




Interoffice Memorandum

DATE: June 8, 2023

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

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

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

SUBJECT: 2023-1 Regular Cycle Comprehensive Plan
Amendments 2023-1-A-1-3 and 2023-1-B-FLUE-7
(Gissy Mixed-Use) and Concurrent PD Substantial Change
Request# CDR-22-11-333 (International Commerce Center PD/LUP)
Board of County Commissioners (BCC) Adoption Public Hearings

2023-1 Regular Cycle Comprehensive Plan Amendments 2023-1-A-1-3 and 2023-1-B-FLUE-7 and Concurrent Substantial Change Request CDR-22-11-333 are scheduled for a BCC adoption public hearing on June 20, 2023. The Future Land Use map and text amendments were heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at an adoption public hearing on May 18, 2023, and recommended to be adopted. The PD substantial change was reviewed by the Development Review Committee on May 10, 2023, and recommended to be approved subject to twenty-three conditions.

The subject property is located at 14185 International Drive; generally located south of International Drive South and World Center Drive, east of SR 535, and north of SR 417. The request is to change the Future Land Use Map designation from Activity Center Mixed-Use (ACMU) to Planned Development-Commercial/High Density Residential (PD-C/HDR) in order to develop a Vertical Mixed-Use development consisting of 200 hotel rooms, 470,000 square feet of commercial retail and 2,882 multi-family residential units.

Utilizing the Conversion Matrix of the approved International Commerce Center (ICC) Planned Development/Land Use Plan (PD/LUP), the applicant is requesting a PD substantial change request, CDR-22-11-333, to convert 415 Timeshare Units to 817 Multi-Family Units, 300 Hotel Units to 684 Multi-Family Units, and 130,000 sq. ft. of Commercial to 1,381 Multi-Family Units for a total of 2,882 Multi-Family Units and a request of one waiver from Orange County Code related to building height.

A community meeting was not required.

These amendments were reviewed by the Florida Department of Economic Opportunity (DEO) and other State agencies for review and comment. On April 14, 2023, the Department of Economic Opportunity issued a comment letter which indicated no concerns with the proposed amendment. On April 15, 2023, the Florida Department of Transportation issues a comment letter indicating that state transportation facilities within three miles of the subject property are projected to exceed level of service targets. A revised traffic study was submitted with CDR-22-11-333 showing no net impacts to PM Peak Hour trips from the existing approved ICC-PD. Additionally, an updated Traffic Study is required during Development Plan approvals,

Pursuant to 163.3184, Florida Statutes, the proposed amendments must be adopted within 180 days of receipt of the comment letter. The Regular Cycle Amendments undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. Therefore, these amendments are expected to become effective in July 2023, provided no challenges are brought forth for any of the amendments.

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

ACTION REQUESTED: **Make a finding of consistency with the Comprehensive Plan and adopt Amendments 2023-1-A-1-3 and 2023-1-B-FLUE-7, Planned Development-Commercial/ High Density Residential (PD-C/HDR) Future Land Use map designation, approve the associated ordinance, and approve the Substantial Change Request CDR-22-11-333, to the International Commerce Center Planned Development/Land Use Plan (PD/LUP) dated "Received May 16, 2023" subject to twenty-three (23) conditions, as amended, in the staff report, including one (1) waiver from Orange County Code.
District 1**

AAV/jhs/sw

Enc: 2023-1 Regular Cycle Amendments 2023-1-A-1-3 and 2023-1-B-FLUE-7 and
Concurrent Substantial Change Request# CDR-22-11-333
BCC Adoption Staff Report

c: Jon V. Weiss, P.E., Deputy County Administrator
Joel Prinsell, Deputy County Attorney
Whitney Evers, Assistant County Attorney
Roberta Alfonso, Assistant County Attorney
Jason Sorensen, AICP, Chief Planner, Planning Division

2023-1 Regular Cycle Amendments 2023-1-A-1-3 and 2023-1-B-FLUE-7
and Concurrent Substantial Change Request# CDR-22-11-333
BCC Adoption Public Hearings
June 20, 2023
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Olan D. Hill, AICP, Assistant Manager, Planning Division
Nicolas Thalmueller, AICP, Planning Administrator, Planning Division
Read File



ORANGE COUNTY

PLANNING DIVISION

2023-1-A-1-3

GISSY

AMENDMENTS

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY
COMMISSIONERS**

**JUNE 20, 2023
ADOPTION PUBLIC HEARING**

PREPARED BY:
ORANGE COUNTY PLANNING, ENVIRONMENTAL
AND DEVELOPMENT SERVICES

PLANNING DIVISION
COMPREHENSIVE PLANNING SECTION



2023-1 Regular Cycle Expiration Review Comprehensive Plan Amendments Priority Included Pluses Land Use Amendment													
2023-1 Regular Cycle Comprehensive Plan Amendments											Amendment Number	Priority	2023-1 Regular Cycle
Amendment Number	Priority	2023-1 Regular Cycle	2023-1 Regular Cycle Comprehensive Plan Amendments	2023-1 Regular Cycle	2023-1 Regular Cycle	2023-1 Regular Cycle	2023-1 Regular Cycle	2023-1 Regular Cycle	2023-1 Regular Cycle	2023-1 Regular Cycle	2023-1 Regular Cycle	2023-1 Regular Cycle	
2023-1-2	Amendment Change	Amendment Change	Amendment Change	Amendment Change	Amendment Change	Amendment Change	Amendment Change	Amendment Change	Amendment Change	Amendment Change	Amendment Change	Amendment Change	
2023-1-3	Amendment Change	Amendment Change	Amendment Change	Amendment Change	Amendment Change	Amendment Change	Amendment Change	Amendment Change	Amendment Change	Amendment Change	Amendment Change	Amendment Change	

Amendment Change: 2023-1-2: Amend the Comprehensive Plan by adding the following language to the Comprehensive Plan...
 Amendment Change: 2023-1-3: Amend the Comprehensive Plan by adding the following language to the Comprehensive Plan...

The Commission shall have the authority to adopt amendments to the Comprehensive Plan...
 The Commission shall have the authority to adopt amendments to the Comprehensive Plan...

Amendment Change: 2023-1-4: Amend the Comprehensive Plan by adding the following language to the Comprehensive Plan...

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

INTRODUCTION

This is the Board of County Commissioners (BCC) adoption public hearing staff report for the First Regular Cycle Amendments 2023-1-A-1-3 and 2023-1-B-FLUE-7 to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). The adoption public hearings for these amendments were conducted before the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) on May 18, 2023. These amendments are scheduled for adoption public hearings before the BCC on June 20, 2023.

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

Please note the following modifications to this report:

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

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

The Regular Cycle State-Expedited Review Amendments were reviewed by the Department of Economic Opportunity (DEO), as well as other state and regional agencies. On April 14, 2023, DEO issued a comment letter, which did not contain any concerns about the amendments undergoing the State-Expedited Review process. Pursuant to 163.3184, F.S., the proposed amendments must be adopted within 180 days of the comment letter. The Regular Cycle Amendments undergoing the State-Expedited Review process will become effective 31 days after DEO notifies the County that the plan amendment package is complete. These amendments are expected to become effective in July 2023, provided no challenges are brought forth for any of the amendments.

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

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Privately-Initiated Regular Cycle Future Land Use Map (FLUM) Amendment, Associated Staff-Initiated Text Amendment, and Concurrent Substantial Change Request

Amendment		Page
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	-and-	
	2022-2-B-FLUE-7 PD Density and Intensity	Text amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County, associated with Amendment 2023-1-A-1-3
	-and-	
	Substantial Change CDR-22-11-333	A substantial change request to the previously approved International Commerce Center Planned Development (PD) / Land Use Plan (LUP) to add multi-family uses to the PD; convert 415 timeshare units, 300 hotel rooms, and 130,000 square feet of retail commercial units to 2,882 multi-family units; modify access points throughout the PD. Also requested is a waiver from Orange County Code Section 38-1300 to allow a maximum building height for multifamily uses of 300 feet in lieu of 60 feet.

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**BCC Adoption Staff Report
Amendments 2023-1-A-1-3 and 2023-1-B-FLUE-7
CDR-22-11-333**



Applicant/Owner:

Rebecca Wilson, Lowndes, Drosdick, Doster, Kantor & Reed, P.A. /Gissy Holdings I-Drive Property, LLC, David A. Siegel

Location: 14185 International Drive; generally located south of International Drive South and World Center Drive, east of SR 535, and north of SR 417.

Existing Use: Vacant and Undeveloped

Parcel ID Numbers:

34-24-28-0000-00-021

Tract Size: 57.77 gross acres / 53.82 net acres

The following meetings and hearings have been held for this proposal:		
Report/Public Hearing	Outcome	
✓ Community Meeting	Not required	
✓ Staff Report	Recommend Transmittal	
✓ LPA Transmittal January 19, 2023	Recommend Transmittal (7-0)	
✓ BCC Transmittal February 21, 2023	Approved Transmittal (7-0)	
✓ State Agency Comments	April 14, 2023 (DEO) April 13, 2023 (FDOT Comments)	
✓ LPA Adoption May 18, 2023	Recommend Adoption (8-0)	
BCC Adoption	June 20, 2023	

Project Information
Request: Activity Center Mixed-Use (ACMU) to Planned Development – Commercial/High Density Residential (PD-C/HDR).
Proposed Development Program: Vertically integrated mixed-use development consisting of 200 hotel rooms, 470,000 square feet of commercial retail and 2,882 multifamily residential units.
Division Comments: Environmental, Public Facilities and Services: Please see the Public Facilities Analysis Appendix for specific analysis on each public facility. Environmental: Conservation Area Determination, CAD-90-049, issued November 30, 1990, and CAD-22-10-201, issued on January 25, 2023. Conservation Area Impact, CAI-23-03-011, issued May 10, 2023, permits 1.08 acres of Class III, and 2.87 acres of Class II, a total of 3.95 acres of wetland impacts. Transportation: Consistent with the Land Use Equivalency Matrix of CDR-22-11-333 there will be no net increase in PM peak hour trips. The Roadway Network Agreement provides for dedication of ROW for the six lane International Drive Extension from World Center Drive to SR 535. In addition, conveyance of ROW will be required for the Poinciana Boulevard Extension. Schools: Orange County Public Schools Capacity Determination OC-22-091 issued a finding that school capacity is not available at Sunshine Elementary and Freedom Middle. Concurrent Rezoning: On May 10, 2023, the Development Review Committee recommended approval of CDR-22-11-333, a Substantial Change to the International Commerce Center Planned Development/Land Use Plan (PD/LUP).

2023-1-A-1-3



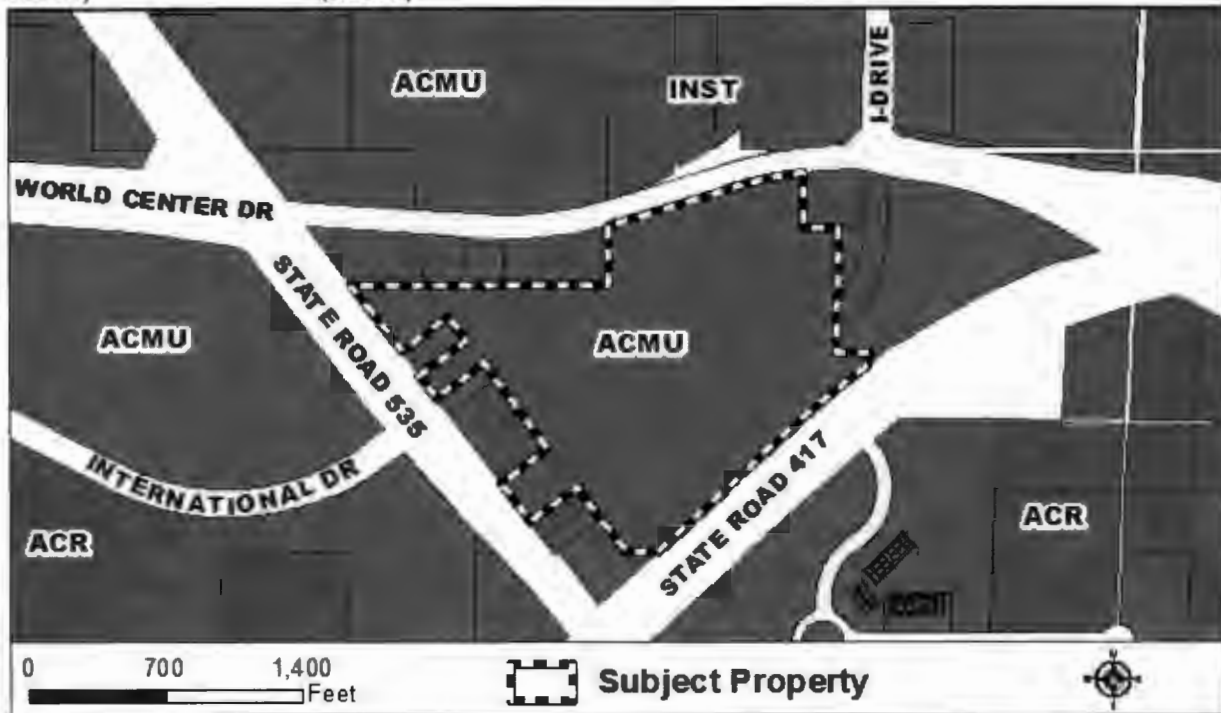
 Subject Property



1 inch = 626 feet

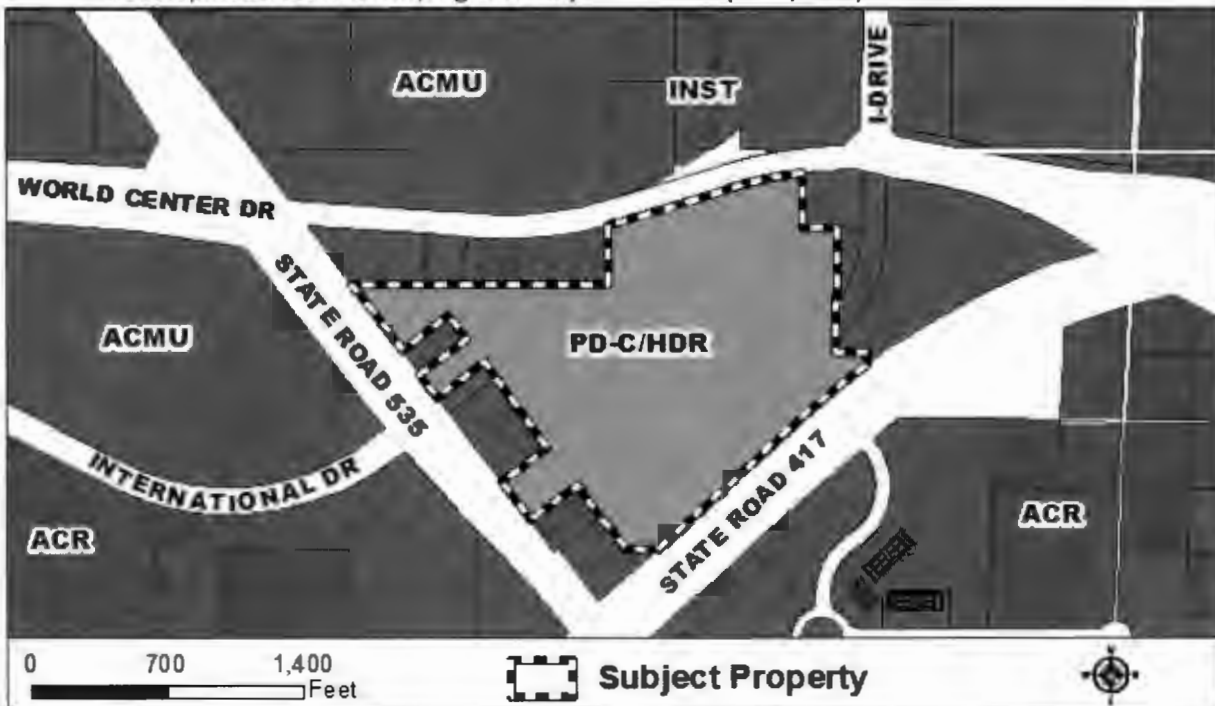
FUTURE LAND USE - CURRENT

Activity Center Mixed Use (ACMU)



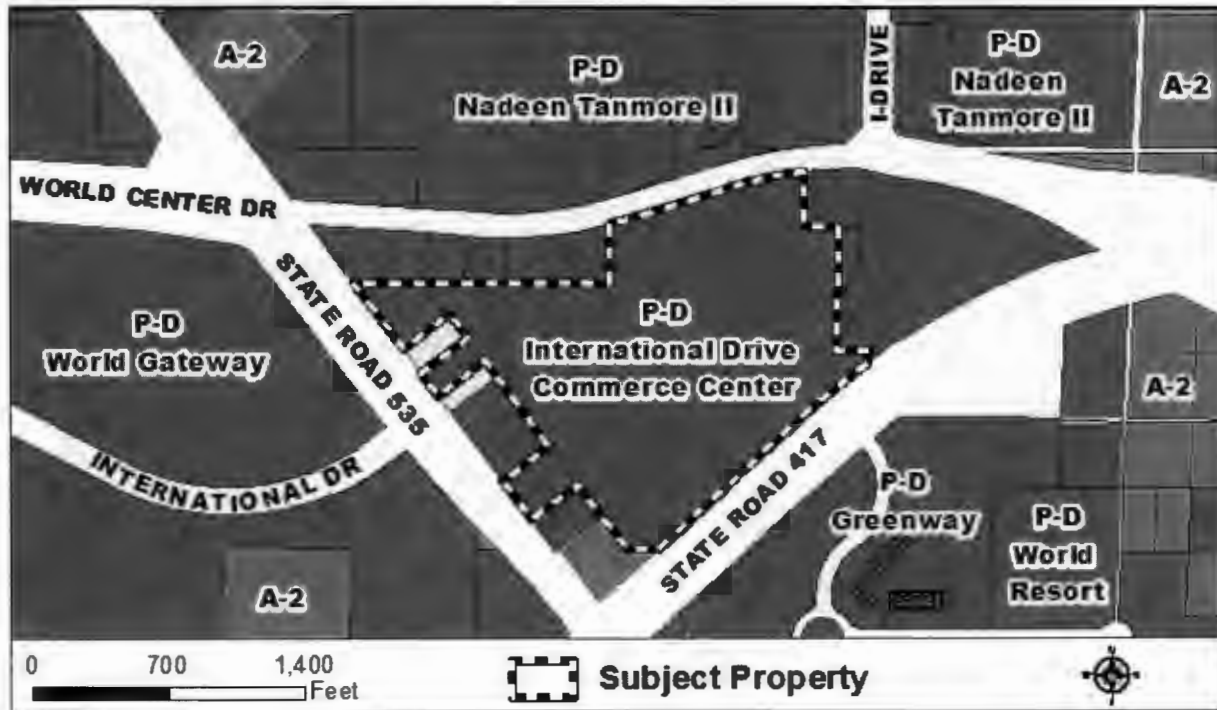
FUTURE LAND USE - PROPOSED

Planned Development-Commercial/High Density Residential (PD-C/HDR)



ZONING – CURRENT

PD (Planned Development District)



STAFF RECOMMENDATION

1. **FUTURE LAND USE MAP AMENDMENT 2023-1-A-1-3:** Make a finding of consistency with the Comprehensive Plan (See Future Land Use Element Goal FLU1, Objectives FLU1.1 and FLU8.2, and Policies FLU1.1.1, FLU1.1.2, FLU1.1.2.A, FLU1.1.4.B, FLU1.1.4.D, FLU8.1.2, FLU8.1.4, and FLU8.2.1; Housing Element Goal H1 and Objective H1.1; and International Drive Element Goal ID3 and Policy ID4.1.1), determine that the amendment is in compliance, and recommend **ADOPTION** of Amendment 2023-1-A-1-3, Activity Center Mixed Use (ACMU) to Planned Development-Commercial/High Density Residential (PD-C/HDR).

2. **FUTURE LAND USE TEXT AMENDMENT 2023-1-B-FLUE-7:** Make a finding of consistency with the Comprehensive Plan, determine that the amendment is in compliance, and recommend **ADOPTION** of Amendment 2023-1-B-FLUE-7 to include the development program for Amendment 2023-1-A-1-3 in Future Land Use Element Policy FLU8.1.4.

3. **REZONING CDR-22-11-333 (May 10, 2023, DRC Recommendation):** Make a finding of consistency with the Comprehensive Plan and recommend **APPROVAL** of Rezoning Case CDR-22-11-333, a PD substantial change to the International Commerce Center Planned Development / Land Use Plan (PD/LUP) dated "Received May 16, 2023" subject to the following twenty-three (23) conditions of approval, as amended, including one (1) waiver from Orange County Code:
 1. Development shall conform to the International Commerce Center Planned Development dated "Received May 16, 2023," and shall comply with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. Accordingly, the PD may be developed in accordance with the uses, densities, and intensities described in such Land Use Plan, subject to those uses, densities, and intensities conforming with the restrictions and requirements found in the conditions of approval and complying with all applicable federal, state, and county laws, ordinances, and regulations, except to the extent that any applicable county laws, ordinances, or regulations are expressly waived or modified by any of these conditions. If the development is unable to achieve or obtain desired uses, densities, or intensities, the County is not under any obligation to grant any waivers or modifications to enable the developer to achieve or obtain those desired uses, densities, or intensities. In the event of a conflict or inconsistency between a condition of approval and the land use plan dated "Received May 16, 2023," the condition of approval shall control to the extent of such conflict or inconsistency.

 2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have

been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit, or any other development order, if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. Developer / Applicant has a continuing obligation and responsibility from the date of approval of this land use plan to promptly disclose to the County any changes in ownership, encumbrances, or other matters of record affecting the property that is subject to the plan, and to resolve any issues that may be identified by the County as a result of any such changes. Developer / Applicant acknowledges and understands that any such changes are solely the Developer's / Applicant's obligation and responsibility to disclose and resolve, and that the Developer's / Applicant's failure to disclose and resolve any such changes to the satisfaction of the County may result in the County not issuing (or delaying issuance of) development permits, not recording (or delaying recording of) a plat for the property, or both.
5. Property that is required to be dedicated or otherwise conveyed to Orange County (by plat or other means) shall be free and clear of all encumbrances, except as may be acceptable to County and consistent with the anticipated use. Owner / Developer shall provide, at no cost to County, any and all easements required for approval of a project or necessary for relocation of existing easements, including any existing facilities, and shall be responsible for the full costs of any such relocation prior to Orange County's acceptance of the conveyance. Any encumbrances that are discovered after approval of a PD Land Use Plan shall be the responsibility of Owner / Developer to release and relocate, at no cost to County, prior to County's acceptance of conveyance. As part of the review process for construction plan approval(s), any required off-site easements identified by County must be conveyed to County prior to any such approval, or at a later date as determined by County. Any failure to comply with this condition may result in the withholding of development permits and plat approval(s).
6. If applicable, an Acknowledgement of Contiguous Sustainable Agricultural Land pursuant to Section 163.3163, Florida Statutes, must be executed and recorded in the Public Records of Orange County, Florida, prior to final approval of this plan and a copy of such Acknowledgment shall be submitted with all future permit applications for this project.
7. All acreages identified as conservation areas and wetland buffers are considered approximate until finalized by a Conservation Area Determination (CAD) and a Conservation Area Impact (CAI) Permit. Approval of this plan does not authorize any direct or indirect conservation area impacts.
8. 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.

9. Owners to comply with all terms of the Road Network Agreement approved by the Board of County Commissioners on April 18, 2006, as recorded in Orange County Official Records under PB 8605 PG 4396 Public Records of Orange County, Florida, as may be amended.
10. Pursuant to Article XII, Chapter 30, Orange County Code, unless documentation to the County's satisfaction has been provided proving that a property is exempt or vested, each property must apply for and obtain concurrency. Unless required at a different time (by agreement, condition of approval, etc.), residential, and non-residential properties which are required to plat, must obtain concurrency prior to approval of the plat and non-residential properties that are not required to plat must obtain concurrency prior to obtaining the first building permit. Concurrency may be obtained earlier than plat or building permit, but it is ultimately the responsibility of the applicant to obtain concurrency, including any proportionate share agreement, as applicable, in a timely fashion. Should an applicant wait to obtain concurrency until later in the development process, the County will not be responsible for any delays caused by the applicant's failure to obtain concurrency in a timely fashion.
11. This project shall be required to convey right-of-way for the Poinciana Boulevard Extension. Such conveyance(s) shall be documented in an agreement negotiated with the County's Road Agreement Committee which must be approved by the Board of County Commissioners prior to or concurrently with the approval of the first PSP or DP for this PD. The date of valuation for any transportation impact fee credits awarded based on such conveyance(s) shall be the day before the date of County approval of the initial land use plan for this project, in accordance with Section 23-95(b)(2)b.1., Orange County Code, as may be amended.
12. The developer shall obtain water, wastewater, and reclaimed water service from Orange County Government County Utilities subject to County rate resolutions and ordinances.
13. A Master Utility Plan (MUP) for the PD shall be submitted to Orange County Utilities at least thirty (30) days prior to submittal of the first set of construction plans. Construction plans within this PD shall be consistent with an approved and up-to-date Master Utility Plan (MUP). MUP updates shall be submitted to Orange County Utilities at least thirty (30) days prior to the corresponding construction plan submittal. The MUP and updates must be approved prior to Construction Plan approval.
14. Within multifamily developments, short term rental shall be prohibited. Length of stay shall be for a minimum of 180 consecutive days.
15. Pole signs and billboards shall be prohibited. All other signage shall comply with Chapter 31.5 Tourist Commercial.
16. Tree removal/earthwork shall not occur unless and until construction plans for the first Preliminary Subdivision Plan and/or Development Plan with a tree removal and mitigation plan have been approved by Orange County.

17. Hotel length of stay shall not exceed 179 consecutive days.
18. A Petition to Vacate for the depicted Rights-of-Way within and/or adjacent to the LUP proposed to be vacated will need to be submitted to the County and processed for BCC consideration prior to the submittal of any Development Plan and/or Preliminary Subdivision Plan.
19. A current Phase One Environmental Site Assessment (ESA) and current title opinion shall be submitted to the County for review as part of any Preliminary Subdivision Plan (PSP) and/or Development Plan (DP) submittal and must be approved prior to Preliminary Subdivision Plan (PSP) and /or Development Plan (DP) approval for any streets and/or tracts anticipated to be dedicated to the County and/or to the perpetual use of the public.
20. Outdoor sales, storage, and display shall be prohibited.
21. A waiver from Orange County Code Section 38-1300 is granted to allow a maximum building height for multi-family uses of 300 feet in lieu of 60 feet.
22. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated April 18, 2006, shall apply:
 - a. The LUP shall negate all previous LUPs approved for the property.
 - b. The existing right-of-way shall not be vacated unless alternate access provided to affected parcels.
 - c. Development shall comply with the I-Drive Design Standards.
23. Except as amended, modified, and / or superseded, the following BCC Conditions of Approval, dated July 7, 1992, shall apply:
 - a. Prior to any development plan submittal, the developer shall comply with the Protected Species Regulations as contained in the Land Development Code.
 - b. To the extent required to comply with the consistency provisions of the Growth Management Act, the following additional conditions shall be added to the conditions of approval:
 - 1) Uses limited to the stated in Policy 1.1.3. of the International Drive Activity Center Plan. Furthermore, Policy 1.1.6 of the International Drive Activity Center Plan dealing with prohibited uses shall apply to development approvals.
 - 2) If the housing linkage program is in place prior to development plan approval, development of nonresidential development shall be conditioned upon the development of residential units within the area designated as Activity Center Residential on the Future Land Use Map.

- 3) The Development Guidelines of the International Drive Activity Center shall apply to the subject property if they are established prior to building permit submittal, including but not limited to lighting standards, sign regulations, open space regulations, trip reduction program, access management controls, transit access design standards, building orientation, and location of parking lots.
- 4) The property owner shall be required to participate in a property owner's association upon its creation.
- 5) Stormwater management facilities shall be designed as an aesthetic feature, except where determined by the County Engineer to be technically unfeasible.
- 6) The property owner understands and concedes that the property is located within the International Drive Activity Center as adopted by the Orange County Comprehensive Policy Plan and as such development on the property shall be subject to:
 - a) A funding mechanism, such as but not limited to a Municipal Service Taxable Unit (MSTU) and/or Municipal Service Benefit Unit (MSBU), for financing underground utilities and lighting along major roads, including International Drive;
 - b) A funding mechanism, such as but not limited to an MSTU(s) and or MSBU(s), for financing maintenance of landscaping on public rights-of-way, including International Drive; and
 - c) Participation in a mass transit utility district or some other mechanism established to fund the acquisition, construction, and operation of the transportation system.
- 7) In recognition that the International Drive Master Roadway Plan adopted as part of the Orange County Comprehensive Policy Plan designates a roadway network that is necessary to support the increased densities/intensities allowed in the International Drive Activity Center, the property owner shall coordinate development within the project to accommodate, to the greatest extent possible, the proposed right-of-way as identified in the International Drive Master Roadway Plan or in a different alignment provided such alignment is consistent with the intent of the Master Roadway Plan for the Activity Center.
- 8) Until either a developers agreement is entered into for the project or an overall funding mechanism is established to acquire needed right-of-way for International Drive and State Road 535 within the Activity Center, building permits shall not be issued.
- 9) A 20-foot wide pedestrian/landscape/utility easement and a 15-foot wide transit easement (for a total of 35 feet) along S.R. 535 (with the transit easement closest to S.R. 535) shall be included in the development plan.
- 10) The development plan shall provide for interconnection of adjacent developments either by cross-access easement or public right-of-way.

- 11) Sidewalks shall be a minimum of ten-feet wide along all major roads.
 - 12) Electrical distribution lines shall be underground.
 - 13) Participation in a shuttle service connecting area attractions, major transportation centers and on-site development shall be required.
- c. This project is within the overflow path of Lake Bryan. Prior to submission as a development plan, calculations shall be provided and approved showing that there will be no change in the tailwater conditions upstream and downstream.
 - d. Prior to construction plan approval, the developer shall agree to utilize reclaimed water for landscape and green area irrigation if available.

ANALYSIS

1. Background Development Program

The applicant is requesting to change the Future Land Use Map (FLUM) designation of the 57.77-acre subject property from Activity Center Mixed Use (ACMU) to Planned Development-Commercial/High Density Residential (PD-C/HDR). The vacant and undeveloped property is comprised of one parcel and is bisected by the future right of way for International Drive connecting International Drive North and International Drive South.

The site has a PD (Planned Development District) zoning which was approved on April 16, 2006, RZ-05-06-071, consistent with the adopted ACMU designation. The International Drive Activity Center Element and the Future Land Use designations of ACMU and Activity Center Residential (ACR) were adopted in the Comprehensive Plan on July 1, 1991. The existing approved International Commerce Center PD Land Use Plan (LUP) (formerly Camelot Hotel PD) for the site includes 500 hotel rooms, 415 timeshare units, and 600,000 square feet (sq. ft.) of commercial.

The applicant is requesting to change the FLUM designation in order to allow multifamily residential housing at residential densities of 50 dwelling units/acre (DU/AC), and commercial intensity of a maximum of 1.5 Floor Area Ratio (FAR). The residential density of the site is currently limited to the current ACMU designation of 30 DU/AC.

At Transmittal, the applicant had proposed a development program of 200 hotel rooms, 2,888 multi-family units, and 200,000 sq. ft. of commercial. Prior to the LPA Adoption Public Hearing, the applicant revised the development program during the review by the DRC of the Rezoning for CDR-22-11-333.

Utilizing the Conversion Matrix of the approved International Commerce Center PD/LUP, CDR-22-11-333, the new development program converts 415 Timeshare Units to 817 Multi-Family Units, 300 Hotel Units to 684 Multi-Family Units, and 130,000 sq. ft. of Commercial to 1,381 Multi-Family Units for a total of 2,882 Multi-Family Units.

Under the new proposed development program, the applicant is proposing vertically integrated mixed-use development featuring 200 hotel rooms, 2,882 multi-family units, and 470,000 sq. ft. of commercial retail with direct access to both SR 535 and World Trade Center Drive.

The intent of the applicant is to provide a vertically-integrated mix of uses consisting of 470,000 square feet of commercial uses, 200 hotel rooms, and 2,882 multifamily units. Since this is a Vertical Mixed-Use development intended to include ground level commercial uses and vertically integrated residential uses, the maximum densities and intensities for each use may be applied to the same acreage resulting in the theoretical maximums identified below.

Potential Maximum Amounts of Residential and Commercial Uses

- 57.77 acres * 50 du/ac = 2,888 Multifamily Units, and
- 57.77 acres * FAR 1.5 = 3.77 Million Square Feet of Commercial, including hotels

The property is subject to a Roadway Network Agreement that provides for dedication of ROW, design and construction for the six-lane International Drive Extension from World Center Drive to SR 535. The Developer will receive vested rights upon conveyance of Right-of-Way in the amount of 1,039 PM Peak Hour Directional Trips for the International Drive Extension, including the intersections from SR 535 to World Center Drive. The combination of uses will be limited to a development program not exceeding their vested PM Peak Hour Directional Trips for the International Drive Extension impacts.

The traffic study submitted with the Transmittal of the proposed development program indicates that the new proposed development program, which converts a substantial portion of the commercial entitlements to the needed residential multifamily units, will reduce the peak hour trips on area roadways by 678 PM Peak Hour trips.

With the Adoption of the amendment, the applicant is proposing a new proposed development program which adds the multifamily dwelling units 2,882, and together with the increase in the commercial entitlements to 470,000 square feet with 200 hotel rooms, there will be no net increase in PM Peak Hour trips.

The applicant updated the traffic study consistent with CDR-22-11-333. Additionally, the DRC approved CDR-22-11-333 includes a note that requires an additional traffic study as follows:

“Prior to Development Plan approval, a traffic study will be provided with projected traffic generation based on established standards to analyze the associated infrastructure including, but not limited to, connecting roadways, public utilities, intersection improvements, right, left, and thru lanes, and traffic signal updates if warranted.”

Density/Intensity is still calculated based on the definition in FLU1.1.2B. The number of units/square footage divided by developable area. In applying the FLU1.1.4B, which allows the PD FLUM Designations to establish specific development programs to allow multiple uses, and also intended to ensure physical integration and design.

A Conservation Area Determination, CAD 90-049, was completed with a certified survey of the conservation area boundary was approved on November 30, 1990, which does not expire. The CAD identified two Class III wetlands totaling 1.1 acres (1.08 acres in CAI 23-03-011). A Conservation Area Impact permit CAI-05-031 was issued on December 6, 2005, that has since expired.

**BCC Adoption Staff Report
Amendments 2023-1-A-1-3 and 2023-1-B-FLUE-7
CDR-22-11-333**

A new Conservation Area Determination, CAD 22-10-201, was requested with the plan amendment for portions of the property not covered by the existing CAD. On December 16, 2022, the County’s Environmental Protection Division (EPD) issued a conservation wetland classification letter indicating the presence of three Class II wetlands along the boundary of SR 417. CAD 22-10-201, was subsequently issued on January 25, 2023, showing an additional 2.865 of Class II wetlands. The applicant has since updated their expired CAI permit. CAI Permit CAI-23-03-011 was issued on May 10, 2023, allowing 1.08 acres of Class III wetland impacts, and 2.87 acres of Class II wetland impacts.

Existing uses to the **North** include: World Center Drive, CVS, 7-Eleven, Urgent Care Center, and other retail commercial uses; **North of World Trade Center Drive**: Vacant land, Buena Vista Suites, Caribe Royals Orlando Resort, **East**: Car wash and gas station, multifamily residential, International Drive North and future ROW for International Drive; **South**: the SR 417 and vacant land; **West**: Vacant land and International Drive South; and **West**: SR 535, International Drive South, vacant land, commercial retail.

In conjunction with this proposed amendment, the applicant is requesting a PD substantial change, **CDR-22-11-333**, to the currently approved International Commerce Center PD. The table below provides a comparison of the existing and proposed development of the petitioned site. The development program has been revised consistent with the CDR to the LUP as shown below:

Table 1 Existing and Proposed Development

	Existing	Proposed (Transmittal)	Proposed (Adoption)
Future Land Use	Activity Center Mixed Use (ACMU)	Planned Development-Commercial/High Density Residential	Planned Development-Commercial/High Density Residential
Zoning	P-D (Planned Development District)	P-D (Planned Development District)	P-D (Planned Development District)
Development Program	500 hotel rooms, 415 timeshare units, 600,000 sq. ft of commercial, and Conservation (1.79 acres)	200 hotel rooms, 2,888 multi-family units, and 200,000 sq. ft. of commercial	200 hotel rooms, 2,882 multi-family units, and 470,000 sq. ft. of commercial

Future Land Use Element FLU8.1.2 describes Planned Development Future Land Uses as intended to incorporate a broad mixture of uses under specific design standards. The request for a Planned Development Future Land Use Map designation will also require an amendment to the Comprehensive Plan **Future Land Use Element Policy FLU8.1.4** to establish the proposed development program. Any proposed change to the development program, would require an amendment to the Comprehensive Plan to amend **Future Land Use Element Policy FLU8.1.4** to allow an increase in development intensity or density.

COMMUNITY MEETING

A community meeting for this request was not required.

2. Future Land Use Map Amendment Analysis

CONSISTENCY

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

Future Land Use Element Goal FLU1, OBJ FLU1.1, and Policies FLU1.1.1, FLU1.1.2A and FLU1.1.2B describe Orange County's urban planning framework, including the requirement that Urban land uses shall be concentrated within the Urban Service Area.

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

Future Land Use Element Policy FLU1.1.4B allows the Planned Development (PD) Future Land Use Designation as an urban option. The PD designation ensures adjacent land use compatibility, allows for multiple uses, and physical integration and design. The PD designation requires establishment of the development program at the Future Land Use Amendment stage, and the adoption of a text amendment to the Comprehensive Plan to specify the maximum intensity and density for a project.

The proposed amendment includes a development program of 200 hotel rooms, 2,882 multi-family units, and 470,000 sq. ft. of commercial, which will be incorporated into Policy FLU8.1.4.

As discussed above, the subject property is located within the International Drive Activity Center, an area characterized by intense tourist-oriented development. The site lies in close proximity to Walt Disney World and is located in the immediate vicinity of numerous resorts, hotels, tourist attractions, shopping areas, and restaurants, both in Orange County and adjacent Osceola County. As stated in **Future Land Use Element Policy FLU1.1.4.D**, the requested **PD-C/HDR** future land use designation is intended to provide for residential development in proximity to employment areas to minimize travel distances between uses. Staff finds this proposed amendment consistent with **International Drive Activity Center Element Goal ID3**, which establishes that it is Orange County's goal to facilitate the development of residential communities in proximity to employment areas of the activity center in order to minimize workers' travel distances and times.

In accordance with **Future Land Use Element Policy FLU1.1.2.A**, the applicant has specified the maximum desired development program 200 hotel rooms, 2,882 multi-family units, and 470,000 sq. ft. of commercial. Staff finds the proposed amendment consistent with Orange County's commitment to ensuring that sufficient land is available to meet the identified housing needs of its present and future residents. The applicant's intent to develop a mixed use multi-family residential community is consistent with **Housing Element GOAL H1 and Objective H1.1**, which states that the County will promote and assist in the provision of an ample housing supply, with a broad range of types and price

levels, and will support private sector housing production capacity sufficient to meet current and anticipated housing needs.

Staff further finds the proposed project consistent with **Future Land Use Element Objective OBJ FLU2.2**, which establishes that Orange County shall develop, adopt, and implement mixed-use strategies and incentives as part of its comprehensive planning and land development code efforts, including standards for determining consistency with the Future Land Use Map. Other objectives of mixed-use development include reducing trip lengths, providing for diverse housing types, using infrastructure efficiently and promoting a sense of community. If approved, the project will use infrastructure that is either already in place or planned for construction. Per Orange County Utilities (OCU), the property lies within its potable water, wastewater, and reclaimed water service areas. OCU has communicated that the specific connection points will be determined during the Final Engineering/Construction Plan permitting stage. In addition, the multi-family community would use the existing and planned transportation network, which serves pedestrians, transit riders, and automobile drivers. Lastly, staff finds this request consistent with **International Drive Activity Center Element Policy ID4.1.1**, which mandates that approval of development within the International Drive Activity Center shall be conditioned upon the availability of adequate services and facilities, as measured by the adopted level of service standards of the Comprehensive Plan.

STAFF-INITIATED TEXT AMENDMENT – 2023-1-B-FLUE-7

Future Land Use Element Policy FLU8.1.4 establishes the development programs for Planned Development (PD) designations adopted since January 1, 2007. The development program for this requested amendment is proposed for incorporation into Policy FLU8.1.4 via a corresponding staff-initiated text amendment, Amendment **2023-1-B-FLUE-7**. If adopted, the maximum development program for Amendment **2023-1-A-1-3** will be as follows:

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
<u>2023-1-A-1-3 Gissy Mixed-Use (International Commerce Center)</u>	<u>Planned Development- Commercial/High Density Residential (PD-C/HDR)</u>	<u>Vertical Mixed Use of 200 hotel rooms, 470,000 sq. ft. of commercial retail, and 2,882 multi-family units</u>	<u>2023-</u>

COMPATIBILITY

The proposed Future Land Use Map Amendment appears to be **compatible** with the development pattern of the surrounding area.

The proposed FLUM amendment appears to be **compatible** with the development trend of the surrounding area. **Future Land Use Element Objective FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions, while **Policy FLU8.2.1** requires land use changes to be compatible with the existing development pattern and development

trends in the area. As discussed above, the subject property is located in the International Drive Activity Center, an area characterized by intense tourism-related development, including theme parks, resorts, hotels, tourist attractions, shopping areas, and restaurants. The property's proximity to this activity makes it well-suited for the development of housing for employees of these tourist-oriented establishments.

The project would contribute to the County's larger goals of promoting infill and compact urban form within the Urban Service Area, providing for a range of living options, efficiently using existing and planned infrastructure, and reducing trip lengths.

DIVISION COMMENTS: ENVIRONMENTAL, PUBLIC FACILITIES, AND SERVICES

Environmental:

EPD Review Summary:

- An Orange County Conservation Area Determination CAD 90-049 was completed with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD) on 11/30/1990. This CAD does not expire. The CAD identifies two Class III wetlands totaling 1.1 acres within the subject property.
- An Orange County Conservation Area Determination CAD-22-10-201 is under review for the remainder of the subject property not covered by the existing CAD 90-049. Any wetland encroachments will require submittal of an application for a Conservation Impact Permit to the Orange County Environmental Protection Division as outlined in Chapter 15, Article X Wetland Conservation Areas.
- Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

FLUM Amendment Comments:

1. Historic CAD – An Orange County Conservation Area Determination CAD 90-049 was completed with a certified survey of the conservation area boundary approved by the Environmental Protection Division (EPD) on 11/30/1990. This CAD does not expire. The CAD identifies two Class III wetlands totaling 1.1 acres within the subject property.
2. CAD– An Orange County Conservation Area Determination CAD-22-10-201 was issued on January 25, 2023. Under this new CAD, there are an additional 2.865 acres of Class II wetlands.
3. CAI Permit – An Orange County Conservation Area Impact permit CAI 05-031 was issued 12/6/2005 and expired 12/6/2010. CAI-23-03-011, issued May 10, 2023, permits 1.08 acres of Class III, and 2.87 acres of Class II, a total of 3.95 acres of wetland impacts.
4. Conservation Area Impacts – In addition to any state or federal wetland permitting requirements, the applicant shall satisfy Orange County's wetland permitting requirements. Any

wetland encroachments will require submittal of an application for a Conservation Impact Permit to the Orange County Environmental Protection Division. *Reference OC Code Chapter 15, Article X Wetland Conservation Areas.*

5. No Clearing – No construction, clearing, filling, alteration, or grading is allowed within or immediately adjacent to a conservation area or easement (includes the conservation area and the wetland setback/buffer) without first obtaining a Conservation Area Impact (CAI) permit approved by the county and obtaining other applicable jurisdictional agency permits. Submit a CAI permit application to Orange County Environmental Protection Division by mail or email to wetlandpermitting@ocfl.net. *Reference OC Code Chapter 15, Article X Wetland Conservation Areas.*

6. Access Points and Road Locations – Proposed access locations and future roadway extensions may require wetland impacts. The exact location of access points and roadways will consider minimization and avoidance of wetland impacts and rare habitat and will be determined during the Orange County Conservation Area Determination and Conservation Area Impact permit process.

7. Habitat Permit Compliance – Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled species (endangered, threatened, or species of special concern). The applicant is responsible to determine the presence of these concerns and to verify and obtain, if necessary, any required habitat permitting of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

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

Additional EPD Comments:

1. Solid Waste Disposal – Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides, and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

2. Erosion Control – Use caution to prevent erosion during construction along the boundary of the property, into wetlands and buffers, and into all drainage facilities and ditches. Construction will require Best Management Practices (BMPs) for erosion control. Minimize the extent of area exposed at one time, apply perimeter controls where necessary, and perform maintenance checks every seven (7) days and after every 1/2-inch rain. The construction entry area shall be designed to prevent trucks from tracking soil onto local roads and the affected storm drainage system shall

be protected. This may require periodic street sweeping. *Reference OC Code Chapter 34 Subdivision Regulations, Article VII Stormwater Management, Division 2 General Design Criteria, Sec. 250 Open Drainage Facilities, (g).*

Transportation:

The applicant is requesting to change 57.77 acres from ACMU to PD-C/HDR and rezone from PD to PD, to allow for the construction of hotel, multi-family, and commercial. Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed hotel, multi-family, and commercial uses will result in a decrease in the number of 678 pm peak trips and therefore will not impact the area roadways. This reduction was based on the initial development program proposed with Transmittal of the Plan Amendment. The development will undergo further evaluation and will be required to mitigate capacity deficiencies on the transportation network in accordance with the requirements of the Orange County Concurrency Management System.

Consistent with the Land Use Equivalency Matrix and updated Traffic Study, the Rezoning CDR-22-11-333 includes the daily and PM Peak Hour trips for the new proposed development program at Adoption. A comparison in trip generation from Transmittal to Adoption is provided in the table below which shows a decrease of 848 daily trips, and no net change in PM Peak Hour trips.

Development Program	Daily Trips	PM Peak Hour Trips	Net Change (<i>Existing to Proposed</i>)
<u>Existing:</u> 415 Time-Shares, 500 Hotel Rooms, 600,000 sq. ft. Commercial	31,902	2,666	
<u>Proposed at Transmittal¹:</u> 2,888 Multi-Family Units, 200 Hotel Rooms, 200,000 sq. ft. Commercial	17,809	1,476	Decrease of 7,795 Daily Trips and 678 PM Peak Hour Trips
<u>Proposed at Adoption²:</u> 2,882 Multi-Family Units, 200 Hotel Rooms, 470,000 sq. ft. Commercial	31,052	2,666	Decrease of 848 Daily Trips and no (0) Net Change in PM Peak Hour Trips

Roadway Capacity Analysis

A Traffic Study was submitted with the Transmittal of the Plan Amendment case for review and comment. The Roadway Capacity Analysis below has been updated based on the revised development program proposed with Adoption of the plan amendment and CDR. This portion of the analysis is

¹ Transportation Analysis with Transmittal Plan Amendment

² Trip Generation Rates with CDR-22-11-333, Site Data: Transportation

based on the Transportation Study submitted with the proposed development with the Adopted amendment. The subject property is located adjacent to Kissimmee Vineland Road.

Based on existing conditions and the development program proposed at Adoption, there is currently one (1) deficient roadway segment within the project's impact area. This information is dated and subject to change. The following roadway segment is operating at Level of Service "F": Kissimmee Vineland Road from the Osceola County Line to S.R. 536

The segments in the short-term year (2025) that are projected to operate at Level of Service "F" as a result of the background traffic and committed trips are: Kissimmee Vineland Road from the Osceola County Line to S.R. 536

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

- Kissimmee Vineland Road from the Osceola County Line to S.R. 536
- Kissimmee Vineland Road from S.R. 536 to Interstate 4.

Final permitting of any development on this site will be subject to review and approval under capacity constraints of the County's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment in order to mitigate any transportation deficiencies. Finally, to ensure that there are no revisions to the proposed development beyond the analyzed use, the land use will be noted on the County's Future Land Use Map or as a text amendment to the Comprehensive Policy Plan.

Future Roadway Network

Road Agreements: International Drive Extension: The Road Network Agreement for International Commerce Center International Drive Extension was approved at the BCC on 4/18/2006 and recorded at OR Book/Page 8605/4396. This agreement provides for the dedication of Right-of-Way, design, and construction for the six-lane International Drive Extension from World Center Drive to S.R. 535. The Developer shall receive vested rights upon conveyance of Right-of-Way in the amount of 1,039 PM Peak Hour Directional Trips for the International Drive Extension including the intersections from SR 535 to World Center Drive. The Developer shall receive 62.8% of the design costs and construction costs in the form of Road Impact Fee Credits for creating excess capacity.

Planned and Programmed Roadway Improvements: S.R. 535 from Vineland Avenue to S.R. 536 - The purpose of this study is to analyze the corridor within the project limits for potential multimodal improvements. This study is the result of a S.R. 535 Corridor Planning Study completed in 2017 with limits from U.S. 192 to Interstate 4 (I-4) in Orange and Osceola counties. It recommended further analysis to provide for bicycle, pedestrian, and operational improvements between World Center Drive (S.R. 536) and I-4 along the S.R. 535 corridor.

S.R. 535 from S.R. 536 to U.S. 192 - The purpose of this study is to develop and evaluate improvements to S.R. 535 to accommodate future projected traffic demand and improve safety. Several potential highway and intersection improvements will be evaluated. The no-build alternative will also be evaluated. The PD&E Study is being conducted to determine the location and conceptual design of

the preferred roadway improvements and the associated social, economic, and environmental effects of the improvements.

International Drive Extension – Road extension from S.R. 536 to S.R. 535.

Poinciana Blvd. Extension – Road extension from International Drive South to the Osceola County Line.

Orange County Public Schools:

Orange County Public Schools issued a formal capacity determination, OC-22-091, on November 21, 2022. This determination expires on July 11, 2025. Capacity is presently available at Lake Buena Vista High School; however, no capacity is available at Sunshine Elementary or Freedom Middle. Sunshine Elementary is scheduled for relief in 2029 and Freedom Middle is scheduled for relief in 2030. The elementary school has a current adjusted utilization rate of 118.3% and if this project is approved, the adjusted utilization rate would increase to 166.9%. The middle school has a current adjusted utilization rate of 103.3% and if this project is approved, the adjusted utilization rate would increase to 119.5%.

State Agency Comments

The Florida Department of Transportation provided comments on April 13, 2023, and included an analysis of State transportation facilities within 3 miles of the subject area. The analysis shows most segments are currently operating at acceptable levels of service targets, except for portions of SR 400/I-4, SR 417 and SR 530/US 192 are projected to exceed LOS targets.

FDOT's analysis was based on the proposed highest residential land use which consists of a maximum density of 50 dwelling units per acre. Based on the FDOT analysis, the change in land use would increase 370 PM peak hour trips. The agency noted a reference to a traffic study that indicated a decrease of PM peak hour trips. Following receipt of the FDOT comments, Orange County staff forwarded a copy of the traffic study submitted with the comprehensive plan amendment application. Given the findings in the traffic study, and the reference to reduction in development intensity (based on the development program proposed to be adopted with the FLUM amendment), FDOT concluded that the amendment would not create significant adverse impacts to important state facilities.

3. Policy References

Future Land Use Element

GOAL FLU1 URBAN FRAMEWORK. Orange County shall implement an urban planning framework that provides for long-term, cost-effective provision of public services and facilities and the desired future development pattern for Orange County. (Goal One-r)

OBJ FLU1.1 Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development. The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development. (Added 12/00, Ord. 00-25-r, Obj. 1.1)

Policy FLU1.1.1 Urban uses shall be concentrated within the Urban Service Area, except as specified for the Horizon West Village and Innovation Way Overlay, Growth Centers, and to a limited extent, Rural Settlements. (Added 12/00, Ord. 00-24, Policy 1.1.1-r)

Policy FLU1.1.2The Future Land Use Map shall reflect the most appropriate maximum and minimum densities for residential development. Residential development in Activity Centers and Mixed Use Corridors, the Horizon West Village and Innovation Way Overlay and Growth Centers may include specific provisions for maximum and minimum densities. The densities in the International Drive Activity Center shall be those indicated in the adopted Strategic Development Plan. (Added 8/93, Ord. 93-19; Amended 12/00, Ord. 00- 25, Policy 1.1.10-r)

Policy FLU1.1.2A.The following are the maximum residential densities permitted within the Urban Service Area for all new single use residential development or redevelopment. Future Land Use densities for the following categories shall be:

FLUM Designation	General Description	Density
Urban Residential – Urban Service Area		
Low Density Residential (LDR)	Intended for new residential projects within the USA where urban services such as water and wastewater facilities are present or planned. This category generally includes suburban single family to small lot single family development.	0 to 4 du/ac
Low Medium Density Residential (LMDR)	Recognizes low- to medium-density residential development within the USA, including single family and multi-family residential development.	0 to 10 du/ac
Medium Density Residential (MDR)	Recognizes urban-style multifamily residential densities within the USA.	0 to 20 du/ac
Medium-High Density Residential (MHDR)	Recognizes a transition in density between highly urbanized areas and medium density residential development that support public transit and neighborhood serving amenities within a reasonable pedestrian walkshed.	0 to 35 du/ac
High Density Residential (HDR)	Recognizes high-intensity urban-style development within the USA.	0 to 50 du/ac
(Amended 8/92, Ord. 92-24, Policy 1.1.11-r; Amended 11/17, Ord. 2017-19)		

Policy FLU1.1.4 - In addition to the residential densities listed in FLU1.1.2(A), permitted densities and/or intensities for residential and non-residential development can be established through additional Future Land Use designations. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(B). The Future Land Use and Zoning Correlation is found in FLU8.1.1. (Added 8/92, Ord. 92-24 8/93, Ord. 93-19, Policy 1.1.11-r; Amended 6/10, Ord. 10-07; Amended 12/14, Ord. 2014-30; Amended 11/17, Ord. 2017-19)

B. URBAN MIXED USE OPTIONS – The following Future Land Use designations allow for a mix of uses. Per a settlement agreement with the State Department of Community Affairs, Orange County’s Planned Development Future Land Use designation now requires an adopted text amendment to specify the maximum intensity and density of a project. See Policy FLU8.1.4. Mixed-Use Corridors are a staff initiated option intended to complement the Activity Center policies. [Amended 07/22, Ord. 2022-16 (2020-2-C-CP-1)]

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

Policy FLU1.1.4

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

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

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

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

Goal FLU2 – URBAN STRATEGIES. Orange County will encourage urban strategies such as, but not limited to, infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development, and an urban experience with a range of choices and living options.

OBJ FLU2.2 – MIXED-USE. Orange County shall develop, adopt, and implement mixed-use strategies and incentives as part of its comprehensive plan and land development code efforts, including standards for determining consistency with the Future Land Use Map. Other objectives of mixed-use development include reducing trip lengths, providing for diverse housing types, using infrastructure efficiently and promoting a sense of community. (Obj. 3.8-r)

OBJ FLU8.2 – COMPATIBILITY. Compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following polices shall guide regulatory decisions that involve differing land uses.

Policy FLU8.2.1 – Future land use changes shall be required to be compatible with the existing development and development trends in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change. (Policy 3.2.25)

International Drive Element

GOAL 3 – Residential development in proximity to employment areas of the International Drive Activity Center shall be facilitated in order to minimize travel distance and time between the uses. (Amended 6/16, Ord. 2016-15)

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

Housing Element

GOAL H1 – Orange County's goal is to promote and assist in the provision of an ample housing supply, within a broad range of types and price levels, to meet current and anticipated housing needs so that all our residents have the opportunity to purchase or rent standard housing.

OBJ H1.1 – The County will continue to support private sector housing production capacity sufficient to meet the housing needs of existing and future residents.

ADOPTION SUMMARY

Local Planning Agency Recommendation – (May 18, 2023)

Make a finding consistency with the Comprehensive Plan, determine the amendment is “in compliance”, and recommend Adoption of Amendments 2023-1-A-1-3, Activity Center Mixed Use (ACMU) to Planned Development- Commercial/High Density Residential (PD-C/HDR), and 2023-1-B-FLUE-7 to include the development program for Amendment 2023-1-A-1-3 in Future Land Use Element Policy FLU8.1.4.

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

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

A motion was made by Commissioner Boers and seconded by Commissioner Fernandez to make a finding of consistency with the Comprehensive Plan and recommend **ADOPTION** of Amendment 2023-1-A-1-3 and related Amendment 2023-1-B-FLUE-7. The motion carried unanimously (8-0).

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

Subject Site



Site Visit Photos

North



East



South



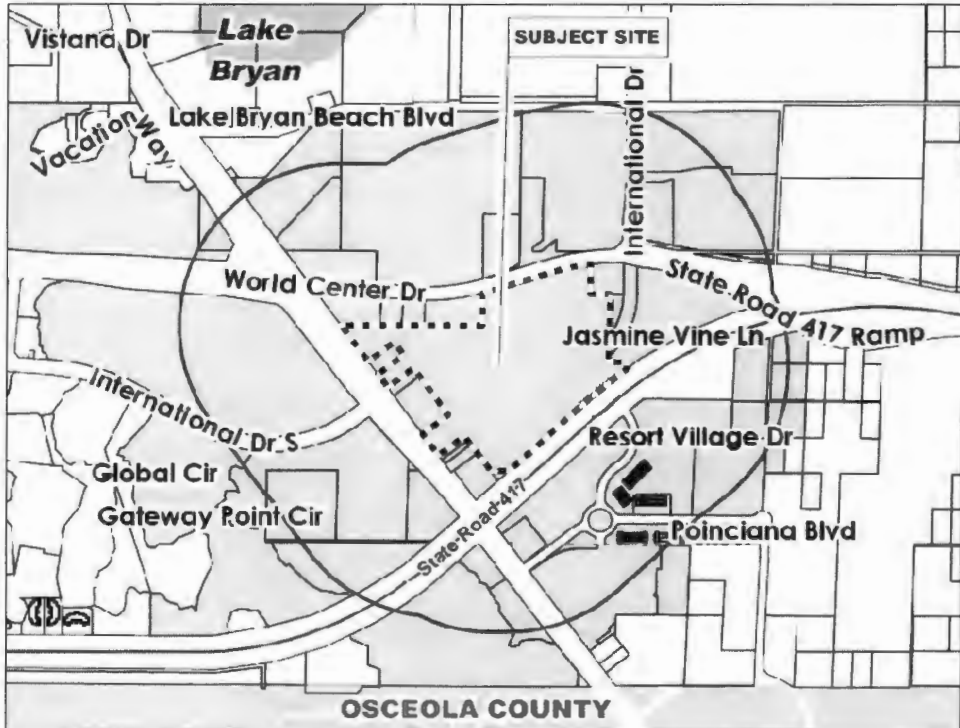
West





Public Notification Map

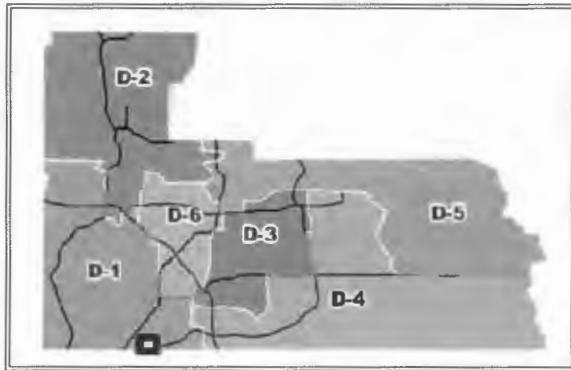
2023-1-A-1-3 (Gissy Multifamily)



MAP LEGEND

	SUBJECT SITE		NOTIFIED PARCELS
	1500 FT BUFFER		HYDROLOGY
	1 MILE BUFFER		
	PARCELS		

BUFFER DISTANCE: 1500
OF NOTICES: 624



NOTIFICATION MAP

BCC Adoption Staff Report
Amendments 2023-1-A-1-3 and 2023-1-B-FLUE-7
CDR-22-11-333



RECEIVED
By DRC Office at 11:28 am, May 16, 2023

CHANGE DETERMINATION REQUEST FOR INTERNATIONAL COMMERCE CENTER PD

(f.k.a. CAMELOT HOTEL PD)
CDR-22-11-333

ORANGE COUNTY, FL

DATE 5/16/2023

PARCEL ID: 34-24-28-0000-00-021

SHEET INDEX

SHEET NUMBER	
1	2
3	4
5	6

VICINITY MAP



PROJECT TEAM

DEVELOPER COMET GROUP 22811 WEN DR. SUITE 100 ORLANDO, FL 32835 32838 1800 CONTACT: MIKE LUCIANO, P.E.	OWNER ORBIT HOLDINGS I CORP PROPERTY, LLC 3801 WINDCHIMES DR ORLANDO, FL 32819
CIVIL ENGINEER/AGENT LANCROSS EN 100 SOUTH ORANGE AVE. SUITE 200 ORLANDO, FL 32801 407 270 1800 CONTACT: IRWAN WARREN, P.E.	SURVEYOR PFC SURVEYING AND MAPPING, LLC 2100 ALPINE TRAIL, SUITE 200 ORLANDO, FL 32805 407 940-8817 CONTACT: DAVID WHITE, PSM

REQUESTED WAIVERS

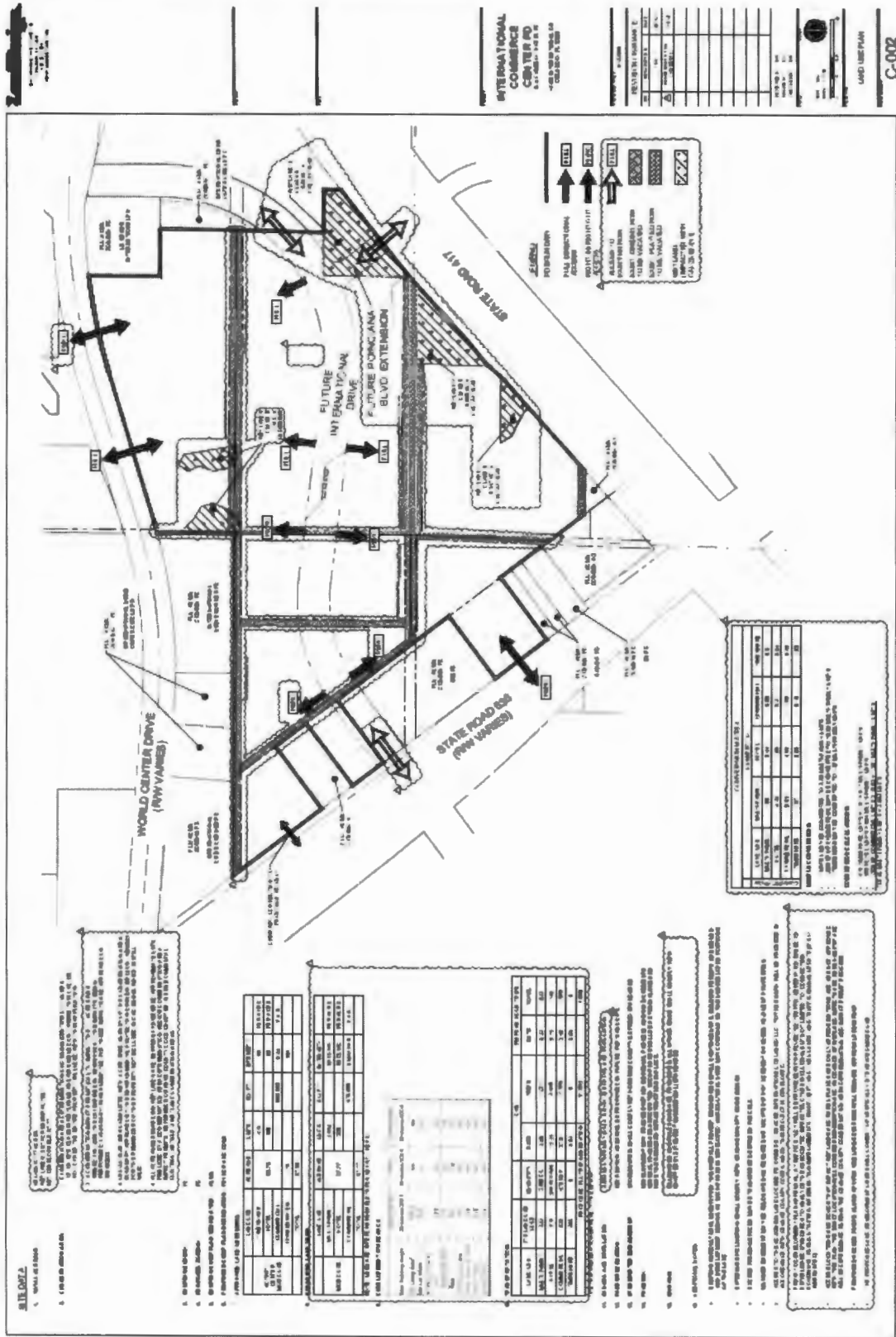
THE FOLLOWING WAIVER IS REQUESTED:

1. A WAIVER FROM ORANGE COUNTY CODE SEC. 90-1300 TO ALLOW A MAXIMUM BUILDING HEIGHT FOR MULTIFAMILY USE OF 300 FEET IN L&L OF 0.85 FSI.

THE WAIVER WOULD ALLOW THE PROPOSED DEVELOPMENT TO HAVE MIXED USE BUILDINGS WHICH WOULD ALLOW A BUILDING HEIGHT AS THIS PROPERTY IS BORDERED BY SR 417 INTERNATIONAL, ORVIS AND WORLD DRIVE. THE PROPOSED HEIGHTS WILL NOT HAVE ANY NEGATIVE IMPACTS ON ADJACENT DEVELOPMENT. ADDITIONALLY, THIS PROJECT IS NOT WITHIN 300 FEET OF A SINGLE-FAMILY RESIDENTIAL PROPERTY.



BCC Adoption Staff Report
Amendments 2023-1-A-1-3 and 2023-1-B-FLUE-7
CDR-22-11-333



ORDINANCE NO. 2023-_____

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

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

Section 1. Legislative Findings, Purpose, and Intent.

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

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

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

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

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

31 attached hereto and incorporated herein.

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

37 * * *

38 **[Amendment 2023-1-B-FLUE-7:]**

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

42

Amendment Number	Adopted FLUM Designation	Maximum Density/Intensity	Ordinance Number
* * *	* * *	* * *	* * *
<u>2023-1-A-1-3</u> <u>Gissy Mixed-Use</u> <u>(International</u> <u>Commerce</u> <u>Center)</u>	<u>Planned Development-</u> <u>Commercial/High Density</u> <u>Residential</u> <u>(PD-C/HDR)</u>	<u>Vertical Mixed Use of 200</u> <u>hotel rooms, 470,000 square</u> <u>feet of commercial retail, and</u> <u>2,882 multi-family units</u>	<u>2023-</u>

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

45 * * *

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

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

49 (b) In accordance with Section 163.3184(3)(c)4., Florida Statutes, no plan amendment
50 adopted under this ordinance becomes effective until 31 days after the DEO notifies the County
51 that the plan amendment package is complete. However, if an amendment is timely challenged,

52 the amendment shall not become effective until the DEO or the Administration Commission issues
53 a final order determining the challenged amendment to be in compliance.

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

56
57

58 ADOPTED THIS 20th DAY OF JUNE, 2023.

59

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

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By: _____
Jerry L. Demings
Orange County Mayor

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

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By: _____
Deputy Clerk

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83
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APPENDIX "A"
FUTURE LAND USE MAP AMENDMENT

<i>Appendix A*</i>		
<i>Privately-initiated Future Land Use Map Amendment</i>		
Amendment Number	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:
2023-1-A-1-3	Activity Center Mixed Use (ACMU)	Planned Development-Commercial/High Density Residential (PD-C/HDR)
*The Future Land Use Map (FLUM) shall not depict the above designation until such time as it becomes effective.		

85



Orange County Public Schools

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

FORMAL SCHOOL CAPACITY DETERMINATION CAPACITY LETTER

November 21, 2022

VIA E-MAIL: REBECCA.WILSON@LOWNDES-LAW.COM

Rebecca Wilson
Lowndes Law Firm
215 N. Eola Dr.
Orlando, FL 32801

Application OC-22-091 (Gissy Mixed-Use)

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

Type of Development Application	<input checked="" type="checkbox"/> FLUM
	<input type="checkbox"/> Rezoning
	<input type="checkbox"/> Amendment or Extension
Development Application #:	2023-1-A-1-3
Project Name:	Gissy Mixed-Use
OCPS Completed Application Date:	October 26 th , 2022
Parcel #(s):	34-24-28-0000-00-021
Requested New Units (#):	SF: MF: 2,888 TH:
Vested Unit(s):	SF: MF: TH:
Total Project Units:	2,888
School Board District:	# 4

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

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

	Sunshine ES	Freedom MS	Lake Buena Vista HS
Jurisdictional Analysis	N/A	N/A	N/A

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

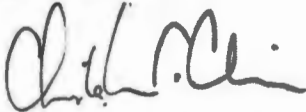
This determination expires on May 17th, 2023. OCPS is not required to extend the expiration date of this determination letter. In the event this project does not possess Development Application approval from Orange County by the expiration date, but still intends to move forward in the development process, the applicant must resubmit the application and application fee to be reevaluated by OCPS. In addition, should the scope of the project change (e.g., modification of unit count and/or unit type), a new determination will be required.

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

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

Please contact me at (407) 317-3700 ext. 2022391 or e-mail me at christopher.mills@ocps.net with any questions.

Sincerely,



Christopher Mills, AICP
Senior Administrator, Facilities Planning

SC/cm

Attachments – Attachment A: Detailed Capacity Analysis

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

Attachment A



School Capacity Determination

User ID CCM November 18, 2022 09:23:20

Project ID: CEA – OC – 22 – 091 Valid Until: May 17, 2023

Project Name		GISSY MIXED-USE	
Unvested Units	Single Family Units:	0	Vested Units
	Multi Family Units:	2888	
	Multi Family High Rise Units:	0	
	Town Homes Units:	0	
	Mobile Home Units:	0	
	Single Family Units:	0	
	Multi Family Units:	0	
	Multi Family High Rise Units:	0	
	Town Homes Units:	0	
	Mobile Home Units:	0	

School Level	Elementary	Middle	High
CSA:	OO		
School:	SUNSHINE ES	FREEDOM MS	LAKE BUENA VISTA HS
Analysis of Existing Conditions			
School Capacity (2021-2022)	837	1,157	2,756
Enrollment (2021-2022)	801	1,107	1,134
Utilization (2021-2022)	95.0%	96.0%	41.0%
LOS Standard	110.0%	100.0%	100.0%
Available Seats	120	50	1,622
Analysis of Reserved Capacity			
School Level	Elementary	Middle	
Encumbered Capacity	189	63	217
Reserved Capacity	0	25	0
Adjusted Utilization	118.3%	103.3%	49.0%
Adjusted Available Seats	0	0	1,405
Analysis of Proposed Development			
Students Generated	407.208	187.720	231.040
Adjusted Utilization	166.9%	119.5%	57.4%
AVAILABLE/NOT AVAILABLE	NOT AVAILABLE	NOT AVAILABLE	AVAILABLE
Number of Seats to Mitigate	407.208	187.720	0.000

SUNSHINE ES	
FREEDOM MS	
LAKE BUENA VISTA HS	



M. REBECCA WILSON

rebecca.wilson@lowndes-law.com
215 North Eola Drive, Orlando, Florida 32801-2028
T: 407-418-6250 | F: 407-843-4444
MAIN NUMBER: 407-843-4600



April 27, 2023

Mr. Christopher Mills, AICP
OCPS Planning and Real Estate
6501 Magic Way
Building 200
Orlando, FL 32809

Re: Extension of Capacity Determination Letter OC-22-091 (the "Determination")
Project: Gissy Mixed-Use

Dear Christopher:

Please accept this letter to request an extension of the capacity determination for the above referenced project. The Determination was issued on November 21, 2022. (Copy attached.) Governor DeSantis declared a State of Emergency on September 23, 2022, due to the threat posed by Hurricane Ian (the "Ian EO") under Executive Order Number 22-218/219. On November 7, 2022, Governor DeSantis also issued Executive Order No. 22-253, which declared a State of Emergency due to the threat posed by Subtropical Storm Nicole (the "Nicole EO"). On November 21, 2022 the Governor further extended Executive Order 22-218/219 through EO-22-268, adding sixty (60) days to the Ian EO State of Emergency, and on January 19, 2023 further Extended Executive Order 22-218/219 through EO-23-21, adding another additional sixty (60) days to the Ian EO.

And on January 5, 2023 the Governor further extended Executive Order 22-253 through EO-23-02, adding sixty (60) days to the Nicole EO State of Emergency. On March 3, 2023 the Governor further extended Executive Order 22-253 through EO-23-48, adding sixty (60) days to the Nicole EO State of Emergency. And on March 17, 2023 the Governor further extended Executive Order 22-218/219 through EO-23-60, adding sixty (60) days to the Ian EO State of Emergency.

Section 252.363(1)(a), Florida Statutes, provides that in the event the Governor declares a state of emergency, the declaration tolls the period remaining under a permit or development order for the



April 27, 2023

Page 2

duration of the declaration, and extends the permit or development order for an additional six-month period. Therefore, in accordance with Section 252.363(1)(a), the Developer, by and through its undersigned attorney, hereby gives notice of the extension of the above referenced Determination by a total of twelve (12) months and four hundred twenty days (300) days from May 17, 2023 to July 11, 2025. This extension is effective on the date of this letter.

Please place this letter in the project's file for the above-referenced Determination and provide written confirmation of receipt of same to the address provided above. Thank you for your assistance.

Sincerely,

Rebecca Wilson

M. Rebecca Wilson

MRW/lak
attachment



Orange County Public Schools

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

FORMAL SCHOOL CAPACITY DETERMINATION CAPACITY LETTER

November 21, 2022

VIA E-MAIL: REBECCA.WILSON@LOWNDES-LAW.COM

Rebecca Wilson
Lowndes Law Firm
215 N. Eola Dr.
Orlando, FL 32801

Application OC-22-091 (Gissy Mixed-Use)

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

Type of Development Application	<input checked="" type="checkbox"/> FLUM		
	<input type="checkbox"/> Rezoning		
	<input type="checkbox"/> Amendment or Extension		
Development Application #:	2023-1-A-1-3		
Project Name:	Gissy Mixed-Use		
OCPS Completed Application Date:	October 26 th , 2022		
Parcel #(s):	34-24-28-0000-00-021		
Requested New Units (#):	SF:	MF: 2,888	TH:
Vested Unit(s):	SF:	MF:	TH:
Total Project Units:	2,888		
School Board District:	# 4		

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

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

	Sunshine ES	Freedom MS	Lake Buena Vista HS
Jurisdictional Analysis	N/A	N/A	N/A

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

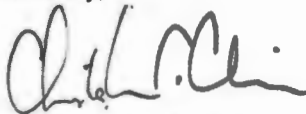
This determination expires on May 17th, 2023. OCPS is not required to extend the expiration date of this determination letter. In the event this project does not possess Development Application approval from Orange County by the expiration date, but still intends to move forward in the development process, the applicant must resubmit the application and application fee to be reevaluated by OCPS. In addition, should the scope of the project change (e.g., modification of unit count and/or unit type), a new determination will be required.

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

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

Please contact me at (407) 317-3700 ext. 2022391 or e-mail me at christopher.mills@ocps.net with any questions.

Sincerely,



Christopher Mills, AICP
Senior Administrator, Facilities Planning

SC/cm

Attachments – Attachment A: Detailed Capacity Analysis

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

Attachment A



School Capacity Determination

User ID CCM November 18, 2022 09:23:20

Project ID:

CEA – OC – 22 – 091

Valid Until: May 17, 2023

Project Name		GISSY MIXED-USE	
Unvested Units	Single Family Units:	0	Vested Units
	Multi Family Units:	2888	
	Multi Family High Rise Units:	0	
	Town Homes Units:	0	
	Mobile Home Units:	0	
	Single Family Units:	0	
	Multi Family Units:	0	
	Multi Family High Rise Units:	0	
	Town Homes Units:	0	
	Mobile Home Units:	0	

Capacity Enhancement	School Level	Elementary	Middle	High
	CSA:	OO		
	School:	SUNSHINE ES	FREEDOM MS	LAKE BUENA VISTA HS
	Analysis of Existing Conditions			
	School Capacity (2021-2022)	837	1,157	2,756
	Enrollment (2021-2022)	801	1,107	1,134
	Utilization (2021-2022)	95.0%	96.0%	41.0%
	LOS Standard	110.0%	100.0%	100.0%
	Available Seats	120	50	1,622
	Analysis of Reserved Capacity			
School Level	Elementary	Middle		
Encumbered Capacity	189	63	217	
Reserved Capacity	0	25	0	
Adjusted Utilization	118.3%	103.3%	49.0%	
Adjusted Available Seats	0	0	1,405	
Analysis of Proposed Development				
Students Generated	407.208	187.720	231.040	
Adjusted Utilization	166.9%	119.5%	57.4%	
AVAILABLE/NOT AVAILABLE	NOT AVAILABLE	NOT AVAILABLE	AVAILABLE	
Number of Seats to Mitigate	407.208	187.720	0.000	

SUNSHINE ES	
FREEDOM MS	
LAKE BUENA VISTA HS	

AMENDMENT 2023-1-A-1-3 (Gissy Multi-Family)

PROJECT SPECIFICS

Parcel ID: 34-24-28-0000-00-021
Location: 14185 International Drive
Acreage: ~57.8
Request FLUM: From: Activity Center Mixed-Use (ACMU)
To: Planned Development – Commercial/High Density Residential (PD-C/HDR)
Request Zoning: From: Planned Development (PD)
To: Planned Development (PD)
Existing Development: Undeveloped Land
Development Permitted Under Current FLUM: 500 hotel rooms, 415 timeshare units, and 600,000 SF of commercial
Proposed Density/Intensity: 200 hotel rooms, 2,882 multi-family units, and 470,000 SF of commercial

Trip Generation (ITE 11th Edition)

Land Use Scenario	PM Pk. Hr. Trips	% New Trips	New PM Pk. Hr. Trips
Existing Use: 500 hotel rooms	365	100%	365
415 timeshare units	261	100%	261
600,000 SF of commercial	2,040	100%	2,040
Proposed Use: 200 hotel rooms	146	100%	146
2,882 multi-family units	922	100%	922
470,000 SF of commercial	1,598	100%	1,598
Totals:	2,666		0

Net New Trips (Proposed Development less Allowable Development): 0

Road Agreements: International Drive Extension: The Road Network Agreement for International Commerce Center International Drive Extension was approved at the BCC on 4/18/2006 and recorded at OR Book/Page 8605/4396. This agreement provides for the dedication of Right-of-Way, design, and construction for the six-lane International Drive Extension from World Center Drive to S.R. 535. The Developer shall receive vested rights upon conveyance of Right-of-Way in the amount of 1,039 PM Peak Hour Directional Trips for the International Drive Extension including the intersections from SR 535 to World Center Drive. The Developer shall receive 62.8% of the design costs and construction costs in the form of Road Impact Fee Credits for creating excess capacity.

Planned and Programmed Roadway Improvements: S.R. 535 from Vineland Avenue to S.R. 536 - The purpose of this study is to analyze the corridor within the project limits for potential multimodal improvements.

This study is the result of a S.R. 535 Corridor Planning Study completed in 2017 with limits from U.S. 192 to Interstate 4 (I-4) in Orange and Osceola counties. It recommended further analysis to provide for bicycle, pedestrian, and operational improvements between World Center Drive (S.R. 536) and I-4 along the S.R. 535 corridor.

S.R. 535 from S.R. 536 to U.S. 192 - The purpose of this study is to develop and evaluate improvements to S.R. 535 to accommodate future projected traffic demand and improve safety. Several potential highway and intersection improvements will be evaluated. The no-build alternative will also be evaluated. The PD&E Study is being conducted to determine the location and conceptual design of the preferred roadway improvements and the associated social, economic, and environmental effects of the improvements.

International Drive Extension – Road extension from S.R. 536 to S.R. 535.

Poinciana Blvd. Extension – Road extension from International Drive South to the Osceola County Line.

Right of Way Requirements: The International Drive Extension agreement provides for the dedication of Right-of-Way, design, and construction for the six-lane International Drive Extension from World Center Drive to S.R. 535. The Developer shall receive vested rights upon conveyance of Right-of-Way in the amount of 1,039 PM Peak Hour Directional Trips for the International Drive Extension including the intersections from SR 535 to World Center Drive. The Developer shall receive 62.8% of the design costs and construction costs in the form of Road Impact Fee Credits for creating excess capacity.

Summary

The applicant is requesting to change ~57.8 acres from ACMU to PD-C/HDR and rezone from PD to PD, to allow for the construction of hotel, multi-family, and commercial.

Analysis of the project trips from the currently approved under future land use versus the proposed use indicates that the proposed hotel, multi-family, and commercial uses will result in an equal number of pm peak hour trips and therefore will not impact the area roadways. The development will undergo further evaluation and will be required to mitigate capacity deficiencies on the transportation network in accordance with the requirements of the Orange County Concurrency Management System.

Roadway Capacity Analysis

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

Based on existing conditions, there is currently one (1) deficient roadway segment within the project's impact area. This information is dated and subject to change. The following roadway segment is operating at Level of Service "F":

- Kissimmee Vineland Road from the Osceola County Line to S.R. 536

The segments in the short-term year (2025) that are projected to operate at Level of Service "F" as a result of the background traffic and committed trips are:

- Kissimmee Vineland Road from the Osceola County Line to S.R. 536

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

- Kissimmee Vineland Road from the Osceola County Line to S.R. 536
- Kissimmee Vineland Road from S.R. 536 to Interstate 4.

Final permitting of any development on this site will be subject to review and approval under capacity constraints of the County's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment in order to mitigate any transportation deficiencies. Finally, to ensure that there are no revisions to the proposed development beyond the analyzed use, the land use will be noted on the County's Future Land Use Map or as a text amendment to the Comprehensive Policy Plan.



2324 LEU ROAD
ORLANDO, FLORIDA 32803
407.374.3681 – tel
407.405.8725 – cell

August 29, 2022

Mike Liggins
Comterra Acquisitions, LLC
23190 Fashion Drive, Suite 202
Estero, Florida 33928

RE: Wetland and Habitat Assessment
International Commerce Center Property
Orange County, Florida
Thomson Project No. 22-1227

Thomson Environmental Consulting, LLC (Thomson) completed a Wetland and Habitat assessment, including a Protected Protected Wildlife Species Survey, of the property identified as International Commerce Center (“the property”) in Orange County, Florida. The field portion of the survey was conducted on August 10, 2022. The purpose of the field visit was to evaluate the subject property for the presence of jurisdictional wetlands and/or surface waters (i.e., conservation areas) and protected wildlife species and/or their habitat. The following report (and referenced exhibits) describes relevant ecological conditions observed on the site during the field investigation and the results of documented literature resources.

SITE DESCRIPTION AND LOCATION

The property is located in un-incorporated Orange County, Florida. The property is situated in a roughly triangular portion of land generally bounded on all sides by roadways, including World Center Drive to the north, State Road 535 to the west, and State Road 417 to the east. The property is addressed at 14185 International Drive and is one legal parcel identified by the Orange County Property Appraiser as Parcel ID 34-24-28-0000-00-021, measuring ±57.84 acres.

Figure 1 is a location map showing the property and surrounding infrastructure.

Figure 2 is a true-color rectified aerial of the property and its immediate surroundings.

Figure 3 is a topographic quadrangle map showing the topographic relief on the property and in the



2324 LEU ROAD
ORLANDO, FLORIDA 32803
407.374.3681 – tel
407.405.8725 – cell

local region surrounding the site.

SOILS

Soils were identified using the Natural Resource Conservation Service's *Soil Survey of Orange County, Florida*. The following soil units and descriptions were mapped by the soil survey on the property:

Basinger Fine Sand, Frequently Ponded, 0 to 1% Slopes (Map Unit 3) – This soil is nearly level and very poorly drained. Under natural conditions, the water table is above the surface for six to nine months or more each year and is within 12 inches of the surface for the rest of the year. The permeability is rapid throughout.

Pomello Fine Sand, 0 to 5% Slopes (Map Unit 34) – This soil is nearly level to gently sloping and moderately well drained. In most years, a seasonal high water table is at a depth of 24 to 40 inches for one month to four months and recedes to a depth of 40 to 60 inches during dry periods. The permeability is very rapid in the surface and subsurface layers, moderately rapid in the subsoil, and rapid in the substratum.

Sanibel Muck (Map Unit 42) – Sanibel muck is nearly level and very poorly drained. It is in depressions, freshwater swamps and marshes, and in poorly defined drainageways. In most years, undrained areas of this soil are ponded for six to nine months or more during extended dry periods. The water table fluctuates between depths of about ten inches and the surface for two to six months. If drained, the organic material, when dry, subsides to about half the original thickness. It subsides further as a result of compaction and oxidation. The loss of the organic material is more rapid during the first two years after the soil has been artificially drained. If the soil is intensively cultivated, the organic material continues to subside at the rate of about one inch per year. The lower the water table, the more rapid the loss of organic material. The permeability is rapid throughout. Internal drainage is low and is inhibited by the shallow water table. The available water capacity is very high in the organic material and is medium to low in the underlying sandy material.

Smyrna-Smyrna Wet Fine Sand, 0 to 2% Slopes (Map Unit 44) – This soil is nearly level and poorly drained. In most years, a seasonal high water table is within 10 inches of the surface for one month to four months. It recedes to a depth of 10 to 40 inches for more than six months. The permeability is rapid in the surface and subsurface layers and in the substratum, and it is moderate to moderately rapid in the subsoil.

Figure 4 shows the property and soils as mapped by the soil survey.



2324 LEU ROAD
ORLANDO, FLORIDA 32803
407.374.3681 – tel
407.405.8725 – cell

JURISDICTIONAL WETLAND AND SURFACE WATER EVALUATION

Jurisdictional wetlands on the property have been identified under CAD 90-049, issued in on November 30, 1990, and having no expiration date. The two isolated, Class III conservation areas identified totaled 1.1 acres onsite.

A Conservation Area Impact (CAI) permit was obtained in December 2005 that impacted all 1.1 acres of onsite wetlands. The CAI expired in December 2010 and the permitted impacts to the wetlands was never performed pursuant to the permit.

PROTECTED WILDLIFE SPECIES SURVEY

Protected wildlife species are defined as those listed as Threatened, Endangered, or Species of Special Concern by the (USFWS) and/or the Florida Fish and Wildlife Conservation Commission (FWC). The survey consisted of both a search of documented literature and a field reconnaissance.

Documented Literature Search

Prior to the field investigation, documented literature resources were consulted regarding known occurrences of protected wildlife species on or in the vicinity of the project site. These included the FWC's Bald Eagle (*Haliaeetus leucocephalus*) Nest Locator (<https://public.myfwc.com/FWRI/EagleNests/nestlocator.aspx>) and Waterbird Colony Locator (<http://atoll.floridamarine.org/waterBirds/>) online locator sites.

The closest documented eagle's nest (Nest ID OR014) is located over 1.8 miles north-northeast of the property. The closest documented waterbird colony (Atlas No. 612132) is located over 3.6 miles southwest of the property. All documented nests or colonies are located outside of any applicable buffer protection zones.

The USFWS Information for Planning and Consultation (IPaC) website was utilized, along with the property boundary, to determine potential protected wildlife species that could utilize the property.

The property was identified within the USFWS Consultation Area and/or has potential onsite habitat for the following federally-listed wildlife species:



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ORLANDO, FLORIDA 32803
407.374.3681 – tel
407.405.8725 – cell

AUDUBON'S CRESTED CARACARA
Polyborus plancus audubonii
Threatened

Audubon's crested caracara is a large raptor with a crest, naked face, heavy bill, elongate neck, and unusually long legs. It is about 50 to 64 cm long and has a wingspan of 120 cm. The adult is dark brownish black on the crown, wings, back, and lower abdomen. The lower part of the head, throat, upper abdomen, and under tail coverts are white, sometimes tinged with yellow; the breast and upper back are whitish, heavily barred with black. The tail is white with narrow, dark crossbars and a broad, dark terminal band. Prominent white patches are visible near the tips of the wings in flight. The large, white patches in the primaries and the white tail, broadly tipped with black, are both very conspicuous in flight and can be recognized at a long distance. Juveniles have a similar color pattern but are brownish and buffy with the breast and upper back streaked instead of barred. Subadults resemble adults but are more brownish in color. Adults have yellow- orange facial skin and yellow legs. Facial skin of juveniles is pinkish in color, and the legs are gray. Full adult plumage is obtained sometime after 2 years of age. The bare skin on the face of this bird is an interesting and distinctive feature. When the bird is at rest, preening or being preened, or engaged in other non-aggressive behaviors, the facial skin is bright orange-red. When threatened, the color of the facial skin changes to a pumpkin color and finally to pale yellow. Apparently, threat or fear causes blood to bypass the subepidermal blood vessels, resulting in a change in facial skin color. The caracaras crest provides another method for communication. When a caracara is comfortable and not threatened, the crest lies flat. The crest is raised when they feel threatened, frightened, or are on alert. A caracaras feet and flight behavior are also notable. Their feet are clearly those of a raptor; however, their talons are flatter, enabling caracaras to run and walk more easily than other raptors. Caracaras are strong fliers and may reach speeds of 40 mph. They have also been observed soaring in large circles at great heights.

The region of greatest abundance for this subspecies is a five-county area north and west of Lake Okeechobee, including Glades, Desoto, Highlands, Okeechobee, and Osceola counties. The Florida population commonly occurs in dry or wet prairie areas with scattered cabbage palms. It may also be found in lightly wooded areas. Scattered saw palmetto, scrub oaks, and cypress may also be present. Widespread changes in land use may have forced a change in the type of habitat this subspecies will use. The caracara now uses improved or semi-improved pasture. The presence of seasonal wetlands may be an important factor in the attractiveness of these pastures to caracaras. (Reference: USFWS Audubon's Crested Caracara Profile <https://www.fws.gov/verobeach/MSRPPDFs/AudubonsCrestedCaracara.pdf>, refer to original for embedded citations)



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ORLANDO, FLORIDA 32803
407.374.3681 – tel
407.405.8725 – cell

EASTERN BLACK RAIL

Laterallus jamaicensis jamaicensis

Threatened

The black rail is the smallest rail in North America. Adults range from 10-15 centimeters in total length and have a wingspan of 22-28 cm. Eastern black rails weigh 35 grams on average and are larger but have less brightly colored plumage than California black rails. Males and females are similar in size, and adults are generally pale to blackish gray, with a small blackish bill and bright red eyes. The underparts from chin to abdomen are uniformly colored but are lighter on the chin and throat. The nape and upper back are chestnut and the remaining back, uppertail feathers, and remiges (wing flight feathers) are dark gray to blackish with small white spots and sometimes washed with chestnut-brown. The lower abdomen, undertail feathers and flanks are blackish streaked with narrow white and dark gray barring, washed with chestnut. Overall, males are darker and have pale to medium gray throats, while females are lighter and have pale gray to white throats. The tarsi (lower legs) and toes are a brownish gray or gray to blackish-brown.

The eastern black rail is a wetland dependent bird primarily associated with herbaceous, persistent, emergent wetland plant cover. The subspecies requires dense overhead cover and soils that are moist to saturated (occasionally dry) and interspersed with or adjacent to very shallow water. The substrate of ideal habitat is generally considered to be moist soil with scattered small pools. Eastern black rails occur across an elevation gradient that lies between the lower and wetter portions of estuarine and palustrine marshes and the higher and drier adjacent uplands. Location of individuals across this gradient varies depending on hydrologic conditions. These habitat gradients have gentle slopes such that wetlands are capable of having large areas of shallow inundation (sheet water). These wetlands are able to shrink and expand based on hydrologic conditions and thus provide dependable foraging habitat across the wetted areas and wetland-upland transition zone for the subspecies. The wetland-upland transition zone is a narrow band of habitat where wetlands and uplands intersect and contains vegetation types from both habitats. These transition areas also provide important refugia during flooding events and minimize the risk of predation to black rails when well vegetated. (Reference: USFWS Species Status Assessment Report for the Eastern Black Rail, August 2019, <https://ecos.fws.gov/servcat/downloadfile/186791>, refer to original for embedded citations)

EVERGLADE SNAIL KITE

Rostrhamus sociabilis plumbeus

Endangered

The snail kite is a medium-sized raptor, with a total body length for adult birds of 36 to 39.5 cm and a wingspan of 109 to 116 cm. In both sexes, the tail is square-tipped with a distinctive white base, and



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407.374.3681 – tel
407.405.8725 – cell

the wings are broad, and paddle-shaped. Adults of both sexes have red eyes, while juveniles have brown eyes. The slender, decurved bill is an adaptation for extracting the kite's primary prey, the apple snail.

Snail kite habitat consists of freshwater marshes and the shallow vegetated edges of lakes (natural and man-made) where apple snails can be found. These habitats occur in humid, tropical ecoregions of peninsular Florida and are characterized as palustrine-emergent, long-hydroperiod wetlands often on an organic peat substrate overlying oolitic limestone or sand or directly on limestone or marl.

Snail kites require foraging areas that are relatively clear and open in order to visually search for apple snails. Therefore, dense growth of herbaceous or woody vegetation is not conducive to efficient foraging. The interspersed emergent vegetation enables apple snails to climb near the surface to feed, breathe, and lay eggs. Nearly continuous flooding of wetlands for > 1 year is needed to support apple snail populations that in turn sustain foraging by the snail kite. (Reference: USFWS Everglade Snail Kite Multi-Species Recovery Plan for South Florida, <https://www.fws.gov/verobeach/MSRPPDFs/EvergladeSnailKite.pdf>, refer to original for embedded citations)

FLORIDA SCRUB-JAY

Aphelocoma coerulescens

Threatened

The Florida scrub-jay is a blue and gray bird about the size of a blue jay. Scrub-jays have blue wings, head, and tail, and gray back and underparts, and a whitish forehead and neck. Unlike blue jays, this species does not have black markings or a crest.

The Florida scrub-jay is the only species of bird that is endemic to Florida. Scrub-jays inhabit sand pine and xeric oak scrub, and scrubby flatwoods, which occur in some of the highest and driest areas of Florida – ancient sandy ridges that run down the middle of the state, old sand dunes along the coasts, and sandy deposits along rivers in the interior of the state. Scrub-jays do best in areas that contain large quantities of oak shrubs that average 3.28-6.56 feet (1-2 meters). (Reference: FWC Florida Scrub-Jay Species Page, <https://myfwc.com/wildlifehabitats/profiles/birds/songbirds/florida-scrub-jay/>, refer to original for embedded citations)

RED-COCKADED WOODPECKER

Picoides borealis

Endangered



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ORLANDO, FLORIDA 32803
407.374.3681 – tel
407.405.8725 – cell

About the size of the common cardinal, the red-cockaded woodpecker is approximately 7 inches long (18 to 20 centimeters), with a wingspan of about 15 inches (35 to 38 centimeters). Its back is barred with black and white horizontal stripes. The red-cockaded woodpecker's most distinguishing feature is a black cap and nape that encircle large white cheek patches.

The red-cockaded woodpecker makes its home in mature pine forests. Longleaf pines (*Pinus palustris*) are most commonly preferred, but other species of southern pine are also acceptable. While other woodpeckers bore out cavities in dead trees where the wood is rotten and soft, the red-cockaded woodpecker is the only one which excavates cavities exclusively in living pine trees. Cavities are excavated in mature pines, generally over 80 years old. The older pines favored by the red-cockaded woodpecker often suffer from a fungus called red heart disease which attacks the center of the trunk, causing the inner wood, the heartwood, to become soft. Cavity excavation takes one to six years.

The aggregate of cavity trees is called a cluster and may include 1 to 20 or more cavity trees on 3 to 60 acres. The average cluster is about 10 acres. Cavity trees that are being actively used have numerous, small resin wells which exude sap. The birds keep the sap flowing apparently as a cavity defense mechanism against rat snakes and possibly other predators. The typical territory for a group ranges from about 125 to 200 acres, but observers have reported territories running from a low of around 60 acres, to an upper extreme of more than 600 acres. The size of a particular territory is related to both habitat suitability and population density. (Reference: USFWS Red-Cockaded Woodpecker Recovery, <https://www.fws.gov/rcwrecovery/rcw.html>, refer to original for embedded citations)

WOOD STORK

Mycteria americana

Threatened

Wood storks are large, long-legged wading birds, about 50 inches tall, with a wingspan of 60 to 65 inches. The plumage is white except for black primaries and secondaries and a short black tail. The head and neck are largely unfeathered and dark gray in color. The bill is black, thick at the base, and slightly decurved. Immature birds are dingy gray and have a yellowish bill.

Nesting primarily occurred in the Everglades. The generally accepted explanation for the decline of the wood stork is the reduction in food base (primarily small fish) necessary to support breeding colonies. This reduction is attributed to loss of wetland habitat as well as to changes in water hydroperiods from draining wetlands and changing water regimes by constructing levees, canals, and floodgates to alter water flow in south Florida. Wood storks have a unique feeding technique and require higher prey concentrations than other wading birds. Optimal water regimes for the wood stork involve periods of flooding, during which prey (fish) populations increase, alternating with dryer periods, during which



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ORLANDO, FLORIDA 32803
407.374.3681 – tel
407.405.8725 – cell

receding water levels concentrate fish at higher densities coinciding with the stork's nesting season. Wood storks capture their prey by a specialized technique known as grope-feeding or tacto-location. Feeding often occurs in water 6 to 10 inches deep, where a stork probes with the bill partly open. (Reference: USFWS Arthur R. Marshall Loxahatchee Wood Stork fact page, https://www.fws.gov/refuge/ARM_Loxahatchee/wah/wood_stork.html, refer to original for embedded citations)

The Florida Wood Stork (*Mycteria americana*, Endangered) Nesting Colony and Foraging Habitat locator (<https://www.fws.gov/northflorida/WoodStorks/wood-storks.htm>) was used to identify potential woods stork colony locations. No nesting colonies were mapped within five miles of the property, but the property was mapped within the foraging area of [at a minimum] the Gatorland nesting colony.

EASTERN INDIGO SNAKE

Drymarchon corais couperi

Threatened

The eastern indigo snake is a large, non-venomous snake with populations occurring in portions of Florida and southeastern Georgia. Historically, the eastern indigo snake occurred throughout Florida and in the coastal plain of Georgia, Alabama and Mississippi. Although the eastern indigo snake is difficult to consistently locate in the field, important life history characteristics and species needs have been learned from numerous studies. The eastern indigo snake is a diurnal species. The species prefers upland habitat types (e.g. longleaf pine sandhills, scrub, pine flatwoods, tropical hardwood hammocks, and coastal dunes), but also uses a variety of lowland and human-altered habitats. They may move seasonally between upland and lowland habitats, especially in northern portions of their range. Throughout their range, eastern indigo snakes use below-ground shelter sites for refuge, breeding, feeding and nesting.

Visual encounter surveys are intended to locate eastern indigo snakes above ground and to identify refugia for subsequent inspection of the impact area. The impact area is defined as the project footprint or that part of the parcel to be built out that will no longer constitute eastern indigo snake habitat after the construction of the project. Underground refugia commonly used by this species include active or inactive burrows excavated by gopher tortoises or other species, ground holes, hollows at the base of trees and other similar formations. Above ground refugia includes thick shrub formations, stumps, the base of thick palmetto, ground litter, brush piles, trash piles, and abandoned structures, and crevices of rock-lined ditch walls and other similar refugia. (Reference: USFWS Eastern Indigo Snake Profile, <https://www.fws.gov/verobeach/MSRPPDFs/EasternIndigoSnake.pdf>, refer to original for embedded citations)



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ORLANDO, FLORIDA 32803
407.374.3681 – tel
407.405.8725 – cell

GOPHER TORTOISE

Gopherus polyphemus

Candidate (State-Threatened)

The gopher tortoise is a moderate-sized, terrestrial turtle, averaging 9–11 inches in length when fully grown, though it can reach lengths of up to 15 inches (Ernst et al. 1994). The species is identifiable by its stumpy, elephantine hind feet and flattened, shovel-like forelimbs covered in thick scales. Hatchling (<1-year-old) and juvenile tortoises tend to be yellow-orange and brown in color (see hatchling photo, right), but the bright coloration fades with age. The shell of an adult gopher tortoise is generally tan, brown, or gray in coloration. Adult male and female tortoises can be differentiated by the presence or absence of a concavity on their lower shell (plastron); mature males will exhibit this concavity, whereas females will have a flat lower shell.

Gopher tortoises prefer well-drained, sandy soils found in habitats such as longleaf pine sandhills, xeric oak hammocks, scrub, pine flatwoods, dry prairies, and coastal dunes. They are also found in a variety of disturbed habitats including pastures and urban areas. Suitable gopher tortoise habitat contains well-drained sandy soils for digging burrows and nesting, abundant herbaceous plants for forage, and open, sunny areas with sparse canopy for nesting and basking. Periodic natural fires historically played an important role in many of the habitats where tortoises are found, as fire reduces canopy cover and promotes growth of herbaceous forage plants. When fire is suppressed from these environments, the habitat may become unsuitable for gopher tortoises.

The NRCS Web Soil Survey (<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>) was used to identify soils suitable for the burrowing needs of gopher tortoises. The soil criteria that are taken into account in this soil interpretation are those that have been determined to have the most effect on burrow excavation, maintenance, and preservation. These include the soil texture, percent coarse fragments, depth to a restrictive layer or layer with greater than or equal to 35% clay, ponding or flooding frequency, slope, and depth to seasonal high water table. The small areas on the periphery of the property mapped as Pomello Fine Sand were rated "Highly Suited". All other soil types were rated "Less Suited" or "Unsuitable".

SAND SKINK

Neoseps reynoldsi

Threatened

Sand skinks are endemic to, which means they occur only on, the sandy ridges of central Florida. Skink distribution is defined by three factors: county, elevation, and soil types. Primary populations of sand skinks occur on the Lake Wales, Winter Haven, and Mt. Dora Ridges in Highlands, Lake, Marion, Orange,



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ORLANDO, FLORIDA 32803
407.374.3681 – tel
407.405.8725 – cell

Osceola, Polk, and Putnam Counties. Skinks are generally found at elevations 82 ft above sea level and higher. Skinks occur in excessively drained, well-drained, and moderately well-drained sandy soils.

Skink soils typically support scrub, sandhill, or xeric hammock natural ecological communities, such as oak-dominated scrub, turkey oak barrens, high pine, and xeric hammocks. Typical upland habitat for sand skinks consists of sand pine-rosemary scrub or longleaf pine-turkey oak association. Sand skinks have also been documented in skink soils where natural vegetative cover has been altered for human uses such as pine plantations, active or inactive citrus groves, pastures, and residential developments, as well as neglected vegetative cover like old fields and overgrown scrub. Habitat condition or vegetative cover alone cannot be used to exclude areas that might be used by sand skinks.

Sand skinks typically occur in areas that contain a mosaic of open sandy patches interspersed with forbs, shrubs, and trees. Sand skink tracks are usually observed in open sandy areas. Sand skink tracks appear most abundant in the ecotone, or edges, between areas with abundant leaf litter and vegetative cover and adjacent open sands. Specific physical structures of habitat that sustain sand skink populations include a well-defined leaf litter layer on the ground surface and shade from either a tree canopy or a shrub layer, but not both. Leaf litter likely provides important skink foraging opportunities. Shade provided by a tree canopy or a shrub layer likely helps skinks regulate body temperature to prevent overheating. However, having both a tree canopy and a shrub layer appears to be detrimental to skinks. (Reference: *USFWS Peninsular Florida Species Conservation and Consultation Guide: Sand Skink and Blue-Tailed (Bluetail) Mole Skink*, refer to original for embedded citations)

No USFWS-identified Critical Wildlife Habitat was mapped on (or in a relevant proximity) to the property.

Field Reconnaissance and Observations

A protected wildlife species survey and habitat assessment was conducted on the property on August 10, 2022.

No bald eagles or protected wading birds were observed during the field visit. No nests or juveniles were observed on the property.

Potential ephemeral or marsh systems preferred by the wood stork or Eastern black rail were observed on the property, but no observations of either species was documented or anticipated.

No cavity trees were observed on the property for the red-cockaded woodpecker. No scrub habitat was documented on the property.



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Portions of the property mapped as Pomello fine sand meet the USFWS criteria for sand skink habitat based on well-drained soils, elevation greater than 82' above MSL, and location (Orange County). No tracks or individuals were observed during the survey, and it was noted that there are no bare patches of sand, the property has a history of soil manipulation for improved pasture, and there was a thick layer of herbaceous and shrubby vegetation on the substrate preventing skink movement. According to USFWS protocol, a Formal coverboard skink survey performed between March 1st and May 15th is the only way to prove the absence of the skink species from the property. Coordination through email with the USFWS is recommended to determine the need for a Formal coverboard skink survey, as in many cases the informal survey results described above (in conjunction with the lack of optimal habitat) can eliminate the need for a Formal survey.

A 100% survey of the uplands on the property was performed for the occurrence of gopher tortoise burrows by an FWC Authorized Agent. No gopher tortoise burrows were observed.

No other protected wildlife species issues were observed or indicated on the property during the literature search and field reconnaissance. It is the opinion of Thomson that protected wildlife species do not utilize the property for nesting or foraging due to the habitat degradation caused by surrounding development and roadway corridors adjoining the property on all sides.

LIMITATIONS OF THIS REPORT

It is important to note that the conclusions of this report are necessarily based on the conditions observed on the day of the field reconnaissance. Due to this "snapshot" view of the site, the results presented in this report may not accurately reflect changing site conditions and/or wildlife species' temporal and spatial movements.

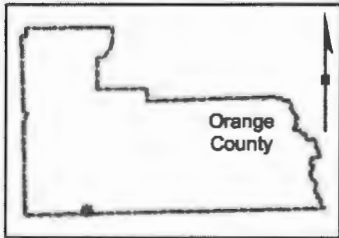
Thomson appreciates the opportunity to provide these services to you. If there are questions regarding this report, or a need for further information, please contact the undersigned at your convenience.

Respectfully,
Thomson Environmental Consulting, LLC

A handwritten signature in black ink, appearing to read "Joel Thomson".

Joel A. Thomson
President

Figures 1 - 5

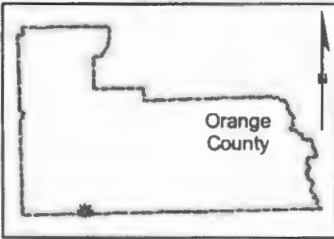


General Location

thomson
 ENVIRONMENTAL CONSULTING
 2324 LEU ROAD ORLANDO, FLORIDA 32803
 TEL 407.374.3681 CELL 407.405.8726
 WWW.THOMSONENV.COM

Figure 1
Location Map
 International Commerce Center Property
 Orange County, Florida
 Sections 2 and 3, Township 25 S, Range 28 E

Thomson Project No. 22-1227
 August 2022

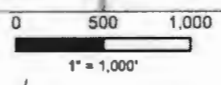
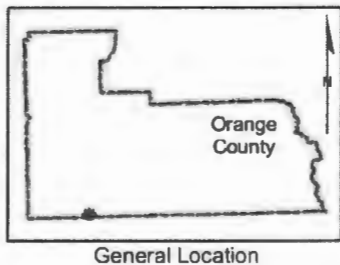
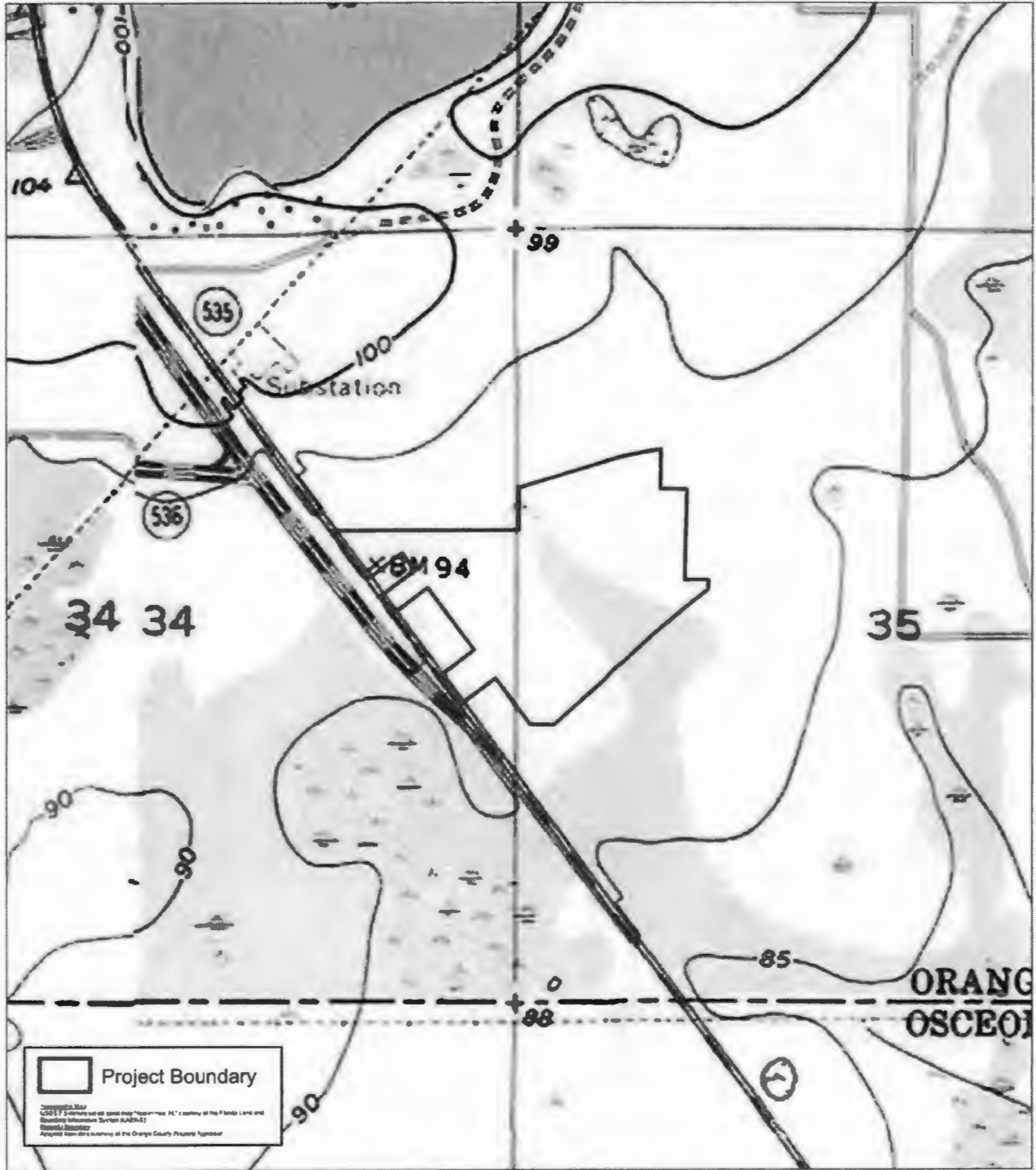


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Figure 2
Aerial Photograph
 International Commerce Center Property
 Orange County, Florida
 Sections 2 and 3, Township 25 S, Range 28 E

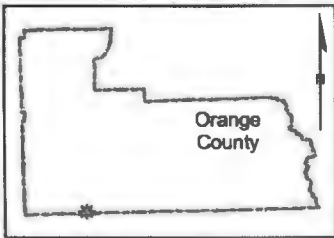
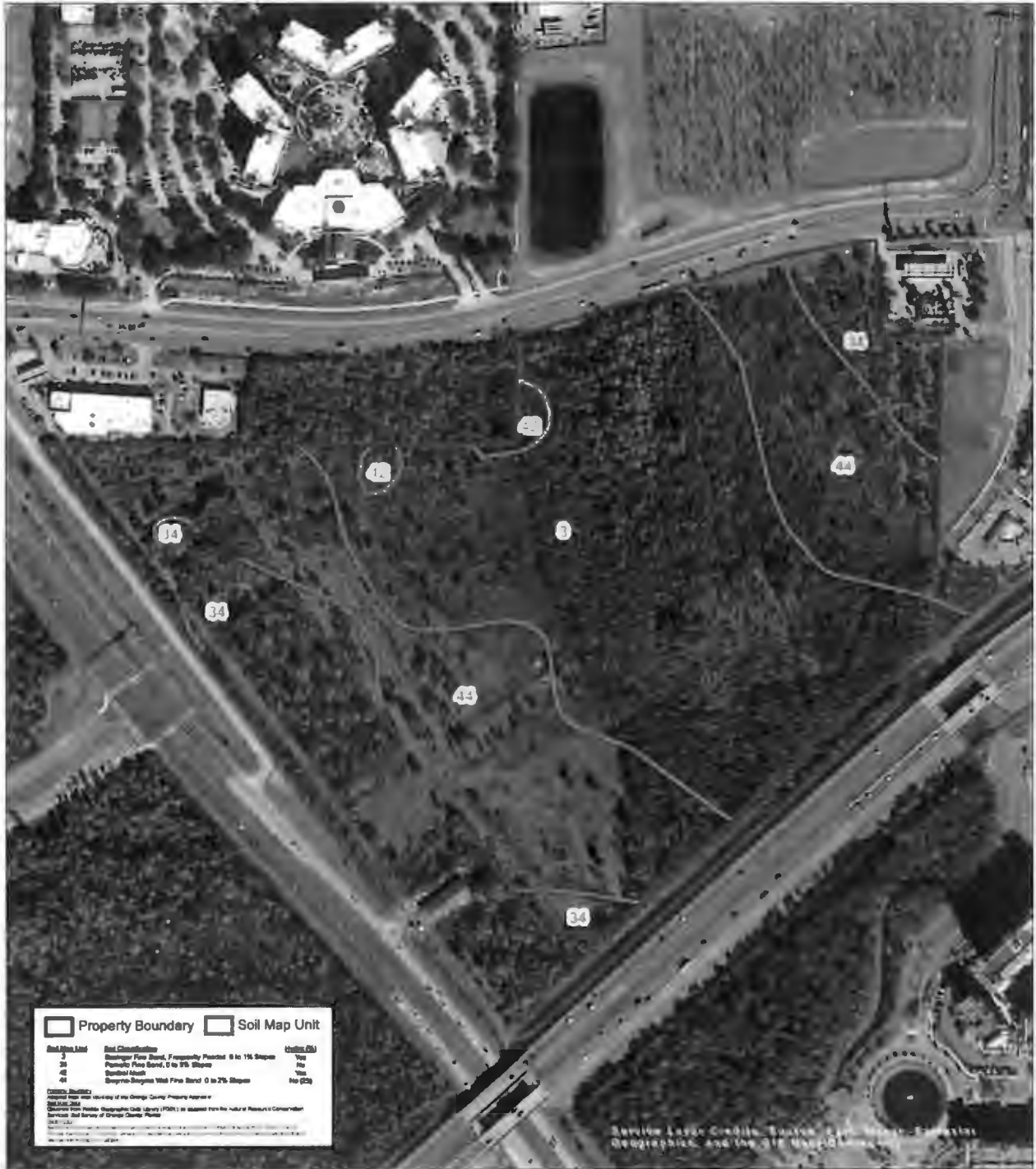
Thomson Project No. 22-1227
 August 2022



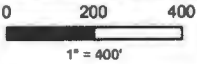
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 2324 LEU ROAD ORLANDO, FLORIDA 32803
 TEL 407.374.3681 CELL 407.405.8725
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Figure 3
Topographic Map
 International Commerce Center Property
 Orange County, Florida
 Sections 2 and 3, Township 25 S, Range 28 E

Thomson Project No 22-1227
 August 2022



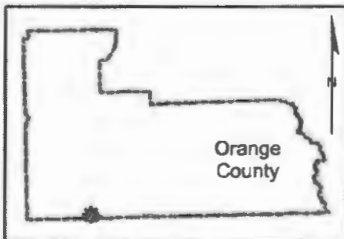
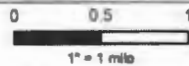
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 ENVIRONMENTAL CONSULTING
 2324 LEU ROAD ORLANDO, FLORIDA 32803
 TEL 407.374.3681 CELL 407.405.8725
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Figure 4
Soils Map
 International Commerce Center Property
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Figure 5
Documented Potential Wildlife Issues
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