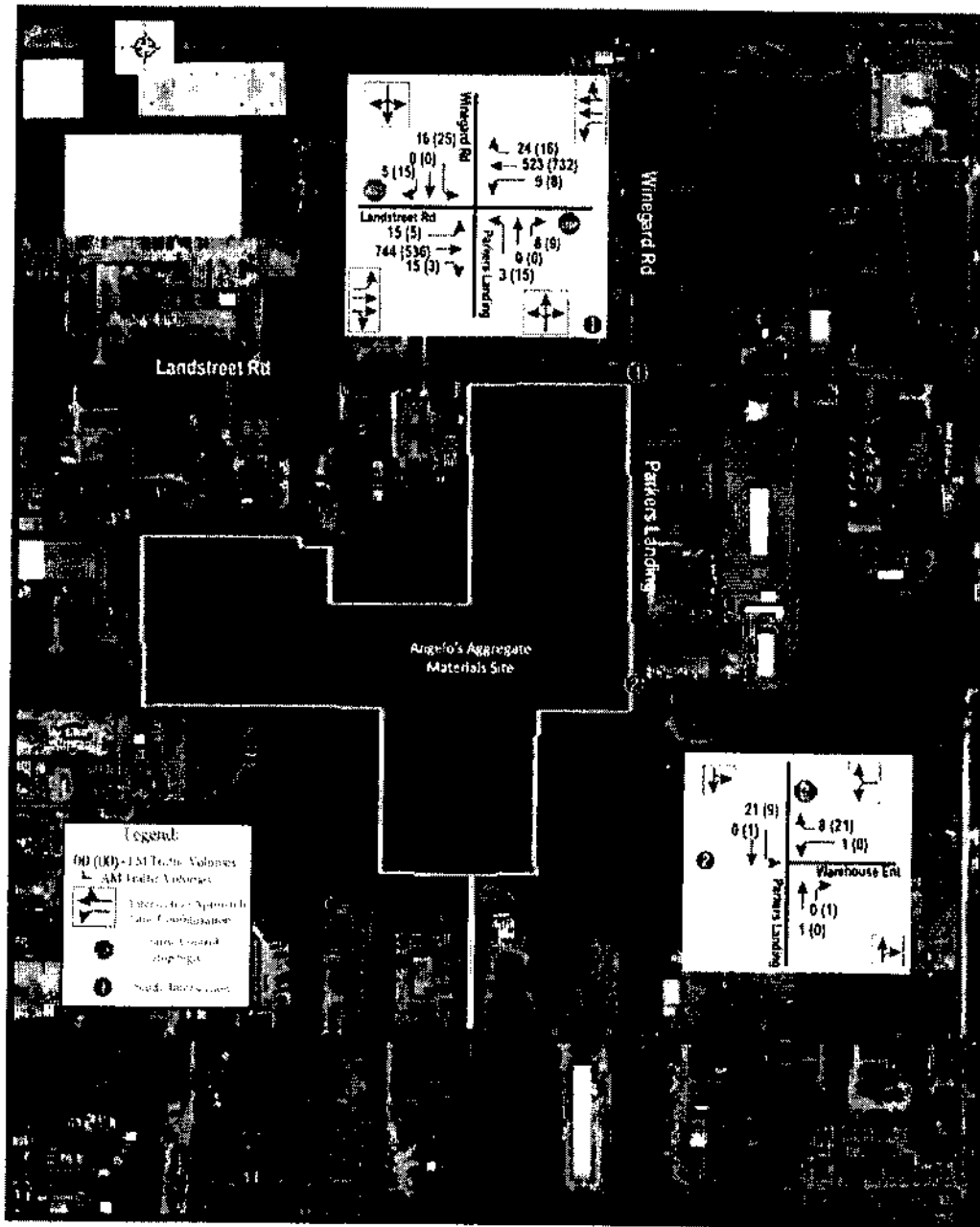
### Observed On-Street Parking

Existing traffic on Parkers Landing was observed during the week of January 13, 2020 through January 17, 2020. During this time period a number of vehicles (cars, pickups with and without trailers, single unit trucks, flatbed trucks and tractor-trailers) were observed to park on-street along Parkers Landing from approximately 100 feet south of Landstreet Road to its terminus point. Post office vehicles, FedEx vehicles and UPS vehicles were not included in the summary. **Table 2** is a listing of the observed vehicles. On average, 17.6 vehicles are parked on-street along Parkers Landing every day for an average of 48 minutes.

### Study Intersections Capacity Analysis

Landstreet Road is a five-lane collector roadway with an east-west orientation at the Parkers Landing intersection. The center lane of Landstreet Road is a two-way left turn lane which extends from the Beachline exit ramp on the west to Boyce Avenue on the east. The south leg of the Landstreet Road Parkers Landing/Winegard Road services the existing warehouses. Both north and south legs of the intersection are under STOP control..

The study intersections were analyzed under existing A.M. and P.M. peak hour conditions using the procedures of the *Highway Capacity Manual, 6<sup>th</sup> Edition*, for unsignalized intersections. **Figure 3** shows the existing A.M. and P.M. peak hour intersection turning movement traffic volumes at each of the study intersections. **Table 3** is a summary of the results of the intersection analysis. Analysis sheets are included in **Appendix B**. As can be seen, both study intersections operate at satisfactory levels of service.



**ANGELO'S AGGREGATE MATERIALS  
 ORANGE COUNTY, FLORIDA**

*Existing A.M. and P.M. Peak Hour Traffic Volumes*

**Figure 3**





**TABLE 1**  
**Study Roadway Parameters and Existing Level of Service**

Roadway Segment		Adopted Functional		# of Lanes	Roadway Service Volumes Peak Hour / Peak Direction Capacity Table (1)				
From	To	Class	LOS		A	B	C	D	E
<b>Parkers Landing</b>									
Landstreet Rd	Dead End	Local	E	2L	-	-	270	540	580

Roadway Segment		Length	Peak Direction	Daily (2) Traffic Volumes	P.M. Peak Hour (2)			LOS
From	To				Peak Direction	Committed (3)	Total	
<b>Parkers Landing</b>								
Landstreet Rd	Dead End	0.27	NB	677	47	10	57	C

1. From 2012 FDOT Quality/Level of Service Handbook
  2. LTEC October 2, 2019 Turning Movement Count and February 5, 2020 24-hour hose count
  3. Committed traffic on Parkers Landing is Concrete Crushing facility
- Luke Transportation Engineering Consultants, Inc., 2020






**TABLE 2**  
**Summary of Parked Vehicles Along Parkers Landing During the Week of January 13, 2020 through January 17, 2020**

Weekday	Time		Vehicle	Duration	Roadway Side	Time		Vehicle	Duration	Roadway Side	Time		Vehicle	Duration	Roadway Side	
	Start	End				Start	End				Start	End				
Camera Location - 25' South of Landstreet Road																
Monday	10:10	12:05	Car	1:55	East Side	6:56	7:10	Pickup W/Trailer	0:14	West Side	6:56	7:00	Pickup W/Trailer	0:04	West Side	
1/13/2020	11:20	12:08	Car	0:48	East Side	8:20	8:23	Pickup W/Trailer	0:03	East Side	8:20	8:22	Pickup W/Trailer	0:02	East Side	
	11:38	12:07	Car	0:29	East Side						12:40	12:56	Tractor Trailer	0:16	West Side	
	12:30	14:40	Car	2:10	East Side						13:00	13:31	Flatbed Truck	0:31	West Side	
	12:58	13:13	Truck	0:15	West Side											
	14:14	14:19	Car	0:05	East Side											
	16:41	17:26	Car	0:45	East Side											
Tuesday	7:47	8:01	Tractor Trailer	0:14	East Side	9:40	9:44	Truck	0:04	East Side	Tuesday	9:10	9:16	Car	0:06	West Side
1/14/2020	10:56	11:15	Car	0:19	East Side	11:08	11:35	Car	0:47	East Side	1/14/2020	15:42	15:50	Car	0:08	West Side
	11:10	11:55	Car	0:45	East Side	11:15	11:18	Car	0:03	East Side						
	13:08	13:32	Van	0:24	East Side	12:24	12:27	Car	0:03	West Side						
	15:32	15:50	Pickup	0:18	East Side	12:26	16:50	Pickup	4:24	East Side						
	17:13	17:21	Car	0:08	East Side	12:49	12:52	Pickup	0:03	West Side						
	17:29	18:09	Car	0:40	West Side	15:46	15:47	Truck	0:01	East Side						
						17:16	17:42	Car	0:26	East Side						
						17:44	17:49	Pickup W/Trailer	0:05	East Side						
Wednesday	11:18	12:22	Truck	1:04	East Side	6:10	17:34	Pickup	9:24	East Side	Wednesday					
1/15/2020	11:22	11:25	Truck	0:03	East Side	8:10	17:34	Pickup	9:24	East Side	1/15/2020					
						9:47	9:50	Truck	0:03	East Side						
						11:12	11:21	Pickup	0:09	West Side						
						13:12	13:35	Pickup	0:23	West Side						
						15:02	17:26	Pickup	2:24	East Side						
						16:20	16:28	Pickup	0:08	East Side						
						16:47	16:55	Tractor Trailer	0:08	East Side						
Thursday	7:41	8:04	Truck	0:23	East Side	7:16	7:28	Tractor Trailer	0:12	West Side	Thursday	15:38	15:47	Car	0:09	West Side
1/16/2020	9:03	9:07	Van	0:04	East Side	10:43	11:25	Car	0:42	West Side	1/16/2020	15:54	16:12	Car	0:18	West Side
	10:06	10:09	Car	0:03	East Side	10:44	11:03	Car	0:19	East Side		15:54	16:12	Car	0:18	West Side
	12:31	12:44	Truck W/Trailer	0:13	West Side	11:50	11:56	Van	0:06	East Side		17:22	17:51	Tractor Trailer	0:29	West Side
	12:53	12:57	Car	0:04	East Side	12:10	12:32	Truck W/Trailer	0:22	East Side		18:05	18:14	Tractor Trailer	0:09	West Side
	16:26	16:38	Truck	0:12	West Side							19:08	19:10	Tractor Trailer	0:02	East Side
	16:32	16:35	Car	0:03	East Side											
	16:36	16:47	Car	0:11	East Side											
Friday	11:56	12:07	Truck W/Trailer	0:11	West Side	6:53	7:03	Truck W/Trailer	0:10	West Side	Friday	7:15	10:03	Pickup	2:48	East Side
1/17/2020	12:10	12:12	Tractor Trailer	0:02	East Side	7:07	7:12	Truck W/Trailer	0:05	West Side	1/17/2020	7:18	11:04	Pickup	3:46	East Side
	12:14	12:30	Car	0:16	East Side	7:58	14:46	Car	6:48	East Side		11:55	12:07	Tractor Trailer	0:12	West Side
	12:25	12:33	Flatbed Truck	0:08	East Side	9:26	9:30	Truck	0:04	East Side		11:56	12:04	Tractor Trailer	0:08	West Side
	12:49	12:57	Car	0:08	East Side	11:32	12:02	Car	0:30	East Side		12:25	12:34	Tractor Trailer	0:09	East Side
	13:15	13:18	Car	0:03	East Side	15:04	17:32	Pickup	2:28	East Side		13:53	14:47	Car	0:54	East Side
	13:53	16:02	Car	2:09	East Side							13:55	16:02	Car	2:07	East Side
	14:47	14:52	Car	0:05	East Side							17:25	17:27	Car	0:02	East Side
	17:31	18:21	Car	0:50	West Side							17:47	18:00	Car	0:13	East Side
	17:48	17:59	Car	0:11	East Side							17:30	18:21	Car	0:51	West Side

Lake Transportation Engineering Consultants, Inc., 2020

**TABLE 3**  
**Existing Study Intersections Level of Service**

Approach / Movement	Lanes	Aux Lane Length (feet)	Existing Traffic Control	A.M. Peak Hour			P.M. Peak Hour			
				Control Delay (s) (sec/veh)	Lane LOS	95th %ile Queue (Feet)	Control Delay (s) (sec/veh)	Lane LOS	95th %ile Queue (Feet)	
<b>Landstreet Road and Parkers Landing/Winegard Road</b>										
EB	Left	1	100	Free Flow	9.1	A	2.5	9.9	A	0.0
	Thru Right	2	<							
WB	Left	1	100	Free Flow	9.9	A	0	9.1	A	0
	Thru Right	2	<							
NB	Left	>			13.9	B	3	14.5	B	5
	Thru Right	1	<							
SB	Left	>			15.0	C	5	16.9	C	13
	Thru Right	1	<							
<b>Parkers Landing and Warehouse Entrance</b>										
WB	Left	<			8.6	A	0	8.4	A	3
	Right	>								
NB	Thru Right	1		Free Flow						
	Left	<								
SB	Left	>		Free Flow	7.3	A	3	7.4	A	0
	Thru Right	1								

Luke Transportation Engineering Consultants, Inc., 2020

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## TRAFFIC GENERATION/DISTRIBUTION

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The proposed Angelo's Aggregate Materials development site will consist of the approved concrete crushing operation and the proposed construction and demolition debris materials recycling facility. The development area is a 44.71-acre parcel located in southwest quadrant of the Landstreet Road and Parkers Landing intersection in Orange County, Florida. To determine the impact of the proposed construction and demolition debris materials recycling facility, an analysis of its traffic characteristics was made. This included the determination of the proposed site traffic and the distribution/assignment of this new traffic to the study intersections.

### **Trip Generation**

An estimate of the proposed traffic to be generated at the approved Concrete Crushing facility and the proposed recycling facility was provided by the Applicant. The Applicants original truck operations information is included in **Appendix C** and the response to Orange County's which supports the Project trip generation is included in **Appendix A**. Utilizing the trip generation data provided, the estimated trip generation calculation for both the Approved and Proposed land uses is summarized in **Table 4**. The Approved land use will generate an estimated 200 vehicle trip ends per day. Of this total, 17 vehicle trip ends occur during the A.M. peak hour with 10 vehicles entering and 7 vehicles exiting the site and 17 vehicle trip ends occur during the P.M. peak hour with 7 vehicles entering and 10 vehicles exiting the site. The Proposed land use will generate an estimated 518 vehicle trip ends per day. Of this total, 44 vehicle trip ends occur during the A.M. peak hour with 25 vehicles entering and 19 vehicles exiting the site and 44 vehicle trip ends occur during the P.M. peak hour with 19 vehicles entering and 25 vehicles exiting the site.

### **Trip Distribution**

The distribution and assignment of the Approved and Proposed Project traffic volumes was based on the existing turning movement counts.

### **Access Plan**

The Project is proposed to connect to Parkers Landing and will form the west leg of the Parkers Landing and Warehouse Entrance. The proposed access driveway western leg (eastbound) will be STOP controlled.

### **Programmed Roadway Improvements**

No programmed roadway improvements are in the vicinity of the proposed development



**TABLE 4**  
**Estimated Trip Generation (1)**

Land Use	Trip Generation Variable (2)	Trip Generation Rates						
		Daily	A.M. Peak Hour			P.M. Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
<b>Approved Land Use</b>								
Concrete Crushing Station	18.6 Acres	10.75	0.91	0.52	0.39	0.91	0.39	0.52
<b>Proposed Land Use</b>								
Angelo's Recycled Material Site	20,000 SF	25.90	2.19	1.25	0.94	2.19	0.94	1.25
Land Use	Trip Generation Variable	Total Trips						
		Daily	A.M. Peak Hour			P.M. Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
<b>Approved Land Use</b>								
Concrete Crushing Station	18.6 Acres	200	17	10	7	17	7	10
<b>Proposed Land Use</b>								
Angelo's Recycled Material Site	20,000 SF	518	44	25	19	44	19	25
<i>Estimated Number of Daily Trips Generated by the Proposed Angelo's Recycled Material Site Development</i>								
		1-Way Trip End			2-Way Trips			
<b>Approved Land Use</b>								
Concrete Crushing Station: Number of Trucks (1 Trip End per Truck) - 87		87 Trip Ends			174 Trips			
Employees (2.0 Trip End per Work Vehicle) - 4		8 Trip Ends			16 Trips			
Other Trips (Delivery, Mail, FedEx, etc.) (1 Trip End per Vehicle) - 5		5 Trip Ends			10 Trips			
<b>Total</b>		<b>100 Trip Ends</b>			<b>200 Trips</b>			
<b>Proposed Land Use</b>								
Transfer/Recycling Station: Number of Trucks (1 Trip End per Truck) - 248		(212 Unsorted Inbound & 36 Sorted Outbound) 248 Trip Ends			496 Trips			
Employees (2.0 Trip End per Work Vehicle) - 3		6 Trip Ends			12 Trips			
Other Trips (Delivery, Mail, FedEx, etc.) (1 Trip End per Vehicle) - 5		5 Trip Ends			10 Trips			
<b>Total</b>		<b>259 Trip Ends</b>			<b>518 Trips</b>			

(1) Daily Trip Generation Rate based on information provided by the Applicant.

(2) Independent variable based on 100' x 200' "Crushing" or "Recycling Area" (Square Foot as the Independent Variable).

Luke Transportation Engineering Consultants, Inc., 2020



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## PROJECTED TRAFFIC TRANSPORTATION ASSESSMENT

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Projected 2020 peak hour traffic conditions at the proposed study intersections was analyzed in accordance with the procedures of the *Highway Capacity Manual, 6<sup>th</sup> Edition* utilizing projected traffic volumes and existing/planned geometry. The background traffic growth factor for the section of Landstreet Road in the study area has been showing a historically annual growth rate of 6.4%. This annual growth rate was therefore utilized for this study for the Background turning movement traffic at the Landstreet Road and Parkers Landing intersection. In addition, in order to provide a conservative analysis for traffic on Parkers landing, a trip generation calculation was developed for the existing warehouse and industrial land uses along Parkers Landing. See **Appendix D** for the Landstreet Road worksheet which shows the historic growth factor calculation to determine the historic growth and the trip generation table for the existing land uses along Parkers Landing.

### Roadway Analysis

**Table 5** presents the projected 2020 roadway analysis of the P.M. peak hour traffic conditions using both the existing traffic counts plus Committed Concrete Crushing trips projected to 2020 using the historical growth rate as the Background traffic volume and the Committed Concrete Crushing trips plus estimated existing warehouse and industrial land uses as Background traffic volume. Projected Project trips were then added to the Background traffic volumes. The study roadway segment was analyzed by comparing its total P.M. peak hour volume to the available capacity service volume as shown in **Table 5**. Under either analysis scenario, similar to the existing roadways condition analysis, the study roadway will continue to operate with an acceptable level of service with adequate capacity.

### Study Intersection Projected Analysis

To determine the projected Level of Service provided by the intersections to be impacted by the proposed development, a capacity analysis was conducted utilizing the procedures of the *Highway Capacity Manual, 6<sup>th</sup> Edition*, for unsignalized intersections. This analysis used projected traffic volumes (see **Figure 5** for the A.M. and **Figure 6** for the P.M. peak hour traffic volumes) and existing geometric conditions. Printouts of the intersection analyses may be found in **Appendix E**.

The projected intersection delay and levels of service are summarized in **Table 6**. As can be seen, the study intersections, at build-out of the proposed development will continue to operate at acceptable levels of service.



**TABLE 5**

**Study Roadway Parameters and Projected (2020) LOS (Based on Existing Counts) (1)**

Roadway Segment		Adopted Functional		# of Lanes	Roadway Service Volumes Peak Hour / Peak Direction Capacity Table (2)				
From	To	Class	LOS		A	B	C	D	E
<b>Parkers Landing</b>									
Landstreet Rd	Dead End	Local	E	2L	-	-	270	540	580

Roadway Segment		Background		Project Traffic	Total	
From	To	Traffic (3)	LOS		Traffic	LOS
<b>Parkers Landing</b>						
Landstreet Rd	Dead End	38	C	25	63	C

**Study Roadway Parameters and Projected (2020) LOS (Based on Estimated Trips) (4)**

Roadway Segment		Adopted Functional		# of Lanes	Roadway Service Volumes Peak Hour / Peak Direction Capacity Table (2)				
From	To	Class	LOS		A	B	C	D	E
<b>Parkers Landing</b>									
Landstreet Rd	Dead End	Local	E	2L	-	-	270	540	580

Roadway Segment		Background		Project Traffic	Total	
From	To	Traffic (5)	LOS		Traffic	LOS
<b>Parkers Landing</b>						
Landstreet Rd	Dead End	152	C	25	177	C

1. Analysis is based on projected existing PM peak hour traffic counts + estimated Concrete Crushing & Recycling Project trips
  2. From 2012 FDOT Quality/Level of Service Handbook
  3. Background traffic is from existing TMC x 1.064 historical growth + estimated Concrete Crushing development.
  4. Analysis is based on estimated existing development ITE trips + estimated Concrete Crushing & Recycling Project trips
  5. Background traffic is existing land use ITE generated trips + estimated Concrete Crushing development.
- Luke Transportation Engineering Consultants, Inc., 2020

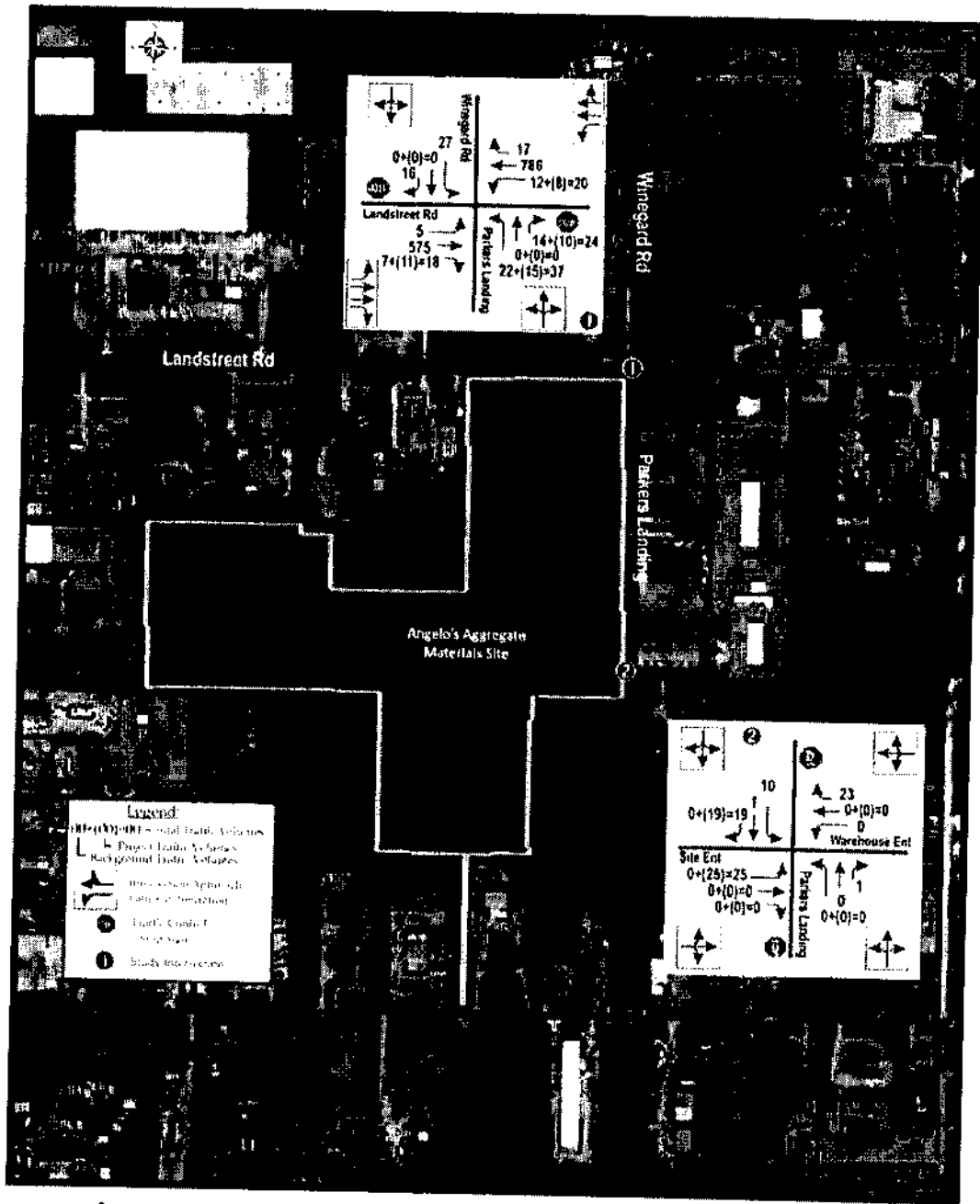




**ANGELO'S AGGREGATE MATERIALS  
 ORANGE COUNTY, FLORIDA**

*Projected 2020 A.M. Peak Hour Traffic Volumes*

**Figure 4**



**ANGELO'S AGGREGATE MATERIALS  
 ORANGE COUNTY, FLORIDA**

*Projected 2020 P.M. Peak Hour Traffic Volumes*

**Figure 5**



**TABLE 6**

**Projected 2020 Study Intersections Level of Service**

Approach / Movement		Lanes	Aux Lane Length (feet)	Existing Traffic Control	A.M. Peak Hour			P.M. Peak Hour		
					Control Delay (s) (sec/veh)	Lane LOS	95th %ile Queue (Feet)	Control Delay (s) (sec/veh)	Lane LOS	95th %ile Queue (Feet)
<b>Landstreet Road and Parkers Landing/Winegard Road</b>										
EB	Left	1	100	Free Flow	9.3	A	3	10.2	B	0
	Thru	2								
	Right	1	240							
WB	Left	1	100	Free Flow	10.5	B	3	9.4	A	3
	Thru	2								
	Right	<								
NB	Left	>		STOP	17.7	C	13	16.6	C	18
	Thru	1								
	Right	<								
SB	Left	>		STOP	16.5	C	5	18.8	C	15
	Thru	1								
	Right	<								
<b>Parkers Landing and Warehouse Entrance/Project Entrance</b>										
EB	Left	>		STOP	9.4	A	3	9.2	A	3
	Thru	1								
	Right	<								
WB	Left	>		STOP	8.6	A	0	8.4	A	3
	Thru	1								
	Right	<								
NB	Left	>		Free Flow	0.0	A	0	0.0	A	0
	Thru	1								
	Right	<								
SB	Left	>		Free Flow	7.3	A	3	7.4	A	3
	Thru	1								
	Right	<								

Luke Transportation Engineering Consultants, Inc., 2020

### **Turn Lane Length Analysis**

The existing Landstreet Road and Parkers Landing/Winegard Road intersection currently has a westbound left-turn lane with an approximate bay length of 100 feet. Using the procedures from the *HCM 6th Edition* intersection analysis procedures, in Synchro 10, and the projected volumes at the intersection, a maximum 95<sup>th</sup> Percentile Queue length of 0.1 vehicles (up to 25 feet) is anticipated which will be accommodated within the existing left-turn bay.

The proposed eastbound right-turn lane at the Landstreet Road and Parkers Landing/Winegard Road should be designed following the *FDOT Design Standards Index 301* guidelines for a roadway with a posted speed limit of 45 mph. The eastbound right-turn lane should be designed with a total deceleration length of 240-feet, which includes a 50-foot taper.



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## CONCLUSIONS / RECOMMENDATIONS

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This study was undertaken to evaluate existing and future traffic conditions in the vicinity of the proposed Angelo's Aggregate Materials site located near Landstreet Road and Parkers Landing in Orange County, Florida. The Angelo's Aggregate Materials Project will consist of a concrete crushing operation and construction and demolition debris materials recycling facility. The study consisted of the determination of the new vehicular trips which would utilize the area intersections as the result of the proposed demolition debris materials recycling facility development. The site's new trip ends were directionally distributed and assigned to the existing study intersection and the proposed access connection. The results of the study as documented herein are summarized below:

### Conclusions

- Build-out is projected to be by the end of 2020.
- Access for the proposed development will consist of a full access connection onto Parkers Landing.
- The new trips to be generated by the proposed demolition debris materials recycling facility development were estimated to be 518 new daily trips, 44 new A.M. peak hour trips and 44 new P.M. peak hour trips. These proposed Project trips will be added to the estimated 200 daily trips, 17 A.M. peak hour trips and 17 P.M. peak hour trips from the Approved Concrete Crushing facility.
- Based upon this analysis, the study roadway of Parkers Landing and the existing unsignalized study intersection currently operate at acceptable levels of service.
- During the week of January 13, 2020 through January 17, 2020 an average of 17.6 vehicles are parked on-street along Parkers Landing every day for an average parked time of 48 minutes. Fridays were observed to have the highest number of parked on-street vehicles (26) with the longest average parked time, one hour and four minutes.
- Based upon this analysis, the study roadway of Parkers Landing is projected to operate, at Build-out of the proposed development, at an acceptable level of service C or better operation.
- Based upon this analysis, the unsignalized study intersection of Landstreet Road and Parkers Landing/Winegard Road is projected to operate at an acceptable level of service.
- The Proposed unsignalized Project access study intersection is projected to operate at an acceptable level of service.
- The existing auxiliary left-turn lane lengths at the Landstreet Road and Parkers Landing/Winegard Road intersection have adequate length for the projected traffic volumes.

- The proposed auxiliary eastbound right-turn lane at the Landstreet Road and Parkers Landing/Winegard Road intersection should be designed with a total deceleration length of 240-feet (which includes the 50-foot taper).
- The proposed access driveway should be designed to Orange County design standards.

**APPENDIX**

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**Appendix A – Response to County Comments**

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## MEMORANDUM

**TO:** Lauren Torres  
**FROM:** J. Anthony Luke, PE  
**DATE:** November 15, 2019  
**RE:** Angelo's Aggregate Materials 500 West Landstreet Road Traffic Study  
Response to October 28, 2019 Review Comments (LTEC No 19-3101)

The following is the response to the October 28, 2019 review comments request for additional information. The review comments will be listed followed by our response.

**Orange County Comment:** *If there are existing plants with similar operations, why were counts not taken to get accurate information, is there back up documentation supporting the email included in the report?*

*Provide more detail on the trip generation rates and how they were calculated, specifically table 2, this can be part of the appendix.*

**Response:**

As noted in the attached letter, dated November 12, 2019, from Arnold Engineering Consulting, LLC, the Florida Department of Environmental Protection and Orange County EPD permitting process is based on the maximum quantity of waste that can be processed in one day on the tipping floor not on the number of entering and exiting vehicles. The proposed Landstreet Road facility was designed and permitted to manage 900 tons per day.

The calculation of the number of vehicles projected was based on a review of four existing C&D transfer stations (see Appendix 3 of the attached letter) documented in the Arnold Engineering Consulting, LLC document shows that the average number of entering vehicles is 75 vehicles per day and the maximum number of entering vehicles is 99 vehicles per day. The estimated number of entering vehicles, provided by the Applicant, used in the October 2019 analysis was a conservative value of 248 entering vehicles (not including the three entering employees which would bring the total to 251 entering vehicles).

Table 2 from the October 2019 report utilized the design capacity number of entering vehicles as the starting point to developed the total trip generation for the proposed

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site by including employee trips as well as the other non-employee trips a business would be expected to receive during a typical day.

As a comparison, Table 2A was developed based on the maximum number of entering vehicles (99). As can be seen, using the maximum number of entering vehicles versus the design capacity entering vehicles results in an approximately 58% reduction in trips (220 verses 518) from what was utilized in the October 2019 report. Therefore, the submitted October 2019 report represents a conservative analysis.

**TABLE 2A**  
**Estimated Trip Generation (1)**

Land Use	Trip Generation Variable (2)	Daily	Trip Generation Rates					
			A.M. Peak Hour			P.M. Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
Angelo's Recycled Material Site	20,000 SF	11.00	0.95	0.54	0.41	0.93	0.40	0.53

Land Use	Trip Generation Variable	Daily	Total Trips					
			A.M. Peak Hour			P.M. Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
Angelo's Recycled Material Site	20,000 SF	220	19	11	8	19	8	11

Estimated Number of Daily Trips Generated by the Proposed Angelo's Recycled Material Site Development	
Number of Trucks (1 Trip End per Truck) - 99	1-Way Trip End 99 Trip Ends
Employees (2.0 Trip End per Work Vehicle) - 9	2-Way Trips 108 Trips
Other Trips (Delivery, Mail, FedEx, etc.) (1 Trip End per Vehicle) - 5	6 Trip Ends 12 Trips
	3 Trip Ends 6 Trips
	<b>Total</b> 110 Trip Ends
	<b>Total</b> 220 Trips

(1) Daily Trip Generation Rate based on information provided by the Applicant.

(2) Independent variable based on 100' x 200' recycling area (Square Foot as the Independent Variable).

Luke Transportation Engineering Consultants, Inc., 2019

**Orange County Comment: Full build out is discussed in the report as 2018, I see no information that this has happened yet, can you provide the status of the project, projections should be of opening year.**

Response:

The 2018 reference in the first bullet point under Conclusions is a typographic effort. The projected build-out date that was used in the analysis is 2020, which was referenced in the Projected Traffic Transportation Assessment section and shown on all the future analysis tables and figures.

**Orange County Comment: Based on the speed limit, increase in right turns and types of vehicles that will be accessing the site, an eastbound right turn deceleration lane will be required at the intersection of Landstreet Rd and Parkers Landing.**

Response:

As noted in the response to the first comment regarding the trip generation calculation for the proposed development, the number of trips to be generated by this proposed development represents a conservative volume of trips based on the design capacity





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Luke Transportation Engineering Consultants

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Attachment – Arnold Engineering Consulting November 12, 2019 letter



1530 McDuff Avenue South  
Jacksonville, FL 32205  
Ph. (913) 477-1719  
Arnoldjohnp@gmail.com

**Arnold Engineering Consulting, LLC**

November 12, 2019

Mr. Joseph Roviario, P.E.  
Luke Transportation Engineering Consultants  
P.O. Box 941556  
Maitland, FL 32794

RE: Angelo's Aggregate Materials  
Proposed Landstreet C&D Transfer Station  
Vehicle Projection Analysis

Dear Mr. Roviario,

Please find the additional information I have compiled, based on our discussions related to Orange County's review comments related to your Access Connection Study. The enclosed vehicle projections for the proposed Landstreet Construction and Demolition Debris (C&D) transfer station are now modeled using actual vehicle counts at four (4) other similar C&D transfer stations, owned and operated by Angelo's Aggregate Materials.

**Methodology**

The daily vehicle traffic projections for the proposed Landstreet C&D transfer station is based on calendar year 2018 scale house records from Angelo's C&D transfer stations located in Lutz, Largo, Brandon, and Lakeland. The proposed Landstreet C&D facility will function identically to these other existing facilities. All of these facilities have been in operation between 3 and 18 years and represent what can be considered mature market conditions and associated incoming vehicle traffic. A figure showing the location of these transfer stations, along with a summary of facility details, is provided in Attachment 1. Also included in Attachment 1 are pictures of typical vehicles that use these facilities. Vehicles that dump C&D materials for processing are typically smaller trucks and trailers. Outgoing C&D waste is consolidated into semi-tractor trucks.

At each existing facility location, the population within a 10-mile radius (C&D catchment area) was determined using data provided by the U.S. Census (<https://www.freemaptools.com/find-population.htm>). Scale-house records for calendar year 2018 were used to determine the number of incoming customer waste vehicles and semi-trucks at each location. The number of C&D transfer station employee vehicle counts were also included to determine the total number of incoming (which is the same as outgoing) vehicles at each facility.

The ratio of "incoming vehicles per C&D catchment area population" was then computed by dividing the population by the total vehicle count. This ratio can then be applied to the

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10-mile radius population around the Landstreet site to estimate the incoming (and outgoing) vehicles.

For this projection, the average and maximum ratios from the existing facilities were used to estimate incoming vehicles at the proposed Landstreet facility. Since all of the existing facilities have been in operation from 3 to 18 years, the vehicle projections for the Landstreet facility will also reflect what would be expected when operations reach maturity and stabilize.

The environmental permitting by the Florida Department of Environmental Protection and Orange County EPD for the Landstreet facility does not directly consider incoming or outgoing vehicle counts. Rather, the transfer station is designed and permitted based on a maximum quantity of waste that can be processed in one day on the tipping floor. This quantity typically far exceeds the actual capacity managed. This allows the C&D transfer station to handle unexpected peaks in waste stream quantities that can be associated with emergencies like hurricanes. The proposed Landstreet facility was designed and permitted to manage 900 tons/day.

#### Results

A spreadsheet is provided in Attachment 3 that lists all of the data and computations used to estimate the proposed Landstreet C&D transfer station vehicle traffic.

The average and maximum number of vehicles entering the proposed Landstreet C&D transfer station (including customers, semi-trucks, and employees) is expected to be 74 and 99 vehicles per day, respectively. The ratio of trucks to total traffic at the existing facilities is approximately 10%, or approximately 10 semi-trucks per day.

Given the small difference between the average and maximum vehicle projections, it is conservative to use the maximum projection (approximately 10 semi-trucks and 90 customer/employee vehicles) for the traffic access study. It is reasonable to assume that reaching these traffic counts would take 3 to 5 years from the date of opening. Long term (after 3 to 5 years from the start of operations), the vehicle traffic counts at the proposed Landstreet facility are expected to increase at a rate that is proportional to growth with the market area, which we estimate to be approximately 3%.

The design capacity of the proposed Landstreet C&D transfer station tipping (processing) area is 900 tons per day, which can handle up to 251 total vehicles per day. This includes approximately 25 semi-trucks per day. This exceeds the expected total vehicle count of 100 vehicles by a factor of 2.5. This demonstrates that the C&D transfer tipping area has the reserve capacity to handle peaks flows that are associated with storm debris-generating events. This design vehicle capacity is not indicative of number of vehicles that are reasonably expected to access the site on a daily basis. Assuming an annual increase in vehicle traffic of 3%, which is not likely given the typical material catchment area, it would



Mr. Roviano  
November 12, 2019  
3 | Page

John Arnold, P.E.

take over 30 years to reach the design capacity of the tipping floor.

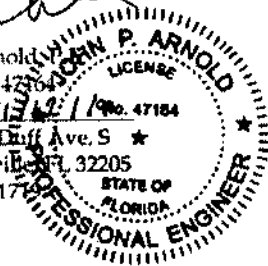
I hope that this additional information is sufficient for your use to address the comments from Orange County. Please let me know if you have any questions, or if you need any additional information.

Sincerely,

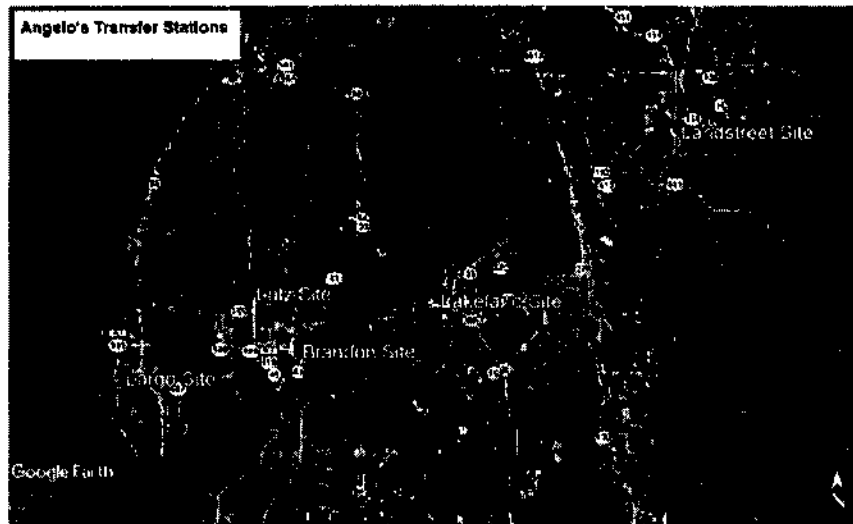


John Arnold  
P.E. No. 42304  
Date: 11/12/19 No. 47184  
1530 McDuff Ave. S \*  
Jacksonville, FL 32205  
813-477-1719

enclosures



**Attachment 1**  
**Angelo's Aggregate Materials Construction and Demolition Debris (C&D) Transfer Stations**



1. Lutz C&D Transfer Station Details
  - a. Location: 1201 E 148<sup>th</sup> Ave, Lutz, FL 33549
  - b. Years in Operation: 6
  - c. Incoming vehicles 2018: 29,716
  - d. Full time C&D employees: 3
2. Largo C&D Transfer Station Details
  - a. Location: 1201 E 148<sup>th</sup> Ave, Lutz, FL 33549
  - b. Years in Operation: 18
  - c. Incoming vehicles 2018: 38,779
  - d. Full time C&D employees: 3
3. Brandon C&D Transfer Station Details
  - a. Location: 10221 Fisher Ave, Brandon FL 33619
  - b. Years in Operation: 4
  - c. Incoming vehicles 2018: 14,304
  - d. Full time C&D employees: 3

Mr. Roviaro  
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**Lakeland C&D Transfer Station Details**

- c. Location: 1880 Fairbanks Street, Lakeland FL 33805
- f. Years in Operation: 3
- g. Incoming vehicles 2018: 6,552
- h. Full time C&D employees: 3

**Pictures of Typical Incoming Waste Vehicle**



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**Attachment 2  
10-Mile Radius Population Estimates**

**Angelo's Aggregate Materials - Lutz, Largo, Brandon, Landstreet, and Lakeland C&D  
Facilities**





11/9/2019

Find Population on Map

Add Radius manually : Radius: 18.093440 km OR 10.00 miles Location :  
Search...

## Output

The estimated population in the defined area is 573,760

## Options

Find Population

Zoom To Fit

Reset Map

Full Screen

## Instructions

1. Search, zoom and pan the map to find the desired location
2. Toggle the Polygon or Radius above the map to start drawing a polygon or a radius circle
3. Click on the map to define the outside edge of the polygon. You can move the edges after it has been drawn. You can delete an edge by right clicking
4. Once the area is defined, click the [Find Population] button to find the population inside
5. After a delay, the estimated population is returned and displayed below the map

Other notes:

- Click the [Full Screen] icon on the map to view the map in full screen
- Click the [Zoom To Fit] button to zoom your map in/out on the area drawn
- Click the [Reset Map] button to start again

## Example Population Estimate

<https://www.freemaptools.com/find-population.htm>

2/8



# FreeMapTools



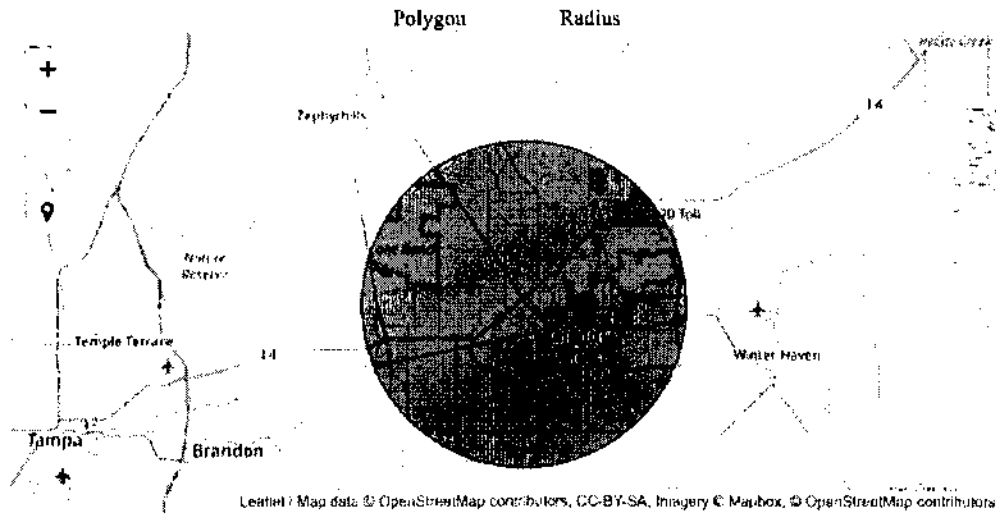
Maps you can make use of...



## Find Population on Map

Map of the world where you define an area then find out the estimated population inside that area. You can use this tool to find the population inside a radius of any location in the world or define a custom area and find the population in the area.

## Population Inside a Area Search Map



## Input

<https://www.freemaptools.com/find-population.htm>

1/6

11/8/2019

Find Population on Map

Add Radius manually : Radius 16.093440 km OR 10.00 miles Location :  
Search...

## Output

The estimated population in the defined area is 246,522

## Options

Find Population

Zoom To Fit

Reset Map

Full Screen

## Instructions

1. Search, zoom and pan the map to find the desired location
2. Toggle the Polygon or Radius above the map to start drawing a polygon or a radius circle
3. Click on the map to define the outside edge of the polygon. You can move the edges after it has been drawn. You can delete an edge by right clicking
4. Once the area is defined, click the [Find Population] button to find the population inside
5. After a delay, the estimated population is returned and displayed below the map

Other notes:

- Click the [Full Screen] icon on the map to view the map in full screen
- Click the [Zoom To Fit] button to zoom your map in/out on the area drawn
- Click the [Reset Map] button to start again

## Example Population Estimate

# FreeMapTools



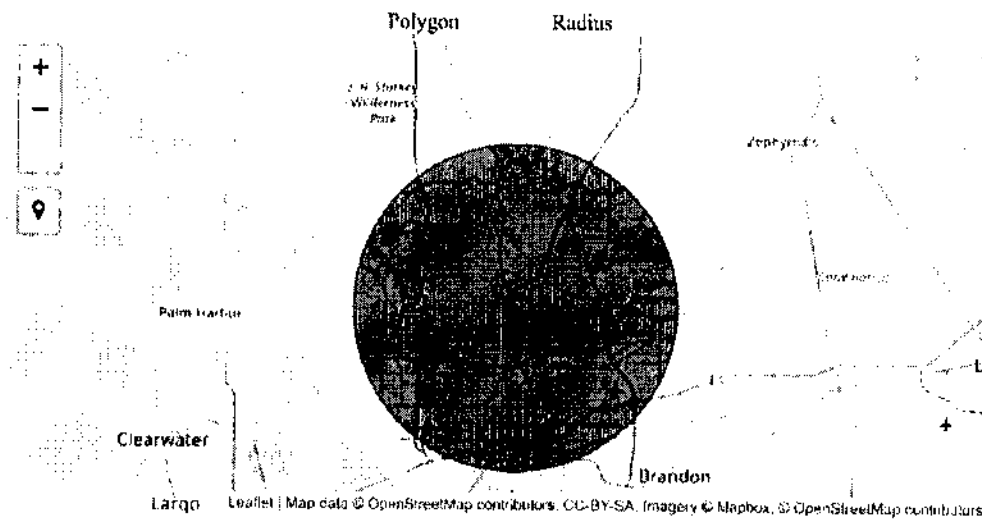
Maps you can make use of...



## Find Population on Map

Map of the world where you define an area then find out the estimated population inside that area. You can use this tool to find the population inside a radius of any location in the world or define a custom area and find the population in the area.

## Population Inside a Area Search Map



## Input

<https://www.freemaptools.com/find-population.htm>

1/6

11/8/2019

Find Population on Map

Add Radius manually : Radius 16.093440 km OR 10.00 miles Location :  
Search...

## Output

The estimated population in the defined area is 550,389

## Options

Find Population

Zoom To Fit

Reset Map

Full Screen

## Instructions

1. Search, zoom and pan the map to find the desired location
2. Toggle the Polygon or Radius above the map to start drawing a polygon or a radius circle
3. Click on the map to define the outside edge of the polygon. You can move the edges after it has been drawn. You can delete an edge by right clicking
4. Once the area is defined, click the [Find Population] button to find the population inside
5. After a delay, the estimated population is returned and displayed below the map

Other notes:

- Click the [Full Screen] icon on the map to view the map in full screen
- Click the [Zoom To Fit] button to zoom your map in/out on the area drawn
- Click the [Reset Map] button to start again

## Example Population Estimate

# FreeMapTools



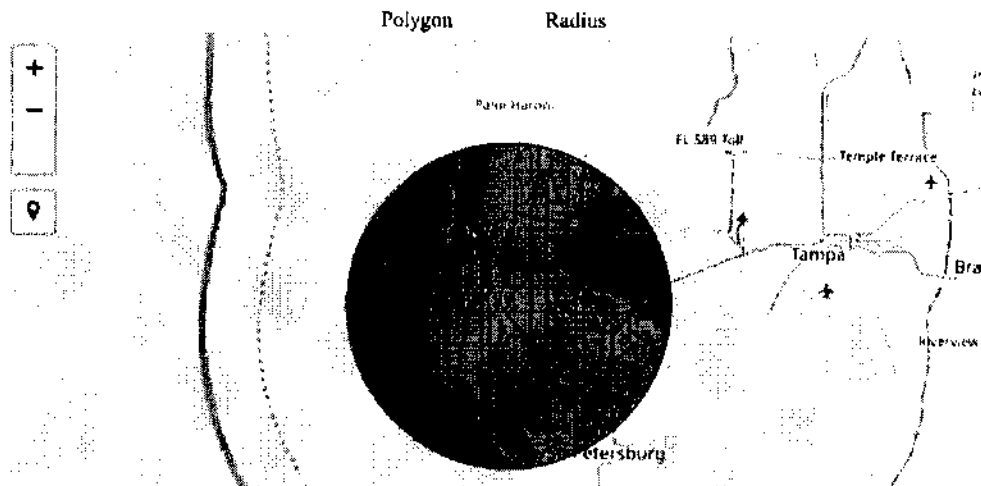
Maps you can make use of...



## Find Population on Map

Map of the world where you define an area then find out the estimated population inside that area. You can use this tool to find the population inside a radius of any location in the world or define a custom area and find the population in the area.

## Population Inside a Area Search Map



Leaflet | Map data © OpenStreetMap contributors, CC-BY-SA, Imagery © Mapbox, © OpenStreetMap contributors

## Input

<https://www.freemaptools.com/find-population.htm>

1/8

11/8/2019

Find Population on Map

Add Radius manually : Radius 16.093440 km OR 10.00 miles Location :  
Search...

## Output

The estimated population in the defined area is 716,118

## Options

Find Population

Zoom To Fit

Reset Map

Full Screen

## Instructions

1. Search, zoom and pan the map to find the desired location
2. Toggle the Polygon or Radius above the map to start drawing a polygon or a radius circle
3. Click on the map to define the outside edge of the polygon. You can move the edges after it has been drawn. You can delete an edge by right clicking
4. Once the area is defined, click the [Find Population] button to find the population inside
5. After a delay, the estimated population is returned and displayed below the map

Other notes:

- Click the [Full Screen] icon on the map to view the map in full screen
- Click the [Zoom To Fit] button to zoom your map in/out on the area drawn
- Click the [Reset Map] button to start again

## Example Population Estimate

# FreeMapTools



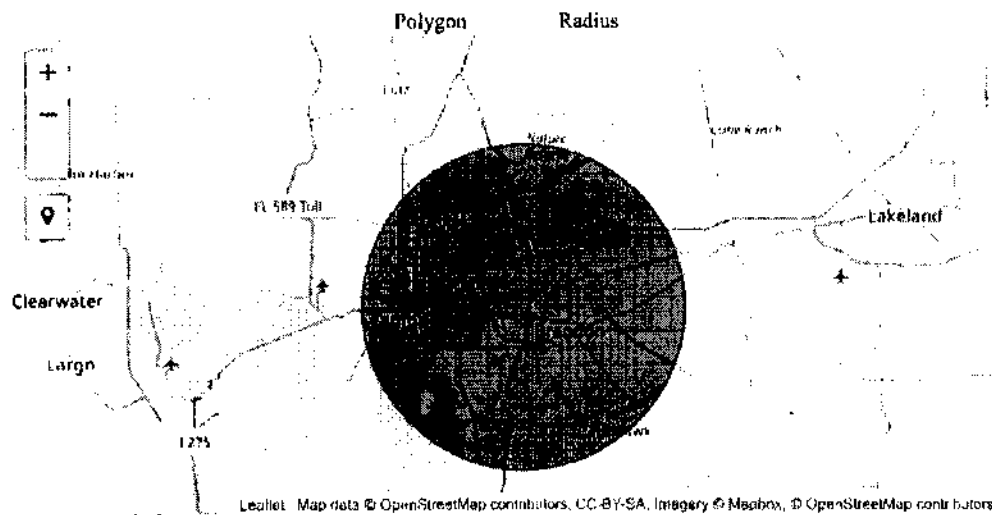
Maps you can make use of...



## Find Population on Map

Map of the world where you define an area then find out the estimated population inside that area. You can use this tool to find the population inside a radius of any location in the world or define a custom area and find the population in the area.

## Population Inside a Area Search Map



## Input

<https://www.freemaptools.com/find-population.htm>

1/6

11/6/2019

Find Population on Map

Add Radius manually : Radius 16.093440 km OR 10.00 miles Location :  
Search...

## Output

The estimated population in the defined area is 556,999

## Options

Find Population

Zoom To Fit

Reset Map

Full Screen

## Instructions

1. Search, zoom and pan the map to find the desired location
2. Toggle the Polygon or Radius above the map to start drawing a polygon or a radius circle
3. Click on the map to define the outside edge of the polygon. You can move the edges after it has been drawn. You can delete an edge by right clicking
4. Once the area is defined, click the [Find Population] button to find the population inside
5. After a delay, the estimated population is returned and displayed below the map

Other notes:

- Click the [Full Screen] icon on the map to view the map in full screen
- Click the [Zoom To Fit] button to zoom your map in/out on the area drawn
- Click the [Reset Map] button to start again

## Example Population Estimate





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Mr. Roviato  
November 12, 2019  
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John Arnold, P.E.

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**Attachment 3**  
**Angelo's Aggregate Materials - Calculations and Estimates**

**Angelo's Aggregate Materials**  
**Proposed Landstreet C&D Transfer Station**  
**Vehicle Projection Analysis**

**Existing C&D Transfer Stations**

C&D Transfer Station	Year Operations Commenced	10-Mile Radius Population	CY 2018* Incoming Customer Vehicles	CY 2018 Incoming Employee Vehicles	CY 2018* Incoming Semi Trucks	CY 2018 Total Incoming Vehicles	Ratio Total Incoming Vehicles to Population
Lutz	2013	550,389	25,759	912	3,045	29,716	0.0540
Brandon	2016	556,999	11,735	912	1,657	14,304	0.0257
Largo	2001	716,118	33,937	912	3,930	38,779	0.0542
Lakeland	2017	246,522	4,878	912	762	6,552	0.0266
						Average =	0.0401
						Maximum =	0.0542

\* From Scale-House Records

**Proposed Landstreet Facility**

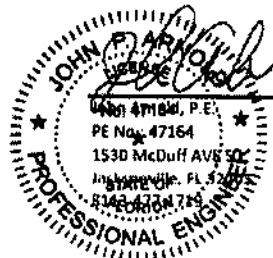
10-Mile Radius Population =	573,760
Ratio Total inc. Veh. To Pop. (AVG) =	0.0401
Projected Total Incoming Vehicle Count (AVG) =	23,008 vehicle/yr
Annual Work Days =	313 day/yr
<b>Projected Total Incoming Vehicle Count (AVG) =</b>	<b>74 vehicle/day</b>
Ratio Inc. Veh. To Pop. (MAX) =	0.0542
Projected Incoming Vehicle Count (MAX) =	31,070 vehicle/yr
Annual Work Days =	313 day/yr
<b>Projected Incoming Vehicle Count (MAX) =</b>	<b>99 vehicle/day</b> <= USE MAX
Ratio of trucks/total vehicle =	10%

**FDEP Design C&D Transfer Station Capacity**

Design Capacity of C&D Transfer Station =	900 tons/day
Avg. Capacity of Incoming Customer Vehicle (net) =	4.25 ton/incoming vehicle
Day Incoming Customer Vehicle =	212 vehicle/day
Day Incoming Employee Vehicle =	3 vehicle/day
Avg. Capacity of Semi Truck (net) =	25 ton/semi
Day Incoming Semi-Truck =	36 semi/day
<b>C&amp;D Transfer Station Vehicle Design Capacity =</b>	<b>251 vehicles/day</b>

**Factor of Safety Related to Vehicle Counts**

Factor of Safety for Vehicle Capacity at C&D Transfer Station =	[Design Vehicle Count]/[Projected Vehicle County]
Factor of Safety for Vehicle Capacity at C&D Transfer Station =	[251] / [99]
<b>Factor of Safety for Vehicle Capacity at C&amp;D Transfer Station =</b>	<b>2.5 against exceeding design capacity</b>


  
 JOHN ANGELO, P.E.  
 PE No. 47164  
 1530 McDuff Ave SE  
 Inghamville, FL 32060  
 813-473-1715  
 11/12/19

**Appendix B –Traffic Counts**



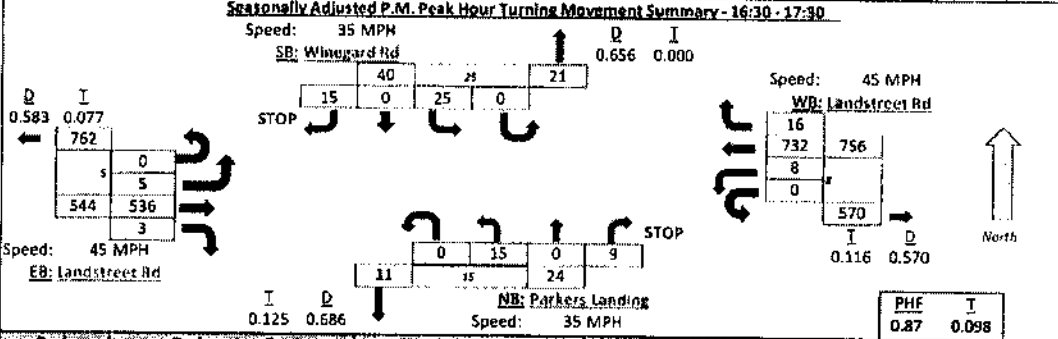
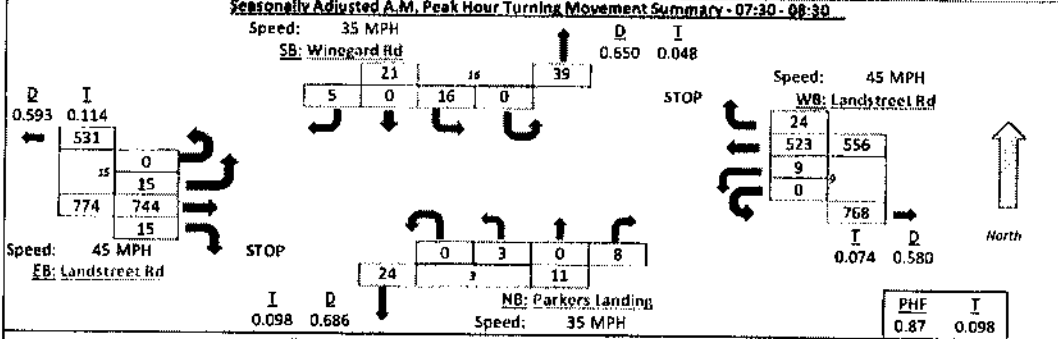
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**Summary of Vehicle Movements**  
Luke Transportation Engineering Consultants

<b>Project:</b>	Angelo's Aggregate Materials	LTEC LTEC	
<b>N/S Road:</b>	Parkers Landing	<b>Observer:</b> LTEC	
<b>E/W Road:</b>	Landstreet Rd	<b>Weather:</b> Clear	
<b>Date:</b>	Wednesday, October 2, 2019	<b>Rd Conditions:</b> Ok	
<b>City:</b>	Orlando	<b>Signal:</b> No	
<b>County:</b>	Orange	<b>Major St Movement:</b> East/West	<b>Latitude:</b> 28.436065°
<b>FDOT Sp:</b>	1.00	<b>PM Pk Hr Factor:</b> 0.87	<b>Longitude:</b> -81.384139°
			<b>Station #:</b> 1



Peak Hour Time Interval	Parkers Landing Northbound				Winegard Rd Southbound				Landstreet Rd Eastbound				Landstreet Rd Westbound																											
	Uturn	Lt	Thru	Rt	Uturn	Lt	Thru	Rt	Uturn	Lt	Thru	Rt	Uturn	Lt	Thru	Rt																								
# Lanes	1				1				2				2																											
Length	100				100				100				100																											
7:00 7:15	0	2	0	1	0	2	0	6	0	7	167	2	0	2	150	5																								
7:15 7:30	0	5	0	2	0	1	0	2	0	3	125	1	0	3	120	1																								
7:30 7:45	0	2	0	3	0	4	0	4	0	0	188	5	0	0	150	6																								
7:45 8:00	0	1	0	2	0	4	0	1	0	6	164	3	0	2	112	6																								
Hourly Sum	0	10	0	8	0	10	0	13	0	16	644	11	0	7	532	18																								
8:00 8:15	0	0	0	1	0	5	0	0	0	7	220	5	0	5	141	7																								
8:15 8:30	0	0	0	2	0	3	0	0	0	2	173	2	0	2	119	6																								
8:30 8:45	0	2	0	2	0	0	0	0	0	1	188	0	0	3	131	3																								
8:45 9:00	0	0	0	0	0	4	0	2	0	2	169	1	0	1	117	2																								
Hourly Sum	0	2	0	5	0	12	0	2	0	12	750	8	0	11	508	18																								
16:00 16:15	0	2	0	2	0	5	0	7	0	6	154	2	0	1	164	1																								
16:15 16:30	0	1	0	3	0	1	0	3	0	2	123	5	0	2	123	1																								
16:30 16:45	0	5	0	0	0	6	0	0	0	4	154	2	0	3	185	4																								
16:45 17:00	0	3	0	2	0	6	0	6	0	1	115	1	0	2	161	4																								
Hourly Sum	0	11	0	7	0	18	0	16	0	13	546	10	0	8	633	10																								
17:00 17:15	0	5	0	5	0	7	0	7	0	0	145	0	0	1	216	5																								
17:15 17:30	0	2	0	2	0	6	0	2	0	0	122	0	0	2	170	3																								
17:30 17:45	0	0	0	3	0	3	0	1	0	0	134	2	0	2	185	0																								
17:45 18:00	0	1	0	1	0	2	0	2	0	2	120	0	0	0	166	4																								
Hourly Sum	0	8	0	11	0	18	0	12	0	2	521	2	0	5	737	12																								
<b>A.M. Peak Hour Summary - Seasonally Adjusted with FDOT Factor</b>																																								
7:30 8:30	0	3	0	8	0	16	0	5	0	15	744	15	0	9	523	24																								
% Turns	27.3%				72.7%				76.2%				23.8%				1.9%				96.1%				1.9%				1.6%				94.1%				4.3%			
<b>P.M. Peak Hour Summary - Seasonally Adjusted with FDOT Factor</b>																																								
16:30 17:30	0	15	0	9	0	25	0	15	0	5	536	3	0	8	732	16																								
% Turns	62.5%				37.5%				62.5%				37.5%				0.9%				98.5%				0.6%				1.1%				96.8%				2.1%			

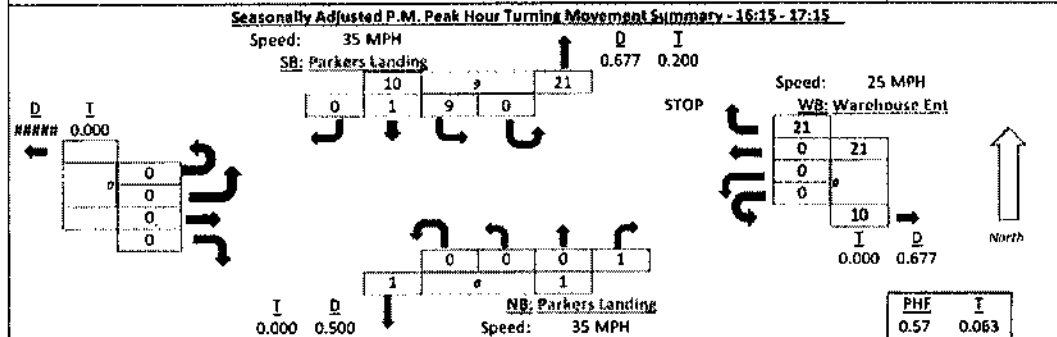
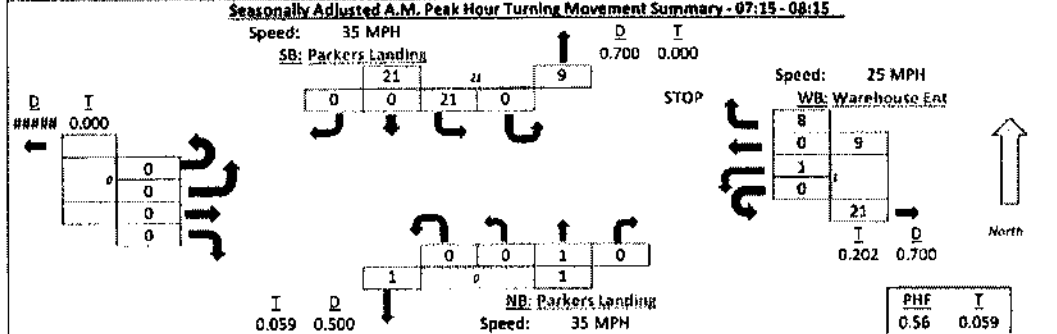
Luke Transportation Engineering Consultants, 2019



### Summary of Vehicle Movements

Luke Transportation Engineering Consultants

<b>Project:</b> Angelo's Aggregate Materials	<b>LTEC</b> LTEC	
<b>N/S Road:</b> Parkers Landing	<b>Observer:</b> LTEC	
<b>E/W Road:</b> Warehouse Ent	<b>Weather:</b> Clear	
<b>Date:</b> Wednesday, October 2, 2019	<b>Rd Condition:</b> Ok	
<b>City:</b> Orlando	<b>Signal:</b> No	
<b>County:</b> Orange	<b>Major St Movement:</b> North/South	<b>Latitude:</b> 28.432699°
<b>FOOT SF:</b> 1.00	<b>PM PW Factor:</b> 0.57	<b>Longitude:</b> -81.384305°
		<b>Station #:</b> 2



Peak Hour	Parkers Landing Northbound				Parkers Landing Southbound				Eastbound				Warehouse Ent Westbound			
	Uturn	Lt	Thru	Rt	Uturn	Lt	Thru	Rt	Uturn	Lt	Thru	Rt	Uturn	Lt	Thru	Rt
<b>Length</b>			1	<			1	>								
7:00 - 7:15	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	2
7:15 - 7:30	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	3
7:30 - 7:45	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0
7:45 - 8:00	0	0	0	0	0	5	0	0	0	0	0	0	0	0	0	5
<b>Hourly Sum</b>	0	0	0	0	0	14	0	0	0	0	0	0	0	0	0	10
8:00 - 8:15	0	0	1	0	0	11	0	0	0	0	0	0	0	1	0	1
8:15 - 8:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:30 - 8:45	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
8:45 - 9:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Hourly Sum</b>	0	0	1	0	0	11	1	0	0	0	0	0	0	1	0	1
16:00 - 16:15	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	4
16:15 - 16:30	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	3
16:30 - 16:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
16:45 - 17:00	0	0	0	0	0	5	0	0	0	0	0	0	0	0	0	5
<b>Hourly Sum</b>	0	0	0	0	0	10	0	0	0	0	0	0	0	0	0	14
17:00 - 17:15	0	0	0	1	0	1	1	0	0	0	0	0	0	0	0	11
17:15 - 17:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
17:30 - 17:45	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
17:45 - 18:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Hourly Sum</b>	0	0	1	1	0	1	1	0	0	0	0	0	0	0	0	11
<b>A.M. Peak Hour Summary - Seasonally Adjusted with FOOT Factor</b>																
7:15 - 8:15	0	0	1	0	0	21	0	0	0	0	0	0	0	1	0	8
<b>% Turns</b>			100.0%			100.0%								11.1%		88.9%
<b>P.M. Peak Hour Summary - Seasonally Adjusted with FOOT Factor</b>																
16:15 - 17:15	0	0	0	1	0	9	1	0	0	0	0	0	0	0	0	21
<b>% Turns</b>				100.0%		90.0%	10.0%									100.0%

Luke Transportation Engineering Consultants, 2019



Luke Transportation Consulting Engineers, Inc.  
Volume Report with Midnight Totals

Data File	: D0205007.PRN	Latitude / Longitude	28.435770°	-81.364116°
Station	: 30	Identification	: Counter 31	
Start Date	: Wednesday, February 05, 2020	Start Time	: 00:00	
Stop Date	: Wednesday, February 05, 2020	End Time	: 24:00	
City/Town	: Apopka	County	: Orange	
Location	: Parkers Landing South of Landstreet Rd			

Northbound

5-Feb-20

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	0	0	0	0	0	0	0	16	6	2	6	5
30	0	0	0	0	0	0	0	3	6	4	3	6
45	0	0	0	0	0	0	0	7	1	4	5	7
00	0	0	0	0	0	0	0	3	6	7	7	3
Hour Total	0	0	0	0	0	0	0	29	19	17	21	21
End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	14	14	9	12	7	12	5	4	1	2	1	0
30	7	5	6	10	8	5	5	3	2	3	0	0
45	4	5	9	10	18	2	0	0	2	2	0	0
00	6	6	8	10	9	2	4	3	1	1	0	0
Hour Total	31	30	32	42	42	21	14	10	6	8	1	0

24 Hour Total Volume

344

AM Peak Hour Begins	07:00	AM Peak Volume	29	Peak Hour Factor	0.45
PM Peak Hour Begins	18:15	PM Peak Volume	47	Peak Hour Factor	0.65

Southbound

5-Feb-20

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	0	0	0	0	0	1	3	4	9	9	1	8
30	0	0	0	0	0	0	9	5	5	8	4	3
45	0	0	0	0	0	3	11	5	8	10	8	4
00	0	0	0	0	1	1	12	9	5	5	7	3
Hour Total	0	0	0	0	1	5	35	23	27	32	20	18
End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	8	9	10	7	6	4	1	0	2	0	0	0
30	13	8	6	5	3	5	2	2	0	0	0	0
45	5	4	9	7	5	0	1	1	1	0	0	0
00	8	9	11	13	5	1	1	0	0	0	0	0
Hour Total	34	30	36	32	19	10	5	3	3	0	0	0

24 Hour Total Volume

333

AM Peak Hour Begins	08:45	AM Peak Volume	32	Peak Hour Factor	0.80
PM Peak Hour Begins	16:00	PM Peak Volume	19	Peak Hour Factor	0.79

Two-Way Total

5-Feb-20

End Time	00	01	02	03	04	05	06	07	08	09	10	11
15	0	0	0	0	0	1	3	20	15	11	7	13
30	0	0	0	0	0	0	9	8	11	12	7	9
45	0	0	0	0	0	3	11	12	9	14	13	11
00	0	0	0	0	1	1	12	12	11	12	14	6
Hour Total	0	0	0	0	1	5	35	52	46	49	41	39
End Time	12	13	14	15	16	17	18	19	20	21	22	23
15	22	23	19	19	13	16	6	4	3	2	1	0
30	20	13	12	15	11	10	7	5	2	3	0	0
45	9	9	18	17	23	2	1	1	3	2	0	0
00	14	15	19	23	14	3	5	3	1	1	0	0
Hour Total	65	60	68	74	61	31	19	13	9	8	1	0

24 Hour Total Volume

677

AM Peak Hour Begins	07:00	AM Peak Volume	52	Peak Hour Factor	0.65
PM Peak Hour Begins	18:15	PM Peak Volume	64	Peak Hour Factor	0.70

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**Appendix C – Existing Intersection Analysis Summary Worksheets**

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HCM 6th TWSC  
1: Parkers Landing/Winegard Rd & Landstreet Rd

Existing AM  
10/11/2019

Int Delay, s/veh 0.5

Lane Configurations	1	1	1	1	1	1	1	1	1	1	1	1
Traffic Vol, veh/h	15	744	15	8	523	24	3	0	8	18	0	5
Future Vol, veh/h	15	744	15	8	523	24	3	0	8	18	0	5
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	None	-	-	None	-	-	None	-
Storage Length	0	-	-	0	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	0	-	-	2	-	-	2	-	-
Grade, %	-	0	-	0	-	-	0	-	-	0	-	-
Peak Hour Factor	0.7	0.7	0.7	0.7	0.7	0.7	0.7	0.7	0.7	0.7	0.7	0.7
Heavy Vehicles, %	11	11	11	7	7	7	10	10	10	5	5	5
Mvmt Flow	17	855	17	10	601	26	3	0	9	18	0	6

Conflicting Flow All	629	0	0	872	0	0	1219	1547	436	1097	1541	315
Stage 1	-	-	-	-	-	-	896	896	-	635	835	-
Stage 2	-	-	-	-	-	-	321	649	-	462	906	-
Critical Hdwy	4.32	-	-	4.24	-	-	7.7	6.7	7.1	7.6	6.8	7
Critical Hdwy Stg 1	-	-	-	-	-	-	6.7	5.7	-	6.6	5.6	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.7	5.7	-	6.6	5.6	-
Follow-up Hdwy	2.31	-	-	2.27	-	-	3.6	4.1	3.4	3.55	4.06	3.35
Pot Cap-1 Maneuver	890	-	-	738	-	-	128	105	547	164	111	672
Stage 1	-	-	-	-	-	-	285	338	-	426	463	-
Stage 2	-	-	-	-	-	-	643	445	-	641	348	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	890	-	-	738	-	-	124	102	547	157	107	672
Mov Cap-2 Maneuver	-	-	-	-	-	-	255	265	-	338	271	-
Stage 1	-	-	-	-	-	-	290	332	-	418	457	-
Stage 2	-	-	-	-	-	-	629	439	-	522	339	-

HCM Control Delay, s 0.2 0.2 13.9 16  
HCM LOS B C

Capacity (veh/h)	417	890	-	-	738	-	-	303
HCM Lane V/C Ratio	0.03	0.019	-	-	0.014	-	-	0.063
HCM Control Delay (s)	13.9	0.1	-	-	0.9	-	-	15
HCM Lane LOS	B	A	-	-	A	-	-	C
HCM 95th %ile Q(veh)	0.1	0.1	-	-	0	-	-	0.2

Existing 10/08/2019 AM Peak Hour  
JTR

Synchro 10 Report  
Page 1

HCM 6th TWSC  
 2: Parkers Landing & Warehouse Ent

Existing AM  
 10/11/2019

Int Delay, s/Veh 7.4

Lane Configurations	Y	T	R	L	R	Y
Traffic Vol, veh/h	1	8	1	0	21	0
Future Vol, veh/h	1	8	1	0	21	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh In Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	56	50	58	56	56	56
Heavy Vehicles, %	20	20	6	6	8	8
Mvmt Flow	2	14	2	0	38	0

Conflicting Flow All	78	2	0	0	2	0
Stage 1	2	-	-	-	-	-
Stage 2	78	-	-	-	-	-
Critical Hdwy	6.8	8.4	-	-	4.16	-
Critical Hdwy Stg 1	5.6	-	-	-	-	-
Critical Hdwy Stg 2	6.8	-	-	-	-	-
Follow-up Hdwy	3.68	3.48	-	-	2.254	-
Plat Cap-1 Maneuver	882	1032	-	-	1594	-
Stage 1	976	-	-	-	-	-
Stage 2	903	-	-	-	-	-
Platoon blocked, %	-	-	-	-	-	-
Mov Cap-1 Maneuver	861	1032	-	-	1594	-
Mov Cap-2 Maneuver	861	-	-	-	-	-
Stage 1	859	-	-	-	-	-
Stage 2	963	-	-	-	-	-

HCM Control Delay, s 8.6 0 7.3

HCM LOS A

Capacity (veh/h)	-	-	1010	1594	-
HCM Lane V/C Ratio	-	-	0.016	0.024	-
HCM Control Delay (s)	-	-	8.6	7.3	0
HCM Lane LOS	-	-	A	A	A
HCM 95th %ile Q(veh)	-	-	0	0.1	-

Existing 10/08/2019 AM Peak Hour  
 JTR

Synchro 10 Report  
 Page 2

**HCM 6th TWSC**  
**1: Parkers Landing/Winegard Rd & Landstreet Rd**

Existing PM  
 10/11/2019

Int Delay, s/veh												
0.8												
Lane Configurations												
Lane Configurations	5	↑↓	3	8	↑↓	16	15	0	9	25	0	15
Traffic Vol, veh/h	5	538	3	8	732	16	15	0	9	25	0	15
Future Vol, veh/h	5	538	3	8	732	16	15	0	9	25	0	15
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	0	-	-	0	-	-	-	-	-	-	-	-
Veh In Median Storage, #	-	0	-	-	0	-	-	2	-	-	2	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	87	87	87	87	87	87	87	87	87	87	87	87
Heavy Vehicles, %	8	8	8	12	12	12	13	13	13	2	2	2
Mvmt Flow	8	818	3	9	841	16	17	0	10	28	0	17
Conflicting Flow All												
Conflicting Flow All	859	0	0	819	0	0	1069	1507	310	1188	1499	430
Stage 1	-	-	-	-	-	-	830	830	-	868	868	-
Stage 2	-	-	-	-	-	-	439	877	-	320	631	-
Critical Hdwy	4.28	-	-	4.34	-	-	7.78	6.78	7.16	7.54	6.54	6.94
Critical Hdwy Stg 1	-	-	-	-	-	-	6.76	5.76	-	6.54	5.54	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.76	5.78	-	6.54	5.54	-
Follow-up Hdwy	2.28	-	-	2.32	-	-	3.83	4.13	3.43	3.52	4.02	3.32
Pot Cap-1 Maneuver	741	-	-	892	-	-	182	108	864	144	121	673
Stage 1	-	-	-	-	-	-	410	447	-	314	388	-
Stage 2	-	-	-	-	-	-	538	340	-	688	473	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	741	-	-	892	-	-	155	106	854	140	119	573
Mov Cap-2 Maneuver	-	-	-	-	-	-	332	269	-	282	292	-
Stage 1	-	-	-	-	-	-	407	443	-	311	384	-
Stage 2	-	-	-	-	-	-	517	337	-	650	489	-

HCM Control Delay, s												
HCM Control Delay, s	0.1		0.1		14.5		16.9					
HCM LOS	B		A		B		C					

Capacity (veh/h)												
Capacity (veh/h)	407	741	-	-	892	-	-	348	-	-	-	-
HCM Lane V/C Ratio	0.068	0.008	-	-	0.01	-	-	0.132	-	-	-	-
HCM Control Delay (s)	14.5	9.9	-	-	9.1	-	-	16.9	-	-	-	-
HCM Lane LOS	B	A	-	-	A	-	-	C	-	-	-	-
HCM 95th %ile Q(veh)	0.2	0	-	-	0	-	-	0.5	-	-	-	-

Existing 10/08/2019 PM Peak Hour  
 JTR

Synchro 10 Report  
 Page 1



HCM 6th TWSC  
2: Parkers Landing & Warehouse Ent

Existing PM  
10/11/2019

Int Delay, s/veh 7.6

Lane Configurations	4	4	4	4	4
Traffic Vol, veh/h	0	21	0	1	9
Future Vol, veh/h	0	21	0	1	9
Conflicting Peds, #/hr	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free
RT Channelized	-	None	-	None	None
Storage Length	0	-	-	-	-
Veh in Median Storage, #	0	-	0	-	0
Grade, %	0	-	0	-	0
Peak Hour Factor	0	57	57	57	57
Heavy Vehicles, %	2	2	2	2	20
Mvmt Flow	0	57	0	2	19

Conflicting Flow All	35	1	0	0	2	0
Stage 1	1	-	-	-	-	-
Stage 2	34	-	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	4.3	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	-	-	2.38	-
Pot Cap-1 Maneuver	978	1084	-	-	1510	-
Stage 1	1022	-	-	-	-	-
Stage 2	988	-	-	-	-	-
Platoon blocked, %	-	-	-	-	-	-
Mov Cap-1 Maneuver	967	1084	-	-	1510	-
Mov Cap-2 Maneuver	967	-	-	-	-	-
Stage 1	1011	-	-	-	-	-
Stage 2	988	-	-	-	-	-

HCM Control Delay, s 8.4 0 8.7  
HCM LOS A

Capacity (veh/h)	-	-	1084	1510	-
HCM Lane V/C Ratio	-	-	0.034	0.01	-
HCM Control Delay (s)	-	-	8.4	7.4	0
HCM Lane LOS	-	-	A	A	A
HCM 95th %ile Q(veh)	-	-	0.1	0	-

Existing 10/09/2019 PM Peak Hour  
JTR

Synchro 10 Report  
Page 2

**Appendix D – Trip Generation Estimate Documents**

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**Joseph Roviario**

**From:** John Arnold <john.phillip.arnold@gmail.com>  
**Sent:** Thursday, July 18, 2019 11:46 AM  
**To:** Joseph Roviario  
**Cc:** Huels, Jonathan P.; J. Anthony Luke; Deal, Jennifer  
**Subject:** Re: Angelo's Aggregate Materials - Traffic Generation Analysis

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Joseph,

I've estimated the following data for the Landstreet transfer/recycling operations based on my experience with Angelos existing, similar operations located in Lutz, Tampa, and Brandon.

- Number of employees by shift: 3 (scale house attendant, equipment operator, and spotter)
- Hours of operation and number of work shifts: 1 shift every Monday - Saturday from 7AM - 7PM; 313 days/yr
- Average number of C&D trucks per day and by hour if available: Assuming 900 tons/work day of incoming materials (281,700 tons/yr) @ 4.25 tons/vehicle @ 313 work days/yr = 212 vehicles/work day; Incoming vehicles are distributed evenly throughout the day at about 17.7 vehicles/hr.
- Average number of trucks per day (and by hour, if available) taking items off-site for disposal: Assuming 900 tons/work day being transported off the site in semi-trailers @ 25.5 tons/trailer @ 313 work days/yr = 35.29 vehicles/work day; outbound trailers are distributed evenly throughout the day at about 3 trailers/hr.
- Average number of trucks per day (and by hour, if available) with sorted recycled materials: Included in the above numbers; the inbound recyclables are mixed in the waste and the outbound recyclables are transported in semi-trailers.
- Average number of customers per day (and by hour, if available): This is the same as the amount of vehicle counts above, or around 212 customers per day.

Please let me know if you have any questions or if you need any additional information.

John

On Wed, Jul 17, 2019 at 10:09 AM Joseph Roviario <[jr@ltec-fl.com](mailto:jr@ltec-fl.com)> wrote:

Jonathan,

In order to develop trip generation rate for the proposed development site we would need the following information:

- Number of employees by shift
- Hours of operation and number of work shifts
- Average number of C&D trucks per day and by hour if available
- Average number of trucks per day (and by hour, if available) taking items off-site for disposal
- Average number of trucks per day (and by hour, if available) with sorted recycled materials
- Average number of customers per day (and by hour, if available)



**CONCRETE CRUSHING SUPPORT DOCUMENT**

**Angelo's Aggregate Materials  
Landstreet Concrete Crushing and Recycling Operations  
Vehicle Projection Analysis**

**Concrete Crushing and Recycling Facility**

Concrete Recycling Facility	Year Crushing Operations Commenced	10-Mile Radius Population	CY 2018** Concrete Delivery Customer Vehicle	CY 2018 Inbound Concrete Employee Vehicle	CY 2018* Concrete Export Customer Vehicle	CY 2018 Total Inbound Vehicles	CY 2018 Ratio Total Inbound Vehicles to Population	Number Concrete Employees
Lutz	2001	550,389	8,290	1,216	16,580	26,086	0.0474	4
Brandon	2015	556,999	2,475	912	4,950	8,337	0.0150	3
Largo	2001	716,118	6,382	1,216	12,763	20,361	0.0284	4
Lakeland	2016	246,522	1,956	912	3,911	6,779	0.0275	3

\* From Scale-House Records

\*\* Approximately 50% of incoming vehicles drop off raw concrete and back-haul finished aggregates

Average = 0.0296  
Maximum = 0.0474 << Use Maximum

**Landstreet Crushing Facility**

10-Mile Radius Population =	573,760
Ratio Total Vehicles to Population (AVG) =	0.0474
Projected Total Incoming Vehicle Count (AVG) =	27,194
Annual Work Days =	313
<b>Projected Total Incoming Vehicle Count (AVG) =</b>	<b>87</b>

John Arnold, P.E.  
PE No.: 47164      Date: \_\_\_\_\_  
1530 McDuff AVE S  
Jacksonville, FL 32205  
813-477-1719

## Appendix E – Linear Regression Worksheet

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**Historical Traffic Counts - Linear Regression Calculations**

Roadway Segment		Station Number	Orange County AADT (1)							FDOT Trends Analysis - V2.0 Linear Regression			Projected 2019	Growth Factor	Annual Growth Rate	
From	To		2012	2013	2014	2015	2016	2017	2018	RSQ	Slope	Intercept				
<b>Landstreet Road</b>																
Bachman Rd	Orange Ave	7072.0	15,193	16,416	17,857	17,686	20,815	23,388	23,277	0.935	1,469.7857	13,354.0000	25,100	1.06	6.4%	

1. From 2018 AADT Orange County Traffic Counts

Luke Transportation Engineering Consultants, Inc., 2019



Existing Warehouse and Industrial Land Uses Trip Generation with Access to Parkers Landing

**Existing Land Use Estimated Trip Generation (1)**

Land Use	Trip Generation Variable	ITE Code (2)	Trip Generation Rates						
			Daily	A.M. Peak Hour (2)			P.M. Peak Hour (2)		
				Total	Enter	Exit	Total	Enter	Exit
Warehouse	12,000 SF	150 / E	5.38	2.23	1.72	0.51	2.44	0.66	1.78
Warehouse	12,000 SF	150 / E	5.38	2.23	1.72	0.51	2.44	0.66	1.78
Warehouse	12,000 SF	150 / E	5.38	2.23	1.72	0.51	2.44	0.66	1.78
Warehouse	18,410 SF	150 / E	4.05	1.50	1.15	0.34	1.63	0.44	1.19
Light Industrial	41,772 SF	110 / R	4.96	0.70	0.62	0.08	0.97	0.13	0.84
Warehouse	20,000 SF	150 / E	3.86	1.39	1.07	0.32	1.51	0.41	1.10
Land Use	Trip Generation Variable	ITE Code (2)	Total Trips						
			Daily	A.M. Peak Hour			P.M. Peak Hour		
				Total	Enter	Exit	Total	Enter	Exit
Warehouse	12,000 SF	150 / E	65	27	21	6	29	8	21
Warehouse	12,000 SF	150 / E	65	27	21	6	29	8	21
Warehouse	12,000 SF	150 / E	65	27	21	6	29	8	21
Warehouse	18,410 SF	150 / E	75	27	21	6	30	8	22
Light Industrial	41,772 SF	110 / R	207	30	26	4	40	5	35
Warehouse	20,000 SF	150 / E	77	27	21	6	30	8	22
		<b>Total</b>	<b>554</b>	<b>165</b>	<b>131</b>	<b>34</b>	<b>187</b>	<b>45</b>	<b>142</b>

(1) Trip generation calculations from 10<sup>th</sup> Edition of ITE Trip Generation Report, 2017.

(2) ITE Land Use Code Number / E - Fitted Curve Equation or R - Average Trip Rate

Luke Transportation Engineering Consultants, Inc., 2020

**Appendix F – 2020 Intersection Analysis Summary Worksheets**

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HCM 6th TWSC  
1: Parkers Landing/Winegard Rd & Landstreet Rd

2020 AM Revised  
02/11/2020

Int Delay, s/Veh

Lane Configurations	1	2	3	4	5	6	7	8	9	10	11	12
Traffic Vol, veh/h	18	799	37	24	561	28	18	0	20	17	0	5
Future Vol, veh/h	18	799	37	24	561	28	18	0	20	17	0	5
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	0	-	240	0	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	2	-	-	2	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	87	87	87	87	87	87	87	87	87	87	87	87
Heavy Vehicles, %	11	11	11	7	7	7	10	10	10	5	5	5
Mvmt Flow	18	918	43	28	645	30	21	0	23	20	0	6

Conflicting Flow All	675	0	0	961	0	0	1333	1685	459	1211	1713	338
Stage 1	-	-	-	-	-	-	954	954	-	718	718	-
Stage 2	-	-	-	-	-	-	379	731	-	495	997	-
Critical Hdwy	4.32	-	-	4.24	-	-	7.7	6.7	7.1	7.6	6.6	7
Critical Hdwy Stg 1	-	-	-	-	-	-	6.7	5.7	-	6.6	5.6	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.7	5.7	-	6.6	5.6	-
Follow-up Hdwy	2.31	-	-	2.27	-	-	3.6	4.1	3.4	3.55	4.05	3.35
Pot Cap-1 Maneuver	854	-	-	682	-	-	105	88	528	135	87	649
Stage 1	-	-	-	-	-	-	283	318	-	380	425	-
Stage 2	-	-	-	-	-	-	593	407	-	517	314	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	854	-	-	682	-	-	99	81	528	123	82	649
Mov Cap-2 Maneuver	-	-	-	-	-	-	231	239	-	296	230	-
Stage 1	-	-	-	-	-	-	287	311	-	372	408	-
Stage 2	-	-	-	-	-	-	564	390	-	484	307	-

HCM Control Delay, s	0.2	-	-	0.4	-	-	17.7	-	-	16.5	-	-
HCM LOS	-	-	-	-	-	-	C	-	-	C	-	-

Capacity (veh/h)	328	854	-	-	682	-	-	-	-	338	-	-
HCM Lane V/C Ratio	0.133	0.022	-	-	0.04	-	-	-	-	0.075	-	-
HCM Control Delay (s)	17.7	0.3	-	-	10.6	-	-	-	-	16.5	-	-
HCM Lane LOS	C	A	-	-	B	-	-	-	-	C	-	-
HCM 95th %ile Q(veh)	0.5	0.1	-	-	0.1	-	-	-	-	0.2	-	-

**HCM 6th TWSC**  
**2: Parkers Landing & Site Ent/Warehouse Ent**

2020 AM  
 10/11/2019

Int Delay, s/veh	5.9											
Lane Configurations	+/-		+		+		+		+		+	
Traffic Vol, veh/h	19	0	0	1	0	9	0	1	0	23	0	25
Future Vol, veh/h	19	0	0	1	0	8	0	1	0	23	0	25
Conflicting Peds, W/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free	Free
RT Channelized			None			None			None			None
Storage Length												
Veh In Median Storage, #		0		0			0				0	
Grade, %		0		0			0				0	
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	20	2	20	2	6	6	6	6	2
Mvmt Flow	21	0	0	2	0	14	0	2	0	41	0	27

Conflicting Flow All	105	98	14	98	111	2	27	0	0	2	0	0
Stage 1	96	96	-	2	2	-	-	-	-	-	-	-
Stage 2	9	2	-	96	109	-	-	-	-	-	-	-
Critical Hdwy	7.12	6.52	6.22	7.3	6.52	6.4	4.12	-	-	4.16	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.3	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.3	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.68	4.018	3.40	2.218	-	-	2.254	-	-
Pot Cap-1 Maneuver	876	782	1068	843	779	1032	1587	-	-	1694	-	-
Stage 1	911	815	-	976	894	-	-	-	-	-	-	-
Stage 2	1012	894	-	868	805	-	-	-	-	-	-	-
Platoon blocked, %												
Mov Cap-1 Maneuver	846	771	1068	826	759	1032	1587	-	-	1694	-	-
Mov Cap-2 Maneuver	846	771	-	826	759	-	-	-	-	-	-	-
Stage 1	911	794	-	978	894	-	-	-	-	-	-	-
Stage 2	996	894	-	845	784	-	-	-	-	-	-	-

HCM Control Delay, s	9.4			6.6			0			4.4		
HCM LOS	A			A								

Capacity (veh/h)	1587	-	-	846	1004	1694	-	-	-	-	-	-
HCM Lane V/C Ratio	-	-	-	0.024	0.018	0.028	-	-	-	-	-	-
HCM Control Delay (s)	0	-	-	8.4	8.8	7.3	0	-	-	-	-	-
HCM Lane LOS	A	-	-	A	A	A	A	-	-	-	-	-
HCM 95th %ile Q(veh)	0	-	-	0.1	0	0.1	-	-	-	-	-	-



10/10/2019  
10:45:00 AM  
10/10/2019

HCM 6th TWSC  
1: Parkers Landing/Winegard Rd & Landstreet Rd

2020 PM Revised  
02/11/2020

Int Delay, s/veh 13

Lane Configurations	↑	↑↑	↑↑↑	↑↑↑↑	↑↑↑↑↑	↑↑↑↑↑↑	↑↑↑↑↑↑↑	↑↑↑↑↑↑↑↑	↑↑↑↑↑↑↑↑↑	↑↑↑↑↑↑↑↑↑↑		
Traffic Vol, veh/h	5	575	18	20	786	17	37	0	24	27	0	16
Future Vol, veh/h	5	575	18	20	786	17	37	0	24	27	0	16
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	0	-	0	0	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	2	-	-	2	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	87	87	87	87	87	87	87	87	87	87	87	87
Heavy Vehicles, %	8	8	8	12	12	12	13	13	13	2	2	2
Mvmt Flow	6	661	21	23	809	20	43	0	28	31	0	18

Conflicting Flow All	923	0	0	682	0	0	1171	1642	331	1302	1653	482
Stage 1	-	-	-	-	-	-	873	873	-	969	859	-
Stage 2	-	-	-	-	-	-	498	969	-	343	694	-
Critical Hdwy	4.26	-	-	4.34	-	-	7.76	6.76	7.16	7.54	6.54	6.94
Critical Hdwy Stg 1	-	-	-	-	-	-	6.76	6.76	-	6.54	5.54	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.76	5.76	-	6.54	5.54	-
Follow-up Hdwy	2.28	-	-	2.32	-	-	3.63	4.13	3.43	3.52	4.02	3.32
Pol Cap-1 Maneuver	700	-	-	843	-	-	135	89	634	118	97	547
Stage 1	-	-	-	-	-	-	386	426	-	276	334	-
Stage 2	-	-	-	-	-	-	485	306	-	648	442	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	700	-	-	843	-	-	127	86	634	110	94	547
Mov Cap-2 Maneuver	-	-	-	-	-	-	302	240	-	248	258	-
Stage 1	-	-	-	-	-	-	383	422	-	274	325	-
Stage 2	-	-	-	-	-	-	465	298	-	613	438	-

HCM Control Delay, s 0.1 0.2 16.8 18.8

HCM LOS C C

Capacity (veh/h)	380	700	-	843	-	311
HCM Lane V/C Ratio	0.185	0.008	-	0.027	-	0.159
HCM Control Delay (s)	16.8	10.2	-	9.4	-	18.8
HCM Lane LOS	C	B	-	A	-	C
HCM 95th %ile Q(veh)	0.7	0	-	0.1	-	0.6

2020 Build-out 10/08/2019 PM Peak Hour  
JTR

Synchro 10 Report  
Page 1



HCM 6th TWSC  
2: Parkers Landing & Site Ent/Warehouse Ent

2020 PM  
10/11/2019

Int Delay, s/veh	6.6
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Lane Configurations	+	+	+	+	+	+	+	+	+	+	+	+
Traffic Vol, veh/h	25	0	0	0	0	23	0	0	1	10	1	19
Future Vol, veh/h	25	0	0	0	0	23	0	0	1	10	1	19
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	0.92	0.92	0.92	0.57	0.92	0.57	0.92	0.57	0.57	0.57	0.57	0.92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	20	20	2
Mvmt Flow	27	0	0	0	0	40	0	0	2	18	2	21

Conflicting Flow All	70	51	13	50	60	1	23	0	0	2	0	0
Stage 1	40	49	-	1	1	-	-	-	-	-	-	-
Stage 2	21	2	-	49	59	-	-	-	-	-	-	-
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-	-	4.3	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-	-	2.38	-	-
Pot Cap-1 Maneuver	922	840	1067	960	831	1064	1592	-	-	1510	-	-
Stage 1	964	854	-	1022	895	-	-	-	-	-	-	-
Stage 2	898	894	-	964	846	-	-	-	-	-	-	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	880	830	1067	941	821	1064	1592	-	-	1510	-	-
Mov Cap-2 Maneuver	880	830	-	941	821	-	-	-	-	-	-	-
Stage 1	964	844	-	1022	895	-	-	-	-	-	-	-
Stage 2	961	894	-	952	836	-	-	-	-	-	-	-

HCM Control Delay, s	0.2	0.4	0	3.3
HCM LOS	A	A		

Capacity (veh/h)	1592	-	-	880	1064	1510	-	-
HCM Lane V/C Ratio	-	-	-	0.031	0.037	0.012	-	-
HCM Control Delay (s)	0	-	-	0.2	0.4	7.4	0	-
HCM Lane LOS	A	-	-	A	A	A	A	-
HCM 95th %ile Q(veh)	0	-	-	0.1	0.1	0	-	-

**L**tec

transportation  
engineering  
+  
planning



## MEMORANDUM

**TO:** Lauren Torres  
**FROM:** J. Anthony Luke, PE  
**DATE:** March 11, 2020  
**RE:** Angelo's Aggregate Materials 500 West Landstreet Road Traffic Study  
Response to February 28, 2020 Comments (LTEC No 19-3101)

The following is the response to the February 28, 2020 comments request for additional information. The review comments will be listed followed by our response.

***Orange County Comment: In table 6 it was unclear as to whether the existing and projected traffic was used to arrive at the LOS, please clarify in the table and distinguish between existing and projected volumes in the LOS calculation.***

Response:

The LOS for the directional traffic presented in Table 6 was determined based on two different analysis scenarios.

The first scenario utilized peak direction Background traffic which consisted of existing traffic and estimated Committed traffic (24 northbound PM peak hour trips from 2/5/2020 turning movement count plus 2 estimated Committed trips) that was grown by a 1.064 historical growth factor  $([24 + 2] \times 1.064 = 27.6, \text{ use } 28)$  plus the approved Concrete Crushing facility traffic (86) plus the proposed Angelo's Aggregate Materials Project traffic (25) for a total of 139  $(28 + 86 + 25 = 139)$ . As documented in the upper portion Table 6 (Based on Existing Counts [Footnote 1]) the resulting LOS for Background traffic is C or better and for Total traffic is also LOS C or better.

The second scenario (lower section of Table 6) utilized peak direction Background traffic which consisted of estimated existing development traffic (142) calculated using ITE trip generation data (see attached trip generation table below) plus the approved Concrete Crushing facility traffic (86) plus the proposed Angelo's Aggregate Materials Project traffic (25) for a total of 139  $(142 + 86 + 25 = 253)$ . As documented in the bottom portion of Table 6 (Based on Estimated Trips [Footnote 5]), the resulting LOS for Background traffic is C or better and for Total traffic is also LOS C or better.

**Existing Land Use Estimated Trip Generation (1)**

Land Use	Trip Generation Variable	ITE Code (2)	Trip Generation Rates						
			Daily	A.M. Peak Hour (2)			P.M. Peak Hour (2)		
				Total	Enter	Exit	Total	Enter	Exit
Warehouse	12,000 SF	150 / E	5.38	2.23	1.72	0.51	2.44	0.66	1.78
Warehouse	12,000 SF	150 / E	5.38	2.23	1.72	0.51	2.44	0.66	1.78
Warehouse	12,000 SF	150 / E	5.38	2.23	1.72	0.51	2.44	0.66	1.78
Warehouse	18,410 SF	150 / E	4.05	1.50	1.15	0.34	1.63	0.44	1.19
Light Industrial	41,772 SF	110 / R	4.96	0.70	0.62	0.08	0.97	0.13	0.84
Warehouse	20,000 SF	150 / E	3.86	1.39	1.07	0.32	1.51	0.41	1.10
Land Use	Trip Generation Variable	ITE Code (2)	Total Trips						
			Daily	A.M. Peak Hour			P.M. Peak Hour		
				Total	Enter	Exit	Total	Enter	Exit
Warehouse	12,000 SF	150 / E	65	27	21	6	29	8	21
Warehouse	12,000 SF	150 / E	65	27	21	6	29	8	21
Warehouse	12,000 SF	150 / E	65	27	21	6	29	8	21
Warehouse	18,410 SF	150 / E	75	27	21	6	30	8	22
Light Industrial	41,772 SF	110 / R	207	30	26	4	40	5	35
Warehouse	20,000 SF	150 / E	77	27	21	6	30	8	22
	116,182	Total	554	165	131	34	187	45	142

(1) Trip generation calculations from 10<sup>th</sup> Edition of ITE Trip Generation Report, 2017.

(2) ITE Land Use Code Number / E - Fitted Curve Equation or R - Average Trip Rate

Luke Transportation Engineering Consultants, Inc., 2020

**Orange County Comment: The FDOT standards for turn lane storage are minimums based on primarily passenger vehicles. This storage length should be larger than the FDOT minimum based on the primary vehicles utilizing it and can be calculated from the modeling data and length of average vehicle utilizing the right turn lane.**

Response:

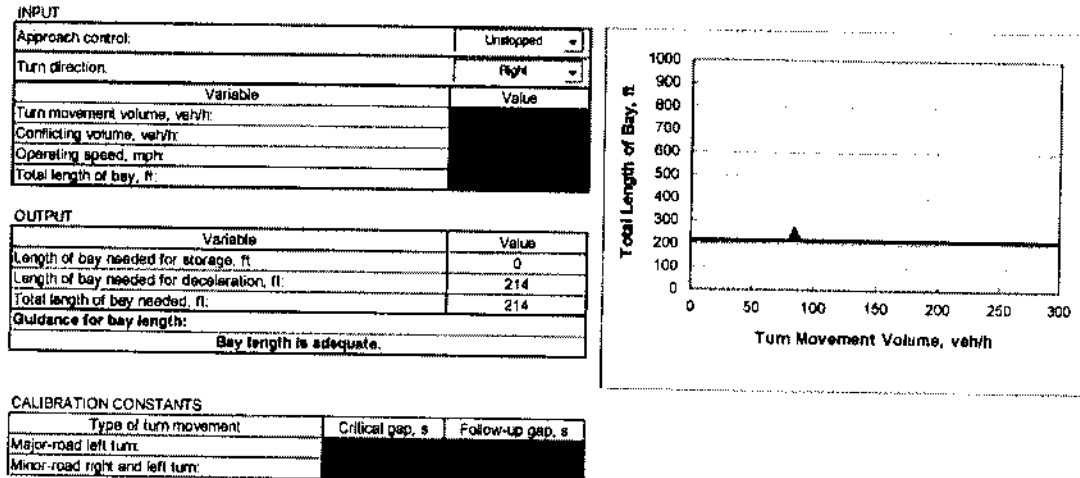
According to the FDOT Index 301 (see attachment), the minimum turn lane total deceleration distance for a design speed of 50 mph (Landstreet Road has a posted speed limit of 45 mph) is 240 feet (which includes the 50-foot taper) for a right turn lane under a free flow condition (i.e., traffic on Landstreet Road at the Parkers Landing intersection is free-flow, not under Stop or traffic signal control. Only the minor street is under Stop control.).

The National Cooperative Highway Research Program (NCHRP) Report 457: Evaluating Intersection Improvements: An Engineering Study Guide procedure for determining if a bay length is adequate was utilized to check if additional storage length was needed for the eastbound right turn lane. Using the maximum number of projected number of right turns (85, which also assumed 11% were heavy vehicles) and the worksheet developed for the NCHRP Report 457, the need for additional storage area for the eastbound right turn lane was evaluated. As documented in the attached worksheet, the total length of bay needed is 214 feet, thus, the FDOT minimum right turn lane 240-foot deceleration distance is adequate. As a further conservative test, an evaluation was also performed assuming the right turn lane volume increased to 100. The result is that the total bay length needed was still 214 feet.

As proposed in a prior response, the use of a larger intersection entry radius (40 feet – 60 feet) would further aid entering vehicles.

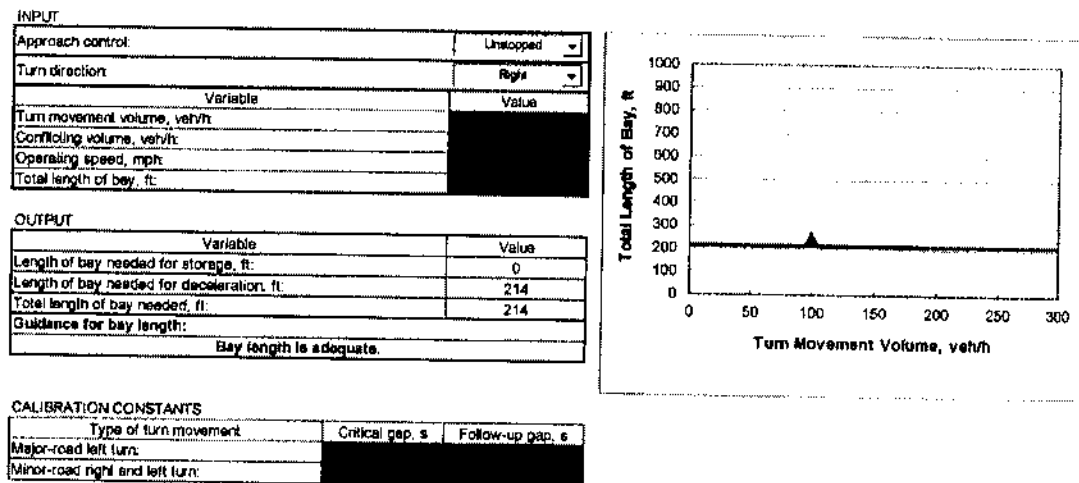
Analysis using PM peak hour traffic volumes from February 2020 report.

Table 2-13 and Figures 2-7, 2-8, & 2-9. Guideline for determining if the bay length is adequate.



Analysis using 100 right turning vehicles (an increase of 17.6%).

Table 2-13 and Figures 2-7, 2-8, & 2-9. Guideline for determining if the bay length is adequate.



**Orange County Comment:** Based on the increase in turning vehicle volume at peak hour and the ROW constraints, a dedicated left/thru and separate right turn lane will be required on Parkers Landing for northbound traffic to decrease delay.



Response:

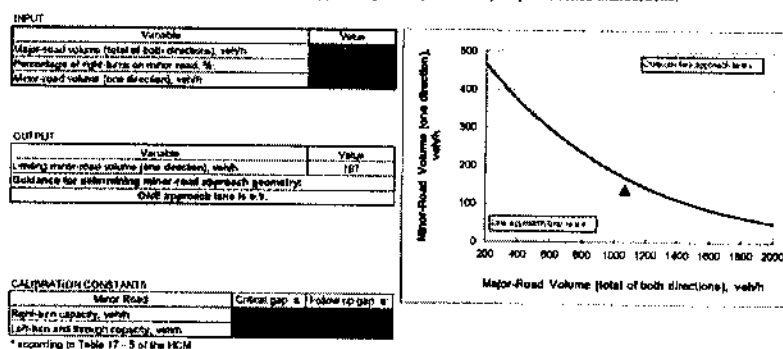
As documented in the February 2020 traffic study, the northbound approach for the Landstreet Road and Parkers Landing intersection is projected to operate at a LOS C condition for both the AM and PM peak periods. Maximum delay for the northbound movement is projected to be 23.9 seconds during the PM peak hour.

Converting the northbound approach to a two-lane approach with a separate northbound left turn lane and combination through-right turn lane will result in a projected LOS C condition for the northbound approach during both the AM and PM peak hour. The PM peak hour northbound approach delay will be 20.2 seconds, a 15.5% decrease (or 3.7 fewer seconds) in overall delay for the northbound movement. However, the northbound left turning vehicles will see an increase in delay of 1.8 seconds and a LOS D condition.

Based on the projected traffic volume assignment, and procedures from the *National Cooperative Highway Research Program (NCHRP) Report 457: Evaluating Intersection Improvements: An Engineering Study Guide* for determining minor-road approach geometry at a two way stop controlled intersection, an auxiliary northbound left turn lane is **not** warranted (see below).

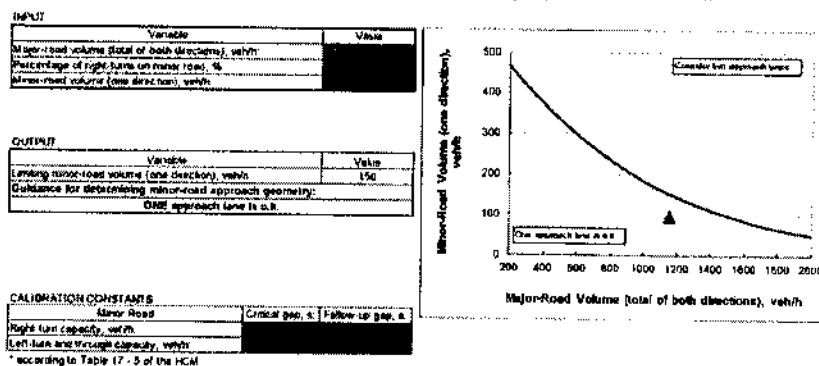
PM Peak hour:

Figure 2 - 4. Guidelines for determining minor-road approach geometry at two-way stop-controlled intersections.

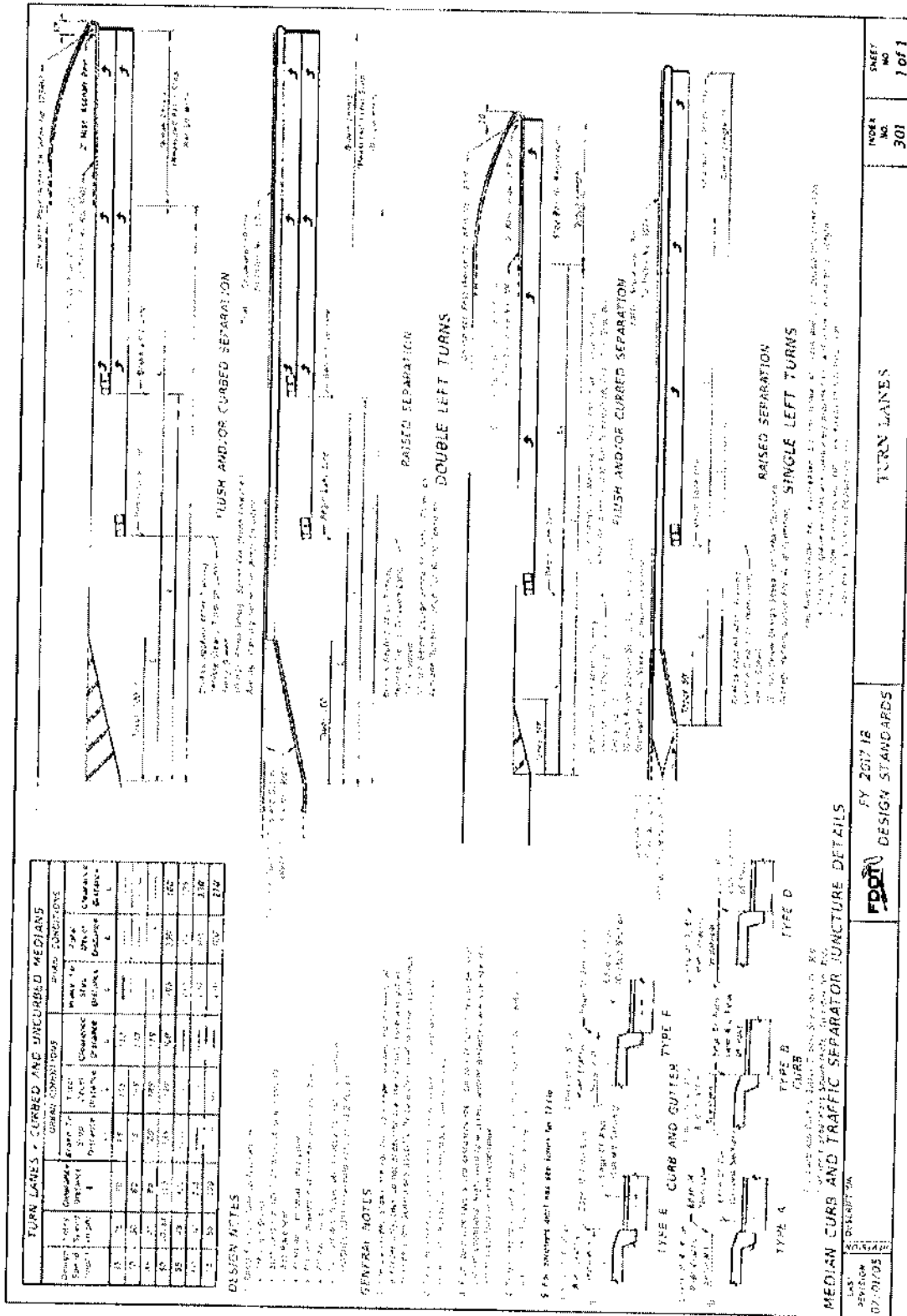


AM Peak hour:

Figure 2 - 4. Guideline for determining minor-road approach geometry at two-way stop-controlled intersections.



This concludes the response to the Orange County February 28, 2020 comments.



INDEX NO. 301 SHEET NO. 7 of 1

TURN LANES

FY 2017 18 DESIGN STANDARDS

**FDOT**

MEDIAN CURB AND TRAFFIC SEPARATOR JUNCTURE DETAILS

DESCRIPTION

LAST REVISION 07/21/05

Sec. 32-212. - Intent and applicability.

Section 704 of the Orange County Charter provides that in the absence of an ordinance within a municipality on a subject, the county ordinance on that subject shall govern. Section 704 of the Orange County Charter further provides that county ordinances shall be effective within municipalities and shall prevail over municipal ordinances when the county has set minimum standards protecting the environment by prohibiting or regulating air or water pollution, but only to the extent that such minimum standards are stricter than the applicable municipal standards. The intent of article V is to establish minimum standards for the construction, operation, and closure of solid waste management facilities, and to establish minimum standards governing the location of hazardous waste treatment, storage, and disposal facilities, to minimize their threat to public health and the environment, including the air and water, and to protect Orange County's natural resources. Accordingly, this article shall apply to all private contractors, private citizens, and any person, entity or group proposing to initiate or continue operation of a solid waste management facility or a hazardous waste treatment, storage and disposal facility in the unincorporated areas of Orange County, within any municipality that does not have an ordinance governing the same subject, and within any municipality with an ordinance governing the same subject but only to the extent that the minimum standards in this ordinance are stricter than the applicable municipal standards.

(Ord. No. 99-16, § 2, 6-29-99; Ord. No. 2003-02, § 2, 2-4-03; Ord. No. 2009-11, § 2, 4-28-09)

Sec. 32-216. - Technical requirements.

(a) The following requirements shall apply for solid waste disposal facilities:

- (1) The same prohibitions specified in F.A.C. rule 62-701.300, adopted and incorporated herein by reference.
- (2) Construction for Class I and III landfills shall be performed in accordance with the requirements of F.A.C. rules 62-701.400(1) through (8) and rule 62-701.340, adopted and incorporated herein by reference, and all the requirements herein. However, Class III landfills shall be constructed with a bottom liner consisting of a single 60-mil minimum average thickness HDPE geomembrane. In the sumps located inside the landfill footprint and in the leachate collection trenches, the geomembrane shall be placed on a GCL with a hydraulic conductivity of less than or equal to  $1 \times 10^{-7}$  cm/sec, or on a compacted clay liner which is a minimum six (6) inches thick with a saturated hydraulic conductivity of less than or equal to  $1 \times 10^{-7}$  cm/sec. The liner shall be placed on a prepared subgrade that will not damage the geomembrane liner or the GCL. A primary leachate collection and removal system and a drainage layer shall be installed above the geomembrane liner. Except in sumps and leachate collection trenches, the system shall be designed to limit leachate head above the liner during routine landfill operation after placement of initial cover to no greater than twelve (12) inches. The division may exempt Class III landfills from some or all of the liner and leachate control requirements, if the applicant demonstrates to the manager's satisfaction that no significant threat to the environment will result from the exemption based upon the types of waste received, methods for controlling types of waste disposed of, and the results of the hydrogeological and geotechnical investigations required in section 32-216(a)(25). Such demonstration shall be evaluated by a third-party consultant under contract with the county at the sole expense of the applicant. The third-party consultant shall submit their recommendation to the manager for review. The manager shall review the applicant's submittal and the third-party consultant's recommendation and make a determination. The applicant may, within fifteen (15) calendar days of the decision of the manager, file a written notice of appeal with the manager. If no notice of appeal is received within the fifteen-day period, then the determination shall be final. If an appeal is submitted, such appeal shall be heard by the board at a regular meeting. Notice of the appeal hearing shall be provided to the applicant. Upon submittal of an appeal, the application shall be placed on hold until a final determination is made. For the purposes of this section, a final determination shall mean either a decision of the board, or if appealed, a decision of the

appropriate court of law. Upon final determination of the request, if it is determined that the facility shall not be exempt from some or all of the liner and leachate control requirements specified herein, the applicant may either withdraw the application, or submit a modified application which is not inconsistent with the final determination or the requirements of this section.

- (3) Construction for construction and demolition debris disposal facilities shall be performed in accordance with the requirements of F.A.C. rule 62-701.730(4), adopted and incorporated herein by reference, and all the requirements herein. However, construction and demolition debris disposal facilities within the Tertiary Floridan Aquifer Vulnerability Zone within the Wekiva Study Area, shall be constructed with a bottom liner consisting of a single 60-mil minimum average thickness HDPE geomembrane. In the sumps located inside the landfill footprint and in the leachate collection trenches, the geomembrane shall be placed on a GCL with a hydraulic conductivity of less than or equal to  $1 \times 10^{-7}$  cm/sec, or on a compacted clay liner which is a minimum six (6) inches thick with a saturated hydraulic conductivity of less than or equal to  $1 \times 10^{-7}$  cm/sec. The liner shall be placed on a prepared subgrade that will not damage the geomembrane liner or the GCL. A primary leachate collection and removal system and a drainage layer shall be installed above the geomembrane liner. Except in sumps and leachate collection trenches, the system shall be designed to limit leachate head above the liner during routine landfill operation after placement of initial cover to no greater than twelve (12) inches. The division may exempt construction and demolition debris disposal facilities from some or all of the liner and leachate control requirements, if the applicant demonstrates to the manager's satisfaction that no significant threat to the environment will result from the exemption based upon the types of waste received, methods for controlling types of waste disposed of, and the results of the hydrogeological and geotechnical investigations required in section 32-216(a)(25). Such demonstration shall be evaluated by a third-party consultant under contract with the county at the sole expense of the applicant. The third-party consultant shall submit their recommendation to the manager for review. The manager shall review the applicant's submittal and the third-party consultant's recommendation and make a determination. The applicant may, within fifteen (15) calendar days of the decision of the manager, file a written notice of appeal with the manager. If no notice of appeal is received within the fifteen-day period, then the determination shall be final. If an appeal is submitted, such appeal shall be heard by the board at a regular meeting. Notice of the appeal hearing shall be provided to the applicant. Upon submittal of an appeal, the application shall be placed on hold until a final determination is made. For the purposes of this section, a final determination shall mean either a decision of the board, or if appealed, a decision of the appropriate court of law. Upon final determination of the request, if it is determined that the facility shall not be exempt from some or all of the liner and leachate control requirements specified herein, the applicant may either withdraw the application, or submit a modified application which is not inconsistent with the final determination or the requirements of this section.
- (4) The bottom of the solid waste management facility shall be a minimum of five (5) feet above the estimated seasonal high water table. Said five-foot layer shall be capable of impeding the flow of leachate from the site. Alternatives to the five-foot layer may be allowed as a waiver providing that equivalent performance criteria is met. The applicant shall comply with section 32-214(k) to apply for this waiver.
- (5) The solid waste management facility shall be open to the county for the purpose of inspection during normal working hours of the facility and at any other time when work is in progress. The division inspectors shall participate in applicable training courses conducted or sponsored by FDEP for its landfill inspectors.
- (6) Any solid waste management facility operation that will exceed ninety (90) days duration shall abut a paved, public roadway, which will provide access to the property for which the permit is applied. Paved access shall be provided by the applicant prior to commencing operations for which a permit has been issued. Paving improvements shall be installed by applicant in accordance with Orange County road construction standards, and/or the applicable municipal road construction standards. Solid waste management facility operations which will not exceed

ninety (90) days may utilize access by unpaved roads. The applicant shall continuously maintain such unpaved roads at applicant's sole expense in a condition satisfactory to the county engineer, and/or the applicable municipality. A permit for an operation not exceeding ninety (90) days shall not be renewed or extended unless the applicant provides paved access. The proposed ingress to and egress from the site will be reviewed by the Orange County Public Works department, and/or the applicable municipality. The applicant may be required to construct improvements (such as the addition of turning lanes) to public roads used for site access if the county engineer or his/her designee, and/or the applicable municipality, determines that the proposed solid waste management facility will significantly impede the flow of traffic on the public roads used for site access.

- (7) As each section is completed or upon completion of the operation as stipulated in the permit, the applicant shall be required to institute the approved plan of reclamation and closure. The operator shall submit a closure permit application ninety (90) days before the projected closure date, which includes an update of the previously approved closure plan. This permit application shall be reviewed and approved by the manager before commencement of the closure. All closure activities for Class I and Class III landfills shall be performed in accordance with the requirements of F.A.C. rule 62-701.600, adopted and incorporated herein by reference, and all the requirements herein. All closure activities for construction and demolition debris disposal facilities shall be performed in accordance with the requirements of F.A.C. rule 62-701.730(9) through (10), adopted and incorporated herein by reference, and all the requirements herein. The applicant may submit an alternate design of the final cover in the closure plan for review and approval by the manager.
- (8) Nothing herein shall be construed as regulating dredging or filling.
- (9) Issuance of a county permit does not relieve the permittee from the responsibility of obtaining and maintaining any/all other applicable federal, state or local permits and renewals thereto required for the site.
- (10) Permits issued after July 7, 1992, may only be issued upon board approval and only for sites zoned agricultural (A1 and A2, excluding any agricultural/residential zoning category) or heavy industrial (I-4), which abuts only properties zoned agricultural (excluding any agricultural/residential zoning category) or heavy industrial. For purpose of this article, "abutting, adjoining or adjacent property" shall be property that touches the boundary line of the site. Provided, however, that the requirements contained in this subparagraph (10) shall not apply to any renewal or change to an existing permit, if such renewal or change has been determined by the manager not to effect a substantial deviation.
- (11) ~~Setback distances and area.~~
  - a. ~~Setbacks from any boundary line of a site shall be as follows:~~
    1. ~~Two hundred (200) feet from the right-of-way of any arterial or collector highway;~~
    2. ~~One hundred fifty (150) feet from the right-of-way of any other public street, road or highway, or abutting property;~~
    3. ~~A minimum of two hundred fifty (250) feet from any off-site structure that is the subject of a certificate of occupancy.~~
  - b. Notwithstanding the setbacks required in section 32-216(a)(11)a., if the solid waste disposal facility site was formerly, or is currently, a property permitted excavation site, waste may be placed in the excavation area, within the setbacks required by the subject excavation permit, up to the natural grade existing prior to the initiation of excavation. All above grade waste must be placed according to setbacks listed in section 32-216(a)(11)a. above.
  - c. A solid waste management facility other than a solid waste disposal facility may request a waiver to the required setbacks as described in section 32-214(k).

- d. Setback area shall be landscaped to provide a visual buffer from adjacent properties. Landscaping shall be designed to minimize visual impacts of both the fill operation and the final closed landfill from surrounding properties and roads. As a minimum, landscaping shall include a dense stand of grass and recommended stock canopy trees as defined in section 15-283(a). Trees shall be a minimum of ten (10) feet tall, fifteen (15) gallons and two and one-half (2½) inches caliper, six (6) inches above the root ball. Tree spacing shall be forty (40) feet along any street and sixty (60) feet on other sides. Well-landscaped post closure retention ponds are permitted in the setback. Structures, such as offices, scales, spare parts storage and similar facilities may be constructed within the setback if fully concealed with a visual type A opaque buffer as defined in chapter 24 or a berm in addition to the landscaping requirement included in this paragraph. Maintenance facilities may be included if noise, odor and other nuisances are addressed to the county's satisfaction.
  - e. The following requirements shall apply to karst terrane features discovered during the site hydrological and geotechnical investigation required pursuant to section 32-216(a)(25), and, to the extent practicable, to karst terrane features that may appear or expand during the operational life of the facility. The following minimum setbacks shall apply from the edge of the subset of karst terrane features, including, but not limited to sinkholes or swallets, that provide a direct connection or potential preferential path for the migration of runoff or leachate, through solution pipes or similar methods, to the Floridan Aquifer.
    - 1. There shall be a setback of at least two hundred (200) feet from the edge of the specified karst terrane features to all adjacent stormwater drainage basin divides.
    - 2. The zone of discharge of any adjacent waste fill areas shall have a setback of sufficient distance so that the karst terrane feature does not provide a preferential path for the migration of leachate. In determining a sufficient setback distance, the geotechnical investigation must demonstrate that the karst terrane feature is sufficiently delineated, stabilized, and not expected to expand. In no case shall the setback distance between the edge of the specified karst terrane features and the edge of the zone of discharge be less than two hundred (200) feet.
- (12) Slopes. Slope of working face shall not exceed three to one (3:1) horizontal to vertical. In order to prevent erosion, final slope shall not exceed four to one (4:1). Maximum working face lift height shall not exceed twenty (20) feet for construction and demolition debris disposal facilities and Class III landfills. Maximum lift height for Class I and Class III landfills shall be as specified in F.A.C. rule 62-701.500(7), adopted and incorporated herein by reference. Maximum lift height for construction and demolition debris disposal facilities shall be as specified in F.A.C. rule 62-701.730(7), adopted and incorporated herein by reference. Alternate designs with final side slopes of a maximum of three to one (3:1) may be proposed provided adequate erosion control facilities are provided.
- (13) Security and litter.
- a. Access to the sites shall be controlled via installation of a security chain link fence around the perimeter of the site which shall be a minimum of six (6) feet high with locking gates. Gates shall be locked when the site is not open for business. Gates and fences shall be maintained at all times by the permittee.
  - b. A scalehouse or gate attendant equipped with radio contact to other solid waste management facility employees shall be present at all times when the site is open for business. The scalehouse shall be positioned to allow observation of all incoming and existing traffic.
  - c. Warning signs at least three (3) feet square shall be posted at each corner of the fence and not more than five hundred (500) feet apart along the fence line. Signs shall be positioned behind the fence and visible from offsite. On the sign shall be printed in letters of not less than five (5) inches in height the words "No Trespassing" or other approved appropriate warning.

- d. The permittee shall have a county-approved litter control plan which shall minimize litter from the site as well as litter from vehicles hauling materials on and off site. The permittee shall be responsible for cleanup of all litter from permittee's operation or from vehicles going to and from the site.
- (14) A waste stream quality control plan shall be submitted. This plan shall include or provide for the following as a minimum:
- a. A procedure to ensure that only properly permitted wastes are accepted. Such procedures may include or be a combination of a manifest system, surcharges, contractual agreements with transporters, random load inspections or other acceptable means.
  - b. A procedure for removal of waste not allowed by the subject permit to an approved disposal facility. This procedure must specify the means to be used for removal of nonpermitted solid wastes or hazardous wastes illegally dumped at the site. The operator shall inform the county immediately of the presence of the hazardous waste in the facility and provide a written plan within five (5) days advising the date of discovery and how the hazardous waste was properly disposed. If laboratory confirmation is needed, the laboratory results shall be provided to the county. Once waste is confirmed to be hazardous, it shall be properly managed within five (5) days. All other nonpermitted solid waste shall be removed from the site and shall be disposed of properly upon accumulation of twenty (20) cubic yards (one (1) dumpster).
  - c. An attendant must be present at the working face of the site at all times to inspect each load dumped at the site. The employee shall have the authority and responsibility to reject unauthorized loads, have unauthorized materials removed by the transporter and/or assess appropriate surcharges and have the unauthorized material removed by on-site personnel.
  - d. A sign must be posted at the entrance to the site listing waste materials acceptable at the site.
  - e. In addition to the inspection required in section 32-216(a)(14)c., the facility operator shall be responsible for examining at least three (3) random loads of solid waste delivered to the site each week. The selected load shall be unloaded in a separate area and a trained inspector shall perform a detailed inspection. The inspector shall examine the solid waste for any unauthorized material. In order to perform the mentioned detail inspection, the operator must break apart and spread all the solid waste using the necessary equipment to allow for thorough inspection. If any unauthorized waste is identified during the inspection, the responsible inspector must have the authority to reload the solid waste into the customer's vehicle for removal from the site or to use the site personnel to perform the removal of the unauthorized waste as per section 32-216(a)(14)b., above. The transporter and generator of the unauthorized solid waste must be notified to prevent future occurrences. The operator shall keep at the site a current logbook with the original inspection forms, which shall include the signature of the responsible inspector.
- (15) For any ancillary operation in combination with disposal activities (such as composting, recycling, etc.), a separate operations procedure shall be submitted. Such procedure shall include methods for disposal of unacceptable or unprocessed waste from such alternate use.
- (16) Vehicular access to and from the site shall be designated by the board at the time of the permit approval. Unless specifically permitted by the board, no vehicular travel to or from the site shall be allowed through a street, the primary purpose of which is to serve residential dwellings, in a platted residential subdivision; however, the board may permit such travel when a residential subdivision street provides the only reasonable access or when such street is a collector or arterial street. In areas of restricted travel on county roads, the county shall post signs indicating restrictions.
- a. This provision shall be enforced as follows:

1. Upon notification that a vehicle or vehicles are accessing the site via any nonapproved street, the county may send an inspector to the site of the alleged violation. Upon observing a vehicle on a nonapproved street, the inspector shall issue a citation to the waste hauler. One (1) copy of the citation shall be hand-delivered to the driver of the vehicle and one (1) copy each shall be mailed to the waste hauling business operating the truck and to the permittee. The permittee shall send a notice to the waste hauling business, with a copy to the division, notifying it that if two (2) additional citations are issued for violations of this section, whether such violations are caused by the same or different vehicles or drivers, the waste hauling business will no longer be permitted to deliver to the permittee's solid waste management facility.
  2. The second time a citation is issued to the same waste hauling business delivering to the same solid waste management facility, copies shall be distributed as in section 32-216(a)(16)a.1., along with a letter to both the waste hauling business and the permittee notifying them that the accompanying citation is a second violation, and that a third violation will cause the waste hauling business to lose their right to use the specified solid waste management facility.
  3. The third time a citation is issued to the same waste hauling business delivering to the same solid waste management facility, copies shall be distributed as in section 32-216(a)(16)a.1., along with a letter to both the waste hauling business and the permittee notifying them that the accompanying citation is a third violation, and that the waste hauling business may no longer use the specified solid waste management facility. Any further delivery to the solid waste management facility by the waste hauling business shall be a violation of the permittee's permit conditions.
- b. Administrative regulations to implement this section of the ordinance are to be enacted by the manager.
- (17) Within one hundred eighty (180) days after completion of the closure operation, a certified topographic survey shall be submitted showing the finished grades. The county shall inspect the site within thirty (30) days to verify satisfactory compliance with the final grading plan and reclamation plan in conformance with this article and any special permit conditions. After satisfactory completion and inspection, a certificate of completion will be issued.
  - (18) Solid waste management operations shall not obstruct or materially interfere with natural watercourses, water management or control plans, road system or right-of-way, or cause flooding on adjacent properties.
  - (19) Hours of operation for the solid waste management facility shall be set by the board, and in no case shall be earlier than 7:00 a.m. nor later than 7:00 p.m. unless properly waived by the board.
  - (20) Solid waste cannot be placed in any natural or artificial body of water, including groundwater.
  - (21) Owner shall execute and record a notice that runs with the land which shall state that the land was used as a solid waste disposal site and that materials buried on the property may render the property unsuitable for conventional development.
  - (22) A truck scale is required at all solid waste disposal sites larger than ten (10) acres. Accurate records of the amount of waste received (in tons for facilities with scales) or cubic yards (for facilities without scales) must be maintained and submitted to the county quarterly. Excavated volume, compaction ratio, volume of waste stream recycled and any other information needed to track landfill airspace shall be reported. For facilities without scales, the proposed method of quantifying waste shall be submitted to the county for review and approval prior to initiating disposal operation. If recycling or composting operations occur at the site, the quantity, method, and use of materials recycled shall be reported to the county monthly. A flat fee may be charged for small vehicles (pickup trucks, cars and vans). Quantities from vehicles charged a flat fee shall be estimated using an approved conversion rate. Truck scales shall be calibrated, as a



minimum, every twelve (12) months and the certificate of calibration shall be displayed at the scale house or gate house at all times.

(23) Waste handling and cover requirements.

- a.
  1. All solid waste at Class I landfills shall be spread in layers of approximately two (2) feet in thickness and compacted to approximately one (1) foot in thickness or as thin a layer as practical before the next layer is applied. Solid waste at all Class III and construction and demolition debris disposal facilities shall be spread in layers and compacted at least once every week using suitable heavy equipment. Bulky materials that are not easily compacted should be worked into other materials as much as practical. The first layer of waste placed above the liner and leachate collection system (for those facilities with liner and leachate collection systems) shall be a minimum of four (4) feet in compacted thickness and consist of selected wastes containing no large rigid objects that may damage the liner or leachate collection system.
  2. Solid waste shall be formed into cells to construct horizontal lifts. The working face of the cell, and side grades above land surface, shall be at a slope no greater than three (3) feet horizontal to one (1) foot vertical rise. Lift depth should normally not exceed ten (10) feet but may be deeper, up to twenty (20) feet, depending on specific operations, daily volume of waste, width of working face, and good safety practices. The working face shall be only wide enough to accommodate vehicles discharging waste, to minimize the exposed area and unnecessary use of cover material.
  3. Initial cover shall be applied and maintained at solid waste disposal facilities in order to minimize any adverse environmental, safety, or health effects such as those resulting from birds, blowing litter, odors, disease vectors, or fires. The minimum frequency for applying cover shall be at the end of each working day for Class I landfills. However, for those areas where solid waste will be deposited on the working face within eighteen (18) hours, initial cover may consist of a temporary cover, such as a tarpaulin, which may be removed prior to deposition of additional waste. For Class III landfills, cover shall be applied at the end of each work week. An intermediate cover in addition to the six-inch initial cover shall be applied and maintained within seven (7) days of cell completion if additional solid waste will not be deposited within one hundred eighty (180) days of cell completion. The facility operator may remove all or part of the intermediate cover before placing additional waste or installing final cover. The minimum cover requirement for construction and demolition debris disposal facilities shall be at the time of the facility closure. A more frequent cover may be required to control odor or nuisance problems.
  4. Solid waste disposal units which have been filled to design dimensions (as approved by the county) shall receive final cover within one hundred eighty (180) days after attaining final elevation or in accordance with the schedule included in the approved closure plan for the solid waste disposal facility.
  5. Uncontrolled and unauthorized scavenging shall not be permitted at any solid waste disposal facility. The facility operator may permit controlled salvaging for recycling. A litter policing operation shall be employed to keep litter from leaving the working area of the facility. Litter outside the working area shall be picked up within twenty-four (24) hours.
  6. Erosion control measures shall be employed to correct any erosion which exposes waste or causes malfunction of the stormwater management system or reduces the cover below the required thickness.
- b. More frequent cover may be required if necessary to prevent health and environmental problems. In particular, the manager shall consider the proximity to nearby residences, evidence of dumping of unauthorized wastes, unlawful fires, littering of nearby property,

odor problems, presence of vectors, and any other demonstrable potential or existing problems at such sites when making this determination.

- (24) Water quality monitoring. Areas impacted by leachate, including stormwater runoff from solid waste storage, processing, or disposal, shall be included and evaluated within the site water quality monitoring plan.
- a. Hydrogeological and geotechnical investigation requirements. The hydrogeological and geotechnical investigation shall be in accordance with section 32-216(a)(25).
  - b. Water quality and leachate monitoring requirements. Water quality and leachate monitoring is intended to allow a predictive evaluation of the movement and composition of discharge from the site. For facilities managing Class I and III waste, the minimum technical requirements for water quality and leachate monitoring shall be those specified in F.A.C. rule 62-701.510, adopted and incorporated herein by reference. For facilities managing construction and demolition debris, the minimum technical requirements for water quality and leachate monitoring shall be those specified in F.A.C. rule 62-701.730(4), adopted and incorporated herein by reference.
  - c. Initial background water quality. In addition to the parameters specified in section 32-216(a)(24)b., sampling for initial background water quality shall also include the Florida Primary and Secondary Drinking Water parameters. Any Florida Primary and Secondary Drinking Water parameters detected above the maximum contaminant level (MCL) specified in F.A.C. rule 62-550, part III, adopted and incorporated herein by reference, shall undergo evaluation monitoring.
  - d. Applications for permit renewals shall include:
    1. Results from a groundwater sampling event, conducted within the six (6) months immediately preceding submittal of the permit renewal application, that includes the parameters specified within section 32-216(a)(24)c.; and
    2. A reevaluation of base grade elevations that incorporates any new groundwater elevation data.
  - e. If any of the water quality monitoring parameters are detected in concentrations which, in the opinion of the manager, are significantly above the background water quality or above the maximum contaminant level, in addition to complying with the provisions of F.A.C. rule 62-701.510(7), adopted and incorporated herein by reference, the operator of the facility shall also monitor for the Florida Primary and Secondary drinking water parameters during the next evaluation monitoring event and will continue monitoring those parameters over the MCL as part of the evaluation monitoring.
  - f. The facility operator shall inform the county of the next sampling event, ten (10) working days prior to the sampling, and be prepared to submit a split sample to the county's representative. The county shall have the authority to perform any sampling activities it deems appropriate in its sole discretion, at any of the monitoring wells, at any time during normal operating hours, without prior notice to the operator. Keys for the monitoring wells locks shall be available at the site all times.
  - g. Nothing in this section shall be construed to prevent the division from imposing more stringent standards as necessary to protect the environment and the public health and safety due to site-specific conditions and types of wastes to be disposed of in landfills or solid waste disposal units. Violations of water quality standards may result in revocation of the permit.
- (25) Hydrogeological and geotechnical investigation requirements. The minimum technical requirements for the site hydrogeological and geotechnical investigation shall be those specified in F.A.C. rule 62-701.410, adopted and incorporated herein by reference. The site shall be fully evaluated for the presence of karst terrane.

- (26) Gas monitoring and control plan. The applicant shall present a gas control and monitoring plan for review. If applicable, the board may require monitoring, collection, treatment, venting or flaring. Off-site gas migration may result in revocation of the permit.
- (27) Financial responsibility.
- a. Applicant shall estimate the county's total cost of closure and post-closure care of the solid waste management facility using a third party. The written estimate shall be for the time period in the solid waste management facility operation when the extent and manner of its operation make closing most expensive. The applicant shall submit the written cost estimates, together with all necessary justifications, to the manager for review.
  - b. Applicant shall establish financial assurance to the satisfaction of the manager for the cost of closure and post-closure care using one (1) of the following methods:
    1. Providing a performance bond;
    2. Providing a financial guarantee bond;
    3. Providing a letter of credit;
    4. Providing insurance; or
    5. Providing a trust fund agreement.
  - c. The mechanism used to demonstrate financial assurance must ensure that funds necessary to meet the costs of closure and long-term care are available whenever needed and that the funds are accessible to the county to allow the county to close or remediate the site in the event that the site is abandoned or operations at the site are halted because permits are denied or revoked. Regardless, the permittee is responsible for all costs to properly close the solid waste management facility and ancillary operations.
  - d. In the event that the division determines that groundwater remediation, landfill gas control, or other remedial actions are required, the site operator shall establish, maintain and update financial assurance to the satisfaction of the manager for the cost of completion of the corrective actions using one (1) of the methods specified in section 32-216(a)(27)b.
- (28) All plans, reports and other supporting documents submitted with a permit application which is approved shall become part of the permit and operation shall proceed in accordance with these documents.
- (29) The board reserves the right to require additional landscaping or increase setbacks if needed to ensure that the site is compatible with surrounding land uses.
- (30) Final elevation at time of closure of the disposal site, including a minimum of two (2) feet of final cover material, shall not exceed the original elevation of the site. The original elevation of the site shall mean the elevation prior to any excavation or fill activities that have occurred at the site. Top gradients of the final cover on landfill areas shall be graded to maximize runoff and minimize erosion, considering total fill height and expected subsidence caused by decomposing waste, and shall be designed to prevent ponding or low spots. Therefore, final cover material may be placed above the original elevation, but only to the extent necessary to create the appropriate final grade. The board may waive this requirement and allow solid waste to be placed to an elevation of up to fifty (50) feet above original elevation of the site if the applicant affirmatively demonstrates that a public need for this disposal capacity exists, that the proposed aboveground landfill is in the public interest, and is compatible with the surrounding properties and land uses. A waiver to this requirement must be specifically requested in accordance with section 32-214(k) at the time of the submittal of the original solid waste management permit application. In no case may final elevation exceed fifty (50) feet above original elevation of the site.
- (31) Mandatory recycling. All solid waste disposal facilities shall use best efforts to recover and recycle a minimum of twenty (20) percent of all waste, as measured by volume, imported to the facility. Applicants shall submit to the division a materials recycling plan. Annually, within thirty

(30) days following the anniversary date of the permit, permit holders shall submit a materials recovery and recycling report to the division. The report shall identify the types and volumes of waste material recovered, storage volumes, the amount recycled, and the vendors that have accepted the recycled materials.

- (32) Stormwater management system. The design of the stormwater management system shall consider all phases, including operation and post-closure of the site. The minimum technical requirements for the site stormwater management system are those criteria set forth within article VII of chapter 34, "Orange County Subdivision Regulations." Solid waste disposal facilities shall be subject to the following additional requirements:
- a. Full retention of onsite runoff resulting from the 100-year 24-hour storm event is required.
  - b. The requirements specified in F.A.C. rule 62-701.400(9), adopted and incorporated herein by reference.
  - c. Offsite runoff entering the site from the 100-year 24-hour storm event must be diverted around the site, fully retained onsite or bypassed through the site such that intermixing with onsite stormwater or groundwater shall not occur. The discharge character of the diverted or bypassed flow shall be the same as the predevelopment character of the offsite runoff.
  - d. Since the site shall have in place a six-foot perimeter fence which is maintained during operation and post-closure, slopes between 2H:1V and 5H:1V for dry ponds may be accepted to accomplish the retention of the 100-year design storm event. The operator shall reestablish the 5H:1V slopes within the original setbacks at the end of the post-closure period and shall include the necessary amount of money in the financial assurance for the county to reestablish such slopes.
  - e. The stormwater management plan shall include an inspection and maintenance schedule. At a minimum, inspection of the stormwater management system shall be performed on a quarterly basis, and any necessary maintenance performed within thirty (30) days or other division-approved schedule. At least once every five (5) years, maintenance activities shall include the removal of accumulated sediments from ponds, catch basins, and other control structures, and the restoration of control structures to design specifications. Removed sediments shall be disposed within a lined landfill.
  - f. Stormwater management systems shall comply with the minimum setbacks for karst terrane features specified in section 32-216(a)(11)e.
  - g. Demonstrate that any groundwater mounding that results from the stormwater management system does not intersect the bottom of the waste.
- (b) The following requirements shall apply for solid waste management facilities other than solid waste disposal facilities:
- (1) The same requirements included in sections 32-216(a)(5), (a)(6), (a)(9), (a)(11), (a)(13) to (a)(16), (a)(18) to (a)(20), and (a)(26) to (a)(28). The same requirements included in section 32-216(a)(24) shall apply to facilities which store or process solid waste outdoors, or in any other manner that discharges leachate to the ground.
  - (2) Any other requirements included in F.A.C. chapters 62-701 through 62-722, adopted and incorporated herein by reference.
  - (3) Setback areas shall be landscaped to provide a visual buffer from adjacent properties. Landscaping shall be designed to minimize visual impacts of both the operation and the final closed facility from surrounding properties and roads and shall be consistent with the Orange County Landscape Ordinance as codified in chapter 24 of this Code and described herein.
  - (4) A closure plan shall be submitted to the county for review and approval. The operator shall submit a closure permit application ninety (90) days before the projected closure date. This permit application shall be reviewed and approved by the manager before commencement of the closure. All closure activities for waste processing facilities shall be performed in

accordance with the requirements of F.A.C. rule 62-701.710(6), adopted and incorporated herein by reference.

- (5) Record of solid waste type and quantity managed at the facility shall be submitted to the division quarterly, including the amount and destination of treated, recycled or recovered materials leaving the site for reuse, used as raw material or disposed.
- (6) Stormwater management system. The design of the stormwater management system shall consider all phases, including operation and post-closure of the site. The minimum technical requirements for the site stormwater management system are those criteria set forth within article VII of chapter 34, Orange County Subdivision Regulations. Facilities shall be subject to the following additional requirements:
  - a. Pollution abatement shall be accomplished by one (1) of the following:
    1. Off-line dry retention of three-quarters ( $\frac{3}{4}$ ) of an inch of runoff from the developed site or the runoff generated from the first two (2) inches of rainfall on the developed site, whichever is greater. The depth of runoff generated from the first two (2) inches of rainfall shall be estimated by multiplying the Rational Method Runoff Coefficient (C) for the developed site by two (2) inches of rainfall; or
    2. On-line dry retention of an additional one-half ( $\frac{1}{2}$ ) of an inch of runoff from the drainage area over that volume specified in subsection 1., above; or
    3. The pollution abatement volumes in subsections 1. and 2., above, may be reduced by thirty-three (33) percent when part of a combined treatment train of dry retention followed by wet detention. The wet detention pond shall be designed as follows:
      - i) With a pollution abatement (treatment) volume of at least one-half ( $\frac{1}{2}$ ) inch of runoff from the drainage area;
      - ii) So that the outfall structures shall bleed down one-half ( $\frac{1}{2}$ ) the volume of stormwater specified in subsection i), above, within twenty-four (24) to thirty (30) hours following a storm event, but no more than one-half ( $\frac{1}{2}$ ) of this volume will be discharged within the first twenty-four (24) hours;
      - iii) To contain a permanent pool of water sized to provide an average residence time of at least fourteen (14) days during the wet season (June through October);
      - iv) So the flow path through the pond has an average length to width ratio of at least 2:1. The alignment and location of inlets and outlets should be designed to maximize flow paths in the pond. If short flow paths are unavoidable, the effective flow path should be increased by adding diversion barriers such as islands, peninsulas, or baffles to the pond. Inlet structures shall be designed to dissipate the energy of water entering the pond.
  - b. The stormwater management plan shall include an inspection and maintenance schedule. At a minimum, inspection of the stormwater management system shall be performed on a quarterly basis, and any necessary maintenance performed within thirty (30) days or other division-approved schedule. At least once every five (5) years maintenance activities shall include the removal of accumulated sediments from ponds, catch basins, and other control structures, and the restoration of control structures to design specifications. Removed sediments shall be disposed within a lined landfill.
  - c. Stormwater management systems shall comply with the minimum setbacks for karst terrane features specified in section 32-216(a)(11)e.
- (c) The following restrictions shall apply to all solid waste management facilities:
  - (1) No permit shall be issued for any area determined by Orange County to constitute a conservation area, according to the standards established by the Orange County comprehensive policy plan, ordinances, rules or resolutions.

- (2) No facility shall be located in any area determined to be environmentally sensitive, including, but not limited to areas protected by:
- Chapter 15, article X, the Conservation Ordinance of Orange County; or
  - Chapter 15, article XI, the Econlockhatchee River Protection Ordinance; or
  - Chapter 15, article XIII, the Wekiva River Protection Ordinance.
- (3) No permit shall be issued for solid waste disposal facilities within sensitive karst areas.
- (4) The following requirements shall apply within the Floridan Aquifer Vulnerability Zones located within the Wekiva Study Area. In instances where a facility or site intersects more than one (1) Floridan Aquifer Vulnerability Zone, the most restrictive shall prevail:

**Wekiva Study Area  
Restrictions and Additional Requirements**

Facility Type	Floridan Aquifer Vulnerability Zones		
	Primary Floridan Aquifer Vulnerability Zone	Secondary Floridan Aquifer Vulnerability Zone	Tertiary Floridan Aquifer Vulnerability Zone
Class I Landfill	Prohibited	Prohibited	Prohibited
Class III Landfill	Presumptive Prohibition	Presumptive Prohibition	Unless exempt pursuant to section 32-216(a)(2), liners shall be constructed in accordance with section 32-216(a)(2)
Construction and Demolition Debris Disposal Facility	Presumptive Prohibition	Presumptive Prohibition	Unless exempt pursuant to section 32-216(a)(3), liners shall be constructed in accordance with section 32-216(a)(3)
Materials Recovery Facility; Transfer Station; Incinerator; Composting Facility	Additional controls	Additional controls	No additional controls
Used Oil Recycling Facility	Additional controls	Additional controls	No additional controls
Waste Tire	No additional	No additional	No additional

Processing Facility; Yard Trash Recycling Facility	controls	controls	controls
Other	As determined by the board		

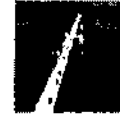
- a. *Presumptive prohibition/requests for site-specific determinations.* The requirements for various facility types, including the additional controls and presumptive prohibitions within the Floridan Aquifer Vulnerability Zones, are based upon the presumption that the Florida Geological Survey Report of Investigations No. 104: Wekiva Aquifer Vulnerability Assessment (WAVA), June 2005, provides the best available information for delineating areas of relative Floridan Aquifer vulnerability. Except for those solid waste disposal facilities which are prohibited within the Wekiva Study Area, this presumption may be overcome if a site-specific hydrogeological study, signed and sealed by a professional geologist or professional engineer with experience in hydrogeological investigations, is submitted to the division with the permit application which demonstrates, and the manager agrees, that the site is more appropriately classified within another Floridan Aquifer Vulnerability Zone. At minimum, this study shall evaluate the following factors utilizing the weights-of-evidence model of the WAVA: soil permeability; thickness of the intermediate aquifer system; hydraulic head difference between the Surficial and Floridan Aquifers; proximity to karst terrane features (including closed surface depressions). The site-specific study shall be evaluated by a third-party consultant under contract with the county at the sole expense of the applicant. The manager shall review the site-specific study and the third-party consultant's recommendation, to determine whether the study appropriately evaluates the relative aquifer vulnerability of the site and whether the proposed site is more appropriately classified within another Floridan Aquifer Vulnerability Zone. The applicant may, within fifteen (15) calendar days of the decision of the manager, file a written notice of appeal with the manager. If no notice of appeal is received within the fifteen-day period, then the determination shall be final. If an appeal is submitted, such appeal shall be heard by the board at a regular meeting. Notice of the appeal hearing shall be provided to the applicant. Upon submittal of an appeal, the application shall be placed on hold until a final determination is made. For the purposes of this section, a final determination shall mean either a decision of the board, or if appealed, a decision of the appropriate court of law. Upon final determination of the request, if it is determined that the proposed site shall not be reclassified within another Floridan Aquifer Vulnerability Zone, and that the proposed facility is prohibited within the applicable vulnerability zone, the applicant may either withdraw the application, or submit a modified application which is not inconsistent with the final determination or the requirements of this section 32-216(c)(4).
- b. *Additional controls.* Additional controls shall minimize the risk of any potential adverse impacts to the Floridan Aquifer and may include: increased waste screening; enhanced leachate controls and minimization of leachate formation; enhanced stormwater control, treatment, and maintenance; enhanced water quality monitoring; and additional recurring staff training. The applicant may submit a proposal for additional controls for review by the manager. The manager shall provide a recommendation regarding the acceptability of the additional controls which shall be forwarded to the board in accordance with section 32-214(j)(2) to make a final determination.

(Ord. No. 99-16, § 2, 6-29-99; Ord. No. 2005-16, § 5, 12-6-05; Ord. No. 2006-19, § 5, 10-31-06; Ord. No. 2009-11, § 2, 4-28-09; Ord. No. 2014-01, § 2, 1-28-14)

Florida adds record-high 3,207 new coronavirus cases; Central Florida total...



In shift, Florida Keys now requiring face masks until June 2021



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# Orange County snooping in your recycling containers again



By STEPHEN HUDAK  
ORLANDO SENTINEL | DEC 23, 2019



FEEDBACK

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**FEEDBACK** Kathleen Gerou, who lives in the Eastwood neighborhood near Waterford lakes, discusses Orange County's effort to improve recycling countywide with Cindy Harpel, a supervisor in the improvement project. (Stephen Hudak / Orlando Sentinel)

Orange County's solid waste division started nosing in curbside recycling bins again this month as part of a 12-week program to improve countywide recycling.

Using a \$193,000 grant, the county hired contractors to inspect the contents of curbside recycling carts of 36,000 homes in various neighborhoods from Avalon Park to Hunters Creek.

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June 18, 2020

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FEEDBACK

AD

They'll also snoop in Azalea Park, Conway, Orlo Vista and Pine Hills.

Crews are required to tag each blue-lid roll cart.

Those who recycle incorrectly get an "Oops" tag, their cart is turned away from the street and the recycling truck won't pick up and dump those carts.

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AD

That's a costly problem.

Figuring in transportation costs and tipping fees at the landfill, the county shelled out about \$2.6 million for those bad loads plucked from neighborhood curbs.

FEEDBACK

The county previously tried the inspection strategy on a smaller scale in 2018, checking the contents of bins at 600 homes over a six-week test period.

The aim was to teach people to recycle correctly by showing them the error of their ways.

The test neighborhoods showed improvement, said David Gregory, Orange County's solid-waste manager.

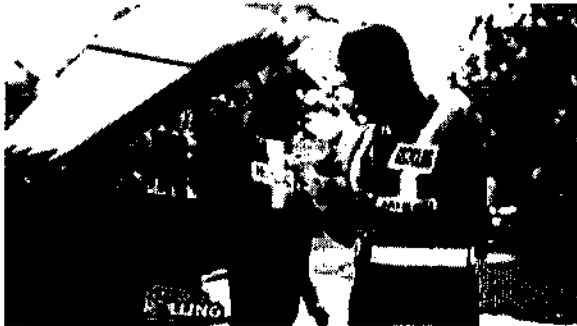
Atlanta, Chicago, Denver and Washington, D.C., are among dozens of U.S. cities that have tried tagging to improve recycling, according to the Recycling Partnership.

[Popular on OrlandoSentinel.com] Supreme Court's DACA ruling brings relief,

**Theme park reopenings: Here's what you need to know**

10/20/2020

Orange County sanitation officials believe a big part of its problem is well-intentioned residents who mistakenly put the wrong things in the blue-lid roll cart for recyclables.



Gloria Metcalf and Nick Walker with the Orange County Recycling Program peek into a recycling cart to help improve the quality of recycling. The employees were part of a test program aimed at improving recycling in 2018. (Jacob Langston / Orlando Sentinel)

The wrong stuff is anything but plastic bottles and containers; aluminum, steel or tin cans; glass bottles and jars; and flattened corrugated boxes; and newspapers and other paper products.

Some stuff — such as thin plastic grocery bags — is recyclable but not in the curbside program, Gregory said.

Among other common discards that contaminate recycling loads are greasy cardboard pizza boxes and polystyrene foam containers typically used by restaurants to keep carry-out food hot.

FEEDBACK

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Those items should be thrown into bins for garbage because that's what they are.

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"When in doubt, leave it out," said Cindy Harpel, a utilities services specialist who supervises the snoopers.

Recycling loads that contain more than 15% of "non-program" materials get rejected.

Gregory said unincorporated neighborhoods chosen for the tagging exercise are communities that almost do it right.

Residents were mailed a postcard to alert them that a recycling inspector might snoop in their roll-cart.

Most have welcomed the look-see.

[\[Popular on OrlandoSentinel.com\] Orlando settles excessive force lawsuit over 2015 arrest of Noel Carter »](#)

"I get it," said Kathleen Gerou, an Eastwood neighborhood resident dinged for having bubble-wrap in her recycling bin. "If we're going to do a recycling program, we ought to do it the right way."

FEEDBACK

Some folks in her neighborhood listened to inspectors explain what should and shouldn't go into the recycling cart. A few groused.

Gregory said many recycling carts are a mix of the right and wrong things — and that means recyclables often get buried in the landfill.

Inspectors yanked a lamp from a cart on Royal Saint George Drive.

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Kathleen Gerou, who lives in the Eastwood neighborhood near Waterford lakes, discusses Orange County's effort to improve recycling countywide with Cindy Harpel, a supervisor in the improvement project. (Stephen Hudak / Orlando Sentinel)

**FEEDBACK**

Tom Belisle said he got a "Good Job" tag simply by following directions printed on the blue-lid rollcart.

"It's pretty self-explanatory," he said. "It says what should go in there."

**LATEST ORANGE COUNTY**

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7:31 AM

The county charges \$230 a year to homeowners in unincorporated areas to collect and dispose of their garbage, recycling, yard waste and bulky trash including appliances, furniture, grills and old lamps.

Orange County hiked its sanitation fees in 2018 by \$10, and \$5.94 of the increase was intended to pay for recycling education.

Funding for Orange County's project was provided by the Coca-Cola Foundation through the Recycling Partnership, a nonprofit group dedicated to improving recycling programs across the U.S.

*shudak@orlandosentinel.com or 407-650-6361*



Stephen Hudak



FEEDBACK

Stephen Hudak often writes about bears in Central Florida and weird things in the Orlando area, including Orange County government. He likes snow and Ohio State but wound up in the Sunshine State, which has been good to him. He was a Pulitzer finalist for work on the FAMU hazing tragedy.

## Florida : Launches New Policy For Cars Used Less Than 60 Miles/Day

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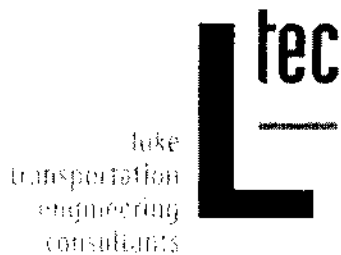
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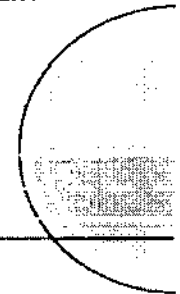






J. ANTHONY LUKE, P.E.  
PRESIDENT

transportation engineering + planning



**AREAS OF EXPERTISE**

- ▶ Traffic Operations Analysis
- ▶ Transportation Corridor Studies
- ▶ Traffic Impact Analysis
- ▶ Traffic Data Collection and Analysis
- ▶ Transportation Systems Analysis
- ▶ Travel Forecast Modelling

**EDUCATION / REGISTRATION**

- ▶ Bachelor of Science in Engineering, University of Central Florida, 1984
- ▶ Professional Engineer in Florida No. 42642

**PROFESSIONAL AFFILIATIONS**

- ▶ Institute of Transportation Engineers
- ▶ Florida Planning & Zoning Association

J. Anthony Luke, a native of Florida, has over thirty-five years of experience in transportation engineering and planning. Mr. Luke's experience has been accumulated as Director of Transportation Planning at Transportation Consulting Group and President of Luke Transportation Engineering Consultants.

His accomplishments include the development and applications of the first PC travel forecast models used in the Orlando Metropolitan Area. He also underwent formal training. Projects have involved the application of analysis procedures from the Highway Capacity Manual, Synchro, and other traffic operation analysis techniques.

Mr. Luke serves in the capacity as project manager on many of his projects, contributing to and overseeing production of studies and tasks, and provides strategic consulting advice to LTEC's clients.

Mr. Luke has experience in several disciplines: transportation modeling, traffic operations studies, and long-range transportation planning analysis. His experience encompasses a wide range of traffic operations studies and planning studies, includes signal-retiming projects, signal warrant studies, design traffic studies for roadways and interchanges, access management analysis, transportation master planning, and multimodal transportation systems studies. In addition, he has managed the production of over 25 DRI applications.

**Professional Experience**

- Seminole State College- Traffic Operational Study [2016]
- City of Winter Garden Continuing Transportation Services [2017]
- UCF/Alafaya Trail Area Pedestrian Safety Study [2016]
- Orange County Alternative Road Impact Fee Monitoring [2007]
- LYNX Regional Intermodal Center [2001]
- Reams Road Roadway Conceptual Analysis Design Traffic Report [2017]
- Innovation Way ADA/DRI [2009]
- Pine Hills Road Pedestrian Safety Study [2016]
- Florida DOT Statewide Highway System Transit Safety Study [2005]
- City of Apopka Concurrency Management System Updates [2017]
- Florida Hospital Apopka- Replacement Hospital [2016]

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Orlando, Florida 32801

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407-423-8055

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www.Ltec-FL.com

**AFFIDAVIT OF JOSEPH T. ROVIARO**

Before me, the undersigned Notary Public, personally appeared Joseph T. Roviaro, who being duly sworn, does swear and certify as follows:

1. That I am a Transportation Planner and have been providing expertise in the areas of traffic operations and impact studies, traffic access studies, transportation demand analysis, roadway monitoring and traffic projections studies for over 40 years, having received a Master of Science, Urban and Regional Planning from Florida State University in 1987. My professional resume is attached as Exhibit A.
2. That I am employed as Director of Transportation Planning with Luke Transportation Engineering Consultants, a corporation authorized to operate as an engineering business (#EB-0007429) by the State of Florida Department of Professional Regulation, Board of Professional Engineers.
3. That in my professional capacity, I participated in the planning and evaluation, findings opinion, conclusions for technical advice as set forth in the following studies:
  - (a) Angelo's Aggregate Materials Access Connection Study dated 2019
  - (b) Angelo's Aggregate Materials Access Connection Study dated February 2020
  - (c) Memorandum to Lauren Torres as to Response to 2/28/20 Comments dated March 11, 2020
4. That in my professional judgement, as to the approved concrete crushing plant and the proposed construction and demolition debris recycling center, I have concluded that with the addition of the improvements described in the studies above, Landstreet Road and Parkers Landing Road and the intersection of those streets will continue to operate within the level of service standards of Orange County.

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was sworn to and subscribed before me by means of  physical presence or  online notarization, on July 16, 2020 by Joseph T. Roviaro. He  is personally known to me or  produced \_\_\_\_\_ as identification, and did take an oath.

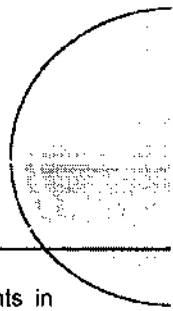
(NOTARY SEAL)



Paul H. Rhodes  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# GG285887  
Expires 1/12/2023

Paul H. Rhodes  
Notary Public Signature

\_\_\_\_\_  
(Name typed, printed or stamped)



**AREAS OF EXPERTISE**

- ▶ Traffic Impact Studies
- ▶ Driveway Access Studies
- ▶ Comprehensive Policy Plan Amendment Analysis
- ▶ Multi Modal Transportation Districts
- ▶ Transportation Concurrency Studies
- ▶ Project Master Planning
- ▶ Traffic Control Warrants
- ▶ Traffic Data Collection & Analysis
- ▶ Traffic Calming Studies
- ▶ Transportation Impact Fee Analysis

**EDUCATION**

- ▶ Bachelor of Arts, Visual Arts, University of Central Florida, 1975
- ▶ Master of Science, Urban and Regional Planning, Florida State University, 1987

**CERTIFICATION**

- ▶ American Institute of Certified Planners (AICP) #10321

**PROFESSIONAL AFFILIATIONS**

- ▶ American Planning Association
- ▶ Florida Planning & Zoning Association
- ▶ Institute of Transportation Engineers (Member)

**Contact:**  
 29 East Pine Street  
 Orlando, Florida 32801

JTR@Ltec-FL.com  
 407-423-8055

Joseph T. Roviario joined Luke Transportation Engineering Consultants in January 2001 and has over 40 years of experience as a transportation planner. As Director of Transportation Planning, Mr. Roviario is responsible for all aspects of project management for traffic impact analysis studies, transportation concurrency studies, traffic signal warrant studies, traffic operations and project master planning as well as quality control review.

His areas of expertise include traffic operations and impact studies, traffic access studies, transportation impact fee analysis, comprehensive policy plan amendment transportation demand analysis, multi modal transportation districts, DRI analysis and monitoring, roadway conceptual analysis design traffic projections as well as corridor and concurrency studies. Having worked on projects throughout the State of Florida, with an emphasis in Central Florida, Mr. Roviario is well versed in all local and regional transportation issues. His experience has included both public and private projects.

Mr. Roviario has experience in several disciplines: transportation planning, traffic impact studies, transportation review and traffic operations. His experience includes small scale and large-scale transportation impact studies, alternative transportation impact fee studies, and access analysis. Traffic operation experience includes signal timing projects, traffic control warrant studies, roundabout justification studies, corridor studies, access analysis, and interchange studies. In addition, he has been or continues to be the consultant of record for a number of Central Florida municipalities.

**Professional Experience**

- City of Apopka CMS Update and Continuing Transportation Services [2001 to Present]
- Winter Garden 2010 Comprehensive Plan Transportation Element and Continuing Transportation Services [2008 to Present]
- Orange County Continuing Transportation Services [2010 to Present]
- Traffic Control (Stop sign & Signal) Justification Studies [2013 to Present]
- Roundabout Justification Studies [2014 to Present]
- AdventHealth: Traffic Impact Studies, Access Driveway Studies, Parking and Signal Justification, Central Florida, Florida [2010 to Present]
- LYNX Kissimmee & Belco SuperStops [2009 & 2015]
- Cape Canaveral CMS Update and Continuing Transportation Services [2001 to Present]
- Lake Mary Downtown Redevelopment Project [2001]
- Central Florida area Comprehensive Policy Plan Amendment Transportation Analysis Studies [2001 to Present]
- Transportation Alternative Impact Fee Studies [2001 to 2018]
- Mid-Florida Area and Statewide Traffic Impact Studies [2001 to Present]
- Oviedo Continuing Transportation Services [2001-2005]
- Prior Historic Significant Projects (*Pre LTEC*)
  - Winter Park Village Redevelopment
  - MOT Plans for Old Courthouse Redevelopment, City of Orlando
  - Twin Rivers DRI/West Town Center DRI
  - Parrish Medical Center / BCC Traffic Access, Parking and Signal Justification, Titusville, Florida

**AFFIDAVIT OF JENNIFER L. DEAL**

Before me, the undersigned Notary Public, personally appeared Jennifer L. Deal, who being duly sworn, does swear and certify as follows:

1. That I am a registered professional engineer holding Florida Engineering License Number 58592 and have been engaged in the solid waste environmental field including report preparation, regulatory agency interaction, permitting and technical design and quality assurance for more than 22 years. I obtained my degree in Environmental Engineering at the University of Central Florida in 1997. My professional resume is attached hereto as Exhibit A.
2. That in my professional capacity, I prepared the following reports and supporting documents for the construction and operation of the Construction and Demolition Debris Recycle Center as identified in the following documents:
  - (a) Application for a Solid Waste Management Facility dated June 17, 2019
  - (b) Response to Request for Additional Information dated September 30, 2019
  - (c) Response to Request for Additional Information dated December 18, 2019
3. That in my professional judgement, the proposed construction and demolition debris recycling center will meet with all Orange County and State of Florida requirements to be operated in accordance with the Conditions of Approval for the Solid Waste Management Facility for Angelo's Aggregate Materials, Ltd.

STATE OF FLORIDA <sup>EAS</sup>  
COUNTY OF ORANGE SEMINOLE

The foregoing instrument was sworn to and subscribed before me by means of  physical presence or  online notarization, on JULY 16, 2020 by Jennifer L. Deal. She  is personally known to me or  produced FLA / DL as identification, and did take an oath.

(NOTARY SEAL)



Elizabeth Marie Spina  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# GG305804  
Expires 2/25/2023

Elizabeth M. Spina  
Notary Public Signature

ELIZABETH M. SPINA  
(Name typed, printed or stamped)



**Jennifer L. Deal, P.E.  
Senior Project Manager**

**EXPERIENCE SUMMARY**

Ms. Deal has 22 years of experience as an engineer and project manager in the environmental field, including, regulatory compliance assistance, report preparation, client management, regulatory agency interaction, permitting and technical design, and quality assurance. Ms. Deal has 12 years of experience conducting project quality assurance reviews for commercial projects in Florida. She has 16 years' experience managing multi-disciplinary projects, primarily for solid waste management facilities, assessment, and remediation projects. Ms. Deal has performed project quality reviews for Work Plans, Contamination/Site Assessment Reports, State and Local Permit Applications and Supporting Documentation, Construction Quality Assurance Plans and Technical Specifications, Solid Waste Master Plans, Proposals/Contracts, General Regulatory or Client Correspondence, Phase I/II ESA Reports, Remedial Action Plans, Remediation Summary Reports, Construction Progress Reports, among others.

**RELEVANT EXPERIENCE**

**SOLID WASTE MANAGEMENT**

**Project Manager/Engineer; TST Ventures, LLC; Sarasota, Florida; 2019-Present**

- Prepared State solid waste management facility permit application including engineering report, operations plan, groundwater monitoring plan, financial assurance, and closure plan for a C&D debris recycling facility.

**Project Engineer; Stock Island Landfill; Key West, Florida; 2019-Present**

- Review landfill closure report and associated groundwater monitoring for a closed landfill to provide opinion on current assessment of the landfill.

**Project Engineer; Durango Closed Landfill; St. Marys, Georgia; 2019-Present; 2010-2012**

- Conducted site visit to prepare Summary Report of current conditions of the closed landfill based on visual observation and prepared cost estimates for maintenance.
- Conducted technical and quality reviews on groundwater and gas monitoring reports for the closed landfill; developed closed landfill inspection checklist; assist in preparation of the Landfill Continuing Care Plan.

**Project Engineer; Brevard Central Landfill; Cocoa, Florida; 2019-Present**

- Providing third party Construction Quality Assurance oversight for partial side slope closure on a Class I landfill, reviewing field and laboratory geosynthetic test results.

**Project Manager/Engineer; Broadhurst Environmental Landfill; Screven, Georgia; 2019**

- Prepared a Waste Removal Plan for unauthorized waste inadvertently disposed in the landfill, conducted pre-construction meeting with client and contractors, performed field oversight of unauthorized waste excavation for off-site disposal, visual confirmation of waste removal, off-site odor

**EDUCATION**

B.S., Environmental Engineering,  
University of Central Florida,  
1997

**AREA OF EXPERTISE**

- Solid Waste Management
- Permitting
- Contamination Assessment
- Phase I ESAs
- SWPPPs and SPCCs
- Quality Assurance

**REGISTRATIONS/  
AFFILIATIONS**

Registered Professional Engineer  
in Florida (58592)

Registered Professional Engineer  
in Georgia (044474)

Registered Professional Engineer  
in South Carolina (36691)

Registered Professional Engineer  
in Tennessee (122963)

Registered Professional Engineer  
in Alabama (39076-E)

Qualified Stormwater  
Management Inspector  
(26520)

Florida Association of  
Environmental Professionals  
(Central Florida and Tampa  
Bay Chapters)

**TRAINING/CERTIFICATIONS**

OSHA 40-hr. HAZWOPER  
Training

OSHA 8-hr. Supervisor Training

**OFFICE**

Orlando, FL

**YEARS OF EXPERIENCE**

Since 1997 (22 years)

**YEARS WITHIN FIRM**

Since 2000 (19 years)

**CONTACT**

jennifer.deal@tetratech.com

monitoring, reviewed confirmatory sample analytical results, prepared a Waste Removal Summary Report, and coordination with client and state regulatory agency.

**Project Engineer; Superior Landfill & Recycling Center; Savannah, Georgia; 2019**

- Engineering review and oversight for preparation of construction plans for landfill gas flare modification and gas collection and control system improvements.

**Project Manager/Engineer; Cedar Trail Landfill; Bartow, Florida; 2018**

- Prepared a Waste Removal Plan for unauthorized waste inadvertently disposed in the landfill, conducted pre-construction meeting with client and contractors, performed field oversight of unauthorized waste excavation for off-site disposal, visual confirmation of waste removal, off-site odor monitoring, reviewed confirmatory sample analytical results, prepared a Waste Removal Summary Report, and coordination with client and state regulatory agency.

**Project Engineer; DRD Landfill; Arcadia, Florida; 2017-2020**

- Prepared solid waste management facility permit application for a major lined Class III landfill expansion, including operations plan, closure plan, groundwater monitoring, and overall project management.
- Certifying Engineer for construction quality assurance oversight for construction of Cell 3, a single lined landfill cell, reviewed field work, reviewed field and laboratory testing of geosynthetic components, collected soil samples and reviewed laboratory geotechnical test results, prepared final certification report.
- Certifying Engineer for construction quality assurance oversight for construction of Cell 2, a single lined landfill cell, reviewed field work, reviewed field and laboratory testing of geosynthetic components, collected soil samples and reviewed laboratory geotechnical test results, prepared final certification report.
- Provided third party construction quality assurance oversight for construction of Cell 1, a single lined landfill cell, reviewed field work, reviewed field and laboratory testing of geosynthetic components, collected soil samples and reviewed laboratory geotechnical test results.
- Provided third party oversight and technical review of initial background and semi-annual groundwater sampling reports.

**Project Manager/Engineer; Angelo's Recycled Materials; Orlando, Florida; 2017-Present**

- Prepared State and County solid waste management facility permit applications including engineering report, operations plan, groundwater monitoring plan, financial assurance, and closure plan for a C&D debris recycling facility.

**Project Manager/Engineer; Panzarella MRF; Pompano Beach, Florida; 2017-Present**

- Solid waste management facility permitting and semi-annual groundwater monitoring services for a C&D waste MRF.

**Project Manager/Engineer; Alachua County Solid Waste; Alachua, Florida; 2017-2018**

- Completed facility inspection of Fairbanks Citizens Drop-off Center and prepared a closure plan for potential facility closure and relocation.
- Prepared pre-application submittal for emergency debris management facility at the closed Northeast Landfill.

**Project Manager/Engineer; City of Tampa Solid Waste Department; Tampa, Florida; 2017-2019**

- Provided overall project management for development and compilation of a Solid Waste Master Plan.
- Conducted inspections and completed permitting and compliance overview for existing City owned solid waste management facilities.

**Project Manager/Engineer; Ft. Meade Landfill; Ft. Meade, Florida; 2017**

- Tasks included review of current permits and fatal flaw analysis for potential horizontal expansion, oversight for development of conceptual expansion plans.

**Project Manager/Engineer; MKS Environmental; Davie, Florida; 2016-Present**

- Tasks include preparing solid waste management facility permit application and permit modification for a commercial and C&D debris waste processing facility.

**Project Manager/Engineer; Lee County Solid Waste Department; Fort Myers, Florida; 2016-2018**

- Provided overall management for development and compilation of an Integrated Solid Waste Master Plan.
- Managed field components for Waste Characterization Study of waste and recyclable materials.

**Project Manager/Engineer; St. Marks C&D Disposal Facility; St. Augustine, Florida; 2016-2018**

- Prepared solid waste management facility application for a lined C&D landfill, including design, operations, closure plan, financial assurance, and groundwater monitoring plan.
- Provided oversight for preparation of bidding and construction documents and provided construction engineering support, and review of groundwater monitoring analytical results.

**Project Manager/Engineer; DeSoto Landfill; DeSoto, Florida; 2016-2018**

- Tasks included review of current permits and fatal flaw analysis for potential horizontal expansion.
- Permitting and soil volume calculations for on-site soil borrow pit for use in landfill construction and operation.

**Project Manager/Engineer; Lee County Landfill; Bishopville, South Carolina; 2015-2016**

- Prepared a Waste Removal Plan for unauthorized waste inadvertently disposed in the landfill, performed field oversight of unauthorized waste excavation for off-site disposal, visual confirmation of waste removal, off-site odor monitoring, reviewed confirmatory sample analytical results, prepared a Waste Removal Summary Report, coordination with client and state regulatory agency.

**Project Manager/Engineer; 545 C&D Landfill, Orange County, Florida; 2015-2016, 2000-2010**

- Prepared solid waste management facility permit applications, designing proposed vertical expansion, permit renewal applications, financial assurance calculations, groundwater monitoring reports for multiple aquifer zones, biennial groundwater reports, airspace calculations, soil and material volume calculations, cell construction certification, compliance assistance, stormwater management, closure CQA plan development, quality assurance test results review, landfill closure certification, expert witness legal support, and project management for a construction and demolition (C&D) debris landfill.
- Provided post closure support including inspections, completion of post closure groundwater monitoring for multiple aquifer zones, abandonment of the groundwater and gas monitoring network, and final post closure report.

**Project Manager/Engineer; Cedar Trail Landfill; Bartow, Florida; 2014-Present, 2000-2004**

- Certifying Engineer for construction quality assurance oversight for construction of Cell 11, a 9.7-acre double composite lined Class I landfill cell; construction commencement in May 2020.
- Certifying Engineer for construction quality assurance oversight for construction of Cell 10, a 9.5-acre double composite lined Class I landfill cell, reviewed field work, reviewed field and laboratory testing of geosynthetic components, collected soil samples and reviewed laboratory geotechnical test results, prepared final certification report; acted as client's representative/project manager.
- Project Manager for construction quality assurance oversight for construction of Cell 9, a 9.7-acre double composite lined Class I landfill cell, reviewed field work, reviewed field and laboratory testing of geosynthetic components, collected soil samples and reviewed laboratory geotechnical test results, prepared final certification report.
- Prepared operations permit modification for acceptance of coal combustion residuals and construction permit modification for changes to Class I cell construction details and technical specifications.
- Completed extensive soil due diligence studies in support of land transaction, including sonic borings, soil geotechnical testing, calculation of soil volumes, and preparation of a summary report.
- Prepared solid waste management facility permit modifications, groundwater monitoring reports, and financial assurance calculations for a Class III landfill.

**Project Manager/Engineer; Westmoreland Sanitary Landfill; Belle Vernon, Pennsylvania; 2014-2015**

- Tasks included test plan review, scheduling, field oversight, and regulatory reporting associated with a landfill gas flare stack test for an enclosed gas flare at a municipal waste landfill.

**Project Manager/Engineer; Suncoast Recycling Facility; Sarasota County, Florida; 2013-2020**

- Tasks included preparing solid waste management facility permit applications, stormwater certification, financial assurance calculations, and project management for a Class III MRF.

**Project Manager/Engineer; Metro Recycling Facility; Hillsborough County, Florida; 2012-2020**

- Tasks included preparing solid waste management facility permit applications, modification design and permit applications, financial assurance calculations, management of structural evaluation, and project management for a Class III MRF.

**Engineer; Florida Refuse Service Materials Recovery Facility; Lakeland, Florida; 2019, 2016, 2013, 2005**

- Tasks included preparing solid waste management facility permit application, financial assurance calculations, stormwater certification, and project management for a Class III Materials Recovery Facility (MRF).

**Project Manager/Engineer; Bayside Landfill; Marion County, Florida; 2010-2011**

- Tasks included preparing solid waste management facility permit renewal application, financial assurance calculations, and project management for a Class III landfill.

**Project Manager/Engineer; Green Now; Sunrise, Florida; 2009-2010**

- Tasks included solid waste management facility design, environmental resource permitting, and project management for a Class I solid waste transfer station.

**Project Manager/Engineer; Transfer/Recycling Services; Davie, Florida; 2008-2010**

- Tasks include preparing solid waste management facility permit renewal and modification applications for a commercial and C&D debris waste processing facility.

**Project Manager/Engineer; Sumter County Technical Review; Sumter County, Florida; 2005-2018**

- Technical review of solid waste management facility and mining permit applications submitted to Sumter County, including reviewing technical design, siting criteria, groundwater monitoring, stormwater management, facility operations, and overall compliance with the requirements of the Sumter County code. Examples of facility reviews include Natural Resources of Central Florida (2005), Sumter Recycling and Solid Waste Disposal (2006), ACMS C&D Landfill (2007), ACMS Class I Landfill (2009), USA Compost (2010), Black Gold Compost (2011), Summerville Sand (2015), VR Sand Pit (2016), Bedrock Mine (2018). Attended Sumter County Development Review meetings and public hearings associated with solid waste permit applications. Provided input to Sumter County regarding revision to the county's C&D landfill rules. Engineering review support for mine renewal applications.

**Project Manager/Engineer; Rocket Boulevard Materials Recovery Facility; Orange County, Florida; 2000-2019**

- Prepare solid waste management facility design, state and local solid waste permit applications, permit renewals and modifications, county concurrency management, stormwater inspections, compliance assistance, financial assurance calculations, attend public hearings, and project management for a Class III and Class I MRF and transfer station.

**Project Manager/Engineer; All-Rite Recycling Materials Recovery Facility; Orange County, Florida; 2000-2016**

- Prepared solid waste management facility design, state and local solid waste permit applications, site investigation with groundwater monitoring, stormwater management, coordinating with Progress Energy for easement use, conservation area determination, financial assurance calculations, attending public hearings, and project management for a Class I MRF and transfer station.

**Project Manager/Engineer; Angelo's Recycled Materials; Orange County, Florida; 2004-2013**

- Tasks included preparing solid waste management facility permit applications for State and County, observing piezometer and monitor well installations, preparing groundwater monitoring reports, stormwater permitting, compliance assistance, and project management for a C&D debris recycling facility.

**Project Manager/Engineer; Angelo's Recycled Materials; Largo, Florida; 2004-2007**

- Tasks included preparing a permit modification application, expansion design and permitting, and project management for a Class III waste processing facility.



**Engineer; FRBM, Inc.; Orange County, Florida; 2001-2003**

- Tasks included preparing solid waste management facility design, landfill permit applications, landfill permit modification applications, construction certification documents, financial assurance calculations, and groundwater monitoring reports for a 40-acre Class III landfill, design and permit application for a 25-acre lateral expansion, and permit renewal for a borrow pit.

**Project Manager/Engineer; Angelo's Recycled Materials; Hillsborough County, Florida; 2000-2007**

- Tasks included preparing a solid waste management permit application and project management for a Class III waste processing facility.

**Project Manager/Engineer; Enterprise Recycling and Disposal Facility; Dade City, Florida; 2000-2006**

- Tasks included solid waste management facility design, permit applications, permit modifications, landfill cell construction administration, construction quality assurance (CQA) plan development, CQA test review, cell construction certification documents, financial assurance calculations, groundwater monitoring reports, regulatory compliance assistance, and project management for a new 160 acre Class III landfill.

**Project Manager/Engineer; DeLand Landfill; DeLand, Florida; 2000-2006**

- Tasks included preparing landfill permit modification applications, groundwater monitoring reports, biennial groundwater reports, construction certification documents, airspace volume calculations, financial assurance calculations, and project management for a Class III landfill.

**Project Manager/Engineer; City of Deltona Work Plan; Deltona, Florida**

- Tasks included coordinating with the FDEP and developing a work plan to address previously disposed C&D debris encountered in a location designated for emergency stormwater retention.

**Engineer; Mid-Florida Materials; Orange County, Florida**

- Tasks included preparing permit modifications and groundwater monitoring reports for a C&D debris landfill.

**Engineer; Class I Transfer Station; Sanford, Florida**

- Tasks included solid waste management facility design and permitting for Class I solid waste transfer station and Class III recycling operation.

**Engineer; Closed Class I Landfill; Orange City, Florida**

- Tasks included preparing groundwater monitoring reports for a closed Class I landfill.

**Engineer; Howey Fill Service Mine; Lake County, Florida**

- Tasks included preparing annual operating reports and application for operating plan revisions for a sand mine.

**Engineer; Eastman Land Development; Sumter County, Florida**

- Tasks included fatal flaw analysis and conceptual design for a 262-acre Class I landfill and ancillary facilities.

**Engineer; Taft Recycling; Orange County, Florida**

- Tasks included preparing solid waste management facility permit modification and annual financial assurance calculations for a Class III waste processing facility.

**SOLID WASTE ACQUISITION DUE DILIGENCE****Project Manager/Engineer; Confidential Client; Acquisition in Arkansas; 2019 - 2020**

- Completed site reconnaissance and prepared Phase I ESA report for one operating construction and demolition landfill and materials recycling facility, including on-site ancillary operations, off-site borrow pit and future planned expansion areas. Completed due diligence evaluation for facility operations, environmental and operational compliance, and reporting. Phase II ESA field work has been completed and assessment is in process.

**Project Manager/Engineer; Confidential Client; Acquisition in Kentucky; 2018**

- Completed site reconnaissance and prepared Phase I ESA reports for one operating municipal solid waste landfill and four operating solid waste transfer stations. Completed due diligence evaluation for facility operations, environmental and operational compliance, and reporting. Phase II ESAs were completed for the landfill and two of the transfer stations.

**QUALITY ASSURANCE****QA Manager; Commercial Projects in Florida; 2008 – Present**

- Conduct final quality assurance review for all outgoing documents related to commercial projects for the operating unit in Florida. Typical documents reviewed include Phase I/II ESA Reports, Work Plans, Contamination/Site Assessment Reports, Remedial Action Plans, Remediation Summary Reports, Construction Progress Reports, Permit Applications and Supporting Documentation, Proposals/Contracts, General Regulatory or Client Correspondence, among others.

**QA Manager; Environmental Due Diligence Services, Federal Deposit Insurance Corporation (FDIC); 2010-2011**

- Technical and quality assurance review of Phase I ESAs and Transaction Screen Checklists on 377 properties throughout Florida and southern Alabama for a pending portfolio transaction.

**QA Support; Environmental Due Diligence Services, DR Horton**

- Technical and quality assurance review of Phase I ESAs for multiple properties throughout Florida for potential property transactions.

## JOHN P. ARNOLD, P.E.

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### EDUCATION

- M.S. in Geotechnical Engineering, University of Florida, 1989. Masters Report and Research on the Geotechnical Characteristics and Evaluation of Unlined Tunnel Collapse
- B.S. in Civil Engineering, University of Florida, 1988
- United States Merchant Marine Academy, 1982 – 1984

### PROFESSIONAL REGISTRATIONS

- State of Florida, Professional Engineer No. 47164 (active)
- State of Georgia, Professional Engineer No. 030521 (inactive)

### CAREER SUMMARY

John Arnold has more than 29 years of experience focused on civil and environmental engineering projects including site investigations, site planning and design, geotechnical engineering, construction management, design/build, stormwater management, environmental monitoring, and planning for a wide variety of public, private, and federal clients. As an engineering consultant, John has managed more than 500 civil and environmental projects and was responsible for civil and environmental practice of a 150-person professional services firm located in Gainesville, Florida. He currently serves as the engineer and facilities manager for a privately-owned company with diverse commercial and industrial operations located in central and southwest Florida.

### EMPLOYMENT HISTORY

#### **Engineering Director and Facilities Manager, Angelo's Aggregate Materials, LTD, Tampa, FL, June 2006 – Present (full-time sub-consultant based in Jacksonville, FL)**

Responsible for the development, permitting, construction, training, and ongoing regulatory compliance of all corporate facilities including Class III landfill, four (4) material recycling and transfer stations (2 in development), waste tire processing facility, five (5) yard trash processing facilities, and seven (7) reclaimed concrete aggregate crushing/processing facilities, and soil borrow pits

- Responsible for the construction, certification and maintenance of crushing, recycling, stormwater management, and landfill facilities including ancillary structures
- Responsible for managing the geotechnical testing and certification of aggregate material products with the Florida Department of Transportation
- Serve as corporate representative and primary point of contact for the company on local and state permitting efforts, public hearings, community outreach, and maintenance of relationships with regulators, clients, elected officials, and neighbors
- Responsible for developing and managing the overall strategy, schedule, budget, and assembling the project team (engineers, attorneys, environmental specialists, brokers, and contractors) for the permitting and construction of all corporate facilities and capital improvements
- Responsible for managing the due diligence evaluations for new property acquisition including assessments for site contamination, wetlands, flood zones, subsurface soil types and conditions, land use and zoning, and securing all permits and for local and state approvals
- Responsible for preparing contract documents, construction scheduling and management, bid review and preparation

#### **Civil/Environmental Services Discipline Director, Project Manager, Project Engineer, Jones Edmunds & Associates, Gainesville, FL, December 1989 – May 2006**

- Led new client development and marketing in support of 150-person professional services office
- Assisted in recruitment of new professionals, employee retention, employee mentoring, and advocate for business sector and personnel needs
- Served as technical leader for geotechnical investigations including characterization of subsurface soil conditions, foundation stability assessments and foundation improvement recommendations
- Developed and prepared literature for competitive response to solicitations including RFQs, RFPs, and SOQs
- Served as technical leader of civil/environmental services department responsible for managing all work scopes, staffing, contracts, technical specifications, schedules, and department billability/profitability goals
- Oversight, support and mentoring of approximately 30 technical staff in the civil and environmental services division and direct management of complex projects
- Maintained workload projections and work load leveling of staff
- Identified staffing needs for projects based on schedule, employee capabilities, and availability
- Coordinated with other technical specialists for development of buildings, support facilities and utilities that include civil, environmental, structural, geotechnical, electrical, architectural, geological, ecological, and health and safety specialists
- Prepared bid and contract documents, in-house quality control and constructability reviews
- Provided bid and construction phase engineering support, submittal reviews, field inspections, quality control reviews; resolved contractor disputes/claims, substantial completion inspections and start-up

## **SUMMARY OF WORK EXPERIENCE**

### Client Services

- Identify, meet, and develop new clients including NASA at the Kennedy Space Center, Hillsborough County ongoing civil/environmental services, Escambia County Solid Waste, Hernando County Solid Waste, and over 10 private clients
- Develop statements of qualifications, scope of services proposals, schedules, and fees
- Identify future work with existing clients and estimate annual bookings
- Develop and assist with cross-selling of services to existing clients and to facilitate relationship building between clients and team discipline leaders
- Development of annual and long-term marketing plans and goals
- Coordinate with practice leaders and office managers on client satisfaction, potential problems, and staffing

### Facilities, General Civil Projects, and New Sites

- Project Manager for continuing services (civil engineering) to support base operations for the NASA at the Kennedy Space Center
- Project Manager and Designer for numerous roadways, site civil projects, stormwater management system, and facilities
- Team leader on development of 1,000-acre industrial park on land currently zoned agricultural in conjunction with Pasco County Economic Development
- Team leader on development of a new Class I solid waste management facility in Pasco county
- Team leader of multi-discipline technical teams to develop numerous solid waste transfer stations, scales, scale-house offices, and ancillary solid waste facilities for public and private sector clients
- Team leader on development of 200-acre mixed use site in conjunction with new SR 52 roadway alignment
- Team leader of multi-discipline technical teams to develop office buildings, laboratory spaces, spacecraft hangar, stormwater management systems, and roadways

### Construction Phase Services

- Develop contract documents, drawings and technical specifications
- Provide complete bid and construction phase engineering services and respond to questions from potential bidders
- Contract administration including developing the schedule and construction quality assurance plan, submittal review, managing progress meetings, conflict resolution, construction progress meetings, project close out, and system start-up
- Perform constructability and value engineering reviews
- Compete turn-key design/build projects and perform as construction superintendent
- Negotiate and manage subcontractor scopes of work, contracts, fees, and payments
- Perform materials estimating, procurement, staging, handling, and coordination

### Geotechnical Investigations and Engineering

- Performed geotechnical investigations, foundation analysis and design for over 100 projects including landfills, offices, transfer stations, and roadways
- Sinkhole investigation and remediation design including compaction grouting, construction phase monitoring and certification of construction completion reports

### Landfill and Leachate Collection Systems

- Develop landfill systems including bottom liner containment systems, leachate management systems, stormwater treatment systems, closure systems, and ancillary facilities
- Develop design criteria, operational criteria, operation plans for solid waste facilities including staff training
- Design anaerobic bioreactor landfill systems
- Develop exposed geomembrane final closure cover systems
- Greenfield evaluation and permitting for new solid waste facilities including landfills and transfer stations
- Develop landfill gas collection and management systems
- Develop solid waste regulatory requirement systems including groundwater monitoring plans, NPDES plans, operation plans, landfill closure plans, emissions plans, and related reporting
- Evaluate and manage efforts to mine old landfills and air-space reclamation
- Studies, assessment, and feasibility analyses for various solid waste management proposals including waste composition studies, rate studies, recycling cost/benefit, density studies, and landfill airspace planning

### Financial

- Prepare capital cost estimates, financial assurance documentation, capital improvement programs and annual O&M budgets for waste management facilities for both private and public operators

- Evaluate financial aspects of waste management and other department operations to provide recommendations to the owners for disposal fees, capital improvement budgets, O&M budgets, and personnel budgets
- Evaluate new property acquisition for commercial and industrial uses
- Prepare solid waste facility pro-formas for various waste management options and scenarios

#### Team Development

- Provide mentoring for short and long-term career development
- Function as corporate advocate in matter of conflict resolution, career advancement, and employee retention
- Provide leadership through demonstration of good work ethics, setting definable goals, establishing personal accountability and recognition of good employee performance
- Encourage team members to accept increasing levels of responsibility, express ideas and find innovative solutions
- Provide leadership in identifying and developing new project managers and client service managers

#### Training, Research, Regulatory and Governmental Activities

- Project Manager in conjunction with Dr. Townsend for development of Bioreactor Landfill Design Training Course for the Solid Waste Association of North America
- Project Manager in conjunction with Dr. Townsend for redevelopment of Manager of Landfill Operations Training Course for the Solid Waste Association of North America
- Interface with University of Florida (UF) researchers to develop and apply innovative design and operation methods for waste management facilities
- Participate in management and development of State of Florida funded and UF directed landfill bioreactor research project
- Participate in Pasco County's Keep Pasco Beautiful as treasurer
- Participate in FDEP sinkhole TAG and rule making efforts

#### Emergency Response

- Provide post-hurricane disaster response to determine extent of damage and evaluate immediate dangers to public health and the environment
- Participate in federal disaster response coordination meetings with FEMA, state and local officials to prioritize response efforts
- Hiring and coordination of subcontractor engineers and contractors to perform remediation efforts
- Field performance and financial tracking of response efforts to determine effectiveness of federal reimbursement requirements
- Develop action plans for disposal contaminated debris
- Develop and permit new sites for debris management, staging and processing

#### **PATENTS, AWARDS, CERTIFICATES, AND PUBLICATIONS**

- United States Patent No. 6,599,058 - *Landfill Leachate Collection Apparatus (Bioreactor Bottom Liner System)*
- *Manager of Landfill Operations*, Solid Waste Association of North America, Project Manager of new course materials and certification exam (30 CEU's), 2005
- *Manager of Bioreactor Landfill Operations*, Solid Waste Association of North America, Project Manager of inaugural course materials and certification exam (20 CEU's), 2004
- National Society for Professional Engineers (NSPE) Professional Engineers in Industry (PEI) New Product Award in the Large Category (250-10,000 employees) for the *Bioreactor-Ready Bottom Liner System*, 2004
- Governor's New Product Award for the *Bioreactor-Ready Bottom Liner System*, Florida 2003
- American Public Works Consultant of the Year (c/o Jones Edmunds) based on the *Bioreactor-Ready Bottom Liner System*, Florida 2003
- Civil Engineering Research Foundation's Charles Pankow Award for Innovation for the *Bioreactor-Ready Bottom Liner System*, Finalist 2004
- Industrial Fabrics Association International Outstanding Achievement Award for the *Bioreactor-Ready Bottom Liner System*, 2004
- Ianniello, P., Arnold, J., (May 2001) "Landfill Drainage and Design - With the Help of the World Wide Web", *Geotechnical Fabrics Report*, 36-37.
- Tau Beta Pi, Engineering Honor Society, University of Florida 1986

#### **SUMMARY OF PROJECT EXPERIENCE (SELECTED PROJECTS)**

##### General Civil and Facilities Engineering

- 1,000-acre Heavy Industrial Park Planning, Angelo's Aggregate Materials, Pasco County, FL
- SR 52 New Roadway Site Development and Permitting, Angelo's Aggregate Materials, Pasco County, FL, Project Manager

- Live Oak 77th Tracc New Three-Lane Truck Bypass Road, Suwannee County, FL, Project Manager
- County Road 136 Resurfacing and Widening, Suwannee County, FL Project Engineer
- Stormwater and Potable Water System Improvements, Town of Cross City, FL Project Engineer
- Perdido Landfill Scale Addition and Roadway Improvements, Escambia County, FL Project Manager
- Range Road Borrow Pit Permitting, Escambia County, FL Project Engineer
- Transmission, Fiber-Optics, and Parcel Mapping, Florida Power Corporation (FPC), FL, Project Manager
- Marion County Workcamp Site Development, Florida Department of Corrections (FDOC), FL, Project Engineer
- Effluent Sprayfield Permit Application, Florida Natural Growers/Umatilla, Project Engineer
- Wastewater System Phase I Construction Engineering Services, City of High Springs, FL, Project Engineer
- Effluent Storage Tank, Hillsborough County, FL, Project Manager
- New Reusable Launch Vehicle, Flight Vehicle Facility and Landing Support Complex, NASA, FL, Project Manager
- CR 318 Reconstruction, Marion County, FL, Project Manager
- New Belleview Bypass Extension, Marion County, FL, Quality Assurance/Quality Control
- M7-355 Operations and Checkout (O&C) Internet Lab and Collaborative Engineering Room Modifications, NASA, Quality Assurance/Quality Control, FL, Project Manager
- Hazardous Areas Building Refurbishment, NASA, FL, Project Manager
- Shuttle Landing Facility (SLF) and Landing Strip Stormwater Drainage System Study, NASA, FL, Project Engineer
- Vehicle Assembly Building (VAB) South Wetlands Stormwater Management System, NASA, FL, Project Engineer
- X-34 Facility, Landing Aids Facility Convoy Operations Facility, and Staging and Maintenance Hanger, NASA, Quality Assurance/Quality Control FL, Project Manager
- Construct Phase III of Mid-Course Radar Facility, NASA, Project Engineer, FL, Project Manager
- Building 844, Vandenberg Air Force Base, NASA, CA, Project Manager
- Design of Intersection and Road Pavement Improvements for Kennedy Parkway, NASA, FL, Project Engineer
- Sharkey Road Improvements, NASA, FL, Project Engineer
- Renovation of the E&O Facility, NASA, Quality Assurance/Quality Control, FL, Project Engineer
- American Disabilities Act Upgrade to LC-39 Area Buildings, NASA, FL, Project Engineer
- Building 840 Rehabilitation Study, Vandenberg Air Force Base, NASA, CA, Quality Assurance/Quality Control, Project Manager
- Borrow Pit Renewal Permit, Omni Waste of St. Cloud LLC, FL, Project Manager
- North Central Landfill Phase II Stormwater Improvements, Polk County, FL, Project Engineer
- Road Repair and Paved Areas, SLF Access Road Widening, NASA, Quality Assurance/Quality Control, FL, Project Manager

#### Geotechnical Investigations and Engineering

- Geotechnical Investigation, Sinkhole Risk Assessment, and Foundation Design for New Class I Facility, Pasco County, Angelo's Aggregate Materials, FL, Team Leader
- Site Geotechnical Investigation, Soils Testing, Foundation Analysis and Design for approximately 50 site development projects
- Geotechnical Investigation and Sinkhole Risk Assessment for Class III Landfill, Pasco County, Angelo's Aggregate Materials, FL, Team Leader
- Baseline Cell III-B Class I Landfill Investigation and Sinkhole Remediation using Compaction Grouting and High Strength Reinforcing Geosynthetics, Marion County, FL, Project Engineer
- Baseline Cell III-C Class I Landfill Investigation and Sinkhole Remediation using Compaction Grouting and High Strength Reinforcing Geosynthetics, Marion County, FL, Project Engineer
- Baseline Landfill, Urban Cell, Final Cover Side Slope Evaluation and Repair, FL, Project Engineer
- Class I Landfill Investigation and Sinkhole Remediation using Compaction Grouting, Suwannee County, FL, Project Engineer
- Northwest Class I Landfill Investigation and Sinkhole Remediation using Compaction Grouting, Hernando County, FL, Project Engineer
- Transfer Station Investigation and Foundation Improvement Using Earth Surcharge and Settlement Plates, Dixie County, Project Engineer

Landfill Engineering and Construction Phase Services

- Angelo's Aggregate Materials Proposed Class I facility (greenfield site) development, Pasco County, FL, Team Leader
- Angelo's Aggregate Materials Class III landfill Cells 3, 4, 5, 6, 7, 16 and 17 permitting, construction, and ongoing FDEP permit renewals, Pasco County, FL, Project Manager
- Conecuh Woods, LLC proposed Class I facility (greenfield site), Jimmy Stone, Conecuh County, AL, Technical Consultant
- Hillsborough County Southeast Landfill Cell 6 Class I Expansion, Hillsborough County, FL, Project Manager
- North Central Landfill Pre-Development Plan, Polk County, FL, Project Manager
- North Central Landfill Vertical Expansion of Old Unlined Landfill, FL, Project Manager
- Southeast Landfill Class I Expansion, Polk County, FL, Project Director
- Perdido Class I Landfill Phase 4 Expansion, Escambia County, FL, Client Manager
- North Central Landfill Phase IV Class I Landfill Expansion Study, Polk County, FL, Project Director
- North Central Landfill Class I Phase III Expansion, Polk County, FL, Project Manager
- New River Class I Landfill Cells 2, 3, and 4 Expansions, New River Solid Waste Authority, FL, Project Manager
- Baseline Landfill Class I Landfill Cells III-B and III-C Expansions, Marion County, FL, Project Engineer
- Private Client Class I Landfill Greenfield Facility and Local Permitting, Yuma, AZ, Project Manager
- Class I Landfill Expansion, Putnam County, FL, Project Director
- NASA Class III Landfill Siting Study and Development, Kennedy Space Center, FL, Project Manager
- Class I Landfill Greenfield Study, Florida Crystals, FL, Project Manager
- Myer and Gabbert Class III Landfill Development, Desoto County, FL, Project Manager
- Winfield Solid Waste Facility Class I Landfill, Cells 2 and 3 Expansions, Columbia County, FL, Project Engineer
- Aucilla Class I Landfill Cell 2 Expansion, Madison County, FL, Project Manager
- Nine Mile C&D Landfill Expansion, St. Johns County, Southland Waste Systems, FL, Project Manager
- C.C. Calhoun C&D Greenfield Landfill Design and Permitting, Polk County, FL, Project Manager

Transfer Stations and Recycling Facilities

- Angelo's Aggregate Materials Landstreet, Muskogee, Lakeland, and Brando Transfer Stations and Crushing Facilities, Greenfield Site, Orlando, FL, Project Manager
- Angelo's Aggregate Materials City of Largo Transfer Station, Permitting and Design, City of Largo, FL, Project Manager
- Angelo's Aggregate Materials Waste Tire Processing Facility, Greenfield Site Permitting and Design, Dade City, FL, Project Manager
- Angelo's Aggregate Materials Waste Tire Collection Centers, Permitting and Design; City of Lakeland, City of Largo, Lutz, and St. Petersburg, FL, Project Manager
- Baseline Class I Landfill New Transfer Station and Scalehouse, Marion County, FL, Project Director
- New River Equipment and Maintenance Facility Expansion, Union County, FL, Project Manager
- Dixie County Class I Materials New Transfer Station, Dixie County, Project Engineer
- Numerous Citizen Household Waste Convenience Centers, Marion County, FL, Project Director
- North Central Landfill New Scalehouse Facility, Polk County, FL, Project Director
- North Central Landfill New Household Hazardous Waste Collection Center, Polk County, FL, Project Director

Emergency Response Services

- 2017 Hurricane Debris Cleanup and FEMA Reimbursement, Pasco County, FL, Site Manager
- 2004 Hurricane Debris Cleanup Response and FEMA Reimbursement, Marion County, FL, Project Manager
- 2004 Hurricane Debris Cleanup Response and FEMA Reimbursement, Polk County, FL, Project Manager
- 2004 Hurricane Debris Cleanup Response and FEMA Reimbursement, Escambia County, FL, Project Manager

MEMORANDUM

TO: The Honorable Jerry L. Demings, Orange County Mayor, and the Board of County Commissioners

FROM: Jay W. Small and Kelsey A. Weiss

DATE: July 24, 2020

RE: Appeal of the Board of Zoning Adjustment's Recommendation, SE-19-07-068

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I. PRELIMINARY STATEMENT.

On January 6, 2020, Robert S. Harrell filed this appeal on behalf of Parkers Landing, LLC.<sup>1</sup> Parkers Landing, LLC owns property on the east side of Parkers Landing located at 9101 Parkers Landing, Orlando, FL 32824. Parkers Landing is a dead end, two-lane north/south local access roadway without a posted speed limit on the east side of the proposed development. Parkers Landing intersects with West Landstreet Road at the north end. West Landstreet Road is a five-lane east/west collector roadway with a posted speed limit of 45mph.<sup>2</sup> Parkers Landing, LLC's property includes a flex space industrial warehouse facility with tenants including Sunbelt Rental Pump & Power Services, Auto Imports, and ABM Facility Services.

Besides Parkers Landing, LLC's property, several other property owners on the east side of Parkers Landing road have improved their properties with industrial flex space buildings. Their long-term tenants included Abrose Air, Inc., Mercedes and Muscle Care Specialists, Pine Castle Pet Cremation Services, and Moon's Saw Shop Supplies.

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<sup>1</sup> See Exhibit "1" at pg. 1.

<sup>2</sup> See Exhibit "2" at pg. 1.



On the west side of Parkers Landing is property owned by Iafrate Rockwood, LLC, regarding which the Applicant, Angelo's Recycling ("Angelo's"), filed application SE-19-07-068 for a construction and debris recycling facility.<sup>3</sup> That property has a street address of 500 West Landstreet Road, Orlando, FL 32824. It comprises three separate parcels, totaling about 44.71 acres of vacant property, and has about 1,372 lineal feet of frontage on west side of Parkers Landing. Parkers Landing, LLC received notice of Angelo's January 2, 2020 special exception hearing because its property is within a one-mile radius.<sup>4</sup>

## II. RELIEF REQUESTED.

Parkers Landing, LLC timely appealed the recommendation of the Orange County Board of Zoning Adjustment ("BZA"), SE-19-07-068. The Board of County Commissioners for Orange County, Florida ("BCC") should reject the BZA's recommendations for three reasons:

- 1) The BZA failed adequately to consider whether the applicant met the six special exception criteria of Section 38-78, Orange County Code;
- 2) The BZA impermissibly considered traffic congestion and accorded deference in violation of the County Code; and,
- 3) Notwithstanding the foregoing, the BZA failed to give Parkers Landing, LLC proper notice that it would consider traffic congestion, thereby violating Parkers Landing, LLC's due process rights.

## III. BACKGROUND.

Angelo's proposed development is in the IND-2 and IND-3 zoning districts. In April of 2017, it obtained a site work permit specifically for a concrete crushing plant.<sup>5</sup> A concrete crushing plant is a use permitted as of right in the IND-2 and IND-3 zoning districts. A construction and

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<sup>3</sup> See Exhibit "3" at pg. 126.

<sup>4</sup> See Exhibit "4".

<sup>5</sup> See Exhibit "5" at pg. 3, lines 2-5.

demolition debris facility is not. To date, development activity on the property has consisted of largely of clearing and grading.

On April 24, 2019, the Development Review Committee (“DRC”) reviewed Angelo’s application to build a facility to receive and process construction and demolition debris, commonly referred to as a “C&D Facility.”<sup>6</sup> By the meeting’s end, DRC recommended approval of the C&D Facility to the BZA. On June 25, 2019, a community meeting was held at Sally Ride Elementary School before the BZA’s review of Angelo’s application. At that meeting, the discussion focused only on the concrete crushing facility, the permitted use.<sup>7</sup> In December of 2019, Angelo’s submitted an Access Connection Study prepared by Luke Transportation Engineering Consultants, Inc. to the BZA for review.<sup>8</sup> Surrounding property owners received notice of the BZA meeting thereafter.<sup>9</sup>

On January 2, 2020, the BZA reviewed Angelo’s application and heard testimony from the staff, Angelo’s representative, and interested community members. BZA recommended approval of Special Exception Application SE-19-07-068. Its vote, however, was by no means unanimous.<sup>10</sup> Of the seven BZA members, two were absent and a third, Deborah Moskowitz, a local attorney, voted against the application.<sup>11</sup> Parkers Landing, LLC timely appealed the BZA recommendation.<sup>12</sup> On January 28, 2020, the Board of County Commissioners (“BCC”) deferred action on the BZA recommendation pending this appeal.<sup>13</sup>

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<sup>6</sup> See Exhibit “6”. Because a recycling facility falls under the category of solid waste use, the Orange County Code requires Applicant to obtain a special exception, first by going through DRC, then BZA, before finally the BCC.

<sup>7</sup> See Exhibit “5” at pg. 6, lines 10-20.

<sup>8</sup> See Exhibit “2”.

<sup>9</sup> See Exhibit “4”.

<sup>10</sup> See Exhibit “7” at pg. 11.

<sup>11</sup> *Id.*

<sup>12</sup> See Exhibit “1”.

<sup>13</sup> See Exhibit “8” at pg. 16.

#### IV. ARGUMENT.

##### a. Overview of Application Process.

Although Angelo's discussed the property's prior development history at length at the BZA hearing, including DRC's project review,<sup>14</sup> this discussion was not relevant to the BZA's consideration of application SE-19-07-068 because the property's development history is not an enumerated criteria under Section 38 - 78. Under Section 38 - 78:

Subject to section 30 - 43 of this Code, in reviewing any request for a special exception, the following criteria shall be met [by the applicant]:

- 1) The use shall be consistent with the comprehensive plan.
- 2) The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.
- 3) The use shall not act as a detrimental intrusion into a surrounding area.
- 4) The use shall meet the performance standards of the district in which the use is permitted.
- 5) The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.
- 6) Landscape buffer yards shall be in accordance with section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.

The use of the associative verb *shall* makes the language of this section mandatory, meaning an applicant must meet *each* of the listed criteria. Angelo's failed to meet several of these

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<sup>14</sup> See Exhibit "5" at pg. 9, line 18 - pg. 10, line 18.

criteria. The BZA staff report in part offered the following justification for recommending approval:

**SPECIAL EXCEPTION CRITERIA**

**Similar and compatible with the surrounding area**

All property within 1/2 mile or more, has an Industrial future land use designation, and is zoned IND-2/IND-3, or IND-4. IND-4 zoning is where the most intensive industrial uses are typically located. The nearest concentration of residential is located over 1/2 mile east of the subject property.

**Shall not act as a detrimental intrusion into a surrounding area**

The single largest impact which this use will have is the attraction and generation of large truck traffic. The operation has been reviewed by both the Transportation Planning and Traffic Engineering Divisions. Traffic Engineering is recommending that the applicant install a deceleration lane for eastbound traffic on W. Landstreet Rd. turning onto Parkers Landing.<sup>15</sup>

**b. Angelo's Failed to Meet All Six Criteria of Section 38 -78.**

Angelo's failed to present substantial competent evidence that it satisfied Section 38-78(2), (3), and (5).

Section 38-78(2) establishes a two-prong test; an applicant must satisfy both prongs before the BZA can recommend approval of an application. First, Section 38-78(2) requires that "the use shall be similar and compatible with the surrounding area." Angelo's failed to meet its burden of establishing proof as to this first prong. An aerial view<sup>16</sup> and the testimony of Paul Straubinger ("Straubinger"), a licensed commercial real estate professional, established that "most of the surrounding uses are warehouse space, there's some dealerships, businesses that require more of a clean environment than you're going to find in this C&D type operation."<sup>17</sup> He explained that "The typical businesses out here are warehouses... These people have machines and equipment and

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<sup>15</sup> See Exhibit "3" at pg. 124.

<sup>16</sup> See Exhibit "3" at pg. 130.

<sup>17</sup> See Exhibit "5" at pg. 22, lines 21-24.

commodities that need to stay clean, which is a lot different than a construction demolition transfer station.”<sup>18</sup> Dan Wood (“Wood”), a neighboring landowner, testified that his CNC shop is “light industrial,”<sup>19</sup> and incompatible with the proposed C&D Facility.

Douglas Bauman (“Bauman”), MSC, P.E., of the General Civil & Environmental Engineering firm appeared for comment at the BZA hearing on behalf of some of the neighboring landowners.<sup>20</sup> Bauman testified that, in his opinion, “a facility like this needs to be in more of the I-4 zoning...” because “it’s more – more warehouse type space.”<sup>21</sup> It is clear from these statements that the types of businesses already present in the surrounding area, and particularly on Parkers Landing, vary greatly from that of a C&D Facility and are not “similar and compatible with the surrounding area” as required by Section 38-78(2).

The second prong of the two-prong test in Section 38-78(2) requires consideration of the pattern of surrounding development. Despite the conclusions in the BZA staff report, Angelo’s did not meet its burden of establishing that the proposed C&D Facility was similar and compatible with the “pattern of surrounding *development*,” as required by Section 38-78(2). (emphasis added). Indeed, instead of framing the issue in terms of the compatibility of the C&D Facility with the pattern of surrounding development, the BZA staff report impermissibly compared the zoning of the site to the zoning of surrounding properties without analyzing whether the C&D Facility was

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<sup>18</sup> *Id.* at pg. 22, lines 1-7.

<sup>19</sup> *Id.* at pg. 18, lines 22-23.

<sup>20</sup> As will be discussed herein, the Notice provided to the neighboring landowners for the January 2, 2020 hearing specifically stated that traffic congestion would not be considered by the BZA, therefore the traffic study performed by this engineering firm was not yet complete and was not submitted to the BZA prior to this hearing, however the engineer was present to make comment.

<sup>21</sup> See Exhibit “5” at pg. 30 lines 2-7.

consistent with the surrounding pattern of development.<sup>22</sup> It essentially cloned sections from the report Angelo's submitted which conflated "use" and "development."

Next, Angelo's did not prove by substantial and competent evidence that "[t]he use shall not act as a detrimental intrusion into a surrounding area" as required by Section 38-78(3). The citizen testimony instead provided substantial competent evidence that the proposed C&D facility would detrimentally intrude into the surrounding area. Straubinger testified that "a lot of businesses that are nearby here are going to leave if – if there's a C&D recycling facility as proposed."<sup>23</sup> Jim Crawford ("Crawford"), the owner of 20-acres on the east side of Parkers Landing road (facing Angelo's along Parkers Landing) and another 5-acrea to the southeast, testified that his buildings "all have metal roofs on them, which this concrete dust is very detrimental to and it's very much airborne."<sup>24</sup> Further, he testified that his equipment was susceptible to airborne contaminants.<sup>25</sup> Bauman testified that "some of the staging is going to fall out on Parkers Landing. So the facilities will back up on Parkers Landing."<sup>26</sup>

Finally, Angelo's failed to prove by substantial competent evidence the proposed use was "similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district" as required by Section 38-78(5). The BZA heard substantial competent evidence to the contrary. Most of the business in this area are small businesses utilizing warehouse space, the types of businesses envisioned in IND-2 and IND-3 zoning districts. Because these existing developments differ from

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<sup>22</sup> Section 380.4, *Fla. Stat.* (2019) defines the term "development" as "the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels."

<sup>23</sup> See Exhibit "5" at pg. 21 lines 22-24.

<sup>24</sup> *Id.* at pg. 23, lines 23-25.

<sup>25</sup> *Id.* at pg. 23, lines 22-23.

<sup>26</sup> *Id.* at pg. 33, lines 16-19.

the proposed C&D Facility, Angelo's proposed development of the property is not permitted, as of right, in these zoning districts. None of the existing businesses create odors, kick up dust into the air, or produce noise like the proposed C&D Facility. Although Angelo's downplayed the significance of these factors by noting that the C&D material would be hand sorted, the record below reflected that the on-site material could be on-site for thirty (30) days.<sup>27</sup>

Straubinger further testified that, "one of the other criteria, the use shall be similar in noise, vibration, dust, odor, glare, other characteristics that are associated with the majority of the uses permitting in this zoning district. *That's just simply not the case.* Most of the uses are warehouse buildings and institutional grade."<sup>28</sup> (emphases added). Wood reminded the BZA that "[i]n the case of ... concrete demolition, airborne particles are obviously detrimental. They're detrimental both to your lungs, but also to equipment."<sup>29</sup> Crawford testified that, "The noise levels, any kind of equipment like that, we don't have anything operating in our buildings, anything like that; that people own and operate in their small businesses."<sup>30</sup> Angelo's clearing and grading of the site provided a preview of what the C&D Facility's impacts would be on the nearby owners. In fact, Crawford testified that when Angelo's was clearing the vacant property, the dust and debris from the clearing not only landed all over the buildings, "[i]t came all over the equipment. It was just a big mess."<sup>31</sup> Once again, this evidence established that the proposed C&D Facility is *not* "similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district" in direct contravention of Section 38-78(5).

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<sup>27</sup> See Exhibit "5" at pg. 39, lines 20-22.

<sup>28</sup> See Exhibit "5" at pg. 22, lines 9-15.

<sup>29</sup> *Id.* at pg. 17, lines 7-10.

<sup>30</sup> *Id.* at pg. 24, lines 6-9.

<sup>31</sup> *Id.* at pg. 27, lines 15-17.

This citizen testimony cited herein constitutes “substantial competent evidence, so long as it is fact based.” *Miami-Dade County v. Walberg*, 739 So.2d 115, 117 (Fla. 3rd DCA 1999), *review dismissed*, 763 So.2d 1046 (Fla. 2000); See also *City of Apopka v. Orange County*, 299 So. 2d 657, 659 (Fla. 4th DCA 1974) (A mere poll of neighboring landowners is not sufficient, but “facts disclosed by objecting neighbors should be considered.”). In response to this testimony, Angelo’s argued to the BZA that “most of the concerns, those dealing particularly with dust and noise and the vast majority of any additional traffic is from the concrete crushing plant, which is already permitted.”<sup>32</sup> This argument deflected the BZA’s focus from the undisputed facts: the citizen testimony was directly related to the C&D Facility, not the concrete crushing facility. The BZA had an obligation to consider this citizen testimony as substantial competent evidence to determine if Angelo’s met its burden of proof. It failed to do so, and the BZA should not have recommended approval of the special exception application.

**c. Section 38 -78 Did Not Authorize the BZA to Consider Traffic Congestion.**

Section 38-78 limits the BZA’s consideration to *only* the six enumerated criteria. Based on Section IV(a) and (b) of this memorandum, sufficient grounds exist to deny the BZA’s recommendations even without consideration of traffic congestion.

By considering increased traffic congestion, BZA accorded weight to a factor that the County Code does *not* delegate to the BZA to consider.<sup>33</sup> Indeed, the notice for the January 2, 2020 BZA hearing stated as follows:

Aesthetics, impacts to surrounding properties, land use compatibility, the variance and special exception criteria, development trends, and the Comprehensive Plan are

<sup>32</sup> See Exhibit “5”, pg. 34, lines 8-11.

<sup>33</sup> Although the BZA impermissibly considered traffic congestion in contravention to the Public Hearing Notice and Section 38-78, Parkers Landing, LLC’s discussion of traffic congestion herein should not be construed as a waiver of its objection to the BZA’s consideration of that issue.



zoning-related issues. However, drainage, *traffic congestion*, and crime *are issues not addressed by the BZA*. (emphasis added).<sup>34</sup>

Despite this, the BZA staff first noted the traffic congestion issues at the very beginning of the hearing. Its report to the BZA stated that “[t]he single largest impact of this use with regard to detrimental intrusion into the surrounding area will be *truck traffic*,” noting that the traffic engineering division and transportation planning for the County had reviewed this and recommended a deceleration lane be constructed on West Landstreet to accommodate the turning movements onto Parkers Landing.<sup>35</sup> (emphasis added). Then, after the public comment portion of the hearing, Board Member Moskowitz expressed her two concerns before a vote was taken: odor and additional traffic the C&D Facility daily would bring to Parkers Landing.<sup>36</sup> Eventually, she moved to deny the application based on unresolved traffic issues.

In response to her concern over increased congestion, the BZA Board Chairperson stated that the BZA had to abide by staff’s traffic study that concluded that traffic was not an issue.<sup>37</sup>

Chairperson Karraker: The – I think one of the hard parts is this – the issue of traffic. And what we – we have been told as members in the past, is that if there’s a traffic study done, we’re supposed to abide by it.

Board Member Moskowitz: Correct.<sup>38</sup>

Chairperson Karraker: But – *but if our traffic people say that it’s acceptable in this area – in this area, my understanding was that we have to go by it*.<sup>39</sup> (emphasis added).

This discussion at the close of the public hearing phase clearly exhibited a misconception regarding the extent to which the BZA had to defer to staff studies. Staff reports are only advisory in nature.

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<sup>34</sup> See Exhibit “4”.

<sup>35</sup> See Exhibit “5” at pg. 7, lines 15-17.

<sup>36</sup> *Id.* at pg. 45-46.

<sup>37</sup> See Exhibit “5” at pg. 51-52.

<sup>38</sup> *Id.* at pg. 51, lines 3-8.

<sup>39</sup> *Id.* at pg. 51, line 24 – pg. 52 line, 2.

Assuming for the sake argument the BZA could consider traffic congestion, the traffic study upon which it relied was fundamentally flawed. The December 2019 study prepared for Angelo's did not include a large portion of post-development generated traffic estimates for the overall project. On February 13, 2020, Douglas Bauman submitted "Comments Related to Review of Access Connection Study"<sup>40</sup> to the BZA and staff and refuted many of the conclusions made in the Access Connection Study prepared for Angelo's Aggregate Materials. The Access Connection Study's Appendix A – Response to County Comments includes a memorandum (starting on Pg. 21) from Luke's Transportation Engineering Consultants stated that, "The proposed Landstreet Road facility was designed and permitted to manage 900 tons per day." However, the Operations Plan contained within Angelo's Application for New C&D Waste Processing Facility (SW-19-06-001) indicated in Section 305:

Quantity projections for C&D are limited to the processing capabilities of this site, based on available equipment and personnel. Current estimated demands, based on Angelo's current business needs, require managing approximately 1,000 cubic yards (CY) or 900 tons per average operating day with a maximum of approximately 1,500 CY or 1,350 tons per day... *This projected volume is based on the C&D operating only and does not include incoming concrete and asphalt that is brought directly to Angelo's permitted on-site concrete crusher.* (emphasis added).

The effect of this omission was to understate the traffic congestion on Parkers Landing.

Finally, the Access Connection Study's Appendix - Response to County Comments included a letter from Arnold Engineering Consulting, LLC that stated that the daily vehicle traffic projections for this C&D Facility were based on the 2018 scale house records from Angelo's C&D transfer stations located in other Florida counties. The record makes it abundantly clear that the

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<sup>40</sup> See Exhibit "9".

traffic study submitted only accounted for the projected volume of only the C&D Facility and not for the concrete crushing plant that Angelo's proposes to construct at the same time.

Nor should the BCC also give deference to the flawed interpretations of County staff. Under Section 30-45(d), "The board of county commissioners shall conduct a trial de novo hearing upon the appeal taken from the ruling of the ... board of zoning adjustment and hear the testimony of witnesses and other evidence offered by the aggrieved person and interested parties to the appeal..." "De novo" means to try a matter anew, as though it had not been heard before and no decision has been rendered. *Lee v. St. Johns County Bd. of County Com'rs*, 776 So. 2d 1110, 1113 (Fla. 5th DCA 2001).

Based upon the language of Section 30-45(d), the BCC is similarly limited to examining the factors in Section 38-78. Angelo's *failed* to meet all six of the required special exception criteria of Section 38-78. The competent substantial evidence presented to the BZA did not support its findings. The BCC should therefore reject the BZA's recommended approval of application SE-19-07-068.

**d. Due Process.**

The insufficient Notice of Hearing and the consideration of issues besides the six enumerated special exception criteria in Section 38-78 violated Parkers Landing, LLC's procedural due process rights. U.S. Const. Amend. V and XIV, U.S. Const.; Art. I, §9, Fla. Const. A local government's decision whether to a special exception application is a quasi-judicial procedure. See *City of Apopka v. Orange County*, 299 So. 2d 657, 659 (Fla. 4th DCA 1974). Procedural due process guarantees to every citizen the rights of notice and basic fairness during the course of legal, administrative, and local government quasi-judicial procedures that adjudicate protected rights. *Sarasota County v. BDR Investments, L.L.C.*, 867 So. 2d 605, 607 (Fla. 2d DCA

2004); Art. I, §9, Fla. Const. “Procedural due process requires both fair notice and a real opportunity to be heard.” *Borden v. Guardianship of Borden-Moore*, 818 So. 2d 604, 607 (Fla. 5th DCA 2002). Under Section 30-44, the BZA had to provide sufficient notice to the surrounding residents of the hearing at least ten days prior to the date of the public hearing. Sufficient notice must be “reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections. The notice must ... convey the required information, and it must afford a reasonable time for those interested to make their appearance.” *De Leon v. Collazo*, 178 So. 3d 906, 908 (Fla. 3d DCA 2015), citing to *Mullane v. C. Hanover Bank & Tr. Co.*, 339 U.S. 306, 314 (1950).

The Florida Supreme Court, recognizing that property rights are basic civil rights essential to the foundation of our democratic system, properly characterized them as “sacred right[s], the protection of which is an important object of government.” *Corn v. State*, 332 So.2d 4, 7 (Fla. 1976). To satisfy basic due process notions, the BZA’s notice should have included all issues the BZA would consider. Instead, the Public Hearing Notice clearly stated that, “*drainage, traffic congestion, and crime are issues not addressed by the BZA.*” (emphasis added). The procedure below violated Parkers Landing, LLC’s procedural due process rights because it failed to provide notice that the BZA would consider traffic congestion. Had it known otherwise, Parkers Landing, LLC could have submitted a rebuttal traffic study.

#### V. CONCLUSION.

Even if the BCC denies the BZA’s recommendation, that denial will not substantially deprive Angelo’s of the ability to develop the property. The property is zoned IND -2 and IND -3. The use table in Section 38-77 identifies countless economically viable uses for the property. In sum, the BCC should reject the BZA’s recommendation to approve Angelo’s special exception

application. The BZA failed adequately to consider whether the applicant met the six special exception criteria of Section 38-78, Orange County Code; it impermissibly considered traffic congestion in contravention to that section and with deficient notice; and its hearing notice was deficient.

4831-9093-7793, v. 2

Parkers Landing, LLC's Brief Concerning the Appeal of the Board of Zoning Adjustment's Recommendation in SE-19-07-068 Angelo's Recycling.

**APPENDIX OF RECORD ON APPEAL**

<b>Exhibit No.</b>	<b>Document</b>	<b>Bate Stamp Nos.</b>
1.	Appellant Information Form – Parkers Landing Appeal	0001-0002
2.	Permit Application Initial Traffic Study from December 2019	0003-0079
3.	Board of Zoning Adjustment Staff Recommendations for January 2, 2020	0080-0094
4.	Public Hearing Notice for January 2, 2020 BZA Hearing	0095-0112
5.	BZA Hearing Transcript from January 2, 2020	0113-0145
6.	Angelo's Recycling DRC Approved Minutes for April 24, 2019	0146-148
7.	BZA Minutes for January 2, 2020 Approved	0149-0160
8.	BCC Minutes from January 28, 2020	0161-0188
9.	GCEE Letter Review Access Connection Study	0189-0194

**CASES:**

*Miami-Dade County v. Walberg*, 739 So.2d 115, 117 (Fla. 3rd DCA 1999), *review dismissed*, 763 So.2d 1046 (Fla. 2000)

*City of Apopka v. Orange County*, 299 So. 2d 657, 659 (Fla. 4th DCA 1974)

*Lee v. St. Johns County Bd. of County Com'rs*, 776 So. 2d 1110, 1113 (Fla. 5th DCA 2001)

*Sarasota County v. BDR Investments, L.L.C.*, 867 So. 2d 605, 607 (Fla. 2d DCA 2004)

*Borden v. Guardianship of Borden-Moore*, 818 So. 2d 604, 607 (Fla. 5th DCA 2002)

*De Leon v. Collazo*, 178 So. 3d 906, 908 (Fla. 3d DCA 2015)

*Corn v. State*, 332 So. 2d 4, 7 (Fla. 1976)

**EXHIBIT "1"**



Board of Zoning Adjustment (BZA) Appeal Application

**Appellant Information**

Name: Parkers Landing LLC

Address: 9101 Parkers Landing, Orlando, FL 32824

Email: bhpinc@bellsouth.net Phone #: (407) 859-2601

BZA Case # and Applicant: SE-19-07-068 - Angelo's Recycling

Date of BZA Hearing: 2020-01-06

Reason for the Appeal (provide a brief summary or attach additional pages of necessary):

We believe this use is not appropriate for the zoning, and we believe that the traffic count did not include the new proposed usage. We don't believe that this business is suitable and compatible with the surrounding area and we also believe that this use will be a detriment and intrusion to the surrounding warehouse area. In addition this usage will create an excessive amount of dust.

Signature of Appellant: \_\_\_\_\_ Date: 2020-01-06

STATE OF Florida  
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 6 day of January, 2020, by Robert S Harrell who is personally known to me or who has produced \_\_\_\_\_ as identification and who did/did not take an oath.

Notary Stamp:

Notary Public Signature

**NOTICE: Per Orange County Code Section 30-45, this form must be submitted within 15 days after the Board of Zoning Adjustment meeting that the application decision was made.**

Fee: \$691.00 (payable to the Orange County Board of County Commissioners)

Note: Orange County will notify you of the hearing date of the appeal. If you have any questions, please contact the Zoning Division at (407) 836-3111.

See Page 2 of application for the Appeal Submittal Process.



**SPECIAL EXCEPTION CRITERIA**

**Section 38-78, Orange County Code stipulates specific criteria to be met for all Special Exception requests.**

**No application for a Special Exception can be approved unless the BZA finds that the following criteria are met:**

1. The use shall be consistent with the Comprehensive Policy Plan.
2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.
3. The use shall not act as a detrimental intrusion into a surrounding area.
4. The use shall meet the performance standards of the district in which the use is permitted.
5. The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.
6. Landscape buffer yards shall be in accordance with section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.

**EXHIBIT "2"**

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DECEMBER 2019

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**ANGELO'S AGGREGATE MATERIALS**  
**ACCESS CONNECTION STUDY**  
**ORANGE COUNTY PUBLIC WORKS**

**ORANGE COUNTY, FLORIDA**

ORANGE COUNTY PARCELS ID:

02-24-29-8220-00-290, 02-24-29-8220-00-070, & 02-24-29-7268-00-071



EXHIBIT "2"



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**ORANGE COUNTY PUBLIC WORKS  
ACCESS CONNECTION STUDY**

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**ANGELO'S AGGREGATE MATERIALS  
LANDSTREET ROAD AND PARKERS LANDING  
ORANGE COUNTY, FLORIDA**

ORANGE COUNTY PARCELS ID:

02-24-29-8220-00-290, 02-24-29-8220-00-070, & 02-24-29-7268-00-071

*Prepared for:*

**Angelo's Recycled Materials**

41111 Enterprise Road  
Dade City, FL 33525

*Prepared by:*

**LUKE TRANSPORTATION ENGINEERING CONSULTANTS, INC.**

P. O. Box 941556  
Maitland, Florida 32794-1556  
407-423-8055  
www.Ltec-FL.com

**DECEMBER 2019**

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PROFESSIONAL ENGINEERING CERTIFICATE

I hereby certify that I am a registered professional engineer in the State of Florida practicing with Luke Transportation Engineering Consultants, a corporation authorized to operate as an engineering business (#EB-0007429), by the State of Florida Department of Professional Regulation, Board of Professional Engineers, and that I have prepared or approved the evaluation, findings, opinions, conclusions, or technical advice hereby reported for

PROJECT: Angelo's Aggregate Materials – Orange Co Access Study

LOCATION: Landstreet Road and Parkers Landing, Orange County, Florida

CLIENT: Angelo's Recycled Materials

I acknowledge that the procedures and references used to develop the results contained in this report are standard to the professional practice of transportation engineering as applied through professional judgment and experience.

NAME: J. Anthony Luke, P.E.

P.E. NO.: 42642

DATE: December 6, 2019

SIGNATURE: 

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## INTRODUCTION

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### Purpose

This report has been updated to incorporate the October 28, 2019 review comments from Orange County. A copy of the comments and the response are included in **Appendix A**. Where the study had been updated the review comment will be referenced.

This study was conducted in order to assess the access connections for the Angelo's Aggregate Materials ("Project") site to operate on a ±44.71-acre parcel located in the southwest quadrant of Landstreet Road and Parkers Landing/Winegard Road in Orange County, Florida. The three Orange County Parcels ID are 02-24-29-8220-00-290, 02-24-29-8220-00-070, and 02-24-29-7268-00-071. The Angelo's Aggregate Materials Project will consist of a concrete crushing operation and construction and demolition debris materials recycling facility.

**Figure 1** shows the location of the development. Currently the site is vacant.

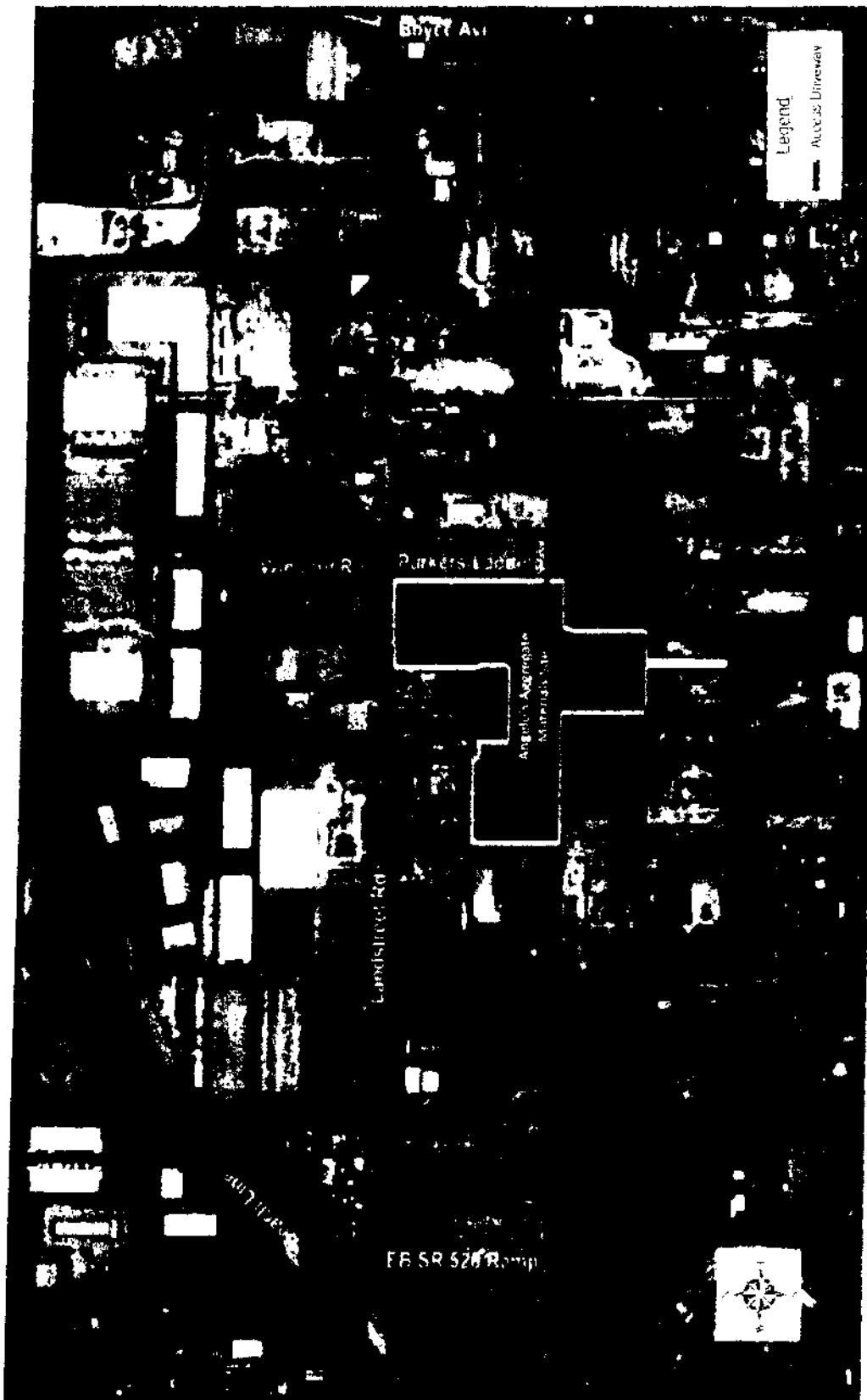
This traffic study was undertaken to provide traffic data and analysis for the existing Landstreet Road and Parkers Landing/Winegard Road intersection (Latitude 28.436065°, Longitude - 81.384139°). The proposed Angelo's Aggregate Materials access connection on Parkers Landing will align with the existing West Landstreet Properties Warehouse Entrance driveway which is approximately 1,180 feet south of Landstreet Road. **Figure 1** shows the Project site, access driveway location and the adjacent roadway network.

Landstreet Road is a five-lane east/west collector roadway with a posted speed limit 45 mph. Parkers Landing is a two-lane north/south local access roadway adjacent to the east side of the proposed development and does not have a posted speed limit.

The site layout of the development showing the proposed Project access connection is shown in **Figure 2**. As noted in the October 28, 2019 Orange County comments, the proposed development will include an eastbound right-turn lane at the Landstreet Road and Parkers Landing/Winegard Road intersection.

This study includes the following components:

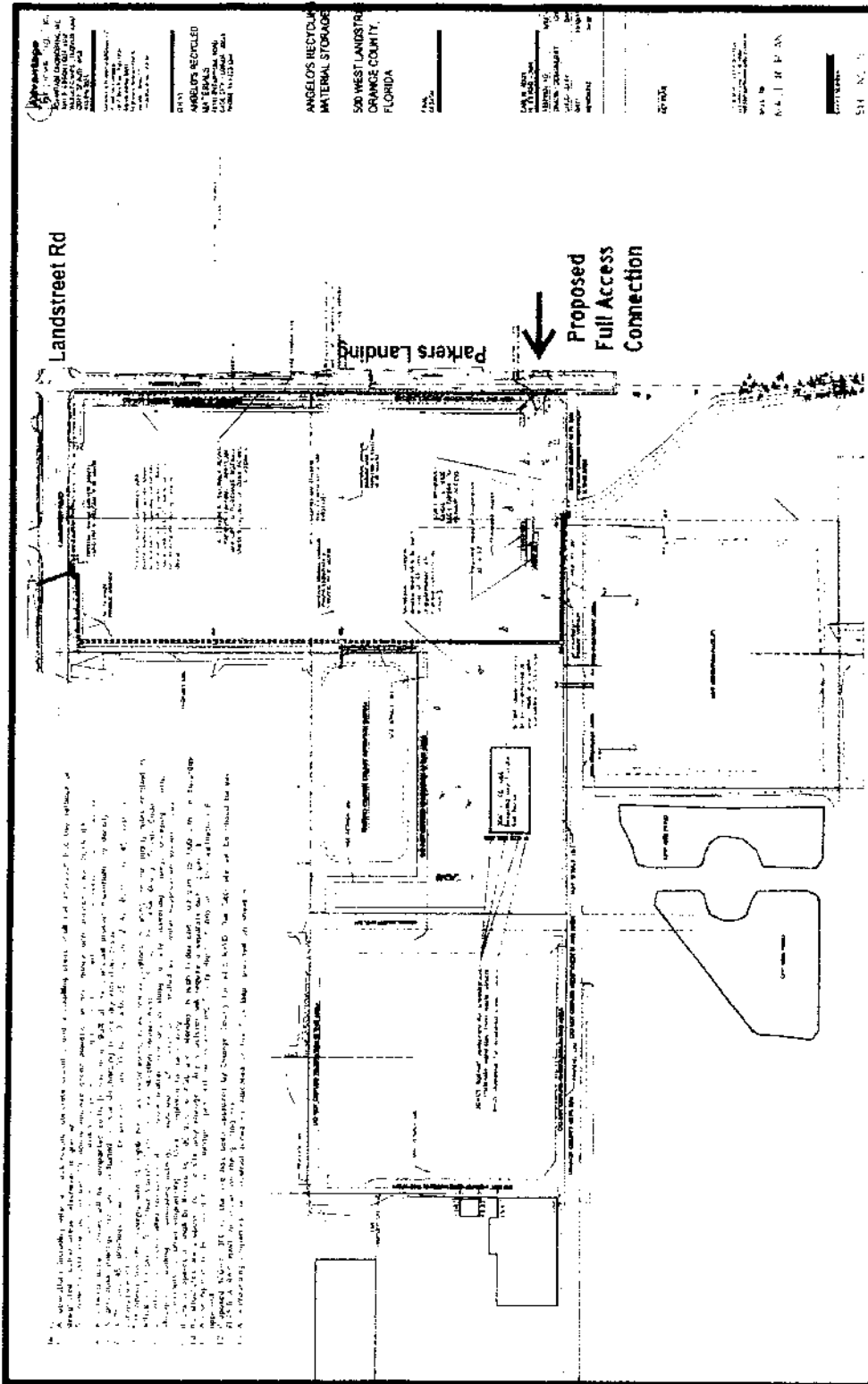
- Data Collection
  - Landstreet Road and Parkers Landing/Winegard Road turning movement count (TMC)
  - Parkers Landing and Warehouse Entrance/Future Project Entrance
- An A.M. and P.M. peak hour analysis
- Access Connection Analysis



ANGELO'S AGGREGATE MATERIALS  
ORANGE COUNTY, FLORIDA

SITE LOCATION

Figure 1



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## EXISTING TRAFFIC CONDITIONS

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The following section documents the existing traffic operation adjacent to the proposed development site. The adjacent roadways surrounding the site, existing traffic, and the relationship of the site to adjacent driveways are discussed below. The purpose of this survey was to obtain information on physical and traffic characteristics of these facilities. Existing traffic volume data at the study intersections are based on turning movement counts collected by LTEC on Wednesday, October 2, 2019 (see **Appendix A** for the turning movement summary worksheets).

### Existing Conditions

Landstreet Road is a five-lane collector roadway with an east-west orientation at the Parkers Landing intersection. The center lane of Landstreet Road is a two-way left turn lane which extends from the Beachline exit ramp on the west to Boyce Avenue on the east. The south leg of the Landstreet Road Parkers Landing/Winegard Road services the existing warehouses. Both north and south legs of the intersection are under STOP control.

In 2018, Landstreet Road carried an average daily traffic volume of 23,277 vehicles at 0.5 miles east of Bachman Road. It has a posted speed limit of 45 miles per hour (mph).

Parkers Landing is a local roadway with an intersection at Landstreet Road and continues south approximately 1,400 feet where it terminates.

### Study Intersections Capacity Analysis




The study intersections were analyzed under existing A.M. and P.M. peak hour conditions using the procedures of the *Highway Capacity Manual, 6<sup>th</sup> Edition*, for unsignalized intersections.

**Figure 3** shows the existing A.M. and P.M. peak hour intersection turning movement traffic volumes at each of the study intersections. **Table 1** is a summary of the results of the intersection analysis. Analysis sheets are included in **Appendix B**. As can be seen, both study intersections operate at satisfactory levels of service.





**TABLE 1**  
**Existing Study Intersections Level of Service**

Approach / Movement	Lanes	Aux Lane Length (feet)	Existing Traffic Control	A.M. Peak Hour			P.M. Peak Hour			
				LnGrp Avg Delay (d) (sec/veh)	LnGrp LOS	95th %ile Queue (Feet)	LnGrp Avg Delay (d) (sec/veh)	LnGrp LOS	95th %ile Queue (Feet)	
<b>Landstreet Road and Parkers Landing/Winegard Road</b>										
EB	Left Thru Right	1 2 <	100	Free Flow	9.1	A	2.5	9.9	A	0.0
WB	Left Thru Right	1 2 <	100	Free Flow	9.9	A	0	9.1	A	0
NB	Left Thru Right	> 1 <			13.9	B	3	14.5	B	5
SB	Left Thru Right	> 1 <			15.0	C	5	16.9	C	13
<b>Parkers Landing and Warehouse Entrance</b>										
WB	Left Right	< >			8.6	A	0	8.4	A	3
NB	Thru Right	1 <		Free Flow						
SB	Left Thru	> 1		Free Flow	7.3	A	3	7.4	A	0

Luke Transportation Engineering Consultants, Inc., 2019

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**TRAFFIC GENERATION/DISTRIBUTION**

The proposed Angelo's Aggregate Materials development site will consist of a concrete crushing operation and construction and demolition debris materials recycling facility. The development area is a 44.71-acre parcel located in southwest quadrant of the Landstreet Road and Parkers Landing intersection in Orange County, Florida. To determine the impact of this development, an analysis of its traffic characteristics was made. This included the determination of the proposed site traffic and the distribution/assignment of this new traffic to the study intersections.

**Trip Generation**

An estimate of the proposed traffic to be generated at the Parkers Landing site was provided by the Applicant. The Applicants original truck operations information is included in **Appendix C** and the response to Orange County's which supports the Project trip generation is included in **Appendix A**. Utilizing the trip generation data provided, the estimated trip generation calculation is summarized in **Table 2**. The proposed land use will generate an estimated 518 vehicle trip ends per day. Of this total, 44 vehicle trip ends occur during the A.M. peak hour with 25 vehicles entering and 19 vehicles exiting the site and 44 vehicle trip ends occur during the P.M. peak hour with 19 vehicles entering and 25 vehicles exiting the site.

**TABLE 2  
Estimated Trip Generation (1)**

Land Use	Trip Generation Variable (2)	Daily	Trip Generation Rates					
			A.M. Peak Hour			P.M. Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
Angelo's Recycled Material Site	20,000 SF	25.90	2.23	1.27	0.96	2.19	0.94	1.25
Land Use	Trip Generation Variable	Daily	Total Trips					
			A.M. Peak Hour			P.M. Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
Angelo's Recycled Material Site	20,000 SF	518	44	25	19	44	19	25
<i>Estimated Number of Daily Trips Generated by the Proposed Angelo's Recycled Material Site Development</i>								
			(212 Unsorted Inbound & 36 Sorted Outbound)			1-Way Trip End		2-Way Trips
Number of Trucks (1 Trip End per Truck) - 248						248 Trip Ends		496 Trips
Employees (2.0 Trip End per Work Vehicle) - 3						6 Trip Ends		12 Trips
Other Trips (Delivery, Mail, FedEx, etc.) (1 Trip End per Vehicle) - 5						5 Trip Ends		10 Trips
<b>Total</b>						<b>259 Trip Ends</b>		<b>518 Trips</b>

(1) Daily Trip Generation Rate based on information provided by the Applicant.

(2) Independent variable based on 100' x 200' recycling area (Square Foot as the Independent Variable).

Luke Transportation Engineering Consultants, Inc., 2019

**Trip Distribution**

The distribution and assignment of the Project traffic volumes was based on the existing turning movement counts.

---

**Access Plan**

The Project is proposed to connect to Parkers Landing and form the west leg of the Parkers Landing and Warehouse Entrance. The proposed access driveway western leg (eastbound) will be STOP controlled.

**Programmed Roadway Improvements**

No programmed roadway improvements are in the vicinity of the proposed development

**PROJECTED TRAFFIC TRANSPORTATION ASSESSMENT**

Projected 2020 peak hour traffic conditions at the proposed study intersections was analyzed in accordance with the procedures of the *Highway Capacity Manual, 6<sup>th</sup> Edition* utilizing projected traffic volumes and existing/planned geometry. The background traffic growth factor for the section of Landstreet Road in the study area has been showing a historically annual growth rate of 6.4%. This annual growth rate was therefore utilized for this study for Landstreet Road and Parkers Landing. See **Appendix D** for the worksheet which shows the historic growth factor calculation to determine the historic growth.

**Study Intersection Projected Analysis**

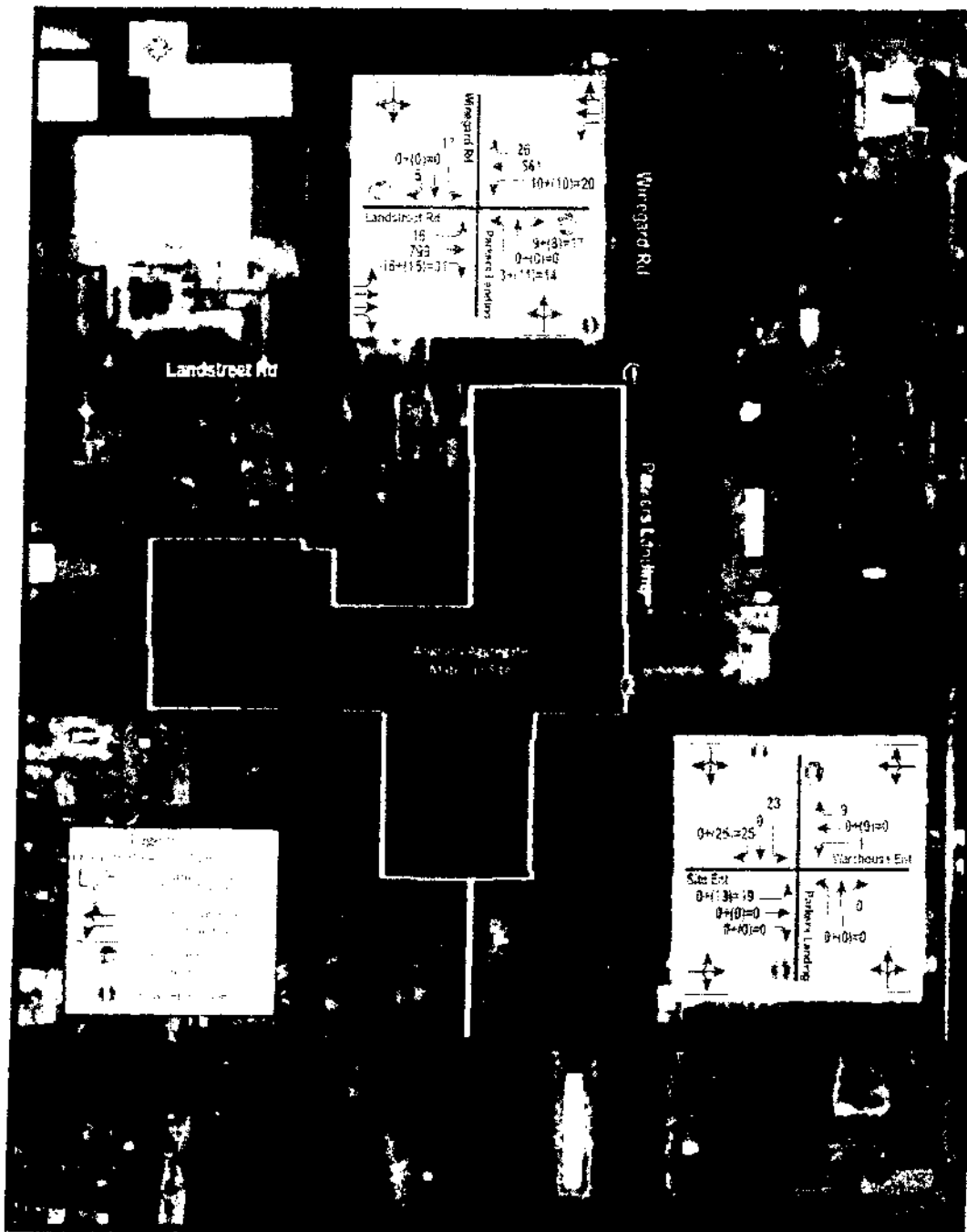
To determine the projected Level of Service provided by the intersections to be impacted by the proposed development, a capacity analysis was conducted utilizing the procedures of the *Highway Capacity Manual, 6<sup>th</sup> Edition*, for unsignalized intersections. This analysis used projected traffic volumes (see **Figure 5** for the A.M. and **Figure 6** for the P.M peak hour traffic volumes) and existing geometric conditions. Printouts of the intersection analyses may be found in **Appendix E**.

The projected intersection delay and levels of service are summarized in **Table 3**. As can be seen, the study intersections, at build-out of the proposed development will continue to operate at acceptable levels of service.

**TABLE 3**  
Projected 2020 Study Intersections Level of Service

Approach / Movement	Lanes	Aux Lane Length (feet)	Existing Traffic Control	A.M. Peak Hour			P.M. Peak Hour			
				LnGrp Avg Delay (d) (sec/veh)	LnGrp LOS	95th %ile Queue (Feet)	LnGrp Avg Delay (d) (sec/veh)	LnGrp LOS	95th %ile Queue (Feet)	
<b>Landstreet Road and Parkers Landing/Winegard Road</b>										
EB	Left	1	Free Flow	9.3	A	3	10.2	B	0	
	Thru	2								100
	Right	1	Free Flow	10.4	B	3	9.4	A	3	
	Left	1								100
WB	Thru	2	Free Flow	17.4	C	10	16.2	C	13	
	Right	<								
NB	Left	>	STOP	16.3	C	5	18.7	C	15	
	Thru	1								
SB	Right	<	STOP	9.4	A	3	9.2	A	3	
	Left	>								
<b>Parkers Landing and Warehouse Entrance/Project Entrance</b>										
EB	Left	>	STOP	8.6	A	0	8.4	A	3	
	Thru	1								
	Right	<	STOP	0.0	A	0	0.0	A	0	
	Left	>								
WB	Thru	1	Free Flow	7.3	A	3	7.4	A	3	
	Right	<								
NB	Left	>	Free Flow	7.3	A	3	7.4	A	3	
	Thru	1								
SB	Right	<	Free Flow	7.3	A	3	7.4	A	3	
	Left	>								

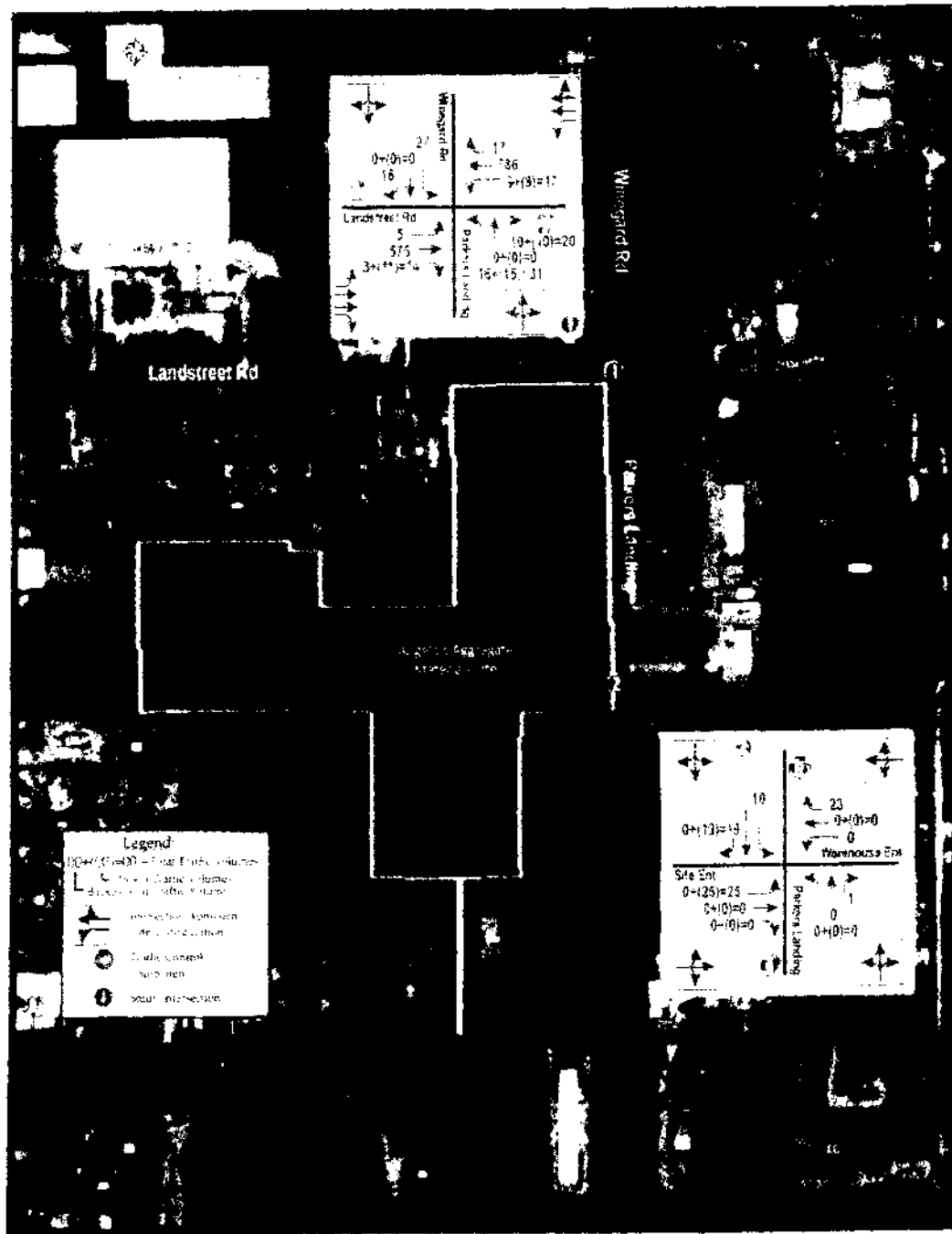
Luke Transportation Engineering Consultants, Inc., 2019



ANGELO'S AGGREGATE MATERIALS  
 ORANGE COUNTY, FLORIDA

Projected 2020 A.M. Peak Hour Traffic Volumes

Figure 4



**ANGELO'S AGGREGATE MATERIALS  
 ORANGE COUNTY, FLORIDA**

*Projected 2020 P.M. Peak Hour Traffic Volumes*

**Figure 5**

### Turn Lane Length Analysis

The existing Landstreet Road and Parkers Landing/Winegard Road intersection currently has a westbound left-turn lane with an approximate bay length of 100 feet. Using the procedures from the *HCM 6th Edition* intersection analysis procedures, in Synchro 10, and the projected volumes at the intersection, a maximum 95<sup>th</sup> Percentile Queue length of 0.1 vehicles (up to 25 feet) is anticipated which will be accommodated within the existing left-turn bay.

The proposed eastbound right-turn lane at the Landstreet Road and Parkers Landing/Winegard Road should be designed following the *FDOT Design Standards Index 301* guidelines for a roadway with a posted speed limit of 45 mph. The eastbound right-turn lane should be designed with a total deceleration length of 240-feet, which includes a 50-foot taper.



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## CONCLUSIONS / RECOMMENDATIONS

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This study was undertaken to evaluate existing and future traffic conditions in the vicinity of the proposed Angelo's Aggregate Materials site located near Landstreet Road and Parkers Landing in Orange County, Florida. The Angelo's Aggregate Materials Project will consist of a concrete crushing operation and construction and demolition debris materials recycling facility. The study consisted of the determination of the new vehicular trips which would utilize the area intersections as the result of the proposed development. The site's new trip ends were directionally distributed and assigned to the existing study intersection and the proposed access connection. The results of the study as documented herein are summarized below:

### Conclusions

- Build-out is projected to be by the end of 2020.
- Access for the proposed development will consist of a full access connection onto Parkers Landing.
- The new trips to be generated by the proposed development were estimated to be 518 new daily trips, 44 A.M. peak hour trips and 44 P.M. peak hour new trips.
- Based upon this analysis, all the existing unsignalized study intersections currently operate at acceptable levels of service.
- Based upon this analysis, the unsignalized study intersection of Landstreet Road and Parkers Landing/Winegard Road is projected to operate at an acceptable level of service.
- The Proposed unsignalized Project access study intersection is projected to operate at an acceptable level of service.
- The existing auxiliary left-turn lane lengths at the Landstreet Road and Parkers Landing/Winegard Road intersection have adequate length for the projected traffic volumes.
- The proposed auxiliary eastbound right-turn lane at the Landstreet Road and Parkers Landing/Winegard Road intersection should be designed with a total deceleration length of 240-feet (which includes the 50-foot taper).
- The proposed access driveway should be designed to Orange County design standards.



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APPENDIX

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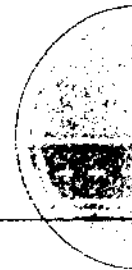
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**Appendix A – Response to County Comments**

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**MEMORANDUM**

**TO:** Lauren Torres  
**FROM:** J. Anthony Luke, PE  
**DATE:** November 15, 2019  
**RE:** Angelo's Aggregate Materials 500 West Landstreet Road Traffic Study  
Response to October 28, 2019 Review Comments (LTEC No 19-3101)

The following is the response to the October 28, 2019 review comments request for additional information. The review comments will be listed followed by our response.

***Orange County Comment: If there are existing plants with similar operations, why were counts not taken to get accurate information, is there back up documentation supporting the email included in the report?***  
***Provide more detail on the trip generation rates and how they were calculated, specifically table 2, this can be part of the appendix.***

**Response:**

As noted in the attached letter, dated November 12, 2019, from Arnold Engineering Consulting, LLC, the Florida Department of Environmental Protection and Orange County EPD permitting process is based on the maximum quantity of waste that can be processed in one day on the tipping floor not on the number of entering and exiting vehicles. The proposed Landstreet Road facility was designed and permitted to manage 900 tons per day.

The calculation of the number of vehicles projected was based on a review of four existing C&D transfer stations (see Appendix 3 of the attached letter) documented in the Arnold Engineering Consulting, LLC document shows that the average number of entering vehicles is 75 vehicles per day and the maximum number of entering vehicles is 99 vehicles per day. The estimated number of entering vehicles, provided by the Applicant, used in the October 2019 analysis was a conservative value of 248 entering vehicles (not including the three entering employees which would bring the total to 251 entering vehicles).

Table 2 from the October 2019 report utilized the design capacity number of entering vehicles as the starting point to developed the total trip generation for the proposed

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site by including employee trips as well as the other non-employee trips a business would be expected to receive during a typical day.

As a comparison, Table 2A was developed based on the maximum number of entering vehicles (99). As can be seen, using the maximum number of entering vehicles verses the design capacity entering vehicles results in an approximately 58% reduction in trips (220 verses 518) from what was utilized in the October 2019 report. Therefore, the submitted October 2019 report represents a conservative analysis.

**TABLE 2A  
Estimated Trip Generation (1)**

Land Use	Trip Generation Variable (2)	Daily	Trip Generation Rates					
			A.M. Peak Hour			P.M. Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
Angelo's Recycled Material Site	20,000 SF	11.00	0.95	0.54	0.41	0.93	0.40	0.53

Land Use	Trip Generation Variable	Daily	Total Trips					
			A.M. Peak Hour			P.M. Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
Angelo's Recycled Material Site	20,000 SF	220	19	11	8	19	8	11

Estimated Number of Daily Trips Generated by the Proposed Angelo's Recycled Material Site Development		
	1-Way Trip Ends	2-Way Trips
Number of Trucks (1 Trip End per Truck) - 99	99 Trip Ends	198 Trips
Employees (2.0 Trip End per Work Vehicle) - 3	6 Trip Ends	12 Trips
Other Trips (Delivery, Mail, FedEx, etc.) (1 Trip End per Vehicle) - 5	5 Trip Ends	10 Trips
<b>Total</b>	<b>110 Trip Ends</b>	<b>220 Trips</b>

(1) Daily Trip Generation Rate based on information provided by the Applicant.  
 (2) Independent variable based on 100' x 200' recycling area (Square Foot as the Independent Variable).  
 Luke Transportation Engineering Consultants, Inc., 2019

**Orange County Comment: Full build out is discussed in the report as 2018, I see no information that this has happened yet, can you provide the status of the project, projections should be of opening year.**

Response:

The 2018 reference in the first bullet point under Conclusions is a typographic effort. The projected build-out date that was used in the analysis is 2020, which was referenced in the Projected Traffic Transportation Assessment section and shown on all the future analysis tables and figures.

**Orange County Comment: Based on the speed limit, increase in right turns and types of vehicles that will be accessing the site, an eastbound right turn deceleration lane will be required at the intersection of Landstreet Rd and Parkers Landing.**

Response:

As noted in the response to the first comment regarding the trip generation calculation for the proposed development, the number of trips to be generated by this proposed development represents a conservative volume of trips based on the design capacity



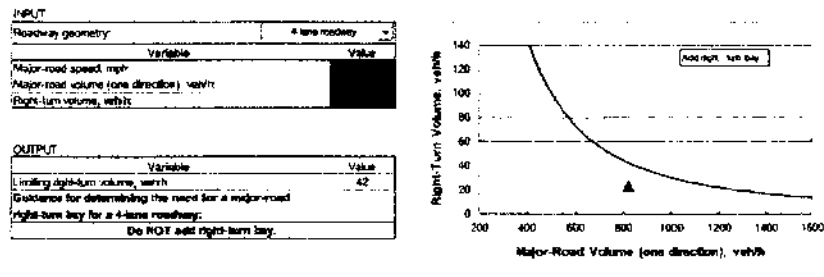
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of the site and is approximately 58% higher than the maximum daily average expected at the proposed development site.

Utilizing the A.M. peak hour trips documented in Table 2A above and the Project trip distribution from the October 2018 report, the number of eastbound right-turns would be 7 ( $11 \times 0.615 = 6.77$ , use 7). As documented in the October 2019 report, the National Cooperative Highway Research Program (NCHRP) Report 457 procedures and the projected number of Project right turns (7) were used to evaluate the need for an auxiliary eastbound turn lane. The results of this analysis, similar to the October 2019 report, indicate that based on the projected right-turn traffic volumes (see below), a separate auxiliary right-turn lane at the Landstreet Road and Parkers Landing intersection is not warranted. As noted in the Output table below, the limiting right turn volume for an auxiliary right turn lane would be 42, 19 vehicles more than the estimated projected volume.

Therefore, in lieu of an auxiliary eastbound right turn-lane, a larger intersection entry radius (40 feet – 60 feet) would be a viable alternative.

Figure 2 - 6. Guideline for determining the need for a major-road right-turn bay at a two-way stop-controlled intersection.



This concludes the response to the Orange County October 28, 2019 review comments.

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Attachment – Arnold Engineering Consulting November 12, 2019 letter

re: 9101 Angelo's Aggregate Materials (November 15, 2019)

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mailing address: po box 94155e - maitland fl - da 32734 - 1555 - 29 east pine street - Orlando Florida 32801 - florida - 32741 - 3655 (Tel: 407-871-6071)

1530 McDuff Avenue South  
Jacksonville, FL 32205  
Ph. (813) 477-1719  
Arnoldjohnp@gmail.com

Arnold Engineering Consulting, LLC

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November 12, 2019

Mr. Joseph Roviario, P.E.  
Luke Transportation Engineering Consultants  
P.O. Box 941556  
Maitland, FL 32794

RE: Angelo's Aggregate Materials  
Proposed Landstreet C&D Transfer Station  
Vehicle Projection Analysis

Dear Mr. Roviario,

Please find the additional information I have compiled, based on our discussions related to Orange County's review comments related to your Access Connection Study. The enclosed vehicle projections for the proposed Landstreet Construction and Demolition Debris (C&D) transfer station are now modeled using actual vehicle counts at four (4) other similar C&D transfer stations, owned and operated by Angelo's Aggregate Materials.

**Methodology**

The daily vehicle traffic projections for the proposed Landstreet C&D transfer station is based on calendar year 2018 scale house records from Angelo's C&D transfer stations located in Lutz, Largo, Brandon, and Lakeland. The proposed Landstreet C&D facility will function identically to these other existing facilities. All of these facilities have been in operation between 3 and 18 years and represent what can be considered mature market conditions and associated incoming vehicle traffic. A figure showing the location of these transfer stations, along with a summary of facility details, is provided in Attachment 1. Also included in Attachment I are pictures of typical vehicles that use these facilities. Vehicles that dump C&D materials for processing are typically smaller trucks and trailers. Outgoing C&D waste is consolidated into semi-tractor trucks.

At each existing facility location, the population within a 10-mile radius (C&D catchment area) was determined using data provided by the U.S. Census (<https://www.freemaptools.com/find-population.htm>). Scale-house records for calendar year 2018 were used to determine the number of incoming customer waste vehicles and semi-trucks at each location. The number of C&D transfer station employee vehicle counts were also included to determine the total number of incoming (which is the same as outgoing) vehicles at each facility.

The ratio of "incoming vehicles per C&D catchment area population" was then computed by dividing the population by the total vehicle count. This ratio can then be applied to the

Mr. Roviato  
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10-mile radius population around the Landstreet site to estimate the incoming (and outgoing) vehicles.

For this projection, the average and maximum ratios from the existing facilities were used to estimate incoming vehicles at the proposed Landstreet facility. Since all of the existing facilities have been in operation from 3 to 18 years, the vehicle projections for the Landstreet facility will also reflect what would be expected when operations reach maturity and stabilize.

The environmental permitting by the Florida Department of Environmental Protection and Orange County EPD for the Landstreet facility does not directly consider incoming or outgoing vehicle counts. Rather, the transfer station is designed and permitted based on a maximum quantity of waste that can be processed in one day on the tipping floor. This quantity typically far exceeds the actual capacity managed. This allows the C&D transfer station to handle unexpected peaks in waste stream quantities that can be associated with emergencies like hurricanes. The proposed Landstreet facility was designed and permitted to manage 900 tons/day.

#### Results

A spreadsheet is provided in Attachment 3 that lists all of the data and computations used to estimate the proposed Landstreet C&D transfer station vehicle traffic.

The average and maximum number of vehicles entering the proposed Landstreet C&D transfer station (including customers, semi-trucks, and employees) is expected to be 74 and 99 vehicles per day, respectively. The ratio of trucks to total traffic at the existing facilities is approximately 10%, or approximately 10 semi-trucks per day.

Given the small difference between the average and maximum vehicle projections, it is conservative to use the maximum projection (approximately 10 semi-trucks and 90 customer/employee vehicles) for the traffic access study. It is reasonable to assume that reaching these traffic counts would take 3 to 5 years from the date of opening. Long term (after 3 to 5 years from the start of operations), the vehicle traffic counts at the proposed Landstreet facility are expected to increase at a rate that is proportional to growth with the market area, which we estimate to be approximately 3%.

The design capacity of the proposed Landstreet C&D transfer station tipping (processing) area is 900 tons per day, which can handle up to 251 total vehicles per day. This includes approximately 25 semi-trucks per day. This exceeds the expected total vehicle count of 100 vehicles by a factor of 2.5. This demonstrates that the C&D transfer tipping area has the reserve capacity to handle peaks flows that are associated with storm debris-generating events. This design vehicle capacity is not indicative of number of vehicles that are reasonably expected to access the site on a daily basis. Assuming an annual increase in vehicle traffic of 3%, which is not likely given the typical material catchment area, it would

Mr. Roviaro  
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John Arnold, P.E.

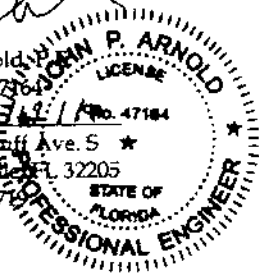
take over 30 years to reach the design capacity of the tipping floor.

I hope that this additional information is sufficient for your use to address the comments from Orange County. Please let me know if you have any questions, or if you need any additional information.

Sincerely,



John Arnold  
P.E. No. 47184  
Date: 11/12/19  
1530 McDuff Ave. S  
Jacksonville, FL 32205  
813-477-1766

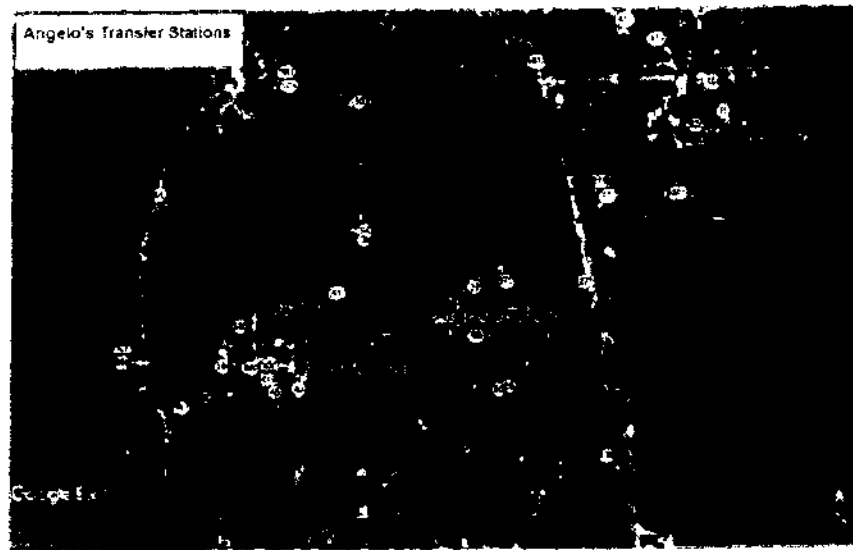


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John Arnold, P.E.

**Attachment 1**  
**Angelo's Aggregate Materials Construction and Demolition Debris (C&D) Transfer Stations**



1. Lutz C&D Transfer Station Details
  - a. Location: 1201 E 148<sup>th</sup> Ave, Lutz, FL 33549
  - b. Years in Operation: 6
  - c. Incoming vehicles 2018: 29,716
  - d. Full time C&D employees: 3
  
2. Largo C&D Transfer Station Details
  - a. Location: 1201 E 148<sup>th</sup> Ave, Lutz, FL 33549
  - b. Years in Operation: 18
  - c. Incoming vehicles 2018: 38,779
  - d. Full time C&D employees: 3
  
3. Brandon C&D Transfer Station Details
  - a. Location: 10221 Fisher Ave, Brandon FL 33619
  - b. Years in Operation: 4
  - c. Incoming vehicles 2018: 14,304
  - d. Full time C&D employees: 3

Mr. Roviato  
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Lakeland C&D Transfer Station Details

- c. Location: 1880 Fairbanks Street, Lakeland FL 33805
- f. Years in Operation: 3
- g. Incoming vehicles 2018: 6,552
- h. Full time C&D employees: 3

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John Arnold, P.E.

Pictures of Typical Incoming Waste Vehicle





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**Attachment 2**  
**10-Mile Radius Population Estimates**

**Angelo's Aggregate Materials - Lutz, Largo, Brandon, Landstreet, and Lakeland C&D  
Facilities**



# FreeMapTools



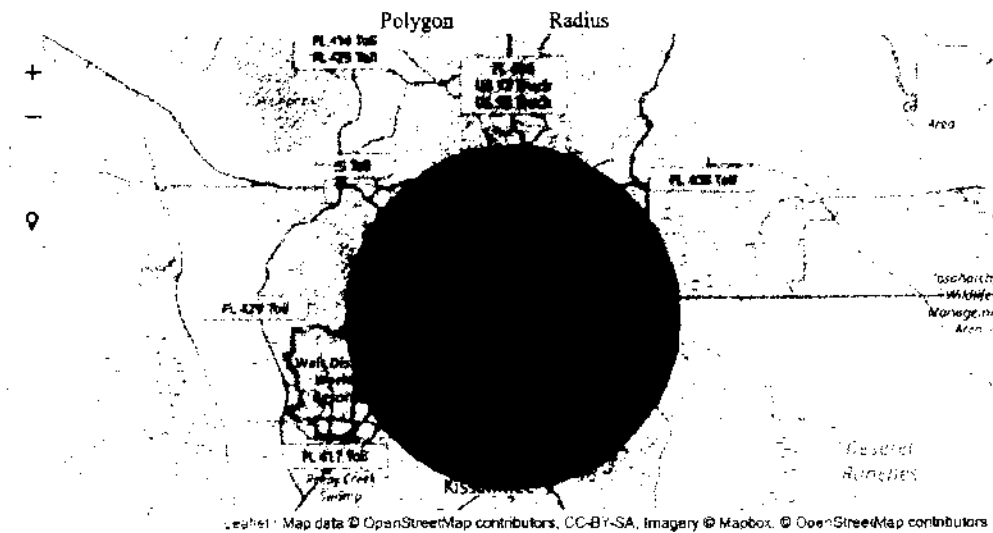
Maps you can make use of...



## Find Population on Map

Map of the world where you define an area then find out the estimated population inside that area. You can use this tool to find the population inside a radius of any location in the world or define a custom area and find the population in the area.

### Population Inside a Area Search Map



### Input

<https://www.freemaptools.com/find-population.htm>

1/6

11/8/2019

Find Population on Map

Add Radius manually : Radius 16 093440 km OR 10 00 miles Location :  
Search...

## Output

The estimated population in the defined area is 573,760

## Options

Find Population

Zoom To Fit

Reset Map

Full Screen

## Instructions

1. Search, zoom and pan the map to find the desired location
2. Toggle the Polygon or Radius above the map to start drawing a polygon or a radius circle
3. Click on the map to define the outside edge of the polygon. You can move the edges after it has been drawn. You can delete an edge by right clicking
4. Once the area is defined, click the [Find Population] button to find the population inside
5. After a delay, the estimated population is returned and displayed below the map

Other notes:

- Click the [Full Screen] icon on the map to view the map in full screen
- Click the [Zoom To Fit] button to zoom your map in/out on the area drawn
- Click the [Reset Map] button to start again

## Example Population Estimate

<https://www.freemaptools.com/find-population.htm>

2/6

11/8/2019

Find Population on Map

User Menu



# FreeMapTools



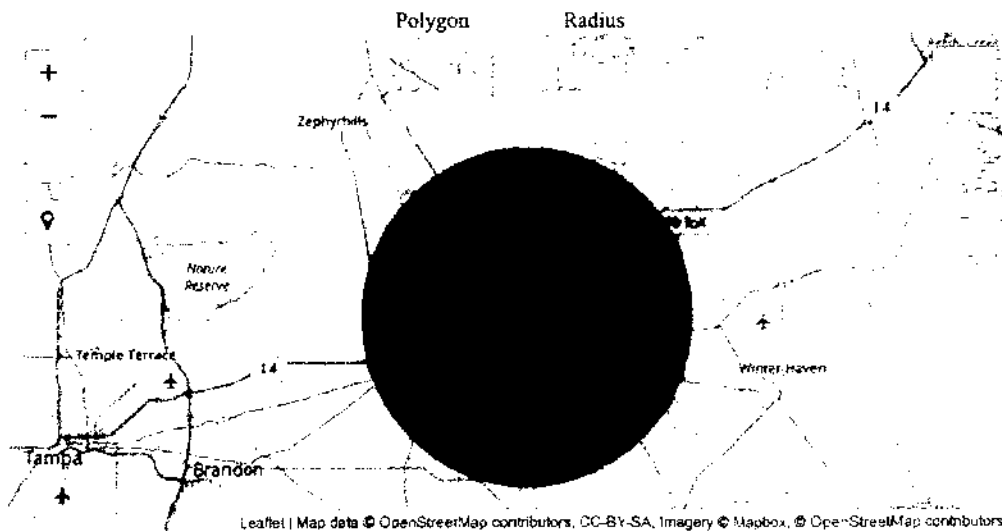
Maps you can make use of...



## Find Population on Map

Map of the world where you define an area then find out the estimated population inside that area. You can use this tool to find the population inside a radius of any location in the world or define a custom area and find the population in the area.

## Population Inside a Area Search Map



## Input

<https://www.freemaptools.com/find-population.htm>

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11/6/2019

Find Population on Map

Add Radius manually : Radius 16.093440 km OR 10.00 miles Location :  
Search...

## Output

The estimated population in the defined area is 246,522

## Options

Find Population

Zoom To Fit

Reset Map

Full Screen

## Instructions

1. Search, zoom and pan the map to find the desired location
2. Toggle the Polygon or Radius above the map to start drawing a polygon or a radius circle
3. Click on the map to define the outside edge of the polygon. You can move the edges after it has been drawn. You can delete an edge by right clicking
4. Once the area is defined, click the [Find Population] button to find the population inside
5. After a delay, the estimated population is returned and displayed below the map

Other notes:

- Click the [Full Screen] icon on the map to view the map in full screen
- Click the [Zoom To Fit] button to zoom your map in/out on the area drawn
- Click the [Reset Map] button to start again

## Example Population Estimate

<https://www.freemaptools.com/find-population.htm>

26

11/8/2019

Find Population on Map

User Menu



# FreeMapTools



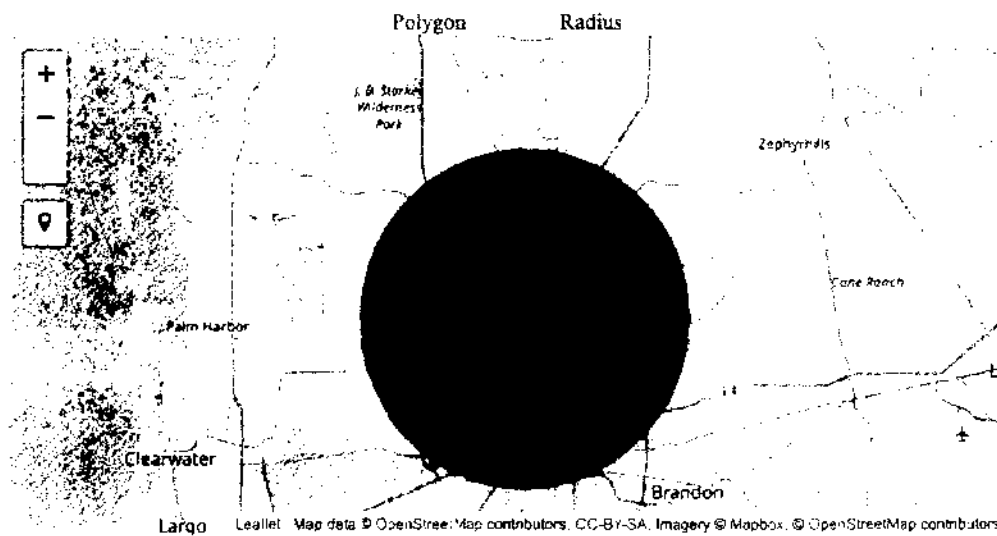
Maps you can make use of...



## Find Population on Map

Map of the world where you define an area then find out the estimated population inside that area. You can use this tool to find the population inside a radius of any location in the world or define a custom area and find the population in the area.

## Population Inside a Area Search Map



## Input

<https://www.freemaptools.com/find-population.htm>

1/6

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Find Population on Map

Add Radius manually : Radius 16.093440 km OR 10.00 miles Location :  
Search...

## Output

The estimated population in the defined area is 550,389

## Options

Find Population

Zoom To Fit

Reset Map

Full Screen

## Instructions

1. Search, zoom and pan the map to find the desired location
2. Toggle the Polygon or Radius above the map to start drawing a polygon or a radius circle
3. Click on the map to define the outside edge of the polygon. You can move the edges after it has been drawn. You can delete an edge by right clicking
4. Once the area is defined, click the [Find Population] button to find the population inside
5. After a delay, the estimated population is returned and displayed below the map

### Other notes:

- Click the [Full Screen] icon on the map to view the map in full screen
- Click the [Zoom To Fit] button to zoom your map in/out on the area drawn
- Click the [Reset Map] button to start again

## Example Population Estimate

<https://www.freemaptools.com/find-population.htm>

2/6



11/8/2019

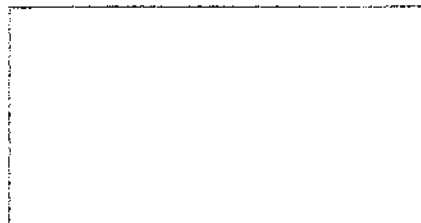
Find Population on Map

User Menu

# FreeMapTools



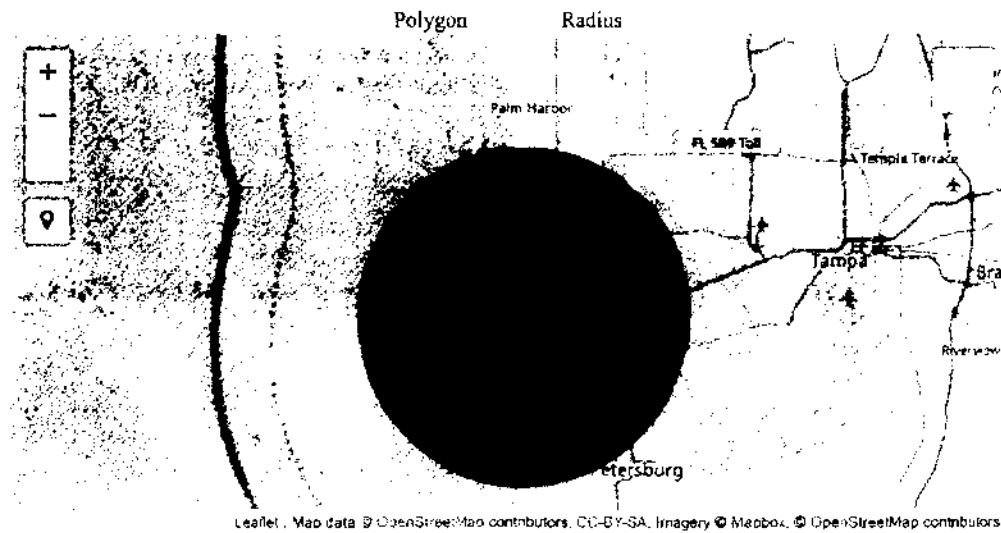
Maps you can make use of...



## Find Population on Map

Map of the world where you define an area then find out the estimated population inside that area. You can use this tool to find the population inside a radius of any location in the world or define a custom area and find the population in the area.

## Population Inside a Area Search Map



## Input

<https://www.freemaptools.com/find-population.htm>

1/6

11/8/2019

Find Population on Map

Add Radius manually : Radius 16 093440 km OR 10.00 miles Location :  
Search...

## Output

The estimated population in the defined area is 716,118

## Options

Find Population

Zoom To Fit

Reset Map

Full Screen

## Instructions

1. Search, zoom and pan the map to find the desired location
2. Toggle the Polygon or Radius above the map to start drawing a polygon or a radius circle
3. Click on the map to define the outside edge of the polygon. You can move the edges after it has been drawn. You can delete an edge by right clicking
4. Once the area is defined, click the [Find Population] button to find the population inside
5. After a delay, the estimated population is returned and displayed below the map

Other notes:

- Click the [Full Screen] icon on the map to view the map in full screen
- Click the [Zoom To Fit] button to zoom your map in/out on the area drawn
- Click the [Reset Map] button to start again

## Example Population Estimate

# FreeMapTools



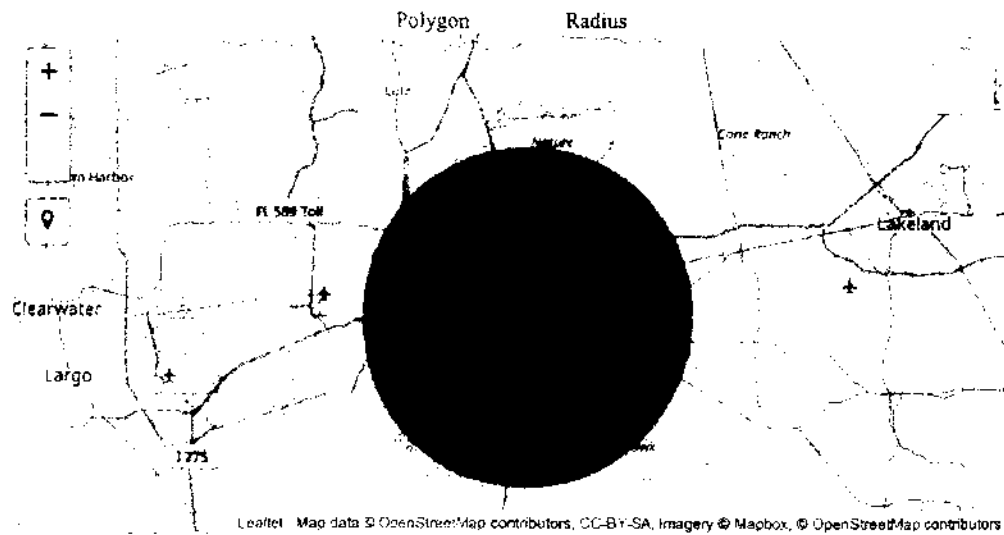
Maps you can make use of...



## Find Population on Map

Map of the world where you define an area then find out the estimated population inside that area. You can use this tool to find the population inside a radius of any location in the world or define a custom area and find the population in the area.

## Population Inside a Area Search Map



## Input

<https://www.freemaptools.com/find-population.htm>

1/6

11/8/2019

Find Population on Map

Add Radius manually : Radius 16.093440 km OR 10.00 miles Location :  
Search...

## Output

The estimated population in the defined area is 556,999

## Options

Find Population

Zoom To Fit

Reset Map

Full Screen

## Instructions

1. Search, zoom and pan the map to find the desired location
2. Toggle the Polygon or Radius above the map to start drawing a polygon or a radius circle
3. Click on the map to define the outside edge of the polygon. You can move the edges after it has been drawn. You can delete an edge by right clicking
4. Once the area is defined, click the [Find Population] button to find the population inside
5. After a delay, the estimated population is returned and displayed below the map

Other notes:

- Click the [Full Screen] icon on the map to view the map in full screen
- Click the [Zoom To Fit] button to zoom your map in/out on the area drawn
- Click the [Reset Map] button to start again

## Example Population Estimate

<https://www.freemaptools.com/find-population.htm>

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Mr. Roviato  
November 12, 2019  
9 | Page

John Arnold, P.E.

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**Attachment 3**  
**Angelo's Aggregate Materials - Calculations and Estimates**

**Angelo's Aggregate Materials  
Proposed Landstreet C&D Transfer Station  
Vehicle Projection Analysis**

**Existing C&D Transfer Stations**

C&D Transfer Station	Year Operations Commenced	10-Mile Radius Population	CY 2018* Incoming Customer Vehicles	CY 2018 Incoming Employee Vehicles	CY 2018* Incoming Semi Trucks	CY 2018 Total Incoming Vehicles	Ratio Total Incoming Vehicles to Population
Lutz	2013	550,389	25,759	912	3,045	29,716	0.0540
Brandon	2016	556,999	11,735	912	1,657	14,304	0.0257
Largo	2001	716,118	33,937	912	3,930	38,779	0.0542
Lakeland	2017	246,522	4,878	912	762	6,552	0.0266

\* From Scale-House Records

Average = 0.0401  
Maximum = 0.0542

**Proposed Landstreet Facility**

10-Mile Radius Population = 573,760  
 Ratio Total Inc. Veh. To Pop. (AVG) = 0.0401  
 Projected Total Incoming Vehicle Count (AVG) = 23,008 vehicle/yr  
 Annual Work Days = 313 day/yr  
 Projected Total Incoming Vehicle Count (AVG) = 74 vehicle/day

Ratio Inc. Veh To Pop. (MAX) = 0.0542  
 Projected Incoming Vehicle Count (MAX) = 31,070 vehicle/yr  
 Annual Work Days = 313 day/yr  
 Projected Incoming Vehicle Count (MAX) = 99 vehicle/day ← USE MAX  
 Ratio of trucks/total vehicle = 10%

**FDEP Design C&D Transfer Station Capacity**

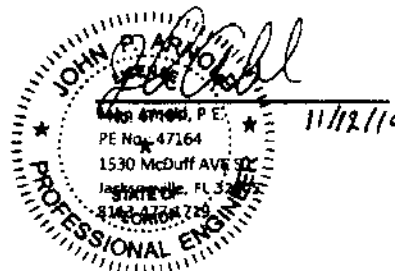
Design Capacity of C&D Transfer Station = 900 tons/day  
 Avg. Capacity of Incoming Customer Vehicle (net) = 4.25 ton/incoming vehicle  
 Day Incoming Customer Vehicle = 212 vehicle/day  
 Day Incoming Employee Vehicle = 3 vehicle/day  
 Avg. Capacity of Semi Truck (net) = 25 ton/semi  
 Day Incoming Semi-Truck = 36 semi/day  
 C&D Transfer Station Vehicle Design Capacity = 251 vehicles/day

**Factor of Safety Related to Vehicle Counts**

Factor of Safety for Vehicle Capacity at C&D Transfer Station = [Design Vehicle Count]/[Projected Vehicle County]

Factor of Safety for Vehicle Capacity at C&D Transfer Station = [251] / [99]

Factor of Safety for Vehicle Capacity at C&D Transfer Station = 2.5 against exceeding design capacity


  
 JOHN ARNOLD, P.E.  
 PE No. 47164  
 1530 McDuff Ave SE  
 Jackson, FL 32024  
 904-477-7225  
 PROFESSIONAL ENGINEER

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**Appendix B –Traffic Counts**

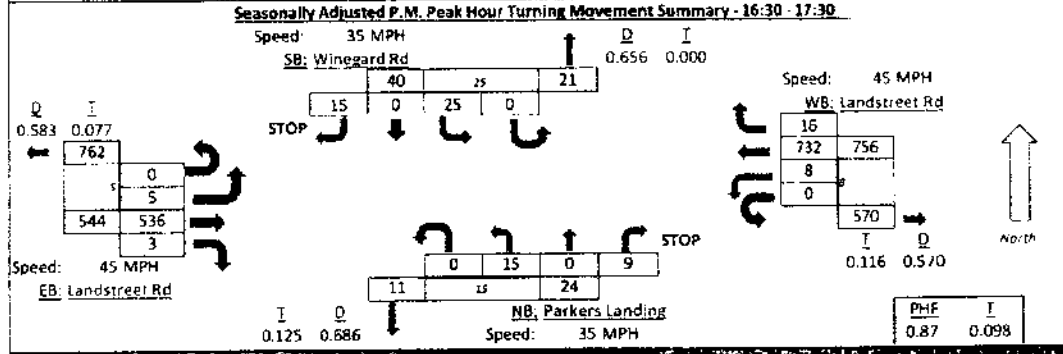
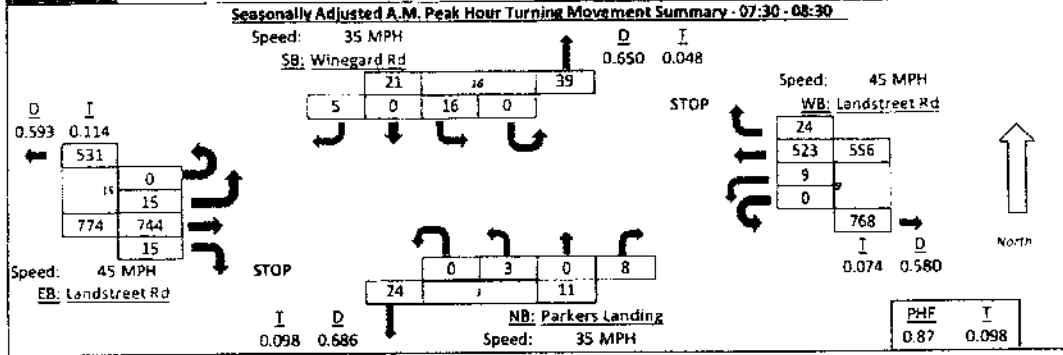
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Summary of Vehicle Movements  
Luke Transportation Engineering Consultants

Angelo's Aggregate Materials		LTEC LTEC	
Parkers Landing Landstreet Rd Wednesday, October 2, 2019 Orlando Orange 1.00		Clear Ok No East/West 0.87	

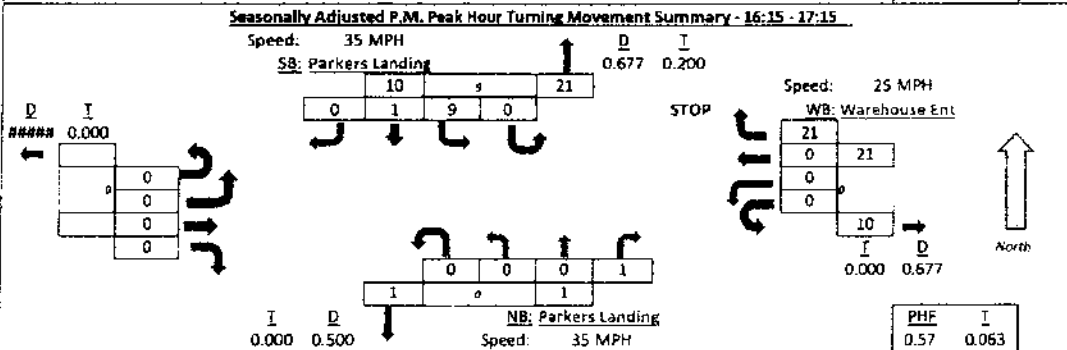
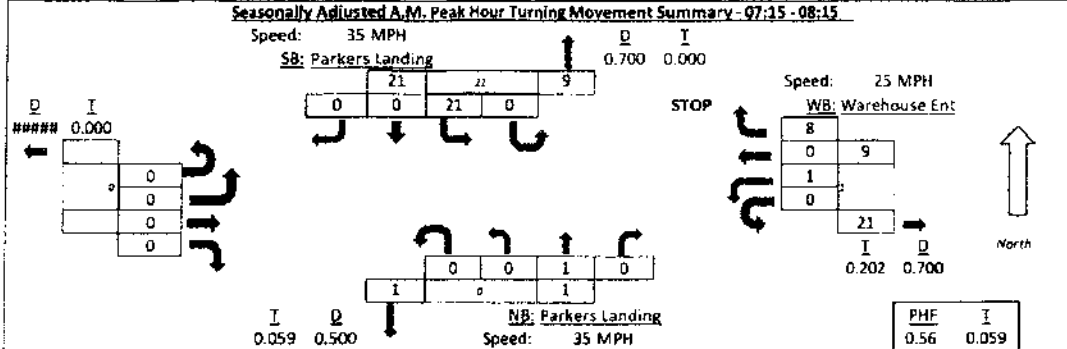


# Lanes	>	1	<	>	1	<	1	2	<	1	2	<				
Length							100			100						
7:00 7:15	0	2	0	1	0	1	0	6	0	7	167	2	0	2	150	5
7:15 7:30	0	5	0	2	0	1	0	2	0	3	125	1	0	3	120	1
7:30 7:45	0	2	0	3	0	4	0	4	0	0	188	5	0	0	150	6
7:45 8:00	0	1	0	2	0	4	0	1	0	6	164	3	0	2	112	6
Hourly Sum	0	10	0	8	0	10	0	13	0	16	644	11	0	7	532	18
8:00 8:15	0	0	0	1	0	5	0	0	0	7	220	5	0	5	141	7
8:15 8:30	0	0	0	2	0	3	0	0	0	2	173	2	0	2	119	6
8:30 8:45	0	2	0	2	0	0	0	0	0	1	188	0	0	3	131	3
8:45 9:00	0	0	0	0	0	4	0	2	0	2	169	1	0	1	117	2
Hourly Sum	0	2	0	5	0	12	0	2	0	12	750	8	0	11	508	18
16:00 16:15	0	2	0	2	0	5	0	7	0	6	154	2	0	1	164	1
16:15 16:30	0	1	0	3	0	1	0	3	0	2	123	5	0	2	123	1
16:30 16:45	0	5	0	0	0	6	0	0	0	4	154	2	0	3	185	4
16:45 17:00	0	3	0	2	0	6	0	6	0	1	115	1	0	2	161	4
Hourly Sum	0	11	0	7	0	18	0	16	0	13	546	10	0	8	633	10
17:00 17:15	0	5	0	5	0	7	0	7	0	0	145	0	0	1	216	5
17:15 17:30	0	2	0	2	0	6	0	2	0	0	122	0	0	2	170	3
17:30 17:45	0	0	0	3	0	3	0	1	0	0	134	2	0	2	185	0
17:45 18:00	0	1	0	1	0	2	0	2	0	2	120	0	0	0	166	4
Hourly Sum	0	8	0	11	0	18	0	12	0	2	521	7	0	5	737	12
<b>A.M. Peak Hour Summary - Seasonally Adjusted with FDOT Factor</b>																
7:30 8:30	0	3	0	8	0	16	0	5	0	15	744	15	0	9	523	24
% Turns		27.3%		72.7%		76.2%		23.8%		1.9%	96.1%	1.9%		1.6%	94.1%	4.3%
<b>P.M. Peak Hour Summary - Seasonally Adjusted with FDOT Factor</b>																
16:30 17:30	0	15	0	9	0	25	0	15	0	5	536	3	0	8	732	16
% Turns		62.5%		37.5%		62.5%		37.5%		0.9%	98.5%	0.6%		1.1%	96.8%	2.1%

Luke Transportation Engineering Consultants, 2019

Summary of Vehicle Movements  
 Luke Transportation Engineering Consultants

Angelo's Aggregate Materials		LTEC LTEC	tec
Parkers Landing		LTEC	
Warehouse Ent		Clear	
Wednesday, October 2, 2019		Ok	
Orlando		No	28 432699'
Orange		North/South	81.384105'
1.00		0.57	2



# Lanes		1	<	>	1										
Length															
7:00 7:15	0	0	0	0	4	0	0	0	0	0	0	0	0	0	2
7:15 7:30	0	0	0	0	3	0	0	0	0	0	0	0	0	0	3
7:30 7:45	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0
7:45 8:00	0	0	0	0	5	0	0	0	0	0	0	0	0	0	5
Hourly Sum	0	0	0	0	14	0	0	0	0	0	0	0	0	0	10
8:00 8:15	0	0	1	0	11	0	0	0	0	0	0	0	1	0	1
8:15 8:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:30 8:45	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
8:45 9:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hourly Sum	0	0	1	0	11	1	0	0	0	0	0	0	1	0	1
16:00 16:15	0	0	0	0	2	0	0	0	0	0	0	0	0	0	4
16:15 16:30	0	0	0	0	3	0	0	0	0	0	0	0	0	0	3
16:30 16:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
16:45 17:00	0	0	0	0	5	0	0	0	0	0	0	0	0	0	5
Hourly Sum	0	0	0	0	10	0	0	0	0	0	0	0	0	0	14
17:00 17:15	0	0	0	1	1	1	0	0	0	0	0	0	0	0	11
17:15 17:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
17:30 17:45	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
17:45 18:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hourly Sum	0	0	1	1	1	1	0	0	0	0	0	0	0	0	11
<b>P.M. Peak Hour Summary - Seasonally Adjusted with FDOT Factor</b>															
7:15 8:15	0	0	1	0	21	0	0	0	0	0	0	0	1	0	8
% Turns			100.0%		100.0%								11.1%		88.9%
<b>P.M. Peak Hour Summary - Seasonally Adjusted with FDOT Factor</b>															
16:15 17:15	0	0	0	1	9	1	0	0	0	0	0	0	0	0	21
% Turns			100.0%		90.0%	10.0%									100.0%

Luke Transportation Engineering Consultants, 2019

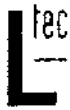
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**Appendix C – Existing Intersection Analysis Summary Worksheets**



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HCM 6th TWSC  
1: Parkers Landing/Winegard Rd & Landstreet Rd

Existing AM  
10/11/2019

Ini Delay, s/veh	0.5											
Lane Configurations	T 4T			T 4T			T 4T			T 4T		
Traffic Vol, veh/h	15	744	15	9	523	24	3	0	8	16	0	3
Future Vol, veh/h	15	744	15	9	523	24	3	0	8	16	0	3
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	None			None			None			None		
Storage Length	0	-	-	0	-	-	-	-	-	-	-	-
Vehicle in Median Storage, #	0	-	-	0	-	-	2	-	-	2	-	-
Grade, %	0	-	-	0	-	-	0	-	-	0	-	-
Peak Direction	87	67	87	87	87	87	87	87	87	87	87	87
Heavy Vehicles %	11	11	11	7	7	7	0	10	10	5	5	5
Min Flow	17	855	17	10	601	28	3	0	9	18	0	6

Conflicting Flow All	629	0	0	872	0	0	1219	1547	436	1097	1541	315
Stage 1	-	-	-	-	-	-	321	649	-	462	908	-
Stage 2	-	-	-	-	-	-	-	-	-	-	-	-
Critical Hdwy Stg 1	4.32	-	-	4.24	-	-	7.7	6.7	7.1	7.0	6.8	7.1
Critical Hdwy Stg 2	-	-	-	-	-	-	6.7	5.7	-	6.9	6.8	-
Follow-up Hdwy	2.31	-	-	2.27	-	-	3.6	4.1	3.4	3.55	4.05	3.55
Platoon Maneuver	890	-	-	738	-	-	128	102	547	184	197	672
Stage 1	-	-	-	-	-	-	285	338	-	426	463	-
Stage 2	-	-	-	-	-	-	643	445	-	541	346	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	890	-	-	738	-	-	124	102	547	157	197	672
Mov Cap-2 Maneuver	-	-	-	-	-	-	255	265	-	338	271	-
Stage 1	-	-	-	-	-	-	280	332	-	419	457	-
Stage 2	-	-	-	-	-	-	629	439	-	522	339	-

HCM Control Delay, s	0.2	-	-	0.2	-	-	13.9	-	-	15	-	-
HCM LOS	-	-	-	-	-	-	B	-	-	C	-	-

Capacity (veh/h)	447	890	-	-	738	-	-	-	-	383	-	-
HCM Lane W/C Ratio	0.03	0.019	-	-	0.014	-	-	-	-	0.063	-	-
HCM Control Delay (s)	13.9	9.1	-	-	9.9	-	-	-	-	15	-	-
HCM Lane LOS	B	A	-	-	A	-	-	-	-	C	-	-
HCM 95th %ile Q(veh)	0.1	0.1	-	-	0	-	-	-	-	0.2	-	-



HCM 6th TWSC  
2: Parkers Landing & Warehouse Ent

Existing AM  
10/11/2019

Int Delay, s/veh 7.4

Lane Configurations	Y	P	T	A	W	U
Traffic Vol, veh/h	1	8	1	0	21	0
Future Vol, veh/h	1	8	1	0	21	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channel	None	None	None	None	None	None
Storage Length	0	-	-	-	-	-
Veh to Veh In Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	56	58	58	58	58	58
Heavy Vehicles %	20	20	6	6	6	6
Minor Flow	2	14	2	0	38	0

Conflicting Flow All	78	2	0	0	2	0
Stage 2	78	-	-	-	-	-
Critical Hdwy	6.8	8.4	-	-	4.16	-
Critical Hdwy Stg 1	5.6	-	-	-	-	-
Critical Hdwy Stg 2	5.6	-	-	-	-	-
Follow-up Hdwy	3.68	3.48	-	-	2.254	-
Platoon blocked, %	861	1032	-	-	1594	-
Stage 1	978	-	-	-	-	-
Stage 2	903	-	-	-	-	-
Platoon blocked, %	861	1032	-	-	1594	-
Mov Cap-2 Maneuver	861	-	-	-	-	-
Stage 1	861	-	-	-	-	-
Stage 2	903	-	-	-	-	-

HCM LOS A

Capacity (veh/h)	-	-	1010	1594	-
HCM Lane V/C Ratio	-	-	0.016	0.024	-
HCM Control Delay (s)	-	-	8.6	7.3	0
HCM Lane LOS	-	-	A	A	A
HCM 95th %ile Q (veh)	-	-	0	0.1	-

Existing 10/08/2019 AM Peak Hour  
JTR

Synchro 10 Report  
Page 2

HCM 6th TWSC  
1: Parkers Landing/Winegard Rd & Landstreet Rd

Existing PM  
10/11/2019

Infl Delay, s/veh	0.8											
Lane Configurations	1	1	3	1	1	4	4	4	4	4	4	4
Traffic Vol, veh/h	5	536	3	8	732	16	15	0	9	25	0	15
Future Vol, veh/h	5	536	3	8	732	16	15	0	9	25	0	15
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Control	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	0	-	-	0	-	-	-	-	-	-	-	-
Vol in Median Storage, #	-	0	-	-	0	-	-	2	-	0	-	-
Grade, %	-	0	-	-	0	-	-	0	-	0	-	-
Passing Factor	87	87	87	87	87	87	87	87	87	87	87	87
Heavy Vehicles %	8	8	8	12	12	12	13	13	13	2	2	2
Multi Flow	8	816	3	9	841	18	17	0	10	25	0	17

Conflicting Flow All	859	0	0	819	0	0	1069	1507	310	1188	1499	430
Stage 1	-	-	-	-	-	-	438	877	-	320	631	-
Stage 2	-	-	-	-	-	-	-	-	-	-	-	-
Critical Hdwy	4.28	-	-	4.34	-	-	7.76	8.70	1.16	7.54	8.13	8.94
Critical Hdwy Stg 1	-	-	-	-	-	-	6.76	5.76	-	6.54	5.54	-
Critical Hdwy Stg 2	-	-	-	-	-	-	8.76	8.70	-	8.54	8.54	-
Follow-up Hdwy	2.28	-	-	2.32	-	-	3.63	4.13	3.43	3.52	4.02	3.32
Platoon Maneuver	741	-	-	892	-	-	182	108	854	434	429	873
Stage 1	-	-	-	-	-	-	410	447	-	314	368	-
Stage 2	-	-	-	-	-	-	538	340	-	650	473	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Move Cap-2 Maneuver	741	-	-	892	-	-	155	108	854	434	449	873
Stage 1	-	-	-	-	-	-	332	269	-	282	292	-
Stage 2	-	-	-	-	-	-	407	443	-	650	469	-

HCM Control Delay, s 0.1 0.1  
HCM LOS B C

Capacity (veh/h)	407	741	-	-	892	-	-	-	-	-	-	-
HCM Lane V/C Ratio	0.068	0.008	-	-	0.01	-	-	-	-	0.132	-	-
HCM Control Delay (s)	14.5	9.9	-	-	9.1	-	-	-	-	18.9	-	-
HCM Lane LOS	B	A	-	-	A	-	-	-	-	C	-	-
HCM 95th %ile Q(veh)	0.2	0	-	-	0	-	-	-	-	0.5	-	-

HCM 6th TWSC  
 2: Parkers Landing & Warehouse Ent

Existing PM  
 10/11/2019

Int Delay, s/veh 7.6

Lane Configurations	4	1	1	4
Traffic Vol, veh/h	0	21	0	1
Future Vol, veh/h	0	21	0	1
Conflicting Peds, #/hr	0	0	0	0
Sign Control	Stop	Stop	Free	Free
RT Channelized	None	None	None	None
Storage Length	0	-	-	-
Veh in Median Storage, #	0	-	-	-
Grade, %	0	-	-	-
Peak Hour Factor	0.57	0.57	0.57	0.57
Heavy Vehicles, %	2	2	2	2
Mvmt Flow	0	37	0	2

Conflicting Flow All	35	1	0	0	2	0
Stage 1	35	1	0	0	2	0
Stage 2	34	-	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	4.43	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	6.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	-	-	2.38	-
Pot Cap-1 Maneuver	978	1004	-	-	1510	-
Stage 1	1022	-	-	-	-	-
Stage 2	966	-	-	-	-	-
Platoon blocked, %	-	-	-	-	-	-
Mov Cap-2 Maneuver	967	1004	-	-	1510	-
Mov Cap-2 Maneuver	967	-	-	-	-	-
Stage 1	1011	-	-	-	-	-
Stage 2	988	-	-	-	-	-

HCM Control Delay, s	8.4	0	0	0
HCM LOS	A	-	-	-
Capacity (veh/h)	-	1004	1510	-
HCM Lane V/C Ratio	-	0.034	0.01	-
HCM Control Delay (s)	-	8.4	7.4	0
HCM Lane LOS	-	A	A	A
HCM 95th %ile D(veh)	-	0.1	0	-



**Appendix D – Trip Generation Estimate Documents**

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**Joseph Roviario**

---

**From:** John Arnold <john.phillip.arnold@gmail.com>  
**Sent:** Thursday, July 18, 2019 11:46 AM  
**To:** Joseph Roviario  
**Cc:** Huels, Jonathan P.; J. Anthony Luke; Deal, Jennifer  
**Subject:** Re: Angelo's Aggregate Materials - Traffic Generation Analysis

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Joseph,

I've estimated the following data for the Landstreet transfer/recycling operations based on my experience with Angelos existing, similar operations located in Lutz, Tampa, and Brandon.

- Number of employees by shift: 3 (scale house attendant, equipment operator, and spotter)
- Hours of operation and number of work shifts: 1 shift every Monday - Saturday from 7AM - 7PM; 313 days/yr
- Average number of C&D trucks per day and by hour if available: Assuming 900 tons/work day of incoming materials (281,700 tons/yr) @ 4.25 tons/vehicle @ 313 work days/yr = 212 vehicles/work day; incoming vehicles are distributed evenly throughout the day at about 17.7 vehicles/hr.
- Average number of trucks per day (and by hour, if available) taking items off-site for disposal: Assuming 900 tons/work day being transported off the site in semi-trailers @25.5 tons/trailer @ 313 work days/yr = 35.29 vehicles/work day; outbound trailers are distributed evenly throughout the day at about 3 trailers/hr.
- Average number of trucks per day (and by hour, if available) with sorted recycled materials: Included in the above numbers; the inbound recyclables are mixed in the waste and the outbound recyclables are transported in semi-trailers.
- Average number of customers per day (and by hour, if available): This is the same as the amount of vehicle counts above, or around 212 customers per day.

Please let me know if you have any questions or if you need any additional information.

John

On Wed, Jul 17, 2019 at 10:09 AM Joseph Roviario <[jtr@ltec-fl.com](mailto:jtr@ltec-fl.com)> wrote:

Jonathan,

In order to develop trip generation rate for the proposed development site we would need the following information:

- Number of employees by shift
- Hours of operation and number of work shifts
- Average number of C&D trucks per day and by hour if available
- Average number of trucks per day (and by hour, if available) taking items off-site for disposal
- Average number of trucks per day (and by hour, if available) with sorted recycled materials
- Average number of customers per day (and by hour, if available)

1



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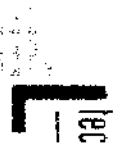
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**Appendix E – Linear Regression Worksheet**



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**Historical Traffic Counts - Linear Regression Calculations**

Roadway Segment		Station Number	Orange County AADT (1)							FDOT Trends Analysis - V2.0 Linear Regression			Projected 2019	Growth Factor	Annual Growth Rate
From	To		2012	2013	2014	2015	2016	2017	2018	RSQ	Slope	Intercept			
<b>Landstreet Road</b>															
Bachman Rd	Orange Ave	7072.0	15,193	16,416	17,857	17,686	20,815	23,388	23,277	0.935	1,469.7857	13,354.0000	25,100	1.06	6.4%

1. From 2018 AADT Orange County Traffic Counts

Luke Transportation Engineering Consultants, Inc., 2019



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**Appendix F – 2020 Intersection Analysis Summary Worksheets**



HCM 6th TWSC  
1: Parkers Landing/Winegard Rd & Landstreet Rd

2020 AM Revised  
12/06/2019

Int Delay, s/veh 0.8

Lane Configurations	↑	↑↑	↑	↑↑	↑↑	↑↑	↑↑	↑↑	↑↑	↑↑	↑↑	
Traffic Vol, veh/h	16	799	31	20	561	26	14	0	17	17	0	5
Future Vol, veh/h	16	799	31	20	561	26	14	0	17	17	0	5
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RTOR	None	None	None	None	None	None	None	None	None	None	None	None
Storage Length	0	240	0	0	0	0	0	0	0	0	0	0
Vehicle Storage, #	0	0	0	0	0	0	0	0	0	0	0	0
Grade, %	0	0	0	0	0	0	0	0	0	0	0	0
Peak Hour	87	87	87	87	87	87	87	87	87	87	87	87
Heavy Vehicles, %	11	11	11	7	7	7	10	10	10	5	5	5
Max Flow	18	918	36	23	646	30	16	0	20	20	0	5

Conflicting Flow All	675	0	0	954	0	0	1323	1675	459	1201	1696	338
Stage 1	-	-	-	-	-	-	954	954	-	1201	1201	338
Stage 2	-	-	-	-	-	-	369	721	-	485	990	-
Critical Flow	4.32	-	-	4.24	-	-	7.7	8.7	7.1	7.2	7.2	7.7
Critical Hdwy Stg 1	-	-	-	-	-	-	6.7	5.7	-	6.6	5.6	-
Critical Hdwy Stg 2	-	-	-	-	-	-	8.7	5.7	-	6.6	5.6	-
Follow-up Hdwy	2.31	-	-	2.27	-	-	3.6	4.1	3.4	3.55	4.05	3.35
Platoon blocked	854	-	-	886	-	-	100	87	528	137	89	649
Stage 1	-	-	-	-	-	-	263	318	-	386	430	-
Stage 2	-	-	-	-	-	-	802	411	-	517	316	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Max Cap-1 Maneuver	854	-	-	886	-	-	101	82	528	126	84	649
Max Cap-2 Maneuver	-	-	-	-	-	-	232	241	-	301	235	-
Stage 1	-	-	-	-	-	-	257	341	-	378	415	-
Stage 2	-	-	-	-	-	-	577	397	-	487	309	-

HCM Control Delay, s 0.2 0.3 17 16.3  
HCM LOS C C

Capacity (veh/h)	335	854	-	686	-	343
HCM Lane V/C Ratio	0.106	0.022	-	0.034	-	0.074
HCM Control Delay (s)	17	9.3	-	10.4	-	16.3
HCM Lane LOS	C	A	-	B	-	C
HCM 95th %ile Q(veh)	0.4	0.1	-	0.1	-	0.2



HCM 6th TWSC  
2: Parkers Landing & Site Ent/Warehouse Ent

2020 AM  
10/11/2019

Int Delay, s/veh 5.9

Lane Configurations	+		+		+		+	
Traffic Vol, veh/h	19	0	0	1	0	0	0	23
Future Vol, veh/h	19	0	0	1	0	0	0	23
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Free	Free	Free
RT Channelized	-	-	None	-	None	-	None	-
Storage Length	-	-	-	-	-	-	-	-
Vel in Median Storage, #	0	0	0	0	0	0	0	0
Grade, %	0	0	0	0	0	0	0	0
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Heavy Vehicles %	2	2	2	20	2	20	2	6
Mount Flow	21	0	0	2	0	0	2	0

Conflicting Flow All	105	96	14	96	111	2	27	0	0	2	0	0
Stage 1	96	96	-	-	-	-	-	-	-	-	-	-
Stage 2	9	2	-	96	109	-	-	-	-	-	-	-
Critical Hdwy	6.12	5.52	-	6.3	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.3	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.3	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.68	4.018	3.48	2.218	-	-	2.254	-	-
Post Cap-2 Maneuver	846	771	-	825	759	-	-	-	-	998	-	-
Stage 1	911	815	-	976	894	-	-	-	-	-	-	-
Stage 2	911	815	-	976	894	-	-	-	-	-	-	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Move Cap-2 Maneuver	846	771	-	825	759	-	-	-	-	998	-	-
Stage 1	911	815	-	976	894	-	-	-	-	-	-	-
Stage 2	998	894	-	845	784	-	-	-	-	-	-	-

HCM Control Delay	6.4	-	-	6.4	-	-	-	-	-	-	-	-
HCM LOS	A	-	-	A	-	-	-	-	-	-	-	-
Capacity (veh/h)	1507	-	-	1507	-	-	-	-	-	-	-	-
HCM Lane V/C Ratio	-	-	-	0.024	0.016	0.026	-	-	-	-	-	-
HCM Control Delay (s)	0	-	-	9.4	8.8	7.3	0	-	-	-	-	-
HCM Lane LOS	A	-	-	A	A	A	A	-	-	-	-	-
HCM 95th %ile Q(veh)	0	-	-	0.1	0	0.1	0	-	-	-	-	-

HCM 6th TWSC  
1: Parkers Landing/Winegard Rd & Landstreet Rd

2020 PM Revised  
12/06/2019

Int Delay, s/veh 1.2

Lane Configurations	↑↑	↑	↑↑	↑↑	↑↑	↑↑	↑↑	↑↑	↑↑	↑↑	↑↑
Traffic Vol, veh/h	575	14	786	17	31	0	20	27	0	16	
Future Vol, veh/h	575	14	786	17	31	0	20	27	0	16	
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized		None		None		None		None		None	
Storage Length	0	0	0	0	0	0	0	0	0	0	0
Vehicle Length Storage, #	0	0	0	0	0	0	0	0	0	0	0
Grade, %	0	0	0	0	0	0	0	0	0	0	0
Heavy Vehicles, %	8	8	8	12	12	13	13	13	2	2	2
Max Flow	668	16	903	20	36	0	23	31	0	18	

Conflicting Flow All	923	0	0	677	0	0	1165	1636	331	1296	1642	482
Stage 2							492	963		343	689	
Critical Hdwy Stg 1							6.76	5.76		6.54	5.54	
Critical Hdwy Stg 2							6.76	5.76		6.54	5.54	
Follow-up Hdwy	2.28			2.32			3.63	4.13	3.43	3.52	4.02	3.32
Platoon blocked, %	700			847			386	426		278	336	
Stage 1							386	426		278	336	
Stage 2							471	301		617	441	

HCM Control Delay, s	0.7			0.2			10.1	10.1		10.1	10.1	10.1
HCM LOS	C			C			C	C		C	C	C

Capacity (veh/h)	362	700		847			362	700		847	362	700
HCM Lane V/C Ratio	0.153	0.008		0.023			0.153	0.008		0.023	0.153	0.008
HCM Control Delay (s)	16.1	10.2		9.4			16.1	10.2		9.4	16.1	10.2
HCM Lane LOS	C	B		A			C	B		A	C	B
HCM 95th %ile D(veh)	0.5	0		0.1			0.5	0		0.1	0.5	0

HCM 6th TWSC  
2: Parkers Landing & Site Ent/Warehouse Ent

2020 PM  
10/11/2019

Int Delay, s/veh 6.6

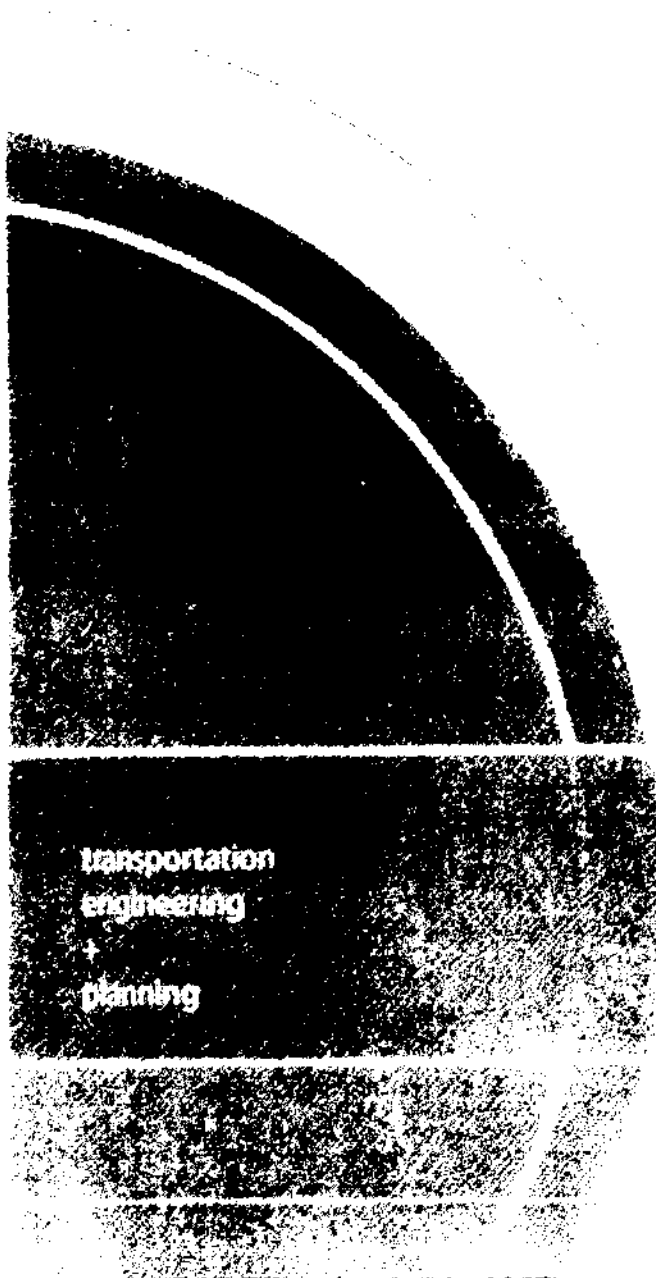
Lane Configurations

Traffic Vol, veh/h	25	0	0	0	0	23	0	0	1	10	1	19
Future Vol, veh/h	25	0	0	0	0	23	0	0	1	10	1	19
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free	Free
RT Channel Load	None	None	None	None	None	None	None	None	None	None	None	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Vehicle Median Storage, #	0	0	0	0	0	0	0	0	0	0	0	0
Grade, %	0	0	0	0	0	0	0	0	0	0	0	0
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Heavy Vehicles %	2	2	2	2	2	2	2	2	2	20	20	2
MTFFlow	27	0	0	0	0	25	0	0	2	10	2	21

Conflicting Flow All	70	51	13	50	60	1	23	0	0	2	0	0
Stage 1	21	2	-	49	59	-	-	-	-	-	-	-
Stage 2	21	2	-	49	59	-	-	-	-	-	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-	-	2.38	-	-
Platoon blocked, %	964	854	-	1022	895	-	-	-	-	-	-	-
Stage 1	964	854	-	1022	895	-	-	-	-	-	-	-
Stage 2	964	854	-	1022	895	-	-	-	-	-	-	-
Platoon blocked, %	880	830	-	941	821	-	-	-	-	-	-	-
Stage 1	880	830	-	941	821	-	-	-	-	-	-	-
Stage 2	880	830	-	941	821	-	-	-	-	-	-	-

HCM Control Delay, s  
HCM LOS A A

Capacity, veh/h	1692	-	-	-	-	-	-	-	-	-	-	-
HCM Lane V/C Ratio	-	-	-	0.031	0.037	0.012	-	-	-	-	-	-
HCM Control Delay (s)	0	-	-	9.2	8.4	7.4	0	-	-	-	-	-
HCM Lane LOS	A	-	-	A	A	A	A	-	-	-	-	-
HCM 95th %ile Q(veh)	0	-	-	0.1	0.1	0.1	0	-	-	-	-	-



**L**tec

transportation  
engineering  
+  
planning

**EXHIBIT "3"**



# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JAN 02, 2020**

Case Planner: **David Nearing, AICP**

Case #: **SE-19-07-068**

Commission District: **#4**

## GENERAL INFORMATION

APPLICANT(s): ANGELO'S RECYCLING

OWNER(s): IAFRATE ROCKWOOD LLC

REQUEST: Special Exception in the IND-2/IND-3 zoning district to allow a construction and debris recycling facility.

PROPERTY LOCATION: 500 W. Landstreet Rd., Orlando, FL 32824, southwest corner of W. Landstreet Rd. and Parkers Landing, east of Bachman Rd.

PARCEL IDS: 02-24-29-8220-00-070, 02-24-29-8220-00-290, and  
02-24-29-7268-00-071

LOT SIZE: 44.71 acres

NOTICE AREA: 1 mile

NUMBER OF NOTICES: 873

**DECISION:** Recommended **APPROVAL** of the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions (4 in favor, 1 opposed and 2 absent):

1. Development in accordance with the site plan dated May 15, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. 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 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.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall design and install a dedicated eastbound right turn/deceleration lane at the intersection of W. Landstreet Rd. and Parkers Landing. The right turn lane shall be twelve (12) feet wide and shall meet the most current FDOT Standard Manual requirements. This improvement shall be designed and permitted prior to issuance of any permits for the Construction and Debris Recycling project. Construction of this improvement shall be

EXHIBIT "3"

completed prior to issuance of a Certificate of Completion for the C&D Recycling center.

5. The project shall comply with Article XVI of Chapter 9, Exterior Lighting Standards, of the Orange County Code. With the exception of security lighting, all lights shall be extinguished at close of business.
6. Hours and days of operation shall be limited to 7:00 a.m. through 7:00 p.m., Monday through Saturday.
7. Any expansions of the use shall require BZA approval.
8. All required permits shall be obtained within two (2) years or this approval becomes null and void.

**SYNOPSIS:** Staff gave an explanation of the history of the project, including the date that the project appeared before the DRC for a recommendation of approval. Staff discussed the Community Meeting held in late June 2019, and the fact that most of the discussion at that meeting centered on a concrete crushing plant, which is a use permitted by right on the subject property, and is not the focus of this hearing. Staff explained that the project has been reviewed by County Transportation Planning and Traffic Engineering Divisions, which resulted in the requirement for a deceleration lane from eastbound W. Landstreet Road to Parkers Landing. Staff noted that they had received twelve (12) correspondence in opposition, and two (2) in favor.

The applicant explained that the use is a primarily manual operation. The use is estimated to generate 88 daily trips, which will be distributed throughout the hours of operation. The use will not generate any appreciable amounts of dust, noise, or odor. The deceleration lane will be designed to FDOT standards.

Five (5) residents, mostly business owners in the area, spoke in opposition. Their concerns included increased dust, traffic backups on Parkers Landing, incompatibility with adjacent uses, lack of adequate buffering, and, odor.

In rebuttal, the applicant indicated that any dumpsters that contain materials, which could generate odor would be covered and protected from the elements. The transportation study had been reviewed by County staff. The impacts which the opposition noted are more associated with the concrete crushing operations, which are not a part of this review.

The BZA discussed access to the site and possible backups on Parkers Landing, which is a narrow street. It was noted that the applicant has an approved site plan, and any change to the access to route vehicles directly off of and on to W. Landstreet Road would require a revision to the plan, and likely another review by the DRC.

A motion was made to recommend denial of the application, which failed for lack of a second.

The BZA recommended approval of the Special Exception, subject to the eight (8) conditions found in the staff report. The motion to recommend approval passed by a vote of 4-1.

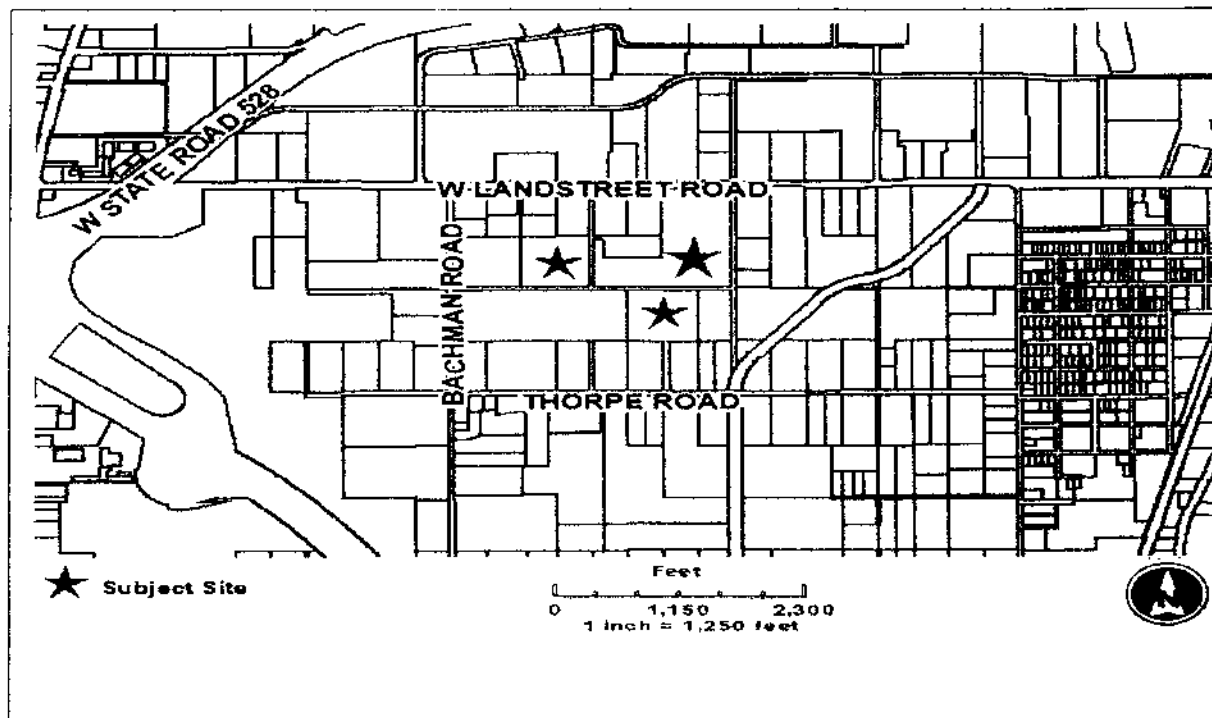
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#### STAFF RECOMMENDATIONS

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Approval subject to the conditions in this report.

## LOCATION MAP



## SITE &amp; SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	IND-2/IND-3	IND-2/IND-3	IND-2/IND-3	IND-2/IND-3 & IND-4	IND-2/IND-3
Future Land Use	IND	IND	IND	IND	IND
Current Use	Vacant	Industrial	Industrial	Industrial	Industrial

## BACKGROUND AND ANALYSIS

**DESCRIPTION AND CONTEXT**

The property is zoned IND-2/IND-3, Industrial Park District which allows for warehousing, manufacturing, and certain retail uses. More intense uses, such as Construction & Debris (C&D) Recycling and Processing Center, are permitted through the Special Exception Process.

The subject property consists of 44.71 acres of industrially zoned land. It is comprised of 3 separate parcels, which are separated by 40 ft. of unimproved Orange County right-of-way. The property was created through the Sphaler's Addition to Prosper Colony plat recorded January 1915.

The applicant is proposing to operate a construction and demolition debris recycling and transfer facility in conjunction with a concrete crushing operation. The recycling operation will include a transfer and recycling area, modular scale house, and scales. Access to the proposed facility will be from Parkers Landing on an improved road.

Concrete crushing facilities are permitted by right in the IND-2/IND-3 zoning district and is therefore not a consideration in this application; however, a recycling operation falls under the solid waste use category of code, which requires a special exception, and per Chapter 32 (Solid Waste), the Development Review Committee (DRC) is required to review the conceptual plan and make a recommendation that the facility will be compatible with the surrounding land uses and serve the public interest prior to issuance of any recommendations by the BZA.

On April 24, 2019, the DRC recommended approval of this request for the C&D Recycling operation, and deemed it compatible with the surrounding land uses and that it would serve the public interest.

In April 2017, the applicant obtained a site work only permit (B14901479), for concrete crushing only, however, the property is currently vacant and undeveloped.

Unlike some other types of recycling, a C&D recycling operation does not deal with organic materials such as yard waste. This type of operation deals primarily with recycling four main materials: cardboard, concrete, metal, and wood.

The operation is primarily a manual one. A truckload of material enters the recycling compound and unloads the material. Workers go through the material and sort it into roll-offs. When the roll-offs are full, they are hauled to a recycling facility. Materials that cannot be recycled are placed in other roll-offs. When those roll-offs are full, they are taken to a licensed off-site disposal facility, such as a Construction & Debris landfill. There is a dedicated roll-off for organic matter such as fast food containers and residential trash, which is taken to the landfill once it reaches capacity.

The transfer and recycling operation will take place within a 100 ft. x 200 ft. area enclosed by a 6 ft. tall chain link fence along the east, west and south boundaries of the area defined on the site plan. This area will be located toward the center of the western portion of Parcel ID# 02-24-29-8220-00-070, south of an existing County retention pond. The proposed hours and days of operation are 7:00 a.m. to 7:00 p.m., Monday through Saturday. The southernmost portion of the property (Parcel ID# 02-24-29-7268-00-071), will be used exclusively for a wet stormwater retention pond.

Orange County Traffic Engineering is requiring the design and installation of a dedicated eastbound right turn/deceleration lane at the intersection of Landstreet Rd. and Parkers Landing. The right turn lane will be required to be 12 feet wide and shall meet the most current FDOT Standard Manual requirements. This has been added as a condition of approval.

On June 25, 2019, a Community Meeting was held at Sally Ride Elementary School. The meeting was attended by staff, the District 4 representative to the BZA, a representative of the District 4 Commissioner, the applicant's engineer, and six (6) residents. The majority of the conversation between staff, the applicant's engineers and the residents focused on the concrete crushing operation, with little discussion concerning the recycling operation.

Based on past advertising for this item, staff currently has ten (10) correspondences in opposition to this request, and two (2) in favor.

District Development Standards

	Code Requirement	Proposed
Max Height:	50 ft.	10 ft. (Scale building)
Min. Lot Width:	N/A	1,200 ft. (Parkers Landing)
Min. Lot Size:	N/A	44.7 ac.

**STAFF FINDINGS**

**SPECIAL EXCEPTION CRITERIA**

**Consistent with the Comprehensive Plan**

The future land use is Industrial, and with the approval of the Special Exception, the use will be consistent with the Comprehensive Plan.

**Similar and compatible with the surrounding area**

All property within 1/2 mile or more, has an Industrial future land use designation, and is zoned IND-2/IND-3, or IND-4. IND-4 zoning is where the most intensive industrial uses are typically located. The nearest concentration of residential is located over 1/2 mile east of the subject property.

**Shall not act as a detrimental intrusion into a surrounding area**

The single largest impact which this use will have is the attraction and generation of large truck traffic. The operation has been reviewed by both the Transportation Planning and Traffic Engineering Divisions. Traffic Engineering is recommending that the applicant install a deceleration lane for eastbound traffic on W. Landstreet Rd. turning onto Parkers Landing.

**Meet the performance standards of the district**

The proposal is exceeding all required setbacks, will not require any tall structures, and meets all performance standards.

**Similar in noise, vibration, dust, odor, glare, heat producing**

Given that the use is a primarily manual sorting operation, it will likely generate less noise, vibration, dust, odor, glare, and heat than other uses permitted by right in the surrounding area.

**Landscape buffer yards shall be in accordance with Section 24-5 of the Orange County Code**

The site will comply with all landscape requirements.

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**CONDITIONS OF APPROVAL**

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1. Development in accordance with the site plan dated May 15, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. 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 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.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall design and install a dedicated eastbound right turn/deceleration lane at the intersection of W. Landstreet Rd. and Parkers Landing. The right turn lane shall be 12 feet wide and shall meet the most current FDOT Standard Manual requirements. This improvement shall be designed and permitted prior to issuance of any permits for the Construction and Debris Recycling project. Construction of this improvement shall be completed prior to issuance of a Certificate of Completion for the C&D Recycling center.
5. The project shall comply with Article XVI of Chapter 9, Exterior Lighting Standards, of the Orange County Code. With the exception of security lighting, all lights shall be extinguished at close of business.
6. Hours and days of operation shall be limited to 7 a.m. through 7 p.m., Monday through Saturday.
7. Any expansions of the use shall require BZA approval.
8. All required permits shall be obtained within two (2) years or this approval becomes null and void.

C: John Arnold for Angelo's Recycled Materials, LTD.  
855 28th Street South  
St. Petersburg, FL 33712

## COVER LETTER



2019 Application Submittal  
 Date: April 22, 2019

May 15, 2019

**Via Hand Delivery**

Mr. Sean Bailey  
 Orange County Board of Zoning Adjustment  
 201 S. Rosalind Avenue  
 Orlando, Florida 32803

Subject: Application for Special Exception  
 Angelo's Recycled Materials  
 Orange County, Florida

Dear Mr. Bailey:

On behalf of Angelo's Recycled Materials (Angelo's), Cornerstone, A Tetra Tech Company is submitting this application to the Board of Zoning Adjustment for a Special Exception for the Angelo's Recycled Material's C&D Recycling & Transfer Facility. Payment from Angelo's, in the amount of \$3,016.00, is enclosed.

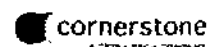
Angelo's currently holds an Orange County permit for a concrete crushing operation (B14901479) and received a recommendation for approval from the Development Review Committee (DRC) on April 24, 2019 to recycle construction and demolition debris (C&D) on a portion of the property that is already approved for concrete crushing operations. Addition of the recycling operation will not impact proposed impervious area for stormwater management. A Conservation Area Impact Permit, No. CAI-14-05-017, was issued on January 13, 2017. Further, wetland mitigation credits have been purchased and recorded with the South Florida Water Management District.

The proposed facility is located in Section 2 of Township 24 South, Range 29 East, in Orange County, Florida and is shown on the attached DRC approved plans. More specifically, the facility is located at 500 W. Landstreet Road in Orlando, Florida. The property, through permitted for concrete crushing operations, is currently vacant and undeveloped. Three monitoring wells have been installed to collect groundwater levels in support of the solid waste permitting efforts.

The recycling operation will include addition of the transfer and recycling area, a modular scalehouse, and scales. Access to the proposed facility will be from Parkers Landing on an improved road. Traffic will proceed west through the scales and into the transfer and recycling area. The location of the proposed scalehouse, along with the previously

## COVER LETTER\_PAGE\_2

Mr. Sean Bailey  
May 15, 2019  
Page 2



approved grading, stormwater management facilities, and other construction details, are included on the DRC approved plans (CD enclosed).

Proposed operating hours for the facility are 7:00 a.m. to 7:00 p.m., Monday through Saturday. The facility will be closed on Sunday. A minimum of two on-site employees, in addition to the scalehouse attendant, will be necessary for inspection and sorting the incoming waste. One of the employees must be a certified operator and will be on-site at all times the facility is operating. The number of customers served by the facility will vary based on market conditions.

The scalehouse will be modular with dimensions of 36-feet in length by 12-feet in width, with a height of 10-feet. One in-bound scale and one out-bound scale will be located adjacent to the scalehouse. The scalehouse and scales will be used for the both the permitted concrete recycling operation and the proposed C&D recycling operation. No parking facilities are proposed.

The transfer and recycling of C&D will occur on open ground in an area approximately 100-ft x 200-ft in size. C&D will be tipped from waste delivery vehicles in the transfer and recycling area, and recyclable items such as concrete, cardboard, wood, and metal will be sorted for recycling. Non-recyclable waste will be hauled off-site for disposal at a Florida Department of Environmental Protection (FDEP) permitted disposal facility. The recyclable materials sorted from the waste stream will be sold and removed from the site. No waste will be buried or disposed on the property. Groundwater monitoring will be conducted in accordance with the requirements of the Orange County Environmental Protection Division (OCEPD) and the FDEP. Site layout details, including the transfer and recycling area, scalehouse, and facility access road, are provided on Sheet 5.

Details related to the proposed operation, including description of operations, hours of operation, haul routes, signage, dust and odor control, and litter control are provided on Sheet 4. Information related to site topography, soil types, land use, flood zone, surrounding zoning, and proposed setbacks are also provided on Sheet 4.

As part of the DRC application, Angelo's requested waivers/variances for landscaping, setbacks, and stormwater. The property currently has thick, natural vegetation in the setback areas; Angelo's proposed to keep this existing vegetation rather than remove and replace. DRC proposed conditions of approval addressing the waiver request for landscape. A reduction to the southern setback requirement of Section 32-216 from 150-feet to 95-feet to the adjacent industrial property was requested. A waiver from the requirements of Section 32-216 was requested for stormwater as the site stormwater management system is already permitted and only minor modifications to the system were proposed with this plan.



## COVER LETTER PAGE 3

Mr. Sean Bailey  
 May 15, 2019  
 Page 3



Specific special exception criteria outlined on the application form are addressed by the following comments.

1. **The use shall be consistent with the Comprehensive Policy Plan.** The proposed facility is consistent with the solid waste element of the County Comprehensive Policy Plan (Objective 1.2, Policy 1.2.2).
2. **The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.** The use is similar and compatible to surrounding area land use. The site is zoned I-2/I-3 and is surrounded by industrial zoned properties.
3. **The use shall not act as a detrimental intrusion into a surrounding area.** The use will not act as a detrimental intrusion to the surrounding area. The site is zoned I-2/I-3 and is surrounded by industrial zoned properties
4. **The use shall meet the performance standards of the district in which the use is permitted.** The use will meet the performance standards of the district. The use will also meet the strict standards of Chapter 32 (Solid Waste Ordinance).
5. **The use shall be similar in noise, vibration, dust, odor, glare, heat producing, and other characteristics that are associated with the majority of uses currently permitted in the zoning district.** The use will be similar in the above characteristics that are associated with surrounding land uses and the majority of the uses currently permitted in industrial zoning districts.
6. **Landscape buffer yards shall be in accordance with Section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.** Landscaping proposed is equivalent to or greater than that required by Orange County Code. A waiver for the typical landscaping has been proposed due to existing heavy vegetation on the property. Angelo's proposes to keep the existing vegetation within the buffers.

Attachments to this submittal include the following:

- BZA Special Exception Application Form
- Agent Authorization Forms
- Specific Project Expenditure Report Form
- Relationship Disclosure Form
- Specifications for the modular scalehouse
- Scale details
- Electronic Plan Set (recommended for approval by the DRC on April 24, 2019)

## COVER LETTER PAGE 4

Mr. Sean Bailey  
May 15, 2019  
Page 4



Signed and notarized Agent Authorization Forms, Specific Project Expenditure Report Form, and Relationship Disclosure Form were submitted with the DRC application. Copies of those forms are included with this application.

In addition to the requirements of the BZA, the applicant must also obtain a solid waste management facility permit from the OCEPD in accordance with Chapter 32, Article V, Orange County Code, and a solid waste permit from the FDEP in accordance with Florida Administrative Code Chapter 62-701. These applications will be submitted to the appropriate agencies for review. These applications are currently being prepared and will include proposed Operations Plan, Closure Plan, Groundwater Monitoring, and Financial Assurance calculations applicable to the solid waste management facility.

Please contact me at 407-719-0608 or [jennifer.deal@tetrattech.com](mailto:jennifer.deal@tetrattech.com) or the Angelo's representative, John Arnold, at 813-477-1719 or [john.phillip.arnold@gmail.com](mailto:john.phillip.arnold@gmail.com) if you have questions during your review.

Very truly yours,

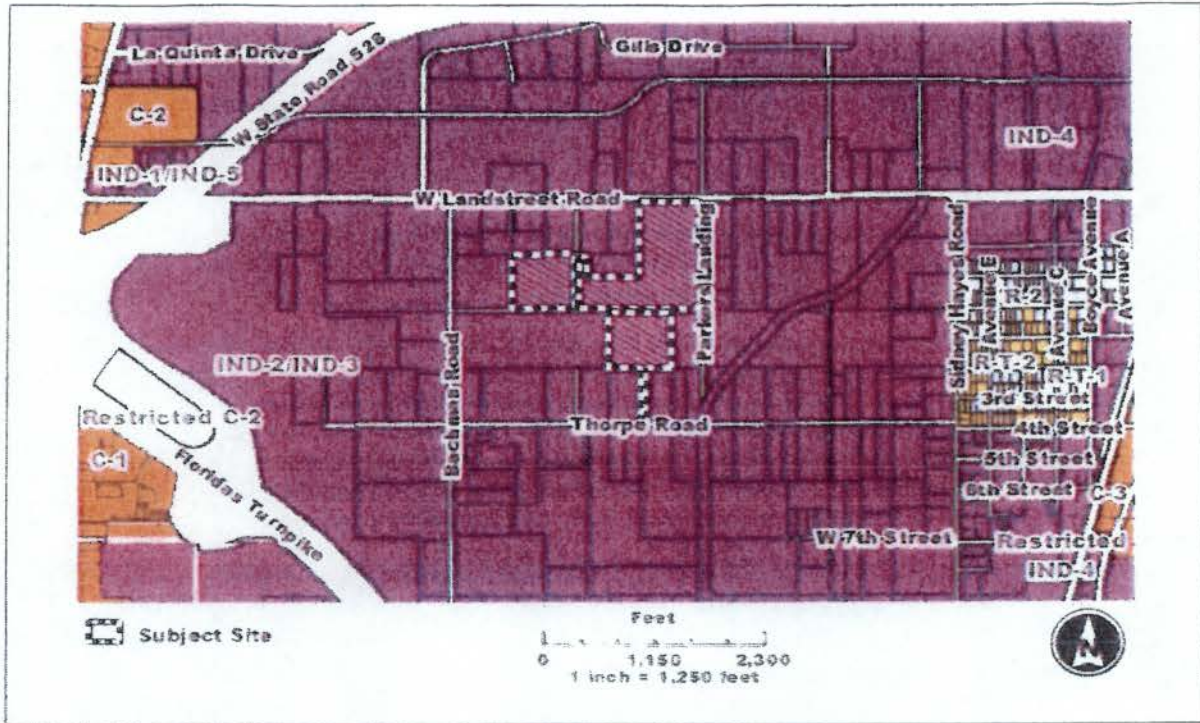
A handwritten signature in black ink, appearing to read 'Jennifer Deal'.

Jennifer Deal, PE

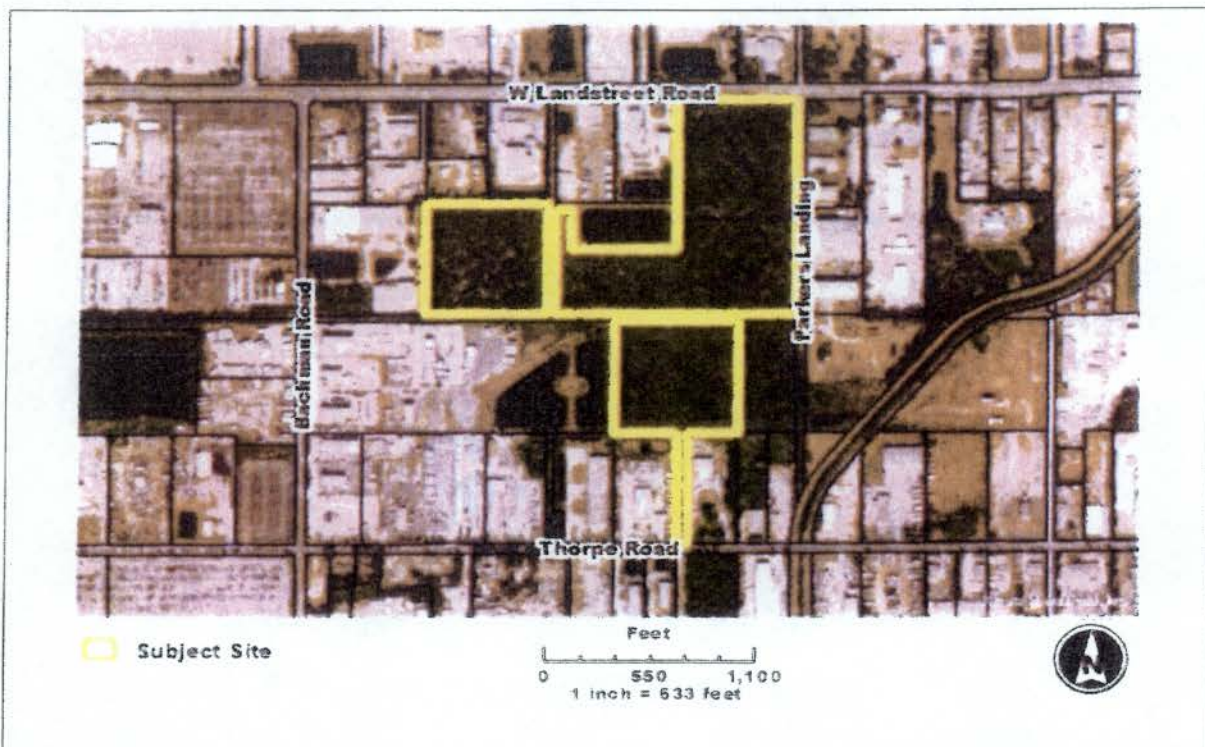
Attachments

Cc: John Arnold, Angelo's  
David Bromfield, PE, OCEPD

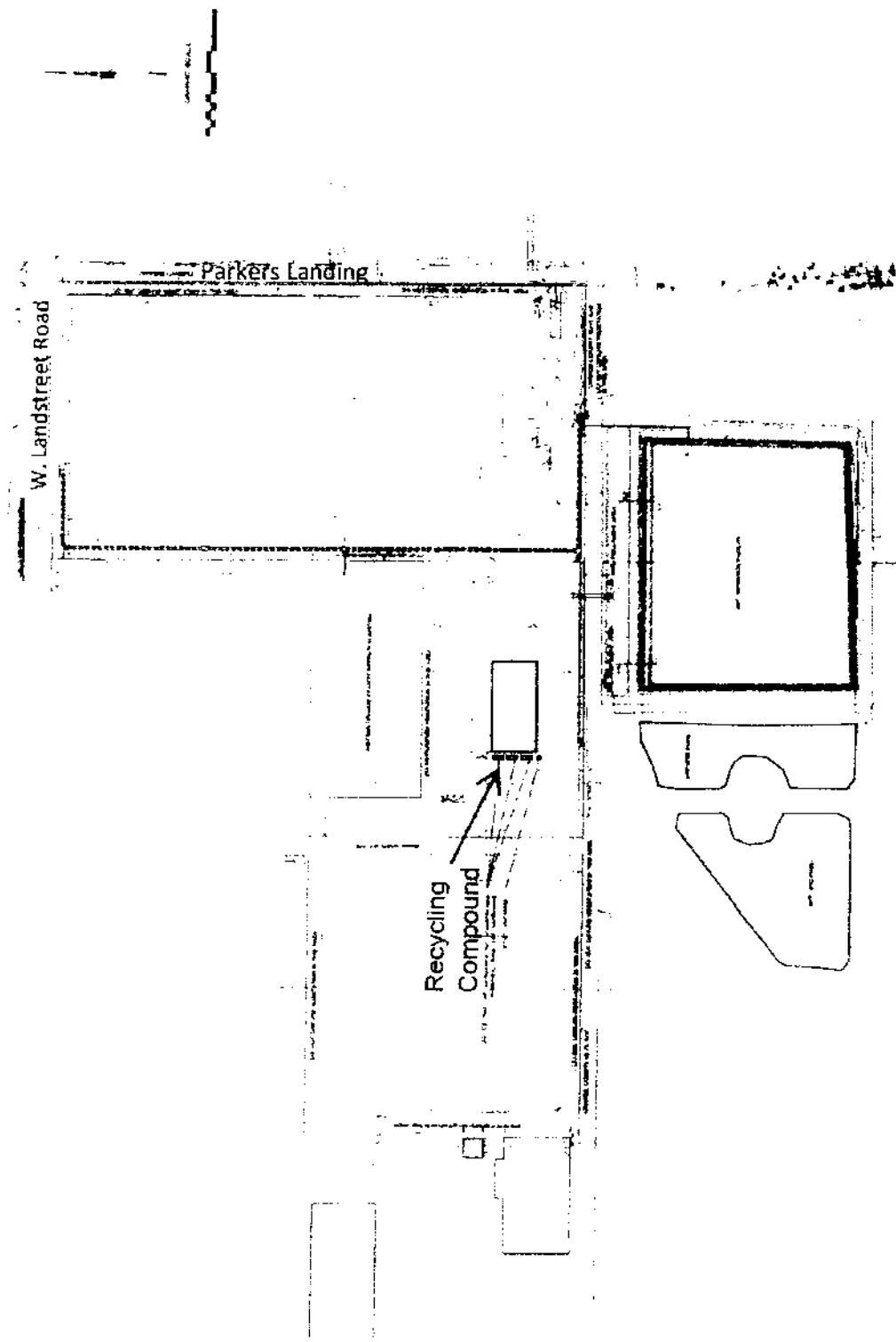
ZONING MAP



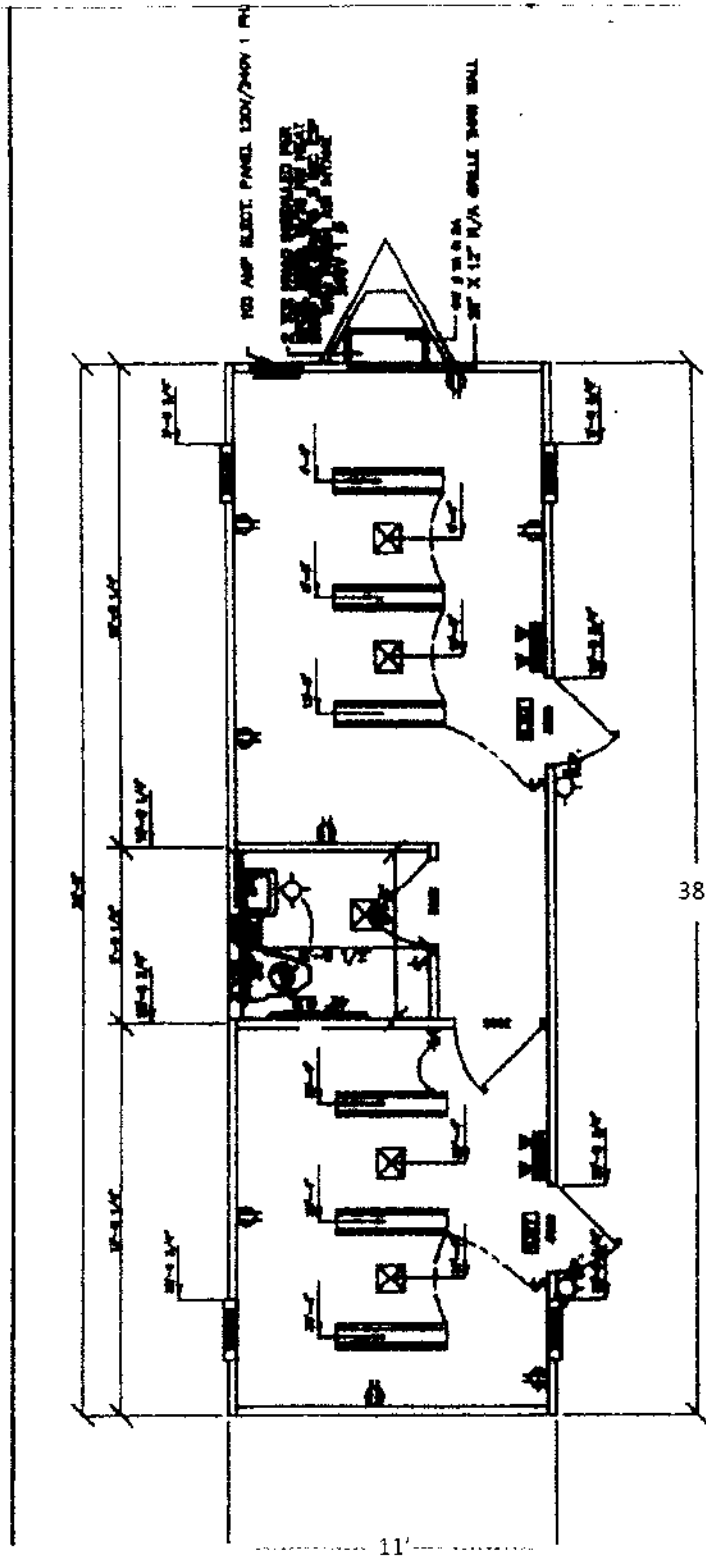
AERIAL MAP



SITE PLAN



SCALE BUILDING FLOOR PLAN



SITE PHOTOS

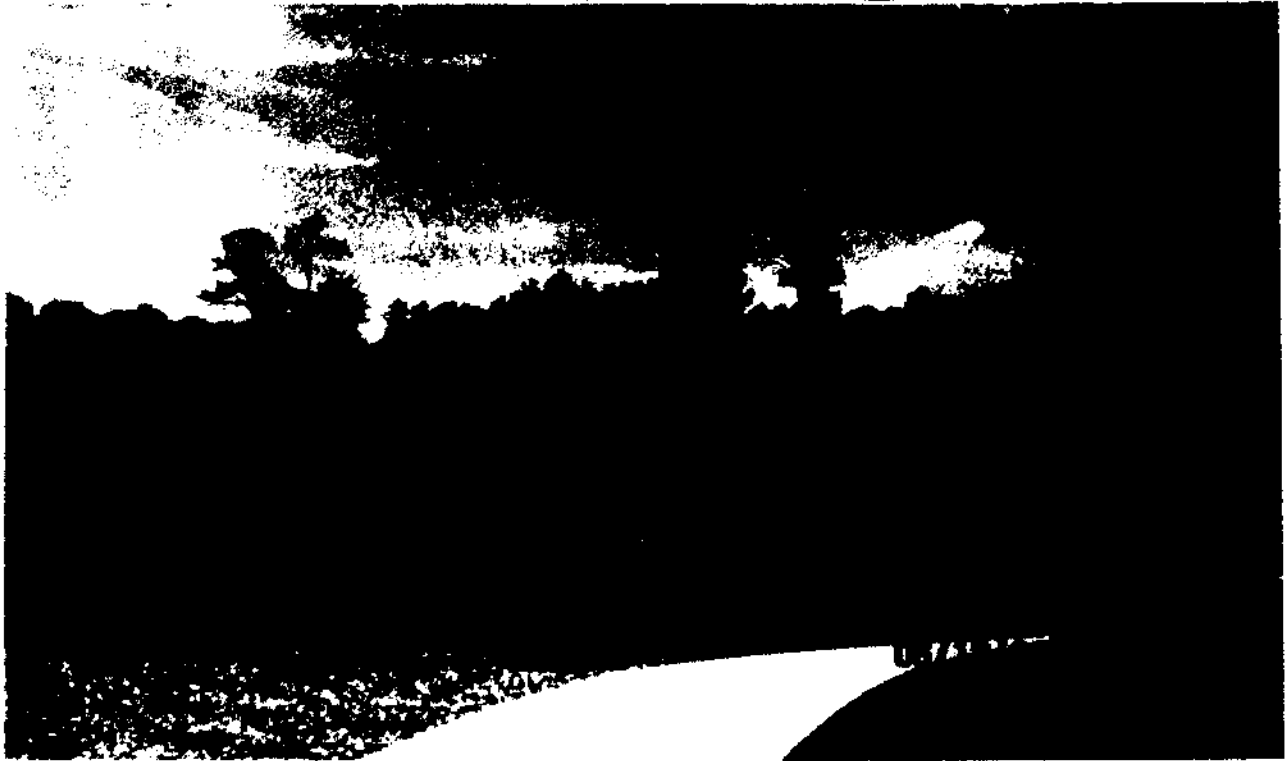


Site Looking East, Taken From Parkers Landing



Site Looking Northwest, Taken From Parkers Landing

**SITE PHOTOS**



**Site Looking North, Taken From Parkers Landing**



**Site Looking South, Taken From Parkers Landing**

**EXHIBIT "4"**





# Public Hearing Notice

Planning, Environmental & Development Services / Zoning Division

**Commission District #4**

Maribel Gomez Cordero, Commissioner

**Case Planner:**

David Nearing

Email: David.Nearing@ocfl.net

Phone #: (407) 836-5955

**Zoning Division:**

(407) 836-8181, press 0

## SPECIAL EXCEPTION

**January 2, 2020 – 10:00 AM**

**BOARD OF ZONING ADJUSTMENT (BZA)**

County Commission Chambers

201 S. Rosalind Ave, 1<sup>st</sup> Floor

Orlando, FL 32801

### Case Information

**Case Number:** SE-19-07-068

**Applicant:** ANGELO'S RECYCLING

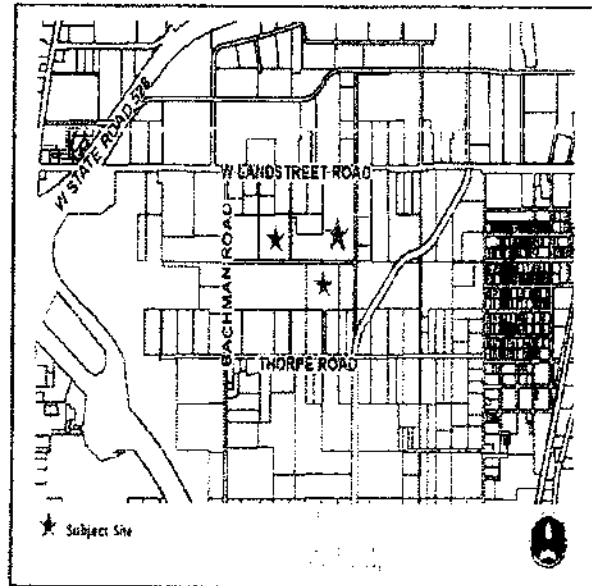
**Parcel ID:** 02-24-29-8220-00-299,  
02-24-29-7268-00-071,  
02-24-29-8220-00-070

**Address:** 500 W. Landstreet Rd.  
Orlando, FL 32824

**Location:** Southwest corner of W.  
Landstreet and Parking Landing,  
east of Bachman Rd

**Tract Size:** 44.71 acres

### Subject Property Location Map



### Request

Special Exception in the IND-2/IND-3 zoning district to allow a construction and debris recycling facility.

Any person aggrieved by a decision rendered by the BZA may file an appeal within fifteen (15) calendar days of the decision date. **All appeals are subject to a \$691 filing fee.**

Citizens may access real-time development data, board meeting details, project locations and view new construction projects within Orange County in the palm of your hand through:

Recommendations by the Board of Zoning Adjustment (BZA) do not become **final** until:

**OCFL ATLAS** ([www.OCFL.net/atlas](http://www.OCFL.net/atlas))  
(Downloadable on Google Play and iTunes)

- The fifteen (15) calendar day appeal period has expired without a timely appeal having been filed

Android

Apple



**\*\*\*AND\*\*\***

- The Board of County Commissioners approves the BZA's recommendation

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, he or she should contact the Government Service Center at (407) 836-3111

- *Para mas informacion referente a esta vista publica, favor comunicarse al Departamento de Zonificacion al numero, (407) 836-5525*
- *Pou plis enfòmasyon sou odyans piblik la, kontakte zòn depatmanal la nan 407-836-3111*

**EXHIBIT "4"**

**Important – See Reverse Side**

**FREQUENTLY ASKED QUESTIONS****Q: How can I participate in the review process?**

Community Meeting  
Jun 25, 2019 @ 6 p.m.  
Sally Ride Elementary School  
9601 11th Ave, Orlando, FL 32824

Board of Zoning Adjustments  
Public Hearing  
January 2, 2020  
10:00 AM

Board of County Commissioners  
BZA Recommendation  
Jan 28, 2020  
2:00 p.m.

\*If you are unable to attend hearings, written comments can be submitted to the Case Planner. Property information can also be obtained by accessing the Orange County Property Appraiser's website at [www.ocpafl.org](http://www.ocpafl.org).

**Q: What if I wish to speak at Public Hearing?**

PLEASE LIMIT YOUR PRESENTATION TO THREE (3) MINUTES AND KEEP IN MIND THE FOLLOWING GUIDELINES:

- (1) The Chairman of the Board of Zoning Adjustments (BZA) determines when and for how long an individual may speak
- (2) Be concise and to the point. Do not repeat previous comments
- (3) Evidence and documentation such as photographs, reports, and letters, may be to your benefit. However, once submitted, they are part of the record and cannot be returned.
- (4) Your comments should focus on zoning-related issues. Aesthetics, impacts to surrounding properties, land use compatibility, the variance and special exception criteria, development trends, and the Comprehensive Plan are zoning-related issues. However, drainage, traffic congestion, and crime are issues not addressed by the BZA.

**Q: Are the meetings recorded?**

FOR YOUR INFORMATION, ALL BZA MEETINGS ARE DIGITALLY RECORDED & TELEVIEWED ON ORANGE TV

- CHANNEL 488 ON SPECTRUM
- CHANNEL 9 ON COMCAST
- CHANNEL 99 AT&T U-VERSE

You may also watch the BZA public hearing live on:  
<http://www.ocfl.net/OpenGovernment/OrangeTVVisionTV.aspx>

Previous BZA public hearings are available at:  
<http://www.ocfl.net/OpenGovernment/OrangeTVVisionTV/VideoArchive.asp>

**Q: How can I submit a comment related to this hearing?**

Please return this entire document with your comments no later than the day prior to the public hearing. Any commentary submitted to the Zoning Division is a public record and is therefore open for review and inspection by any member of the public, including the applicant.

**MAIL, FAX, OR EMAIL TO:**

ORANGE COUNTY ZONING DIVISION  
P O BOX 2687  
ORLANDO FLORIDA 32802-2687  
Phone #: (407) 836-8181, press 0 Fax #: (407) 836-2611  
E-Mail Address: [BZAnotices@ocfl.net](mailto:BZAnotices@ocfl.net)

APPLICANT: ANGELO'S RECYCLING  
CASE # : SE-19-07-068

IN FAVOR

OPPOSED

**Your information**

Name: Jim and Kathy Crawford  
Address: 13025 Kirby Smith Road, Orlando FL 32832  
Phone: (407) 383-1849  
Email: [jpcrawfish@icloud.com](mailto:jpcrawfish@icloud.com); [kb Crawford@yahoo.com](mailto:kb Crawford@yahoo.com)

**Commentary:**

As owners of several adjoining and nearly adjoining properties we object to the proposed Special Exception and request for waiver(s) and/or variance(s) from setbacks, landscaping, and stormwater management deficiencies. Attached are letters from numerous business owners at our properties off Parkers Landing. Additional correspondence is being e-mailed to the Case Planner.

Board of Zoning Arbitration  
County Commission Chambers  
201 S. Rosalind Avenue, 1<sup>st</sup> Floor  
Orlando, FL 32801

RE: Angelo's Recycling Case # SE 19-07-068

We have our business across the street from the proposed plant. We park vehicles outside and this will cause them to be dusty all the time. This type of operation is also a visual eyesore. This plant should be in the I-4 zoning and we are opposed to the special exception to allow a construction and debris recycling facility.


Frank C. Abbott 12/23/19

FRANK C. ABBOTT  
452 W. LAND STREET RD.  
ORLANDO, 32824

Board of Zoning Arbitration  
County Commission Chambers  
201 S. Rosalind Avenue, 1<sup>st</sup> Floor  
Orlando, FL 32801

RE: Angelo's Recycling Case # SF 19-07-068


We have our business across the street from the proposed plant. We park vehicles outside and this will cause them to be dusty all the time. This type of operation is also a visual eyesore. This plant should be in the I-4 zoning and we are opposed to the special exception to allow a construction and debris recycling facility.

 12/23/2019  
MICHAEL B. HESTER  
444 W. LANDSTREET RD  
ORLANDO, FL 32824

Board of Zoning Arbitration  
County Commission Chambers  
201 S. Rosalind Avenue, 1<sup>st</sup> Floor  
Orlando, FL 32801

RE Angelo's Recycling Case # SP 19-07-068

We have our business across the street from the proposed plant. We park vehicles outside and this will cause them to be dusty all the time. This type of operation is also a visual eyesore. This plant should be in the I-4 zoning and we are opposed to the special exception to allow a construction and debris recycling facility.

  
12-23-19  
VICTOR MENDEZ  
470 W LAND STREET RD  
ORLANDO FL 32824

Board of Zoning Arbitration  
County Commission Chambers  
201 S. Rosalind Avenue, 1<sup>st</sup> Floor  
Orlando, FL 32801

RE: Angelo's Recycling Case # SI 19-07-068

We have our business across the street from the proposed plant. We park vehicles outside and this will cause them to be dusty all the time. This type of operation is also a visual eyesore. This plant should be in the I-4 zoning and we are opposed to the special exception to allow a construction and debris recycling facility.

Michael J. Gillespie 12/23/19  
486 W. Lovestreet Rd  
Orlando, FL 32824

Michael J. Gillespie

Board of Zoning Arbitration  
County Commission Chambers  
201 S. Rosalind Avenue, 1<sup>st</sup> Floor  
Orlando, FL 32801

Re: Angelo's Recycling Case # SF 19-07-068

We have our business across the street from the proposed plant. We park vehicles outside and this will cause them to be dusty all the time. This type of operation is also a visual eyesore. This plant should be in the I-4 zoning and we are opposed to the special exception to allow a construction and debris recycling facility.

 12-23-19

Kristy Infante  
450 W Landstreet Rd  
Orlando FL 32824

Board of Zoning Arbitration  
County Commission Chambers  
201 S. Rosalind Avenue, 1<sup>st</sup> Floor  
Orlando, FL 32801

RE: Angelo's Recycling Case # SF 19-07-068

We have our business across the street from the proposed plant. We park vehicles outside and this will cause them to be dusty all the time. This type of operation is also a visual eyesore. This plant should be in the I-4 zoning and we are opposed to the special exception to allow a construction and debris recycling facility.

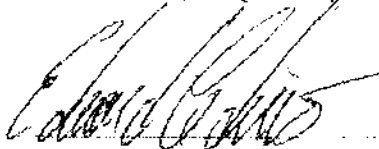
Pat Ambrose 12-23-19  
Pat Ambrose  
444 W Landstreet Rd  
Orlando, Fla 32824



Board of Zoning Arbitration  
County Commission Chambers  
201 S. Rosalind Avenue, 2<sup>nd</sup> floor  
Orlando, FL 32801

RE: Angelo's Recycling Case # SE 19-07-068

We have our business across the street from the proposed plant. We park vehicles outside and this will cause them to be dusty all the time. This type of operation is also a visual eyesore. This plant should be in the I-4 zoning and we are opposed to the special exception to allow a construction and debris recycling facility.



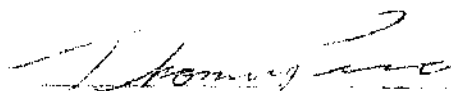
EDWARD CEDENO

444 WBSI LAND STREET  
SUITE # 3  
ORLANDO FL 32834

Board of Zoning Arbitration  
County Commission Chambers  
201 S. Rosalind Avenue, 3<sup>rd</sup> Floor  
Orlando, FL 32801

RE: Angelo's Recycling Case - SF 19-07-068

We have our business across the street from the proposed plant. We park vehicles outside and this will cause them to be dusty all the time. This type of operation is also a visual eyesore. This plant should be in the I-4 zoning and we are opposed to the special exception to allow a construction and debris recycling facility.

 12-23-19

THOMAS C. PISANO

436 LAWDSTREET R  
ORLANDO, FL 32824

Board of Zoning Arbitration  
County Commission Chambers  
201 S. Rosalind Avenue, 1<sup>st</sup> Floor  
Orlando, FL 32801

RE: Angelo's Recycling Case - SF 19-07-068

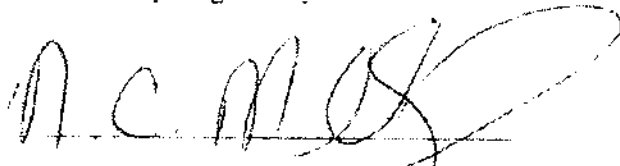
We have our business across the street from the proposed plant. We park vehicles outside and this will cause them to be dusty all the time. This type of operation is also a visual eyesore. This plant should be in the I-4 zoning and we are opposed to the special exception to allow a construction and debris recycling facility.

Michael E Deitz 12-24-19  
MICHAEL E DEITZ  
482 + 478 W. LAND STREET RD  
ORLANDO FL 32824

Board of Zoning Arbitration  
County Commission Chambers  
201 S. Rosalind Avenue, 1<sup>st</sup> Floor  
Orlando, FL 32801

RE: Angelo's Recycling Case # SE 19-07-068

We have our business across the street from the proposed plant. We park vehicles outside and this will cause them to be dusty all the time. This type of operation is also a visual eyesore. This plant should be in the I-4 zoning and we are opposed to the special exception to allow a construction and debris recycling facility.

  
M.C. MILLIGAN

764 W LANDSTREET RD

Board of Zoning Arbitration  
County Commission Chambers  
201 S Rosalind Avenue, 1<sup>st</sup> Floor  
Orlando, FL 32801

RE: Angelo's Recycling Case # SJ: 19-07-068

We have our business across the street from the proposed plant. We park vehicles outside and this will cause them to be dusty all the time. This type of operation is also a visual eyesore. This plant should be in the I-4 zoning and we are opposed to the special exception to allow a construction and debris recycling facility.

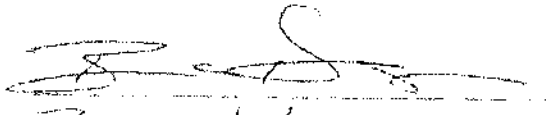
*Fernando Torres Jr.*

Fernando Torres Jr.  
494 W. Landstreet Rd  
Suite # 6  
Orlando FL 32824

Board of Zoning Arbitration  
County Commission Chambers  
201 S. Rosalind Avenue, 1<sup>st</sup> Floor  
Orlando, FL 32801

RE: Angelo's Recycling - Case # SE 19-07-068

We have our business across the street from the proposed plant. We park vehicles outside and this will cause them to be dusty all the time. This type of operation is also a visual eyesore. This plant should be in the I-4 zoning and we are opposed to the special exception to allow a construction and debris recycling facility.



Brooke Hardy


12.23.19

9125 Parker Landing Suite 1  
Orlando FL 32824

Board of Zoning Arbitration  
County Commission Chambers  
201 S. Rosalind Avenue, 1<sup>st</sup> Floor  
Orlando, FL 32801

RE: Angelo's Recycling - Case # SE 19-07-068

We have our business across the street from the proposed plant. We park vehicles outside and this will cause them to be dusty all the time. This type of operation is also a visual eyesore. This plant should be in the I-4 zoning and we are opposed to the special exception to allow a construction and debris recycling facility.



Jonathan Jasiewicz

12-23-19

9125 Parkers landing  
Orlando, FL 32824  
unit #6  
Schulte Contractors Inc.

Board of Zoning Arbitration  
County Commission Chambers  
201 S. Rosalind Avenue, 1<sup>st</sup> Floor  
Orlando, FL 32801

Re: Angelo's Recycling - Case # SE 19-07-068

We have our business across the street from the proposed plant. We park vehicles outside and this will cause them to be dusty all the time. This type of operation is also a visual eyesore. This plant should be in the I-4 zoning and we are opposed to the special exception to allow a construction and debris recycling facility.

*RR*  
12/23/19  
RICK RIVERA

9125 PARKERS LANDING  
ORLANDO, FL 32824  
SUITE 4 + 5



Board of Zoning Arbitration  
County Commission Chambers  
201 S. Rosalind Avenue, 1<sup>st</sup> Floor  
Orlando FL 32801

RE: Angelo's Recycling Case - SI 19-07-068

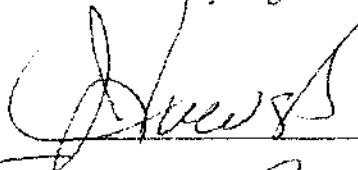
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Mark Renc 12-23-19  
MARK RENC  
9125 PALMCREST LANDING  
SUITE 7  
ORLANDO FL 32829

Board of Zoning Arbitration  
County Commission Chambers  
201 S. Rosalind Avenue, 1<sup>st</sup> Floor  
Orlando, FL 32801

RE: Angelo's Recycling - Case # SE 19-07-068

We have our business across the street from the proposed plant. We park vehicles outside and this will cause them to be dusty all the time. This type of operation is also a visual eyesore. This plant should be in the I-4 zoning and we are opposed to the special exception to allow a construction and debris recycling facility.



JAVIER CUEVAS

9725 PARKERS LANDING

SUITE # 2-3

ORLANDO FL 32824

**EXHIBIT "5"**

1 IN RE:

2

3

4

BZA HEARING

5

6

7

8 ANGELO'S RECYCLING

9 Case No. SE-19-07-068

10 \_\_\_\_\_ /

11

12

13

14

15

TRANSCRIPTION OF AUDIO RECORDED PROCEEDINGS

16

17

18 DATE RECORDED: JANUARY 2, 2020

19 TRANSCRIBED BY: MELISSA IADIMARCO, CSR

20

21

22

23

EXHIBIT "5"

24

25

PROCEEDINGS

1 MR. NEARING. The application is SE-19-07-068.  
 2 The applicant is Angelo's Recycling. The request is  
 3 for a special exception in the IND-2, IND-3 zoning  
 4 district to allow construction of a debris recycling  
 5 -- construction and debris recycling facility. This  
 6 is the subject property. It's located on the  
 7 south-side -- southwest corner of Westland Street Road  
 8 and Parkers Landing, east of Bachman Road. The  
 9 property does not current -- on the property currently  
 10 has an address of 500 West Landstreet Road. Excuse  
 11 me. And the property consists of 44.71 acres of land.

12 Now the property is actually three separate  
 13 parcels. Some are separated by undeveloped, platted  
 14 but undeveloped 40-foot wide right of ways. Here, you  
 15 can see an aerial view. Now this is an older aerial  
 16 view. Since this aerial was taken, the site has been  
 17 predominantly cleared, with the exception of buffering  
 18 on all adjacent property lines to any rights of way,  
 19 with the exception of the interior rights of way.  
 20 Excuse me. This is a close-up of it. And this is a  
 21 copy of the plan for the site. To the south is going  
 22 to be a retention pond. The actual -- the actual  
 23 fenced-in area is located to the center of the site.

24 A little history of the site: In 1915, Scott

1 parcels. The property was created through this  
 2 Sphaler's edition to Prosper Colony plat in 1915. The  
 3 applicant is proposing to operate a construction and  
 4 demolition debris recycling transfer facility in  
 5 conjunction with a concrete crushing operation. The  
 6 recycling operation will include a transfer and  
 7 recycling area, modular scale house and scales.  
 8 Access to the proposed facility will be from Parkers  
 9 Landing on an improved road. The concrete crushing  
 10 facility is permitted by right in the IND-2 and IND-3  
 11 zoning districts and does meet all required set backs  
 12 from any residential or school facilities. However, a  
 13 recycling operation falls under the solid waste use  
 14 category, which requires a special exception.

15 Again, as noted, it has gone through the  
 16 development review committee, which has recommended  
 17 approval of the use. And it is now here before the  
 18 BZA, in accordance with the special exception  
 19 requirements for solid waste facilities. And again,  
 20 on April 24, 2019, the DRC did, in fact, recommend  
 21 approval of this. And in April of 2017, the applicant  
 22 did obtain a permit for site-clearing work for the  
 23 concrete crushing facility. Again, this is a use that  
 24 is permitted by right. It is not part of this  
 25 application and is really not germane to this case.

1 Sphaler's edition to Prosper Colony plat was recorded.  
 2 In April of 2017, a permit was issued for site work  
 3 only for a concrete crushing plant on the subject  
 4 property. This is not part of this application, as a  
 5 concrete crushing plant is permitted by right. In --  
 6 also in April 19, 2019, Orange County DRC recommended  
 7 approval of the construction and debris recycling  
 8 facility. This is required by the solid waste code  
 9 that they go through the DRC before we go forward with  
 10 the board of zoning adjustment. Excuse me.

11 Here's some shots of the site. This is looking  
 12 eastward, as you can see this was taken after the  
 13 interior clearing was done. This is looking  
 14 northwest. I believe that's a car dealership. This  
 15 is looking to the south. And this is looking to the  
 16 north. There, you can see the tree line along  
 17 Westland Street. And this is looking east at a  
 18 neighboring property. And this is looking south down  
 19 Parkers Landing. And of course this is looking  
 20 northwest. I can't see it very well. But that's  
 21 actually Sphaler Cemetery. Okay.

22 Again, the property consists of 44.71 acres of  
 23 land. And it is industrially zoned, comprised of  
 24 three separate parcels. There are 40-foot unimproved  
 25 Orange County rights of way in between some of those

1 The operation is -- the C&D recycling is primarily,  
 2 according to the applicant's description, a manual  
 3 one. A vehicle will come in, a truck will come in.  
 4 They will dump a load of construction and debris  
 5 material. The workers will then go in and, by hand,  
 6 remove the particular items that they are interested  
 7 in, which includes things like wood, concrete, metal  
 8 and cardboard. Anything that is not a recyclable  
 9 material will be taken and thrown into roll-offs. And  
 10 when those are full, it will then be taken to be  
 11 disposed of at a licensed disposal facility, such as  
 12 the C&D land fill.

13 The other materials that are recyclable, when  
 14 those roll-offs are full, they'll then be taken to a  
 15 recycling facility to be processed. There is also --  
 16 also, unlike other C&D or unlike other -- other  
 17 recycling facilities, this does not normally deal in  
 18 organics. Okay. There's -- there's no -- there's no  
 19 yard clippings. There's no limbs. There's no -- you  
 20 know, none of that. Some of it's going to get into  
 21 it. And the applicants will have facilities to take  
 22 that material and get rid of it and dispose of it in a  
 23 proper location. They'll also have one that's  
 24 dedicated primarily to household trash because, as  
 25 sometimes we find, people see a dumpster. They think,

1 well, I'll just throw my garbage in there.  
 2 The transfer and recycling operation will take  
 3 place in a 100 by 200 foot area. It's going to be  
 4 enclosed by a six-foot tall chain-link fence. This  
 5 will take place on the parcel that is centrally  
 6 located to the overall 44-acres site. And it will be  
 7 operated 7:00 a.m. to 7:00 p.m., Monday through  
 8 Saturday. The southern most parcel will be used  
 9 exclusively for storm water management.  
 10 June 25, 2019, a community meeting was held at  
 11 Sally Ride Elementary School in Taft. The meeting was  
 12 attended by staff, the District No. 4 representative  
 13 to the board, a representative of the District No. 4  
 14 commissioner, the applicant's engineer and six  
 15 residents. The majority of the conversation actually  
 16 centered on the concrete crushing facility and not on  
 17 the recycling. In fact, that was very -- there was  
 18 very little discussion of the recycling facility.  
 19 Staff mailed 873 notices to property owners within a  
 20 one-mile radius. We received two correspondence in  
 21 support. And we received 11 correspondence in  
 22 opposition. We also received, on Tuesday, one of the  
 23 opposition, along with letters signed by numerous  
 24 business operators in the area who also voiced their  
 25 opposition to the application.

1 preserved a perimeter buffer of existing natural  
 2 vegetation in accordance with the plan approved by the  
 3 development review committee. It is in compliance.  
 4 Similar noise vibration, dust, odor, glare, heat,  
 5 basically -- based on how the applicant depicted the  
 6 use, which is primarily manual, it will actually  
 7 probably have less impact than some of the existing  
 8 uses out there today. As far as landscape buffer  
 9 yards, the existing buffer has been determined to  
 10 comply with Section 24.5 of the Orange County code.  
 11 Staff recommend approval, subject to the following  
 12 conditions.

13 The first are the standard conditions. First  
 14 three: Condition No. 4 has to do with the -- the  
 15 design and installation of the eastbound right turn  
 16 deceleration lane. Condition No. 5 the applicant will  
 17 comply with all lighting. If they're going to be  
 18 operating up until 7:00 p.m. during winter hours, it's  
 19 more than likely they will have to have some type of  
 20 onsite lighting. And we are recommending that that  
 21 lighting have, unless it's for security purposes have  
 22 an automatic extinguishment at the close of business.  
 23 Hours and days of operation are 7:00 a.m. Through  
 24 7:00 p.m., Monday through Saturday. And any expansion  
 25 of the use will require to come back before you and

1 I would like to notice -- note that one of the  
 2 correspondence in support was Take Action for Taft,  
 3 which is a historic and civic group, which is a --  
 4 which attempts to promote economic activity in the  
 5 Taft area. Consistent with the comprehensive plan,  
 6 the future land use is industrial and the approval of  
 7 the special exception will bring this into compliance  
 8 with the comprehensive plan. Similar and compatible  
 9 with the surrounding area, everything within at least  
 10 a half-a-mile is industrial. It has an industrial  
 11 future land use, industrial zoning, either I-1 or I-2,  
 12 I-3 or I-4. I-4 being the most intense zoning  
 13 district in Orange County.

14 There is a concentration of residents to a  
 15 half-a-mile to the east. The single largest impact of  
 16 this use with regards to detrimental intrusion into  
 17 the surrounding area will be truck traffic. And that  
 18 will be primarily on Westland Street road. Traffic --  
 19 the traffic engineering division and transportation  
 20 planning have both reviewed this. Traffic engineering  
 21 is recommending that deceleration lane on eastbound  
 22 Westland Street be constructed to accommodate the  
 23 turning movements onto Parkers Landing.

24 Okay. Meeting the performance standards of the  
 25 district, the proposal exceeds all set backs. It has

1 all required permits need to be obtained within two  
 2 years of this approval or this approval will become  
 3 null and void.

4 With that, staff will entertain any questions you  
 5 may have.

6 CHAIRPERSON KARRAKER: Any questions? Okay.  
 7 This is District No. 4. Commissioner Moskowitz?

8 BOARD MEMBER MOSKOWITZ: Good morning. I see  
 9 that applicants are here. Would you like to come  
 10 forward and add to staff's presentation. Please,  
 11 state your name and address.

12 MR. KANTOR: My name's Hal Kantor. I'm with the  
 13 law firm of Lowndes, Drosdick, Doster, Kantor & Reed.  
 14 And I am representing the applicant in this matter.  
 15 Some of my stuff is repetitive because we didn't  
 16 practice beforehand. But -- I'm sorry?

17 BOARD MEMBER MOSKOWITZ: Your address?

18 MR. KANTOR: Oh, my address is 215 North Eola  
 19 Drive, Orlando. So let's talk about this application.  
 20 It's kind of interesting. I don't know if you're  
 21 familiar with all of what's required in order to get a  
 22 solid waste permit. But first, you go before the DRC,  
 23 as has been indicated. And they made two specific  
 24 findings. One, that the facility will be compatible  
 25 with the surrounding uses and two, this facility will

1 serve the public interest. It's our burden to prove  
 2 that and we passed that. We met that burden.  
 3 And that -- that was issued -- you had the 19th  
 4 of April. I had the 24th. But it's the same one, the  
 5 same recommendation. And we filed, shortly  
 6 thereafter, for this approval before you today. So if  
 7 you think about it, we've been engaged in this process  
 8 for nearly a year. And you don't just hang around.  
 9 You make changes in the plan. We had to get other  
 10 permits. There's a solid waste management permit  
 11 that's being reviewed or is under review by the EPD,  
 12 Orange County EPD. We have a solid waste permit  
 13 issued by the Florida Department of Environmental  
 14 Protection. We have a water management permit issued  
 15 by South Florida Water Management District. So we've  
 16 been busy. And here we are, January 2nd. So it's  
 17 taken about a year from start to finish. And then  
 18 it's going to take time to construct this.  
 19 So I have an interesting question. What is this  
 20 hearing about, and what it's not about. Because if  
 21 you read the opposition and you understand what the  
 22 staff has said about what occurred at the public  
 23 meeting, the only thing before you today is whether  
 24 we've met the conditions for special exception for a  
 25 C&D recycling facility. This is not about an

1 this is Landstreet. This is Parkers Landing Road,  
 2 which ends right there, just south of our property.  
 3 So it's basically a long driveway to access these  
 4 businesses and also access our parcel. And this plant  
 5 -- this recycling facility is about 800 feet from  
 6 Parkers Landing Road. And today, that site looks  
 7 nothing like this, except the boundary is natural  
 8 buffer.

9 So these were the issues of note brought by  
 10 opposition. The fact that we had requested a variance  
 11 or a -- not to put in a buffer under Orange County  
 12 code is based simply on the fact that the natural  
 13 buffer is superior to Orange County's buffer. And so  
 14 in other words, we are -- we have a superior buffer  
 15 than -- than compliant with -- compliance with the  
 16 code would dictate. And in that regard, because  
 17 there's construction, there has been some buffer  
 18 destruction during the construction business --  
 19 period. And that will be replaced with Orange County  
 20 code required buffer -- landscape -- landscaping.

21 There was an issue regarding set back. There was  
 22 a question of whether we met the set back requirements  
 23 of the solid waste code. And we do. There was a  
 24 question brought about storm water management. Now  
 25 one of the interesting things about this site is that

1 already-approved, already under construction, already  
 2 permitted concrete crushing plan. And that is what  
 3 the neighbors really have objected to. If you read  
 4 the letters in opposition they talk about the plan.  
 5 That's not what this is about.  
 6 Generally, they've made three kinds of comments.  
 7 Those relating to perceived -- I'm talking about the  
 8 opposition. Those relating to the perceived impacts  
 9 of a concrete crushing facility. And let me  
 10 explain that of the 44.7 acres, less than one percent  
 11 of the land is devoted to this recycling facility.  
 12 This is a very small use within a very large parcel.  
 13 There are also comments based on an earlier site plan,  
 14 which was modified at staff direction. We had some  
 15 questions. We were -- thought we needed a variance,  
 16 which we did. And we thought we needed a -- had to  
 17 vacate a road, which we didn't. We meet all of the  
 18 standards. And those kind of comments, based upon a  
 19 misunderstanding of the solid waste code. You saw the  
 20 site. And it's -- it's 44 acres. That -- you see --  
 21 do you all see this, the corner up there?  
 22 FEMALE SPEAKER: Uh-huh.  
 23 MR. KANTOR: Well, if you see, that's an Orange  
 24 County pond. And right below it, right below it, in a  
 25 very small area is the recycling facility. This is --

1 the storm water, much of the storm water in the  
 2 surrounding area goes through a transmission system,  
 3 goes through our property, doesn't serve our property.  
 4 It serves other property. Typically, when you develop  
 5 something, you have to develop the post development  
 6 amount of discharge can't -- it can't exceed  
 7 predevelopment. We can't put more water off our  
 8 property in the predevelopment stage than a  
 9 post development stage. In fact, we are putting less  
 10 water, less treated storm water off of our property  
 11 with the -- then the natural condition provides. And  
 12 that's because of an overlay requirement that is --  
 13 results in our requirement to reduce the amount of  
 14 discharge from our property.

15 Transportation, there was a traffic study done.  
 16 Now keep in mind, this traffic study was for the one  
 17 thing that's -- it was done because -- in context of  
 18 an already approved concrete crushing plan. So there  
 19 was a traffic study done required by the county. It  
 20 requires us to put in a turn lane. The turn lane is  
 21 designed to make FDOT standards. Now you may see, in  
 22 the discussion by opposition, a bunch of pictures.  
 23 And what the pictures are. I don't know if they're  
 24 going to show them. But the pictures are of a plant  
 25 -- a concrete crushing plant in another jurisdiction,

1 subject to different rules and it's not a recycling  
 2 facility. So that's why I said at the beginning, what  
 3 is this about and what it's not about. This thing in  
 4 yellow is basically the yard where the recycling  
 5 occurs. It's 100 by 200. And it's fenced in. Over  
 6 here, there's a weighing function that goes on a scale  
 7 house, so that trucks that bring in concrete for  
 8 crushing and trucks that bring in items for recycling  
 9 are weighed here. And then there's -- so there's a  
 10 total of two and-a-half employees because the person  
 11 who does the scaling does it for both the concrete  
 12 operation and the recycling. It's a very small  
 13 operation.

14 So we believe that we meet all of the  
 15 requirements of your code. And in that regard, what  
 16 is the impact of this project? Well, the county has a  
 17 sustainability plan. And the State of Florida goal  
 18 and consequently the county goal is to achieve 75  
 19 percent recycling target by 2020. Happy New Year, it  
 20 was yesterday. In fact, the county is at 41 percent.  
 21 At least that's the information I have, of the  
 22 recycling target. There was a recent article in the  
 23 last ten days in the Orlando Sentinel. And the  
 24 article said the county is snooping into your garbage  
 25 cans. But what it -- if you read into the article,

1 the application?  
 2 BOARD MEMBER MOSKOWITZ: Seeing none, are there  
 3 any folks here to speak in opposition to the  
 4 application? All right. Please, come forward. If  
 5 anyone is intending to give your time up to another  
 6 speaker, please make sure that we get that information  
 7 in advance. If you give your time to someone else,  
 8 that person will get an additional minute, in lieu of  
 9 your three.

10 MR. WOOD: Okay. My name is Dan Wood, my address  
 11 is 491 Thorpe Road. I'm directly -- my property is  
 12 directly south of Angelo's Recycling. What little I  
 13 know about Angelo's, I found on the internet. And I'm  
 14 here in opposition for all the items I saw on his  
 15 website. Initially, my first gut reaction was that  
 16 this recycling will devalue my property. I've reached  
 17 a point in my life where I may intend to sell the  
 18 property in the near future. And I'm greatly  
 19 concerned about that.

20 When I looked at his website, I saw a number of  
 21 different recycling processes. I was not aware that  
 22 he was limiting only to concrete destruction and just  
 23 the demolition debris. I have to wonder, once he's on  
 24 this site, will there be other items brought in that  
 25 is out of your control. In other words, on his

1 what it talked about was that there were 52,900 tons,  
 2 not 52 tons or 52 -- 52,900 tons, which is 105 million  
 3 pounds more than that of unrecyclable loads got buried  
 4 in the Orange County landfill, resulting in the cost  
 5 to the county to \$2.6 million and reduction of the  
 6 capacity of the landfill.

7 So having these recycling facilities in areas  
 8 that are really designed to accommodate them and  
 9 colocating them with construction -- with concrete  
 10 crushing facilities, is a positive for the community.  
 11 So with respect, we meet all of the Orange County  
 12 standards for special exception. And we believe that  
 13 this application should be approved in accordance with  
 14 the staff recommendation. And we accept all the staff  
 15 recommendations. I'll be glad to answer questions.  
 16 We have a solid waste engineer to talk about all this  
 17 stuff, if you want to learn more about solid waste and  
 18 what goes in a C&D facility. And I learned that  
 19 cardboard, concrete, metal and wood are basically what  
 20 they deal with, not organic materials.

21 CHAIRPERSON KARRAKER: Questions? All right.  
 22 Thank you very much.

23 MR. KANTOR: Thank you.

24 CHAIRPERSON KARRAKER: All right. Is there  
 25 anyone else here from the public to speak in favor of

1 website he lists recycling of tires, recycling of  
 2 aggregate, which would be the concrete, asbestos  
 3 recycling, borrow pit soils and other items. All  
 4 these things, especially with my building being south  
 5 of that, we have problems with particulates in the  
 6 air, air pollution, if you will, respiratory problems.  
 7 In the case of asbestos or even con -- concrete  
 8 demolition, airborne particles are obviously  
 9 detrimental. They're detrimental both to your lungs,  
 10 but also to equipment.

11 I have to wonder, also, what effect this will  
 12 have on the groundwater. We're in a flood zone. I  
 13 assume he is, too. Some of that property that he has  
 14 since cleared, I understood, was wetlands. I don't  
 15 know if that's true or not. And then also what comes  
 16 to mind is they mention that the concrete demolition  
 17 was or crushing was a very small percentage of the  
 18 land. I have to wonder what is the use of the rest of  
 19 the land in the future. So --

20 CHAIRPERSON KARRAKER: Thank you.

21 MR. WOOD: Thank you for your time. Any  
 22 questions?

23 BOARD MEMBER VELEZ: Question. According to the  
 24 report, it says the near residential home is about  
 25 half of an acre -- half-a-mile. I'm sorry. So it's



1 about 3,000 linear feet. Is that correct? Your house  
 2 is within 3,000 linear feet? Or it's closer to the --  
 3 to the recycling?  
 4 MR. WOOD: Well, if you look on the map. This is  
 5 not my home. This is my business. I'm at 491 Thorpe  
 6 Road and I'm just south. It's the street south of  
 7 Landstreet. And if you look and see where that narrow  
 8 strip is in the red up there, I am two buildings to  
 9 the right of that. Okay?  
 10 BOARD MEMBER VELEZ: Okay.  
 11 MR. WOOD: Two buildings east. The large green  
 12 patch is basically the shop's backyard. Okay? We  
 13 have Dennis Hanson just east of me and to the left is  
 14 Master Construction. So they are directly behind -- I  
 15 believe their retention pond will be directly behind  
 16 my retention pond.  
 17 BOARD MEMBER WALTON: May I ask a question? I'm  
 18 sorry.  
 19 BOARD MEMBER VELEZ: Go ahead.  
 20 BOARD MEMBER WALTON: The nature of your  
 21 business?  
 22 MR. WOOD: Light industrial. I have a CNC  
 23 machine shop.  
 24 BOARD MEMBER WALTON: Okay. So it's industrial?  
 25 MR. WOOD: It's light industrial, yeah.

1 on this site.  
 2 BOARD MEMBER MOSKOWITZ: Well, I guess my  
 3 question was a little bit different. If they were to  
 4 wish to expand this --  
 5 MR. NEARING: They would have to come back to  
 6 you.  
 7 BOARD MEMBER MOSKOWITZ: Okay. So if they wanted  
 8 to include -- if they wanted to expand their business  
 9 to include tire recycling, borrow pits, soil recycling  
 10 or asbestos recycling at this location of their  
 11 business, would they have to come back here?  
 12 MR. NEARING: The asbestos -- asbestos disposal  
 13 is a very specialized thing.  
 14 FEMALE SPEAKER: We have David Brumfield here  
 15 from the Environmental Protection Department he may be  
 16 better able to answer that question for you.  
 17 BOARD MEMBER MOSKOWITZ: Great.  
 18 MR. BRUMFIELD: Good morning, David Brumfield,  
 19 professional engineer on staff with the Environmental  
 20 Protection Division. Asbestos would be Class 3 waste.  
 21 So that would require them coming back for a  
 22 modification. And tires similarly. However, borrow  
 23 pit soils could be included under a construction  
 24 demolition debris permit.  
 25 BOARD MEMBER MOSKOWITZ: Okay. But as far as

1 BOARD MEMBER MOSKOWITZ: Okay. Any other  
 2 questions? Thank you very much, sir.  
 3 MR. WOOD: And one thing I will say: We do have,  
 4 if you don't mind, I -- not too far away, we have  
 5 another recycling plant. I think it's probably on  
 6 Taft Island or just off of Taft Island. They do  
 7 handle some organics and other items. I'm not sure  
 8 just what. But when the wind blows the right  
 9 direction, it's foul. It really is. And I'm hoping  
 10 that's not the case here. All right.  
 11 CHAIRPERSON KARRAKER: Thank you.  
 12 MR. WOOD: Thank you.  
 13 BOARD MEMBER MOSKOWITZ: Before we hit the next  
 14 speaker, I have a question for staff. Some of the  
 15 issues that were raised, tires, borrow pits, soil,  
 16 asbestos, would those all be uses that would have to  
 17 be -- that would have to come back here?  
 18 MR. NEARING: My understanding of the operation  
 19 is the -- part of the job of one of the employees is a  
 20 spotter. And they inspect the loads that come in.  
 21 And if there are materials that are unacceptable, then  
 22 they're rejected and the truck leaves. So if there's  
 23 a tire buried on the bottom of it, I'm sure they're  
 24 going have a roll-off that's going to be able to have  
 25 that tire thrown into it. They won't be processing it

1 tires and asbestos, they would have to come back to  
 2 us?  
 3 MR. BRUMFIELD: That's correct. Understanding  
 4 Mr. Nearing's comments about occasionally there is  
 5 some unauthorized waste that does come in with the  
 6 loads and so they would have a trained spotter to  
 7 remove that material.  
 8 BOARD MEMBER MOSKOWITZ: Thank you. All right.  
 9 Next?  
 10 MR. STRANBINGER: Good morning and thank you. My  
 11 name is Paul Stranbinger. I'm with Straubcos, LLC,  
 12 2214, Lucerne Terrace here in Orlando. And I -- I'm  
 13 here on behalf of a neighboring land interest,  
 14 property interest. I've been operating in this area  
 15 as a commercial real estate professional for -- since  
 16 1996. I have a pretty good understanding of what --  
 17 what's common place in this surrounding properties.  
 18 And I take exception to the -- four of the six special  
 19 criteria having been met. I just -- I really am  
 20 having a hard time understanding how the use shall not  
 21 act as a detrimental intrusion into the surrounding  
 22 area, when a lot of businesses that are nearby here  
 23 are going to leave if -- if there's a C&D recycling  
 24 facility as proposed.  
 25 I just -- I know that from talking with the

1 businesses. The typical businesses out here are  
 2 warehouses, which yeah, you could say it's all in -- a  
 3 form of industrial, but it really isn't a -- it's  
 4 really a different use. These people have machines  
 5 and equipment and commodities that need to stay clean,  
 6 which is a lot different than a construction  
 7 demolition transfer station. The businesses out here,  
 8 a lot of these businesses are going to find particular  
 9 exception to this use. The other -- one of the other  
 10 criteria, the use shall be similar in noise,  
 11 vibration, dust, odor, glare, other characteristics  
 12 that are associated with the majority of the uses  
 13 permitted in this zoning district. That's just simply  
 14 not the case. Most of the uses are warehouse  
 15 buildings and institutional grade.

16 One of the other criteria that really isn't met  
 17 is compatible with the surrounding uses shall be  
 18 consistent with the pattern of surrounding  
 19 development. That's really not the case either. It's  
 20 mostly -- most of the surrounding -- you can see from  
 21 the aerial there, most of the surrounding uses are  
 22 warehouse space, there's some dealerships, businesses  
 23 that require more of a clean environment than you're  
 24 going find in this C&D type operation. I was also  
 25 informed that the last plan that I saw, the landscape

1 buffer yards did not meet the requirement as contained  
 2 in No. 6 of the special exception criteria. So I  
 3 mean, we would encourage the board to not approve the  
 4 special exception, for these reasons. That's about  
 5 it.

6 BOARD MEMBER MOSKOWITZ: Thank you.

7 MR. STRANBINGER: Any questions?

8 MR. CRAWFORD: I'm Jim Crawford from Orlando.  
 9 Address is 13025 Kirby Smith Road, Orlando, 32832.  
 10 And I'm born and raised right near this county. And I  
 11 own 20 acres just on the east side of Parkers Landing.  
 12 And part of that is that little corner piece, that  
 13 five acres down in the lower right-hand corner. And  
 14 in my buildings, I have there that I've built over the  
 15 last -- I've owned this property, some of it for  
 16 40-some years. And I have like five buildings right  
 17 on Parkers Landing. And I built that road and deeded  
 18 it to the county in 1999. But in our buildings,  
 19 they're occupied right now with 18 businesses, not  
 20 people. But 18 businesses. Some of these are  
 21 national companies, AVM Industries rent from me.  
 22 They're a national company. We have a lot of  
 23 equipment in some of these lots. Our buildings all  
 24 have metal roofs on them, which this concrete dust is  
 25 very detrimental to and it's very much airborne.

1 The odor, there's two sites just south of this,  
 2 probably within three quarters of a mile, half-a-mile.  
 3 And if you go down there, the odor is horrendous. And  
 4 the wind blowing the right direction as this man said,  
 5 you can get from it the southeast. You really get the  
 6 odor bad. The noise levels, any kind of equipment  
 7 like that, we don't have anything operating in our  
 8 buildings, anything like that; that people own and  
 9 operate in their small businesses. There's already,  
 10 as I mentioned, there's -- this is -- would be in  
 11 Orange County the fourth site, one in Lockhart. There  
 12 are already two in Taft. And this one would be four.  
 13 And the people that have spent tens of millions of  
 14 dollars like Paul mentioned, that have buildings right  
 15 surrounding us have spent millions in the development  
 16 of the property. And this, as Paul mentioned -- I  
 17 won't go over those. It does not -- it diminishes --  
 18 it does not even fit in close.

19 I own that lot, as I mentioned there on the  
 20 southeast corner, the north property line of mine  
 21 borders the south end of a 40-foot right of way, which  
 22 has never been vacated. I have vacated a -- a right  
 23 of way to my east and I had to get all the signatures  
 24 of each piece of property that it went by. And that  
 25 right of way that they're talking about right there

1 that they want to use part of it as a set back,  
 2 borders the north property line of my property. And  
 3 all of that water goes through that, was a dug ditch.  
 4 I'd say probably 100 years ago, going to the Boggy  
 5 Creek Canal, which the Boggy Creek Canal goes into  
 6 East Lake, that goes into West Lake, Lake Kissimmee,  
 7 Kissimmee River, lake Okeechobee, goes out the  
 8 Loxahatchee River to Fort Myers and goes out the  
 9 St. Lucie Canal to Stuart. That's where all that over  
 10 flowing water goes. If you guys don't know that. And  
 11 that's where it ends at

12 And I got a problem with this right of way thing,  
 13 too. I don't know if this is legal or not. I just  
 14 want you to know that that wasn't signed off by the  
 15 county. And the other -- and this will have -- this  
 16 water that's going to come off of their supposedly  
 17 clean environment is going to go through my property,  
 18 down that ditch. So this is where I'm at with it.  
 19 And I oppose it very much. And I have children that  
 20 will be taken over my property when I'm through with  
 21 it. And I'm sure that -- and I know they feel the  
 22 same way I do, so --

23 BOARD MEMBER MOSKOWITZ: I have a couple  
 24 questions for you before you sit down. It's nice to  
 25 see you again, sir.

1 MR. CRAWFORD: Pardon?  
 2 BOARD MEMBER MOSKOWITZ: I have a couple of  
 3 questions for you. It's nice to see you again. I  
 4 remember meeting you at the community meeting.  
 5 MR. CRAWFORD: Thank you. Excuse me for just a  
 6 minute. That was what I was going to mention. I  
 7 never got a notice of the April 24 meeting. I didn't  
 8 even know what was going on until we were at the  
 9 school in Taft that day. That's whenever I found that  
 10 out. So I wasn't -- didn't attend any meeting. I  
 11 would have opposed it, I think as well as these other  
 12 guys.  
 13 BOARD MEMBER MOSKOWITZ: My question to you --  
 14 MR. CRAWFORD: Yes, ma'am?  
 15 BOARD MEMBER MOSKOWITZ: -- is you were talking  
 16 about your concerns about the traffic on Parkers  
 17 Landing Road and your concern about your ability to  
 18 get into your property with the increased truck  
 19 traffic. And I believe that you also raised some  
 20 concerns about the ability of Parkers Landing Road to  
 21 actually accommodate the big trucks coming in. Have  
 22 you looked at the revised plan? Has anything in the  
 23 revised plan that's been put forth today alleviated  
 24 any of your concerns about that?  
 25 MR. CRAWFORD: No, ma'am.

1 BOARD MEMBER MOSKOWITZ: Okay.  
 2 MR. CRAWFORD: None at all. And it will be a big  
 3 problem for the people that are already there. They  
 4 come and go out of there. Sunbelt has -- rents one of  
 5 Eric's buildings and they go in with tractor trailers.  
 6 People come to pick up stuff, as well as my -- the  
 7 business that the guys that rent from me are in and  
 8 our buildings existing now. And like I say, some of  
 9 these guys have been there for -- well, some of these  
 10 guys have been there between 10 and 20 years, 25  
 11 years. They've made their living there, working. And  
 12 those 18 of mine are not mine, but in our, you know,  
 13 links along with his, you know. They should have some  
 14 say. And our buildings -- whenever they were grinding  
 15 and doing the delimiting and mulching all the trees, it  
 16 came all over our buildings. It came all over the  
 17 equipment. And it was just a big mess. I mean, it  
 18 was in the park and all you had to do was just ride  
 19 and look at it. I went over to see the guys running  
 20 the equipment. And they didn't pay attention to me.  
 21 They just kept going. I tried to talk to them about  
 22 it, and it was a no.  
 23 BOARD MEMBER MOSKOWITZ: Thank you.  
 24 MR. CRAWFORD: Thank you for listening. I  
 25 appreciate it.

1 BOARD MEMBER MOSKOWITZ: Thank you, sir.  
 2 MR. INMAN: Hello, I'm Eric Inman from 9101  
 3 Parkers Landing. I basically just want to echo Paul  
 4 and Jim's comments. They're spot on and I'm a  
 5 neighbor. We have a 40,000 foot building right --  
 6 right there on Parkers Landing. And one of the big  
 7 concerns we have is the traffic with the trucks. Our  
 8 largest tenant is Sunbelt Rental and they've already  
 9 given us notice that they're vacating. And it wasn't  
 10 specifically about the project. It was the existing  
 11 traffic on Landstreet Road. So, now when you take  
 12 that into consideration, you're going to be pulling in  
 13 and staging dump trucks on a two-lane road. It's  
 14 going to be next to impossible for these business  
 15 owners to get in and out. So that's one of our big  
 16 concerns. And I'm going to give the rest of my time  
 17 to our engineer.  
 18 BOARD MEMBER MOSKOWITZ: Excuse me, sir.  
 19 (Inaudible.)  
 20 BOARD MEMBER MOSKOWITZ: Well, once you start  
 21 speaking, you can't give time.  
 22 MR. INMAN: Oh, sorry. Okay.  
 23 BOARD MEMBER MOSKOWITZ: So I mean, if there's  
 24 anything else that you would like to tell us, now's  
 25 the time.

1 MR. INMAN: Um, other than I didn't receive that  
 2 first notice either for the public hearing, the first  
 3 thing we got was on the school. So thank you.  
 4 BOARD MEMBER MOSKOWITZ: Thank you.  
 5 MR. BAUMAN: My name's Douglas Bauman. I'm with  
 6 General Civil & Environmental Engineering. My address  
 7 is 5305 Pineview Way, Apopka, Florida. And about a  
 8 month ago, or maybe not quite, I was contacted by  
 9 Eric, who just left the room. And Jim Crawford, too.  
 10 And reviewed some of the Angelo files related to the  
 11 C&D facility. And then quickly became aware that  
 12 there was a concrete crushing facility that had gotten  
 13 some permits. I have some questions about that  
 14 related to the air permits to operate such a facility.  
 15 But anyway, I've been tasked with just reviewing the  
 16 documentation and coming up with some comments.  
 17 Obviously, there's a lot of forces at play here for  
 18 this type of facility. I'd like to start out by  
 19 thanking the board here and -- and all of the Orange  
 20 County departments that are represented, if you will,  
 21 there's only a couple represented here. But there's  
 22 many departments that have -- and divisions that have  
 23 looked into this and have been part of this.  
 24 I'd like to thank Angelo's Recycling for the  
 25 services that they provide around Florida. Obviously

1 we need facilities to -- to handle construction debris  
 2 and waste concrete. My -- my personal opinion is that  
 3 a facility like this needs to be in more of the I-4  
 4 zoning and C-3, 4 rather than C-2. It was previously  
 5 mentioned that this C-2 -- I mean I-2, I-3 designation  
 6 by a commercial realtor that's worked the area for  
 7 many years, it's more -- more warehouse type space.  
 8 But so I don't want to have any of my comments here be  
 9 misinterpreted for the people that I'm representing,  
 10 their opposition to the project. Okay. But I have  
 11 some comments that, depending on how this goes, that  
 12 I'd like Orange County to take heed to.

13 I have a master's in environmental engineering,  
 14 I have 30 years's experience. And I've worked on  
 15 permit applications, signed and sealed permit  
 16 applications for C&D facilities for concrete crushing  
 17 facilities, for auto recycling facilities. One of  
 18 the, I designed some of the air pollution control  
 19 system on one of the only two auto crushers in -- in  
 20 the Orlando area. But anyway, so one -- one question  
 21 that I have for the county staff is that previously in  
 22 the comments from Orange County EPD, it was stated  
 23 that the facility didn't meet 150-foot set back of C&D  
 24 facility. Some of the set back numbers were changed  
 25 by Angelo's and they proposed to incorporate the

1 40-foot right of way into the calculation for the  
 2 150-foot set back. Typically, set backs are to the  
 3 closest right of way line, not to the far side of the  
 4 right of way line.  
 5 So I'm questioning where that came from. Also,  
 6 the county indicated earlier, the zoning department,  
 7 that the facility would not be taking trees and limbs  
 8 and what not, things of that nature. Although, the  
 9 application for the C&D facility states that it would  
 10 be taking trees and limbs and -- and sorts of that  
 11 nature. The question I have for Orange County EPD is:  
 12 The facility's going to be crushing concrete out there  
 13 and I wonder if that's going to be a mobile concrete  
 14 crushing equipment or is that going to be permanently  
 15 fixed at the facility? And then I'd also like to  
 16 know, wasn't -- I believe it said they were going to  
 17 crush concrete out there six times a year. I saw that  
 18 in the application, I believe.

19 I looked at some of the other facilities that  
 20 Angelo's operates in the State of Florida. One in  
 21 Brandon, another one in Lakeland --

22 BOARD MEMBER MOSKOWITZ: Sir, you're well over  
 23 your -- your time. Sure. So if you could, wrap up  
 24 your comments, please.

25 MR. BAUMAN: Okay. I'm going to ask for a little

1 bit more time as I'm here representing several  
 2 different property owners. Is that possible?

3 BOARD MEMBER MOSKOWITZ: Given they've all had  
 4 three minutes themselves and didn't defer their time  
 5 to you --

6 MR. BAUMAN: Okay. What are you going to give  
 7 me, another minute or so?

8 BOARD MEMBER MOSKOWITZ: We'll give you another  
 9 two minutes, please.

10 MR. BAUMAN: Okay. So we've -- I've submitted  
 11 the comments to BZA to David Brumfield, as he's the  
 12 engineer at Orange County EPD, reviewing the C&D  
 13 application. To David Nearing, who's the case manager  
 14 for zoning, obviously. And so I'll try to stay away  
 15 from re-- from touching on those things. But a few  
 16 things that I'd like the county to consider is that  
 17 the facility for example the facility over in Brandon,  
 18 Florida, they have a concrete screening fence. I  
 19 think it's approximately seven feet tall that runs the  
 20 length of the -- the road that they're off of. The  
 21 applicant here, at first, they're not going to have  
 22 any fencing around the perimeter of the facility. Now  
 23 it may just be that 100 by 200 foot area where the  
 24 tipping's going to be taking place of the C&D debris  
 25 and where it's going to be gone through and recycled

1 but the fact of the matter is that the entrance to the  
 2 -- to the facility, the scale house, the road from the  
 3 scale house to the tipping area, that's all part of  
 4 the C&D facility as well. You can't operate the C&D  
 5 facility without those features. Also on Brandon, the  
 6 C&D facility there has a 20-foot high -- approximately  
 7 20-foot high screen fence around partially around its  
 8 tipping area, as opposed to a 6-foot chain-link fence.

9 The Largo facility states that it operates only  
 10 until 5:00 p.m., Monday through Friday. The  
 11 applicant's -- the application to Orange County EPD  
 12 stated that they were going to do daily litter --  
 13 weekly litter control along Parkers Landing, which I  
 14 don't think will be adequate. Also, I reviewed the  
 15 traffic study. And the traffic study doesn't go into  
 16 this too much about -- I believe some of the staging  
 17 is going to fall out on Parkers Landing. So the  
 18 facilities will back up at the scale house and the  
 19 trucks will back up on Parkers Landing.

20 BOARD MEMBER MOSKOWITZ: Okay. Thank you.

21 MR. BRUMFIELD: Okay. Thank you.

22 BOARD MEMBER MOSKOWITZ: Mr. Nearing, I would  
 23 like to see the documentation that this gentleman -- I  
 24 would actually like to see anything that we received  
 25 in opposition.

1 Is there anyone else here to speak in opposition?  
 2 And while Mr. Nearing is getting that material, if the  
 3 applicant would like to respond in rebuttal?  
 4 MR. KANTOR: Thank you. Remember, I asked the  
 5 question of what is this about and what it's not  
 6 about? Well, the people that spoke pretty much nailed  
 7 what I was talking about because most of the  
 8 objections, most of the concerns, those dealing  
 9 particularly with dust and noise and the vast majority  
 10 of any additional traffic is from the concrete  
 11 crushing plant, which is already permitted.  
 12 The reference to some of the facilities that my  
 13 client has in other parts of the state are, again,  
 14 concrete crushing plants. So this is a C&D recycling  
 15 plant, recycling facility. And what that means is,  
 16 you bring this stuff there. The only thing that stays  
 17 onsite is the concrete related materials. Everything  
 18 else is put in a bin and taken away. The other  
 19 recycling site that they were talking about that had  
 20 odor, I think -- well, it's not a C&D site. It may be  
 21 a recycling facility. It may have organic materials.  
 22 It may have trash. I do not know. But this is a  
 23 construction and debris recycling facility. And  
 24 that's all.  
 25 So they put -- they separate the items. They put

1 them in a bin. And then they're trucked to another  
 2 location. The traffic study that was done relates to  
 3 the C&D recycling facility. As a matter of fact, the  
 4 only data and analysis prepared by a professional and  
 5 sealed in connection with this application is the  
 6 stuff that we have submitted.  
 7 So there is no legal basis, in my view, for  
 8 suggesting that any of those studies are inappropriate  
 9 or incorrect or incomplete because there's nothing in  
 10 the record that supports any different conclusion, in  
 11 my view.  
 12 Now I understand people being upset about dust  
 13 and noise from a concrete crushing plant. But this is  
 14 a C&D recycling facility. It's 800 feet away from  
 15 Parkers Landing. It's -- the gentleman that had the  
 16 property to the south, I think it's even farther away.  
 17 And it's also buffered by a huge pond, storm water  
 18 pond, in the south part of the site. So I believe  
 19 that we have met the standards that are required to be  
 20 met for issuance of the special exception permit.  
 21 I'll be glad to elaborate on anything or answer  
 22 additional questions.  
 23 BOARD MEMBER MOSKOWITZ: Thank you.  
 24 MR. KANTOR: Thank you.  
 25 BOARD MEMBER MOSKOWITZ: No, I have some

1 questions for you.  
 2 MR. KANTOR: Oh, dam.  
 3 BOARD MEMBER MOSKOWITZ: Where is the main  
 4 ingress going to be to this site for the C&D?  
 5 MR. KANTOR: It's on Parkers Landing Road. And  
 6 it's across -- I don't know. That's not mine. Let me  
 7 see here. I don't have the -- does this now work?  
 8 Well, okay. I'm sorry. I'm not being able to get  
 9 this device to work. But it's -- I think it's south  
 10 of the -- it lines up with an entrance to one of the  
 11 buildings on the east side of the road. About -- I'm  
 12 going to say halfway down the site, something like  
 13 that, further down.  
 14 CHAIRPERSON KARRAKER: There's a site plan on  
 15 page 123 of the report.  
 16 MR. KANTOR: There is? Oh, okay.  
 17 CHAIRPERSON KARRAKER: 123.  
 18 MR. KANTOR: Is it down here? Here's the  
 19 intersection. Here's Parkers Landing. And there's an  
 20 access place that's directly across. It's not on a --  
 21 there's no public road there. There's an access  
 22 point.  
 23 BOARD MEMBER VELEZ: So how many businesses share  
 24 the road, that you can say?  
 25 MR. KANTOR: Well, there's these buildings here.

1 BOARD MEMBER VELEZ: So it's not that many  
 2 buildings. Are you expecting a lot of traffic on this  
 3 area if you bring more --  
 4 BOARD MEMBER MOSKOWITZ: Thank you.  
 5 BOARD MEMBER VELEZ: You're allowed to bring some  
 6 trucks for the concrete crushing. I don't know how  
 7 many trucks are you planning to bring. But these new  
 8 facilities, how many more trucks you're anticipating  
 9 to bring?  
 10 MR. KANTOR: I don't know the exact number. It's  
 11 in the study, in the traffic study. I think there's  
 12 88. Does that sound right? Something like 88 in a  
 13 24-hour period or during business hours.  
 14 BOARD MEMBER MOSKOWITZ: How many?  
 15 MR. KANTOR: 88, over a -- what, 14 hours or  
 16 something like that, 7:00 to 7:00.  
 17 BOARD MEMBER MOSKOWITZ: What sized trucks?  
 18 MR. KANTOR: Different sizes. They're all  
 19 different sizes. Some are big. Some are not so big.  
 20 Depends on the kind of --  
 21 BOARD MEMBER MOSKOWITZ: Define that.  
 22 MR. KANTOR: They're going to be big trucks, too.  
 23 But this road capacity far exceeds the traffic load  
 24 imposed by the trucks for a C&D facility  
 25 BOARD MEMBER VELEZ: Are you planning on parking

1 those trucks on the street or are you --  
 2 MR. KANTOR: Absolutely -- absolutely not.  
 3 Although, in a picture that was shown before, there  
 4 was a truck parked on the side of the street that  
 5 wasn't our truck. No. It's -- there's no trucks  
 6 going to be parked on this street.  
 7 BOARD MEMBER VELEZ: Okay.  
 8 BOARD MEMBER MOSKOWITZ: And understanding that  
 9 we are not here to talk about the concrete crushing  
 10 issue because that is permitted by right: Of those 88  
 11 trucks that you anticipate per day, how much of those  
 12 would be for this particular use?  
 13 MR. KANTOR: No, that's for this particular use.  
 14 BOARD MEMBER MOSKOWITZ: Okay -- you  
 15 discussed earlier that the recyclables would be taken  
 16 and picked and put in a bin. And then the organic  
 17 materials, if they were to come in, would go in  
 18 another bin. And then stuff that was not organic, but  
 19 was otherwise not useable would go into, I guess, a  
 20 third bin. How long will items be staying on this  
 21 site? Will anything be overnight?  
 22 MR. KANTOR: That, I don't know. I think -- I do  
 23 believe there's things overnight. It's when a bin  
 24 gets filled, then they truck it off.  
 25 BOARD MEMBER MOSKOWITZ: So if there were organic

1 material, it would have to wait until the bin was full  
 2 before it would be hauled off?  
 3 MR. KANTOR: I don't -- I'm going to ask my  
 4 client to respond to that. I don't have those kind of  
 5 operational -- yeah, come on up here  
 6 BOARD MEMBER MOSKOWITZ: Just give us your name  
 7 and address, please  
 8 MS. DEAL: I'm Jennifer Deal with Tetra Tech.  
 9 We're at 201 East Pine Street here in Orlando. To  
 10 address the waste and material storage question,  
 11 there's going to be different containers for the  
 12 different type of waste and recyclable materials that  
 13 come in. We're proposing to have one specifically for  
 14 cardboard to keep that off the ground. There will be  
 15 a storage bin for tires, another small dumpster with  
 16 the lid for any kind of organic materials that come  
 17 in, such as the household trash bags that someone may  
 18 throw inside a construction dumpster, things like  
 19 that.  
 20 So those materials are proposed to be onsite  
 21 anywhere from 48 hours to 30 days, depending on when  
 22 the containers get full. You know, if we have a  
 23 container of cardboard that only has a few pieces in  
 24 it, that's not going to be hauled out that same day.  
 25 But if it gets full -- there are time constraints for

1 each one of those materials within our proposed  
 2 operations plan that's under review with EPD.  
 3 BOARD MEMBER MOSKOWITZ: Okay.  
 4 BOARD MEMBER WALTON: I have a question.  
 5 BOARD MEMBER MOSKOWITZ: Please.  
 6 BOARD MEMBER WALTON: Is that common in your  
 7 industry?  
 8 MS. DEAL: I'm sorry? Say that again.  
 9 BOARD MEMBER WALTON: In terms of hauling those  
 10 materials out that are noncompliant, is that common  
 11 and traditional --  
 12 MS. DEAL: Yes.  
 13 BOARD MEMBER WALTON: -- for your industry?  
 14 MS. DEAL: Yes.  
 15 BOARD MEMBER WALTON: Okay.  
 16 MS. DEAL: It's common for them. There is a  
 17 separate container proposed for what we would call the  
 18 unacceptable waste or the nonrecyclables. And there's  
 19 a separate container for those as well. And it's  
 20 common. It's required to have a a container or  
 21 containment for those type of materials that come in,  
 22 so that you can have those segregated for removal.  
 23 BOARD MEMBER WALTON: Staff also referenced that  
 24 you would have some people onsite that were spot  
 25 checkers or spotters or --

1 MS. DEAL: Yes, trained spotters. That's  
 2 required by --  
 3 BOARD MEMBER WALTON: Okay. So is there some  
 4 type of certification or license --  
 5 MS. DEAL: Yes.  
 6 BOARD MEMBER WALTON: -- or skill set?  
 7 MS. DEAL: There's a certification. There's a  
 8 training course typically given by University of  
 9 Florida or there are some other approved outlets for  
 10 that as well. So yeah, there's a certification  
 11 requirement for equipment operators and for the  
 12 spotters that are working at the facility. So  
 13 everybody is trained.  
 14 BOARD MEMBER WALTON: Thank you.  
 15 BOARD MEMBER VELEZ: I think one of the issues is  
 16 the other, how are you going to emit -- I hear that  
 17 you want to put a -- downstairs they got a like a  
 18 cover to protect, to prevent that odor to getting to  
 19 the -- to spread to the neighbors or something like  
 20 that. Is that correct?  
 21 MS. DEAL: Yes. There's another container  
 22 separate --  
 23 BOARD MEMBER VELEZ: Okay.  
 24 MS. DEAL: -- for the unauthorized materials or  
 25 something that comes in that's nonrecyclable. Did

1 that answer your question?  
 2 BOARD MEMBER VELEZ: I was thinking more in the  
 3 smelling through the neighbors with all these organic  
 4 materials. How are you going to prevent --  
 5 MS. DEAL: Well, there's not a -- there's not  
 6 much organic material coming into this waste stream.  
 7 There might be some incidental material that comes in.  
 8 But for the most part, it's going to be what's  
 9 normally comprised inside of a construction and  
 10 demolition debris dumpster. So you're looking at  
 11 concrete wood, metal, cardboard, plastic and then some  
 12 incidental waste that may get thrown in with that as  
 13 well.  
 14 BOARD MEMBER VELEZ: Okay.  
 15 BOARD MEMBER MOSKOWITZ: I have a -- I have an  
 16 odd question. And I'm not -- it's not going to be  
 17 technically appropriate. I can tell you that right  
 18 now. I -- I live in Lake Nona, which is I guess ten  
 19 miles as the crow flies from the big landfill off of  
 20 Young Pine. And we never -- I've lived out there  
 21 since 2003. And we never had any type of problems  
 22 with odor from the landfill until the landfill started  
 23 accepting construction waste and mixing it with --  
 24 this is what we were told by the county.  
 25 MS. DEAL: Okay. That landfill's been accepting

1 debris. There's a separate recycling facility out  
 2 there.  
 3 I haven't been to that landfill in a long time,  
 4 but it -- you know, I'm very familiar with it. Back  
 5 in my past life, when I worked for the DEP, I used to  
 6 be the inspector for that landfill. So I was very  
 7 familiar with all the operations going out there at  
 8 the given time. There's a lot of waste coming into  
 9 that facility and a lot of different times. It's a  
 10 very, very different operation than what we're talking  
 11 about here  
 12 BOARD MEMBER MOSKOWITZ: Now I -- I understand  
 13 that. I fully understand that. But my question was:  
 14 If there is any particular type of -- of item that's  
 15 going to be recycled here that essentially has an odor  
 16 if it gets wet or if it sits there for ten days.  
 17 MS. DEAL: Sure. We're not anticipating anything  
 18 like that. Our container that we're proposing for  
 19 cardboard is going to be covered, so that that  
 20 material doesn't get wet. There's going to be a  
 21 dumpster for any incidental residential bags that get  
 22 thrown into those dumpsters or into those roll-offs,  
 23 rather, that come into the facility. That will be a  
 24 covered container, also.  
 25 There's going to be a separate one for metal, a

1 construction waste for a long time.  
 2 BOARD MEMBER MOSKOWITZ: And it's been going on  
 3 for probably the last five or six years that it's  
 4 really gotten bad, that if the wind blows in a  
 5 particular direction, it just stinks in our community,  
 6 that far away. And I'm just curious what type of  
 7 materials are -- if you have -- can tell us what types  
 8 of materials are giving off that -- that stench.  
 9 MS. DEAL: The main stench you're smelling from  
 10 that landfill is residential waste. You are talking  
 11 also -- now you're comparing a 100 foot by 200 foot  
 12 construction recycling --  
 13 BOARD MEMBER MOSKOWITZ: Oh, yes, I know.  
 14 MS. DEAL: -- versus, you know, a landfill on  
 15 thousands of acres.  
 16 BOARD MEMBER MOSKOWITZ: Yes.  
 17 MS. DEAL: So there's a huge difference. There's  
 18 many different types of waste that are being managed  
 19 out at Orange County. You're talking about the  
 20 residential waste that's coming in. You know, I don't  
 21 know how many thousands of tons a day. Plus, you've  
 22 got the organics. There's a composting facility out  
 23 there as well, where I can guarantee you a lot of that  
 24 odor is coming from. There's a Class 3 landfill out  
 25 there, which includes construction and demolition

1 separate one for tires. And then the remaining  
 2 materials that are not recyclable are going to be  
 3 removed from the facility. So there's really not  
 4 anything else that's going to be sitting there on site  
 5 for any period of time that would be able to generate  
 6 the odors like that.  
 7 BOARD MEMBER MOSKOWITZ: Okay. Thank you. Does  
 8 anyone else have any other questions for the  
 9 applicant? Sorry. All right. I would ask that we  
 10 close the public hearing.  
 11 CHAIRPERSON KARRAKER: The public hearing is now  
 12 closed.  
 13 BOARD MEMBER MOSKOWITZ: I am very familiar with  
 14 this site. I've gone out there a couple of times to  
 15 take a look. I understand that the concrete crushing  
 16 aspect of the project is permitted by right, so we  
 17 can't really take into consideration those issues. My  
 18 major concern was the potential of -- two -- two-fold.  
 19 not being related to the concrete crushing.  
 20 I had concerns about the odors that would  
 21 potentially be generated from this type of business  
 22 and the impact on the surrounding neighbors. I sort  
 23 of am not sure that I'm -- I -- I still have concerns  
 24 about that. But they have been some what alleviated.  
 25 But my huge concern, which has not been

1 alleviated, is that these approximately 88 trucks of  
 2 varying sizes are going to be coming down Parkers  
 3 Landing on a daily basis during the operation of this  
 4 project. And that roadway is already quite busy with  
 5 cars and other businesses that have been there for a  
 6 very long time.  
 7 And my concern is that this -- that the -- the  
 8 proposed entrance and having all of these trucks going  
 9 in and out is going to have a detrimental impact on  
 10 the businesses that are already there.  
 11 CHAIRPERSON KARRAKER: Was a traffic study done  
 12 at all on this?  
 13 MR. NEARING: Yes, it was reviewed by both  
 14 transportation and planning and traffic engineering.  
 15 MS. DEAL: It's partially why there's a condition  
 16 and approval. It's No. 4. It states that they have  
 17 to install a decel lane on Parkers Landing prior to  
 18 their permits being issued.  
 19 BOARD MEMBER MOSKOWITZ: Well, that's -- the  
 20 deceleration lane is there at the corner there, if I'm  
 21 reading this correctly, for them to turn onto Parkers  
 22 Landing from Landstreet.  
 23 FEMALE SPEAKER: Yes.  
 24 BOARD MEMBER MOSKOWITZ: But that doesn't change  
 25 the fact that they're going halfway down Parkers

1 Landing before they're turning off of Parkers Landing  
 2 and then the trucks have to leave. And it's not that  
 3 wide. Parkers Landing is not as big as Landstreet.  
 4 And that was my concern. Because you're going to have  
 5 major huge trucks coming potentially to bring all of  
 6 this material to be recycled. And Landstreet is a  
 7 much bigger --  
 8 BOARD MEMBER VELEZ: I don't know if they have a  
 9 different entrance for the concrete crushing, if it's  
 10 going to be same. Are they going to bring another  
 11 hundred trucks as well? So it's going to be even  
 12 worse.  
 13 BOARD MEMBER MOSKOWITZ: Well, I don't know about  
 14 that, but I was already concerned at 88, given how  
 15 small Parkers Landing is of a street. And I haven't  
 16 -- I'm not -- I'm not take -- I don't know anything  
 17 about -- because the concrete, I really didn't look  
 18 into the concrete crushing issue because it's already  
 19 permitted. There's nothing for us to look at on that.  
 20 So I didn't take that into consideration. I don't  
 21 know how many other trucks would be coming in and out  
 22 with that operation.  
 23 I was looking solely at the C&D recycling issue  
 24 that is before us. And because of that, I mean, there  
 25 are a lot of businesses that appear. I mean, I don't

1 -- I'm not familiar with all of them, but there are a  
 2 lot of businesses in that area along the -- that --  
 3 that street that appear to have been there for some  
 4 time. And that -- that was my concern.  
 5 I -- I know that Angelo's has, I think, agreed to  
 6 the deceleration lane, but I -- I am very concerned  
 7 about the impact to the other businesses along Parkers  
 8 Landing.

9 BOARD MEMBER WALTON: Do you mind?

10 BOARD MEMBER MOSKOWITZ: Please.

11 BOARD MEMBER WALTON: Okay. Well, I -- I -- you  
 12 know, I'm always sensitive to traffic. And -- but  
 13 however, I think that's one of the reasons why we  
 14 always or we generally request some type of advice  
 15 from our traffic engineering division and our  
 16 transportation and planning division, of which both  
 17 have provided a recommendation, and the applicant has  
 18 agreed to.

19 So for me, I think that we've sought the advice  
 20 from the experts. A traffic study has been  
 21 ascertained. A recommendation has been provided. The  
 22 applicant has agreed to exhaust resources to comply  
 23 with the recommendation, even though it's not a  
 24 mandate. It's a recommendation. And because of --

25 BOARD MEMBER MOSKOWITZ: Well, if we approve it,

1 it will be a mandate.  
 2 BOARD MEMBER WALTON: Well, right now. And just  
 3 because of the nature of this area, because I asked  
 4 the question of one of the -- the people who spoke  
 5 today about the nature of the commercial entity that  
 6 he was here representing.  
 7 And I'm sitting here right now scrolling through  
 8 the code and the compatibility table. And as I look  
 9 through the compatibility table for the use for I2,  
 10 I3, I4, no matter what goes on this site, whether it's  
 11 a C&D recycling entity, whether it's concrete  
 12 crushing, any time I go -- I volunteered at the -- the  
 13 Soap to Clean America. So I was over in that area a  
 14 few months ago. Any time you go to that area, you're  
 15 met with large trucks because of the uses that are  
 16 duly applied to that area across I2, I3, I4.  
 17 And so if the major concern is the ingress and  
 18 egress in terms of trucks, I don't know how you get  
 19 past that without telling somebody you've invested in  
 20 a piece of property that you're never going to be able  
 21 to use. No matter who you are, whether it's this  
 22 applicant or whether it's another one, I just -- I'm  
 23 sorry. It's just you're going to have trucks  
 24 ingressing and egressing. As much as I want them to  
 25 have their own dedicated space in this world, when I'm



1 trying to get from A to Z, but that area is dedicated  
 2 to an industrial type commercial entity.  
 3 BOARD MEMBER MOSKOWITZ: I -- I agree with that.  
 4 But if we could pull up the picture that was put forth  
 5 for Parkers Landing, there was a picture that was put  
 6 up here that had what the current businesses are  
 7 there.  
 8 BOARD MEMBER WALTON: And I see trucks.  
 9 BOARD MEMBER MOSKOWITZ: Well, yes. But 88 more  
 10 potentially the size of the red one in and out every  
 11 day --  
 12 BOARD MEMBER VELEZ: [f] I can say something?  
 13 BOARD MEMBER MOSKOWITZ: Please.  
 14 BOARD MEMBER VELEZ: The thing is they would not  
 15 parked on the street. They're going to get into the  
 16 property and have 45 acres to park these trucks. So I  
 17 don't think there will be a major impact to the road  
 18 BOARD MEMBER WALTON: Right. It's going to be an  
 19 ingress and egress type moment because it sounds like  
 20 it's a manual drop off and leave. And so if the  
 21 concern is the trucks, all I'm saying is that I don't  
 22 know what plausible entity could go into this area and  
 23 we not have -- and you not have to consider an ingress  
 24 and an egress moment. I -- and because of the nature  
 25 of the businesses in this area, it's usually and

1 typically associated with the use of trucks.  
 2 BOARD MEMBER MOSKOWITZ: Yes and no. But yes.  
 3 CHAIRPERSON KARRAKER: The -- I think one of the  
 4 hard parts is this -- the issue of traffic. And what  
 5 we -- we have been told as members in the past, is  
 6 that if there's a traffic study done, we're supposed  
 7 to abide by it.  
 8 BOARD MEMBER MOSKOWITZ: Correct.  
 9 CHAIRPERSON KARRAKER: I know I get terribly  
 10 frustrated when we're looking at schools. And I know  
 11 what that traffic is like.  
 12 BOARD MEMBER MOSKOWITZ: Yes.  
 13 CHAIRPERSON KARRAKER: And I know that the  
 14 traffic people, and I never agree on that. But we --  
 15 we have to go by what the traffic people said. And  
 16 when there's 100 buses coming in and out of the school  
 17 twice a day, which we have at our high schools, it's  
 18 -- it -- it's not pretty  
 19 BOARD MEMBER MOSKOWITZ: I know.  
 20 CHAIRPERSON KARRAKER: This isn't going to be  
 21 pretty.  
 22 BOARD MEMBER MOSKOWITZ: No, this is not going to  
 23 be pretty.  
 24 CHAIRPERSON KARRAKER: But -- but if our traffic  
 25 people say that it's acceptable in this area -- in

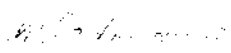
1 this area, my understanding was that we have to go by  
 2 it.  
 3 BOARD MEMBER WALTON: And as I look through that  
 4 stack of opposition and a lot of them are, you know,  
 5 blanketed scripted letters that you know, and I -- and  
 6 I respect -- respectfully, I understand. But what I  
 7 saw is I saw we have our cars parked here and it's  
 8 going to have dust. And so I didn't really see, in  
 9 that huge stack, a whole lot of, and I have a problem  
 10 with ingress and egress.  
 11 BOARD MEMBER VELEZ: Correct. It's going to be  
 12 about seven trucks per hour, more or less. According  
 13 with the ADA. And to allow out (inaudible) so it's  
 14 not that much.  
 15 BOARD MEMBER WALTON: I just -- I just want to,  
 16 you know, make sure that we take into consideration  
 17 property rights, and that nobody is -- we're always  
 18 going to be hit with, not my backyard.  
 19 BOARD MEMBER MOSKOWITZ: No, I understand. We  
 20 have to balance the rights of the people looking to  
 21 come in and develop with the rights of the people who  
 22 are already in there.  
 23 BOARD MEMBER WALTON: Right, yeah.  
 24 BOARD MEMBER MOSKOWITZ: And my concern is for  
 25 the people who's already been there. I just have

1 concerns that this little road -- I mean, I drove down  
 2 it. And I didn't think that this was going to be a  
 3 good thing for 88 trucks to be coming. I didn't even  
 4 think it would be that many per day. To be coming  
 5 down this little road to turn into this with what's  
 6 already there. And I'm just driving an SUV.  
 7 BOARD MEMBER WALTON: I understand.  
 8 BOARD MEMBER MOSKOWITZ: It's a very narrow  
 9 street. So I'm not a traffic engineer. I'm just a  
 10 person.  
 11 BOARD MEMBER WALTON: And because I -- and I  
 12 heard what you said about, you know, you and the land  
 13 fill that's over near Lake Nona. Because I live off  
 14 of Good Homes Road. And so there's also a lift  
 15 station there. As you so know. And I understand when  
 16 the wind blows, oh, my goodness. But, you know, Good  
 17 Homes Road is not a wide road either, you know. It's  
 18 two lanes. And so I -- I get it. And I understand.  
 19 But --  
 20 BOARD MEMBER MOSKOWITZ: I'm not really  
 21 concerned. I asked the questions about the odor and  
 22 that alleviated some of my concerns, although I'm a  
 23 little bit freaked out about stuff sitting there for  
 24 30 days before it gets hauled out. But my -- my main  
 25 concern and my main opposition to this is this little

1 tiny Parkers Landing Road with -- there are a  
 2 multitude of businesses that already have been there  
 3 for a considerable period of time. And I think that  
 4 this will negatively impact those businesses that are  
 5 there. As far as being able to use that roadway.  
 6 That's the concern that has not been alleviated  
 7 to me, for my personal going out there and driving it  
 8 and looking at it. I think that's going to be a  
 9 problem.  
 10 CHAIRPERSON KARRAKER: Okay. Any further  
 11 discussion? You ready to make a motion?  
 12 BOARD MEMBER MOSKOWITZ: I -- I am.  
 13 CHAIRPERSON KARRAKER: Okay.  
 14 BOARD MEMBER MOSKOWITZ: I move in, Case No. 14  
 15 SE-19-07-068, that we deny the special exception.  
 16 CHAIRPERSON KARRAKER: All right. We have a 16  
 17 motion to deny the special exception. Is there a  
 18 second? Okay. We do not have a second to this  
 19 motion.  
 20 BOARD MEMBER MOSKOWITZ: Okay.  
 21 BOARD MEMBER VELEZ: What about if we postpone 21  
 22 this case and they can bring another -- because  
 23 they've got like four potential interns to this  
 24 project that they can use. I don't know if they're  
 25 willing to -- to come out with something different.

1 BOARD MEMBER WALTON: With conditions of  
 2 approval.  
 3 CHAIRPERSON KARRAKER: With -- I'm sorry.  
 4 BOARD MEMBER WALTON: I'm sorry.  
 5 CHAIRPERSON KARRAKER: With the eight conditions  
 6 of approval. Is there a second?  
 7 BOARD MEMBER HAWKINS: Second  
 8 CHAIRPERSON KARRAKER: We have a second by  
 9 Commissioner Hawkins. All those in favor of this,  
 10 please say aye. Any opposed?  
 11 BOARD MEMBER MOSKOWITZ: Opposed.  
 12 CHAIRPERSON KARRAKER: So it passes four to one.  
 13 (Audio concludes )

1 MR. NEARING: You have to keep in mind that they  
 2 had an approved site plan and the approved site plan,  
 3 which was approved by the county, does have the  
 4 specific location of the entrance. So if -- in order  
 5 for them to make the change to that, they would have  
 6 to actually go back to DRC and propose a new access.  
 7 And one thing I can tell you, and I'm not a  
 8 transportation planner or traffic engineer, is be  
 9 highly doubtful that the county would ever approve any  
 10 type of a curb cut access point off of Westland  
 11 street.  
 12 BOARD MEMBER WALTON: All right. And Madam  
 13 Chair, I'm also not a traffic engineer. I'm just a  
 14 lowly lawyer. But I -- if it's okay, I would like to  
 15 make a motion if it's okay.  
 16 BOARD MEMBER MOSKOWITZ: It's not the -- please.  
 17 BOARD MEMBER WALTON: Okay.  
 18 CHAIRPERSON KARRAKER: Yes  
 19 BOARD MEMBER WALTON: Okay. I move acceptance of  
 20 Case No. SE-19-07-068, the special exception in the  
 21 industrial 2, industrial 3 zoning district to allow a  
 22 construction and debris recycling facility.  
 23 CHAIRPERSON KARRAKER: All right. We have a  
 24 motion to approve Case SE-19-07-068. Is there a  
 25 second?

1 CERTIFICATE OF TRANSCRIPTION  
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 3 STATE OF: FLORIDA  
 4 COUNTY OF: CITRUS  
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 15 in the outcome of the action  
 16  
 17  
 18  
 19 DATED this 8th day of May, 2020.  
 20  
 21  
 22  
 23  
 24   
 25 Melissa Iadimarco, C.R.S.

[&amp; - anticipate]

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## FLORIDA RULES OF CIVIL PROCEDURE

## Rule 1.310

(e) Witness Review. If the testimony is transcribed, the transcript shall be furnished to the witness for examination and shall be read to or by the witness unless the examination and reading are waived by the witness and by the parties. Any changes in form or substance that the witness wants to make shall be listed in writing by the officer with a statement of the reasons given by the witness for making the changes. The changes shall be attached to the transcript. It shall then be signed by the witness unless the parties waived the signing or the witness is ill, cannot be found, or refuses to sign. If the transcript is not signed by the witness within a reasonable time after it is furnished to the witness, the officer shall sign the transcript and state on the transcript the waiver, illness, absence of the witness, or refusal to sign with any reasons given therefor. The deposition may then be used as fully as though signed unless the court holds that the reasons given for the refusal to sign require rejection of

the deposition wholly or partly, on motion under  
rule 1.330(d)(4).

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ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.  
THE ABOVE RULES ARE CURRENT AS OF APRIL 1,  
2019. PLEASE REFER TO THE APPLICABLE STATE RULES  
OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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**EXHIBIT "6"**

APPROVED MEETING MINUTES  
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After some discussion, it was the consensus of the DRC to postpone this item until the next available meeting in order to have the applicant present to discuss the matter further. *No action taken.*

6. **DP-18-04-120 - DISTRICT 4**  
**ANGELO'S RECYCLED MATERIALS C & D RECYCLING & TRANSFER FACILITY**  
**SPECIAL EXCEPTION SITE PLAN**

Present for discussion was Jennifer Deal. Also present for discussion was John Geiger, from EPD. Sean Bailey presented the TRG Summary Report to the DRC.

This request is to construct a recycle construction and demolition plant on 44.71 acres.

Discussion ensued regarding an associated petition to vacate for a drainage easement that will need to move forward to the Board simultaneously with this request, a potential building on the site, and possible waivers / variances from Chapter 24 and 32 related to landscaping and existing vegetation.

***MOTION by Diana Almodovar, seconded by Carol Knox, TO RECOMMEND APPROVAL OF THE ANGELO'S RECYCLED MATERIALS C AND D RECYCLING AND TRANSFER FACILITY SPECIAL EXCEPTION SITE PLAN, subject to the following conditions of approval, as amended.***

1. Development shall conform to the Angelo's Recycling Material Storage Special Exception Site Plan dated "March 21, 2019," and to the conditions of approval listed below. Development based upon this approval shall comply with all applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, or regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC. In the event of a conflict or inconsistency between a condition of approval of this site plan and the site plan dated "Received March 21, 2019," 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.

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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 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 special exception site 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. The stormwater management system shall be designed to retain the 100-year/24-hour storm event onsite, unless documentation with supporting calculations is submitted which demonstrates that a positive outfall is available. If the applicant can show the existence of a positive outfall for the subject basin, then in lieu of designing for the 100-year/24-hour storm event, the developer shall comply with all applicable state and local stormwater requirements and regulations. An emergency high water relief outfall shall be provided to assure overflow does not cause flooding of surrounding areas.
7. The site shall be stabilized following grubbing, clearing, earth work or mass grading to establish a dense stand of grass, or shall incorporate other approved Best Management Practices, on all disturbed areas if development does not begin within 7 days. Final stabilization shall achieve a minimum of seventy percent (70%) coverage of the disturbed land area and shall include a maintenance program to ensure minimum coverage survival and overall site stabilization until site development. Prior to clearing or grubbing, or approval of mass grading or constructions plans a letter of credit or cash escrow acceptable to the County shall be submitted to guarantee

**APPROVED MEETING MINUTES  
APRIL 24, 2019**

the required site stabilization and maintenance of all disturbed areas. The County Engineer shall establish the amount of the letter of credit or cash escrow.

8. 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).
9. Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection by the developer.
10. Unless a Conservation Area Impact (CAI) permit is approved by Orange County consistent with Orange County Code Chapter 15, Article X, "Wetland Conservation Areas", prior to Construction Plan approval, no conservation area or buffer encroachments shall be permitted. Approval of this plan does not authorize any direct or indirect conservation area impacts.
11. The developer shall obtain wastewater service from Orange County Utilities subject to County rate resolutions and ordinances.
12. Prior to construction plan approval, hydraulic calculations shall be submitted to Orange County Utilities demonstrating that proposed and existing wastewater systems have been designed to support all development within the DP.
13. A solid waste management facility permit will be required in accordance with Orange County Code Chapter 32, Article V, Section 32-214(a)(3).
14. If at any time a permanent building is requested, then such building shall comply with the building perimeter landscaping requirements of Orange County Code Chapter 24 Landscaping, Buffering and Open Space, assuming such building is approved through an amendment to this Special Exception Site Plan.
15. If at any time natural vegetation is insufficient to provide a visual buffer from adjacent properties, the landscaping shall be supplemented with additional shade trees in compliance with Orange County Code Chapter 24 Landscaping, Buffering and Open Space and Chapter 32.
16. Prior to, or concurrent with the Special Exception approval, the existing drainage easement shall be vacated and a new drainage easement, in favor of the County, from the applicant, shall be recorded.

***MOTION CARRIED.***



**EXHIBIT "7"**

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT  
MEETING OF JANUARY 2, 2020**

The Orange County Board of Zoning Adjustment meeting met at 9:00 a.m. on **January 2, 2020** in the Orange County Commission Chambers on the 1st Floor of the Orange County Administration Building, 201 South Rosalind Avenue, Orlando, Florida 32801.

**BOARD MEMBERS PRESENT:** Carolyn Karraker, Chairperson - District #1  
Juan Velez – District #3  
Deborah Moskowitz, Vice Chair – District #4  
Charles J. Hawkins, II – District #6  
Roberta Walton – At Large

**BOARD MEMBERS ABSENT:** Gregory A. Jackson - District #2  
Wes A. Hodge – District #5

**STAFF PRESENT:** Nick Balevich, Planner II, Zoning Division  
David Nearing, AICP, Planner II, Zoning Division  
Brandy Driggers, Assistant Manager, Zoning Division  
Erin Hartigan, Assistant County Attorney  
Debra Phelps, Recording Secretary, FOS Division

The Chairperson called the meeting to order at 9:05 a.m.

Following the Pledge of Allegiance to the Flag, the following applications, as advertised, were called up for public hearing.

It was determined by the Board to postpone the vote for the Election of Officers towards the end of the meeting.

**APPROVAL OF MINUTES:**

The Chairperson requested a motion approving the minutes of the December 5, 2019, Board of Zoning Adjustment meeting.

A motion was made by: Deborah Moskowitz

seconded by: Charles J. Hawkins, II

and unanimously carried to **APPROVE** the minutes of the December 5, 2019, Board of Zoning Adjustment meeting.

**AYE (voice vote):** All members present

**Absent:** Gregory A. Jackson, Roberta Walton, and Wes A. Hodge

**PUBLIC COMMENT:** The Chairperson opened the floor to public comment, seeing none; the Chairperson closed the hearing for public comment and continued with the regularly scheduled agenda.

**VENUE INVESTMENTS 8 LLC (AMIT GHOSH) - VA-20-01-146**

**REQUEST:** Variances in the P-O zoning district as follows:  
 1) Total of 4 parking spaces in lieu of 7 spaces. (Approved w/Conditions)  
 2) One parking space at 8 ft. x 18 ft. in lieu of 9 ft. X 20 ft. with 144 sq. ft. of area in lieu of 180 ft. (Approved w/Conditions)  
 3) Two parking spaces at 9 ft. x 18 ft. in lieu of 9 ft. x 20 ft. and 162 sq. ft. of area in lieu of 180 sq. ft. (Denied)

**ADDRESS:** 1245 N. Pine Hills Rd., Orlando FL 32808

**LOCATION:** East side of Pine Hills Rd., approximately 650 ft. south of Golf Club Pkwy.

**TRACT SIZE:** 65 ft. x 125 ft./18 acres

**DISTRICT#:** 6

**LEGAL:** PINE HILLS MANOR NO 2 S/84 LOT 23 BLK H

**PARCEL ID#:** 19-22-29-6976-08-230

**NO. OF NOTICES:** 146

**Commentaries:** None

**Staff Recommendation:** Staff discussed the history of the property including the rezoning, which took place in 1986. Staff also noted that due to the presence of the site's septic system in the rear yard, the inability to gain adequate vehicular access to the rear of the property, and the lack of adequate space in front of the building, it was not possible to provide the required parking. Further, staff explained that if the width of the drive aisle was reduced from 24 feet to 22 feet, the extra two (2) feet could be added to the two north parking spaces, eliminating the need for Variance request #3. Finally, staff recommended approval of Variance requests #1 and #2, and denial of Variance request #3, subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

**Speaker(s):** The applicant was not present at the public hearing.

There being no one present to speak in favor of or opposition to the request, the public hearing was closed.

**BZA Discussion:** The BZA concurred that the modification to the drive aisle width would be a minor change but would result in a better project. Therefore, the Board recommended approval of Variance requests #1 and #2, and denial of Variance request #3, subject to the staff recommendations.

**BZA Action:** A motion was made by Charles J. Hawkins, II, seconded by Deborah Moskowitz and unanimously carried to recommend **APPROVAL** of the Variance requests #1 and #2, in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions; and, to recommend **DENIAL** of the Variance request #3, in that there was no unnecessary hardship shown on the land; and further, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3).

1. Development in accordance with the site plan dated November 8, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

2. 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 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.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. Revise the plan to depict a 22 ft. wide drive aisle and the northern two (2) parking spaces to reflect a depth of 20 ft. The total height of the retaining wall and decorative railing shall not exceed 10.75 ft.

5. All required permit shall be issued and finalized for the legal conversion of the structure to office within six (6) months of the application or this approval becomes null and void.

6. A minimum of two (2) understory trees shall be planted between the parking area and street, one on either side of the driveway.

7. A four (4) ft. tall concrete or masonry street wall shall be installed between the parking area and the western/N. Pine Hills Rd. property line with shrubs planted between the wall and the street.

AYE (voice vote): All members present

Absent: Gregory A. Jackson, Roberta Walton, and Wes A. Hodge

**MICHAEL HORTON - VA-20-01-147**

**REQUEST:** Variances in the R-1A zoning district as follows:  
 1) To allow an existing home to remain 17 ft. from the Normal High Water Elevation (NHWE) in lieu of 50 ft.  
 2) To allow a covered patio to be 22 ft. from the NHWE in lieu of 50 ft.  
 3) To allow an existing deck to remain 14 ft. from the NHWE in lieu of 30 ft.

**ADDRESS:** 4141 Edgewater Dr., Orlando FL 32804

**LOCATION:** East side of Edgewater Dr., south of Fairbanks Ave.

**TRACT SIZE:** .86 acres

**DISTRICT#:** 5

**LEGAL:** FAIRVIEW SPRINGS K/3 BEG NW COR LOT 3 BLK 9 RUN E 244 FT S 87.33 FT W 31.15 FT N 14.01 FT W 195.47 FT N 13 DEG W 75 FT TO POB & THE PORTION OF FAIRVIEW SPRINGS K/3 LOT 3 IN SEC 11 22 29 BLK 9

**PARCEL ID#:** 10-22-29-2632-09-031

**NO. OF NOTICES:** 159

Commentaries: One (1) in favor and none in opposition

Staff Recommendation: Staff gave a presentation on the case covering the location of the property, site plan, and photographs of the site. Further, staff recommended approval of the request subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): The applicant waived the right to speak and agreed with the staff recommendation. There being no one present to speak in favor of or opposition to the request, the public hearing was closed.

BZA Discussion: The BZA discussed the case and concurred with the staff recommendations.

BZA Action: A motion was made by Carolyn Karraker, seconded by Juan Velez and unanimously carried to recommend **APPROVAL** of the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with the site plan dated November 14, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

2. 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 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.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. The applicant shall remove the shed in the rear prior to issuance of building permits for the covered patio.

5. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an Indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the house is no closer than seventeen (17) feet, covered patio is no closer than twenty-two (22) feet, and deck is no closer than fourteen (14) feet from the normal high water elevation of Little Lake Fairview.

AYE (voice vote): All members present

Absent: Gregory A. Jackson and Wes A. Hodge

**SR BUILDERS, INC. (SCOTT RYAN) - VA-20-01-149**

**REQUEST:** Variance in the R-1A zoning district to allow an attached accessory structure of 1,204 sq. ft. in lieu of 1,000 sq. ft. or 25% whichever is greater.

**ADDRESS:** 3333 Lake Margaret Dr., Orlando FL 32806

**LOCATION:** North of Lake Margaret Dr., approximately .2 mi. west of Conway Garden Rd., on the south side of Lake La Grange

**TRACT SIZE:** 82 ft. x 427 ft. (avg.)/.91 acres (.56 acres upland + .35 acres submerged)

**DISTRICT#:** 3

**LEGAL:** COMM 331.8 FT E & 90 FT N OF SW COR OF NW1/4 OF NW1/4 OF SEC 08-23-30 TH RUN N 572.17 FT N89-47-23W 82.58 FT TO POB THENCE CONT N89-47-23W 82.58 FT S00-4-22W 442.17 FT S89-47-23E 82.58 FT S00-4-22W 137.99-FT TO POINT OF NON-TANG CURVE CONCAVE SELY HAVING

**PARCEL ID#:** 08-23-30-0000-00-025

**NO. OF NOTICES:** 124

Commentaries: One (1) in favor and none in opposition

Staff Recommendation: Staff explained the history of the property including the fact that it was created through the lot split process as opposed to the subdivision process. Lastly, staff recommended approval of the request subject to the conditions as set forth in the staff report.

The following person(s) addressed the Board:

Speaker(s): The applicant indicated their agreement with the staff recommendation and conditions.

Paul Witherington (Neighbor in favor)

No one was in attendance to speak in opposition to the request, the public hearing was closed.

BZA Discussion: The BZA concluded that the width of the lot and the location of the septic system precluded the placement of the accessory structure anywhere else. As a result, the BZA concurred with the staff recommendations.

BZA Action: A motion was made by Juan Velez, seconded by Charles J. Hawkins, II and unanimously carried to recommend **APPROVAL** of the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with the site and architectural plans dated November 13, 2019,

and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

2. 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 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.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

AYE (voice vote): All members present

Absent: Gregory A. Jackson and Wes A. Hodge

**TAM BAO TEMPLE (DOUGLAS LAM) - SE-19-12-137**

**REQUEST:** Special Exception and Variance in the A-1 zoning district as follows:  
 1) Special Exception to expand an existing religious use to include the construction of a new 7,368 sq. ft. meditation hall building.  
 2) Variance to allow up to 49 grass parking spaces in lieu of paved parking spaces.

**ADDRESS:** 4766 Rock Springs Rd., Apopka FL 32712

**LOCATION:** Southwest corner of Rock Springs Rd. and E. Williams Ave.

**TRACT SIZE:** 260 ft. x 328 ft./1.95 acres

**DISTRICT#:** 2

**LEGAL:** ROCK SPRINGS HOMESITES S/12 LOTS 8 & 9 (LESS E 20 FT FOR SR RW) BLK H

**PARCEL ID#:** 18-20-28-7612-08-090

**NO. OF NOTICES:** 100

Commentaries: Sixty-five (65) in favor and five (5) in opposition

Staff Recommendation: Staff gave a presentation on the case covering the location of the property, site plan, and photographs of the site. Furthermore, staff recommended approval of the request subject to the conditions as listed in the staff report.

The following person(s) addressed the Board:

Speaker(s): Stephen Hagner (Neighbor opposed)  
 Douglas Lam (Representative of the applicant)  
 Loc Nguyen (Engineer of the applicant)

A neighbor spoke in opposition stating that this request would cause a change to the rural area, the proposal was a large structure, and he could hear the current user chanting early in the morning.

The applicant stated that they did not chant loudly but rather meditated, and further, explained that the existing building was old and not well insulated; therefore, the new building would be better insulated against sound.

BZA Discussion: The BZA felt that the new building should alleviate the neighbor's concerns and noted that the applicant had committed to having parking on site. The BZA also noted that the living quarters would be compatible with the area, proposed setbacks, and length of time that the religious facility had existed on the property. Finally, the BZA concurred with the staff recommendations.

BZA Action: A motion was made by Roberta Walton, seconded by Juan Velez and unanimously carried to recommend **APPROVAL** of the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code.

Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and, to recommend **APPROVAL** of the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with the site plan dated November 15, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. 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 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.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. No more than four (4) advertised outdoor special events open to the general public per calendar year, and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. Noise from all outdoor events will be subject to applicable county noise and nuisance restrictions. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.
5. The grass parking spaces shall be fitted with wheel stops and all drive aisles and handicap parking spaces shall be paved per Orange County Code.
6. Landscaping, including materials and buffers shall comply with Section 24-5 of Orange County Code.
7. Construction plans shall be submitted within three (3) years or this approval becomes null and void.

AYE (voice vote): All members present

Absent: Gregory A. Jackson and Wes A. Hodge

**MOHAMED ABDOU - VA-20-01-142**

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**REQUEST:** Variance in the R-2 zoning district to allow a lot width of 75 ft. in lieu of 80 ft. for a duplex.

**ADDRESS:** 1333 19th St., Orlando FL 32805

**LOCATION:** North side of 19th St., approximately 425 ft. west of S. Orange Blossom Trl.

**TRACT SIZE:** 75 ft. x 135 ft./ .23 acres

**DISTRICT#:** 6

**LEGAL:** CLEAR LAKE VIEWS J/145 LOTS 29 30 & 31 BLK 4

**PARCEL ID#:** 03-23-29-1402-04-290

**NO. OF NOTICES:** 98

Staff advised the Board that the applicant **WITHDREW** this application as they needed to rezone the property to N-R to be consistent with the Comprehensive Plan Future Land Use designation. The Planning & Zoning Commission could also address the lot width issue as well.

BOARD OF ZONING ADJUSTMENT  
MEETING OF JANUARY 2, 2020

**OLIVE GARDEN (LONDON WHITE) - VA-20-01-143**

**REQUEST:** Variance in the C-2 zoning district to allow 175.3 sq. ft. of cumulative copy area for wall signs in lieu of 127.5 sq. ft.

**ADDRESS:** 7609 S. Orange Blossom Trl., Orlando FL 32809

**LOCATION:** North side of W. Sand Lake Rd., east of S. Orange Blossom Trl.

**TRACT SIZE:** 25.83 acres

**DISTRICT#:** 3

**LEGAL:** SKYVIEW PLAZA 29/97 LOT 1 (LESS LEASE AREA 1 THROUGH 4) & (LESS BEG SLY COR OF HARDEES AT SKY VIEW PLAZA PB 22/148 RUN NWLY ALONG SUB 172 FT SWLY ALONG R/W 130 FT SELY 238.3 FT NELY 130 FT NWLY 66.3 FT TO POB) & (LESS RD R/W)

**PARCEL ID#:** 27-23-29-8093-00-010

**NO. OF NOTICES:** 528

**Commentaries:** One (1) in favor and none in opposition

**Staff Recommendation:** Staff gave a presentation on the case covering the location of the property, site plan, and photographs of the site. In addition, staff recommended approval of the request subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

**Speaker(s):** The applicant waived the right to speak and indicated their agreement with the staff recommendations.

There being no one else in attendance to speak in favor or opposition to the request, the public hearing was closed.

**BZA Discussion:** The BZA agreed with the staff recommendations.

**BZA Action:** A motion was made by Juan Velez, seconded by Deborah Moskowitz and unanimously carried to recommend **APPROVAL** of the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions:

1. Development in accordance with the site plan dated December 12, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. 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 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.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

**AYE (voice vote):** All members present

**Absent:** Gregory A. Jackson and Wes A. Hodge

**HOUSE OF PRAYER CHURCH OF THE LIVING GOD, INC. - SE-19-10-119**

**REQUEST:** **Special Exception and Variances** in the R-1A zoning district to allow for a religious use facility as follows:  
1) Amendment to an existing Special Exception to allow an addition to an



existing religious use facility.

2) Variance to allow 12 parking spaces in lieu of 31 spaces.

3) To allow standard parking spaces which are 9 ft. wide by 18 ft. deep in lieu of 9 ft. x 20 ft.

4) To allow an existing structure located 6.96 ft. from the side (west) property line in lieu of 7.5 ft.

**ADDRESS:** 1401 25th St., Orlando FL 32805  
**LOCATION:** Northwest corner of 25th St. and S. Nashville Ave.  
**TRACT SIZE:** 100 ft. x 135 ft./3 acres  
**DISTRICT#:** 6  
**LEGAL:** ANGE BILT ADDITION H/79 LOTS 23 & 24 BLK 37  
**PARCEL ID#:** 03-23-29-0180-37-230  
**NO. OF NOTICES:** 95  
**Commentaries:** None

**Staff Recommendation:** Staff explained the history of the site including the prior approvals, which took place in 2019. The last approval, which occurred in May 2019, was called for a public hearing before the BCC by the District 6 Commissioner, and ultimately remanded back to the BZA to address the issue of providing adequate parking. The applicant provided a study, which showed that there were twenty-five (25) on-street parking spaces along 25th Street, and they had a signed and recorded shared parking agreement with a nearby church. However, staff noted that the nearby church was 2.5+ miles away, and the agreement allowed them to park while that church was also having services. Further, staff indicated that no one was ever permitted to count towards required parking, as once one was allowed to do so, all would follow suit, and there would be a wide spread parking deficit. Staff found that the introduction of the multipurpose room could create issues with parking as well as introduce new activities and noise at times that were not customary to the residents of the area. With regard to the variance for parking, the need to reduce the number was self-created and would confer a special privilege if compensating off-site parking was not provided. Finally, staff recommended denial of the amendment to the Special Exception and Variance request #2, and approval of Variance requests #3 and #4, subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

**Speaker(s):** Roderick Waller (Applicant's contractor)

The applicant explained that their sister church had ample parking which had space of between 15 to 20 parking spaces; and further, they would be using a 15 passenger van to shuttle members to and from this off-campus parking site.

There being no one present to speak in favor or opposition to the application, the public hearing was closed.

Material was submitted to the Board by the applicant to be entered into the record prior to the close of the public hearing.

**BZA Discussion:** The BZA expressed their concern with county on-street parking, plus the impact it may have upon existing residents including increased noise at hours during which it did not currently occur. Further, the Board had concerns with the distance that the shared parking was from the subject property, and therefore, would like the applicant to explore more close-by options and see if the applicant could provide some type of agreement with nearer-by businesses. As such, the BZA determined to postpone action on this item until a later date.

**BZA Action:** A motion was made by Charles J. Hawkins, II, seconded by Deborah Moskowitz and unanimously carried to recommend **POSTPONEMENT** of this public hearing to a date in the near future.

**AYE (voice vote):** All members present

**Absent:** Gregory A. Jackson and Wes A. Hodge

#### **I.D. CONSTRUCTION & CONTRACTING - VA-20-01-145**

**REQUEST:** **Variances** in the R-3 zoning district as follows:  
 1) To construct a retaining wall 18 ft. from the Normal High Water Elevation (NHWE) in lieu of 50 ft.

- 2) To construct a 10.75 ft. tall retaining wall within the lake setback area in lieu of 4 ft.
- 3) To construct an addition 31 ft. from the NHWE in lieu of 50 ft.
- 4) To construct a pool deck 18 ft. from the NHWE in lieu of 20 ft.

**ADDRESS:** 1742 Indiana St., Orlando FL 32805  
**LOCATION:** South side of Indiana St., approximately .2 miles west of S. Rio Grande Ave., on the east side of Clear Lake  
**TRACT SIZE:** 122 ft. x 1668 ft./4.34 acres (Approx. 1 acres upland & 3.34 acres submerged)  
**DISTRICT#:** 6  
**LEGAL:** PT OF SW1/4 OF SEC 34-22-29 DESC AS COMM AT THE SE COR OF LOT 4 CLEAR LAKE HOMES T/122 TH N89-26-20E 177.45 FT TO POB TH CONT N89-26-20E 20 FT S00-05-31E 246.97 FT S86-29-16W 267.43 FT S89-26-20W 1390.46 FT N00-33-57W 122.17 FT N89-54-32E 1638.77 FT N00-0  
**PARCEL ID#:** 34-22-29-0000-00-089  
**NO. OF NOTICES:** 157

**Commentaries:** One (1) letter in favor and none in opposition

**Staff Recommendation:** Staff described the physical character of the site with a grade drop of an estimated six (6) feet in approximately 30 feet from the rear of the home. Staff's primary concern was that the solid wall would extend up to the grade of the pool deck, and then another four (4) feet above that, which may impact the neighbors' views of the lake. It was further recommended by staff that the solid wall end at the pool deck, the remainder by decorative fencing. Lastly, staff recommended approval of all requested Variances with modification to Variance request #2, to allow for a six (6) ft. tall retaining wall with four (4) ft. railing at its top, subject to the conditions as described in the staff report.

The following person(s) addressed the Board:

**Speaker(s):** Matthew Hulbert (Applicant)

There being no one present to speak in favor or opposition to the application, the public hearing was closed.

**BZA Discussion:** With the applicant's acceptance of the conditions regulating the height and materials of the wall, the BZA found that the criteria for granting a variance was satisfied. Therefore, the Board concurred with the staff recommendation as modified.

**BZA Action:** A motion was made by Charles J. Hawkins, II, seconded by Roberta Walton and unanimously carried to recommend **APPROVAL** of the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended:

1. Development in accordance with the site plan dated November 5, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. 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 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.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The elevation of the top of the retaining wall shall be even with the elevation of the pool deck. The remainder shall consist of decorative railing.

5. Prior to the issuance of a building permit for the retaining wall, pool deck, and addition, the property owner shall record in the official records of Orange County an Indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the retaining wall and pool deck is no closer than 18 ft. feet to the Normal High Water Elevation of Clear Lake, and that the addition is no closer than 31 ft. to the Normal High Water Elevation of Clear Lake.

AYE (voice vote): All members present

Absent: Gregory A. Jackson and Wes A. Hodge

**ANGELO'S RECYCLING - SE-19-07-068**

**REQUEST:** Special Exception in the IND-2/IND-3 zoning district to allow a construction and debris recycling facility.

**ADDRESS:** 500 W. Landstreet Rd., Orlando FL 32824

**LOCATION:** Southwest corner of W. Landstreet Rd. and Parkers Landing, east of Bachman Rd.

**TRACT SIZE:** 44.71 acres

**DISTRICT#:** 4

**LEGAL:** SPHALERS ADD TO PROSPER COLONY F/94 LOTS 7, 8 & 25 THROUGH 28 (LESS PT TAKEN ON E LOTS 8 & 25 FOR R/W PER 6013/738) & (LESS PT TAKEN ON N FOR R/W & N 147.64 FT OF LOT 27 TAKEN FOR RETENTION AREA PER 6398/2183 CIO -01-6064) & (LESS PART TAKEN OF LOT 28 FOR

**PARCEL ID#:** 02-24-29-8220-00-070; 02-24-29-8220-00-290; and 02-24-29-7268-00-071.

**NO. OF NOTICES:** 873

Commentaries: Two (2) in favor and twelve (12) in opposition

Staff Recommendation: Staff gave an explanation of the history of the project including the date that the project appeared before the DRC for a recommendation of approval. Staff discussed the Community Meeting held in late June 2019, and that most of the discussion centered on a concrete crushing plant, which was a use permitted by right on the subject property, therefore, not the focus of this hearing. Further, staff explained how the project had been reviewed by the County Transportation and Traffic Engineering staff, which resulted in the requirement for a deceleration lane from eastbound W. Landstreet Road to Parkers Landing. Finally, staff recommended approval of the request subject to the conditions as outlined in the staff report.

The following person(s) addressed the Board:

Speaker(s): Hal Kantor (Applicant's attorney)  
 Dan Wood (Neighboring business owner opposed)  
 Paul Stranbinger (Opposed)  
 Jim Crawford (Opposed)  
 Eric Inman (Opposed)  
 Douglas Bauman (Opposed)  
 Jennifer Deal (Applicant's representative)

The applicant explained that the use was primarily a manual operation. The use was estimated to generate eighty-eight (88) daily trips, which would be distributed throughout the hours of operation. The use would not generate any appreciable amounts of dust, noise, or odor. The deceleration lane would be designed to FDOT standards.

Five (5) residents, mostly business owners in the area, spoke in opposition. Their concerns included increased dust; traffic backups on Parkers Landing; incompatibility with adjacent uses; lack of adequate buffering; and, odor.

In rebuttal, the applicant indicated that all dumpsters which contained materials that could generate odor, would be covered and protected from the elements. The traffic had been reviewed by County staff. The impacts of which the opposition noted were more associated with the concrete crushing operation, which was not a part of this review.

Material was submitted to the Board by the applicant to be entered into the record prior to the close of the public hearing.

BZA Discussion: The BZA discussed access to the site and possible backups on Parkers Landing, which was a narrow street. It was noted that the applicant had an approved site plan, and any change to the access of route vehicles directly off and onto W. Landstreet Road would require a revision to the plan, and likely another review by the BZA.

A motion was made by Board member, Deborah Moskowitz, to recommend denial of the request, which died for lack of a second vote.

Another motion to recommend approval passed by a vote of 4 in favor and 1 opposed.

BZA Action: A motion was made by Roberta Walton, seconded by Charles J. Hawkins, II and carried to recommend **APPROVAL** of the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions:

1. Development in accordance with the site plan dated May 15, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. 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 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.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall design and install a dedicated eastbound right turn/deceleration lane at the intersection of W. Landstreet Road and Parkers Landing. The right turn lane shall be twelve (12) feet wide and shall meet the most current FDOT Standard Manual requirements. This improvement shall be designed and permitted prior to issuance of any permits for the Construction and Debris Recycling project. Construction of this improvement shall be completed prior to issuance of a Certificate of Completion for the C&D Recycling center.
5. The project shall comply with Article XVI of Chapter 9, Exterior Lighting Standards, of the Orange County Code. With the exception of security lighting, all lights shall be extinguished at close of business.
6. Hours and days of operation shall be limited to 7:00 a.m. through 7:00 p.m., Monday through Saturday.
7. Any expansions of the use shall require BZA approval.
8. All required permits shall be obtained within two (2) years or this approval becomes null and void.

AYE (voice vote): Roberta Walton, Charles J. Hawkins, II, Carolyn C. Karraker, Juan Velez

NAY (voice vote): Deborah Moskowitz

Absent: Gregory A. Jackson and Wes A. Hodge

**ELECTION OF OFFICERS:**

Acting Chairperson, Carolyn C. Karraker entertained nominations for Chairman to the Board of Zoning Adjustment for the year 2020.

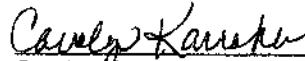
Board member Roberta Walton nominated Carolyn C. Karraker to be Chairperson. The Board voted unanimously to appoint Carolyn C. Karraker as Chairperson.

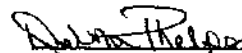
Chairperson, Carolyn C. Karraker nominated Deborah Moskowitz to be Vice Chair. The Board voted unanimously to appoint Deborah Moskowitz as Vice Chair.

**ADJOURN:**

There being no further business, the meeting was adjourned at 12:45 p.m.

**ATTEST:**

  
\_\_\_\_\_  
Carolyn C. Karraker  
Chairperson

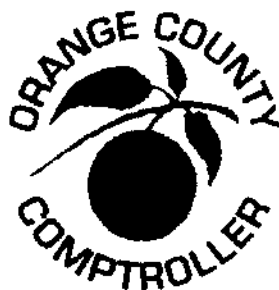
  
\_\_\_\_\_  
Debra Phelps  
Recording Secretary

**EXHIBIT "8"**

BCC Mtg Date: February 25, 2020

# Orange County Government

*Orange County Administration Center  
201 S Rosalind Ave.  
Orlando, FL 32802-1393*



## Final Meeting Minutes

Tuesday, January 28, 2020

9:00 AM

County Commission Chambers

**Board of County Commissioners**

EXHIBIT "8"

**Call to Order**

County Mayor Demings called the meeting to order at 9:07 a.m.

**Present:** 7 - Mayor Jerry L. Demings, Commissioner Betsy VanderLey, Commissioner Christine Moore, Commissioner Mayra Uribe, Commissioner Maribel Gomez Cordero, Commissioner Emily Bonilla, and Commissioner Victoria P. Siplin

Others present:

County Comptroller Phil Diamond as Clerk  
County Administrator Byron Brooks  
Deputy County Administrator Chris Testerman  
County Attorney Jeffrey J. Newton  
Deputy County Attorney Joel Prinsell  
Deputy Clerk Katie Smith  
Senior Minutes Coordinator Craig Stopyra  
Senior Minutes Coordinator Noelia Perez

**Invocation - District 6**

Commissioner Victoria P. Siplin

**Pledge of Allegiance****Presentation**

Proclamation recognizing February as Black History Month

**Presentation**

Proclamation designating February 7, 2020 as School Crossing Guard Appreciation Day

**Public Comment**

Mayor Demings limited public comment to two minutes per speaker.

The following persons addressed the Board for public comment:

- Chuck O'Neal
- Megan Sorbo
- Trevor M. Sorbo
- Daisy Kelly
- Nicole Wilson
- Nicole Paddock
- Kimberly Buchheit
- Pam Dirschka



- Michael Leila
- Valerie Anderson
- Jose Colom
- Mary Nesler
- Sally Baptiste
- Darius Darvil Sneed
- Kathleen Fitzgerald
- Chris Sorvello
- Gretchen Robinson
- Maria Bolton-Joubert
- Caroline Chomeniks
- Annamarie Riethmiller

The following material was not presented to the Board during public comment: Submittal 1, from Sally Baptiste.

## I. CONSENT AGENDA

### Approval of the Consent Agenda

The Mayor deferred action on Planning, Environmental, and Development Services Department Item 3; and further, a motion was made by Commissioner Uribe, seconded by Commissioner VanderLey, to approve the balance of the Consent Agenda. The motion carried by the following vote:

**Aye:** 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

### A. COUNTY COMPTROLLER

1. 20-133 Approval of the minutes of the December 17, 2019 meeting of the Board of County Commissioners. (Clerk's Office)
2. 20-134 Approval of the check register authorizing the most recently disbursed County funds, having been certified that same have not been drawn on overexpended accounts. Periods are as follows:
  - January 10, 2020, to January 16, 2020; \$68,299,026.70
  - January 17, 2020, to January 23, 2020; \$23,391,738.46.

(Finance/Accounting)
3. 20-135 Disposition of Tangible Personal Property as follows. (Property Accounting)
  - a. Scrap assets.
  - b. Sell surplus equipment.
  - c. Cannibalize asset.

- d. Sell assets through online auction.
- e. Offer assets to non-profits.

**B. COUNTY SHERIFF**

1. 20-136 Approval and execution of U.S. Department of Justice/Florida Department of Law Enforcement Certificate of Acceptance Senior Abuse Awareness Program Subgrant Award Number 2019-JAGC-ORAN-7-N2-189, in the amount of \$88,465 for the period of October 1, 2019 through September 30, 2020.

**C. COUNTY ADMINISTRATOR**

1. 20-137 Confirmation of Commissioner Bonilla's appointment of Timothy Wills to the Lake Pickett Advisory Board with a term expiring December 31, 2020. (Agenda Development Office)
2. 20-138 Approval and execution of Orange County, Florida Employer Health Reimbursement Arrangement effective July 1, 2019 for the purpose of satisfying the parameters of the Firefighter Cancer Presumptive Law. (Human Resources Division)
3. 20-139 Approval to make employee recognition payments pursuant to Administrative Regulation 7.13.02 net of all applicable federal taxes. (Human Resources Department)
4. 20-140 Approval of budget amendment #20-29. (Office of Management and Budget)
5. 20-141 Ratification of payment of Intergovernmental claims of November 21, 2019, December 5, 2019, December 19, 2019, and January 2, 2020, totaling \$2,251,236.30. (Risk Management Division)

**D. COUNTY ATTORNEY**

1. 20-142 Approval and execution of Settlement and General Release Agreement in the case *Gregory L. Wheatley v. Orange County, FL*, Case No. 2019-SC-033251-O.

**E. ADMINISTRATIVE SERVICES DEPARTMENT**

1. 20-144 Approval and execution of (1) Federally-Funded Subaward and Grant Agreement between the State of Florida, Division of Emergency Management and Orange County Agreement Number: H0397 Project Number: 4337-314-R in the amount of \$187,808.25 with the period of performance ending on January 31, 2022; (2) Request for Advance or Reimbursement of Hazard Mitigation Assistance Program Funds; (3) Certification Regarding Debarment, Suspension, Ineligibility and Voluntary

- Exclusion; and (4) Federal Funding Accountability and Transparency Act for the Silver Star Recreation Center. There is a required 25% project cost match in the amount of \$62,602.75, for a total project cost of \$250,411. (Capital Projects Division)
2. **20-145** Approval to award Invitation for Bids Y20-135-MV, Emergency Generator Maintenance and Repairs for Utilities, to the low responsive and responsible bidder, CJ's Sales and Service of Ocala, Inc. The estimated contract award amount is \$1,659,549 for a 3-year term. ([Utilities Department Field Services Division] Procurement Division)
  3. **20-146** Approval to award Invitation for Bids Y20-140-EB, Term Contract for County Wide Roof Maintenance and Repairs, to the low responsive and responsible bidders, Advanced Roofing, Inc. as primary contractor in the total estimated contract award amount of \$489,877.50 for the base year and Alpha Roofing & Sheet Metal, LLC, as secondary contractor in the total estimated contract award amount of \$544,104.50 for the base year. ([Administrative Services Department Facilities Management Division] Procurement Division)
  4. **20-147** Approval to award Invitation for Bids Y20-147-MV, Aluminum Sulfate, to the low responsive and responsible bidder, ChemTrade Chemicals US LLC. The estimated contract award amount is \$503,600 for a 1-year term. ([Planning, Environmental, and Development Services Department Environmental Protection Division] Procurement Division)
  5. **20-148** Approval to award Invitation for Bids Y20-161-KB, Coarse Aggregate for the Orange County Utilities Department, to the low responsive and responsible bidder, Rockpack, Inc. The estimated contract award amount is \$1,353,750 for a 5-year contract. ([Utilities Department Field Services Division] Procurement Division)
  6. **20-149** Approval to award Invitation for Bids Y20-163-TA, Pump Station Control and SCADA Communication Panels for the Utilities Field Services Division, to the low responsive and responsible bidder, STA-CON, LLC. The estimated contract award amount is \$537,007 for a 1-year term. ([Utilities Department Field Services Division] Procurement Division)
  7. **20-150** Approval to award Invitation for Bids Y19-741-EB, Bonnie Brook Pump Station Retrofit to the sole responsive and responsible bidder, Boromei Construction Inc. The total contract award amount is \$206,745. ([Public Works Department Stormwater Management Division] Procurement Division)
  8. **20-151** Approval to award Invitation for Bids Y19-778-CH, Alafaya Trail Sidewalk Improvements, to the low responsive and responsible bidder, Valencia Construction Group, Inc. The estimated contract award amount is \$576,543. ([Public Works Department Engineering Division] Procurement Division)

9. 20-152 Approval to award Invitation for Bids Y20-702-RC, Orange County Construction of Community Park on Parcel J, to the low responsive and responsible M/WBE compliant bidder, R L Burns Inc. The total contract award amount is \$4,948,207.96 inclusive of additive no. 1. ([Administrative Services Department Capital Projects Division] Procurement Division)
10. 20-153 Approval to award Invitation for Bids Y20-719-TA, Eastern Regional Water Supply Facility-Sodium Hypochlorite System Conversion to Bulk, to the low responsive and responsible bidder, Sawcross, Inc. The total contract award amount is \$3,655,296. ([Utilities Department Engineering Division] Procurement Division)
11. 20-154 Approval to award Invitation for Bids Y20-720-RM, Orange County Solid Waste Administration Building Roof Replacement, to the low responsive and responsible bidder, Atlas Apex Roofing, LLC. The total contract award amount is \$1,262,000. ([Utilities Department Solid Waste Division] Procurement Division)
12. 20-155 Approval to award Invitation for Bids Y20-721-TA, Package 11 Pump Station Improvements, to the low responsive and responsible bidder, Prime Construction Group, Inc. The total contract award amount is \$1,542,000. ([Utilities Department Engineering Division] Procurement Division)
13. 20-156 Approval to award Invitation for Bids Y20-722-TA, Package 16 Pump Station Improvements, to the low responsive and responsible bidder, Intercounty Engineering Inc. The total contract award amount is \$2,052,083. ([Utilities Department Engineering Division] Procurement Division)
14. 20-157 Approval of Contract Y20-183, Wraparound Orange Services for Orange County Children and Families, with The Devereux Foundation dba Devereux Advanced Behavioral Health, in the contract award amount of \$1,863,991.98 for a 3-year term. ([Community and Family Services Department Mental Health and Homelessness Issues Division] Procurement Division)
15. 20-158 Approval of Contract Y20-184, Wraparound Orange Services for Orange County Children and Families, with The Children's Home Society of Florida, in the contract award amount of \$ 1,863,991.98. ([Community and Family Services Department Mental Health and Homelessness Issues Division] Procurement Division)
16. 20-159 Approval of Amendment No. 2, Contract Y16-1109-LC, Professional Planning Services, Lot B, with GAI Consultants, Inc. in the amount of \$130,000, for a revised total contract amount of \$762,997. ([Planning, Environmental, and Development Services Department Planning Division] Procurement Division)

17. 20-160 Approval of Amendment No. 4, Contract Y18-183, Youth Mental Health Pilot Evaluation, with The University of Central Florida Board of Trustees, in the amount of \$69,741.10, for a revised total contract amount of \$175,449.30. ([Community and Family Services Department Mental Health and Homelessness Issues Division] Procurement Division)
18. 20-161 Approval of Amendment No. 3, Contract Y18-2000, Homeless Shelter Prevention/Diversion Services, with the Coalition for the Homeless of Central Florida, Inc., in the amount of \$80,000, for a revised total contract amount of \$480,000. ([Community and Family Services Department Mental Health and Homelessness Issues Division] Procurement Division)
19. 20-162 Ratification of Change Order No. 3, for Emergency Purchase Order M98088, Liquid Emulsion Type Polymer for Centrifuge at South Water Reclamation Facility (SWRF), with Polydyne, Inc., in the amount of \$132,000, for a revised total amount of \$286,000. ([Utilities Department Water Reclamation Division] Purchasing Division)
20. 20-163 Approval and execution of Facility Use Agreement for the 2020 Election Year by and between Orange County, Florida, and Orange County Supervisor of Elections and delegation of authority to the Real Estate Management Division to update the election schedule exhibit, update the hours of operation exhibit, update the polling place contact information exhibit, and furnish notices, required or allowed by the use agreement, as needed for Supervisor of Elections Agreement Lease File #10018. All Districts. (Real Estate Management Division)
21. 20-164 Approval and execution of Amendment Number Two to Sub-Sublease Number 4112-07-01 by and between Orange County, Florida, and Pine Hills Youth Sports, Inc. and delegation of authority to the Real Estate Management Division to furnish notices, required or allowed by the lease, as needed for Sunland Center (OC Sub-Sublease to Pine Hills Youth Sports) 8500 Laurel Hill Drive, Orlando, Florida 32818 Lease File #4041A. District 6. (Real Estate Management Division)
22. 20-165 Approval and execution of First Amendment to Conservation Easement between Spring Grove Properties, LLC and Orange County and authorization to record instrument for Conservation Easement - (CAI-17-02-002)(CAI-17-10-025)(CAI-18-04-019)(CAI-17-08-022). District 1. (Real Estate Management Division)
23. 20-166 Approval and execution of Subordination of Utility Interests between Duke Energy Florida, LLC, d/b/a Duke Energy, f/k/a Duke Energy Florida, Inc., f/k/a Florida Power Corporation and Orange County and authorization to record instrument for Cypress Pointe/ Lake Street Right of Way Dedication Lake Street, Orange County. District 1. (Real Estate Management Division)

24. 20-167 Approval of Donation Agreement and Drainage Easement between Gary L. Patterson and Orange County and authorization to disburse funds to pay all recording fees and record instrument for Alley Street, District 1. (Real Estate Management Division)

#### F. COMMUNITY AND FAMILY SERVICES DEPARTMENT

1. 20-168 Approval of Orange County Head Start Eligibility Priority Selection Criteria 2020-2021 to establish a formal selection process for eligible children and families. (Head Start Division)
2. 20-169 Approval and execution of Florida Department of Children and Families Application for a License to Operate a Child Care Facility at Southwood Head Start. This application is only executed by Orange County. (Head Start Division)
3. 20-170 Approval and execution of Interlocal Agreement between Orange County, Florida and Town of Oakland, Florida regarding maintenance obligations on a portion of the West Orange Trail located in the Town of Oakland. (Parks and Recreation Division)
4. 20-171 Approval and execution of Florida Network of Youth and Family Services and Orange County Youth and Family Services Division for Subcontract Amendment #11 to provide services for Children In Need of Services and Families In Need of Services (CINS/FINS); and authorization for the County Mayor or designee to approve any increases, decreases or amendments to this contract. (Youth and Family Services Division)

#### G. CONVENTION CENTER DEPARTMENT

1. 20-172 Approval to dispose of the 24 pieces of surplus equipment through a direct sale to Centerplate Hospitality Venture, dba Centerplate for a total of \$61,675, recognizing this disposal method as the most efficient and cost-effective method. (Fiscal and Operational Support Division)

#### H. HEALTH SERVICES DEPARTMENT

1. 20-173 Approval and execution of the Paratransit Services License for LifeFleet SouthEast d/b/a American Medical Response to provide wheelchair/stretchers service. The term of this license is from February 1, 2020 through February 1, 2022. There is no cost to the County. (EMS Office of the Medical Director)

#### I. PLANNING, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT

1. 20-174 Approval and execution of Orange County, Florida, Resolutions Establishing

Special Assessment Liens for Lot Cleaning Services and approval to record Special Assessment Liens on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning. All Districts. (Code Enforcement Division)

LC 20-0094	LC 20-0122	LC 20-0098	LC 20-0181	LC 20-0096
LC 20-0117	LC 20-0129	LC 20-0151	LC 20-0182	LC 20-0100
LC 20-0134	LC 20-0131	LC 20-0152	LC 20-0022	LC 20-0130
LC 20-0036	LC 20-0163	LC 20-0192	LC 20-0028	LC 20-0136
LC 20-0040	LC 20-0218	LC 20-0200	LC 20-0051	LC 20-0167
LC 20-0080	LC 19-1123	LC 20-0021	LC 20-0053	LC 20-0185
LC 20-0109	LC 20-0023	LC 19-1061	LC 20-0062	LC 20-0196
LC 20-0116	LC 20-0061	LC 19-1075	LC 20-0093	LC 20-0221

2. 20-175 Make a finding that the waiver requests are consistent with Orange County Code, Chapter 15, Article IX, Section 15-350(a)(2), and accept the recommendation and findings of the Environmental Protection Commission to approve the request for waivers to Section 15-343(b) to reduce the side setback to four feet from the northern projected property line, and to Section 15-342(b) to increase the allowable terminal platform size by 275 square feet to a total of 1,255 square feet, with the condition that the applicants pay \$1,015 to the Conservation Trust Fund within 60 days of the decision of the Board of County Commissioners for the Scott and Lauren McIver Dock Construction Permit BD-19-09-107. District 1. (Environmental Protection Division)
3. 20-176 Acceptance of the findings and recommendation of Environmental Protection Division staff to approve the request for Conservation Area Impact Permit Modification No. CAI-14-08-025 for the Shoppes at Alafaya Project Site. District 4. (Environmental Protection Division)

(This item was deferred.)

4. 20-177 Approval and execution of 1) Financial Management Number 243844-1-78-03 Resolution 2020-M-01 of the Orange County Board of County Commissioners regarding the Joint Participation Agreement with the State of Florida Department of Transportation concerning the project described as "National Pollutant Discharge Elimination System (NPDES) Permit FLS000011;" 2) Joint Participation Agreement between the State of Florida Department of Transportation and Orange County FM #243844-1-78-03 and its Exhibits; and 3) authorization for the Clerk to attach the original of the Resolution as Exhibit "C" to the Joint Participation Agreement before the Joint Participation Agreement is executed by the Board of County Commissioners; and instruct the Clerk to fill in the blanks in the Third Recital of the Joint Participation Agreement relating to the Resolution number. All Districts. (Environmental Protection Division)

5. 20-178 Approval and execution of Proportionate Share Agreement for Hamlin Family Dental Avalon Road/CR 545 by and between Hamlin Retail Partners, LLC, SLF IV/Boyd Horizon West JV, LLC, and Orange County directing both the proportionate share payment in the amount of \$15,695 and future transportation impact fee payments that may be associated with the project pursuant to the Escrow Agreement for the Hamlin West Amended and Restated Road Network Agreement to be utilized towards the completion of Avalon Road/CR 545 improvements. District 1. (Roadway Agreement Committee)
  
6. 20-179 Approval and execution of Proportionate Share Agreement for Hamlin Market Avalon Road/CR 545 by and between Hamlin Retail Partners East, LLC and Orange County directing both the proportionate share payment in the amount of \$31,390 and future transportation impact fee payments that may be associated with the project pursuant to the Escrow Agreement for the Hamlin West Amended and Restated Road Network Agreement to be utilized towards the completion of Avalon Road/CR 545 improvements. District 1. (Roadway Agreement Committee)
  
7. 20-180 Approval and execution of Proportionate Share Agreement for McCoy Federal Credit Union at Hamlin Avalon Road/CR 545 by and between McCoy Federal Credit Union and Orange County directing both the proportionate share payment in the amount of \$14,129 and future transportation impact fee payments that may be associated with the project pursuant to the Escrow Agreement for the Hamlin West Amended and Restated Road Network Agreement to be utilized towards the completion of Avalon Road/CR 545 improvements. District 1. (Roadway Agreement Committee)
  
8. 20-181 Approval and execution of Proportionate Share Agreement for Regions Bank at Hamlin Avalon Road/CR 545 by and between Hamlin Retail Partners North, LLC and Orange County directing both the proportionate share payment in the amount of \$13,401 and future transportation impact fee payments that may be associated with the project pursuant to the Escrow Agreement for the Hamlin West Amended and Restated Road Network Agreement to be utilized towards the completion of Avalon Road/CR 545 improvements. District 1. (Roadway Agreement Committee)
  
9. 20-182 Approval and execution of Proportionate Share Agreement for Wawa at Hamlin Avalon Road/CR 545 by and between Hamlin Retail Partners East NEC, LLC and Orange County directing both the proportionate share payment in the amount of \$29,096 and future transportation impact fee payments that may be associated with the project pursuant to the Escrow Agreement for the Hamlin West Amended and Restated Road Network Agreement to be utilized towards the completion of Avalon Road/CR 545 improvements. District 1. (Roadway Agreement Committee)



10. 20-183 Approval and execution of Village I Horizon West Road Network Agreement (C.R. 545, a/k/a Avalon Road, and Flemings Road) by and between Orange County, Florida; Shutts & Bowen LLP; Spring Grove, LLC; BB Groves, LLC; Withers, LLC; Columnar Partnership Holding I, LLC; KRPC Hartzog, LLC; SP Commercial Investors, LLC; Thomas J. Karr, Jr. and Tami G. Karr; Donald R. Allen, Jr. and Patricia A. Allen; Titan-Liberty Lake Underhill Joint Venture; Village I 545, LLC; Spring Grove Properties, LLC; Lake Dennis, LLC; M/I Homes of Orlando, LLC; and KHOV Winding Bay II, LLC which provides for the dedication of right-of-way, completion of design, engineering, permitting, mitigation and construction of four-laning of C.R. 545 (Avalon Road) and Flemings Road. District 1. (Roadway Agreement Committee)

#### J. PUBLIC WORKS DEPARTMENT

1. 20-184 Authorization to record the plat of Majorca Place WPF. District 1. (Development Engineering Division)
2. 20-185 Approval and execution of Modification to Subgrant Agreement between The Division of Emergency Management and Orange County for Orlo Vista Neighborhood Drainage Project Phase I Contract Number: H0121 Project Number: 4337-23-R. All Districts. (Stormwater Management Division)
3. 20-186 Approval and execution of Project Addendum to Master Agreement by and between CSX Transportation, Inc. and Orange County for the construction of engineering work of the grade crossing surface at CSX Railroad Crossing No: 621488H on Exchange Drive, north of West Lanstreet Road and authorization to disburse \$265,229 for the construction engineering work. District 6. (Roads and Drainage Division)
4. 20-187 Approval and execution of Project Addendum to Master Agreement by and between CSX Transportation, Inc. and Orange County for the construction engineering work of the grade crossing surface at CSX Railroad Crossing No: 621489P on Exchange Drive south of Presidents Drive and authorization to disburse \$254,077 for the construction engineering work. District 6. (Roads and Drainage Division)
5. 20-188 Approval and execution of School Impact Fee Agreement regarding an alternative impact fee calculation for Modera at Creative Village #19-004 by and among MCRT Investments, LLC; City of Orlando; The School Board of Orange County, Florida and Orange County. District 6. (Traffic Engineering Division)
6. 20-189 Approval and execution of School Impact Fee Agreement regarding an Alternative Impact Fee Calculation for X Orlando #19-002 by and among 434 N. Orange Investment, LLC; City of Orlando; The School Board of

- Orange County, Florida, and Orange County. District 5. (Traffic Engineering Division)
7. 20-190 Approval of "No Parking" signs installation on both sides of Brownell Street 90 feet east of North Apopka Boulevard on the north side of Brownell Street and from North Apopka Boulevard to North Orange Blossom Trail on the south side. District 2. (Traffic Engineering Division)
  8. 20-191 Approval to decrease the speed limit on Oakland Avenue (County Road 438) from 45 mph to 35 mph from SR 50 to the City of Winter Garden Boundary. District 1. (Traffic Engineering Division)
  9. 20-192 Approval of "No Parking" signs installation on the north and south side of Oriente Street from Econlockhatchee Trail to approximately 500 feet west of the Ensenada Drive intersection. District 3. (Traffic Engineering Division)
  10. 20-193 Approval to convert a Multi-Way Stop to a Two-Way Stop at the intersection of Minnesota Avenue and Overspin Drive. District 5. (Traffic Engineering Division)
  11. 20-194 Approval of "No Parking" signs installation on Magnolia Homes Road starting at Mallard Pointe Court extending north 500 feet on the west side. District 3. (Traffic Engineering Division)
  12. 20-195 Approval of "No Parking" signs installation in Highlands at Hamilton Gardens Phase 2A and 2B. District 1. (Traffic Engineering Division)
  13. 20-196 Approval of "No Parking" signs installation in Pine Creek Subdivision. District 5. (Traffic Engineering Division)
  14. 20-197 Approval and execution of State of Florida Department of Transportation Local Agency Program Supplemental Agreement FPN 435525-1-58/68-01 Supplemental No.1 for the Gattin Avenue and Kennedy Boulevard and Gattin Avenue and Arrow Road improvements in the amount of \$820,771. District 3. (Transportation Planning Division)
  15. 20-198 Approval and execution of Resolution 2020-M-02 of the Orange County Board of County Commissioners regarding affirming its support for the designation of that portion of U.S 441, between Landstreet Road and Taft Road as the "Trooper Richard Howell Memorial Highway" and for the erection by the Florida Department of Transportation of suitable markers proclaiming the designation. All Districts. (Traffic Engineering Division)

## II. INFORMATIONAL ITEMS\*\*

### A. COUNTY COMPTROLLER

1. 20-132 Receipt of the following items to file for the record. (Clerk's Office)
  - a. Florida Public Service Commission Order Approving Voluntary Solar Partnership Extension. In re: Petition for approval of twelve-month extension of voluntary solar partnership rider and program, by Florida Power & Light Company.
  - b. Audit Report No. 480 - Investigation of Allegations - Improper Spending by the Town of Eatonville's Community Redevelopment Agency.

These items were received and filed.

### III. DISCUSSION AGENDA

#### A. COMMISSIONER'S REPORT

1. 20-199 Commissioner Bonilla wishes to announce her intent to move to rescind the Board's action of December 17, 2019, regarding approval of Resolution 2019-M-50 of the Orange County Board of County Commissioners regarding Support of the Central Florida Expressway Authority Preferred Alternative for the Osceola Parkway Extension Project Development and Environment (PD&E) Study Re-Evaluation and petitioning the Florida Communities Trust for a Modification of the Grant Award Agreement, Interagency Agreement, and Management Plan, as presented, at the next scheduled Board meeting on February 11, 2020.

The Board took no action.

#### B. COUNTY ADMINISTRATOR

1. 20-200 Appointment of Terry Prather to the Visit Orlando Board of Directors with a term expiring December 31, 2021.

County Administrator Brooks indicated a change to the appointment as noted in a memorandum submitted to Board members prior to the Board meeting. The recommendation is to appoint Diana Font to the Visit Orlando Board of Directors.

A motion was made by Mayor Demings, seconded by Commissioner Uribe, to appoint Diana Font to the Visit Orlando Board of Directors with a term expiring December 31, 2021. The motion carried by the following vote:

**Aye:** 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

#### C. ADMINISTRATIVE SERVICES DEPARTMENT

1. 20-201 Selection of one firm and two ranked alternates to provide Security Guard Services for the Orange County Courthouse and Miscellaneous Sites,

Request for Proposals Y19-1105-KB, from the following three firms, listed alphabetically:

- First Coast Security Services, Inc.
- G4S Secure Solutions (USA) Inc.
- Metropolitan Security Services Inc. dba Walden Security

([Administrative Services Department Facilities Management Division]  
Procurement Division)

County staff announced this item be deferred until February 11, 2020.

2. 20-202 Selection of one firm and two ranked alternates to provide Security Guard Services for the Utilities Department, Request for Proposals Y19-1143-KB, from the following four firms, listed alphabetically:

- First Coast Security Services, Inc.
- G4S Secure Solutions (USA) Inc.
- Kent Security Services Inc.
- Universal Protection Service, LLC dba Allied Universal Security Services

([Utilities Department Fiscal and Operational Support Division] Procurement  
Division)

County staff announced this item be deferred until February 11, 2020.

3. 20-203 Selection of one firm and an alternate to provide Design Services for Orange County Courthouse Complex Chiller Replacement, Request for Proposals Y20-806-EB, from the following two firms, listed alphabetically:

- OCI Associates, Inc.
- SGM Engineering, Inc.

([Administrative Services Department Capital Projects Division]  
Procurement Division)

A motion was made by Commissioner Siplin, seconded by Commissioner Moore, to appoint SGM Engineering, Inc., 408 points, as the selected firm; and further, appoint OCI Associates, Inc., 261.50 points, as the selected ranked alternate. The motion carried by the following vote:

**Aye:** 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

4. 20-204 Request for Proposals Y19-815-JS, Construction Manager at Risk Services for the Orange County Convention Center Phase V Multi-Purpose Venue and Grand Concourse Improvements.

- Clark/R L Burns, A Joint Venture

- PCL Construction Services, Inc.

a. Rank proposers in order of 'most qualified' to 'least qualified' to provide Construction Manager at Risk Services for the Orange County Convention Phase V Multi- Purpose Venue and Grand Concourse Improvements

b. Authorization for the Procurement Division to commence contract negotiations for the Design Assist, Enabling Work and Guaranteed Maximum Price Phases with the top ranked firm.

([Convention Center Facility Operations Division] Procurement Division)

The following persons addressed the Board:

- Rick Goldman
- Matt Montgomery
- Jimmy Ramirez
- Rob Baker
- Deloris Batson
- Greg Colevas
- Bob Burns
- Keith Couch
- Wes Stith
- JaJa Wade
- Marcela Ruiz
- Steve Beach

The following materials were presented to the Board:

- Exhibit 1, from Rick Goldman
- Exhibit 2, from Rick Goldman
- Exhibit 3, from Greg Colevas
- Exhibit 4, from Greg Colevas

A motion was made by Mayor Demings, seconded by Commissioner Siplin, to rank PCL Construction Services, Inc., as the 'most qualified' to provide Construction Manager at Risk Services for the Orange County Convention Phase V Multi-Purpose Venue and Grand Concourse Improvements. The motion carried by the following vote:

**Aye: 5** - Mayor Demings, Commissioner VanderLey, Commissioner Uribe, Commissioner Bonilla, and Commissioner Siplin

**Nay: 2** - Commissioner Moore, and Commissioner Gomez Cordero

A motion was made by Mayor Demings, seconded by Commissioner Siplin, to authorize the Procurement Division to commence contract negotiations for the Design Assist, Enabling Work and Guaranteed Maximum Price phases with the firm deemed 'most qualified'. The motion carried by the following vote:

**Aye:** 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

#### IV. WORK SESSION AGENDA

##### A. FAMILY SERVICES DEPARTMENT

1. 20-205 Children's Services Funding Update. (Citizens' Commission for Children)

The Board took no action.

##### PRESENTATION

Employee Service Awards:

Administration and Fiscal Services

Pedro J. Delvalle (25), Information Systems and Services

Administrative Services

Michael S. Horn (25), Fleet Management; Geneen A. Graves (20), Procurement

Community and Family Services

Clay Baker (25), Ginger Bickett Fox (25), Parks and Recreation

Convention Center

Paul S. Suedmeyer (20), Facility Operations

Corrections

Tammy L. Babbs (30), Fiscal and Operational Support; Pollyet D. Williams (30), Security Operations

Fire Rescue

Darion G. Butler (20), Dearl Kevin Broward (20), Ricardo Rivera (25), Fire Operations; Chester A. Kennerly (20), Fire Planning and Technical Services

Planning, Environmental, and Development Services

Evelyn D. Beyers (25), Housing and Community Development

Public Works

Charles W. Gentry (25), Roads and Drainage; John Paul Trento (30), Traffic Engineering

Utilities

John J. Haak (30), Susan M. Kieda (25), Water Reclamation

#### V. RECOMMENDATIONS

1. **20-003** January 2, 2020 Board of Zoning Adjustment Recommendations

A motion was made by Commissioner Uribe, seconded by Commissioner Gomez Cordero, to approve the recommendations, with the exception of Case # SE-19-07-068, Angelo's Recycling (Appeal filed), which was pulled from the recommendations; subject to the usual right of appeal by any aggrieved party. The motion carried by the following vote:

**Aye:** 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

## VI. PUBLIC HEARINGS

1. **20-026** Budget Amendment

Amending Fiscal Year 2019-20 Budget

**Consideration:** Recognition of encumbrance rollovers, grant rollovers, fund balance adjustments, capital improvement adjustments, and to make other necessary adjustments

The following persons addressed the Board:

- W.D. Morris
- Frantz Dutes

The following material was presented to the Board prior to the close of the public hearing: Exhibit 1, from W.D. Morris.

A motion was made by Commissioner Uribe, seconded by Commissioner Bonilla, to approve the following Budget Amendments: 20-30 Fund Balance, 20-31 Encumbrance Rollover, 20-32 Grants Rollover, and 20-33 Capital Improvement Rebudgets. The motion carried by the following vote:

**Aye:** 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

2. **20-029** Petition to Vacate

Steven Thorp, on behalf of Orange County Public Schools, Administrative Petition to Vacate 17-11-050, vacate two portions of unopened, unimproved and unnamed rights-of-way; District 2

**Consideration:** Resolution granting Administrative Petition to Vacate # 17-11-050, vacating two (2) portions of 15 foot wide unopened, unimproved and unnamed rights-of-way, for a total of approximately 0.43 acres.

**Location:** District 2; The parcel address is 4801 Bloodhound Street; S02/T22/R28; Orange County, Florida (legal property description on file)

The following person addressed the Board: Steven Thorp

A motion was made by Commissioner Moore, seconded by Commissioner Uribe, to approve the request. The motion carried by the following vote:

**Aye:** 6 - Mayor Demings, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

**Absent:** 1 - Commissioner VanderLey

3. 20-027 Petition to Vacate

Edward E. Haddock III, on behalf of Kaley Square Community Center LLC and Orange County Parks and Recreation, Petition to Vacate 18-03-011, vacate open, non-maintained right-of-way; District 6

**Consideration:** Resolution granting Petition to Vacate # 18-03-011, vacating a 100 foot wide open, non-maintained right-of-way known as Maria Avenue, containing approximately 0.62 acres.

**Location:** District 6; The parcel addresses are 1030 W. Kaley Avenue and 1000 W. Kaley Avenue; S03/T23/R29; Orange County, Florida (legal property description on file)

The following person addressed the Board: Demetrius Summerville.

A motion was made by Commissioner Siplin, seconded by Commissioner Gomez Cordero, to approve the request. The motion carried by the following vote:

**Aye:** 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

4. 20-028 Petition to Vacate

Mattaniah S. Jahn, on behalf of Southpark Property Owners' Association Inc., Petition to Vacate 19-08-027, vacate portion of a variable width drainage easement; District 6

**Consideration:** Resolution granting Petition to Vacate # 19-08-027, vacating a 26 foot by 59 foot wide portion of a variable width drainage easement, containing approximately 1,534 square feet.

**Location:** District 6; The parcel is unaddressed; S32/T23/R29; Orange County, Florida (legal property description on file)

The following person addressed the Board: Mattaniah Jahn.

A motion was made by Commissioner Siplin, seconded by Commissioner Bonilla, to approve the request. The carried by the following vote:

**Aye:** 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin



5. 20-043 Development Plan

Thomas Sullivan, Gray Robinson, P.A., Burlington Planned Development /  
The Cottages at Alafaya Development Plan - Case # DP-19-08-263; District  
5

**Consideration:** Burlington Planned Development / The Cottages at Alafaya Development Plan, Case # DP-19-08-263; submitted in accordance with Orange County Code Sections 34-69 and 30-89; This request proposes to construct a 151 unit, 602 bed student housing complex on a total of 11.61 acres.

**Location:** District 5; property generally located South of Orpington Street / North of East Colonial Drive; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Tom Sullivan.

A motion was made by Commissioner Bonilla, seconded by Commissioner Siplin, to make a finding of consistency with the Comprehensive Plan; and approve the request subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report. The motion carried by the following vote:

**Aye:** 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

6. 20-042 Preliminary Subdivision Plan

Luke Classon, Appian Engineering, LLC, Rouse Road Subdivision Planned  
Development / Waverly Walk Preliminary Subdivision Plan, Case #  
PSP-19-04-144; District 5

**Consideration:** Rouse Road Subdivision Planned Development / Waverly Walk Preliminary Subdivision Plan, Case # PSP-19-04-144, submitted in accordance with Orange County Code Sections 34-69 and 30-89. This Preliminary Subdivision Plan (PSP) is a request to subdivide 12.92 acres in order to construct 41 single-family detached residential dwelling units.

**Location:** District 5; property generally located South of University Boulevard / East of Rouse Road; Orange County, Florida (legal property description on file in Planning Division)

The following person addressed the Board: Luke Classon.

New Condition of Approval #33:

33. The CC&Rs and sales disclosures for the initial sale of homes in the development shall contain a disclosure advising that the road terminating at the southern boundary line may be a connection for future right of way for the adjacent property to the south. Also, the Developer shall install a private sign on the fence located on each side of the edge of the right of way along the southern boundary of the property, reading "Potential Future Roadway Connection," and such fence and signage shall be maintained by the homeowners association.

A motion was made by Commissioner Bonilla, seconded by Commissioner Siplin, to make a

finding of consistency with the Comprehensive Plan; further, approve the request subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report; and further, approve new Condition of Approval #33. The motion carried by the following vote:

**Aye:** 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

7. 20-041 Preliminary Subdivision Plan

Carl Jacobs, PMJS Development Solutions, LLC, Bridges Estates  
Preliminary Subdivision Plan, Case # PSP-18-12-419; District 1

**Consideration:** Bridges Estates Preliminary Subdivision Plan, Case # PSP-18-12-419, submitted in accordance with Orange County Code Sections 34-69 and 30-89; This Preliminary Subdivision Plan (PSP) is a request to subdivide 10.67 acres in order to construct 8 single-family detached residential dwelling units. The request also includes the following waivers from Orange County Code: 1. A waiver from Section 34-152(c), to allow for a twenty (20) foot direct access to Tract D open space from Windermere Road, a paved roadway exterior to the subdivision, in lieu of each lot and tract interior to each lot and tract interior to the subdivision shall have a minimum access width of twenty (20) feet to a dedicated public paved street, except in gated communities covered by Article VIII of this chapter. 2. A waiver from Section 34-209, to allow for a minimum five (5) foot high fence and ten (10) foot wide landscape buffer to be provided along the road frontage of tracts e & f (excluding the wetland buffer) to separate the residential subdivision from all adjacent roadways whose average daily traffic volumes are projected to exceed eight thousand (8,000) vehicles within five (5) years of the date of approval of the preliminary subdivision plan, in lieu of a six-foot high masonry wall.

**Location:** District 1; property generally located North of Haley Drive / Northeast of Windermere Road; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- Philip Hollis
- Mark Griffin

A motion was made by Commissioner VanderLey, seconded by Commissioner Moore, to make a finding of consistency with the Comprehensive Plan; and approve the request subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report. The motion carried by the following vote:

**Aye:** 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

8. 20-030 Rezoning

Erika Hughes, VHB, Inc., Westgate Seasons PD, Case # LUP-17-04-135;

## District 6

**Consideration:** A request to rezone one (1) parcel containing 19.4 gross acres from R-3 (Multiple-Family Dwelling District) to PD (Planned Development District), in order to construct up to 358 multi-family residential dwelling units. The request also includes the following waivers from Orange County Code:

1. A waiver from Section 38-1258(a) is requested to allow a maximum building height of forty (40) feet and three (3) stories for all multi-family buildings located seventy-five (75) feet to one hundred (100) feet from single-family zoned property, in lieu of being restricted to a single story in height within one hundred (100) feet.
2. A waiver from Section 38-1258(b) is requested to allow a maximum building height of forty (40) feet and three (3) stories for all multi-family buildings between one hundred plus (100+) feet to one hundred fifty (150) feet of single-family zoned property, in lieu of a maximum of fifty (50) percent of the 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.
3. A waiver from Section 38-1258(j) is requested to allow a minimum building separation of twenty (20) feet for all multi-family buildings, in lieu of thirty (30) feet for two-story buildings, and forty (40) feet for buildings three (3) stories; pursuant to Orange County Code, Chapter 30.

**Location:** District 6; property generally located North of West Oak Ridge Road, south of Wakulla Way, east of S. John Young Parkway, west of S. Texas Avenue; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- Erika Hughes
- Jeff Davies

A motion was made by Commissioner Siplin, seconded by Commissioner Bonilla, to make a finding of consistency with the Comprehensive Plan; and approve the rezoning request Case # LUP-17-04-135 to rezone one (1) parcel containing 19.4 gross acres from R-3 (Multiple-Family Dwelling District) to PD (Planned Development District), in order to construct up to 358 multi-family residential dwelling units, subject to the conditions of approval listed under the Planning and Zoning Commission recommendation in the Staff Report. The motion carried by the following vote:

**Aye:** 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

9. **19-1781** Substantial Change

Thomas R. Sullivan, Gary Robinson, P.A.; Redditt Property Planned Development / Land Use Plan (PD / LUP) - Case # CDR-19-03-098, amend plan; District 4 (Continued from December 17, 2019)

**Consideration:** A PD substantial change to modify the development program to include 350 multi-family dwelling units and 110,647 square feet of industrial uses; pursuant to Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

**Location:** District 4; property located at 4450 Innovation Way, or generally located on the northeast corner Innovation Way and Watsons Crossing; Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- Tom Sullivan
- Sheila Lake
- Dana Koshmer

A motion was made by Commissioner Gomez Cordero, seconded by Commissioner Bonilla, to make a finding of consistency with the Comprehensive Plan; and approve the substantial change request subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report. The motion carried by the following vote:

**Aye:** 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

10. 19-1436 Substantial Change

Brooks Stickler, Kimley-Horn and Associates, Inc., Alafaya Trail Property Planned Development / Land Use Plan (PD / LUP), Case # CDR-14-05-144, amend plan; District 4 (Continued from October 22, 2019, December 3, and 17, 2019)

**Consideration:** A PD substantial change request to increase retail / commercial (C-1) square footage from 174,000 to 304,000 (an increase of 130,000 square feet), while retaining 6,000 square feet of previously approved Professional Office (P-O) uses. Additionally, this request also reflects the conversation, impact, and mitigation of on-site wetlands per proposed Conservation Area Impact (CAI) permit #CAI-14-08-025. Lastly, the applicant has requested the following waiver from Orange County Code: 1. A waiver from Section 38-1476(a) to allow a parking calculation of four (4) spaces per 1,000 square feet, in lieu of five (5) spaces per 1,000 square feet; pursuant to Orange County Code, Chapter 38, Article VIII, Division 1, Section 38-1207.

**Location:** District 4; property generally located south of E. Colonial Drive and west of Alafaya Trail. Orange County, Florida (legal property description on file in Planning Division)

The following persons addressed the Board:

- John Mikios
- Kyle Crawford
- Linda Mallinson
- Carlos Jimenez
- Joe Schuemann
- James Festa
- Linda Casey

The following materials were presented to the Board prior to the close of the public hearing:

- Exhibit 1, from Kyle Crawford
- Exhibit 2, from Joe Schuemann

The following material was received by the Clerk prior to the close of the public hearing. The material referenced by the speaker was not presented to the Board: Submittal 1, from Kyle Crawford.

New Condition of Approval #22:

22. A public hearing shall be required for the Development Plan.

A motion was made by Commissioner Gomez Cordero, seconded by Commissioner VanderLey, to accept the findings and recommendation of Environmental Protection Division staff to approve the request for Conservation Area Impact Permit Modification No. CAI-14-08-025 for the Shoppes at Alafaya Project Site; further, make a finding of consistency with the Comprehensive Plan; further, approve the substantial change request subject to the conditions of approval listed under the Development Review Committee recommendation in the Staff Report with the understanding staff will attempt to advance a comprehensive study as appropriate; and further, approve new Condition of Approval #22. The motion carried by the following vote:

**Aye:** 7 - Mayor Demings, Commissioner VanderLey, Commissioner Moore, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

and

**I. CONSENT AGENDA (Deferred)**

**I. PLANNING, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT**

3. 20-176 Acceptance of the findings and recommendation of Environmental Protection Division staff to approve the request for Conservation Area Impact Permit Modification No. CAI-14-08-025 for the Shoppes at Alafaya Project Site. District 4. (Environmental Protection Division)

This item was approved.

**VI. PUBLIC HEARINGS (Continued)**

11. 19-1615 Amending Orange County Code, adopting 2019-2 Session I Regular Cycle Amendments to the 2010-2030 Comprehensive Plan (CP) and where applicable concurrent rezoning request and Adoption of Ordinance (Continued from November 12, 2019 and January 14, 2020)

Regular Cycle Privately-Initiated Comprehensive Plan Map Amendment

Amendment 2019-2-A-4-3 (fka 2019-1-A-4-2)

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Jim Hall, Hall Development Services, Inc., for SBEGC, LLC

**Consideration:** Parks and Recreation/Open Space (PR/OS) to Medium Density Residential (MDR)

**Location:** 2900 Northampton Ave.; Generally located north of S. Alafaya Trl., west of Northampton Ave., south of Stoneybrook Blvd.; Parcel ID#: 01-23-31-0000-00-001 (portion of); 14.50 gross ac.

Mayor Demings limited public comment to two minutes per speaker.

The following persons addressed the Board:

- Rebecca Wilson
- Ella-mae Shupe
- Michelle McCrimmon
- Ryan Russell
- Lou Stancampiano
- Mobin Shaikh
- Robbie Shaffer
- Mike Regner
- John Snell
- Amaline Vargas
- Orlando Lorie
- Neil Kirsch
- Liz Jacobs
- Mohammed Ahmed
- Angela Spoto
- Cory Anderson
- Jamie Joyce
- Jason Joyce
- Kevin Yeh
- Chi Yeh
- Stacy Heffner
- Brian Jacobs
- Hal Kantor
- Whitney Russell
- Robert Gass
- Tony Gregory
- Kathy Akbari
- Francesca Brussul
- Anton Arabia
- Joseph Dunn
- Jay Jacobson

The following materials were presented to the Board prior to the close of the public hearing:

- Exhibit 1, from Rebecca Wilson
- Exhibit 2, from Liz Jacobs
- Exhibit 3, from Jason Joyce
- Exhibit 4, from Brian Jacobs

The following materials were received by the Clerk prior to the close of the public hearing. The materials referenced by the speaker were not presented to the Board:

- Submittal 1, from Ryan Russell
- Submittal 2, from Rebecca Wilson

A motion was made by Commissioner Gomez Cordero, seconded by Commissioner Bonilla, to make a finding of inconsistency with the Comprehensive Plan; further, determine that the proposed amendment is not in compliance; and further, deny Amendment 2019-2-A-4-3 (fka 2019-1-A-4-2), Parks and Recreation/Open Space (PR/OS) to Medium Density Residential (MDR), up to 250 multi-family dwelling units. The motion carried by the following vote:

**Aye:** 6 - Mayor Demings, Commissioner VanderLey, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

**Nay:** 1 - Commissioner Moore

and

**11. 19-1637 Concurrent Rezoning Request**

Jim Hall, Hall Development Services, Inc., for SBEGC, LLC; District 4  
Rezoning LUP-18-12-413

**Consideration:** Rezone from PD (Planned Development District) (Stoneybrook PD) to PD (Planned Development District) (Alafaya Apartments PD). Also Requested are 4 waivers from Orange County Code:

- 1) A waiver from Section 38-1258(j) to allow a minimum building separation of twenty (20) feet, in lieu of a minimum separation of thirty (30) feet for two-story buildings, and forty (40) feet for buildings three (3) stories;
- 2) A waiver from Section 38-1251 (b) to allow the maximum coverage of all buildings to not exceed 50% of the gross land area, in lieu of the maximum coverage of all buildings not exceeding 30% of the gross land area;
- 3) A waiver from Section 38-1254(2)(c) to allow the setback from Arterial street rights-of-way to be twenty-five (25) feet, in lieu of fifty (50) feet; and
- 4) A waiver from Section 38-1258(d) to allow a maximum building height of forty-five (45) feet, three (3) stories, in lieu of forty (40) feet.

**Location:** 2900 Northampton Ave.; Generally located north of S. Alafaya Trl., west of Northampton Ave., south of Stoneybrook Blvd.; Parcel ID#: 01-23-31-0000-00-001 (portion of); 14.50 gross ac.

A motion was made by Commissioner Gomez Cordero, seconded by Commissioner Bonilla, to make a finding of inconsistency with the Comprehensive Plan; and further, deny the rezoning request from PD (Planned Development District) (Stoneybrook PD) to PD (Planned Development

District) (Alafaya Apartments PD). The motion carried by the following vote:

**Aye:** 6 - Mayor Demings, Commissioner VanderLey, Commissioner Uribe, Commissioner Gomez Cordero, Commissioner Bonilla, and Commissioner Siplin

**Nay:** 1 - Commissioner Moore

**11. 20-091 Regular Cycle State-Expedited Review Comprehensive Plan Amendments Ordinance**

Amending Orange County Code, adopting 2019-2 Session I Regular Cycle Amendments to the 2010-2030 Comprehensive Plan (CP), adopting amendments pursuant to Section 163.3184(3), F.S.

**Consideration:** 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 2019 CALENDAR YEAR (SECOND CYCLE); AND PROVIDING EFFECTIVE DATES

As a result of the Board denying Amendment 2019-2-A-4-3 (fka 2019-1-A-4-2) and the concurrent rezoning public hearing for Case # LUP-18-12-413, the public hearing to adopt the ordinance was withdrawn.

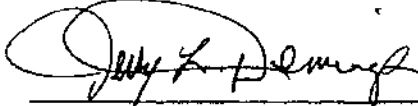
√ The notated public hearing is quasi-judicial in nature. As such, any verbal or written communication with a member of the Board of County Commissioners prior to today's quasi-judicial hearing should be disclosed on the record or made a part of the record during the public hearing by or on behalf of the party who communicated with the Board member to allow any interested party an opportunity to inquire about or respond to such communication. Failure to disclose any such communication may place the party who ultimately prevails at the quasi-judicial hearing at risk of having the Board's decision overturned in a court of law due to prejudice against the party who was not privy to the ex parte communication.

Information regarding meetings held at the County Administration Building between any member of the Board and an outside party may be obtained at <http://www.orangecountyfl.net/visitors/reports/MeetingsReportPage.asp>.



ADJOURNMENT: 7:24 p.m.

ATTEST:



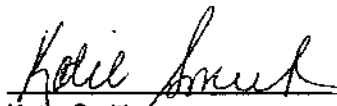
County Mayor Jerry L. Demings

Date: February 25, 2020

ATTEST SIGNATURE:

Phil Diamond  
County Comptroller as Clerk



  
Katie Smith  
Deputy Clerk

\* \* \*

Any person wishing to appeal any decision made by the Board of County Commissioners at this meeting will need a record of the proceedings. For that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two (2) business days prior to the proceeding, he or she should contact the Orange County Communications Division at (407) 836-5517.

Para mayor información en español, por favor llame al (407) 836-3111.

**NOTE:** Reports from the County Mayor, the County Commissioners, the County Administrator, and the County Attorney may be presented at unscheduled times throughout the day, depending on the length of time required for advertised public hearings.

Copies of Specific Project Expenditure Reports and Relationship Disclosure Forms are not included with agenda items unless there is a listed expenditure or disclosure. Copies of these completed reports and forms may be obtained by contacting the relevant Department/Division Office.

**EXHIBIT "9"**



County, Florida. The Angelo's Aggregate Materials Project will consist of a concrete crushing operation and construction and demolition debris materials recycling facility. The study consisted of the determination of the new vehicular trips which would utilize the area intersections as the result of the proposed development."

The Access Connection Study's Purpose section states in part,

"This study was conducted in order to assess the access connections for the Angelo's Aggregate Materials ("Project") site to operate on a ±44.71-acre parcel located in the southwest quadrant of Landstreet Road and Parkers Landing/Winegard Road in Orange County, Florida. The three Orange County Parcels IDs are 02-24-29-8220-00-290, 02-24-29-8220-00-070, and 02-24-29-7268-00-071. The Angelo's Aggregate Materials Project will consist of a concrete crushing operation and construction and demolition debris materials recycling facility."

The Access Connection Study's Traffic Generation/Distribution states in part,

"The proposed Angelo's Aggregate Materials development site will consist of a concrete crushing operation and construction and demolition debris materials recycling facility. The development area is a 44.71-acre parcel located in southwest quadrant of the Landstreet Road and Parkers Landing intersection in Orange County, Florida. To determine the impact of this development, an analysis of its traffic characteristics was made. This included the determination of the proposed site traffic and the distribution/assignment of this new traffic to the study intersections.;" and,

"An estimate of the proposed traffic to be generated at the Parkers Landing site was provided by the Applicant. The Applicants original truck operations information is included in Appendix C and the response to Orange County's which supports the Project trip generation is included in Appendix A. Utilizing the trip generation data provided, the estimated trip generation calculation is summarized in Table 2. The proposed land use will generate an estimated 518 vehicle trip ends per day. Of this total, 44 vehicle trip ends occur during the A.M. peak hour with 25 vehicles entering and 19 vehicles exiting the site and 44 vehicle trip ends occur during the P.M. peak hour with 19 vehicles entering and 25 vehicles exiting the site."

The Access Connection Study's Appendix A – Response to County Comments includes a memorandum (starting on pg. 21) from Luke Transportation Engineering Consultants that states in part,

"The proposed Landstreet Road facility was designed and permitted to manage 900 tons per day".

However, the **Operations Plan** contained within the Application for New C&D Waste Processing Facility - Angelo's Recycled Materials (SW-19-06-001) indicates in Section 3.5:

"Quantity projections for C&D are limited to the processing capabilities of this site, based on available equipment and personnel. Current estimated demands, based on Angelo's current business needs, require managing approximately 1,000 cubic yards (CY) or 900 tons per average operating day with a maximum of approximately 1,500 CY or 1,350 tons per day.;" and, "This projected volume is based on the C&D operations only and does not include incoming concrete and asphalt that is brought directly to Angelo's permitted on-site concrete crusher."

Last but not least, the Access Connection Study's Appendix A – Response to County Comments includes a letter from Arnold Engineering Consulting, LLC with the reference: RE: Angelo's Aggregate Materials, Proposed Landstreet C&D Transfer Station, Vehicle Projection Analysis (starting on pg. 21), which states in part,

"The daily vehicle traffic projections for the proposed Landstreet C&D transfer station is based on calendar year 2018 scale house records from Angelo's C&D transfer stations in Lutz, Largo, Brandon, and Lakeland."; and,

"Vehicles that dump C&D materials for processing are typically smaller trucks and trailers."

At this point it should be clear, that the traffic count in the Access Connection Study does not include a large portion of post-development generated traffic estimates for the concrete crushing and concrete recycling activities (including concrete aggregate sales) outside of the small 100' x 200' C&D area but within the approximate 44-acre development. Clean (not mixed with other type materials) broken concrete is not processed at the C&D portion of the site nor weighed in through the scale-house. Additionally, purchased crushed concrete loads (trucks) which should be weighed-out through the scale-house do not appear to be part of the trip data provided by the Angelo's Aggregate Materials (or their consultants) to Luke Transportation Engineering Consultants, Inc.

#### Traffic Estimates for Similar Concrete Crushing and Storage Yards

Based, on an approximate 4-acre concrete crushing and storage operation with one (1) large Eagle brand crusher in Orange County Florida that GCEE has previously worked with and documented concrete crusher feed rate, we have included in Exhibit I our estimated traffic generation estimates for similar sized concrete crushing and storage operation. Note: Angelo's Aggregate Materials proposed concrete crushing and storage yard is considerably larger in area.

#### Closing

The Orange County Public Hearing Notice for the January 2, 2020 Special Exception BZA Hearing (Case # SE-19-07-068) states,

"PLEASE LIMIT YOUR PRESENTATION TO THREE (3) MINUTES AND KEEP IN MIND THE FOLLOWING GUIDELINES:"; and,

"(4) Your comments should focus on zoning related issues. Aesthetics, impacts to surrounding properties, land use compatibility, the variance and special exception criteria, development trends, and Comprehensive Plan are zoning-related issues. However, drainage, traffic congestion, and crime are issues not addressed by the BZA."

The Orange County Public Hearing Notice was misleading to both potential and actual commenters opposed to the Special Exception and greatly affected their preparation and comments. Based on the actual hearing and BZA board members discussion and initial motion, traffic was one of the primary concerns. Additionally, the Orange County Traffic Engineering Division's and Development Engineering Division's review and related recommendations to the BZA were impaired as they are based in part on an Access Connection Study that does not account for a large portion of the project post-development generated traffic.

The Access Connection Study does not account for a large portion and potentially the majority of the post-development generated traffic from Angelo's Aggregate Materials approximately 44-acre development. The estimated future traffic generated by the proposed concrete crushing and storage activities does not appear to

have been considered or studied by a traffic engineering firm. The additional estimated future traffic generated by the proposed C&D recycling and transfer station may be beyond the breaking point of the small dead-end and single-lane road, Parkers Landing that so many existing businesses rely on for their access, good and services mobilization, and prosperity. It is our opinion that granting such authorization(s), Special Exception(s), and/or permits(s) based on the proposed plans and existing Access Connection Study that Orange County government jeopardizes the ease of access connection to existing business along Parkers Landings and potentially the ability to require traffic improvements associated with the 44-acre project's access connection. It is also our opinion the Access Connection Study should be updated to include and evaluate all of the anticipated traffic from the Angelo's Aggregate Materials 44-acre development.

Respectfully,



Douglas Bauman, MSc, P.E.  
Professional Engineer/Owner  
**General Civil & Environmental Engineering LLC**  
5305 Pineview Way  
Apopka, FL 32703  
(407) 822-7655  
(407) 760-0197

cc: John Arnold, P.E. - Luke Transportation Engineering Consultants, Inc.  
Maribel Gomez Cordero, Commissioner - Orange County Commission District #4

## EXHIBIT 1

Based, on an approximate 4-acre concrete crushing and storage operation with one (1) large Eagle brand crusher in Orange County Florida that General Civil & Environmental Engineering LLC has previously worked with and documented concrete crusher feed rate of approximately 157.5 tons per hour, we have developed the following estimated traffic generation estimates\* for a similar facility:

The documented broken concrete load rate into the crusher feed hopper was:

$$63 \text{ loads}/3.5 \text{ hours} \times 7 \text{ yd}^3/\text{load} \times 1.25 \text{ tons}/\text{yd}^3 = 157.5 \text{ tons/hr, avg.}$$

For a similar facility operating one (1) crusher at 12 hours per day, approximately 1,890 tons of broken concrete per day is needed.

Broken-concrete typically weighs approximately 1 ton/yd<sup>3</sup> and "broken-concrete-inbound-loads (trucks)" typically average approximately 10 yd<sup>3</sup> in volume. Therefore, the estimated number of "broken-concrete-inbound-loads (trucks)" per day is:

$$157.5 \text{ tons/hour} \times 12 \text{ hours/day} \times \text{yd}^3/1 \text{ ton} \times \text{truck}/10 \text{ yd}^3 = 189 \text{ trucks/day}^*$$

Note: These trucks generally leave empty, so this must be accounted for in the trip-ends traffic count (i.e. 378 trip-ends\*)

After site equilibrium, what comes in should go out. Crushed-concrete on average weighs approximately 1.15 ton/yd<sup>3</sup> and "crushed-concrete-outbound-loads (trucks)" typically average approximately 16.5 yd<sup>3</sup> in volume.

Therefore, the estimated number of "crushed-concrete-outbound-loads (trucks)" per day is:

$$157.5 \text{ tons/hour} \times 12 \text{ hours/day} \times \text{yd}^3/1.15 \text{ ton} \times \text{truck}/16.5 \text{ yd}^3 = 99 \text{ trucks/day}$$

Note: These trucks generally come in empty, so this must be accounted for in the trip-ends traffic count (i.e. 198 trip-ends).

Therefore, a similar facility with only one (1) near-same-size crusher will generate an estimated 288.6 additional inbound trips and an estimated 288.6 additional outbound trips related to the concrete crushing operations, not including associated employee traffic counts.

\* As the Angelo's Recycled Materials site in question is proposed to also contain a C&D Recycling/Transfer Facility, a small portion of the broken concrete will come from the processed C&D material; however, pages 44 and 57 of the Access Connection Study shows that basically 100% of the C&D material will be retransferred out of the 44-acre site for recycling and/or disposal. The reality is a small percentage of the broken concrete will likely come from the processed C&D material and this will slightly lower the number of "broken-concrete-inbound-loads (trucks)" needed to supply broken concrete to first concrete crusher (assuming there is only one concrete crusher). Table 1 below presents traffic estimates for similar facilities that have one or more similar sized concrete crushers.



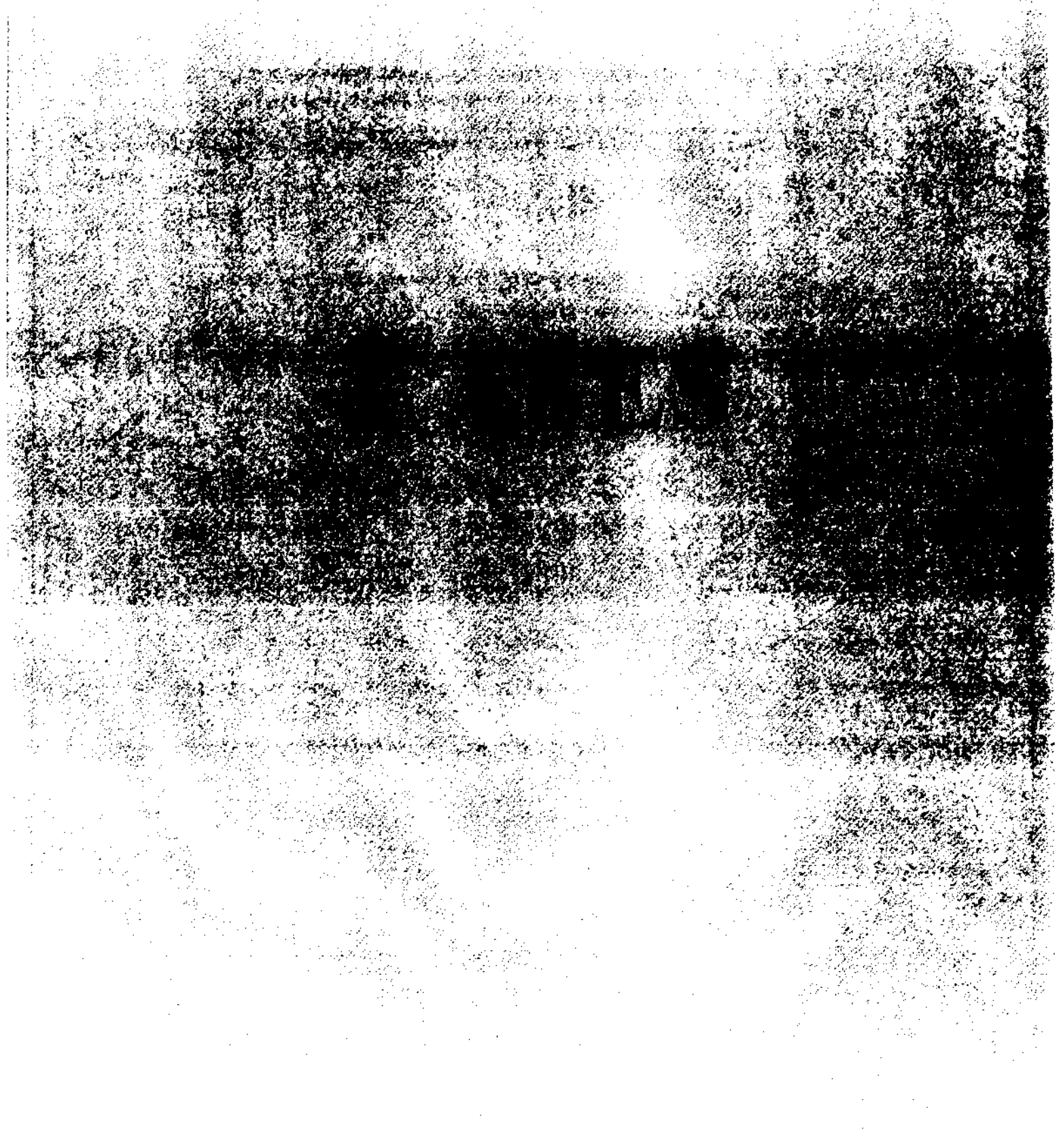
## EXHIBIT 1, continued

**Table 1**  
**Traffic Estimates<sup>1</sup> for Similar Concrete Crushing Facilities**  
**With More Than One Similar Sized<sup>2</sup> Concrete Crusher**

# of Crushers <sup>2</sup>	Inbound Truck Trips <sup>1</sup>	Outbound Truck Trips <sup>1</sup>	Trip Ends
1	288	288	576
2	576	576	1152
3	864	864	1728

## Notes:

1. Not including employee-generated traffic nor additional or less traffic from any related C&D Debris Recycling/Transfer Facility
2. Concrete crushers near 157.5 tons/hour throughput



de Corno v. ...

739 So.2d 115  
District Court of Appeal of Florida,  
Third District.

MIAMI-DADE COUNTY, Petitioner,  
v.  
Bernice WALBERG, et al., Respondents.

No. 99-840.

|  
June 30, 1999.

|  
Rehearing Denied Sept. 8, 1999.

### Synopsis

Landowners in district for single-family homes on five-acre lots sought review of county commission's decision to deny request to rezone eight-acre lot to allow single-family homes on one acre-lots. The Circuit Court, Dade County, Appellate Division, ruled in favor of landowners. County petitioned for writ of certiorari. The District Court of Appeal, Jorgenson, J., held that landowners were not entitled to rezoning of their property.

Petition granted; order quashed; and commission affirmed.

Procedural Posture(s): On Appeal.

### Attorneys and Law Firms

\*115 Robert A. Ginsburg, Miami-Dade County Attorney, and August Maxwell, Assistant County Attorney, for petitioner.

Greenberg Traurig, P.A., and Alan T. Dimond and Elliot H. Scherker, Miami, for respondents.

\*116 Before NESBITT, JORGENSON, and LEVY, JJ.

### Opinion

JORGENSON, Judge.

The County seeks certiorari review of a zoning decision from the Circuit Court of Miami-Dade County, Appellate Division. The decision was split, with Judge Siegel dissenting. For the reasons that follow, we grant the petition and quash the order under review.

This court's scope of review is very narrow: "[T]he district court, upon review of the circuit court's judgment ... determines whether the circuit court afforded procedural due process and applied the correct law." *Metropolitan Dade County v. Blumenthal*, 675 So.2d 598, 601 (Fla. 3d DCA 1995), quoting *City of Deerfield Beach v. Vaillant*, 419 So.2d 624, 626 (Fla.1982). See also, *Haines City Community Dev. v. Heggs*, 658 So.2d 523, 529 n. 10 (Fla.1995) ("the extraordinary writ [certiorari review] is reserved for those situations where 'there has been a violation of a clearly established principle of law resulting in a miscarriage of justice.'"). We adopt the dissent of Judge Siegel and publish it as the opinion of this court.

\* \* \*

Siegel, J., dissenting.

Appellants Bernice and Nathan Walberg ("property owners") challenge a resolution of the Board of County Commissioners which denied a change in zoning of the Walbergs' eight acre lot. The Walbergs' request was to rezone their property from EU-2 (Single Family Five Acre Estate District) to EU-1 (Single Family One Acre Estate District). The property directly adjacent to the north and south of the Walberg property is zoned EU-2. Further south of the property is the Burger King Headquarters which is zoned as GU. To the east of the property is Biscayne National Park. To the west of the property is Old Cutler Road, a main thoroughfare. On the west side of Old Cutler Road is property zoned as EU-1.

The Zoning and Planning Departments approved the rezoning application because it complied with the Comprehensive Development and Master Plan which permits a density of up to 2 1/2 units per acre. The National Park Service initially approved the application but subsequently withdrew support when it realized that current zoning in the immediate area was EU-2. The agency's position was changed to a statement of "no objection to approval," but that it was [sic] "not actively advocating the further development of the property." Exhibit B-2, letter dated December 13, 1996.

At the Commission hearing, the applicants' position was that the rezoning request was consistent with zoning already approved in the area (on the west side of Old Cutler Road) and was further consistent with the Master Plan. The Commission heard testimony from the neighbors to the Walberg property who objected to the rezoning. The objectors also presented

petitions and a site map designating the current zoning within the area. An expert who was a registered professional engineer, general contractor and environmental consultant in Miami-Dade County testified on behalf of the adjacent neighbors regarding new elevation requirements which would make houses built on the property visible from Biscayne Bay and would make the residences much higher than those surrounding this eight acre parcel. The Commission denied the application for rezoning and found that such a change was incompatible with the neighborhood and area concerned and would be in conflict with the principles and intent of the plan for the development of Miami-Dade County. The Walbergs challenge this denial arguing that the petition conforms to the Master Plan and therefore the Commission exceeded its quasi-judicial powers in its denial.

The applicable standard of review for an appeal from an administrative agency is that the court must ascertain whether the agency supported its findings with substantial \*117 competent evidence. The court is not entitled to reweigh the evidence or substitute its judgment for that of the agency.

<sup>3</sup> *Haines City Community Dev. v. Heggs*, 658 So.2d 523 (Fla.1995).

The Florida Supreme Court, in the *Snyder* decision, succinctly stated the burden that must be met by a property owner and the agency when a request is made to rezone property. The Court held as follows:

[A] landowner seeking to rezone property has the burden of proving that the proposal is consistent with the comprehensive plan and complies with all procedural requirements of the zoning ordinance. At this point, the burden shifts to the governmental board to demonstrate that maintaining the existing zoning classification with respect to the property accomplishes a legitimate public purpose. In effect, the landowners' traditional remedies will be subsumed within this rule, and the board will now have the burden of showing that the refusal to rezone the property is not arbitrary, discriminatory, or unreasonable. If

the board carries its burden, the application should be denied.

*Board of County Comm'rs of Brevard County v. Snyder*, 627 So.2d 469, 476 (Fla.1993). Although a zoning change may be consistent with the comprehensive plan, the landowner is not presumptively entitled to such use. Additionally, a property owner is not entitled to relief by proving consistency alone when the board action is also consistent with the comprehensive zoning plan. "Where any of several zoning classifications is consistent with the plan, the applicant seeking a change from one to the other is not entitled to judicial relief absent proof the status quo is no longer reasonable." *Snyder*, at 475.

As the *Snyder* court found:

[T]he comprehensive plan is intended to provide for the future use of land, which contemplates a gradual and ordered growth....

[A] comprehensive plan only establishes a long-range maximum limit on the possible intensity of land use; a plan does not simultaneously establish an immediate minimum limit on the possible intensity of land use. The present use of land may, by zoning ordinance, continue to be more limited than the future use contemplated by the comprehensive plan.

*Snyder*, at 475, citing *City of Jacksonville Beach v. Grubbs*, 461 So.2d 160, 163 (Fla. 1st DCA 1984).

Appellants further allege that the testimony in opposition to their rezoning application could not be considered to be substantial competent evidence. In a case very similar to the present matter, the Third District found that "under the correct legal standard, citizen testimony in a zoning matter is perfectly permissible and constitutes substantial competent

evidence, so long as it is fact-based." *Metropolitan Dade County v. Blumenthal*, 675 So.2d 598, 607 (Fla. 3d DCA 1995), *rev. dismissed*, 680 So.2d 421 (Fla.1996). Mere generalized statements of opposition are to be disregarded, but fact-based testimony is not.

In addition to neighbor testimony, the Commission heard testimony of an expert discussing how the zoning change would affect the esthetics of the area. Also presented to the Commission was a site map of the surrounding area

showing EU-2 zoning both north and south of the Walberg parcel. A change of the Walberg land to higher density EU 1 zoning would make its zoning facially incompatible with its surroundings. The *Blumenthal* court found that a site map alone may be considered substantial competent evidence. Additionally, in a later case which followed *Blumenthal*, the Third District found that when the Commission had access to a record which contained maps, reports, and other information which, in conjunction with the testimony of the neighbors, if believed by the Commission, this evidence would constitute competent substantial evidence. \*118 *Metropolitan Dade County v. Sportacres Dev. Group*, 698 So.2d 281, 282 (Fla. 3d DCA 1997). See also, *Metropolitan Dade County v. Dusseau*, 725 So.2d 1169 (Fla. 3d DCA 1998).

No one disputes the fact that the closest approved density to the *Walberg* property was one single family residence on a five acre lot (EU-2). Citizen testimony urged the Commission to use that density as the relevant benchmark, and to adhere to that density level for the *Walberg* property. As in *Blumenthal*, the Commission took the position that this applicant's project should not exceed the same density allowed to the nearest neighbor. Like the decision of the Commission in *Blumenthal*, "[t]hat is a simple and unassailable determination by the

County Commission for which there is ample substantial competent evidence." *Blumenthal*, at 609. "The point is that when the facts are such as to give the County Commissioners a choice between alternatives, it is up to the County Commission to make that choice—not the circuit court." *Id.* at 606. Appellants failed to show that the status quo was unreasonable.

Because the Commission's denial of the rezoning was based upon substantial competent evidence, its decision should be affirmed.

\* \* \*

In sum, we agree with the County that the Miami-Dade Circuit Court, Appellate Division, applied the wrong standard of burden of proof and the wrong standard of review to the Commission's decision. We grant the County's Petition for Writ of Certiorari, quash the order under review, and remand with directions to affirm the Commission's decision.

#### All Citations

739 So.2d 115, 24 Fla. L. Weekly D1539

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*City of Apopka*

299 So.2d 657

District Court of Appeal of Florida, Fourth District.

The CITY OF APOPKA, Florida, et al., Appellants,  
v.

ORANGE COUNTY, a political subdivision  
of the State of Florida, and Clarcona  
Improvement Association, Appellees.

No. 73-273.

|  
Feb. 22, 1974.

|  
On Rehearing April 11, 1974.

**Synopsis**

Application submitted by three communities for special exception to allow construction of airport on extraterritorial land owned by them was denied by the zoning board of adjustment and the board of county commissioners affirmed. Municipalities' petition for certiorari was denied by the Circuit Court, Orange County, Parker Lee McDonald, J., and municipalities appealed. The District Court of Appeal, Downey, J., held that it was not the function of the board of county commissioners to hold a plebiscite on the application for special exception and that board's duty was to make finding as to how construction and operation of proposed airport would affect public interest and base its granting or denial of the special exception on those findings; and that evidence which consisted mainly of laymen's opinions which were unsubstantiated by competent facts and which were submitted at hearing where witnesses were not sworn and where cross-examination was specifically prohibited did not support conclusion that public interest would be adversely affected by the granting of the special exception.

Reversed and remanded with directions.

**Attorneys and Law Firms**

\*657 William G. Mitchell, of Giles, Hedrick & Robinson, Orlando, for appellants.

\*658 Steven R. Bechtel, of Mateer & Harbert, Orlando, for appellee Orange county.

Carter A. Bradford, of Bradford, Oswald, Tharp & Fletcher, Orlando, for appellee Clarcona Improvement Assn.

**Opinion**

DOWNEY, Judge.

This is an appeal by the cities of Apopka, Ocoee, and Winter Garden and the Tri-City Airport Authority from a final judgment of the circuit court denying their petition for certiorari which sought review of an order denying appellants' application for a special exception. This is a companion appeal to those consolidated appeals numbered 72-1204 and 72-1209, 299 So.2d 652.

The appellant cities formed the appellant Tri-City Airport Authority pursuant to Chapter 332, F.S.1971, F.S.A., commonly known as The Airport Law of 1945, for the purpose of building an airport to serve the three cities and the surrounding area. Appropriate engineering studies were made and various sites for the proposed airport were considered. Finally, the Authority determined that a parcel of property located in Orange County outside any municipality and zoned A-1 was the most suitable site for the proposed airport. The Authority thereafter obtained options to buy that property. Orange County's zoning legislation permits construction and operation of 'airplane landing fields and helicopter ports with accessory facilities for private or public use' in an A-1 district as a special exception. Thus, the three cities and the Authority filed an application for a special exception with the Orange County Zoning Board of Adjustment to build their proposed airport. Without entering any finding of fact, the Zoning Board of Adjustment denied the application on the ground that granting it 'would be adverse to the general public interest.' On appeal to the Board of County Commissioners a de novo hearing was held with the following result:

'A motion was made by Commissioner Pickett, seconded by Commissioner Poe, and carried, that the decision of the Board of Zoning Adjustment on December 2, 1971 denying application No. 2 for a Special Exception in an A-1 District for the construction of a proposed Tri-City Airport be affirmed and upheld on the grounds that the granting of the proposed Special Exception would adversely affect the general public and would be detrimental to the public health, safety, comfort, order, convenience, prosperity and general welfare and, therefore, not



in accordance with the Comprehensive Zoning Plan of Orange County.'

Appellants then filed a petition for a writ of certiorari in the circuit court in accordance with the provisions of the Orange County Zoning Act, Chapter 63-1716, Laws of Florida, as amended, to obtain review of the foregoing decision of the Board of County Commissioners. While the petition for certiorari was pending appellants filed another action in the Circuit Court of Orange County. The new action sought a declaration that implementation of Chapter 332, F.S.1971, F.S.A., by the appellants constituted a governmental function thereby exempting appellants from the operation of Orange County zoning regulations.

In order to determine whether there was substantial competent evidence to support the decision below we must of necessity resort to the evidence introduced at the hearing before the Board of County Commissioners. The appellants adduced evidence from (a) the Tri-City Airport Authority consulting engineer, (b) a representative of the Federal Aviation Agency, (c) and a representative of the Florida Department of Transportation, Mass Transit Division. Their testimony showed that there was a definite public need for the airport; that serious in depth studies had been made to determine the most appropriate location for the airport; that the location in question was the best available considering such factors as (1) convenience to users, (2) land and area requirements, (3) general \*659 topography, (4) 'compatibility with existing land use, plans and land users', (5) land costs, (6) air space and objections, (7) availability of utilities, (8) noise problems, (9) bird habitats and other ecological problems. The mayors of the three municipalities and the members of the Airport Authority also demonstrated that the selection of the site in question resulted from long study and competent advice on the subject. Approval had been received from every interested government agency including the Federal Aviation Administration, the Florida Department of Transportation, and the Florida Department of Air and Water Pollution Control.

The evidence upon which the Board of County Commissioners relied to deny appellants' application came from one abutting owner, Richard Byrd; several other owners within a two to five mile radius of the proposed airport site; a petition signed by some two hundred members of the Clarcona Improvement Association; and approximately thirty-five people in attendance at the hearing who objected

but did not testify. Byrd's testimony was mainly directed to his opinion of what the airport would do to construction costs in the area and his opinion of what would happen to zoning in the area as a result of the proposed use. It also developed that Byrd is interested in buying the property proposed to be used as the airport. Several other property owners speculated about what would happen to the area's zoning, complained about the anticipated noise, and generally wanted to keep the status quo in the area. One witness who admitted he was a layman with no special training or experience advised the Board about his opinion of the damage to the Florida aquifer which would result from the proposed airport.

Although notice to and hearing of the proponents and opponents of an application for a special exception or other zoning change are essential and all interested parties should be given a full and fair opportunity to express their views, it was not the function of the Board of County Commissioners to hold a plebiscite on the application for the special exception.

Rockville Fuel and Feed Co. v. Board of Appeals, 257 Md. 183, 262 A.2d 499, 504 (1970). As pointed out by Professor Anderson in Volume 3 of his work, American Law of Zoning, s 15.27, pp. 155-156:

'It does not follow, . . . that either the legislative or the quasi-judicial functions of zoning should be controlled or even unduly influenced by opinions and desires expressed by interested persons at public hearings. Commenting upon the role of the public hearing in the processing of permit applications, the Supreme Court of Rhode Island said:

'Public notice of the hearing of an application for exception . . . is not given for the purpose of polling the neighborhood on the question involved, but to give interested persons an opportunity to present facts from which the board may determine whether the particular provision of the ordinance, as applied to the applicant's property, is reasonably necessary for the protection of . . . public health . . . The board should base their determination upon facts which they find to have been established, instead of upon the wishes of persons who appear for or against the granting of the application.'

The objections of a large number of residents of the affected neighborhood are not a sound basis for the denial of a permit. The quasi-judicial function of a board of adjustment must be exercised on the basis of the facts adduced; numerous objections by adjoining landowners may not properly be given even a cumulative effect. While the facts disclosed by objecting neighbors should be considered, the courts have said that:

'A mere poll of the neighboring landowners does not serve to assist the board in determining whether the exception \*660 applied for is consistent with the public convenience or welfare or whether it will tend to devalue the neighboring property.'

(Footnotes omitted.)

Instead the Board's purpose was to make findings as to how construction and operation of the proposed airport would affect the public and base its granting or denial of the special exception on those findings. Cf. *Laney v. Holbrook*, 150 Fla. 622, 8 So.2d 465, 146 A.L.R. 202 (1942); *Veasey v. Board of Public Instruction*, Fla.App.1971, 247 So.2d 80.

The evidence in opposition to the request for exception was in the main laymen's opinions unsubstantiated by any competent facts. Witnesses were not sworn and cross examination was specifically prohibited. Although the Orange County Zoning Act requires the Board of County Commissioners to make a finding that the granting of the special exception shall not adversely affect the public interest, the Board made no finding of facts bearing on the question of the effect the proposed airport would have on the public interest; it simply stated as a conclusion that the exception would adversely affect the public interest. Accordingly, we find it impossible to conclude that on an issue as important as the one before the board, there was substantial competent evidence to conclude that the public interest would be adversely affected by granting the appellants the special exception they had applied for.

The judgment appealed from is therefore reversed and remanded to the circuit court with directions to grant the writ of certiorari and to remand the cause to the board of county commissioners for another de novo hearing on the application for special exception.

End of Document

If the decision of the board is deemed to be arbitrary or unreasonable the aggrieved party will then have the option of a judicial review by certiorari pursuant to Florida Appellate Rules or a trial de novo in the circuit court pursuant to the Rules of Civil Procedure. Section 163.250 F.S.1971, F.S.A.

Reversed and remanded with directions.

WALDEN and MAGER, JJ., concur.

ON PETITIONS FOR REHEARING.

PER CURIAM.

On petitions for rehearing the parties have advised this court that Orange County has not taken formal suitable action declaring its election to proceed under the provisions of Part II of the act entitled County and Municipal Planning For Future Development (Section 163.160-163.315, F.S.1971, F.S.A.). Accordingly, the petitions for rehearing filed by the parties are granted and we recede from all references in our opinion of February 22, 1974, to the availability of Section 163.250, F.S.1971, F.S.A., in this case.

We maintain the view however, that the judgment appealed from should be reversed with directions to grant the writ of certiorari and to remand the cause to the board of county commissioners for another de novo hearing on the application for a special exception, at which time said board will have the opportunity to apply the balance-of-interests test to the evidence adduced before it. Thereafter, any aggrieved party may have that decision reviewed by the circuit court on petition for certiorari pursuant to the provisions of Chapter 63-1716, Special Acts of Florida, as amended.

WALDEN, MAGER and DOWNEY, JJ., concur.

All Citations

299 So.2d 657

*Lee v. Weisman*, 505 U.S. 822 (1992)

776 So.2d 1110

District Court of Appeal of Florida,  
Fifth District.

Sarah H. LEE, Appellant,

v.

ST. JOHNS COUNTY BOARD OF COUNTY  
COMMISSIONERS, et al., Appellee.

No. 5D99-3544.

Feb. 9, 2001.

**Synopsis**

Landowner filed complaint against board of county commissioners, challenging a "development order" as being inconsistent with the county comprehensive plan. The Circuit Court, St. Johns County, Richard G. Weinberg, J., dismissed complaint as untimely, and landowner appealed. The District Court of Appeal, W. Sharp, J., held that: (1) county commission's order approving final development order was reviewable under statute allowing an adversely affected third party to maintain an action to determine whether a development order was consistent with the comprehensive plan, but (2) matters dealing with rezoning of property were time-barred.

Reversed and remanded.

Procedural Posture(s): On Appeal.

**Attorneys and Law Firms**

\*1111 Deborah J. Andrews, Ponte Vedra Beach, for Appellant.

John G. Metcalf and Thomas M. Jenks of Pappas, Metcalf, Jenks, Miller & Reinsch, P.A., for Appellees Florida First Coast Development Corp. and Walden Chase Developers, Ltd.

Daniel J. Bosanko and Richard A. Barfield, St. Augustine, for Appellee Board of County Commissioners of St. Johns County, FL.

**Opinion**

W. SHARP, J.

Lee appeals from an order of the circuit court which dismissed her complaint against the St. Johns County Board of County Commissioners, filed pursuant to section 163.3215, Florida Statutes, challenging a "development order." The court ruled that Lee failed to file her complaint within the thirty day time limit required by section 163.3215(4), Florida Statutes. We disagree and reverse.

The record below establishes that in May of 1998, Florida First Coast Development Corporation (First Coast) filed an application to rezone property it owned in St. Johns County. First Coast is the general partner of Walden Chase Developers, Ltd. First Coast sought to rezone its property from open rural to a planned urban development (PUD), known as "Walden Chase." On July 28, 1998, the St. Johns County Board of County Commissioners enacted Ordinance No. 98-44, which rezoned the property.

The St. Johns County Planning and Zoning Agency approved the Final Development Plan for Walden Chase on March 18, 1999. Lee, whose property is adjacent to Walden Chase, appealed the approval to the County Commission on April 19, 1999. The County Commission upheld the decision of the Agency on June 1, 1999. On July 1, 1999, Lee filed her verified complaint with the St. Johns County Board of County Commissioners.

On August 30, 1999, Lee filed this suit against the St. Johns County Board of County Commissioners, Florida First Coast Development Corporation and Walden Chase Developers, Ltd. The complaint alleged that the July 28, 1998 rezoning and the June 1, 1999 order upholding approval of the final development plan were inconsistent \*1112 with the St. Johns County Comprehensive Plan.

Appellees argue that Lee failed to timely comply with section 163.3215, which provides strict time limits in which to challenge allegedly inconsistent actions:

(4) As a condition precedent to the institution of an action pursuant to this section, the complaining party shall first file a verified complaint with the local government whose actions are complained of setting forth the facts upon which the complaint is based and the relief sought by the complaining

party. The verified complaint shall be filed no later than 30 days after the alleged inconsistent action has been taken. The local government receiving the complaint shall respond within 30 days after receipt of the complaint. Thereafter, the complaining party may institute the action authorized in this section. However, the action shall be instituted no later than 30 days after the expiration of the 30-day period which the local government has to take appropriate action. Failure to comply with this subsection shall not bar an action for a temporary restraining order to prevent immediate and irreparable harm from the actions complained of.

\* \* \*

(3)(b) Suit under this section shall be the sole action available to challenge the consistency of a development order with a comprehensive plan adopted under this part.

Section 163.3164 defines "development order" and "development permit" as follows:

(7) "Development order" means any order granting, denying, or granting with conditions an application for a development permit.

(8) "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

The time limit specified in section 163.3215(4) is jurisdictional. *Bal Harbour Village v. City of North Miami*, 678 So.2d 356 (Fla. 3d DCA 1996); *Board of Trustees of the Internal Improvement Trust Fund v. Seminole County Board of County Commissioners*, 623 So.2d 593 (Fla. 5th DCA 1993), *rev. denied*, 634 So.2d 622 (Fla. 1994); *Jensen Beach Land Co., Inc. v. Citizens for Responsible Growth of the Treasure Coast, Inc.*, 608 So.2d 509 (Fla. 4th DCA 1992). Legislative intent is clear that a challenge to a development order must be brought within the narrow time limits of section 163.3215 or not at all. *Bal Harbour*.

The issue in this case is to determine which orders are development orders and reviewable under section 163.3215 and section 163.3164. Section 163.3215(1) permits parties to challenge development orders, which are inconsistent with local comprehensive plans. It provides:

Any aggrieved or adversely affected party may maintain an action for injunctive or other relief against any local government to prevent such local government from taking any action on a development order, as defined in s. 163.3164, which materially alters the use or density or intensity of use on a particular piece of property that is not consistent with the comprehensive plan adopted under this part.

Clearly the rezoning of the property on July 28, 1998, by the County Commission was an order subject to challenge under section 163.3215. But Lee missed the thirty day time requirement set forth above regarding that development order. She also missed the time limit with regard to the Agency's approval of the final development plan. However, she was timely as to the County Commission's order which approved and upheld the development order.

Appellees agree that the Agency's approval of the final development plan was a "development order." However, they argue that the County Commission's approval of the plan did not "materially" alter the use or density of the property and thus it is not reviewable under section 163.3215. To constitute a reviewable development order, the approval must change the Agency's order "to an important degree" or "to a significant extent or degree." *See State v. Joyce*, 361 So.2d 406 (Fla. 1978); *B.B. Landmark, Inc. v. Haber*, 619 So.2d 448 (Fla. 3d DCA 1993).

However, pursuant to St. Johns County Zoning Ordinance No. 11-9-6, a challenged decision of the Agency is subject to review by the County Commission by a *de novo* hearing. "*De novo*" means to try a matter anew, as though it had not been heard before and no decision has been rendered. *County of Volusia v. Consolidated Pre-Stressed Concrete, Inc.*, 653 So.2d 398, 399 (Fla. 5th DCA 1995) (Sharp, W., J., dissenting). If the County Commission has the power to hear

the matter *de novo*, then its decision is the final one. It is not merely an affirmance on appeal.

Further, the ordinance's provision that the Agency's decision must be first challenged by applying for a *de novo* hearing before the Commission would make it impossible for Lee to have brought her suit under section 163.3215, based on the Agency's decision. Had she done so, she would have no doubt been met with the defense that she had failed to "exhaust" her administrative remedies and that the Agency decision was not "final." *Fehlhaber Corp. v. Village of Tequesta*, 696 So.2d 880 (Fla. 4th DCA 1997); *City of DeLand v. Lowe*, 544 So.2d 1165 (Fla. 5th DCA 1989), *rev. denied*, 551 So.2d 461 (Fla.1989); *Halifax Area Council on Alcoholism v. City of Daytona Beach*, 385 So.2d 184 (Fla. 5th DCA 1980).

We conclude that the Commission's order approving the final development order was reviewable under section 163.3215. However, matters dealing with the rezoning are time-barred. In her complaint, Lee alleged:

23. Plaintiff contends that the final development plan cannot be implemented if it is inconsistent with the Comprehensive Plan without approval of a comprehensive plan amendment. In its final development plan, the developer could have selected land uses that were consistent with the Future Land Use designation, but through the Final Development Plan, the second step of this two-step PUD process, chose to implement a land use density that in [sic] inconsistent with the Comprehensive Plan.

\*\*\*

37. The Final Development Plan incorporates upland buffers around preserved wetlands that are less than the minimum 25 foot upland buffer required by Policy F.1.3.7 of the Comprehensive Plan, making the development

orders inconsistent with this element of the Comprehensive Plan.

38. St. Johns County required the developer to provide ballfields as a condition of the approval of the development. The developer has proposed to fill wetlands to provide these required ballfields, which is inconsistent with the comprehensive plan provisions that require protection of wetlands, including Goal G.2, Objective G.2.2, and Policies G.2.2.2.

39. The proposed final development plan submitted to St. Johns County by the developer did not inform the County that the ballfields were proposed to be built on filled wetlands. Therefore, the County did not review the proposal to build the ballfield site on wetlands and did not consider whether this proposal is consistent with the goals, objectives and policies of the Comprehensive Plan.

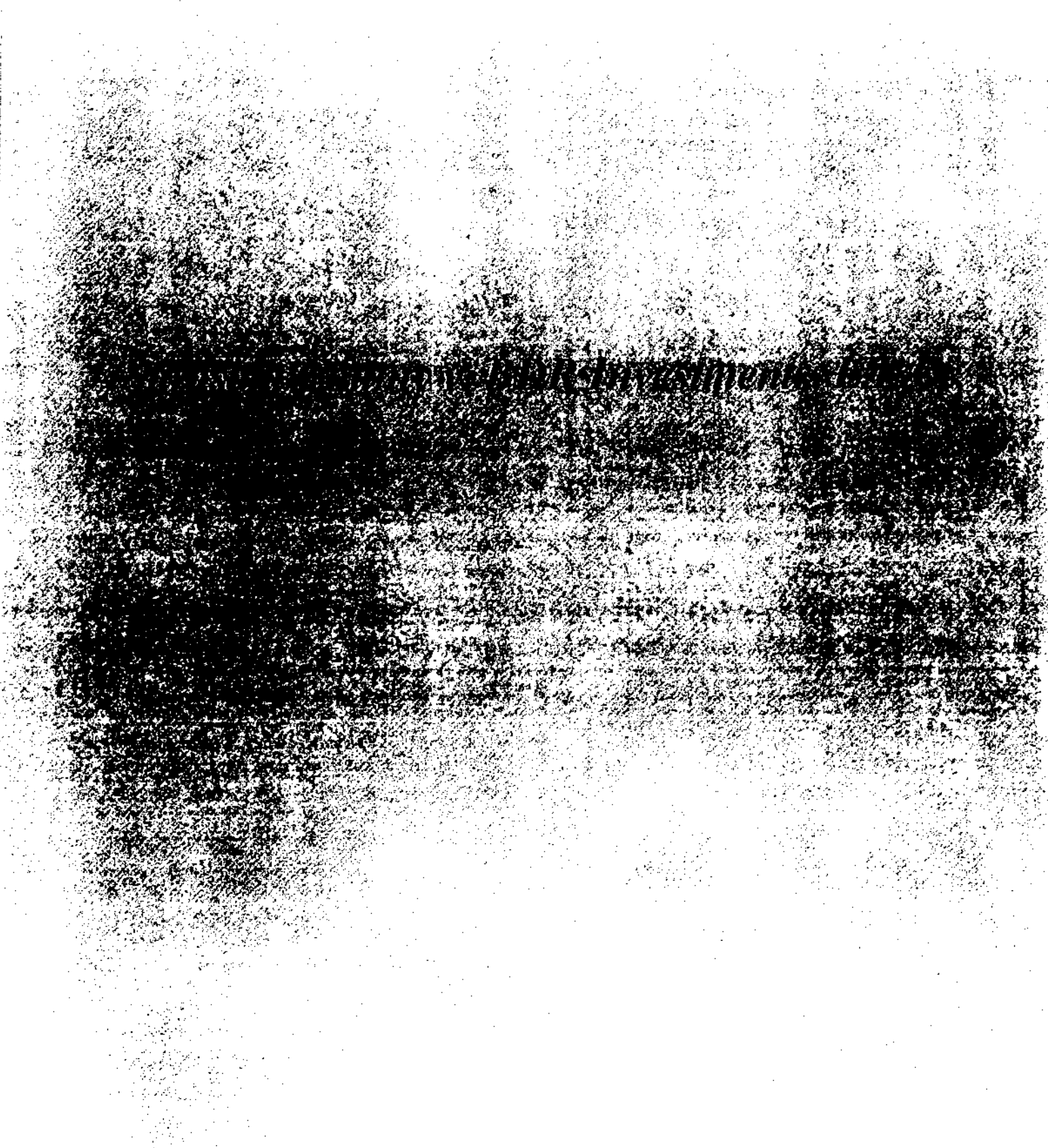
When considering a motion to dismiss, the allegations of the complaint must be accepted as true. *Hoch v. Rissman, Weisberg, Barrett*, 742 So.2d 451 (Fla. 5th DCA 1999), *rev. denied*, \*1114 760 So.2d 948 (Fla.2000); *Williams v. Bear Stearns & Co.*, 725 So.2d 397 (Fla. 5th DCA 1998), *rev. denied*, 737 So.2d 550 (Fla.1999); *Orbe v. Orbe*, 651 So.2d 1295 (Fla. 5th DCA 1995). Taken as true, Lee's allegations of land use density, insufficient buffers and the filling of wetlands which are inconsistent with the comprehensive plan are sufficient to allow review of the development plan by the circuit court.

REVERSED and REMANDED.

PETERSON and PALMER, JJ., concur.

#### All Citations

776 So.2d 1110, 26 Fla. L. Weekly D428



867 So.2d 605  
District Court of Appeal of Florida,  
Second District.

SARASOTA COUNTY, Florida, a political  
subdivision of the State of Florida, and  
The Board of County Commissioners of  
Sarasota County, Florida, Petitioners,  
v.

BDR INVESTMENTS, L.L.C., a Florida limited  
liability company, and Rodney Krebs, Respondents.

No. 2D03-4262.

March 5, 2004.

#### Synopsis

**Background:** Developer filed petition for writ of certiorari seeking review of the denial of its rezoning petition by board of county commissioners. The Circuit Court, Twelfth Judicial Circuit, Sarasota County, granted petition for certiorari and quashed board's denial of rezoning petition. Board and county filed petition for writ of certiorari.

The District Court of Appeal, Stringer, J., held that circuit court's failure to apply correct law in reviewing board's denial of rezoning petition necessitated remand.

Petition granted, order quashed, and remanded.

#### Attorneys and Law Firms

\*606 Jorge I. Fernandez, County Attorney, and Gary K. Oldehoff, Assistant County Attorney, Sarasota, for Petitioners.

\*607 Michael J. Furen and Mark C. Dungan of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A., Sarasota, for Respondents.

#### Opinion

STRINGER, Judge.

Sarasota County and the Board of County Commissioners of Sarasota County (together "Sarasota County") seek certiorari review of the circuit court's order granting the petition for writ

of certiorari filed by BDR Investments, L.L.C. and Rodney Krebs (together "BDR") and quashing the Board's denial of BDR's rezoning petition. Because the circuit court failed to apply the correct law, we quash the order and remand for a redetermination of this cause.

This proceeding concerns a petition filed by BDR seeking the rezoning of a 1280-acre tract of land from "open use rural" to "open use estate" so as to allow for the maximum residential density permitted under the Sarasota County Comprehensive Plan. In October 2002, the Board unanimously voted to deny the rezoning petition. The Board's resolution states two reasons for its denial of the rezoning petition: (1) the petition is inconsistent with the Comprehensive Plan, and (2) the petition does not comply with the applicable zoning regulations. BDR then petitioned the circuit court for a writ of certiorari, and the circuit court quashed the Board's decision.

The standard of review of decisions by the circuit court on petitions for writ of certiorari, which is known as "second-tier" certiorari review, is whether the circuit court (1) afforded the parties procedural due process and (2) applied the correct law. <sup>1</sup> *Fla. Power & Light Co. v. City of Dania*, 761 So.2d 1089, 1092 (Fla.2000) (citing <sup>1</sup> *City of Deerfield Beach v. Vaillant*, 419 So.2d 624, 626 (Fla.1982)). Sarasota County does not claim that the circuit court failed to afford the parties procedural due process. Instead, Sarasota County argues that the circuit court failed to apply the correct law in granting BDR's petition for writ of certiorari and quashing the Board's denial of BDR's rezoning petition.

In its "first-tier" certiorari review of a quasi-judicial zoning decision, the circuit court reviews the record to determine whether (1) the board afforded the parties procedural due process, (2) the board observed the essential requirements of the law, and (3) the board's decision is supported by competent substantial evidence. *City of Dania*, 761 So.2d at 1092 (citing *City of Deerfield Beach*, 419 So.2d at 626). In this case, the circuit court held that the Board deprived BDR of due process and departed from the essential requirements of the law by basing its decision to deny the rezoning petition on a land-use plan that had been adopted by the county but was not yet in effect ("the 2050 Plan"). The court also held that the record does not contain competent substantial evidence to support the Board's decision.

The supreme court has clarified the analysis to be applied by a board in ruling on a landowner's petition to rezone



property. See *Bd. of County Comm'rs of Brevard County v. Snyder*, 627 So.2d 469 (Fla.1993). It is the landowner's initial burden to prove that the petition is consistent with the comprehensive plan and that it complies with the applicable zoning ordinance's procedural requirements. *Id.* at 476. Then the burden shifts to the government to show that there is a legitimate public purpose behind maintaining the existing zoning classification. *Id.* If the government meets this burden, the board should deny the petition. *Id.*

As a part of its review on "first-tier" certiorari review in the circuit court, the court must determine if there was competent substantial evidence presented \*608 to the board to support its determination. *Id.* Thus, the circuit court will be presented with two issues: (1) whether competent substantial evidence supports a determination of whether the requested zoning is consistent with the comprehensive plan and complies with the applicable zoning ordinance's procedural requirements; and (2) whether competent substantial evidence supports a determination of whether there is a legitimate public purpose behind maintaining the existing zoning classification. *Town of Manalapan v. Gyongyosi*, 828 So.2d 1029, 1033 (Fla. 4th DCA 2002).

In this case, the circuit court partially addressed the first issue and completely failed to address the second. The court based its holding that competent substantial evidence did not support the Board's denial of the rezoning petition solely on its conclusion that competent substantial evidence did not support the Board's finding that the rezoning petition was inconsistent with the Comprehensive Plan. However, the circuit court did not consider whether competent substantial evidence supported a determination that (1) the requested rezoning does not comply with the

applicable zoning ordinance's procedural requirements or (2) there is a legitimate public purpose behind maintaining the existing zoning classification. These determinations may have supported a denial of the rezoning petition even if the requested rezoning was consistent with the Comprehensive Plan.

As for the circuit court's holding that the Board failed to afford procedural due process and departed from the essential requirements of the law by basing its decision on the 2050 Plan, the court appears to be combining the two prongs of "first-tier" certiorari review into one. A finding that the Board departed from the essential requirements of the law by failing to apply the correct law does not automatically result in a failure to afford procedural due process. Furthermore, the court's conclusion that the Board failed to apply the correct law should have been based on the court's application of *Snyder* to the findings articulated by the Board, not on a de novo review of the record to determine the true basis of the Board's ruling.

Accordingly, the circuit court failed to apply the correct law. We therefore grant the petition for certiorari, quash the circuit court's order, and remand for further proceedings. On remand, the circuit court should apply the standard of review articulated in *Snyder* in ruling on BDR's petition for writ of certiorari.

SILBERMAN and CANADY, JJ., Concur.

#### All Citations

867 So.2d 605, 29 Fla. L. Weekly D552

**Journal of Gerontology**

818 So.2d 604  
District Court of Appeal of Florida,  
Fifth District.

Sandra Gail BORDEN, Appellant,  
v.  
GUARDIANSHIP OF Elsa Marie  
BORDEN-MOORE, etc., Appellee.

No. 5D01-816.

May 17, 2002.

#### Synopsis

Daughter brought petitions to determine her mother's incapacity and to appoint guardian. The Circuit Court, Seminole County, Gene R. Stephenson, J., dismissed petitions. Daughter appealed. The District Court of Appeal, Orfinger, R.B., J., held that: (1) daughter was entitled to notice of proceeding to dismiss petitions; (2) attorney other than one appointed by court for mother was not entitled to appear; and (3) trial court was required to consider report of examining committee before dismissing petitions.

Reversed and remanded.

**Procedural Posture(s):** On Appeal.

#### Attorneys and Law Firms

\*605 Carol E. Donahue of Donahue & Isenhardt, P.A., Winter Park, and Clayton Daniel Simmons of Stenstrom, McIntosh, Colbert, Whigham & Simmons, P. A., Sanford, for Appellant.

John M. McCormick, Orlando, for Appellee, Elsa Marie Borden-Moore.

Roy D. Wasson, Miami, for Appellee, Randall M. Moore.

#### Opinion

ORFINGER, R. B., J.

Sandra Gail Borden ("Sandra") appeals the dismissal of her petitions to determine incapacity of her 81 year-old mother, Elsa Marie Borden-Moore ("Elsa") and for the appointment of a guardian in the event that Elsa was determined to be incapacitated. Because we conclude that the trial court improperly dismissed the incapacity proceedings, we reverse.

Elsa was widowed after being married to Gail Borden for 49 years. After Gail Borden's death, Elsa and Randall Moore ("Randall"), who had been the financial advisor of Gail Borden's extensive brokerage account, became romantically involved. Despite their considerable age difference (Randall being 49 and Elsa being 76), Randall and Elsa were married in 1995, and had been married for five years when the incapacity proceedings were filed.

After Sandra filed her petitions, the trial court entered temporary orders on December 5, 2000: (1) appointing Sandra as Elsa's emergency temporary guardian; (2) appointing an examining committee; (3) appointing Ian Gilden, an attorney, to represent \*606 Elsa; (4) freezing Elsa's assets; and (5) enjoining Randall from having any contact with Elsa or interfering with her care or assets. The next day, Randall filed an emergency petition asking the court to set aside its order that he have no contact with Elsa. The trial court held an emergency hearing on Randall's petition on December 7, 2000. The hearing was not recorded, no examining reports were considered because the examining committee had not yet completed the required examinations, and Elsa's court-appointed attorney did not participate because he was not notified of the hearing.<sup>1</sup> At the conclusion of the hearing, the trial court not only granted Randall the relief he sought, but found that Elsa was competent, and dismissed the incapacity proceedings.

On appeal, Sandra first contends that she was denied due process when the court dismissed the incapacity proceedings following the December 7, 2000 hearing when no motion to dismiss had been filed or set for hearing.<sup>2</sup> We agree. The trial court should not have dismissed Sandra's petitions without first providing her with proper notice that dismissal would be considered. *See Rainey v. Guardianship of Mackey*, 773 So.2d 118 (Fla. 4th DCA 2000). Because notice implicates both rules of procedure and due process concerns, we consider both.

Florida Probate Rule 5.042 requires "reasonable" notice of any matter to be heard by the court.<sup>3</sup> This court considered what constitutes "reasonable" notice in *Anderson v. Sun Trust Bank/North*, 679 So.2d 307 (Fla. 5th DCA 1996), and concluded that four days notice of a hearing was insufficient for an award of guardianship fees and costs. *Id.* at 308. *See also Montgomery v. Cribb*, 484 So.2d 73, 74 (Fla. 2d DCA 1986) (two days notice for a hearing on a motion to strike a claim against an estate based upon summary judgment was

inadequate). "While there are no hard and fast rules about how many days constitute a 'reasonable time,' the party served with notice must have actual notice and time to prepare."

*Crepage v. City of Lauderhill*, 774 So.2d 61, 64 (Fla. 4th DCA 2000) (quoting *Harreld v. Harreld*, 682 So.2d 635, 636 (Fla. 2d DCA 1996)). Courts do not hesitate to find notice violations when important interests \*607 are at stake. See, e.g., *Crepage* (24-hour notice of adversarial preliminary hearing violated claimant's procedural due process rights).

The right to reasonable notice also implicates constitutional due process concerns. As the supreme court said recently:

The basic due process guarantee of the Florida Constitution provides that "[n]o person shall be deprived of life, liberty or property without due process of law." Art. I, § 9, Fla. Const. The Fifth Amendment to the United States Constitution guarantees the same. As this Court explained in *Department of Law Enforcement v. Real Property*, 588 So.2d 957, 960 (Fla. 1991), "[p]rocedural due process serves as a vehicle to ensure fair treatment through the proper administration of justice where substantive rights are at issue." Procedural due process requires both fair notice and a real opportunity to be heard. See *id.* As the United States Supreme Court explained, the notice must be "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections. The notice must be of such nature as reasonably to convey the required information, and it must afford a reasonable time for those interested to make their appearance."

<sup>3</sup> *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314, 70 S.Ct. 652, 94 L.Ed. 865 (1950) (citations omitted). Further the opportunity to be heard must be "at a meaningful time and in a meaningful manner." *Mathews v. Eldridge*, 424 U.S. 319, 333, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976); accord *Fuentes v. Shevin*, 407 U.S. 67, 80, 92 S.Ct. 1983, 32 L.Ed.2d 556 (1972) (stating that procedural due process under the Fourteenth Amendment of the United States Constitution guarantees notice and an opportunity to be heard at a meaningful time and in a meaningful manner).

The specific parameters of the notice and the opportunity to be heard required by procedural due process are not evaluated by fixed rules of law, but rather by the requirements of the particular proceeding. See *Gilbert*

*v. Homar*, 520 U.S. 924, 117 S.Ct. 1807, 138 L.Ed.2d 120 (1997); see also *Mullane*, 339 U.S. at 313, 70 S.Ct. 652, 94 L.Ed. 865 (stating that notice and opportunity for hearing need only be appropriate to the nature of the case). As the Supreme Court has explained, due process, "unlike some legal rules, is not a technical concept with a fixed content unrelated to time, place and circumstances."

<sup>4</sup> *Cafeteria & Restaurant Workers Union, Local 473, AFL-CIO v. McElroy*, 367 U.S. 886, 895, 81 S.Ct. 1743, 6 L.Ed.2d 1230 (1961). Instead, "due process is flexible and calls for such procedural protections as the particular situation demands."<sup>5</sup> *Morrissey v. Brewer*, 408 U.S. 471, 481, 92 S.Ct. 2593, 33 L.Ed.2d 484 (1972).

*Keys Citizens for Responsible Gov't, Inc. v. Fla. Keys Aqueduct Auth.*, 795 So.2d 940, 948 (Fla.2001).

Here, Sandra had *no* notice, reasonable or otherwise, that dismissal of the incapacity proceedings would be considered by the court at the December 7, 2000 hearing. Randall's emergency petition did not seek to have the incapacity and guardianship petitions dismissed; instead, he sought only to have the temporary order keeping him from Elsa vacated.<sup>4</sup> Accordingly, \*608 the court, in hearing Randall's petition at the December 7, 2000 emergency hearing, was confronted only with the issue of whether the December 5, 2000 temporary order enjoining Randall from having any contact with Elsa should be vacated; not whether the incapacity and guardianship proceedings should be dismissed. If these matters were to be considered by the court at the December 7, 2000 hearing, both Sandra and Elsa's court-appointed attorney were entitled to reasonable notice. See *Murphy v. Ridgard*, 757 So.2d 607, 608 (Fla. 5th DCA 2000) (father's due-process rights to notice and an opportunity to be heard on visitation modification petition were abridged by summary denial of his petition because no motion seeking summary adjudication of petition was filed, and father never had opportunity to present evidence at a properly noticed hearing); *Gelato v. Basch*, 658 So.2d 664-65 (Fla. 4th DCA 1995) (mother's due process rights were violated where temporary change of custody was ordered at hearing which concerned only mother's motion to allow her fiancé to move into her house with the children).

Reasonable notice prior to the dismissal of her petitions was necessary to allow Sandra the opportunity to show good cause why the court should not dismiss the action. See *In re Gechtman*, 719 So.2d 960, 962 (Fla. 4th DCA 1998) (providing that the party objecting to the termination of the

guardianship must show good cause as to why the court should not terminate the guardianship and establish that the best interest and welfare of the ward would be served by disallowing termination). Without notice that dismissal was being considered, Sandra was denied her right to oppose dismissal.

Sandra next argues that the trial court erred when it dismissed the incapacity petitions three days after they were filed, without notice to Elsa's court-appointed attorney. Attorney John McCormick attended the December 7, 2000 hearing, allegedly on Elsa's behalf, although he had not been substituted as attorney of record for Elsa's court-appointed attorney. Florida Rule of Judicial Administration 2.060(h) provides in relevant part:

Attorneys for a party may be substituted at any time by order of the court. No substitute attorney shall be permitted to appear in the absence of an order.

No such order was either sought or obtained in this matter. Absent an order allowing substitution, McCormick should not have been permitted to appear on Elsa's behalf. Sandra also contends that McCormick had recently represented Randall, thereby creating a conflict of interest. We express no opinion on McCormick's ability to represent Elsa except to say that he was not properly substituted as Elsa's counsel. If on remand, McCormick is properly substituted as attorney for Elsa, Sandra may seek his disqualification before the trial

court if she believes that a disqualifying conflict of interest exists.

Finally, we turn to the propriety of the court's dismissal of the action without the benefit of the examining committee's report, a requirement of section 744.331(3), Florida Statutes (2000).<sup>3</sup> Section 744.331 contemplates that once a \*609 facially sufficient petition to determine incapacity has been filed, the court must ensure that the alleged incapacitated person has an attorney, that an appropriately qualified examining committee promptly examines the person, and that an adjudicatory hearing be set no more than fourteen days after the filing of the report of the examining committee, unless good cause is shown to extend that time. Compliance with the requirements of section 744.331 is mandatory and the trial court's failure to adhere to those requirements constitutes reversible error.<sup>5</sup> See *In re Frederick*, 508 So.2d 44 (Fla. 4th DCA 1987).

For the foregoing reasons, we reverse the order dismissing the petition for incapacity and the petition for the appointment of a guardian, and remand this matter for such proceedings as may be presented to the trial court for resolution consistent with this opinion.

REVERSED AND REMANDED.

PETERSON and SAWAYA, JJ., concur.

All Citations

818 So.2d 604, 27 Fla. L. Weekly D1169

### Footnotes

- 1 There is no transcript of the hearing. However, the record reflects that the trial court considered the testimony of Dr. Walter Muller, a psychiatrist; Dottie Burkett, an elder abuse specialist with the Seminole County Sheriff's Office; and Frank Houghton, one of Elsa's friends. None of these people were members of the examining committee. The trial judge also conducted an *in camera* interview of Elsa. The *in camera* interview is itself problematic. A trial judge's personal opinion about an alleged incapacitated person's capacity is a non-expert opinion entitled to no evidentiary weight. "While the trial court may, indeed must, determine the credibility and weight of the evidence, it is not empowered to create that evidence from the whole cloth." *LeWinter v. Guardianship of LeWinter*, 606 So.2d 387, 388 (Fla. 3d DCA 1992).

- 2 Randall challenges Sandra's standing to institute the incapacity proceedings and to prosecute this appeal.

Section 744.3201(1), Florida Statutes (2000) provides that any "adult person" may petition to determine the incapacity of any other person. Further, section 744.344(1), Florida Statutes (2000) provides that any "interested person" may intervene in the proceedings. Sandra is Elsa's daughter. She is both an "adult person" and an "interested party" under the statutes and consequently has standing to seek a determination of her mother's capacity and to prosecute this appeal.

3 **Rule 5.042. Time**

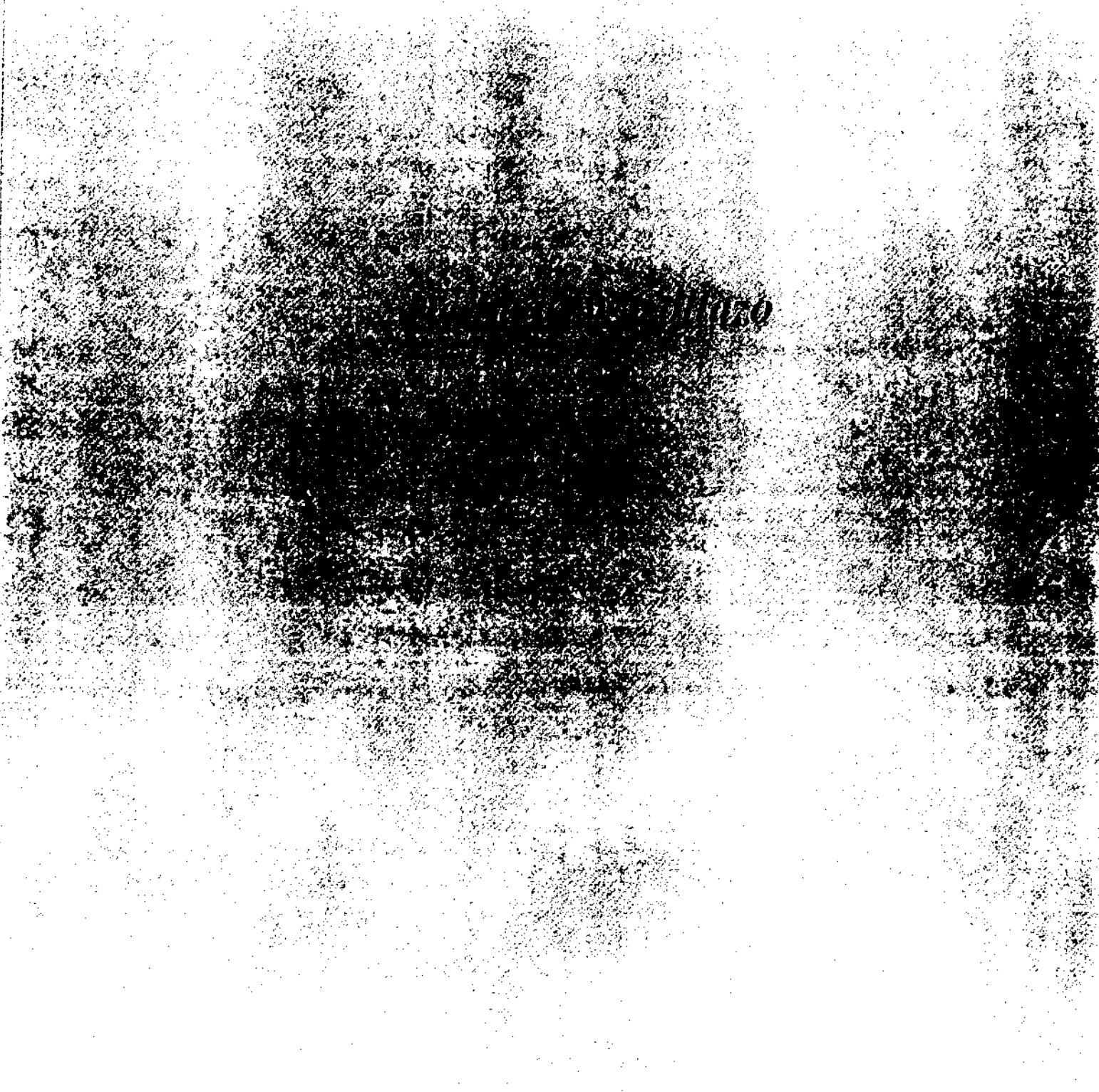
(c) **Service for Hearings.** A copy of any written petition or motion which may not be heard ex parte and a copy of the notice of the hearing thereon shall be served a reasonable time before the time specified for the hearing.

Fla. Prob. R. 5.042(c).

- 4 Specifically, Randall's Emergency Petition for Injunction provided:

Comes now the Petitioner, Randall M. Moore, by and through his undersigned attorney, and hereby filed this Petition to Enjoin the Order of this Court's Enforcement of Baker Act Proceedings: In re: Elsa Marie Borden-Moore, Ward in File No. 00 1157CP and, in particular, the provision therein "ordering that Randy Moore shall have no contact with Elsa Marie Borden-Moore directly or indirectly during her evaluation and care"; and the Order Appointing Plenary Guardian of Person and Property dated December 5, 2000 in File No. 00-1161CP.

- 5 Section 744.109, Florida Statutes provides that "[a]ll hearings on appointment of a guardian; adjudication of incapacity; modification, termination, or revocation of the adjudication of incapacity; or restoration of capacity must be electronically or stenographically recorded." While technically it is argued that this hearing does not fall within the purview of the statute, better practice would be for the court to ensure that such proceedings are electronically or stenographically recorded so that an accurate record of the proceedings is available for review. Such a procedure would have avoided the dispute that consumed the trial court's time resolving the competing statements of the evidence submitted pursuant to Florida Rule of Appellate Procedure 9.200(b)(4).



178 So.3d 906  
District Court of Appeal of Florida,  
Third District.

Oswaldo DE LEON, Appellant,  
v.  
Yohusy COLLAZO, Appellee.

No. 3D14-443.

|  
Oct. 14, 2015.

#### Synopsis

**Background:** Former girlfriend filed petition for injunction for protection against domestic violence against former boyfriend. Following issuance of ex-parte temporary injunction and final hearing, the Circuit Court, Miami-Dade County, Leon M. Firtel, J., entered permanent injunction against former boyfriend. Former boyfriend appealed.

The District Court of Appeal, Emas, J., held that former boyfriend's due process rights were violated when trial court admitted testimony regarding unpled allegations of incidents of domestic violence.

Reversed and remanded with directions.

**Procedural Posture(s):** On Appeal; Motion for Preliminary Injunction.

#### Attorneys and Law Firms

\*907 David W. Macey, Miami, and Lindsey M. Alter, for appellant.

Restivo, Reilly & Vigil-Farinas and Jessica B. Reilly, Key Largo, for appellee.

Before SUAREZ, C.J., and EMAS and FERNANDEZ, JJ.

#### Opinion

EMAS, J.

Oswaldo De Leon seeks review of a permanent injunction for protection against domestic violence issued in favor of Yohusy Collazo. At the final hearing, the trial court permitted Ms. Collazo, over objection, to testify to substantial and

significant acts of domestic violence that were never pleaded in the petition. Nor was Mr. De Leon on notice that these additional acts would form a part of the allegations relied upon by Ms. Collazo at the final hearing as a basis for seeking a permanent injunction. We hold that the erroneous admission and consideration of this evidence violated Mr. De Leon's due process rights, vacate the permanent injunction, and remand for the trial court to conduct a new final hearing.

#### FACTS AND BACKGROUND

Mr. De Leon and Ms. Collazo were in a relationship from 1997 through 2010. During this time, they had three children together. In September 2010, Ms. Collazo filed her sworn petition for injunction for protection against domestic violence. The petition included several pages of specific allegations detailing abusive conduct by Mr. De Leon over the course of their relationship.

The trial court granted an ex-parte temporary injunction on September 24, 2010, and the temporary injunction was extended several times until a final hearing in June 2013. At the final hearing, Ms. Collazo testified to a number of acts and events that were not included in her sworn petition. Among the unpled acts, Ms. Collazo testified that:

1. Mr. De Leon would slap her in the face or head, which escalated into Mr. De Leon punching her in the face and leaving her with black eyes;<sup>1</sup>

2. During one of Ms. Collazo's pregnancies, Mr. De Leon punched Ms. Collazo, knocking her to the floor of their kitchen and then kicking her in the stomach;

3. Mr. De Leon once punched Ms. Collazo in the mouth, splitting her lip so badly that it required stitches, and leaving a permanent scar;

4. Ms. Collazo filed a private dependency case because Mr. De Leon was "being abusive with the children."<sup>2</sup>

\*908 5. Ms. Collazo suffered several miscarriages because Mr. De Leon terminated her pregnancies with his "dark powers."

6. Mr. De Leon stated he "was going to kill" Ms. Collazo because she was leaving him.

Mr. De Leon objected and moved to strike all of the above testimony because it had never been pleaded in the petition, and Mr. De Leon had never been placed on notice



of these allegations. The trial court overruled the objection and admitted the testimony. The trial court subsequently entered a permanent injunction<sup>3</sup> and Mr. De Leon appeals, contending that the trial court improperly admitted and considered testimony regarding these acts, all of which allegedly occurred before the date of the filing of the petition, but none of which were included as allegations in support of the sworn petition. We agree.

### ANALYSIS

“Procedural due process serves as a vehicle to ensure fair treatment through the proper administration of justice where substantive rights are at issue.”<sup>3</sup> *Dep’t of Law Enft v. Real Prop.*, 588 So.2d 957, 960 (Fla.1991). It requires that litigants be given proper notice and a full and fair opportunity to be heard. To be sufficient, notice must be “reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections. The notice must ... convey the required information, and it must afford a reasonable time for those interested to make their appearance.”<sup>4</sup> *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 314, 70 S.Ct. 652, 94 L.Ed. 865 (1950)(internal citations omitted). Adequate notice must therefore provide “some indication of the witnesses to be called and the evidence to be utilized to prove entitlement to relief.” *Town of Jupiter v. Andreff*, 656 So.2d 1374, 1377 (Fla. 1st DCA 1995).

To that end, section 741.30(3)(a), Florida Statutes (2012) provides:

The sworn petition shall allege the existence of such domestic violence and shall include the specific facts and circumstances upon the basis of which relief is sought. (Emphasis added.)

Although the sworn petition did contain a number of specific allegations of domestic violence, it did not contain the six acts and events described above. The trial court erred in admitting this testimony over Mr. De Leon’s objection, and the admission and consideration of these significant and substantial—but unpled—allegations deprived Mr. De Leon of his right to due process, because he was given neither notice

of the allegations upon which Ms. Collazo sought relief, nor a full and fair opportunity to prepare to meet those \*909 allegations. *Sanchez v. Marin*, 138 So.3d 1165 (Fla. 3d DCA 2014).

Ms. Collazo argues that we should affirm, based on the fact that the record fails to indicate that the trial court relied upon these unpled allegations in making its determination. Such an argument fails to carry the day, as it erroneously implies that Mr. De Leon has the burden of establishing that the trial court in fact relied upon this improperly-admitted testimony. Under these circumstances, however, Ms. Collazo has the burden of establishing that the trial court did *not* rely upon this improperly-admitted testimony in granting the permanent injunction. *Petion v. State*, 48 So.3d 726 (Fla.2010). In *Petion*, the Florida Supreme Court held:

When an appellate court is reviewing a bench trial, it should presume that the trial court judge rested its judgment on admissible evidence and disregarded inadmissible evidence, unless the record demonstrates that the presumption is rebutted through a specific finding of admissibility or another statement that demonstrates the trial court relied on the inadmissible evidence. When improper evidence is admitted over objection in this context, the trial court must make an express statement on the record that the erroneously admitted evidence did not contribute to the final determination. Otherwise, the appellate court cannot presume the trial court disregarded evidence that was specifically admitted as proper.

*Id.* at 737–38.

This court relied on *Petion* in deciding *E.M. v. State*, 61 So.3d 1255 (Fla. 3d DCA 2011). In *E.M.*, the trial court improperly admitted testimony from the arresting officer during a juvenile delinquency adjudicatory hearing. On appeal, the State conceded the testimony was improperly admitted but argued that because it was a nonjury trial, the appellate court could presume that the trial court disregarded this inadmissible evidence and relied only upon admissible evidence in adjudicating E.M. delinquent. We reversed, holding:

Where, as here, the court below admits improper evidence over objection and then fails to state on the record that it is not relying on that erroneously admitted evidence in making its determination, this court may not presume that evidence was disregarded[.]

*Id.* at 1257.

### CONCLUSION

In the instant case, the trial court improperly admitted significant and substantial testimony of Ms. Collazo regarding unpled allegations of domestic violence committed upon her by Mr. De Leon. Because Mr. De Leon objected and the trial court overruled the objection, we cannot presume that this improperly-admitted evidence was disregarded by the trial court. Rather, the burden is on Ms. Collazo to establish that the trial court did not consider or rely upon this improperly-admitted evidence in granting the petition and issuing the permanent injunction. Ms. Collazo has not met

this burden, and we are unable to conclude that the erroneous admission of this evidence did not contribute to the trial court's determination.

We reverse and remand with directions to vacate the permanent injunction, reissue the temporary injunction, and conduct a new final hearing, either upon the existing petition or upon any properly amended petition. *See Sanchez*, 138 So.3d at 1169. Given our determination of this issue, it is not necessary to reach the other issue raised by Mr. De Leon.

### All Citations

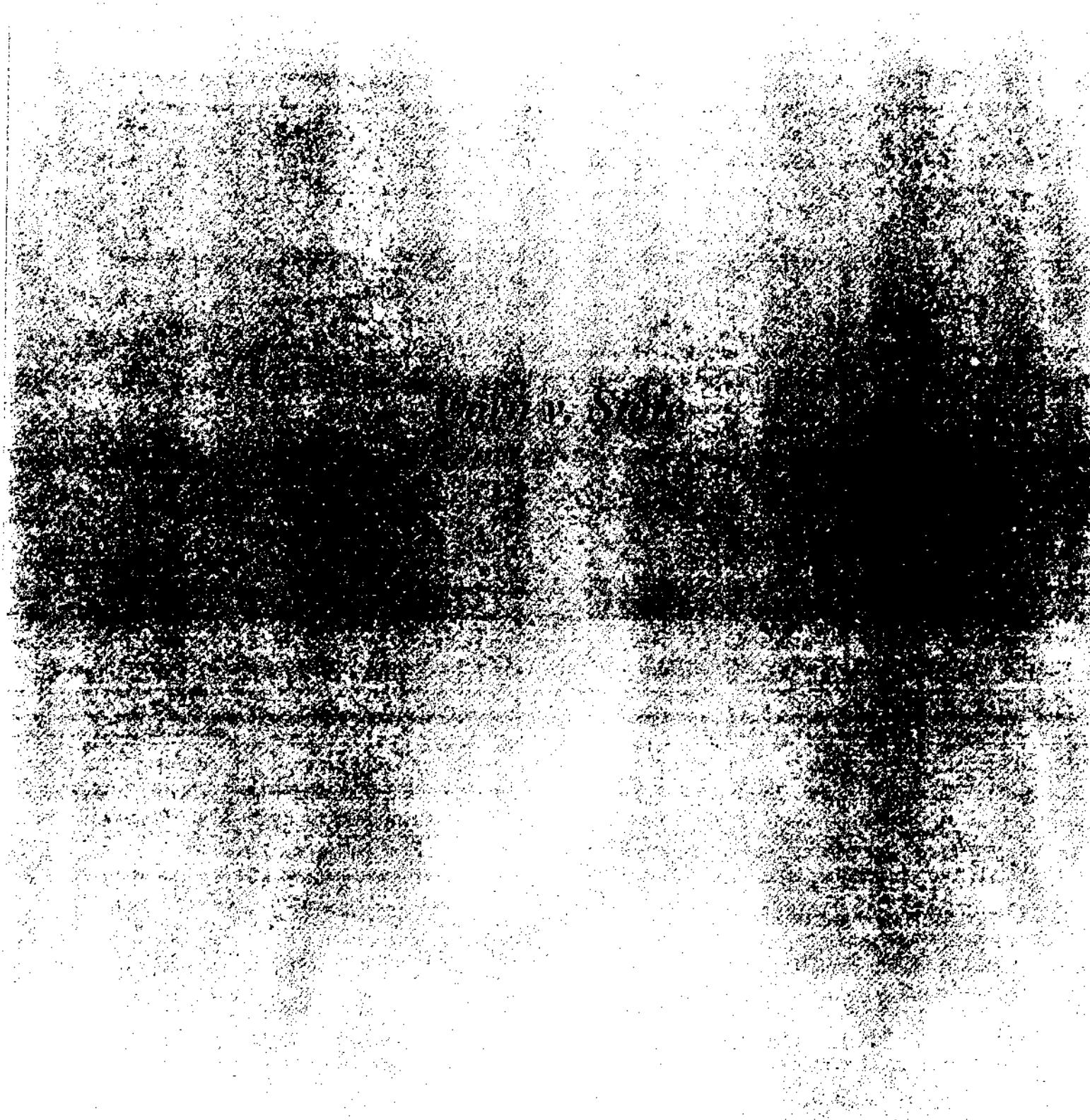
178 So.3d 906, 40 Fla. L. Weekly D2329

### Footnotes

- 1 Although Ms. Collazo did aver in her petition that Mr. De Leon had hit her in the past, she never alleged that Mr. De Leon ever punched her in the face or left her with black eyes. To the contrary, Ms. Collazo averred in her petition that Mr. De Leon would hit her only in areas where bruises and injuries would not be visible.
- 2 This final hearing testimony contradicted the allegations of the petition, in which Ms. Collazo did not allege any incidents of child abuse; the petition also indicated that, although the children were at home when incidents of domestic violence occurred there, the children did not witness the domestic violence taking place.
- 3 At the conclusion of the evidentiary hearing, the trial court did not immediately enter the permanent injunction, but extended the existing temporary injunction and entered the permanent injunction at a subsequent hearing. Ms. Collazo contends that Mr. De Leon was required to seek interlocutory review, because the extension of the temporary injunction was an appealable nonfinal order pursuant to Florida Rule of Appellate Procedure 9.130(a)(3)(B). Ms. Collazo further contends that Mr. De Leon's failure to seek interlocutory review of that nonfinal order precludes him from appealing this issue upon the rendition of a final judgment of permanent injunction. This argument is simply without merit. Mr. De Leon was not required to seek interlocutory review of the order extending the temporary injunction, and the failure to seek interlocutory review does not preclude review of that nonfinal order following entry of final judgment. *Lidsky Vaccaro & Montes, P.A. v. Morejon*, 813 So.2d 146 (Fla. 3d DCA 2002); *United Auto. Ins. Co. v. Buchalter*, 14 So.3d 1100 (Fla. 4th DCA 2009); *Fibreboard Corp. v. Ward*, 455 So.2d 1151 (Fla. 1st DCA 1984).

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332 So.2d 4  
Supreme Court of Florida.

John W. CORN, Appellant,  
v.  
STATE of Florida, Appellee.

No. 46922.

March 19, 1976.

Rehearing Denied June 4, 1976.

**Synopsis**

Defendant was convicted, on plea of nolo contendere, before the Pinellas County Court, Robert J. Shingler, J., of a violation of trespass statute, and he appealed. The Supreme Court, Roberts, J., held that conduct of defendant was activity within purview of conduct sought to be prohibited by such statute, that statute did not deny equal protection with regard to statute's application to defendant and that judgment of conviction would be vacated and cause would be remanded for purpose of entering proper judgment.

Judgment of conviction vacated; cause remanded for purpose of entering proper judgment, with such judgment to stand as affirmed.

England, J., filed concurring opinion.

Hatchett, J., dissented and filed opinion.

**Attorneys and Law Firms**

\*5 Herman W. Goldner of Goldner, Marger & Davis, St. Petersburg, for appellant.

Robert L. Shevin, Atty. Gen., and Richard G. Pippinger, Asst. Atty. Gen., for appellee.

**Opinion**

ROBERTS, Justice.

This cause is before us to review the decision of the County Court in and for Pinellas County which upholds the constitutionality of Section 821.01, Florida Statutes. We have jurisdiction pursuant to Article V, Section 3(b)(1), Constitution of Florida.

Appellant was informed against for violation of Section 821.01, Florida Statutes, providing:

'Trespass after warning.—Whoever willfully:

- (1) Enters into the enclosed land and premises of another or into any private residence, house, or building of another, having been forbidden so to enter by the lawful occupant;
- (2) Not having previously been forbidden, is warned to depart therefrom and refuses to do so;
- (3) Having departed, reenters without the previous consent of the lawful occupant; or
- (4) Having departed, remains about in the vicinity, using profane or indecent language shall upon conviction be punished as provided in s 821.38.'

in that on September 13, 1974, he willfully entered onto the premises of The Gateway \*6 Mall, after having previously been forbidden to enter and after having been warned to depart. He pled nolo contendere and the trial court adjudicated him guilty of violating Section 821.01(3), Florida Statutes, and fined him \$100.00 plus \$27.00 court costs. In his order, the trial court determined that Section 821.01, Florida Statutes, is constitutional, that the State of Florida has established a prima facie case, and ordered that since the defendant has challenged the constitutionality of Section 821.01, Florida Statutes, the question of constitutionality is preserved for defendant's appeal.

The record before us clearly supports the trial judge's conclusion that the State has made a prima facie case for violation of Section 821.01, Florida Statutes, by the defendant. His activity is clearly within the purview of that conduct sought to be prohibited by the statute. He carried on in the Mall in a boisterous manner and after having been asked to leave and having been instructed that if he returned he would be prosecuted for trespassing, he did shortly thereafter return and told the officers to go ahead and arrest him because he was trespassing. His attack on the constitutionality of the statute is limited to an argument of unconstitutionality on the sole basis of violation of his right to equal protection under the law. However, in the same argument, he concedes that he was Not discriminated against by being asked to leave the Mall or by subsequently being arrested for trespass, because of race, color, religion or national origin or on the basis of

any arbitrary classification. In fact, he does not show how his right to equal protection is violated by the statute. The act in question does not apply arbitrarily and discriminatorily to appellant. *Lasky v. State Farm Insurance Company*, 296 So.2d 9 (Fla. 1974); *Erwin v. State*, 262 So.2d 677 (Fla. 1972); *Jackson v. Consolidated Government of City of Jacksonville*, 225 So.2d 497 (Fla. 1969); *McKee v. State*, 203 So.2d 321 (Fla. 1967); *Finlayson v. Conner*, 167 So.2d 569 (Fla. 1964); *Insurance Co. of Texas v. Rainey*, 86 So.2d 447 (Fla. 1956); and *DiLustro v. Penton*, 106 Fla. 198, 142 So. 898 (1932). He contends that the questioned statute appropriately applies to family residences and other buildings where the public is not invited but should not apply to public or quasipublic places because to the extent that a property owner, for his own financial advantage, opens his premises to the public, the more his ownership rights become limited, and urges that a strict construction of the statute and application of ejusdem generis require that the Mall not be included within the meaning of the statutory language.

Review of his brief reveals no convincing argument on his behalf that his freedom of speech rights were violated. In

*Adderley v. Florida*, 385 U.S. 39, 87 S.Ct. 242, 17 L.Ed.2d 149 (1966), the Supreme Court of the United States upheld the constitutionality of another portion of our trespass statute,

Section 821.18, Florida Statutes (1968), and expressly stated:

'The State, no less than a private owner of property, has power to preserve the property under its control for the use to which it is lawfully dedicated. For this reason there is no merit to the petitioners' argument that they had a constitutional right to stay on the property, over the jail custodian's objections, because this 'area chosen for the peaceful civil rights demonstration was not only 'reasonable' but also particularly appropriate . . . .' Such an argument has as its major unarticulated premise the assumption that people who want to propagandize protests or views have a constitutional right to do so whenever and however and wherever they please. That concept of constitutional law was vigorously and forthrightly rejected in two of the cases petitioners rely on,

*Cox v. Louisiana*, supra, (379 U.S. 536) at 554—555 ( 85 S.Ct. 453, at 464 and 480, 13 L.Ed.2d 471) and ( 379 U.S.) 563—564 (85 S.Ct. 476, 13 L.Ed.2d 487). We reject it again. The United States Constitution does not forbid a State to control the use of its own property for its own lawful nondiscriminatory purpose.'

All natural persons have the inalienable right to acquire, possess, and protect their property. Article I, Section 2, Constitution of Florida. It has long been recognized that the rights in property are basic civil rights. *Lynch et al. v. Household Finance Corp.*, 405 U.S. 538, 92 S.Ct. 1113, 31 L.Ed.2d 424 (1972). The original of private property is founded in nature. 1 Blackstone 138. In *Wilkinson v. Leland et al.*, 27 U.S. 627 at 657, 7 L.Ed. 542 (1828), the Supreme Court of the United States emphasized the importance of the right to private property as basic to the foundation of our democratic system of government in the following language:

'The fundamental maxims of a free government seem to require, that the rights of personal liberty and private property should be held sacred.'

Cf. *State v. City of Stuart*, 97 Fla. 69, 120 So. 335 at 346—347 (1929). The right of property has been characterized as a sacred right, the protection of which is an important object of government. 16 Am.Jur.2d, Constitutional Law Section. Relative to the significance of this right, the Supreme Court of Texas in *Spann v. City of Dallas*, 111 Tex. 350, 235 S.W. 513 at 515 (1921), explicated:

'To secure their property was one of the great ends for which men entered into society. The right to acquire and own property, and to deal with it and use it as the owner chooses, so long as the use harms nobody, is a natural right. It does not owe its origin to constitutions. It existed before them. It is a part of the citizen's natural liberty—an expression of his freedom, guaranteed as inviolate by every American Bill of Rights.

'It is not a right, therefore, over which the police power is paramount. Like every other fundamental liberty, it is a right to which the police power is subordinate.

'It is a right which takes into account the equal rights of others, for it is qualified by the obligation that the use of the property shall not be to the prejudice of others. But if subject alone to that qualification the citizen is not free to use his lands and his goods as he chooses, it is difficult to perceive wherein his right of property has any existence.

'The ancient and established maxims of Anglo-Saxon law which protects these fundamental rights in the use, enjoyment and disposal of private property, are but the outgrowth of the long and arduous experience of mankind. They embody a painful, tragic history—the record of the struggle against tyranny, the overseership of prefects and the overlordship of kings and nobles, when nothing so well bespoke the serfdom of the subject as his incapability to own property. They proclaim the freedom of men from those odious despotisms, their liberty to earn and possess their own, to deal with it, to use it and dispose of it, not at the behest of a master, but in the manner that befits free men.

'Laws are seldom wiser than the experience of mankind. These great maxims, which are but the reflection of that experience, may be better trusted to safeguard the interests of mankind than experimental doctrines whose inevitable end will be the subversion of all private right.' (emphasis supplied)

Cf. <sup>8</sup> Miller v. McKenna, 23 Cal.2d 774, 147 P.2d 531 (1944).<sup>1</sup>

\*8 John Adams said in 'A Defence of the Constitutions,' Coker, Democracy, Liberty and Property, at 125—6, that property is surely a right of mankind as truly as liberty. As a new country, we could have selected any form of government—socialism, communism, fascism or any other ism, but our leadership, with divine guidance, selected for this fledgling nation a system of free enterprise with a profit incentive, believing as they did and as we do now that a nation is stronger when its citizens are guaranteed the right to earn decent wages, acquire, possess and protect property, risk capital, and venture for additional profits.

Here we have a situation of property privately owned but utilized for monetary gain and hence opened to the public, property 'quasi-public' in the nature of its use. In a sense an invitation is extended to the public to shop in the Mall to the financial advantage of the owners of the stores contained therein and consequently to the advantage of the Mall owner. The lobby of a commercial mall is a privately owned building to which the public has been invited to come, to look and to buy. The invitation presupposes that the conduct of persons coming there will be in keeping with such purposes. However, reasonable nondiscriminatory restrictions pertaining to the use of the Mall may be placed on the users of such Mall, such as the requirement that shoes be worn. As any invitation, it can

be limited and, upon abuse, be withdrawn or revoked. This can be analogized to the lobby of a hotel where people come to rent rooms, buy food, and trade with shops located in the hotel. There would be nothing unreasonable about providing that swimming attire would not be permitted in the lobby; or, in a fine restaurant, the owner would have a right to require shirts, ties and jackets, so long as the regulation applied uniformly to all persons. Reasonably incident to the control and ownership of the Mall, a screaming, yelling, boisterous person could be asked to leave the premises. The trespass statute in question could certainly cover such a situation as this where one is causing such a disturbance in the Mall lobby as to warrant his being asked to leave and asked not to re-enter until the following day. It would certainly be to the financial detriment of all the store owners in the Mall to have someone causing a disturbance in the Mall lobby to the extent that it might keep would be customers from going into the Mall lobby if those causing disturbances therein could not be asked to leave. Once again, we must emphasize that no argument has been made by appellant that his freedom of speech right has been violated. ■ Amalgamated Food Employees Union Local 590 v. Logan Valley Plaza, Inc., 391 U.S. 308, 88 S.Ct. 1601, 20 L.Ed.2d 603 (1968), which involved the peaceful picketing of a business enterprise located within a shopping center is not applicable sub judice.

The statute in question was passed by the Legislature to assist the property owner in the protection of his property. Under the facts of the instant cause, the statute did Not apply arbitrarily or discriminatorily to appellant. While we have many regulatory measures protecting civil rights of citizens, we also have constitutional duty to protect rights of property and the business community.

This court is committed to the fundamental principle that it has the duty if reasonably possible, and consistent with constitutional rights, to resolve doubts as to the validity of a statute in favor of its constitutional validity and to construe a statute, if reasonably possible, in such a manner as to support its constitutionality—to adopt a reasonable interpretation of a statute which removes it farthest from constitutional infirmity.<sup>2</sup> By placing the \*9 foregoing construction on

■ Section 821.01, Florida Statutes, we see no constitutional infirmity under the present attack made by appellant on the statute.

Accordingly, we find that appellant's activities did fall within the language of Section 821.01, Florida Statutes, that said statute has not been unconstitutionally applied to appellant, and that he has not been deprived of his right to equal protection under the law.

It appears, however, that the judgment of the lower court failed to Expressly adjudicate that appellant was guilty of the crime charged.<sup>3</sup> The sentence (fine) not being anchored to a correct judgment of conviction must be vacated. The cause is, therefore, remanded for the purpose of entering a proper judgment; and upon such judgment being entered, the judgment will stand affirmed.<sup>4</sup>

It is so ordered.

OVERTON, C.J., and ADKINS and SUNDBERG, JJ.; and SHOLTS, Circuit Court Judge, concur.

ENGLAND, J., concurs with an opinion.

HATCHETT, J., dissents with an opinion.

ENGLAND, Justice (concurring).

I concur in the result reached by a majority of the Court on the issues framed in this appeal. Had Corn appropriately and timely raised a denial of his constitutionally-protected right of free speech, I do not believe that the application of this statute to the facts in this case would sustain his conviction.

See Amalgamated Food Employees Union Local 590 V. Logan Valley Plaza, Inc., 391 U.S. 308, 324, 88 S.Ct. 1601, 20 L.Ed.2d 603 (1968). Cf. Lloyd Corp., Ltd. v. Tanner, 407 U.S. 551, 560, 92 S.Ct. 2219, 33 L.Ed.2d 131 (1972).

HATCHETT, Justice (dissenting).

Because I believe the information which initiated this prosecution does not charge the offense of which appellant has been found guilty, or, indeed, any offense under Florida law, I dissent from the affirmance of the conviction.<sup>1</sup> I agree with the majority \*10 and my brother England, however, that there is no need to reach any first amendment question in the present posture of the case.<sup>2</sup> The information alleges that John W. Corn at a specified time 'enter(ed) onto the premises of Gateway Mall, after having been previously forbidden to enter and after having been warned to depart.'<sup>3</sup> Evidently the

draftsman intended to accuse Corn of a violation of subsection one of Fla.Stat. s 821.01 (1973). Arguably, he succeeded in charging, in a single count, violations of subsections one and two of Fla.Stat. s 821.01 (1973); but the trial court found Corn guilty of subsection three, which proscribes reentering, apparently on the theory that the facts admitted fall most nearly under Fla.Stat. s 821.01(3) (1973).

In accepting the plea of nolo contendere, the trial court had the benefit of depositions given by some of the persons involved in the incident out of which this case arises. The defendant himself was not questioned at any length because of 'a serious heart condition.' (R 66) According to the depositions, the person who decided he would 'rather just bar him (Corn) from the Mall, you know' (R 14) was an 18 year old high school junior in the employ of a private guard service. His name was Frank Johnson and he 'wasn't in a security guard uniform that day . . . (I)t was a Hawaiian weekend and (Johnson) had the Hawaiian shirt on with the badge onl.' (R 23) He had on blue trousers and wore a straw hat.

Corn was a customer of one of the shops in the Gateway Mall, the Radio Shack, where he and a salesperson got into an argument in connection with the refund of the purchase price for a radio antenna. \*11 An employee of the Radio Shack summoned Johnson. After a certain amount of discussion the party adjourned to the mall commons. There, in the presence of two policemen, Officers Drolet and Loersch, Mr. Johnson told Mr. Corn to leave the mall. Officer Drolet testified: As a matter of fact he (Johnson) told Mr. Corn, he said, 'I'm the security guard here and I understand there was problems in the Radio Shack and I want to advise you that as far as the company goes or as far as the mall goes we restrict you right now from the mall area altogether, that's any portion of it'. So Mr. Corn turned to him and said, 'Who are you?' and he said, 'my name is Johnson', and at that point because of my experience I had Mr. Johnson show identification because he was not in what I would term a proper uniform. I had him show identification as Frank Johnson to Mr. Corn, and I then turned to Mr. Corn and said, 'Now, I recognize this man as a security guard here.' I had seen him. I lived in the area. I had seen him in the area several times. So I did tell him the man was a security guard in that place. Mr. Corn then turned to him and told them he had no business telling him not to go in any particular area or place, that he had no authority to do so, and I at that time again cautioned Mr. Corn, he being a security guard, Johnson being a security guard did have that authorization.

After this, Mr. Corn left the premises but some ten minutes later returned, once again questioning Mr. Johnson's authority to bar him from the mall. The record does not show who owned Gateway Mall. It may be that the owner contracted with a manager who contracted with Johnson's employer for Johnson's services. It may be that the mall owner, the mall manager and Johnson's employer are each corporations.

There is no occasion to reach the question of Johnson's authority, however, where the information fails even to allege that he has authority. Under the statute which section 821.01<sup>4</sup> replaced, warning or notice was to be given by 'the owner or employee'. Under the statute at issue here, this element has been modified and authority to forbid entry is given to 'the lawful occupant' of the premises. The information in the present case alleges that appellant was forbidden to enter and warned to depart but fails to specify by whom he was forbidden and warned. Cf. *State v. Huegel*, 141 Fla.Supp. 133 (19th Cir. 1974) (Alderman, J.) An essential element of the offense is omitted. Such an omission is fatal, especially where the premises are those 'of the Gateway Mall', and not the home of a named person. Otherwise, the statute would be amenable to absurd interpretations, and manifestly unjust applications.

If the information in this case charges a crime, a citizen could have been convicted under it, at any time before July 1, 1975, for entering the premises of a shopping mall, after he had been told not to, regardless of who told him not to. Anybody at all—a man with a spendthrift wife, a shopkeeper in competition with a store at the mall—might forbid entry onto the mall's premises, and bring to bear the whole power of the State to work his will. Section 821.01 does not contemplate any such plenary grant of police power to private persons, but limits to 'the lawful occupant' the power to forbid entry or reentry, or to require departure.

Where an information purporting to charge an offense under section 821.01 fails to allege either (1) that entry or reentry was forbidden by The lawful occupant, or (2) that The lawful occupant warned the accused to depart, no crime is charged, in my opinion, because an essential element of the offense has been omitted. As we recently said, a 'plea of nolo contendere admits, for the purpose of the case, all the facts which are well-pleaded and only those.' *Allen v. State*, 326 So.2d 419 (Fla. 1975). A conviction predicated on a plea to an information which fails to charge a crime is a nullity. *Allen v. State*, supra; *Kelly v. State*, 323 So.2d 565 (Fla.

1975); *Baker v. State*, 323 So.2d 556 (Fla. 1975); *Zimmerman v. State*, 320 So.2d 41 (Fla.App.2d Dist. 1975). Where an accusatory pleading 'wholly fails to allege any offense against the defendant, or to allege the essential elements of the statutory offense sought to be charged, it cannot support a conviction.' 17 Fla.Jur. *Indictments and Informations* s 104 (1958) (footnotes omitted). When an information or indictment charges a crime, '(n)o essential element . . . should be left to inference.' *Id.* s 29. *Evanco v. State*, 318 So.2d 535 (Fla.App.1st Dist. 1975); *Haley v. State*, 315 So.2d 525 (Fla.App.2d Dist. 1975). See *Long v. State*, 92 So.2d 259 (Fla. 1957); *Smith v. State*, 324 So.2d 699 (Fla.App.1st Dist. 1976); *Rodgers v. State*, 325 So.2d 48 (Fla.App.2d Dist. 1975); *Causey v. State*, 307 So.2d 197 (Fla.App.2d Dist. 1975); *Priester v. State*, 294 So.2d 421 (Fla.App.4th Dist. 1974); *Ashley v. State*, 292 So.2d 616 (Fla.App.2d Dist. 1974).

The majority states, 'It appears, however, that the judgment of the lower court failed to expressly adjudicate that appellant was guilty Of the crime charged.' I agree. If the appellant was charged with any offense, the charge was either brought under Fla.Stat. s 821.01(1) or Fla.Stat. s 821.01(2). The judgment, if it adjudicates the appellant guilty of any offense, adjudges him guilty of s 821.01(3). This case is remanded for the purpose of entering a proper judgment, and upon such a judgment being entered, the judgment will stand affirmed, according to the majority. Will the parties have an opportunity to be heard before the judgment is 'corrected', or shall the new adjudication on offenses never properly charged be considered merely the correction of a typographical error?

The present case has very little indeed to do with communism, socialism or even fascism, and a great deal to do with due process of law. We are called upon to decide a legal question, not an ideological or political one. The narrow issue for our consideration is whether a conviction, under a law since repealed, should be permitted to stand, even though it is predicated on an accusation which never charged a crime. The problem this case presents deserves careful technical analysis and resolution. I believe it is precisely because the majority has approached this matter as a broad philosophical question that it has gone astray, and I respectfully dissent.

#### All Citations

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### Footnotes

1 'The right of 'acquiring, possessing, and protecting property' is anchored in the first section of the first article of  
our Constitution. This right is as old as Magna Charta. It lies at the foundation of our constitutional government,  
and 'is necessary to the existence of civil liberty and free institutions.' ■ Billings v. Hall, 7 Cal. 1, 6.'

2 Cragin v. Ocean & Lake Realty Co., 101 Fla. 1324, 133 So. 569, 135 So. 795 (1931), appeal dism. 286  
U.S. 523, 52 S.Ct. 494, 76 L.Ed. 1267; Haworth v. Chapman, 113 Fla. 591, 152 So. 663 (1933); Hanson v.  
State, 56 So.2d 129 (Fla.1952); Overstreet v. Blum, 227 So.2d 197 (Fla.1969); Hancock v. Sapp, 225 So.2d  
411 (Fla.1969); Rich v. Ryals, 212 So.2d 641 (Fla.1968).

3 Burns v. State, 97 Fla. 232, 120 So. 360 (1929); Kuhn v. State, 98 Fla. 206, 123 So. 755 (1929); Ellis v.  
State, 100 Fla. 27, 129 So. 106 (1930); Anderson v. Chapman, 109 Fla. 54, 146 So. 675 (1933); State ex rel.  
House v. Mayo, 122 Fla. 23, 164 So. 673 (1935); Finch v. Mayo, 137 Fla. 762, 189 So. 27 (1939); and Hart  
v. State, 60 So.2d 489 (Fla.1952). Rule 3.650, Florida Criminal Rules of Procedure.

4 Hart v. State, 60 So.2d 489 (Fla.1952).

1 The majority concludes that the judgment of conviction is defective for want of an 'express adjudication' of  
guilt. The pertinent language in the judgment is:

The Court therefore finds the defendant, JOHN W. CORN, Guilty of violating ■ F.S. 821.01(3) and fines the  
defendant . . . .

The trial court will evidently be able to meet the majority's objection by substituting the word 'adjudicates'  
for the word 'finds'. The requirement for such precision of language is apparently a new one, going beyond  
what was required in the cases the majority cites. The opinions in Hart v. State, 60 So.2d 489 (Fla.1952);  
Kuhn v. State, 98 Fla. 206, 123 So. 755 (1929) and Burns v. State, 97 Fla. 232, 120 So. 360 (1929) omit to  
specify what language the Court deemed unsatisfactory in those cases. The other decisions cited are clearly  
distinguishable. In Finch v. Mayo, 137 Fla. 762, 189 So. 27 (1939), the deficient language was, as follows:  
it is the judgment of the court and the sentence of the law that you Frank Finch be taken by the Sheriff,  
or his lawful deputy, to the State's prison of the State of Florida and delivered to the principal on with the  
badge on.' (R 23) He had said State's prison at hard labor for a period of (15) fifteen years from date of your  
incarceration therein.

Similarly, in State ex rel. House v. Mayo, 122 Fla. 23, 164 So. 673, 674 (1935) the Court found the following  
language inadequate:

It is the judgment of the court and the sentence of the law that you, Albert House, be taken by the Sheriff, or  
his lawful deputy, to the State Prison of the State of Florida and be delivered to the principal keeper thereof,  
there to be confined in said State Prison at hard labor for a period, . . . .

A closer question was presented in Anderson v. Chapman, 109 Fla. 54, 146 So. 675 (1933) where it was  
clear from context that the crime involved was robbery and where the clear implication was that the defendant  
had earlier been pronounced guilty. The Court concluded, however, that such an important matter should  
not be left to inference. The pertinent language was, 146 So. at 677:

It is therefore considered by the Court that you, J. C. Anderson, for the crime of which you have been and  
stand convicted, do be imprisoned by confinement at hard labor in the State Prison for a period of ten (10)  
years.

Finally, the majority cites Ellis v. State, 100 Fla. 27, 129 So. 106 (1930) where, as in Finch v. Mayo, supra,  
and State ex rel. House v. Mayo, supra, the trial court completely omitted to adjudge the defendant guilty and  
pronounced sentence in these words, 129 So. at 108:

It is the judgment of the court and the sentence of the law, that you J. H. Ellis, pay a fine of \$300, and in  
default of payment of said fine you will be confined in the County jail for a period of (3) months.

Writing for the Court in Ellis, Justice Brown said that 'the so-called judgment . . . was defective, in that it  
contained no adjudication by the court of the guilt of the defendant', 129 So. at 108, and emphasized the  
importance of judicial action even where a jury had returned a guilty verdict. The Court in Ellis v. State, supra,  
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did not go so far as the Court does today, however, as is evident from Justice Brown's remark that, 'Of course, the judgment of the court on the question of the guilt of the defendant need not be expressed in any particular set form of words . . . but surely it should not be entirely omitted.' 129 So. at 110.

2 See generally *Petersen v. Talisman Sugar Corp.*, 478 F.2d 73 (5th Cir. 1973). In my opinion, the Court in *Lloyd Corp. v. Tanner*, 407 U.S. 551, 92 S.Ct. 2219, 33 L.Ed.2d 131 (1972) has effectively overruled its prior decision in *Amalgamated Food Employees Union v. Logan Valley Plaza*, 391 U.S. 308, 88 S.Ct. 1601, 20 L.Ed.2d 603 (1968), although without saying so.

3 The body of the information reads:  
JAMES T. RUSSELL, State Attorney for the Sixth Judicial Circuit of Florida, in and for Pinellas County, prosecuting for the State of Florida, in the said County, or his Assistant State Attorney, under oath, information makes that JOHN W. CORN of the County of Pinellas and State of Florida, on the 13 day of September in the year of our Lord, one thousand nine hundred seventy-four, in the County and State aforesaid, did then and there wilfully enter onto the premises of Gateway Mall, after having been previously forbidden to enter and after having been warned to depart; contrary to Chapter 821.01(1), Florida Statutes, and against the peace and dignity of the State of Florida.

4 Although the fact has not lessened judicial labor in the present case, *section 821.01* was repealed by the legislature in the 1974 session, effective July 1, 1975. Fla.Laws, ch. 74—383 s 66. Pursuant to Fla.Stat. s 775.011(2) (1974 Supp.), prosecutions for 'offenses committed prior to July 1, 1975, . . . shall be governed by the prior law.' so there is still the duty to decide whether appellant's conviction under *section 821.01* should stand. The predecessor statute to *section 821.01* was enacted in 1879 as Fla.Laws, ch. 3139 s 1, which was styled 'An Act for the Protection of Private Residences and Enclosed Premises' and provided, as follows: That any person who shall wilfully trespass upon or enter into any private residence, house or building, or labor camp, occupied by the owner or the employees of the owner, or the enclosed premises of another, and shall be warned or notified by such owner or employee to depart therefrom, and shall refuse to depart, or having departed shall re-enter or remain about in the vicinity of the same, using profane or indecent language in a loud or boisterous manner, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail not exceeding sixty days, or by fine not exceeding fifty dollars, one or both, at the discretion of the court trying the case.  
The statute was amended in 1969 at which time it took the form it had when Corn was accused of violating it. Fla.Laws, ch. 69—284 s 1. Both originally and as amended, *section 821.01* was enacted without division into subsections, which were supplied by the codifiers.