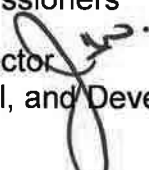





Interoffice Memorandum

DATE: February 19, 2019

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

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

CONTACT PERSON: **Eric Raasch, Interim DRC Chairman**
Development Review Committee 
Planning Division
(407) 836-5523

SUBJECT: March 12, 2019 – Public Hearing
Julie C. Salvo, Orange County Public Schools
High School Site #82-H-N-7 Planned Development
Case # LUP-18-10-336 / District 2

The High School Site #82-H-N-7 Planned Development (PD) is generally located north of Sadler Road and west of Round Lake Road. The applicant is seeking to rezone an 89.5 gross acre portion of parcel 15-20-27-0000-00-004 from R-CE-2 (Rural Residential District) to PD (Planned Development District), in order to allow for the future development of a 400,000 square foot public high school.

On January 17, 2019, the Planning and Zoning Commission (PZC) recommended approval of the request, subject to conditions. A community meeting for the associated Comprehensive Plan amendment was held on September 5, 2018, at the Willow Street Community Center.

Finally, the required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these and the PD/LUP may be found in the Planning Division for further reference.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the High School Site #82-H-N-7 Planned Development / Land Use Plan (PD/LUP), dated "Received November 20, 2018", subject to the conditions listed under the PZC Recommendation in the Staff Report. District 2

Attachments
JVW/EPR/nt

GENERAL INFORMATION

APPLICANT	Julie C. Salvo, Orange County Public Schools
OWNER	Orlando Beltway Associates
PROJECT NAME	High School Site #82-H-N-7 Planned Development (PD)
HEARING TYPE	Planned Development / Land Use Plan (PD / LUP)
REQUEST	R-CE-2 (Rural Residential District) to PD (Planned Development District) <i>A request to rezone an 89.5 gross acre portion of parcel 15-20-27-0000-00-004 from R-CE-2 (Rural Residential District) to PD (Planned Development District), to allow for the future development of a 400,000 square foot public high school.</i>
LOCATION	Generally located north of Sadler Road and west of Round Lake Road
PARCEL ID NUMBER	15-20-27-0000-00-004 (portion of)
TRACT SIZE	89.5 gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing extended beyond 800 feet [<i>Chapter 30-40(c)(3)(a) of Orange County Code requires 300 feet</i>]. One hundred forty-seven (147) notices were mailed to those property owners in the mailing area. A community meeting for the associated Comprehensive Plan amendment was held on September 5, 2018, at the Willow Street Community Center.
PROPOSED USE	400,000 square foot public high school

STAFF RECOMMENDATION

Development Review Committee – (January 9, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the High School Site #82-H-N-7 Planned Development / Land Use Plan (PD/LUP), dated "Received November 20, 2018", subject to the following conditions:

1. Development shall conform to the High School Site #82-H-N-7 Land Use Plan (LUP) dated "Received November 20, 2018," 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 November 20, 2018," the condition of approval shall control to the extent of such conflict or inconsistency.

2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits and / or postpone the recording of (or refuse to record) the plat for the project. For purposes of this condition, a "promise" or "representation" shall be deemed to have been made to the Board by the applicant (or authorized agent) if it was expressly made to the Board at a public hearing where the development was considered and approved.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal 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. 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.
7. Neither installation or operation of potable or irrigation water supply wells using local groundwater will be allowed on site.
8. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
9. The developer shall obtain water and wastewater service from City of Apopka.
10. Prior to approval of the first PSP or DP within this PD, the developer shall submit a letter to Orange County Utilities from City of Apopka confirming that they will provide water and wastewater service to this PD.
11. 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
12. The school site shall comply with Orange County School Siting Ordinance.
13. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County code. An Electronic Message Center for the school site shall comply with Orange County Code Section 38-1755(o).

IMPACT ANALYSIS

Land Use Compatibility

Through this request, the applicant is seeking to rezone an 89.5 gross acre portion of parcel 15-20-27-0000-00-004 from R-CE-2 (Rural Residential District) to PD (Planned Development District), to allow for the future development of a 400,000 square foot public high school.

Comprehensive Plan (CP) Consistency

The subject property has an underlying Future Land Use Map (FLUM) designation of Educational (EDU). The proposed PD zoning district and development program is consistent with the FLUM designation and the following CP provisions:

FLU8.2 states that Compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

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

FLU8.7 states that Orange County shall promote safe and adequate public school site locations. (For purposes of this Comprehensive Plan, the terms "public schools," "schools," "public school facilities," "educational facilities," and the like, shall mean (1) traditional, publicly supported and controlled schools under the jurisdiction of the Orange County School Board, consisting of kindergarten, elementary and/or secondary school grades, and (2) schools organized as a nonprofit organization that have applied for and received authorization from the School Board to operate a charter school for kindergarten, elementary and/or secondary school grades in accordance with Florida Statutes pertaining to charter schools, which became law in 1996, as that statute may be amended or replaced, but only where the permanent student capacity is 550 or greater.)

FLU8.7.7 states that In the event the School Board determines a public school facility is required in an area designated Rural/Agricultural on the Future Land Use Map, an amendment to the Future Land Use Map as EDU shall be required. The School Board may request an amendment to the Future Land Use Map at no cost.

FLU8.7.9 states that Public educational facilities shall be allowed in future land use designations specified in Policies FLU8.7.5 through FLU8.7.7. Subsequent to the construction of those facilities, the Future Land Use Map may be amended to reflect an Educational (EDU) designation. Any plan amendments required under FLU8.7.7 in the Rural Service Area or under FLU8.7.6 in a Rural Settlement shall be designated EDU.

PS5.3.2 states that the school siting ordinance shall establish procedures for the review and coordination of plans for school sites.

Community Meeting Summary

A community meeting for the associated Comprehensive Plan amendment was held on September 5, 2018, at the Willow Street Community Center. Forty (40) residents attended the meeting, which was mostly informational in nature with questions about Orange County Public School's siting process, timing of the proposed high school, and questions about traffic impacts. Some of the residents in attendance opposed the location of the proposed high school adjacent to their homes while a minority of those in attendance supported the proposal. There was also concern regarding the odoriferous uses near the site affecting the outdoor activities that would occur as part of a high school.

SITE DATA

Existing Use	Undeveloped Land
Adjacent Zoning	N: A-1 (Citrus Rural District) (1957) E: A-1 (Citrus Rural District) (1957) W: A-1 (Citrus Rural District) (1957), R-CE-2 (Rural Residential District) (1990) S: A-1 (Citrus Rural District) (1957), R-CE (Country Estate District) (1971)
Adjacent Land Uses	N: Undeveloped Land, Single-Family Residence E: Undeveloped Land, Single-Family Residence W: Undeveloped Land, Single-Family Residence S: Undeveloped Land, Single-Family Residence

APPLICABLE PD DEVELOPMENT STANDARDS

PD Perimeter Setback	25 feet
Maximum Building Height:	35 feet / 2 stories

Minimum Building Setbacks

Front Setback:	25 feet
Rear Setback:	25 feet
Side Setback:	25 feet

SPECIAL INFORMATION

Subject Property Analysis

The applicant is seeking to rezone the subject property from R-CE-2 (Rural Residential District) to PD (Planned Development District) in order allow for the future development

of a 400,000 square foot public high school. The applicant has stated that construction of the school will not occur for several years and the school is not yet in OCPS's 10-year capital improvement plan.

Comprehensive Plan (CP) Amendment

The property has an underlying Future Land Use Map (FLUM) designation of Rural/Agricultural (R), however, Comprehensive Plan amendment 2018-2-C-2-1 to change the FLUM designation of the subject property to Educational (EDU) is scheduled for approval before the Board of County Commissioners (BCC) on January 15, 2019.

Rural Settlement

The subject property is not located within a Rural Settlement, however, it is adjacent to the Zellwood Rural Settlement.

Joint Planning Area (JPA)

The subject property is not located within a JPA.

Overlay District Ordinance

The subject property is not located within an Overlay District.

Airport Noise Zone

The subject property is not located within an Airport Noise Zone.

Environmental

This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. The applicant is advised to follow related legislation in order to assure compliance with regulations. Changes to regulations include, but are not limited to: septic tank criteria, open space requirements, stormwater treatment and conservation. In addition to the state regulations, the applicant shall review Orange County amendments to the Comprehensive Policy Plan approved by the Orange County Board of County Commissioners in December 2007 that require compliance as of that date.

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).

The subject property had a prior agricultural land use that may have resulted in soil or groundwater contamination due to spillage of petroleum products, fertilizer, pesticide or herbicide. Therefore, a Phase I Environmental Site Assessment (ESA) was completed for this former citrus site on January 3, 2018. A limited Phase II ESA was completed on May 22, 2018 along with a follow-up sampling event and the results of that study indicated no contaminants exceeding state standards, therefore this site did not warrant additional soil assessment.

Transportation / Concurrency

Based on the concurrency management system database dated October 31, 2018, there are no failing roadways within a one-mile radius of this site. Prior to Development Plan (DP) approval, an operational analysis of traffic conditions will be required.

Water / Wastewater / Reclaim

	<u>Existing service or provider</u>
Water:	City of Apopka
Wastewater:	City of Apopka
Reclaimed:	City of Apopka

Schools

Orange County Public Schools (OCPS) has reviewed the request but did not identify any issues or concerns.

Parks and Recreation

The Parks and Recreation Division have reviewed the request but did not identify any issues or concerns.

Code Enforcement

No code enforcement, special magistrate or lot clearing issues on the subject property have been identified.

Specific Project Expenditure Report and Relationship Disclosure Forms

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

PLANNING AND ZONING COMMISSION (PZC) FINDINGS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested High School Site #82-H-N-7 Planned Development (PD), subject to thirteen (13) DRC recommended conditions. Staff noted that a Comprehensive Plan Future Land Use Map (FLUM) amendment to change the FLUM designation of the subject property to Education (EDU) was approved by the Board of County Commissioners on January 15, 2019.

Staff indicated that one hundred forty-seven (147) notices were mailed to surrounding property owners in an area extending beyond 800 feet from the subject property, with zero (0) commentaries received in favor or in opposition of the request. The applicant was present and agreed with the staff recommendation. There were no members of the public present to speak on this request.

After limited discussion, a motion was made by Commissioner Velazquez, and seconded by Commissioner Dunn to find the request to be consistent with the Comprehensive Plan and

recommend APPROVAL of the High School Site #82-H-N-7 PD, subject to the thirteen (13) DRC recommended conditions, which then carried on a 6-0 vote.

Motion / Second	<i>Diane Velazquez / Jimmy Dunn</i>
Voting in Favor	<i>Diane Velazquez, Jimmy Dunn, Yog Melwani, Jose Cantero, Gordon Spears, and Eddie Fernandez</i>
Voting in Oppostion	<i>None</i>
Absent	<i>JaJa Wade and Carlos Nazario</i> <i>(Mohammed Abdallah declared a conflict of interest and recused himself from the vote.)</i>

PZC RECOMMENDED ACTION

Planning and Zoning Commission (PZC) Recommendation – (January 17, 2019)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the High School Site #82-H-N-7 Planned Development / Land Use Plan (PD/LUP), dated "Received November 20, 2018", subject to the following conditions:

1. Development shall conform to the High School Site #82-H-N-7 Land Use Plan (LUP) dated "Received November 20, 2018," 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 November 20, 2018," the condition of approval shall control to the extent of such conflict or inconsistency.
2. This project shall comply with, adhere to, and not deviate from or otherwise conflict with any verbal or written promise or representation made by the applicant (or authorized agent) to the Board of County Commissioners ("Board") at the public hearing where this development received final approval, where such promise or representation, whether oral or written, was relied upon by the Board in approving the development, could have reasonably been expected to have been relied upon by the Board in approving the development, or could have reasonably induced or

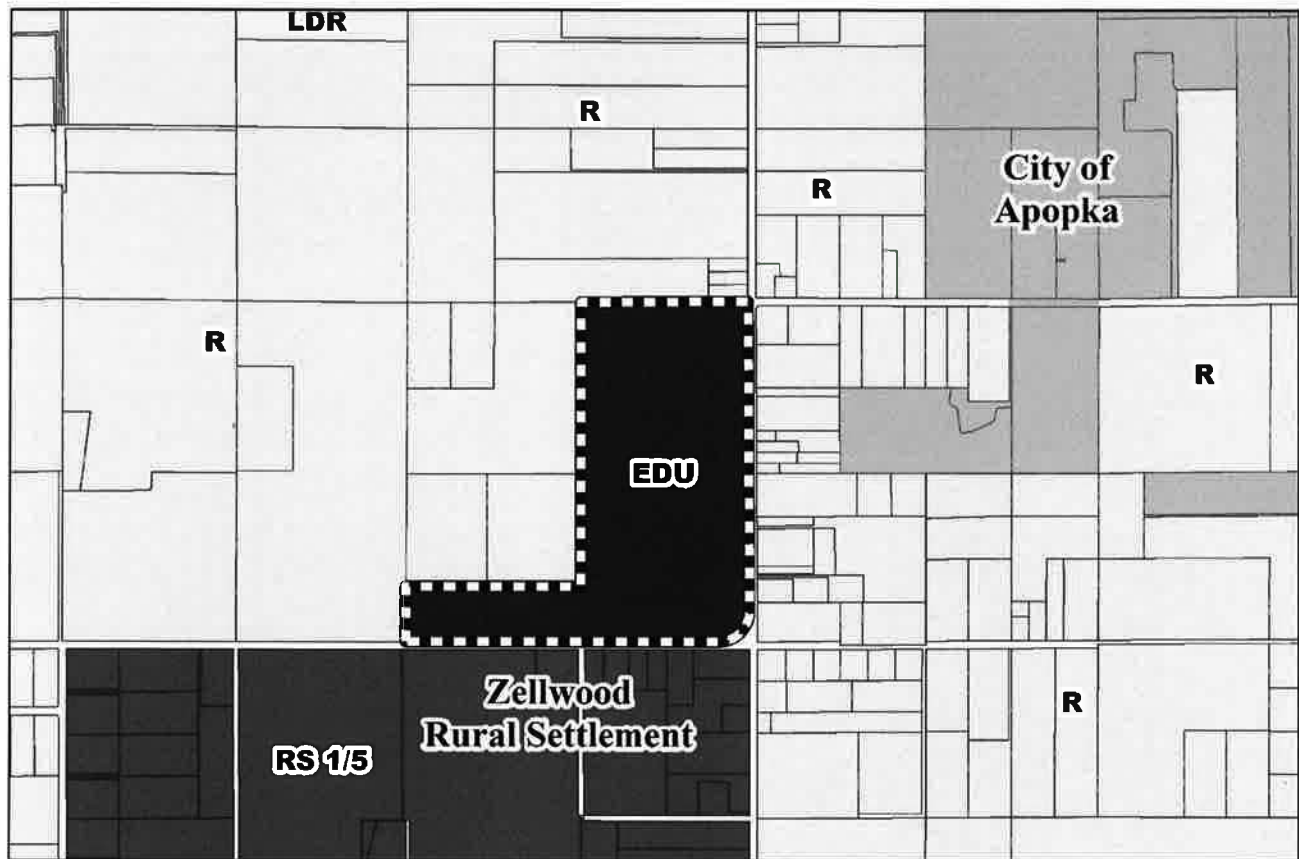
otherwise influenced the Board to approve the development. In the event any such promise or representation is not complied with or adhered to, or the project deviates from or otherwise conflicts with such promise or representation, the County may withhold (or postpone issuance of) development permits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

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal 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. 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.

7. Neither installation or operation of potable or irrigation water supply wells using local groundwater will be allowed on site.
8. Prior to mass grading, clearing, grubbing or construction, the applicant is hereby noticed that this site must comply with habitat protection regulations of the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).
9. The developer shall obtain water and wastewater service from City of Apopka.
10. Prior to approval of the first PSP or DP within this PD, the developer shall submit a letter to Orange County Utilities from City of Apopka confirming that they will provide water and wastewater service to this PD.
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12. The school site shall comply with Orange County School Siting Ordinance.
13. Pole signs and billboards shall be prohibited. Ground and fascia signs shall comply with Chapter 31.5 of the Orange County code. An Electronic Message Center for the school site shall comply with Orange County Code Section 38-1755(o).

LUP-18-10-336



Subject Property



Subject Property

Future Land Use Map

FLUM: Education (EDU)

APPLICANT: Julie C. Salvo, Orange County Public Schools

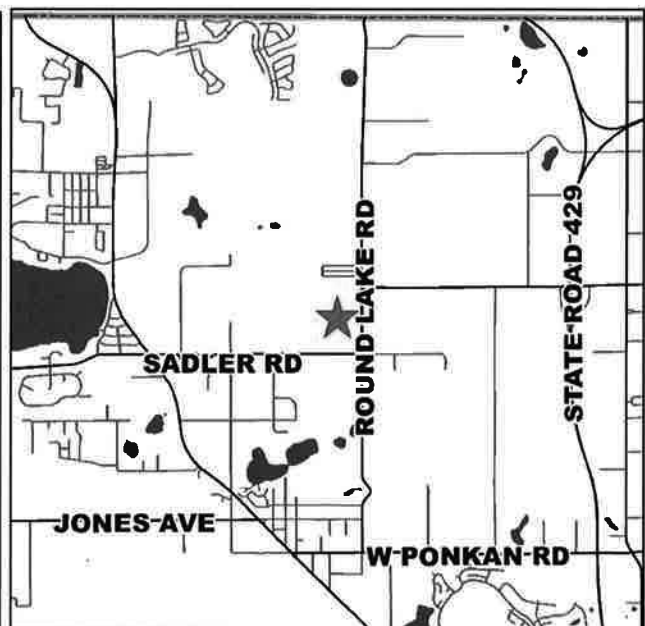
LOCATION: Generally located north of Sadler Road and east of Round Lake Road

TRACT SIZE: 89.5 gross acres

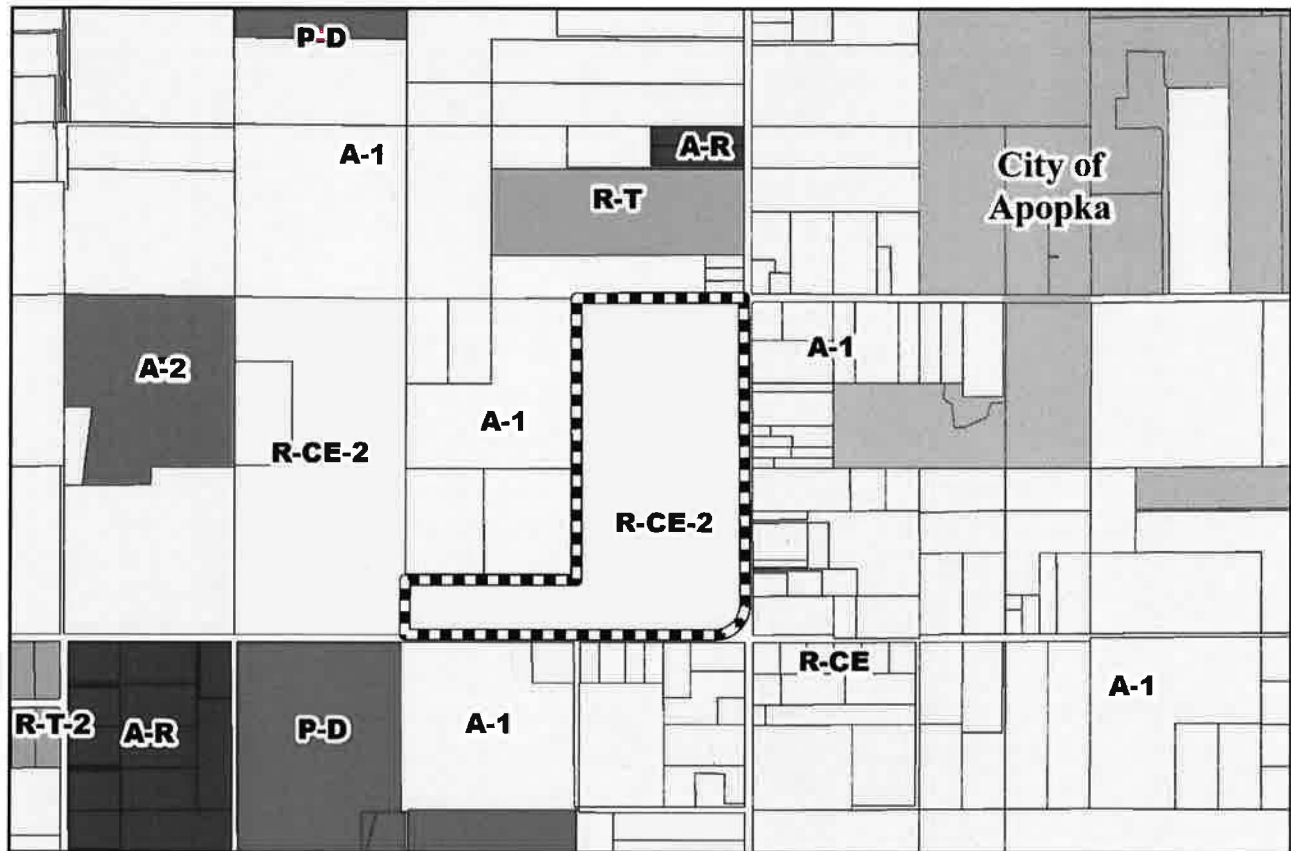
DISTRICT: # 2

S/T/R: 15/20/27

1 inch = 1,275 feet



LUP-18-10-336



Subject Property



Subject Property

Zoning Map

ZONING: R-CE-2 (Rural Residential District) to PD (Planned Development District)

APPLICANT: Julie C. Salvo, Orange County Public Schools

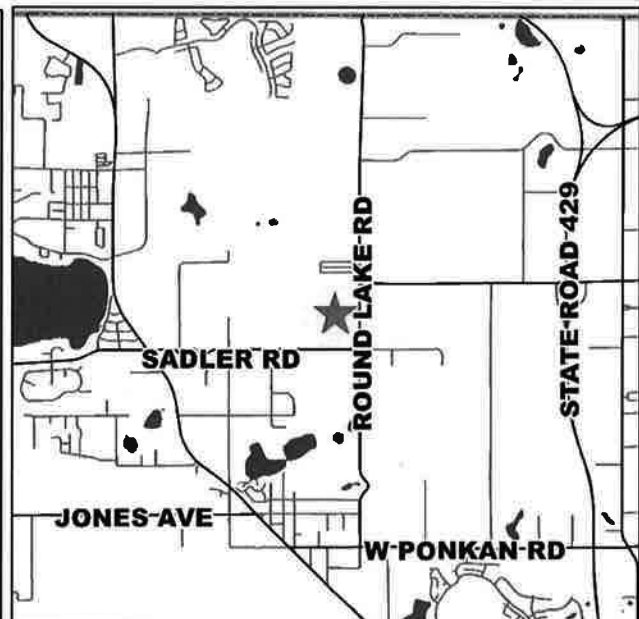
LOCATION: Generally located north of Sadler Road and east of Round Lake Road

TRACT SIZE: 89.5 gross acres

DISTRICT: # 2

S/T/R: 15/20/27

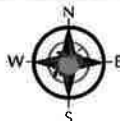
1 inch = 1,275 feet



LUP-18-10-336



Subject Property



1 inch = 1,000 feet

High School Site #82-H-N-7 PD / LUP (Cover Sheet)

Site 82 - H - N - 7
LAND USE PLAN
LUP - 18 - 10 - 336
PARCEL ID# 15-20-27-0000-00-004 (PORTION OF)

**2ND SUBMITTAL:
NOVEMBER 19, 2018**

LOCATION MAP:



LEGAL DESCRIPTION

Downloaded by [The University of Edinburgh] at 18:06 15 February 2016

UTILITY PROVIDERS

WATER
APOPKA UTILITIES
150 E 5TH STREET
APOPKA, FLORIDA 32703

INDEX OF DRAWINGS:

LUP 00	COVER
LUP 01	LAND USE PLAN
LUP 02	SOILS, FLUCCS, TOPOGRAPHIC MAPS
LUP 03	LEGAL DESCRIPTION
LUP 04	SURVEY

AVCON PROJECT NO.		2018.033X_JX	
DATE		10/09/18	
REVISIONS			
NO.	DATE	DESCRIPTION	SHEETS
1	MM/1/18	CP&S COMMENTS	
2	MM/04/18	TWO MEETING COMMENTS	
3			
4			

PROJECT TEAM:

OWNER: ORLANDO BELTWAY ASSOCIATES
1918 MILLHOLMES ST. #121
ORLANDO, FL 32802

A/E/P: JCANT ORANGE COUNTY PUBLIC SCHOOLS
600 MAG CANY
ORLANDO, FL 32806
(407) 237-2100

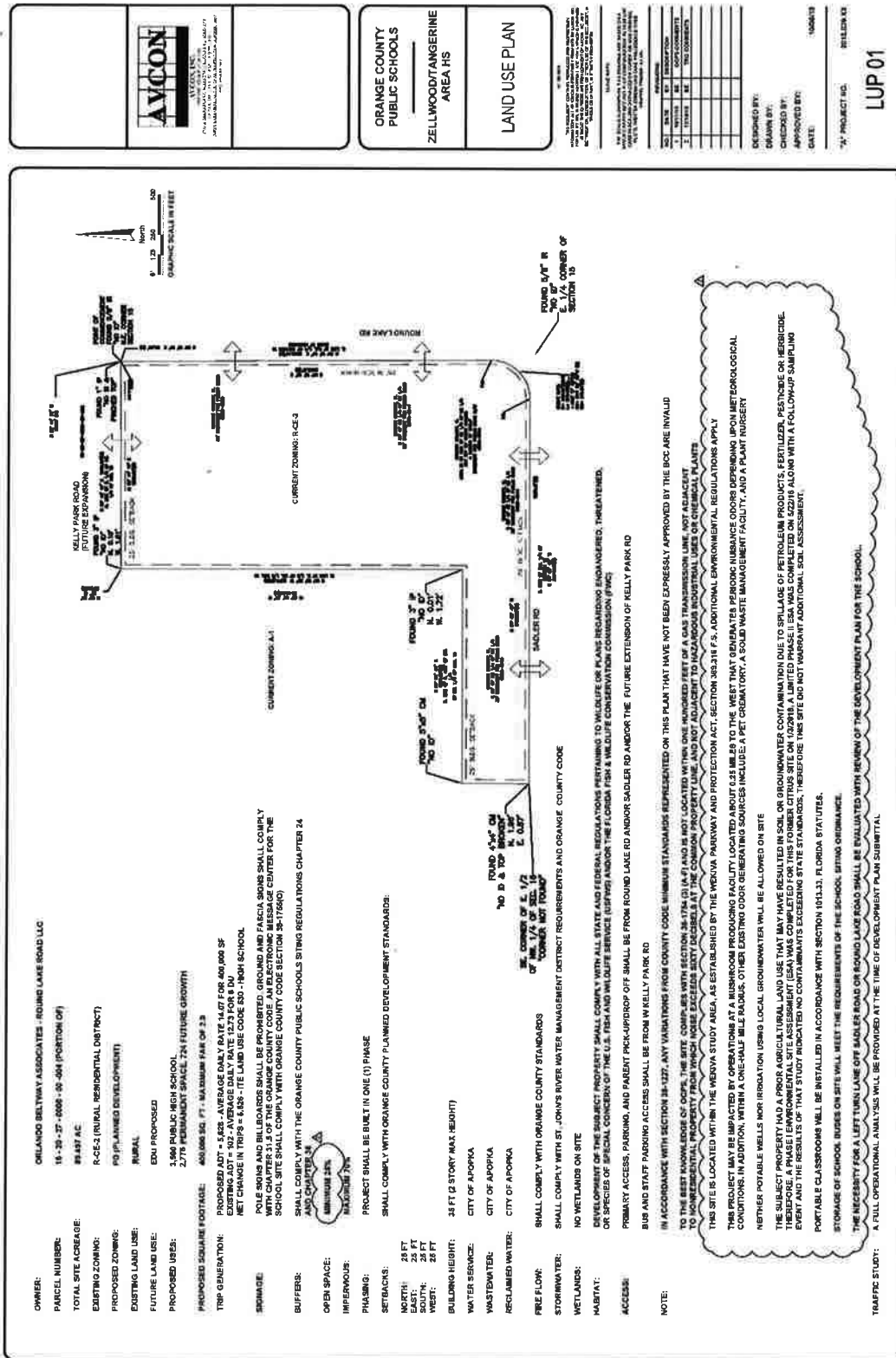
C/E: ENGINEER ANDERSON
10000 W. CENTRAL EXPY. #1001, SUITE 1200
ORLANDO, FL 32832
(407) 559-1722

SURVIVOR: *Carrie*
401 N. THORNTON AVE. SUITE 100
ALAMOGADO, SPRING FL 32091



RECEIVED
BY DMC OFFICE ON 11-01 AM, NOV 21, 2014

High School Site #82-H-N-7 PD / LUP



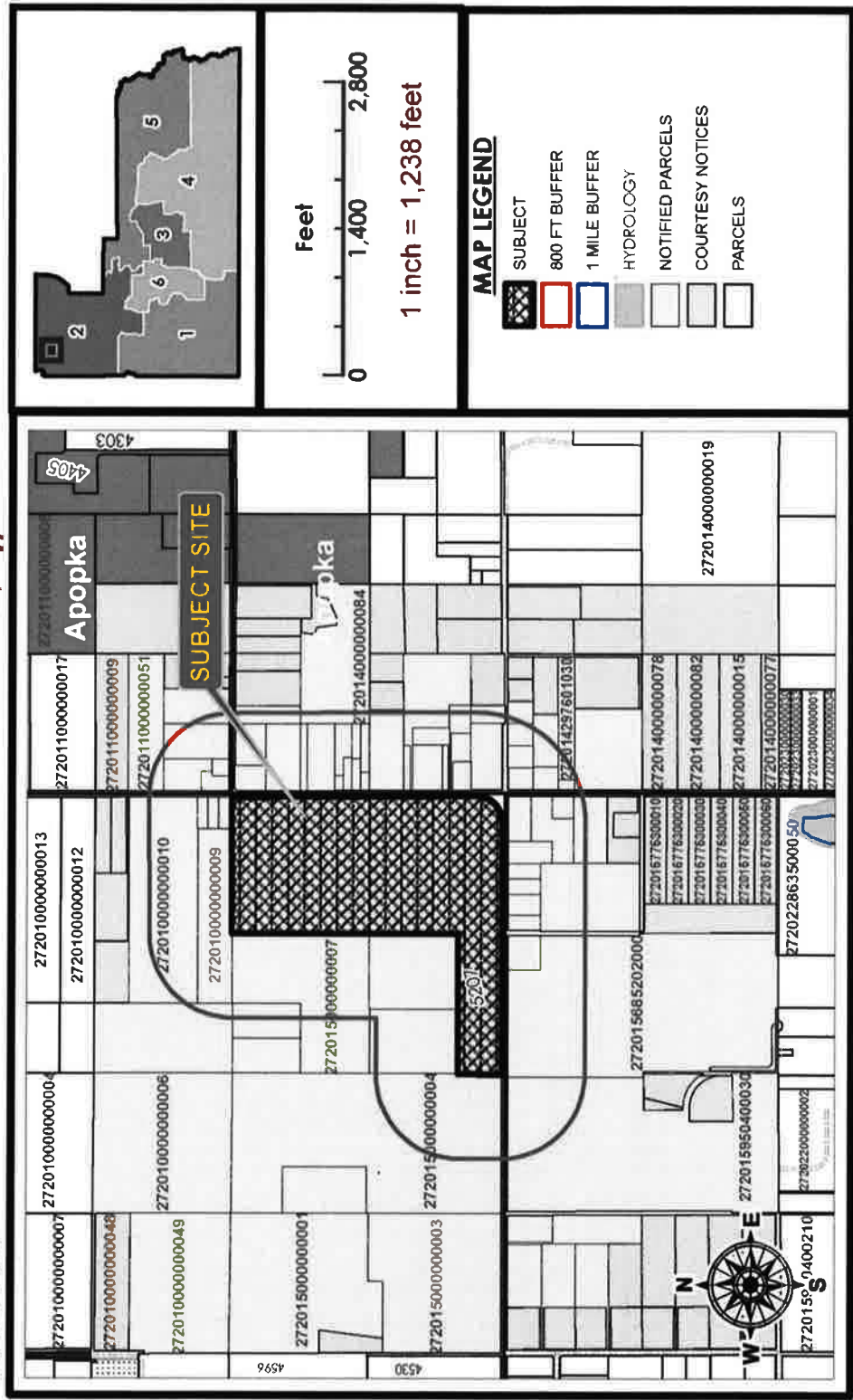


Public Notification Map

LUP-18-10-336

800 FT BUFFER, 147 NOTICES

Notification Map



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